

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

^{F1}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)**

[^{F1}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Status: Point in time view as at 01/01/2009.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. (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. (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\(2\)](#)

F12.

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\(2\)](#)

F13.

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\(2\)](#)

F14.

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\(2\)](#)

F15.

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\(2\)](#)

F16.

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. (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

[^{F2}**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.
Changes to legislation: There are currently no known outstanding effects for the The Nursing and Midwifery Order 2001. (See end of Document for details)

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 [^{F3}chair] shall have an additional casting vote.

^{F4}(3)

(4) This paragraph does not apply to the [^{F5}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)

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. (See end of Document for details)

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;

^{F6}(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.

^{F7}(6)

^{F7}(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. (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

^{F8}**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

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. (See end of Document for details)

- (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\(2\)\(3\)](#)

SCHEDULE 2

Article 54

TRANSITIONAL PROVISIONS

Modifications etc. (not altering text)

- C2** Sch. 2 modified (31.12.2003) by [The European Qualifications \(Health Care Professions\) Regulations 2003 \(S.I. 2003/3148\)](#), regs. 1(1)(c), **3(1)**

The initial membership of the Council

- 1.** When first constituted, the membership of the Council shall be determined in accordance with the provisions of this Schedule.

Commencement Information

- I9** Sch. 2 para. 1 in force at 22.3.2002 for specified purposes as notified in the London Gazette (Issue 56510, published 15.3.2002), see art. 1(2)(3)
- I10** Sch. 2 para. 1 in force at 1.4.2002 in so far as not already in force as notified in the London Gazette (Issue 56517, published 25.3.2002), see art. 1(2)(3)

The transitional periods

2. In this Schedule—

“the first transitional period” means the period beginning with the coming into force of article 3 and ending on the date of coming into force of the first order made by the Privy Council under article 6(1);

“the second transitional period” means the period beginning with the day after the coming into force of the first order made by the Privy Council under article 6(1) and ending on the second anniversary of that date, unless ended earlier by the Privy Council on a proposal received by it from the Council.

Commencement Information

- I11** Sch. 2 para. 2 in force at 1.4.2002 as notified in the London Gazette (Issue 56517, published 25.3.2002), see art. 1(2)(3)

The Members

3.—(1) During the transitional periods, the Council shall consist of—

- (a) 12 members appointed by the Privy Council (referred to in this Order as “practitioner members”);
- (b) 11 members who are appointed by the Privy Council (referred to in this Order as “lay members”); and
- (c) 12 members appointed by the Privy Council (referred to in this Order as “alternate members”).

(2) The Privy Council shall appoint an alternate member for each practitioner member.

(3) An alternate member shall have the same functions as a practitioner member but he may attend a Council meeting in his capacity as an alternate member and vote only if his corresponding practitioner member is unable to do so.

(4) Following consultation of persons who appear to it to be representative of the professions to which this Order relates, the Privy Council shall appoint practitioner and alternate members from among persons who are registered under the 1997 Act, or, if section 7 has been repealed, who were so registered immediately before that provision was repealed.

(5) It shall select four practitioner members from each of the following categories—

- (a) persons registered in Part 10 of the register maintained under section 7 of the 1997 Act;
- (b) persons registered in Part 11 of the register maintained under section 7 of the 1997 Act;
- (c) persons registered in any other Part of that register of whom the members may all be selected from the same Part or from different Parts.

(6) No person may be appointed as a practitioner member while he is the subject of fitness to practise investigations or proceedings whether under this Order or under the 1997 Act.

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. (See end of Document for details)

(7) Having consulted such persons as it considers appropriate, the Privy Council shall appoint lay members from among persons who are not and never have been on the register or the register kept under the 1997 Act and who have such qualifications, interests and experience as, in the opinion of the Privy Council, will be of value to the Council in the performance of its functions.

(8) The members shall live or work wholly or mainly in the United Kingdom.

(9) There shall be at least one practitioner member and one alternate member from each part of the register, and the number of practitioner and alternate members from each part shall be equal.

(10) The practitioner and alternate members appointed in respect of each part of the register shall include at least one member from each of the countries of the United Kingdom and that member shall live or work wholly or mainly in the country concerned.

(11) The members who are not registered professionals shall include at least one member from each of the countries of the United Kingdom and that member shall live or work wholly or mainly in the country concerned.

Commencement Information

- I12** Sch. 2 para. 3 in force at 22.3.2002 for specified purposes as notified in the London Gazette (Issue 56510, published 15.3.2002), see art. 1(2)(3)
- I13** Sch. 2 para. 3 in force at 1.4.2002 in so far as not already in force as notified in the London Gazette (Issue 56517, published 25.3.2002), see art. 1(2)(3)

Tenure of members

4. Unless he resigns or is removed in such circumstances as are set out in paragraph 8(2) of Schedule 1, each member shall hold office until the end of the second transitional period.

Commencement Information

- I14** Sch. 2 para. 4 in force at 22.3.2002 for specified purposes as notified in the London Gazette (Issue 56510, published 15.3.2002), see art. 1(2)(3)
- I15** Sch. 2 para. 4 in force at 1.4.2002 in so far as not already in force as notified in the London Gazette (Issue 56517, published 25.3.2002), see art. 1(2)(3)

5. Where a member ceases to be a member, the Privy Council may replace him and the successor's term of office shall begin with the day after that on which the member ceases to be a member and end at the end of the second transitional period.

Commencement Information

- I16** Sch. 2 para. 5 in force at 1.4.2002 as notified in the London Gazette (Issue 56517, published 25.3.2002), see art. 1(2)(3)

^{F9}6.

Textual Amendments

- F9** Sch. 2 para. 6 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. 12(2)

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. (See end of Document for details)

Textual Amendments

- F9** Sch. 2 para. 6 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. 12(2)

Commencement Information

- I14** Sch. 2 para. 4 in force at 22.3.2002 for specified purposes as notified in the London Gazette (Issue 56510, published 15.3.2002), see art. 1(2)(3)
- I15** Sch. 2 para. 4 in force at 1.4.2002 in so far as not already in force as notified in the London Gazette (Issue 56517, published 25.3.2002), see art. 1(2)(3)
- I16** Sch. 2 para. 5 in force at 1.4.2002 as notified in the London Gazette (Issue 56517, published 25.3.2002), see art. 1(2)(3)

Election Scheme

7. The Council shall provide in rules for an election scheme in accordance with the provisions of paragraph 2 of Part I of Schedule 1 to this Order no later than six months before the end of the second transitional period.

