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## STATUTORY INSTRUMENTS

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# 2002 No. 253

## The Nursing and Midwifery Order 2001

### PART V

#### FITNESS TO PRACTISE

##### Council's power to require disclosure of information

**25.**—(1) For the purpose of assisting them in carrying out functions in respect of fitness to practise, a person authorised by a Practice Committee may require any person (other than the person concerned) who in his opinion is able to supply information or produce any document which appears relevant to the discharge of any such function, to supply such information or produce such a document.

(2) As soon as is reasonably practicable after a decision has been made under article 22(5) or (6) to refer an allegation or other matter to a Practice Committee, the Council shall require, from the person concerned, details of—

(a) any person—

(i) by whom he is employed to provide services in, or in relation to, nursing or midwifery; or

(ii) with whom he has an arrangement to provide such services; and

(b) any body by which he is authorised to practise, in the United Kingdom or elsewhere, a health or social care profession which is regulated under any enactment.

(3) Nothing in this article shall require or permit any disclosure of information which is prohibited by or under any other enactment.

(4) But where information is held in a form in which the prohibition operates because the information is capable of identifying an individual, the person referred to in paragraph (1) may, in exercising his functions under that paragraph, require that the information be put into a form which is not capable of identifying that individual.

(5) Paragraph (1) shall not apply in relation to the supplying of information or the production of any document which a person could not be compelled to supply or produce in civil proceedings in any court to which an appeal would lie from a decision of the Practice Committee in respect of the allegation with which it is dealing.

(6) For the purposes of paragraph (5), “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.

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##### **Modifications etc. (not altering text)**

**C1** Pt. V applied (with modifications) (1.8.2004) by [The Nursing and Midwifery Order 2001 \(Transitional Provisions\) Order of Council 2004 \(S.I. 2004/1762\)](#), arts. 1(1), **7(4)(b)**

**C2** Pt. V applied (with modifications) (1.8.2004) by [The Nursing and Midwifery Order 2001 \(Transitional Provisions\) Order of Council 2004 \(S.I. 2004/1762\)](#), arts. 1(1), **6(b)**

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**Status:** Point in time view as at 01/08/2004. This version of this provision has been superseded.

**Changes to legislation:** There are currently no known outstanding effects for the The Nursing and Midwifery Order 2001, Section 25. (See end of Document for details)

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**Commencement Information**

- II** [Art. 25](#) in force at 1.8.2004 as notified in the London Gazette (Issue 57361, published 21.7.2004), see [art. 1\(2\)\(3\)](#)

**Status:**

Point in time view as at 01/08/2004. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the The Nursing and Midwifery Order 2001, Section 25.