
STATUTORY INSTRUMENTS

1996 No. 3102

The European Nursing and Midwifery
Qualifications Designation Order 1996

PART I
GENERAL

Citation and commencement

1. This Order may be cited as the European Nursing and Midwifery Qualifications Designation Order 1996 and shall come into force on 1996 immediately after the Nurses, Midwives and Health Visitors Act 1979 (Amendment) Regulations 1996(1).

Interpretation

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

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

“the Accession of Greece Act”, “the Accession of Spain and Portugal Act”, “the Accession of Austria, Finland and Sweden Act” have the same meaning as in subsection (6) of section 22B of the Act(2);

“diploma” means a diploma, certificate or other evidence of formal qualifications;

“the First Nursing Directive” means Council Directive No. 77/452/EEC(3), concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of nurses responsible for general care, as adapted, amended or extended by the Accession of Greece Act, Council Directive No. 81/1057/EEC(4), the Accession of Spain and Portugal Act, Council Directives Nos. 89/594/EEC(5), 89/595/EEC(6) and 90/658/EEC(7), the EEA Agreement(8) and the Accession of Austria, Finland and Sweden Act;

“the First Midwifery Directive” means Council Directive No. 80/154/EEC(9), concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications in midwifery, as adapted, amended or extended by Council Directive No. 80/1273/EEC(10), the Accession of Spain and Portugal Act, Council Directives Nos. 89/594/EEC and 90/658/EEC, the EEA Agreement and the Accession of Austria, Finland and Sweden Act;

“the Nursing Directives” means the First and Second Nursing Directives;

(1) S.I. 1996/ .

(2) Subsection (6) of section 22B was added by S.I. 1996/ .

(3) O.J. No. L176, 15.7.1977, p. 1.

(4) O.J. No. L385, 31.12.1981, p. 25.

(5) O.J. No. L341, 23.11.1989, p. 19.

(6) O.J. No. L341, 23.11.1989, p. 30.

(7) O.J. No. L353, 17.12.1990, p. 73.

(8) “the EEA Agreement” is defined in section 11(5) of the Act as amended by S.I. 1996/ .

(9) O.J. No. L33, 11.2.1980, p. 1.

(10) O.J. No. L375, 31.12.1980, p. 74.

“registration” means, in the case of a nursing qualification, registration in Part 1 of the professional register, and, in the case of a midwifery qualification, registration in Part 10 of that register;

“the Second Nursing Directive” means Council Directive No. [77/453/EEC](#)(**11**) concerning the coordination of provisions in respect of the activities of nurses responsible for general care as amended by Council Directive No. [89/595/EEC](#);

“the Second Midwifery Directive” means Council Directive No. [80/155/EEC](#)(**12**) concerning the coordination of provisions relating to the practice of midwifery as amended by Council Directive No. [89/594/EEC](#);

(2) In this Order “a competent authority certificate” means a certificate issued by a competent authority in an EEA State(**13**) stating that the person named in the certificate has practised effectively and lawfully as a nurse or, as the case may be, as a midwife for at least three years or, for the purposes of articles 4(4)(b) and 6(4)(b), two years, during the period of five years ending with the date of issue of the certificate.

(3) In this Order “an Article 4 certificate” means a certificate issued to a person by a competent authority in an EEA State in accordance with Article 4 of the First Midwifery Directive to the effect that the person, after qualifying as a midwife, has practised satisfactorily, for the period provided for in that Article, as a midwife in a hospital or other health establishment approved for the purposes of that Article.

(4) Any reference in this Order to—

- (a) “the implementation date” of the First or Second Nursing Directive;
- (b) “the date of entry into force” of the First Midwifery Directive; or
- (c) “the relevant date” in connection with the First Midwifery Directive,

is a reference to the date set out in Column 2, 3 or 4 as appropriate opposite the relevant State in Column 1 in the table in Schedule 1.

(5) In this Order, unless the context otherwise requires, a reference—

- (a) to a numbered article or Schedule is to the article in or Schedule to this Order bearing that number;
- (b) in an article to a numbered paragraph is to the paragraph of that article bearing that number; and
- (c) in a paragraph to a numbered or lettered sub-paragraph is to the sub-paragraph in that paragraph bearing that number or letter.