Commencement Information

- I17** Sch. 2 para. 7 in force at 31.7.2006 as notified in the London Gazette (Issue 58044, published 14.7.2006), see art. 1(2)(3)

Appointment of first President

8. The first President of the Council shall be appointed by the Privy Council from among the members of the Council.

Commencement Information

- I18** Sch. 2 para. 8 in force at 22.3.2002 for specified purposes as notified in the London Gazette (Issue 56510, published 15.3.2002), see art. 1(2)(3)
- I19** Sch. 2 para. 8 in force at 1.4.2002 in so far as not already in force as notified in the London Gazette (Issue 56517, published 25.3.2002), see art. 1(2)(3)

The register

9. During the first transitional period, the Council shall make—
- (a) proposals to the Privy Council for an order to be made under article 6(1);
 - (b) rules under articles 5 and 7 and such other rules as are necessary for the proper operation of the register.

Commencement Information

- I20** Sch. 2 para. 9 in force at 1.4.2002 as notified in the London Gazette (Issue 56517, published 25.3.2002), 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. (See end of Document for details)

10. Until such date as the first order under article 6(1) is and the rules mentioned in paragraph 9 are in force (“the appointed day”) the Council shall—

- (a) perform the functions of maintaining the register under section 7 of the 1997 Act, and
- (b) determine applications under section 8 of the 1997 Act,

and if those provisions have been repealed, shall act under sub-paragraphs (a) and (b) as if they remained in force and as if references in that Act and subordinate legislation made under it to the United Kingdom Central Council for Nursing, Midwifery and Health Visiting (“UKCC”) or to a National Board for Nursing, Midwifery and Health Visiting (a “National Board”) were to the Council.

Commencement Information

I21 Sch. 2 para. 10 in force at 1.4.2002 as notified in the London Gazette (Issue 56517, published 25.3.2002), see art. 1(2)(3)

11. Where on the appointed day there are outstanding applications for—

- (a) registration;
- (b) renewal of registration;
- (c) the recording of additional qualifications;
- (d) any entry in the register to be made, altered or restored,

the Council shall dispose of the application in accordance with the provisions of the 1997 Act, as if those provisions were still in force, or in such other manner as it considers just.

Commencement Information

I22 Sch. 2 para. 11 in force at 1.4.2002 as notified in the London Gazette (Issue 56517, published 25.3.2002), see art. 1(2)(3)

12. The entries in the register kept under the 1997 Act may be transferred to the register in accordance with articles 5 and 6 but, where the home address of a person registered under the 1997 Act appears in the register kept under that Act and the entry for that person is transferred to the register, his home address shall not be published in the register without the consent of that person.

Commencement Information

I23 Sch. 2 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)

Commencement Information

I20 Sch. 2 para. 9 in force at 1.4.2002 as notified in the London Gazette (Issue 56517, published 25.3.2002), see art. 1(2)(3)

I21 Sch. 2 para. 10 in force at 1.4.2002 as notified in the London Gazette (Issue 56517, published 25.3.2002), see art. 1(2)(3)

I22 Sch. 2 para. 11 in force at 1.4.2002 as notified in the London Gazette (Issue 56517, published 25.3.2002), see art. 1(2)(3)

I23 Sch. 2 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)

PROSPECTIVE

The Registrar

13. The first Registrar may be appointed by the Secretary of State, and shall otherwise be appointed by the Council, on such terms and conditions as the body appointing him sees fit.

Commencement Information

I24 Sch. 2 para. 13 not in force at made date, see art. 1(2)(3)

14. If the first Registrar ceases to hold office before a Registrar is appointed under article 4, the Secretary of State or the Council, as the case may be, may appoint a replacement.

Commencement Information

I25 Sch. 2 para. 14 not in force at made date, see art. 1(2)(3)

Commencement Information

I24 Sch. 2 para. 13 not in force at made date, see art. 1(2)(3)

I25 Sch. 2 para. 14 not in force at made date, see art. 1(2)(3)

Functions of the Council during the transitional period

15.—(1) During the transitional periods, and subject to any contrary provision in this Order, the Council shall, until the relevant provisions of this Order and subordinate legislation made under it come into force, exercise the functions of the United Kingdom Central Council for Nursing, Midwifery and Health Visiting (“UKCC”) and of the National Boards for Nursing, Midwifery and Health Visiting (“the National Boards”) under sections 2, 3, 4, 5, 6, 14, 15, 20 and 21 of the 1997 Act and subordinate legislation made under that Act with such modifications as necessary and as if references to the UKCC and National Boards were to the Council.

(2) If the relevant provision has been repealed, it shall be treated for the purposes of subparagraph (1) as if it remained in force.

Commencement Information

I26 Sch. 2 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)

Fitness to practise proceedings

16.—(1) Until relevant rules under Part V come into force—

(a) where disciplinary proceedings—

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. (See end of Document for details)

- (i) are pending before the UKCC or any of its committees; or
 - (ii) have begun but the body or committee dealing with the case has not communicated its decision to the person who is the subject of the proceedings,
- that body or committee shall refer the proceedings to the Council and the Council shall dispose of the matter in accordance with the 1997 Act or, if the relevant provisions have been repealed, as if those provisions remained in force;
- (b) where an allegation is received by the Council it shall dispose of the matter as if the 1997 Act remained in force; and in both cases
 - (c) references in the 1997 Act to the UKCC are to be treated as references to the Council.

Commencement Information

I27 Sch. 2 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)

17. An appeal—

- (a) under section 12 of the 1997 Act which is pending or proceeding before any court on the date on which that section is repealed; or
- (b) which is received by the Council before the relevant appeal provisions in the rules referred to in paragraph 16 are in force,

shall be dealt with as if section 12 remained in force.

Commencement Information

I28 Sch. 2 para. 17 in force at 1.4.2002 as notified in the London Gazette (Issue 56517, published 25.3.2002), see art. 1(2)(3)

Commencement Information

I27 Sch. 2 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)

I28 Sch. 2 para. 17 in force at 1.4.2002 as notified in the London Gazette (Issue 56517, published 25.3.2002), see art. 1(2)(3)

Transitional provisions for local supervising authorities

18.—(1) Until rules made under article 42 come into force Local Supervising Authorities (“LSAs”) shall exercise their functions under section 15 of the 1997 Act and subordinate legislation made under it and, if that section or that subordinate legislation have been repealed, shall exercise those functions as if those provisions were still in force and as if references in

[^{F10}(a) that Act—

- (i) to the UKCC or to a National Board were to the Council, and
- (ii) to local supervising authorities were, in relation to England, to a Strategic Health Authority established under section 8 of the National Health Service Act 1977 and, in relation to Wales, to a Health Authority established under section 8 of that Act; and

- (b) that subordinate legislation to health authority were, in relation to England, to a Strategic Health Authority established under section 8 of the National Health Service Act 1977 and, in relation to Wales, to a Health Authority established under section 8 of that Act].
- (2) If at the date such rules come into force,
- (a) disciplinary proceedings—
- (i) are pending under the rules mentioned in section 15(2)(c) of the 1997 Act; or
- (ii) have begun but the decision has not been communicated to the person who is the subject of the proceedings,
- the matter shall be disposed of in accordance with the rules mentioned in head (i) or, if the relevant provisions have been repealed, as if those provisions remained in force or in such other manner as appears to the LSA to be just.

