

## SCHEDULE 1

Article 3

### THE NURSING AND MIDWIFERY COUNCIL AND COMMITTEES

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

- C1** Sch. 1 modified (temp.) (1.4.2002) by [The Nursing and Midwifery Order 2001 \(Transitional Provisions\) Order 2002 \(S.I. 2002/1125\)](#), arts. 1(1)(c), **2(1)(b)**

## PART I

### THE NURSING AND MIDWIFERY COUNCIL

#### Membership

<sup>F1</sup>1. ....

#### Textual Amendments

- F1** Sch. 1 paras. 1A, 1B substituted for Sch. 1 paras. 1-11 (1.1.2009 as notified in the London Gazette (Issue 58904, published 5.12.2008)) by [The Nursing and Midwifery \(Amendment\) Order 2008 \(S.I. 2008/1485\)](#), **Sch. 1 para. 10(2)**

#### [<sup>F1</sup>Membership: general

**1A.—(1)** The Council shall consist of—

- (a) registrant members, that is members who are registrants; and
- (b) lay members, that is members who—
  - (i) are not and never have been registered nurses or registered midwives (and article 5(5) does not apply for these purposes), and
  - (ii) do not hold qualifications which would entitle them to apply for registration under this Order.

(2) The members of the Council shall be appointed by the Privy Council.

(3) The Privy Council shall ensure that, at any time, at least one member of the Council lives or works wholly or mainly in each of England, Scotland, Wales and Northern Ireland.

(4) Before the Privy Council directs the Appointments Commission under section 60 of the Health Act 2006 to exercise any function of the Privy Council relating to the appointment of members of the Council, the Privy Council shall consult the Council.

(5) The Privy Council may, by a direction under section 60 of the Health Act 2006 (Commission to exercise Privy Council's appointment functions), require the Appointments Commission to appoint the person who held office as President of the Council on the day before the first order under article 3(7A) comes into force as a member of the Council as constituted on the day the first order under article 3(7A) comes into force.

*Status: Point in time view as at 01/01/2009.*

*Changes to legislation: There are currently no known outstanding effects for the The Nursing and Midwifery Order 2001, SCHEDULE 1. (See end of Document for details)*

### Textual Amendments

- F1** Sch. 1 paras. 1A, 1B substituted for Sch. 1 paras. 1-11 (1.1.2009 as notified in the London Gazette (Issue 58904, published 5.12.2008)) by [The Nursing and Midwifery \(Amendment\) Order 2008 \(S.I. 2008/1485\)](#), [Sch. 1 para. 10\(2\)](#)

### Matters for the order of the Privy Council under article 3(7A)

- 1B.**—(1) An order under article 3(7A) shall include provision with regard to—
- (a) the numbers of registrant members and lay members of the Council;
  - (b) the terms of office for which members of the Council are appointed, and the order may provide that these are to be determined by the Privy Council, on appointment;
  - (c) the grounds on which persons are to be disqualified from appointment as registrant or lay members of the Council;
  - (d) the appointment of a chair of the Council and the chair's term of office;
  - (e) deputising arrangements in respect of the chair;
  - (f) the quorum of the Council; and
  - (g) the circumstances in which members cease to hold office or may be removed or suspended from office.
- (2) But an order under article 3(7A) must not include any provision which would have the effect that a majority of the members of the Council would be lay members.
- (3) An order under article 3(7A) may include provision with regard to—
- (a) the maximum period for which a member of the Council may hold office as a member during a specified period;
  - (b) the maximum period for which a member of the Council may serve as chair of the Council during a specified period;
  - (c) the education and training of members of the Council, and the order may provide for the Council to include the requirements with regard to education and training of its members in standing orders, and for those standing orders to provide for—
    - (i) that education and training to be the responsibility of another body, and
    - (ii) those requirements to be set and varied by that body from time to time;
  - (d) the attendance of members of the Council at meetings of the Council;
  - (e) the effect (if any) of any vacancy in the membership of the Council or any defect in the appointment of a member; and
  - (f) enabling the Privy Council to appoint as the chair of the Council, for a specified period, the person who held office as President of the Council on the day before the first order under article 3(7A) comes into force.
- (4) An order under article 3(7A) may make different provision for different cases or different classes of case and may contain such incidental, consequential, transitional, transitory, saving or supplementary provisions as appear to the Privy Council to be necessary or expedient.]

