
STATUTORY INSTRUMENTS

2004 No. 1767

The Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules Order of Council 2004

PART 3

Registration

The register

- 4.—(1) The Registrar shall enter in the register against the full name of each registrant—
- (a) her personal identification number;
 - (b) her address for correspondence;
 - (c) any registrable qualification, including any mark which denotes her field of practice as it applies to that qualification;
 - (d) any recordable qualification.

(2) The home address of a registrant shall not be included in any published version of the register without her consent.

(3) The Registrar may enter on the register any other information which is material to a registrant's registration.

(4) The Registrar shall keep the register, electronically, in a form and manner which guards against falsification and shall take all reasonable steps to ensure that only she, and such persons as have been authorised by her in writing for the purpose, shall be able to amend the register.

Application for admission to a part of the register.

Application for admission to a part of the register

- 5.—(1) An application for admission to a part of the register shall be—
- (a) made in writing using the personalised documentation provided by the Council which shall include a declaration by the applicant as to her good health and good character and the other information listed in Schedule 3;
 - (b) signed by the applicant;
 - (c) sent or delivered to the Registrar;
 - (d) supported by payment of the appropriate fee prescribed in the Fees Rules;
 - (e) accompanied by evidence of her qualification as referred to in paragraph (2) and a supporting declaration as described in rule 6.
- (2) The applicant shall provide—
- (a) the following evidence of her qualification—
 - (i) where the applicant is relying on article 13(1)(a) of the Order, evidence that she has obtained an approved qualification of a type mentioned in the said article 13(1)(a),

Status: Point in time view as at 19/01/2016.

Changes to legislation: There are currently no known outstanding effects for the The Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules Order of Council 2004, PART 3. (See end of Document for details)

- (ii) where the applicant is relying on article 13(1)(b) of the Order, the certificate or other document issued by the competent authority of the relevant [^{F1}European State] attesting to her qualification and, where appropriate, evidence that all the conditions imposed pursuant to article 14(2) of the Order have [^{F2}been met,]
 - (iii) where the applicant is relying on [^{F3}article 13(1)(c) or (d)] of the Order, evidence of her qualification and, where appropriate, such other evidence as the Council may reasonably require (such as a document that details her training and references) in order to satisfy the Council that she has met the requisite standard of proficiency for admission to the part of the register in respect of which she is [^{F4}applying, or]
 - [^{F5}(iv) where the applicant is relying on article 13(1)(e) or (f) of the Order, evidence of her qualification and details as to her training; ^{F6} ...]
 - [^{F7}(aa) evidence that there is in force in relation to the applicant, or will be as necessary for the purpose of complying with article 12A of the Order, appropriate cover under an indemnity arrangement;]
 - [^{F8}(ab) evidence that the applicant has the necessary knowledge of English for the purpose of complying with article 9(2)(ba) of the Order;]
 - (b) such other documents, information or evidence as the Registrar may reasonably require for the purposes of verifying the information in and determining the application.
 - [^{F9}(3) If the applicant (“A”)—
 - (a) is relying on article 13(1)(b) of the Order,
 - (b) holds a diploma listed in Annex V, point 5.2.2 or point 5.5.2 of the Directive (as the case may be), and
 - (c) has successfully completed training as a nurse or midwife that meets, or under article 22(a) of the Directive (part-time training) is to be treated as meeting, the requirements of article 31 or 40 of the Directive (as the case may be),
- A must also provide a certificate as mentioned in paragraph (4).
- (4) The certificate—
 - (a) must be a certificate issued by a competent authority in A's attesting State (as defined by rule 6(1F)); and
 - (b) must certify that the document provided by A under paragraph (2)(a)(ii) is a diploma listed in relation to that State in Annex V, point 5.2.2 or point 5.5.2 of the Directive (as the case may be).]