Textual Amendments

F10 Words in Sch. 2 para. 18(1) substituted (1.10.2002) by [The National Health Service Reform and Health Care Professions Act 2002 \(Supplementary, Consequential etc. Provisions\) Regulations 2002 \(S.I. 2002/2469\)](#), reg. 1, [Sch. 1 para. 100\(2\)](#)

Commencement Information

I29 [Sch. 2 para. 18](#) in force at 1.4.2002 as notified in the London Gazette (Issue 56517, published 25.3.2002), see [art. 1\(2\)\(3\)](#)

Transfer of staff and property

- 19.** The Privy Council may by order make provision—
- (a) enabling persons who, when paragraph 3(1) of this Order (creation of Council) comes into force, hold office as members or staff of the UKCC and the National Boards to continue to hold office until those bodies are dissolved;
- (b) authorising the UKCC to make grants or loans to any person in connection with the implementation or preparations for the implementation of the Order.

Commencement Information

I30 Sch. 2 para. 19 not in force at made date, see [art. 1\(2\)\(3\)](#)

- 20.—(1)** The Privy Council may by order provide for the transfer from the old to the new employer of any—
- (a) eligible employee; and
- (b) property, rights and liabilities.
- (2) In this paragraph—
- (a) “the new employer” means the Council; and
- (b) “the old employer” means the UKCC.
- (3) In this paragraph and in paragraph 21—
- “an eligible employee” means a person who is employed under a contract of employment with the old employer; and
- “property” includes rights and interests of any description.

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. (See end of Document for details)

Commencement Information

- I31** Sch. 2 para. 20 in force at 22.3.2002 for specified purposes as notified in the London Gazette (Issue 56510, published 15.3.2002), see [art. 1\(2\)\(3\)](#)
- I32** Sch. 2 para. 20 in force at 1.4.2002 in so far as not already in force as notified in the London Gazette (Issue 56517, published 25.3.2002), see [art. 1\(2\)\(3\)](#)

21.—(1) The Privy Council may by order provide for the transfer from the old to the new employer of any—

- (a) eligible employee; and
- (b) property, rights and liabilities.

(2) In this paragraph and in paragraph 25—

- (a) “the new employer” means, in relation to—
 - (i) England, the Secretary of State,
 - (ii) Wales, the National Assembly for Wales,
 - (iii) Scotland, the Scottish Ministers, and
 - (iv) Northern Ireland, the Northern Ireland Department of Health, Social Services and Public Safety,
 or any person or body established or authorised by any of them; and
- (b) “the old employer” means a National Board.

Commencement Information

- I33** Sch. 2 para. 21 in force at 22.3.2002 for specified purposes as notified in the London Gazette (Issue 56510, published 15.3.2002), see [art. 1\(2\)\(3\)](#)
- I34** Sch. 2 para. 21 in force at 1.4.2002 in so far as not already in force as notified in the London Gazette (Issue 56517, published 25.3.2002), see [art. 1\(2\)\(3\)](#)

22. An order made under paragraph 20(1)(a) or 21(1)(a) may be made by the Privy Council only if any prescribed requirements about consultation have been complied with in relation to each of the employees to be transferred under the scheme.

Commencement Information

- I35** Sch. 2 para. 22 not in force at made date, see [art. 1\(2\)\(3\)](#)

23. An order made under paragraph 20(1)(a) or 21(1)(a) may apply to all, or any description of, employees or to any individual employee.

Commencement Information

- I36** Sch. 2 para. 23 in force at 22.3.2002 for specified purposes as notified in the London Gazette (Issue 56510, published 15.3.2002), see [art. 1\(2\)\(3\)](#)
- I37** Sch. 2 para. 23 in force at 1.4.2002 in so far as not already in force as notified in the London Gazette (Issue 56517, published 25.3.2002), see [art. 1\(2\)\(3\)](#)

24.—(1) The contract of employment of an employee transferred under an order made under paragraph 20(1)(a) or 21(1)(a)—

- (a) is not terminated by the transfer; and
- (b) has effect from the date of the transfer as if originally made between the employee and the transferee.

(2) Without prejudice to the generality of sub-paragraph (1), where an employee is transferred under an order mentioned in that sub-paragraph—

- (a) all the rights, powers, duties and liabilities of the old employer under or in connection with the contract of employment are, by virtue of this paragraph, transferred to the transferee on the date of the transfer; and
- (b) anything done before that date by or in relation to the old employer in respect of that contract or the employee is to be treated from that date as having been done by or in relation to the transferee.

(3) Sub-paragraphs (2)(a) and (b) do not transfer an employee's contract of employment, or the rights, powers, duties and liabilities under or in connection with it, if he informs the old employer or the transferee that he objects to the transfer.

(4) Where an employee objects as mentioned in sub-paragraph (3), his contract of employment with the old employer is terminated immediately before the date of the transfer, but he is not to be treated for any purpose as having been dismissed by that employer.

(5) This paragraph does not prejudice any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions but no such right arises by reason only that, by virtue of this paragraph, the identity of his employer changes unless the employee shows that, in all the circumstances, the change is a significant change and is to his detriment.

(6) In this paragraph—

“the date of the transfer” means the date of the transfer determined under an order made under paragraph 20(1)(a) or 21(1)(a) in relation to the employee; and

“the transferee” means the new employer to whom the employee is or would be transferred under that order.

Commencement Information

I38 Sch. 2 para. 24 in force at 1.4.2002 as notified in the London Gazette (Issue 56517, published 25.3.2002), see art. 1(2)(3)

25.—(1) An order made under paragraph 20(1)(b) or 21(1)(b) may provide for the new employer to—

- (a) prepare a statement of accounts in respect of the financial year to 31st March 2002;
- (b) submit a report on the performance of the old employer for the period since the last report under section 18(6) of the 1997 Act to 31st March 2002; or
- (c) carry out any other functions necessary or expedient consequent on the dissolution of the old employer.

