

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 [^{F2}registered nurses, midwives or nursing associates] (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.

^{F3}(4)

^{F3}(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)**
- F2** Words in [Sch. 1 para. 1A\(1\)\(b\)\(i\)](#) substituted (28.1.2019) by [The Nursing and Midwifery \(Amendment\) Order 2018 \(S.I. 2018/838\)](#), art. 1(3), **Sch. 1 para. 31**

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

F3 Sch. 1 para. 1A(4)(5) omitted (1.4.2013) by virtue of [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), [Sch. 2 para. 51\(2\)](#)

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 [^{F4}, and the order may provide that the term is to be determined by whoever makes the appointment as chair, on appointment];
- (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.]

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\(2\)](#)

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

F4 Words in Sch. 1 para. 1B(1)(d) inserted (14.5.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#), art. 1(2)(e), [Sch. 4 para. 38\(g\)\(i\)](#)

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.

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\(2\)](#)

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

^{F1}7.

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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

^{F1}8.

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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}9.

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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}10.

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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

^{F1}11.

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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

[^{F5}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^{F6} ...;
- (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

- F5** 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)**
- F6** Words in Sch. 1 para. 12(1)(c) omitted (31.3.2017) by virtue of *The Nursing and Midwifery (Amendment) Order 2017 (S.I. 2017/321)*, art. 1(2)(c)(d), **Sch. 1 para. 19(a)** (with art. 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.

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 [^{F7}chair] shall have an additional casting vote.

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

^{F8}(3)

(4) This paragraph does not apply to the [^{F9}Practice Committees] or to decisions of the Council under article 37.

Textual Amendments

- F7** 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)**
- F8** **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)**
- F9** 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

- F5** **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)**
- F6** Words in **Sch. 1 para. 12(1)(c)** omitted (31.3.2017) by virtue of **The Nursing and Midwifery (Amendment) Order 2017 (S.I. 2017/321)**, art. 1(2)(c)(d), **Sch. 1 para. 19(a)** (with art. 3)
- F7** 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)**
- F8** **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)**
- F9** 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;

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) 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;
 - ^{F10}(g)
 - (h) to abolish any of its committees, other than a [^{F11}Practice 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 [^{F12}a Practice 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.
- ^{F13}(6)
- ^{F13}(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

- F10** 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)**
- F11** Words in Sch. 1 para. 15(2)(h) substituted (28.7.2017) by [The Nursing and Midwifery \(Amendment\) Order 2017 \(S.I. 2017/321\)](#), art. 1(4), **Sch. 1 para. 19(b)(i)** (with art. 3)
- F12** Words in Sch. 1 para. 15(4) substituted (28.7.2017) by [The Nursing and Midwifery \(Amendment\) Order 2017 \(S.I. 2017/321\)](#), art. 1(4), **Sch. 1 para. 19(b)(ii)** (with art. 3)
- F13** 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)**

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)**

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

Privy Council functions

^{F14}15A

Textual Amendments
F14 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

[^{F15}The Practice Committees]

Textual Amendments
F15 Sch. 1 Pt. 2 heading substituted (28.7.2017) by The Nursing and Midwifery (Amendment) Order 2017 (S.I. 2017/321), art. 1(4), **Sch. 1 para. 19(c)** (with art. 3)

Midwifery Committee

^{F16}16.

Textual Amendments
F16 Sch. 1 para. 16 omitted (31.3.2017) by virtue of The Nursing and Midwifery (Amendment) Order 2017 (S.I. 2017/321), art. 1(2)(c)(d), **Sch. 1 para. 19(d)** (with art. 3)

Practice Committees

[^{F17}17.—(1) The Council shall by rules make provision with regard to the constitution of each Practice Committee, and those rules shall include provision with regard to—

- (a) its ^{F18}... membership;
- (b) the appointment, suspension and removal of its members;
- (c) its chair, including the deputising arrangements for its chair; and
- (d) the quorum at its meetings.