Textual Amendments

- F1** Words in Sch. rule 5(2)(a)(ii) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **177(5)(a)(i)(aa)**
- F2** Words in Sch. rule 5(2)(a)(ii) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **177(5)(a)(i)(bb)**
- F3** Words in Sch. rule 5(2)(a)(iii) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **177(5)(a)(ii)(aa)**
- F4** Words in Sch. rule 5(2)(a)(iii) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **177(5)(a)(ii)(bb)**
- F5** Sch. rule 5(2)(a)(iv) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **177(5)(a)(iii)**
- F6** Word in Sch. rule 5(2) omitted (17.7.2014) by virtue of [The Health Care and Associated Professions \(Indemnity Arrangements\) Order 2014 \(S.I. 2014/1887\)](#), art. 1(2), **Sch. 1 para. 31**

- F7** Sch. rule 5(2)(aa) 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. 31**
- F8** Sch. rule 5(2)(ab) inserted (19.1.2016) by The Nursing and Midwifery Council (Fitness to Practise) (Education, Registration and Registration Appeals) (Amendment No. 2) Rules Order of Council 2015 (S.I. 2015/1923), Sch. rules 1, **10**
- F9** Sch. rule 5(3)(4) added (3.12.2007) by The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **177(5)(b)**

[^{F10}Provision of information

5A. The Registrar may request from any person such information as the Registrar may reasonably require for the purposes of determining whether, if the applicant’s application for admission to the register is accepted, there will be in force in relation to that applicant, an indemnity arrangement providing appropriate cover.]

Textual Amendments

- F10** Sch. rule 5A inserted (9.3.2015) by The Nursing and Midwifery Council (Fitness to Practise) (Education, Registration and Registration Appeals) (Amendment) Rules Order of Council 2015 (S.I. 2015/52), Sch. rules 1, **15**

Requirements for declarations of good health and good character

6.—(1) The declaration by the applicant as to her good health and good character, provided under rule 5(1)(a), shall be supported—

- (a) for an applicant applying for admission to the register on, or within six months of, completion of a pre-registration programme in accordance with rule 5(2)(a)(i), or for re-admission following a return to practice programme, by a declaration signed—
 - (i) by the registered nurse, whose name has been notified to the Council, who is responsible for directing the educational programme at the relevant approved educational institution, or her designated registered nurse substitute, or
 - (ii) by the lead midwife for education, whose name has been notified to the Council, who is responsible for midwifery education in the relevant approved educational institution, or her designated registered midwife substitute,
- (b) for an applicant who has not applied to join the register within six months of the award of her registrable qualification but who makes an application to join the register, in accordance with rule 5(2)(a)(i), within five years of completing a pre-registration programme—
 - (i) by a declaration signed in accordance with paragraph (1)(a)(i) or (ii), and
 - (ii) by a declaration signed by a registrant who is registered in the part or sub-part of the register in which the applicant is applying to be registered, who has known the applicant for at least one year and who has been in contact with her during the preceding six months and who is able to attest to the matters set out in the declaration;
- (c) for an applicant applying for readmission to the register who has not completed a return to practice programme, by a declaration signed by a registrant who is registered in the part or sub-part of the register in which the applicant is applying to be registered, who has known the applicant for at least one year and who has been in contact with her during the preceding six months and who is able to attest to the matters set out in the declaration;

^{F11}(d)

Status: Point in time view as at 19/01/2016.

Changes to legislation: There are currently no known outstanding effects for the The Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules Order of Council 2004, PART 3. (See end of Document for details)

- (e) for an applicant applying to join the register who is relying on [^{F12}article 13(1)(c) or (d)] of the Order, by a declaration signed—
- (i) on behalf of the licensing body in the country in which the applicant is registered to practise,
 - (ii) by a member of the occupational health department of a body that has employed or engaged the applicant who, on the basis of a health assessment of the applicant undertaken by that department, is able to attest to the matters set out in the declaration, or
 - (iii) by a registered medical practitioner who has undertaken a health assessment of the applicant within the last six months.

[^{F13}(1A) In the case of an applicant (“A”) who is relying on article 13(1)(b), (e) or (f) of the Order, the declaration by A as to her good health and good character, provided under rule 5(1)(a), shall be supported by—

- (a) a certificate as to good character—
 - (i) to which either paragraph (1B) or (1C) applies, and
 - (ii) issued within the three months preceding the date of A's application, and
- (b) a certificate as to good health—
 - (i) to which either paragraph (1D) or (1E) applies, and
 - (ii) issued within the three months preceding the date of A's application,

and for the purposes of paragraphs (5) and (6), any such certificate shall be considered to be a supporting declaration.