PART II

DESIGNATION OF QUALIFICATIONS HAVING COMMUNITY EQUIVALENCE FOR REGISTRATION PURPOSES

Qualifications in respect of which a diploma specified in Schedule 2 is awarded on or after the implementation date or relevant date

3.—(1) Subject to article 9 (transitional provisions for Spanish midwifery qualifications) and paragraph (2), a professional qualification in respect of which a diploma specified in Part I (nursing diplomas) or Part II (midwifery diplomas) of Schedule 2 is granted in an EEA State—

(11) O.J. No. L176, 15.7.1977, p. 8.

(12) O.J. No. L33, 11.2.1980, p. 8.

(13) “EEA State” is defined in section 11(5) of the Act as amended by S.I. 1996/.

(a) in the case of a nursing qualification, on or after the implementation date of the Nursing Directives, and which is not evidence of training commenced by the holder before that date; or

(b) in the case of a midwifery qualification, on or after the relevant date,

is hereby designated as having Community equivalence for the purposes of registration.

(2) A midwifery qualification referred to in paragraph (1)—

- (a) in respect of which a diploma has been obtained in any EEA State following training which complies with all the training requirements in Article 1 of the Second Midwifery Directive; but
- (b) where the diploma is required to be recognised by other EEA States in pursuance of Article 2 of the First Midwifery Directive only if the holder has undertaken professional practice in respect of which a certificate complying with Article 4 of that Directive is issued,

shall have Community equivalence for the purposes of registration if it is accompanied by an Article 4 certificate relating to the holder.

Qualifications in respect of which a diploma specified in Schedule 2 is awarded before the implementation date or relevant date or in respect of nursing training which began before the former date

4.—(1) Subject to article 9 (transitional provisions for Spanish midwifery qualifications) and paragraph (2), a professional qualification in respect of which a diploma specified in Part I (nursing diplomas) or Part II (midwifery diplomas) of Schedule 2 is granted in an EEA State—

- (a) in the case of a qualification in nursing in general care, before the implementation date of the Nursing Directives or on or after that date in respect of a course of training begun before that date; or
- (b) in the case of a midwifery qualification, before the relevant date,

shall have Community equivalence for the purposes of registration.

(2) The diploma referred to in paragraph (1) shall—

- (a) be one granted in respect of training which complies with the requirements laid down—
- (i) in the case of a nursing qualification, in Article 1 of the Second Nursing Directive (minimum standards of training for nurses) or,
- (ii) in the case of a midwifery qualification, in Article 1 of the Second Midwifery Directive (minimum standards of training for midwives),
- subject also in the case of a midwifery qualification to paragraphs (3) and (4); or
- (b) be accompanied by a competent authority certificate relating to the holder.

(3) A midwifery qualification referred to in paragraph (1)—

- (a) in respect of which a diploma which falls within paragraphs (1) and (2) has been obtained; but
- (b) where the diploma—
- (i) is required to be recognised by other EEA States in pursuance of Article 2 of the First Midwifery Directive only if the holder has undertaken professional practice in respect of which a certificate complying with Article 4 of that Directive is issued, or
- (ii) would be required to be so recognised if it had been obtained on or after the date of entry into force of the First Midwifery Directive,

shall have Community equivalence for the purposes of registration if the requirement set out in paragraph (4) is satisfied.

(4) The requirement referred to in paragraph (3) is that a diploma referred to in that paragraph must be accompanied by—

- (a) an Article 4 certificate relating to the holder; or
- (b) if the diploma was obtained before the date of entry into force of the First Midwifery Directive, a competent authority certificate relating to the holder.

Qualifications in respect of which a diploma not specified in Schedule 2 is awarded before the implementation date or relevant date in respect of training which does not comply with Directive requirements

5.—(1) A professional qualification in respect of which a diploma specified in paragraph (2) is granted in an EEA State shall have Community equivalence for the purposes of registration if it is accompanied by a competent authority certificate.