[^{F19}(1A) Where the rules provide for one or more panels of members of a Practice Committee to perform functions of the Committee, the provision required by sub-paragraph (1)(d) includes provision with regard to the quorum at meetings of those panels.]

(2) The rules may make provision for a body (including a committee of the Council which is not one of the Practice Committees) to assist the Council in connection with the exercise of any function relating to the appointment of members or particular members of a Practice Committee, including any function relating to tenure of office or suspension or removal from office.

(3) Subject to any provision made by this Order or under this Order, including provision made by standing orders of the Council under paragraph 12(1)(d), each Practice Committee may regulate its own procedure.]

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

- F17** Sch. 1 para. 17 substituted (5.1.2009 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(7)**
- F18** Words in Sch. 1 para. 17(1)(a) omitted (31.3.2017) by virtue of The Nursing and Midwifery (Amendment) Order 2017 (S.I. 2017/321), art. 1(2)(c)(d), **Sch. 1 para. 19(e)** (with art. 3)
- F19** Sch. 1 para. 17(1A) inserted (14.5.2009) by The Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 (S.I. 2009/1182), art. 1(2)(e), **Sch. 4 para. 38(g)(ii)**

Commencement Information

- I5** 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.—^{F20}(1)

^{F20}(2)

^{F20}(3)

^{F21}(4)

(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.

^{F22}(6)

(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 [^{F23}chair] 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.

^{F24}(9)

(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.

[^{F25}[^{F26}(10A) In exercising a function under article 26D, 29, 30 or 33, the Fitness to Practise Committee (or any panel by which the function is exercisable as mentioned in paragraph 17(1A) of this Schedule) must have regard to the over-arching objective.]

^{F27}(10B)

(10C) References in [^{F28}sub-paragraph (10A) to the over-arching objective is] to the over-arching objective of the Council under article 3(4) (read with article 3(4A)).]

^{F29}(11)

Textual Amendments

- F20** Sch. 1 para. 18(1)-(3) omitted (5.1.2009 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(8)(a)**

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

- F21** Sch. 1 para. 18(4) omitted (14.5.2009) by virtue of The Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 (S.I. 2009/1182), art. 1(2)(e), **Sch. 4 para. 38(g)(iii)**
- F22** Sch. 1 para. 18(6) omitted (5.1.2009 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(8)(a)**
- F23** Word in Sch. 1 para. 18(8) substituted (5.1.2009 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(8)(b)**
- F24** Sch. 1 para. 18(9) omitted (14.5.2009) by virtue of The Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 (S.I. 2009/1182), art. 1(2)(e), **Sch. 4 para. 38(g)(iii)**
- F25** Sch. 1 para. 18(10A)-(10C) inserted (26.9.2016) by Health and Social Care (Safety and Quality) Act 2015 (c. 28), s. 6(4), **Sch. para. 5(4)**; S.I. 2016/906, reg. 2(b)
- F26** Sch. 1 para. 18(10A) substituted (28.7.2017) by The Nursing and Midwifery (Amendment) Order 2017 (S.I. 2017/321), art. 1(4), **Sch. 1 para. 19(f)(i)** (with art. 3)
- F27** Sch. 1 para. 18(10B) omitted (28.7.2017) by virtue of The Nursing and Midwifery (Amendment) Order 2017 (S.I. 2017/321), art. 1(4), **Sch. 1 para. 19(f)(ii)** (with art. 3)
- F28** Words in Sch. 1 para. 18(10C) substituted (28.7.2017) by The Nursing and Midwifery (Amendment) Order 2017 (S.I. 2017/321), art. 1(4), **Sch. 1 para. 19(f)(iii)** (with art. 3)
- F29** Sch. 1 para. 18(11) omitted (14.5.2009) by virtue of The Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 (S.I. 2009/1182), art. 1(2)(e), **Sch. 4 para. 38(g)(iii)**

Commencement Information

- I6** 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)**
- I7** 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)**