(2) Section 18(3), (4), (5) and (7) of the 1997 Act shall apply as if they remained in force except that they shall apply as if the accounts or report, as the case may be, mentioned in paragraph (1) had been prepared by the old employer.

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. (See end of Document for details)

Commencement Information

- I39** Sch. 2 para. 25 in force at 22.3.2002 for specified purposes as notified in the London Gazette (Issue 56510, published 15.3.2002), see **art. 1(2)(3)**
- I40** Sch. 2 para. 25 in force at 1.4.2002 in so far as not already in force as notified in the London Gazette (Issue 56517, published 25.3.2002), see **art. 1(2)(3)**

Commencement Information

- I30** Sch. 2 para. 19 not in force at made date, see **art. 1(2)(3)**
- I31** Sch. 2 para. 20 in force at 22.3.2002 for specified purposes as notified in the London Gazette (Issue 56510, published 15.3.2002), see **art. 1(2)(3)**
- I32** Sch. 2 para. 20 in force at 1.4.2002 in so far as not already in force as notified in the London Gazette (Issue 56517, published 25.3.2002), see **art. 1(2)(3)**
- I33** Sch. 2 para. 21 in force at 22.3.2002 for specified purposes as notified in the London Gazette (Issue 56510, published 15.3.2002), see **art. 1(2)(3)**
- I34** Sch. 2 para. 21 in force at 1.4.2002 in so far as not already in force as notified in the London Gazette (Issue 56517, published 25.3.2002), see **art. 1(2)(3)**
- I35** Sch. 2 para. 22 not in force at made date, see **art. 1(2)(3)**
- I36** Sch. 2 para. 23 in force at 22.3.2002 for specified purposes as notified in the London Gazette (Issue 56510, published 15.3.2002), see **art. 1(2)(3)**
- I37** Sch. 2 para. 23 in force at 1.4.2002 in so far as not already in force as notified in the London Gazette (Issue 56517, published 25.3.2002), see **art. 1(2)(3)**
- I38** Sch. 2 para. 24 in force at 1.4.2002 as notified in the London Gazette (Issue 56517, published 25.3.2002), see **art. 1(2)(3)**
- I39** Sch. 2 para. 25 in force at 22.3.2002 for specified purposes as notified in the London Gazette (Issue 56510, published 15.3.2002), see **art. 1(2)(3)**
- I40** Sch. 2 para. 25 in force at 1.4.2002 in so far as not already in force as notified in the London Gazette (Issue 56517, published 25.3.2002), see **art. 1(2)(3)**

[F11] SCHEDULE 2A

Article 39

VISITING MIDWIVES, AND CERTAIN VISITING NURSES, FROM RELEVANT EUROPEAN STATES

Textual Amendments

- F11** Sch. 2A inserted (3.12.2007) by The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **171**

Application and interpretation

1. This Schedule applies to an exempt person—
 - (a) who is lawfully established as a nurse in a relevant European State other than the United Kingdom; or
 - (b) who is lawfully established as a midwife in a relevant European State other than the United Kingdom.

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. (See end of Document for details)

2. In this Schedule—

- (a) a “visiting practitioner” means an exempt person to whom this Schedule applies;
- (b) the “home State”, in relation to a visiting practitioner, means the relevant European State in which the practitioner is lawfully established as a nurse or midwife;
- (c) a reference to the provision of occasional nursing services is a reference to the provision, in the United Kingdom, of nursing services—
 - (i) of a kind which are provided, in the United Kingdom, by nurses whose training satisfies the requirements of article 31 of the Directive (training of nurses responsible for general care), and
 - (ii) on a temporary and occasional basis; and
- (d) a reference to the provision of occasional midwifery services is a reference to the provision of midwifery services in the United Kingdom on a temporary and occasional basis.

Registration in respect of provision of occasional nursing services or occasional midwifery services

3.—(1) A visiting practitioner is entitled to be registered in the appropriate part of the register if the practitioner is entitled under paragraph 4 or 7 to provide occasional nursing services or occasional midwifery services; and the Registrar shall give effect to the entitlement.

(2) A visiting practitioner who is entitled under sub-paragraph (1) to be registered, but who is not registered in the appropriate part of the register, shall be treated as registered in that part.

(3) Sub-paragraph (4) applies where a person's entitlement under sub-paragraph (1) to be registered ceases because, by reason of the operation of paragraph 8(1), (2) or (5), the person ceases to be entitled under this Schedule to provide occasional nursing services or occasional midwifery services.

(4) If the person's name is registered, the Registrar may remove the person's name from the register.

(5) Sub-paragraphs (1) to (4) are not to be taken to prejudice the application, in relation to persons registered on the basis of entitlement under sub-paragraph (1), of any other provision of this Order under which the name of a registered nurse or midwife may be removed from the register or under which the registration of a registered nurse or midwife may be suspended.

Entitlement to provide occasional nursing services or occasional midwifery services: first year

4. A visiting practitioner is entitled to provide occasional nursing services or occasional midwifery services if—

- (a) the practitioner has complied with the requirements of paragraph 5, and
- (b) where the practitioner's case falls within regulation 3(9)(a), (c), (d) or (e) of the General Systems Regulations, the provision by the practitioner of occasional nursing services or occasional midwifery services is in accordance with regulations 14 to 16 of those Regulations (the practitioner having, in particular, successfully completed any adaptation period, or passed any aptitude test, that the practitioner may be required to undertake pursuant to Part 2 of those Regulations),

but paragraph 8 contains provision about the duration of entitlement under this paragraph.

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. (See end of Document for details)

First provision of services: required documents

5.—(1) A visiting practitioner who proposes to provide occasional nursing services or occasional midwifery services for the first time must, before providing any such services, send or produce to the Registrar the required documents.

(2) The required documents are—

- (a) a written declaration that states the practitioner's wish to provide occasional nursing services or occasional midwifery services;
- (b) if the practitioner is a national of a relevant European State, proof of nationality;
- (c) if the practitioner is not a national of a relevant European State, proof of the Community right by virtue of which the practitioner is an exempt person;
- (d) evidence of qualifications in nursing or midwifery (see paragraph 6); and
- (e) a certificate (or certificates) issued by a competent authority in the practitioner's home State confirming—
 - (i) that the practitioner is lawfully established as a nurse or midwife in that State, and
 - (ii) that the practitioner is not prohibited (whether on a permanent or temporary basis) from practising as a nurse or midwife there.