(2) The diploma referred to in paragraph (1) is—

- (a) a diploma in nursing in general care which is not specified in Part I of Schedule 2 and is granted—
 - (i) before the implementation date of the Nursing Directives or on or after that date in respect of a course of training begun before that date, and
 - (ii) in respect of training which does not comply with the requirements of Article 1 of the Second Nursing Directive (minimum standards of training for nurses); or
- (b) a midwifery diploma which is not specified in Part II of Schedule 2 and is granted—
 - (i) before the relevant date, and
 - (ii) in respect of training which does not comply with the requirements of Article 1 of the Second Midwifery Directive (minimum standards of training for midwives).

Qualifications in respect of which a diploma not specified in Schedule 2 is awarded in respect of training which complies with Directive requirements

6.—(1) A professional qualification in respect of which a diploma specified in paragraph (2) is granted in an EEA State shall have Community equivalence for the purposes of registration, provided that, if it is a midwifery qualification which falls within paragraph (3), it also satisfies paragraph (4).

(2) The diploma referred to in paragraph (1) is one which—

- (a) is not specified in Part I (nursing diplomas) or Part II (midwifery diplomas) of Schedule 2; and
- (b) is accompanied by a certificate issued by the competent authority of the State which granted the diploma to the effect that the latter—
 - (i) was granted following training in accordance with the provisions of the Second Nursing Directive (minimum standards of training for nurses) or, as the case may be, the Second Midwifery Directive (minimum standards of training for midwives), and
 - (ii) is treated by that State as if it were a qualification in respect of which a diploma is listed, in relation to that State, in Article 3 of the First Nursing Directive (nursing qualifications) or, as the case may be, Article 3 of the First Midwifery Directive (midwifery qualifications).

(3) Paragraph 4 applies to a midwifery qualification in respect of which a midwife holds a diploma referred to in paragraph (1) which—

- (i) is required to be recognised by other EEA States in pursuance of Article 2 of the First Midwifery Directive only if the holder has undertaken professional practice in respect of which a certificate complying with Article 4 of that Directive is issued, or

(ii) would be required to be so recognised if it had been obtained on or after the date of entry into force of the First Midwifery Directive.

(4) A midwifery qualification referred to in paragraph (3) shall have Community equivalence for the purposes of registration only if the diploma referred to in paragraph (2) is accompanied by—

- (a) an Article 4 certificate relating to the holder; or
- (b) if the diploma was obtained before the date of entry into force of the First Midwifery Directive, a competent authority certificate relating to the holder.

Qualifications following training in the former German Democratic Republic which complies with Directive training requirements

7.—(1) Subject to paragraph (2), a professional qualification in respect of which a diploma in nursing in general care or, as the case may be, a midwifery diploma has been obtained which is evidence of training which—

- (a) was received in the territory of the former German Democratic Republic; and
- (b) commenced before 3rd October 1990,

shall have Community equivalence for the purposes of registration.

(2) The diploma referred to in paragraph (1) shall—

- (a) be one which is not specified in Part I (nursing diplomas) or Part II (midwifery diplomas) of Schedule 2 and is granted in respect of training which complies with the requirements laid down—
 - (i) in the case of a nursing qualification, in Article 1 of the Second Nursing Directive (minimum standards of training for nurses) or,
 - (ii) in the case of a midwifery qualification, in Article 1 of the Second Midwifery Directive (minimum standards of training for midwives),

subject also in the case of a midwifery qualification to paragraphs (3) and (4); and

- (b) be accompanied by a certificate of the competent authority in Germany that the holder is entitled by virtue of the qualification of which the diploma is evidence to practise anywhere in Germany as a nurse responsible for general care or, as the case may be, a midwife on the same conditions as the holder of a qualification evidenced by a diploma listed under the heading “Germany” in Part I (nursing diplomas) or, as the case may be, Part II (midwifery diplomas) of Schedule 2.