Textual Amendments

- F17** Sch. 1 para. 17 substituted (5.1.2009 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(7)**
- F18** Words in Sch. 1 para. 17(1)(a) omitted (31.3.2017) by virtue of The Nursing and Midwifery (Amendment) Order 2017 (S.I. 2017/321), art. 1(2)(c)(d), **Sch. 1 para. 19(e)** (with art. 3)
- F19** Sch. 1 para. 17(1A) inserted (14.5.2009) by The Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 (S.I. 2009/1182), art. 1(2)(e), **Sch. 4 para. 38(g)(ii)**
- F20** Sch. 1 para. 18(1)-(3) omitted (5.1.2009 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(8)(a)**
- F21** Sch. 1 para. 18(4) omitted (14.5.2009) by virtue of The Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 (S.I. 2009/1182), art. 1(2)(e), **Sch. 4 para. 38(g)(iii)**
- F22** Sch. 1 para. 18(6) omitted (5.1.2009 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(8)(a)**
- F23** Word in Sch. 1 para. 18(8) substituted (5.1.2009 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(8)(b)**

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

- F24** Sch. 1 para. 18(9) omitted (14.5.2009) by virtue of The Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 (S.I. 2009/1182), art. 1(2)(e), **Sch. 4 para. 38(g)(iii)**
- F25** Sch. 1 para. 18(10A)-(10C) inserted (26.9.2016) by Health and Social Care (Safety and Quality) Act 2015 (c. 28), s. 6(4), **Sch. para. 5(4)**; S.I. 2016/906, reg. 2(b)
- F26** Sch. 1 para. 18(10A) substituted (28.7.2017) by The Nursing and Midwifery (Amendment) Order 2017 (S.I. 2017/321), art. 1(4), **Sch. 1 para. 19(f)(i)** (with art. 3)
- F27** Sch. 1 para. 18(10B) omitted (28.7.2017) by virtue of The Nursing and Midwifery (Amendment) Order 2017 (S.I. 2017/321), art. 1(4), **Sch. 1 para. 19(f)(ii)** (with art. 3)
- F28** Words in Sch. 1 para. 18(10C) substituted (28.7.2017) by The Nursing and Midwifery (Amendment) Order 2017 (S.I. 2017/321), art. 1(4), **Sch. 1 para. 19(f)(iii)** (with art. 3)
- F29** Sch. 1 para. 18(11) omitted (14.5.2009) by virtue of The Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 (S.I. 2009/1182), art. 1(2)(e), **Sch. 4 para. 38(g)(iii)**

Commencement Information

- I5** 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)**
- I6** 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)**
- I7** 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

- I8** 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)**
- I9** 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—

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

“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

I10 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.

(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.

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

(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

- I11 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)
- I12 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

- I13 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)
- I14 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

- I15 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)

F306.

Textual Amendments

- F30 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\(2\)](#)

Textual Amendments

- F30 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

- I13 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)
- I14 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)

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

I15 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

I16 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

I17 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)
I18 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

I19 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)

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.

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

I20 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

I21 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

I22 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

I19 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)

I20 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)

I21 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)

I22 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.

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

I23 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

I24 Sch. 2 para. 14 not in force at made date, see [art. 1\(2\)\(3\)](#)

Commencement Information

I23 Sch. 2 para. 13 not in force at made date, see [art. 1\(2\)\(3\)](#)

I24 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

I25 [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—
 - (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.

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

I26 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

I27 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

I26 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)

I27 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

^{F31}18.

Textual Amendments

F31 Sch. 2 para. 18 omitted (31.3.2017) by virtue of *The Nursing and Midwifery (Amendment) Order 2017* (S.I. 2017/321), art. 1(2)(c)(d), Sch. 1 para. 20 (with art. 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

I28 Sch. 2 para. 19 not in force at made date, see art. 1(2)(3)

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

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.

Commencement Information

I29 [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\(2\)\(3\)](#)

I30 [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

I31 [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\(2\)\(3\)](#)

I32 [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

I33 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

I34 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\(2\)\(3\)](#)

I35 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.

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

I36 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.