**Status:** Point in time view as at 01/01/2009.

**Changes to legislation:** There are currently no known outstanding effects for the The Nursing and Midwifery Order 2001, SCHEDULE 1. (See end of Document for details)

**Textual Amendments**

**F1** Sch. 1 paras. 1A, 1B substituted for Sch. 1 paras. 1-11 (1.1.2009 as notified in the London Gazette (Issue 58904, published 5.12.2008)) by [The Nursing and Midwifery \(Amendment\) Order 2008 \(S.I. 2008/1485\)](#), **Sch. 1 para. 10(2)**

**F1**2. ....

**Textual Amendments**

**F1** Sch. 1 paras. 1A, 1B substituted for Sch. 1 paras. 1-11 (1.1.2009 as notified in the London Gazette (Issue 58904, published 5.12.2008)) by [The Nursing and Midwifery \(Amendment\) Order 2008 \(S.I. 2008/1485\)](#), **Sch. 1 para. 10(2)**

**F1**3. ....

**Textual Amendments**

**F1** Sch. 1 paras. 1A, 1B substituted for Sch. 1 paras. 1-11 (1.1.2009 as notified in the London Gazette (Issue 58904, published 5.12.2008)) by [The Nursing and Midwifery \(Amendment\) Order 2008 \(S.I. 2008/1485\)](#), **Sch. 1 para. 10(2)**

**F1**4. ....

**Textual Amendments**

**F1** Sch. 1 paras. 1A, 1B substituted for Sch. 1 paras. 1-11 (1.1.2009 as notified in the London Gazette (Issue 58904, published 5.12.2008)) by [The Nursing and Midwifery \(Amendment\) Order 2008 \(S.I. 2008/1485\)](#), **Sch. 1 para. 10(2)**

**F1**5. ....

**Textual Amendments**

**F1** Sch. 1 paras. 1A, 1B substituted for Sch. 1 paras. 1-11 (1.1.2009 as notified in the London Gazette (Issue 58904, published 5.12.2008)) by [The Nursing and Midwifery \(Amendment\) Order 2008 \(S.I. 2008/1485\)](#), **Sch. 1 para. 10(2)**

**F1**6. ....

**Status:** Point in time view as at 01/01/2009.

**Changes to legislation:** There are currently no known outstanding effects for the The Nursing and Midwifery Order 2001, SCHEDULE 1. (See end of Document for details)

**Textual Amendments**

**F1** Sch. 1 paras. 1A, 1B substituted for Sch. 1 paras. 1-11 (1.1.2009 as notified in the London Gazette (Issue 58904, published 5.12.2008)) by [The Nursing and Midwifery \(Amendment\) Order 2008 \(S.I. 2008/1485\)](#), **Sch. 1 para. 10(2)**

**F17.** .....

**Textual Amendments**

**F1** Sch. 1 paras. 1A, 1B substituted for Sch. 1 paras. 1-11 (1.1.2009 as notified in the London Gazette (Issue 58904, published 5.12.2008)) by [The Nursing and Midwifery \(Amendment\) Order 2008 \(S.I. 2008/1485\)](#), **Sch. 1 para. 10(2)**

*Tenure of members*

**F18.** .....

**Textual Amendments**

**F1** Sch. 1 paras. 1A, 1B substituted for Sch. 1 paras. 1-11 (1.1.2009 as notified in the London Gazette (Issue 58904, published 5.12.2008)) by [The Nursing and Midwifery \(Amendment\) Order 2008 \(S.I. 2008/1485\)](#), **Sch. 1 para. 10(2)**

**F19.** .....

**Textual Amendments**

**F1** Sch. 1 paras. 1A, 1B substituted for Sch. 1 paras. 1-11 (1.1.2009 as notified in the London Gazette (Issue 58904, published 5.12.2008)) by [The Nursing and Midwifery \(Amendment\) Order 2008 \(S.I. 2008/1485\)](#), **Sch. 1 para. 10(2)**

**F110.** .....

**Textual Amendments**

**F1** Sch. 1 paras. 1A, 1B substituted for Sch. 1 paras. 1-11 (1.1.2009 as notified in the London Gazette (Issue 58904, published 5.12.2008)) by [The Nursing and Midwifery \(Amendment\) Order 2008 \(S.I. 2008/1485\)](#), **Sch. 1 para. 10(2)**

*The President*

**F111.** .....

#### Textual Amendments

- F1** Sch. 1 paras. 1A, 1B substituted for Sch. 1 paras. 1-11 (1.1.2009 as notified in the London Gazette (Issue 58904, published 5.12.2008)) by [The Nursing and Midwifery \(Amendment\) Order 2008 \(S.I. 2008/1485\)](#), [Sch. 1 para. 10\(2\)](#)

#### *Procedure etc. of Council and committees*

[<sup>F2</sup>**12.**—(1) Subject to any provision made by this Order or under this Order (otherwise than by standing orders), the Council may by standing orders make provision in respect of—

- (a) its procedure;
- (b) the performance of its functions;
- (c) the constitution of its committees and sub-committees, other than the Practice Committees and the Midwifery Committee;
- (d) the procedure of any of its committees or sub-committees;
- (e) the performance by any of its committees or sub-committees of their functions; and
- (f) the standards of education, training, attendance and performance expected of the members of its committees and sub-committees.

