
STATUTORY INSTRUMENTS

1993 No. 637 (S.83)

NURSES, MIDWIVES AND HEALTH VISITORS

**The National Board for Nursing, Midwifery
and Health Visiting for Scotland Order 1993**

<i>Made</i>	- - - -	<i>10th March 1993</i>
<i>Laid before Parliament</i>		<i>11th March 1993</i>
<i>Coming into force</i>	- -	<i>1st April 1993</i>

The Secretary of State, in exercise of the powers conferred on him by section 5(2)(b) and (d), (6)(b) and (7) to (10) and section 6(1)(da) of the Nurses, Midwives and Health Visitors Act 1979(1) and of all other powers enabling him in that behalf hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the National Board for Nursing, Midwifery and Health Visiting for Scotland Order 1993 and shall come into force on 1st April 1993.

Interpretation

2.—(1) In this Order, unless the context otherwise requires—

“the Act” means the Nurses, Midwives and Health Visitors Act 1979;

“the Board” means the National Board for Nursing, Midwifery and Health Visiting for Scotland established by section 5(1) of the Act;

“executive member” means a person referred to in article 4;

“non-executive member” means the chairman or a member of the Board other than an executive member;

“the professional register” means the register maintained under section 10(1) of the Act.

(2) Unless the context otherwise requires, a reference in this Order to a numbered article is to the article bearing that number in this Order and a reference in an article to a numbered paragraph is to the paragraph bearing that number in that article.

(1) 1979 c. 36; section 5(2) to (10) was substituted by the Nurses, Midwives and Health Visitors Act 1992 (c. 16), (“the 1992 Act”), section 4; section 6 was amended by the 1992 Act, section 5 and Schedule 2, paragraph 4.

Officers

3.—(1) The Board shall have, in addition to a chief executive officer, the following officers appointed by the Board:—

- (a) a principal officer for professional and regulatory matters, and
- (b) a principal officer for administrative and financial matters.

(2) The chief executive officer and the principal officer for professional and regulatory matters shall each be appointed from among persons who are registered nurses, midwives or health visitors.

(3) Where, for any period, any officer referred to in paragraph (1) is suspended from his duties for any reason, the Board shall for the duration of that period appoint any other officer of the Board to act in his place as the chief executive officer, the principal officer for professional and regulatory matters or, as the case may be, the principal officer for administrative and financial matters.

(4) No non-executive member of the Board shall be employed as an officer of the Board.

Constitution of the Board

4. The persons for the time being appointed to the three offices referred to in article 3(1) shall be members of the Board.

5.—(1) In addition to the chairman and the persons referred to in article 4, the Board shall consist of six other members appointed by the Secretary of State in accordance with the provisions of the Act and of this Order.

(2) When appointing each of those members the Secretary of State shall specify the qualification by virtue of which the appointment is made.

6. From among the ten members of the Board there shall be at least:—

- (a) one registered nurse,
- (b) one practising midwife, and
- (c) one registered health visitor.

Tenure of members

7.—(1) Subject to the following provisions a non-executive member shall be appointed for a period not exceeding 4 years, and on the expiry of any such period shall be eligible for re-appointment.

(2) Such a member may resign office at any time during the period for which he was appointed by giving notice in writing to the Secretary of State to this effect.

(3) If such a member is absent from meetings of the Board, or of any committee or sub-committee of which he is a member for more than 6 months consecutively, the Secretary of State shall terminate his appointment immediately on the expiry of that period, unless he is satisfied:—

- (a) the absence was due to a reasonable cause; and
- (b) such a member is able to attend meetings within such period as the Secretary of State considers reasonable.

(4) If the Secretary of State considers that it is not in the interests of the Board that such a member should continue his membership of the Board, he may forthwith terminate his appointment.

(5) If such a member—

- (a) is removed from the professional register, or part of that register, or

- (b) ceases to hold the post or qualification by virtue of which he has been appointed as a member of the Board, or
- (c) is a person to whom any of the disqualifying events set out in the Schedule to this Order applies,

the Secretary of State may forthwith terminate his appointment.

(6) If the place of such a member becomes vacant before the expiry of the period for which he was appointed (whether by death, resignation or otherwise) the vacancy shall be filled by an appointment for the remainder of the period made by the Secretary of State having regard to the qualification by virtue of which the former member was appointed.

8.—(1) An executive member shall be a member of the Board for so long as he remains an officer of the Board.

(2) Where such a member is suspended from a post of officer, he shall during the period of suspension be suspended from performing any functions as a member of the Board, and any person appointed to act in his place under article 3(3) shall also perform his functions as a member of the Board for that period.

Disqualification

9.—(1) A person shall be disqualified from being appointed to the Board if any of the disqualifying events set out in the Schedule to this Order apply to him.

(2) Where it comes to the notice of the Secretary of State that at the time of a member's appointment any of those events apply to him, the Secretary of State shall forthwith declare that he was not appointed and shall notify him accordingly with the date from which he shall cease to act as a member.

(3) Notwithstanding the provisions of paragraph (2) and of article 7(5)(c) the Secretary of State may waive any disqualification arising from those events as affecting any person appointed or to be appointed to the Board.

Deputy Chairman

10. The Board may appoint a non-executive member as deputy chairman for such period as it thinks fit, so long as he remains a member of the Board.

Committees

11.—(1) Subject to paragraphs (2) and (3), the Board may set up committees and sub-committees as it thinks fit.

(2) Any committee or sub-committee so set up may consist wholly of persons who are not members of the Board.