Commencement Information

I37 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)

I38 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

I28 Sch. 2 para. 19 not in force at made date, see art. 1(2)(3)

I29 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)

I30 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)

I31 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)

I32 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)

I33 Sch. 2 para. 22 not in force at made date, see art. 1(2)(3)

I34 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)

I35 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)

I36 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)

I37 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)

I38 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)

F32 SCHEDULE 2A

Article 39

Textual Amendments

F32 Sch. 2A omitted (31.12.2020) by virtue of The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593), reg. 1(2), **Sch. 4 para. 19** (with reg. 12A, Sch. 4 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 12(3)-(10)); 2020 c. 1, Sch. 5 para. 1(1)

F33 SCHEDULE 2B

Article 39B

Textual Amendments

F33 Sch. 2B omitted (31.12.2020) by virtue of The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593), reg. 1(2), **Sch. 4 para. 20** (with reg. 12A, Sch. 4 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 12(3)-(10)); 2020 c. 1, Sch. 5 para. 1(1)

F34 SCHEDULE 3

Article 40

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

Textual Amendments

F34 Sch. 3 omitted (31.12.2020) by virtue of The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593), reg. 1(2), **Sch. 4 para. 21** (with reg. 12A, Sch. 4 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 12(3)-(10)); 2020 c. 1, Sch. 5 para. 1(1)

SCHEDULE 4

Article 2

INTERPRETATION

Commencement Information

I39 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)**

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

- I40** 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)**
- I41** 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)**
- I42** 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)**
- I43** 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)**
- I44** 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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[^{F40}“adaptation period” means a period of practice, subject to an assessment and, where necessary, accompanied by further training, which is supervised by a registered nurse, midwife or nursing associate;]

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

[^{F41}“appropriate cover” is to be construed in accordance with article 12A(3);]

“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;

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[^{F40}“aptitude test” means an assessment, with the aim of determining whether a specified state professional meets the standards referred to in article 5(2)(a);]

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

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[^{F45}“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 (OJ No L255, 30.09.2005, p 22), and any reference in this Order to the Directive or to any provision of the Directive is a reference to the Directive, or to that provision, as it had effect immediately before IP completion day;]

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(1) 1997 c. 24.

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[^{F41}“indemnity arrangement” is to be construed in accordance with article 12A(2);]

[^{F49}“lay member” shall be construed in accordance with paragraph 1A(1)(b) of Schedule 1;]

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

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[^{F53}“the necessary knowledge of English”—

- (a) in relation to a person registered, or applying to be registered, as a nurse means a knowledge of English which is necessary for the safe and effective practice of nursing in the United Kingdom;
- (b) in relation to a person registered, or applying to be registered, as a midwife means a knowledge of English which is necessary for the safe and effective practice of midwifery in the United Kingdom;
- (c) [^{F54}in relation to a person registered, or applying to be registered, as a nursing associate means knowledge of English which is necessary for the safe and effective practice as a nursing associate in England;]

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“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;

[^{F56}“Practice Committees” has the meaning given to it in article 3(10);]

[^{F57}“practising” means working as a registered nurse or a midwife or working as a nursing associate in England;]

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

[^{F58}“the professions regulated under this Order” means the professions of nurse, midwife and nursing associate;]

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

[^{F59}“registrant” means a nurse, midwife or nursing associate who has been admitted to the register maintained under article 5;]

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“Registrar” means the person appointed under article 4;

[^{F60}“relevant European State” means an EEA State or Switzerland;]

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

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[^{F40cc}“specified state professional” means a person who holds a specified state qualification;]

[^{F40cc}“specified state qualification” means a nursing or midwifery qualification or a qualification comparable to that of a nursing associate awarded in one of the states specified in Schedule 1 to the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023;]

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

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[^{F66cc}“the UK GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(10) and (14) of that Act);]

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

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...

“visitors” means persons appointed under article 16.