(3) A midwifery qualification referred to in paragraph (1)—

- (a) in respect of which a diploma which falls within paragraphs (1) and (2) has been obtained; but
- (b) would, if it had been obtained in respect of training which commenced on or after 3rd October 1990, be required to be recognised by other EEA States in pursuance of Article 2 of the First Midwifery Directive only if the holder had undertaken professional practice in respect of which a certificate complying with Article 4 of that Directive has been issued,

shall have Community equivalence for the purposes of registration if the requirement set out in paragraph (4) is satisfied.

(4) The requirement referred to in paragraph (3) is that a diploma referred to in that paragraph be accompanied by a certificate issued by the competent authority in Germany stating that the holder of the diploma has effectively and lawfully been engaged in actual practice in Germany as a midwife for at least two years during the five years preceding the date of the certificate.

Qualifications following training in the former German Democratic Republic which does not comply with Directive training requirements

8.—(1) Subject to paragraphs (2) and (3), a professional qualification in respect of which a diploma in nursing in general care not specified in Part I of Schedule 2 or, as the case may be, a midwifery diploma not specified in Part II of Schedule 2 has been obtained which is evidence of training which—

- (a) was received in the territory of the former German Democratic Republic; and
- (b) commenced before 3rd October 1990; but
- (c) does not comply with the requirements laid down—
 - (i) in the case of a nursing qualification, in Article 1 of the Second Nursing Directive (minimum standards of training for nurses) or,
 - (ii) in the case of a midwifery qualification, in Article 1 of the Second Midwifery Directive (minimum standards of training for midwives),

shall have Community equivalence for the purposes of registration.

(2) The qualification of which the diploma referred to in paragraph (1) is evidence must be such as to entitle the holder to practise anywhere in Germany as a nurse responsible for general care or, as the case may be, a midwife on the same conditions as the holder of a qualification evidenced by a diploma listed under the heading “Germany” in Part I (nursing diplomas) or, as the case may be, Part II (midwifery diplomas) of Schedule 2.

(3) The diploma shall be accompanied by a certificate issued by the competent authority in Germany stating that, for at least three years during the five years preceding the date of issue of the certificate, the holder of the qualification has effectively and lawfully been engaged in actual practice in Germany as a nurse responsible for general care or, as the case may be, a midwife.

Transitional provision for Spanish midwifery qualifications

9.—(1) Subject to paragraph (3), a professional midwifery qualification, not being one to which article 5 or 6 applies, in respect of which a diploma specified in paragraph (2) has been obtained in Spain shall have Community equivalence for the purposes of registration.

- (2) The diploma referred to in paragraph (1) is one which—
 - (a) is evidence of training received in Spain which commenced before 1st January 1986; and
 - (b) is accompanied by—
 - (i) a certificate issued by the competent authority in Spain to the effect that the diploma was awarded following training which satisfies all the training requirements in Article 1 of the Second Midwifery Directive, or
 - (ii) if the training does not satisfy the requirements laid down in Article 1 of the Second Midwifery Directive, a competent authority certificate.

- (3) A qualification referred to paragraph (1)—
 - (a) in respect of which a person holds a diploma referred to in paragraph (2)(a) which is accompanied by a certificate referred to in paragraph (2)(b)(i); but
 - (b) where the diploma is required to be recognised by other EEA States in pursuance of Article 2 of the First Midwifery Directive only if the holder has undertaken professional practice in respect of which a certificate complying with Article 4 of that Directive is issued,

shall have Community equivalence for the purposes of registration if the requirement in paragraph (4) is satisfied.

(4) The requirement referred to in paragraph (2) is that a diploma referred to in that paragraph be accompanied by—

- (a) an Article 4 certificate relating to the holder; or
- (b) if the diploma was obtained before 1st January 1986, a competent authority certificate relating to the holder.

PART III

REVOCATIONS

Revocations

10. The EEC Nursing and Midwifery Qualifications Designation Order 1983(**14**) and the EEC Nursing and Midwifery Qualifications Designation (Amendment) Order 1985(**15**) are hereby revoked.

10th December 1996

Stephen Dorrell
One of Her Majesty's Principal Secretaries of
State

(14) S.I. 1983/921.
(15) S.I. 1985/1852.