(1B) This paragraph applies to a certificate which—

- (a) attests to A's good character or good repute; and
- (b) is issued by a competent authority in A's attesting State.

(1C) If no such certificate is issued by a competent authority in A's attesting State, this paragraph applies to a certificate—

- (a) attesting to the authenticity of a declaration on oath made by A—
 - (i) before a competent judicial or administrative authority, notary or qualified professional body of A's attesting State, and
 - (ii) attesting to A's good character; and
- (b) issued by the authority, notary or body referred to in sub-paragraph (a)(i).

In this paragraph, “declaration on oath” includes a solemn declaration.

(1D) This paragraph applies to a certificate which—

- (a) attests to A's good physical and mental health; and
- (b) is required of a person who wishes to practise as a nurse or midwife in A's attesting State.

(1E) If no such certificate is required of persons who wish to practise as a nurse or midwife in A's attesting State, this paragraph applies to a certificate which—

- (a) attests to A's good physical and mental health; and
- (b) is issued by a competent authority in A's attesting State.

(1F) In paragraphs (1B) to (1E) the “attesting State”, in relation to A, is—

- (a) the relevant European State in which A obtained her qualification in nursing or midwifery; or
- (b) (if different) the relevant European State from which A comes to the United Kingdom.]

(2) In the case of an applicant who is a nurse to whom paragraph (1)(e) applies and who has successfully completed a period of supervised practice in the United Kingdom, the declaration by the applicant shall be supported by a declaration signed by the nurse registrant, whose name has been notified to the Council, responsible for supervising and assessing her during her period of supervised practice.

(3) In the case of an applicant who is a midwife to whom paragraph (1)(e) applies and who has successfully completed an adaptation programme in the United Kingdom, the declaration by the applicant shall be supported by a declaration signed by the lead midwife for education, whose name has been notified to the Council, who is responsible for midwifery education in the relevant approved educational institution or her designated registered midwife substitute.

(4) The person who makes the supporting declaration of good health and good character must not be a relative or employee of the applicant.

(5) For the purposes of satisfying herself as to the good health of the applicant, the Registrar shall have regard to—

- (a) the declaration provided by the applicant;
- (b) the supporting declaration provided under paragraph [F14(1)(a), (b), (c) or (e) or paragraph (1D), (1E), (2) or (3)]; and
- (c) such other matters as appear to her to be relevant,

and for this purpose the Registrar may seek information additional to that provided with the application for registration.

(6) For the purposes of satisfying herself as to the good character of the applicant, the Registrar shall have regard to—

- (a) the declaration provided by the applicant;
- (b) the supporting declaration provided under paragraph [F15(1)(a), (b), (c) or (e) or paragraph (1B), (1C), (2) or (3)];
- (c) any conviction or caution which the applicant has received in the United Kingdom for a criminal offence or a conviction received elsewhere for an offence which, if committed in England and Wales, would constitute a criminal offence;
- (d) any determination by a body responsible for regulating or licensing a health or social care profession to the effect that the applicant's fitness to practise is impaired; and
- (e) any other matters which, in the opinion of the Registrar, appear to be relevant,

and for this purpose the Registrar may seek information additional to that provided with the application for registration.

(7) For the purposes of this rule—

F16 ...

“relative” in relation to any person means—

- (a) her spouse [F17 or civil partner];
- (b) her lineal ancestor, lineal descendent, brother, sister, aunt, uncle, nephew, niece or first cousin of hers or of her spouse [F17 or civil partner]; or
- (c) the spouse [F17 or civil partner] of any relative mentioned in paragraph (b),

and for the purposes of deducing any such relationship “spouse [F17 or civil partner]” includes a former spouse [F17 or civil partner], a partner to whom the person is not married, and a partner of the same sex.

Status: Point in time view as at 19/01/2016.