(3) A declaration under sub-paragraph (2)(a) may be supplied by any means.

6.—(1) Subject to sub-paragraph (3), the evidence referred to in paragraph 5(2)(d) is evidence of the European-recognised qualifications which entitle the visiting practitioner to provide, in the practitioner's home State, the nursing or midwifery services that the practitioner proposes to provide in the United Kingdom on a temporary and occasional basis.

(2) This sub-paragraph applies to a visiting practitioner whose case falls within regulation 3(9)(a), (c), (d) or (e) of the General Systems Regulations (with the result that the practitioner is not entitled to provide occasional nursing services or occasional midwifery services unless their provision by the practitioner is in accordance with regulations 14 to 16 of those Regulations).

(3) If sub-paragraph (2) applies to a visiting practitioner, the evidence referred to in paragraph 5(2)(d) of the practitioner's qualifications in nursing or midwifery is evidence of the qualifications which entitle the practitioner to practise as a nurse or midwife in his home State.

(4) In this paragraph, "European-recognised qualifications" means qualifications which relevant European States are required by the Directive to recognise.

Entitlement to provide occasional nursing services or occasional midwifery services after first year: renewals

7.—(1) Sub-paragraph (2) applies where the Registrar receives the required renewal documents from a visiting practitioner who is entitled under this Schedule to provide occasional nursing services or occasional midwifery services.

(2) The visiting practitioner is entitled to continue to provide occasional nursing services or occasional midwifery services, but paragraph 8 contains provision about the duration of entitlement continued under this sub-paragraph.

(3) Sub-paragraph (4) applies where the Registrar receives the required renewal documents from a visiting practitioner—

- (a) who is not entitled under this Schedule to provide occasional nursing services or occasional midwifery services;
- (b) who has been previously entitled under this Schedule to provide occasional nursing services or occasional midwifery services; and

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. (See end of Document for details)

(c) whose registration in the register is not suspended.

(4) The visiting practitioner is once again entitled to provide occasional nursing services or occasional midwifery services but, in a case where the practitioner's name is not in the register as a result of removal otherwise than under paragraph 3(4), only if the Registrar decides, after having regard (in particular) to the fact of that removal and the reasons for it, that the entitlement should be renewed. Paragraph 8 contains provision about the duration of entitlement under this sub-paragraph.

(5) In relation to a visiting practitioner “the required renewal documents” are—

- (a) a renewal declaration; and
- (b) each evidence of change document (if any).

(6) In this paragraph “renewal declaration”, in relation to a visiting practitioner, means a written declaration that states the practitioner's wish to provide occasional nursing services or occasional midwifery services in a further year.

(7) Where a document—

- (a) is, in relation to a visiting practitioner, one of the required documents for the purposes of paragraph 5,
- (b) is not a declaration under paragraph 5(2)(a), and
- (c) substantiates a matter as respects which there has been a material change since the practitioner last (whether under paragraph 5 or this paragraph) supplied the then-current version of the document to the registrar,

the version of the document current when under this paragraph the practitioner supplies a renewal declaration to the registrar is an “evidence of change document” for the purposes of sub-paragraph (5)(b).

(8) A renewal declaration supplied under this paragraph may be supplied by any means.

Duration of entitlement to provide occasional nursing services or occasional midwifery services

8.—(1) Unless an entitlement under paragraph 4 or 7(4) is continued (or further continued) by paragraph 7(2), the entitlement ceases at the end of the year that begins with the end of the day on which the Registrar received the documents whose receipt gave rise to the entitlement.

(2) Where an entitlement under paragraph 4 or 7(4) is continued (or further continued) by paragraph 7(2), the entitlement is extended so as to cease at the end of the year that begins with the end of the relevant day.

(3) For the purposes of sub-paragraph (2)—

- (a) if the day on which the Registrar receives the documents whose receipt gives rise to the continuation (or further continuation) is an anniversary of the start day, “the relevant day” means the day on which the Registrar receives those documents;
- (b) otherwise, “the relevant day” means the anniversary of the start day that is the first such anniversary to occur after the Registrar receives the documents whose receipt gives rise to the continuation (or further continuation).

(4) In sub-paragraph (3) “the start day”, in relation to an entitlement under paragraph 4 or 7(4), means the day on which the Registrar receives the documents whose receipt gives rise to the entitlement.

(5) An entitlement under this Schedule to provide occasional nursing services or occasional midwifery services ceases if—

- (a) the visiting practitioner concerned becomes established as a nurse or as a midwife in the United Kingdom; or

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. (See end of Document for details)

(b) a disqualifying decision is made against the visiting practitioner concerned.

(6) In sub-paragraph (5) “disqualifying decision”, in relation to a visiting practitioner, means a decision made by a competent or judicial authority in the practitioner's home State that has the effect that the practitioner—

- (a) ceases in that State to be registered or otherwise officially recognised as a nurse or midwife; or
- (b) is prohibited (whether on a permanent or temporary basis) from practising as a nurse or midwife in that State.

(7) If in the case of a visiting practitioner—

- (a) the practitioner's registration in the register is suspended or the practitioner's name is removed from the register, and
- (b) immediately before the time when the suspension or (as the case may be) removal takes effect, the practitioner is entitled under this Schedule to provide occasional nursing services or occasional midwifery services,

that entitlement ceases at that time.

Conditions

9.—(1) Paragraph (2) applies if—

- (a) the establishment of a visiting practitioner in the practitioner's home State is subject to a condition relating to the practitioner's practice as a nurse or midwife;
- (b) the practitioner's name is registered in the appropriate part of the register; and
- (c) for any of the purposes of this Order it falls to be decided whether the practitioner's fitness to practise is or may be impaired on the ground of misconduct.

(2) The matters that may be counted as misconduct include (in particular) any act or omission by the visiting practitioner during the course of the provision by the practitioner of occasional nursing services or occasional midwifery services that is, or would be if the condition applied in relation to practice as a nurse or midwife outside the practitioner's home State, a breach of the condition.

(3) In paragraphs (1) and (2) “condition” includes limitation.]

[^{F12}SCHEDULE 3

Article 40

DIRECTIVE 2005/36: FUNCTIONS OF THE COUNCIL UNDER ARTICLE 40(2)

Textual Amendments

F12 Sch. 3 substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **172**

Provision of Directive

Article 7(2)(b)

Function of Council

Issuing certificates containing attestations in relation to persons established in the United Kingdom as nurses responsible for general care or midwives.

