
STATUTORY INSTRUMENTS

2004 No. 1762

**The Nursing and Midwifery Order 2001
(Transitional Provisions) Order of Council 2004**

Restoration to the register: applications made on or after 1st August 2004 in respect of old cases

8.—(1) This article applies where a person whose name has been removed from the old register or, pursuant to this Order, from the register—

- (a) in a case that was a case relating to conduct, in the circumstances described in rule 2(1)(a) of the Conduct Rules; or
- (b) in a case that was a case relating to health, in the circumstances described in rule 2(1)(b) of the Conduct Rules,

applies on or after 1st August 2004 to be included in the register.

(2) The application referred to in paragraph (1) shall—

- (a) in cases where the applicant was removed from the old register, be construed, where necessary, as an application to be registered in the part of the register which is listed in column 2 of Schedule 2 to the Nurses and Midwives (Parts of and Entries in the Register) Order of Council 2004⁽¹⁾ opposite the part of the old register set out in column 1 of that Schedule in which she was registered immediately before being removed from the old register;
- (b) be made to the Council and referred by it to the Practice Committee it considers appropriate; and
- (c) subject to paragraph (3), be otherwise dealt with in accordance with article 33 of the Order as if the applicant had been struck off the register by virtue of an order made by a Practice Committee or the court and as if the application were an application referred to in paragraph (1) of that article.

(3) Paragraph (2)(a) of article 33 of the Order shall not apply in relation to an application referred to in paragraph (1) above if it is the first application made on or after 1st August 2004 in respect of the removal from the register to which it relates.