Changes to legislation: There are currently no known outstanding effects for the The Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules Order of Council 2004, PART 3. (See end of Document for details)

Textual Amendments

- F11** Sch. rule 6(1)(d) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **177(6)(a)(i)**
- F12** Words in Sch. rule 6(1)(e) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **177(6)(a)(ii)**
- F13** Sch. rule 6(1A)-(1F) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **177(6)(b)**
- F14** Words in Sch. rule 6(5)(b) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **177(6)(c)**
- F15** Words in Sch. rule 6(6)(b) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **177(6)(d)**
- F16** Words in Sch. rule 6(7) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **177(6)(e)**
- F17** Words in Sch. rule 6(7) inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Amendments to Subordinate Legislation\) Order 2005 \(S.I. 2005/2114\)](#), art. 1, **Sch. 2 para. 4**

Prescribed period between the award of an approved qualification and registration

7. The prescribed period between the award of an approved qualification and application for registration, for the purposes of article 9(2)(a)(i) of the Order, is five years.

[^{F18}Applications for registration which are unsuccessful

- 8.** Where an application for admission to the register is made under article 13(1)(b), (c), (d), (e) or (f) of the Order and is refused—
 - (a) the application will be retained until the time for making an appeal, set out in rule 20, has elapsed;
 - (b) the applicant will not be entitled to any refund of the fee paid in accordance with rule 3(c) or (d) of the Fees Rules;
 - (c) the applicant may make a new application for registration after the period for an appeal set out in rule 20 has elapsed, and any such application must be accompanied by the relevant fee, as set out in rule 3(c) or (d) of the Fees Rules.]

Textual Amendments

- F18** Sch. rule 8 substituted (7.11.2011) by [The Nursing and Midwifery Council \(Fees and Education, Registration and Registration Appeals\) \(Amendment\) Rules Order of Council 2011 \(S.I. 2011/2297\)](#), art. 1, **Sch. rule 3**

Knowledge of English

^{F19}.....

Textual Amendments

- F19** Sch. rule 9 omitted (19.1.2016) by virtue of [The Nursing and Midwifery Council \(Fitness to Practise\) \(Education, Registration and Registration Appeals\) \(Amendment No. 2\) Rules Order of Council 2015 \(S.I. 2015/1923\)](#), Sch. rules 1, **11**

Registration period

10.—(1) A person’s registration period (which is the period prescribed under article 10(1) of the Order) is to be determined in accordance with this rule.

(2) The first registration period of a person who, on the date of coming into force of the first order made by the Privy Council under article 6 of the Order, is transferred to the register from the old register will end on the date that her last renewal of registration on the old register would have expired.

(3) Except as provided for in paragraph (2), a person’s first registration period shall—

- (a) begin on the day on which she is first registered in the part of the register concerned; and
- (b) end on the last day of the month of registration in the third calendar year after the year in which she was first registered.

(4) Any subsequent registration in another part of the register will end on the same date as that determined under paragraph (3)(b).

(5) In respect of any registrant, subject to paragraph (6) or (7), a registration period subsequent to the first registration period as determined in accordance with paragraph (2) or (3) shall begin on the day after the previous registration period ends and shall end on the third anniversary of the day the previous registration period ended.

(6) If a person’s registration lapses and she is thereafter readmitted to the register, her registration period shall begin on the day on which she is readmitted and shall end on the last day of the month of registration in the third calendar year after the year in which she was readmitted.

(7) If a person has been struck off the register and she is thereafter eligible to be restored to the register under article 33(7) of the Order, her registration period shall begin on the day on which she is restored to the register and shall end on the last day of the month of registration in the third calendar year after the year in which she was restored.

[^{F20}Notice of retention of registration

10A. Prior to the date on which the registrant is due to pay a retention of registration fee the Council shall send her the following documentation—

- (a) notice of the retention fee prescribed in rule 3(i) of the Fees Rules; and
- (b) a notice warning her that, subject to rule 14(4) to (6), unless the prescribed retention fee is received by the Council on or before the date specified in the notice, her registration shall lapse.]

Textual Amendments

F20 Sch. rule 10A added (1.1.2006) by [The Nursing and Midwifery Council \(Education, Registration and Registration Appeals\) \(Amendment\) Rules Order of Council 2005 \(S.I. 2005/3354\)](#), Sch. rules 1, **3(1)**

Notice of renewal of registration

11. Prior to the last day of a registrant’s registration period the Council shall send her the following personalised documentation—

- (a) an application form for the renewal of her registration which will require her to provide the information listed in Schedule 4;
- (b) notice of the renewal fee prescribed in rule 3(e) of the Fees Rules; and

Status: Point in time view as at 19/01/2016.