(2) Standing orders of the Council may make provision with regard to the provisional suspension of a member from office, pending the taking of a decision about the suspension or removal from office of the member in accordance with the provisions of an order under article 3(7A).]

#### Textual Amendments

- F2** [Sch. 1 para. 12](#) substituted (1.1.2009 as notified in the London Gazette (Issue 58904, published 5.12.2008)) by [The Nursing and Midwifery \(Amendment\) Order 2008 \(S.I. 2008/1485\)](#), [Sch. 1 para. 10\(3\)](#)

#### Commencement Information

- I1** [Sch. 1 para. 12](#) in force at 1.4.2002 as notified in the London Gazette (Issue 56517, published 25.3.2002), see [art. 1\(2\)\(3\)](#)

**13.**—(1) In appointing non-Council members to any committee set up under article 3(12) the Council shall have regard, where appropriate and subject to the other provisions of this Order, to the guidance issued by the Commissioner for Public Appointments.

(2) The Council shall ensure that such members of the committee who are not Council members shall have such qualifications, interests or experience as, in the opinion of the Council, are relevant to the field with which the committee is mainly concerned.

(3) The Council shall—

- (a) establish and maintain a system for the declaration and registration of private interests of its members and other members of its committees and sub-committees; and
- (b) publish entries recorded in the register of members' interests.

**Status:** Point in time view as at 01/01/2009.

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**Commencement Information**

**I2** Sch. 1 para. 13 in force at 1.4.2002 as notified in the London Gazette (Issue 56517, published 25.3.2002), see art. 1(2)(3)

14.—(1) Decisions of the Council and committees shall be made by a majority vote of the members present and voting.

(2) In the event of a tie the [<sup>F3</sup>chair] shall have an additional casting vote.

<sup>F4</sup>(3) .....

(4) This paragraph does not apply to the [<sup>F5</sup>Practice Committees] or to decisions of the Council under article 37.

**Textual Amendments**

**F3** Word in Sch. 1 para. 14(2) substituted (1.1.2009 as notified in the London Gazette (Issue 58904, published 5.12.2008)) by The Nursing and Midwifery (Amendment) Order 2008 (S.I. 2008/1485), Sch. 1 para. 10(4)(a)

**F4** Sch. 1 para. 14(3) omitted (12.6.2008) by virtue of The Nursing and Midwifery (Amendment) Order 2008 (S.I. 2008/1485), art. 1(2)(b), Sch. 1 para. 10(4)(b)

**F5** Words in Sch. 1 para. 14(4) substituted (12.6.2008) by The Nursing and Midwifery (Amendment) Order 2008 (S.I. 2008/1485), art. 1(2)(b), Sch. 1 para. 10(4)(c)

**Commencement Information**

**I3** Sch. 1 para. 14 in force at 1.4.2002 as notified in the London Gazette (Issue 56517, published 25.3.2002), see art. 1(2)(3)

**Textual Amendments**

**F2** Sch. 1 para. 12 substituted (1.1.2009 as notified in the London Gazette (Issue 58904, published 5.12.2008)) by The Nursing and Midwifery (Amendment) Order 2008 (S.I. 2008/1485), Sch. 1 para. 10(3)

**F3** Word in Sch. 1 para. 14(2) substituted (1.1.2009 as notified in the London Gazette (Issue 58904, published 5.12.2008)) by The Nursing and Midwifery (Amendment) Order 2008 (S.I. 2008/1485), Sch. 1 para. 10(4)(a)

**F4** Sch. 1 para. 14(3) omitted (12.6.2008) by virtue of The Nursing and Midwifery (Amendment) Order 2008 (S.I. 2008/1485), art. 1(2)(b), Sch. 1 para. 10(4)(b)

**F5** Words in Sch. 1 para. 14(4) substituted (12.6.2008) by The Nursing and Midwifery (Amendment) Order 2008 (S.I. 2008/1485), art. 1(2)(b), Sch. 1 para. 10(4)(c)