Textual Amendments

- 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(a)**
- F36** 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)**
- F37** 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)**
- F38** 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)**
- F39** 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)**
- F40** Words in Sch. 4 inserted (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, **Sch. 3 para. 67**
- F41** Words in Sch. 4 inserted (17.7.2014) by [The Health Care and Associated Professions \(Indemnity Arrangements\) Order 2014 \(S.I. 2014/1887\)](#), art. 1(2), **Sch. 1 para. 29**
- F42** 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)**
- F43** Words in Sch. 4 omitted (31.12.2020) by virtue of [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 4 para. 22(b)** (with reg. 12A, Sch. 4 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 12(3)-(10)); 2020 c. 1, Sch. 5 para. 1(1)
- F44** Words in Sch. 4 omitted (25.5.2018) by virtue of [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 286** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F45** Words in Sch. 4 substituted (31.12.2020) by [The European Qualifications \(Health and Social Care Professions\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/593\)](#), reg. 1(2), **Sch. 4 para. 22(a)** (with reg. 12A, Sch. 4 Pt. 2) (as amended by S.I. 2020/1394, regs. 4, 12(3)-(10)); 2020 c. 1, Sch. 5 para. 1(1)
- F46** 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)**

- F47** 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)**
- F48** 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)**
- F49** 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)**
- F50** Words in Sch. 4 omitted (28.1.2019) by virtue of The Nursing and Midwifery (Amendment) Order 2018 (S.I. 2018/838), art. 1(3), **Sch. 1 para. 32(c)**
- F51** Words in Sch. 4 omitted (31.3.2017) by virtue of The Nursing and Midwifery (Amendment) Order 2017 (S.I. 2017/321), art. 1(2)(c)(d), **Sch. 1 para. 21(b)** (with art. 3)
- F52** 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)**
- F53** Words in Sch. 4 inserted (19.10.2015) by The Health Care and Associated Professions (Knowledge of English) Order 2015 (S.I. 2015/806), arts. 1(3), **43**; S.I. 2015/1451, art. 2(d)
- F54** Words in Sch. 4 inserted (28.1.2019) by The Nursing and Midwifery (Amendment) Order 2018 (S.I. 2018/838), art. 1(3), **Sch. 1 para. 32(d)**
- F55** 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)**
- F56** Words in Sch. 4 substituted (28.7.2017) by The Nursing and Midwifery (Amendment) Order 2017 (S.I. 2017/321), art. 1(4), **Sch. 1 para. 21(c)** (with art. 3)
- F57** Words in Sch. 4 substituted (28.1.2019) by The Nursing and Midwifery (Amendment) Order 2018 (S.I. 2018/838), art. 1(3), **Sch. 1 para. 32(e)**
- F58** Words in Sch. 4 substituted (28.1.2019) by The Nursing and Midwifery (Amendment) Order 2018 (S.I. 2018/838), art. 1(3), **Sch. 1 para. 32(f)**
- F59** Words in Sch. 4 substituted (28.1.2019) by The Nursing and Midwifery (Amendment) Order 2018 (S.I. 2018/838), art. 1(3), **Sch. 1 para. 32(g)**
- F60** 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)**
- F61** Words in Sch. 4 omitted (28.1.2019) by virtue of The Nursing and Midwifery (Amendment) Order 2018 (S.I. 2018/838), art. 1(3), **Sch. 1 para. 32(i)**
- F62** 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)**
- F63** 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)**
- F64** Words in Sch. 4 omitted (28.7.2017) by virtue of The Nursing and Midwifery (Amendment) Order 2017 (S.I. 2017/321), art. 1(4), **Sch. 1 para. 21(d)** (with art. 3)
- F65** 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)**
- F66** Words in Sch. 4 inserted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 3 para. 42** (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1)

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

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
I45 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
I46 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)

^{F67}3.

Textual Amendments
F67 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
I47 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)

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

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

I48 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)

^{F68}6.

Textual Amendments

F68 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—

““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

I49 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

I50 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)

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

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

I51 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

I52 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

I53 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”.

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

I54 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

I55 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

I56 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.

Commencement Information

I57 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.

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

I58 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

I59 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)

Changes to legislation:

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