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STATUTORY INSTRUMENTS

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**1996 No. 3102**

**The European Nursing and Midwifery  
Qualifications Designation Order 1996**

**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—

- (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.