Article 8(1)

Receiving information from, or providing information to, other competent authorities in relation to—

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. (See end of Document for details)

- (a) the legality of a person's establishment as a nurse responsible for general care or midwife;
 - (b) the good conduct of such a person;
 - (c) the absence of any disciplinary or criminal sanctions of a professional nature against such a person.
- Article 8(2) Receiving information from, or providing information to, other competent authorities in connection with the investigation of complaints made against persons providing services as a nurse responsible for general care or as a midwife.
- Article 23(1) Issuing certificates of effective and lawful practice in the United Kingdom to—
 - (a) nurses responsible for general care; and
 - (b) midwives.
- Article 23(6) Issuing certificates stating—
 - (a) that UK nursing qualifications, which do not correspond to the titles set out in respect of the United Kingdom at point 5.2.2 of Annex V to the Directive, certify successful completion of nursing training that is in accordance with article 31 of the Directive (training of nurses responsible for general care) or that under article 22(a) of the Directive (part-time training) is to be treated as in accordance with article 31 of the Directive;
 - (b) that UK midwifery qualifications, which do not correspond to the titles set out in respect of the United Kingdom at point 5.5.2 of Annex V to the Directive, certify successful completion of training in midwifery that is in accordance with article 40 of the Directive (training of midwives) or that under article 22(a) of the Directive is to be treated as in accordance with article 40 of the Directive.
- Article 41 Issuing certificates of professional practice in the United Kingdom to midwives.
- Article 43(1) Issuing certificates of effective and lawful practice in the United Kingdom to midwives.
- Article 50(1) and paragraph 1(d) of Annex VII Issuing, in respect of practice as a nurse responsible for general care or as a midwife, the certificates of current professional status referred to in sub-paragraph (d) of paragraph 1 of Annex VII to the Directive within the time limits set by that sub-paragraph.
- Article 50(1) and paragraph 2 of Annex VII Issuing certificates stating that evidence of UK nursing qualifications or UK midwifery qualifications is that covered by the Directive.
- Article 50(2) In cases of justified doubts—
 - (a) requiring confirmation of the authenticity of non-UK nursing qualifications or non-UK midwifery qualifications;

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. (See end of Document for details)

- (b) requiring confirmation that holders of non-UK nursing qualifications or non-UK midwifery qualifications satisfy the minimum training conditions set out in article 31 or 40 of the Directive (as the case may be) or under article 22(a) of the Directive are to be treated as satisfying those conditions;
- (c) providing confirmation to competent authorities of other relevant European States of the authenticity of any person's UK nursing qualifications or UK midwifery qualifications;
- (d) providing confirmation that holders of UK nursing qualifications or UK midwifery qualifications satisfy the minimum training conditions set out in article 31 or 40 of the Directive (as the case may be) or under article 22(a) of the Directive are to be treated as satisfying those conditions.

Article 50(3)

In cases of justified doubts—

- (a) verifying information provided in connection with non-UK nursing qualifications or non-UK midwifery qualifications awarded following training in a relevant European State other than the State in which the qualification was awarded;
- (b) providing information in connection with a person's UK nursing qualifications or UK midwifery qualifications awarded following training in another relevant European State.

Article 56(1)

Ensuring the confidentiality of information exchanged with other competent authorities.

Article 56(2)

Receiving information from, or providing information to, other competent authorities regarding disciplinary action, criminal sanctions or other serious circumstances likely to have consequences for the practice of the professions of nurse responsible for general care or midwife.

Where such information is received by the Council—

- (a) examining the veracity of the circumstances;
 - (b) deciding the nature and scope of any investigations that need to be carried out;
 - (c) informing other competent authorities of the Council's conclusions.]
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SCHEDULE 4

Article 2

INTERPRETATION

Commencement Information

- I41** Sch. 4 in force at 22.3.2002 for specified purposes as notified in the London Gazette (Issue 56510, published 15.3.2002), see [art. 1\(2\)\(3\)](#)
- I42** Sch. 4 in force at 1.4.2002 for specified purposes as notified in the London Gazette (Issue 56517, published 25.3.2002), see [art. 1\(2\)\(3\)](#)
- I43** Sch. 4 in force at 22.1.2003 for specified purposes as notified in the London Gazette (Issue 56816, published 10.1.2003), see [art. 1\(2\)\(3\)](#)
- I44** Sch. 4 in force at 5.3.2004 for specified purposes as notified in the London Gazette (Issue 57218, published 27.2.2004), see [art. 1\(2\)\(3\)](#)
- I45** Sch. 4 in force at 1.8.2004 for specified purposes as notified in the London Gazette (Issue 57361, published 21.7.2004), see [art. 1\(2\)\(3\)](#)
- I46** Sch. 4 in force at 31.7.2006 in so far as not already in force as notified in the London Gazette (Issue 58044, published 14.7.2006), see [art. 1\(2\)\(3\)](#)

In this Order, unless the context otherwise requires—

“the 1997 Act” means the Nurses, Midwives and Health Visitors Act 1997⁽¹⁾;

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“application for restoration” has the meaning given to it in article 33;

“approved course of education or training” means a course approved under article 15(6)(a);

“approved qualification” has the meaning given to it in articles 13 and 15;

F18
...

[^{F19}“competent authority” means any authority or body of a relevant European State designated by that State for the purposes of the Directive as competent to—

(a) receive or issue evidence of qualifications or other information or documents, or

(b) receive applications and take the decisions referred to in the Directive,

in connection with the practice of nursing or midwifery;]

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...

F17
...

“the Council” means the Nursing and Midwifery Council established under article 3;

[^{F20}“the Directive” means Directive 2005/36/EC of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications, and references in this Order to the Directive or to any provision of the Directive are references to the Directive, or to that provision of the Directive, as amended from time to time;]

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...

(1) 1997 c. 24.

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. (See end of Document for details)

F22 ...

F23 ...

[^{F24}“exempt person”, in relation to the profession of nursing or in relation to the profession of midwifery, means—

- (a) a national of a relevant European State other than the United Kingdom;
- (b) a national of the United Kingdom who is seeking access to, or is pursuing, the profession by virtue of an enforceable Community right; or
- (c) a person who is not a national of a relevant European State but who is, by virtue of an enforceable Community right, entitled to be treated, for the purposes of access to and pursuit of the profession, no less favourably than a national of a relevant European State;]

[^{F25}“General Systems Regulations” means the European Communities (Recognition of Professional Qualifications) Regulations 2007;]

[^{F26}“lay member” shall be construed in accordance with paragraph 1A(1)(b) of Schedule 1;]

“lay person” means, in relation to Screeners, a person who is not and never has been a member of a health or social care profession which is regulated under any enactment;

“licensing body” means a regulatory body which has the function of authorising persons to practise a health or social care profession;

“local supervising authority” means—

- (a) [^{F27}in England, Strategic Health Authorities established under section 8 of the National Health Service Act 1977;
- (aa) in Wales, Health Authorities established under section 8 of that Act;]
- (b) in Scotland, Health Boards; and
- (c) in Northern Ireland, Health and Social Services Boards;

F28 ...

