
STATUTORY INSTRUMENTS

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 [^{F1}the Council [^{F2}, any of its Practice Committees, the Registrar or any other officer of the Council] in] carrying out functions in respect of fitness to practise, a person authorised by [^{F1}the Council] 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 [^{F3}, or as a nursing associate]; 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 [^{F4}or the [^{F5}UK GDPR]].

(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 [^{F6}a Practice Committee with regard to the person concerned].

(6) For the purposes of [^{F7}paragraph (3)—]

“enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.

Textual Amendments

- F1** Words in art. 25(1) substituted (14.5.2009) by The Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 (S.I. 2009/1182), art. 1(2)(e), **Sch. 4 para. 38(d)(i)**
- F2** Words in art. 25(1) substituted (11.12.2014) by The Nursing and Midwifery (Amendment) Order 2014 (S.I. 2014/3272), arts. 1, 4
- F3** Words in art. 25(2)(a)(i) inserted (28.1.2019) by The Nursing and Midwifery (Amendment) Order 2018 (S.I. 2018/838), art. 1(3), **Sch. 1 para. 18**
- F4** Words in art. 25(3) inserted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 281(2)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F5** Words in art. 25(3) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 3 para. 40(2)** (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in art. 25(5) substituted (14.5.2009) by The Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 (S.I. 2009/1182), art. 1(2)(e), **Sch. 4 para. 38(d)(ii)**
- F7** Words in art. 25(6) substituted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 281(3)(a)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F8** Words in art. 25(6) omitted (31.12.2020) by virtue of The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 3 para. 40(3)** (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1)

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)**
- C3** Art. 25(1) modified (temp.) (25.3.2020) by Coronavirus Act 2020 (c. 7), s. 87(1), **Sch. 1 para. 1(3)** (with ss. 89, 90) (subject to expiry in accordance with s. 89(1)(2)(b) of the modifying Act)

Commencement Information

- I1** 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)**

Changes to legislation:

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