**Commencement Information**

**I1** Sch. 1 para. 12 in force at 1.4.2002 as notified in the London Gazette (Issue 56517, published 25.3.2002), see art. 1(2)(3)

**I2** Sch. 1 para. 13 in force at 1.4.2002 as notified in the London Gazette (Issue 56517, published 25.3.2002), see art. 1(2)(3)

**I3** Sch. 1 para. 14 in force at 1.4.2002 as notified in the London Gazette (Issue 56517, published 25.3.2002), see art. 1(2)(3)

*Powers of the Council*

15.—(1) Subject to any provision made by or under this Order, the Council may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the performance of its functions.

(2) The Council shall, in particular, have power—

- (a) to borrow;
- (b) to appoint such staff as it may determine;
- (c) to pay its staff such salaries, allowances and expenses as it may determine;
- (d) to make such provision for the payment of such pensions, allowances or gratuities, or such contributions or payments towards provision for such pensions, allowances or gratuities, to or in respect of its staff as it may determine;
- (e) to make such provision in respect of its members and members of its committees and sub-committees as it may determine—
  - (i) for the payment of fees and allowances, including the payment of allowances to employers of such members for the purposes of enabling the members to perform functions under this Order;
  - (ii) for the reimbursement of such expenses as the members may reasonably have incurred in the course of carrying out their functions under this Order;
- (f) to establish such sub-committees of any of its committees as it may determine;

<sup>F6</sup>(g) .....

(h) to abolish any of its committees, other than a statutory committee, or any sub-committee of any of its committees.

(3) The Council may not employ any member of the Council or its committees or sub-committees.

(4) If it appears to the Council that any statutory committee is failing to perform its functions adequately, the Council may give a direction as to the proper performance of those functions.

(5) Where the Council, having given a direction under sub-paragraph (4), is satisfied that the committee has failed to comply with the direction, it may exercise any power of that committee or do any act or other thing authorised to be done by that committee.

<sup>F7</sup>(6) .....

<sup>F7</sup>(7) .....

(8) No person who is a member of the Council or any of its committees or sub-committees by virtue of his membership of any profession, may take part in any proceedings of the Council in any period during which he is the subject of any investigations, proceedings or a determination against him concerning his fitness to practise his profession.

**Textual Amendments**

- F6** Sch. 1 para. 15(2)(g) omitted (1.1.2009 as notified in the London Gazette (Issue 58904, published 5.12.2008)) by virtue of [The Nursing and Midwifery \(Amendment\) Order 2008 \(S.I. 2008/1485\)](#), [Sch. 1 para. 10\(5\)\(a\)](#)
- F7** Sch. 1 para. 15(6)(7) omitted (1.1.2009 as notified in the London Gazette (Issue 58904, published 5.12.2008)) by virtue of [The Nursing and Midwifery \(Amendment\) Order 2008 \(S.I. 2008/1485\)](#), [Sch. 1 para. 10\(5\)\(b\)](#)

**Status:** Point in time view as at 01/01/2009.

**Changes to legislation:** There are currently no known outstanding effects for the The Nursing and Midwifery Order 2001, SCHEDULE 1. (See end of Document for details)

**Commencement Information**

**I4** Sch. 1 para. 15 in force at 1.4.2002 as notified in the London Gazette (Issue 56517, published 25.3.2002), see art. 1(2)(3)

**Privy Council functions**

<sup>F8</sup>**15A** .....

**Textual Amendments**

**F8** Sch. 1 para. 15A revoked (1.10.2006) by Health Act 2006 (c. 28), s. 83(7), Sch. 8 para. 47, Sch. 9; S.I. 2006/2603, art. 4(5)(c)(iii)(e), Sch.

**PART II**

**THE STATUTORY COMMITTEES**

*Midwifery Committee*

**16.**—(1) Subject to Part VIII of this Order, the Council shall by standing orders provide in respect of the Midwifery Committee for—

- (a) its composition;
- (b) the appointment of members;
- (c) the quorum at its meetings;
- (d) its procedure;
- (e) standards for the education and training, attendance and performance of its members; and
- (f) the performance of its functions.

(2) The standing orders shall, in particular, provide for—

- (a) the Chairman of the Committee to be a member of the Council;
- (b) the majority of members of the Committee to be practising midwives;
- (c) the Council to have regard, subject to other provisions in this Order, when selecting non-Council members for the Committee to the guidance issued by the Commissioner for Public Appointments.