“national”, in relation to [^{F29}a relevant European State], means the same as it does for the purposes of the Community Treaties [^{F30}but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and Isle of Man) to the Treaty of Accession is not to benefit from Community provisions relating to the free movement of persons and services.];

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F31 ...

“parties”, except in respect of article 53, means the Council and the person concerned except in respect of article 37 when it includes the Registrar;

“Practice Committees” means the Investigating Committee, the Conduct and Competence Committee and the Health Committee;

“practising” means working as a registered nurse or midwife;

“prescribed” means prescribed in rules made by the Council;

“the professions regulated under this Order” means the professions of nursing and midwifery;

“register” means the register established and maintained under article 5;

“registrant” means a member of the profession of nursing or midwifery who has been admitted to the register maintained under article 5;

F17 ...

“Registrar” means the person appointed under article 4;

[^{F32}“relevant European State” means an EEA State or Switzerland;]

“Screeners” means persons appointed under article 23;

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“standards of proficiency” means the standards established by the Council under article 5(2);

“statutory committees” has the meaning given to it in article 3(10);

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...

“United Kingdom country” means England, Scotland, Wales or Northern Ireland.

[^{F36}“visiting nurse or midwife from a relevant European State” means a nurse or midwife registered in exercise of entitlement under article 39A (visiting general systems nurses from relevant European States) or Schedule 2A (visiting midwives, and certain visiting nurses, from relevant European States); and]

“visitors” means persons appointed under article 16.

Textual Amendments

- F13** Words in Sch. 4 omitted (3.12.2007) by virtue of The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **173(a)**
- F14** Words in Sch. 4 omitted (3.12.2007) by virtue of The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **173(b)**
- F15** Words in Sch. 4 omitted (3.12.2007) by virtue of The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **173(c)**
- F16** Words in Sch. 4 omitted (3.12.2007) by virtue of The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **173(d)**
- F17** Words in Sch. 4 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. 11(a)**
- F18** Words in Sch. 4 omitted (3.12.2007) by virtue of The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **173(e)**
- F19** Words in Sch. 4 substituted (3.12.2007) by The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **173(f)**
- F20** Words in Sch. 4 inserted (3.12.2007) by The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **173(g)**
- F21** Words in Sch. 4 omitted (3.12.2007) by virtue of The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **173(h)**
- F22** Words in Sch. 4 omitted (3.12.2007) by virtue of The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **173(i)**
- F23** Words in Sch. 4 omitted (3.12.2007) by virtue of The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **173(j)**
- F24** Words in Sch. 4 substituted (3.12.2007) by The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **173(k)**
- F25** Words in Sch. 4 inserted (3.12.2007) by The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **173(l)**
- F26** Words in Sch. 4 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. 11(b)**
- F27** Sch. 4: in definition of “local supervising authority” paras. (a)(aa) substituted for para. (a) (1.10.2002) by The National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc. Provisions) Regulations 2002 (S.I. 2002/2469), reg. 1, **Sch. 1 para. 100(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. (See end of Document for details)

- F28** Words in Sch. 4 omitted (3.12.2007) by virtue of The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **173(m)**
- F29** Words in Sch. 4 substituted (3.12.2007) by The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **173(n)**
- F30** Words in Sch. 4 added (31.12.2003) by The European Qualifications (Health Care Professions) Regulations 2003 (S.I. 2003/3148), regs. 1(1)(c), **4(2)(b)(iii)**
- F31** Words in Sch. 4 omitted (3.12.2007) by virtue of The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **173(o)**
- F32** Words in Sch. 4 inserted (3.12.2007) by The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **173(p)**
- F33** Words in Sch. 4 omitted (3.12.2007) by virtue of The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **173(q)**
- F34** Words in Sch. 4 omitted (3.12.2007) by virtue of The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **173(r)**
- F35** Words in Sch. 4 omitted (3.12.2007) by virtue of The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **173(s)**
- F36** Words in Sch. 4 inserted (3.12.2007) by The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **173(t)**

SCHEDULE 5

Article 54

CONSEQUENTIAL AMENDMENTS TO PRIMARY LEGISLATION

The Parliamentary Commissioner Act 1967 (c. 13)

1. In Schedule 2 to the Parliamentary Commissioner Act 1967 (Departments etc. subject to investigation), the entry relating to the English National Board for Nursing, Midwifery and Health Visiting shall be omitted.

Commencement Information

I47 Sch. 5 para. 1 in force at 1.4.2002 as notified in the London Gazette (Issue 56517, published 25.3.2002), see art. 1(2)(3)

Medicines Act 1968 (c. 67)

2. In section 58 of the Medicines Act 1968 (medicinal products on prescription only)—
- (a) for subsection (1)(d) there shall be substituted—
 - “(d) registered nurses or midwives who are of such a description and comply with such conditions as may be specified in the order”;
 - (b) in subsection (4)(a), for the words “a registered nurse, midwife or health visitor,” there shall be substituted “a registered nurse or midwife.”

Commencement Information

I48 Sch. 5 para. 2 in force at 1.8.2004 as notified in the London Gazette (Issue 57361, published 21.7.2004), see art. 1(2)(3)

The Fair Trading Act 1973 (c. 41)

^{F37}3.

Textual Amendments

F37 Sch. 5 para. 3 revoked (20.6.2003) by [The Enterprise Act 2002 \(Consequential and Supplemental Provisions\) Order 2003 \(S.I. 2003/1398\)](#), art. 1, **Sch. para. 44**

The House of Commons Disqualification Act 1975 (c. 24)

4. In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices), the entry relating to the Chairman of any of the National Boards for Nursing, Midwifery and Health Visiting mentioned in section 5 of the Nurses, Midwives and Health Visitors Act 1997 or any member of those Boards appointed at a salary, shall be omitted.