(3) The majority of the members of such committees or subcommittees shall be persons who by virtue of their employment, qualifications or experience can contribute to the specific task for which the committee or subcommittee is set up.

Procedure

12.—(1) Subject to the provisions in paragraphs (2) to (5) the Board may by means of standing orders or otherwise regulate its own procedure and the procedure of any of its committees or subcommittees.

(2) Meetings of the Board shall be held not less often than once in every 3 months.

(3) The chairman, whom failing the deputy chairman, whom failing a member elected from those present at the meeting, shall preside at a meeting of the Board.

(4) The quorum of the Board shall be 4 members, of whom:—

- (a) One shall be a registered nurse, midwife or health visitor, and
- (b) at least 2 shall be non-executive members.

(5) All acts of, and all matters coming before the Board shall be done and decided by a majority of the members present and voting at a meeting of the Board and, in the case of an equal number of votes, the person presiding shall have a second or casting vote.

(6) The proceedings of the Board or of any committee or subcommittee shall not be invalidated by any vacancy in its membership or by any defect in the appointment of any member thereof.

Conflict of interest

13.—(1) Any member of the Board shall, if he is interested directly or indirectly in any body or organisation with which the Board has made or proposes to make any contract or is discussing any matter, shall disclose to the Board the fact and nature of his interest and shall neither take any part in any deliberation or decision of the Board relating to that contract or matter nor vote thereon: and such disclosure shall immediately be recorded in the minutes of the Board.

(2) In this article reference to the Board shall include reference to any of its committees or subcommittee of the Board.

Employment of staff

14. The Board may employ such persons as it thinks fit, but the exercise of this power shall be in accordance with directions of the Secretary of State.

Documents

15. A document purporting to be issued by the Board and signed by a person authorised by the Board to act in that behalf shall be received in evidence and be deemed to be such a document without further proof unless the contrary is shown.

Functions

16.—(1) In addition to the functions set out in section 6(1) of the Act, the Board shall:—

- (a) provide, or arrange for others to provide, courses of training for persons to become teachers of nurses, midwives or health visitors in institutions approved by the Board under section 6(1)(a) of the Act;
- (b) provide, or arrange for others to provide, courses of further training for teachers of nurses, midwives or health visitors in such institutions;
- (c) provide, or arrange for others to provide, a central system to deal with applications to enter training courses at certain institutions so approved;
- (d) provide, or arrange for others to provide, advice and information to the public in the United Kingdom and elsewhere on careers in nursing, midwifery and health visiting in Scotland;
- (e) carry out, or arrange for others to carry out, research into the methods of training nurses, midwives and health visitors.

(2) The Board shall discharge the foregoing functions in accordance with section 6(2) of the Act.

Revocation and transitional provisions

17.—(1) The following orders insofar as they extend to Scotland are hereby revoked:—

- (a) the Nurses, Midwives and Health Visitors Act 1979 (Membership of National Boards) Order 1982(2),
- (b) the Nurses, Midwives and Health Visitors (Health Visiting Joint Committee) Order 1982(3),
- (c) the Nurses, Midwives and Health Visitors (Midwifery and Finance Committees of National Boards) Order 1982(4), and
- (d) the Nurses, Midwives and Health Visitors (District Nursing Joint Committee) Order 1983(5).

(2) The National Board for Nursing, Midwifery and Health Visiting for Scotland (Local Training Committees) Order 1983(6), is hereby revoked.

St Andrew's House,
Edinburgh
10th March 1993

Fraser of Carmyllie
Minister of State, Scottish Office

(2) [S.I. 1982/962](#).
(3) [S.I. 1982/1568](#).
(4) [S.I. 1982/1569](#).
(5) [S.I. 1983/724](#).
(6) [S.I. 1983/927](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Article 7(5)(c), Article 9

DISQUALIFICATION

- 1.—(1) A person is disqualified from membership of the Board, if—
- (a) he has within the preceding five years been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence in respect of which he has received a sentence of imprisonment (whether suspended or not) for a period of not less than 3 months without the option of a fine: or
 - (b) his estate has been sequestrated in Scotland or he has been adjudged bankrupt elsewhere than in Scotland or he has granted a trust deed for the benefit of his creditors; or
 - (c) a judicial factor has been appointed in relation to his estate; or
 - (d) a *curator bonis* has been appointed in respect of him; or
 - (e) he has been dismissed, otherwise than by reason of redundancy, from paid employment with any person or body.

(2) For the purposes of sub paragraph (1)(a) above the date of conviction shall be deemed to be the date on which the days of appeal expire without any appeal having been lodged or if an appeal has been made, the date on which the appeal is finally disposed of or treated as having been abandoned.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes new provision for the constitution and administration of the National Board for Nursing, Midwifery and Health Visiting for Scotland established under section 5 of the Nurses, Midwives and Health Visitors Act 1979.

The Order, which comes into force on 1st April 1993, contains provisions relating to the appointment of officers of the Board (article 3), the number and qualifications of the members (articles 4, 5 and 6), the tenure of office of members including termination of appointment, (articles 3 and 5) disqualification from being appointed as a member and the right to waive disqualification (article 9 and the Schedule).

Provisions are included relating to a Deputy Chairman (article 10), the setting up of committees and sub-committees (article 11), the meetings and proceedings of the Board and its committees and sub-committees (article 12), together with provisions in relation to conflicts of interest (article 13), the employment of staff (article 14) and the execution of documents of the Board (article 15).

Provision is also made for the Board to undertake functions in addition to those set out in section 6(1) of the Act (article 16), including in particular the function to carry out research into the training of nurses, midwives and health visitors.