(3) No person who is a member of the Council or Midwifery Committee by virtue of his membership of any profession may take part in any proceedings of the Committee in any period during which he is the subject of any investigations, proceedings or a determination against him concerning his fitness to practise his profession.

(4) The powers of the Midwifery Committee may be exercised even though there is a vacancy among its members.

(5) No proceedings of the Midwifery Committee shall be invalidated by any defect in the appointment of a member.



**Commencement Information**

- 15** Sch. 1 para. 16 in force at 1.4.2002 as notified in the London Gazette (Issue 56517, published 25.3.2002), see art. 1(2)(3)

*Practice Committees*

17. Subject to any provision made by or under this Order, the Council shall in respect of each Practice Committee provide by rules for—

- (a) subject to paragraph 18(6), the quorum at meetings of the Committee;
- (b) regulating its procedure;
- (c) establishing standards for the education and training, attendance and performance of its members;
- (d) regulating its composition; and
- (e) the performance of its functions.

**Commencement Information**

- 16** Sch. 1 para. 17 in force at 22.1.2003 as notified in the London Gazette (Issue 56816, published 10.1.2003), see art. 1(2)(3)

18.—(1) The members of each Practice Committee shall include registered professionals and other members, of whom at least one shall be a registered medical practitioner.

(2) The number of registered professionals on a Practice Committee may, but need not, exceed the number of other members on the Committee and shall not in any case exceed that number by more than one.

(3) The Chairman of the Committee shall be a Council member.

(4) No one shall be a member of more than one Practice Committee and shall not be both a Screener and a member of a Practice Committee.

(5) The Council shall, subject to other provisions in this Order, have regard when selecting non-Council members for a Practice Committee, to the guidance issued by the Commissioner for Public Appointments.

(6) The panel of a Practice Committee considering an allegation or taking any other action under Part V shall comprise at least three members who shall be selected with due regard to the former, current or proposed professional field of the person concerned as the case may be and to the nature of the matters in issue, provided that—

- (a) at least one member is registered in that Part of the register in which, as the case may be, the person under consideration is or was registered or in respect of which he has made an application to be registered;
- (b) there is at least one lay member, who shall not be a registered medical practitioner;
- (c) where the health of the person is relevant to the case, there is at least one registered medical practitioner;
- (d) subject to sub-paragraph (f), the panel shall comprise both registrant and lay members none of whom is a Council member and the number of registrant members may exceed the number of lay members but may not exceed them by more than one;
- (e) no one who has been involved in the case in any other capacity may sit on the panel; and

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- (f) the person presiding may but need not be a member of the Council.
- (7) Decisions of a Practice Committee shall be made by a majority vote of the members present and voting.
- (8) In the event of a tie, the Chairman shall have an additional casting vote and in respect of a decision under Part V shall exercise his casting vote in favour of the person concerned.
- (9) Except when it is performing functions under Part V a Practice Committee may exercise its powers even though there is a vacancy among its members.
- (10) Apart from proceedings under Part V, no proceedings of a Practice Committee shall be invalidated by any defect in the appointment of a member.
- (11) No person who is a member of the Council or a Committee by virtue of his membership of any profession may take part in any proceedings of a Practice Committee in any period during which he is the subject of any investigations, proceedings or a determination against him concerning his fitness to practise his profession.

#### Commencement Information

- I7** Sch. 1 para. 18(1)-(5), (7)-(11) in force at 22.1.2003 as notified in the London Gazette (Issue 56816, published 10.1.2003), see **art. 1(2)(3)**
- I8** Sch. 1 para. 18 in force at 1.8.2004 in so far as not already in force as notified in the London Gazette (Issue 57361, published 21.7.2004), see **art. 1(2)(3)**

#### Commencement Information

- I6** Sch. 1 para. 17 in force at 22.1.2003 as notified in the London Gazette (Issue 56816, published 10.1.2003), see **art. 1(2)(3)**
- I7** Sch. 1 para. 18(1)-(5), (7)-(11) in force at 22.1.2003 as notified in the London Gazette (Issue 56816, published 10.1.2003), see **art. 1(2)(3)**
- I8** Sch. 1 para. 18 in force at 1.8.2004 in so far as not already in force as notified in the London Gazette (Issue 57361, published 21.7.2004), see **art. 1(2)(3)**

**Status:**

Point in time view as at 01/01/2009.

**Changes to legislation:**

There are currently no known outstanding effects for the The Nursing and Midwifery Order 2001, SCHEDULE 1.