Commencement Information

I49 [Sch. 5 para. 4](#) in force at 1.4.2002 as notified in the London Gazette (Issue 56517, published 25.3.2002), see [art. 1\(2\)\(3\)](#)

The Northern Ireland Assembly Disqualification Act 1975 (c. 25)

5. In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices), the entry relating to the Chairman of the National Board for Nursing, Midwifery and Health Visiting for Northern Ireland or member of that Board appointed at a salary, shall be omitted.

Commencement Information

I50 [Sch. 5 para. 5](#) in force at 1.4.2002 as notified in the London Gazette (Issue 56517, published 25.3.2002), see [art. 1\(2\)\(3\)](#)

PROSPECTIVE

National Health Service Act 1977 (c. 49)

^{F38}6.

Textual Amendments

F38 Sch. 5 para. 6 revoked (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4**

The Interpretation Act 1978

7. In Schedule 1 to the Interpretation Act 1978 (words and expressions defined), for the definition of “Registered” in relation to nurses, midwives and health visitors there shall be substituted—

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*. (See end of Document for details)

““Registered” in relation to nurses and midwives, means registered in the register maintained under article 5 of the Nurses and Midwives Order 2001 by virtue of qualifications in nursing or midwifery, as the case may be.”.

Commencement Information

I51 Sch. 5 para. 7 in force at 1.8.2004 as notified in the London Gazette (Issue 57361, published 21.7.2004), see art. 1(2)(3)

The Registered Homes Act 1984 (c. 23)

8. In section 42 of the Registered Homes Act 1984 (tribunal for appeals relating to nursing homes (including maternity homes) and mental nursing homes) in subsection (4)(a), for “the Nurses, Midwives and Health Visitors Act 1997” there shall be substituted “the Nursing and Midwifery Order 2001.”.

Commencement Information

I52 Sch. 5 para. 8 in force at 1.4.2002 as notified in the London Gazette (Issue 56517, published 25.3.2002), see art. 1(2)(3)

The Video Recordings Act 1984 (c. 39)

9. In section 3 of the Video Recordings Act 1984 (exempted supplies), in subsection (11), for “the Nurses, Midwives and Health Visitors Act 1997”, there shall be substituted “the Nursing and Midwifery Order 2001”.

Commencement Information

I53 Sch. 5 para. 9 in force at 1.8.2004 as notified in the London Gazette (Issue 57361, published 21.7.2004), see art. 1(2)(3)

Children Act 1989 (c. 41)

10. In the Children Act 1989—

- (a) in section 45 (duration of emergency protection orders and other supplemental provisions), in subsection (12), for the words “registered health visitor” there shall be substituted “registered midwife”;
- (b) in section 48 (powers to assist in discovery of children who may be in need of emergency protection), in subsection (11), for the words “registered health visitor”, there shall be substituted “registered midwife”; and
- (c) in section 102 (power of constable to assist in exercise of certain powers to search for children or inspect premises) in subsection (3), for the words “registered health visitor”, there shall be substituted “registered midwife”.

Commencement Information

I54 Sch. 5 para. 10 in force at 1.8.2004 as notified in the London Gazette (Issue 57361, published 21.7.2004), see art. 1(2)(3)

The Registered Homes (Northern Ireland) Order 1992 (S.I.1992/3204 (NI 20))

11. In Article 32 of the Registered Homes (Northern Ireland) Order 1992, paragraph (2)(b), for “section 7 of the Nurses, Midwives and Health Visitors Act 1997” there shall be substituted “article 5 of the Nursing and Midwifery Order 2001”.

Commencement Information

I55 Sch. 5 para. 11 in force at 1.8.2004 as notified in the London Gazette (Issue 57361, published 21.7.2004), see art. 1(2)(3)

The Value Added Tax Act 1994 (c. 23)

12. In Part II of Schedule 9 to the Value Added Tax Act 1994 (exempt supplies of goods and services), for item 1(d) in Group 7 (health and welfare), there shall be substituted “the register of qualified nurses and midwives maintained under article 5 of the Nursing and Midwifery Order 2001”.

Commencement Information

I56 Sch. 5 para. 12 in force at 1.8.2004 as notified in the London Gazette (Issue 57361, published 21.7.2004), see art. 1(2)(3)

Employment Rights Act 1996 (c. 18)

13. In section 55 of the Employment Rights Act 1996 (right to time off for ante-natal care), in each of subsections (1)(b) and (2)(a) for “registered health visitor”, there shall be substituted “registered nurse”.

Commencement Information

I57 Sch. 5 para. 13 in force at 1.8.2004 as notified in the London Gazette (Issue 57361, published 21.7.2004), see art. 1(2)(3)

Data Protection Act 1998 (c. 29)

14. In section 69 of the Data Protection Act (meaning of “health professional”), in section (1), for subsection (e), there shall be substituted—

“(e) a registered nurse or midwife”.

Commencement Information

I58 Sch. 5 para. 14 in force at 1.8.2004 as notified in the London Gazette (Issue 57361, published 21.7.2004), see art. 1(2)(3)

Government of Wales Act 1998 (c. 38)

15. In Part III of Schedule 4 to the Government of Wales Act 1998 (public bodies subject to reform by the Assembly which may only gain functions), paragraph 17 shall be omitted.

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. (See end of Document for details)

Commencement Information

I59 Sch. 5 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)

The Health Act 1999 (c. 8)

16. In the Health Act 1999—

- (a) in section 60 (regulation of health care and associated professions), in subsection (2), in paragraph (b), for “the Nurses, Midwives and Health Visitors Act 1997” there shall be substituted “the Nursing and Midwifery Order 2001”; and
- (b) in Schedule 3 (regulation of health care and associated professions), in paragraph 8 (certain functions not to be transferred from regulatory body), in sub-paragraph (3) “or the Nurses, Midwives and Health Visitors Act 1997” shall be omitted.

Commencement Information

I60 Sch. 5 para. 16 in force at 1.8.2004 as notified in the London Gazette (Issue 57361, published 21.7.2004), see art. 1(2)(3)

Freedom of Information Act 2000 (c. 36)

17. In Schedule 1 to the Freedom of Information Act 2000 (public authorities), in Part VI (other public bodies and offices: general)—

- (a) the entries for the English National Board for Nursing, Midwifery and Health Visiting and the Welsh National Board for Nursing, Midwifery and Health Visiting shall be omitted; and
- (b) the entry for the United Kingdom Central Council for Nursing, Midwifery and Health Visiting, shall be omitted and “The Nursing and Midwifery Council.” shall be inserted in the appropriate place.

Commencement Information

I61 Sch. 5 para. 17 in force at 1.4.2002 as notified in the London Gazette (Issue 56517, published 25.3.2002), 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.