Changes to legislation: There are currently no known outstanding effects for the The Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules Order of Council 2004, PART 3. (See end of Document for details)

- (c) a notice warning her that^[F21], subject to rule 14(4) to (6),] unless the completed application form, accompanied by the prescribed renewal fee, is received by the Registrar on or before the date specified in the notice, her registration shall lapse.

Textual Amendments

- F21** Words in Sch. rule 11(c) inserted (1.1.2006) by [The Nursing and Midwifery Council \(Education, Registration and Registration Appeals\) \(Amendment\) Rules Order of Council 2005 \(S.I. 2005/3354\)](#), Sch. rules 1, **3(2)**

Service of notices in relation to registration

12. Any form, warning or notice sent by the Council or the Registrar to a registrant may be sent by post to the last known address for correspondence and shall be presumed to have been sent on the date which appears on the form, warning or notice^[F22], unless the contrary is proved].

Textual Amendments

- F22** Words in Sch. rule 12 added (1.1.2006) by [The Nursing and Midwifery Council \(Education, Registration and Registration Appeals\) \(Amendment\) Rules Order of Council 2005 \(S.I. 2005/3354\)](#), Sch. rules 1, **3(3)**

^[F23]Retention of registration

12A.—(1) No later than the date specified in the notice to retain her registration issued in accordance with rule 10A(b), the Council must have received payment of the fee for retention of registration prescribed in rule 3(i) of the Fees Rules.

(2) Subject to rule 14(4) to (6), a registrant's registration in a part of the register shall lapse on the day on which the fee for retention of registration is due unless the fee has been paid.]

Textual Amendments

- F23** Sch. rule 12A added (1.1.2006) by [The Nursing and Midwifery Council \(Education, Registration and Registration Appeals\) \(Amendment\) Rules Order of Council 2005 \(S.I. 2005/3354\)](#), Sch. rules 1, **3(4)**

Renewal of registration

13.—(1) No later than the date specified in the notice to renew her registration, issued in accordance with rule 11(c), the Registrar must have received

- (a) an application on the personalised documentation provided by the Council which shall include a declaration by the applicant ^[F24], with which the Registrar is satisfied,] as to her good health and good character;
- ^[F25](aa) evidence that there is in force in relation to the applicant, or there will be as necessary for the purpose of complying with article 12A of the Order, appropriate cover under an indemnity arrangement;]
- (b) confirmation from the applicant that—
- (i) she has undertaken continuing professional development in accordance with rule 3(3) and has recorded such learning activity in accordance with standards provided by the Council; and

- (ii) she has, subject to rule 3(5), practised for no fewer than 450 hours in the three years preceding the date of her application for renewal of her registration;
- (c) the fee for renewal prescribed in rule 3(e) of the Fees Rules;
- [^{F26}(d) such other documents, information or evidence as the Registrar may have reasonably requested for the purpose of verifying the information in, and determining the application for renewal.]
- (2) Subject to [^{F27}rule 14(4) to (6) and article 10(3) of the Order,] a registrant's registration in a part of the register shall lapse at the end of the registration period unless it has been renewed in accordance with the provisions of this rule.

Textual Amendments

- F24** Words in Sch. rule 13(1)(a) inserted (1.1.2006) by [The Nursing and Midwifery Council \(Education, Registration and Registration Appeals\) \(Amendment\) Rules Order of Council 2005 \(S.I. 2005/3354\)](#), Sch. rules 1, **3(5)(a)**
- F25** Sch. rule 13(1)(aa) 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. 32**
- F26** Sch. rule 13(1)(d) added (9.3.2015) by [The Nursing and Midwifery Council \(Fitness to Practise\) \(Education, Registration and Registration Appeals\) \(Amendment\) Rules Order of Council 2015 \(S.I. 2015/52\)](#), Sch. rules 1, **16**
- F27** Words in Sch. rule 13(2) substituted (1.1.2006) by [The Nursing and Midwifery Council \(Education, Registration and Registration Appeals\) \(Amendment\) Rules Order of Council 2005 \(S.I. 2005/3354\)](#), Sch. rules 1, **3(5)(b)**

[^{F28}Provision of information

13A. The Registrar may request from any person such information as the Registrar may reasonably require for the purposes of determining whether, if the registrant's registration is renewed, there will be in force in relation to that registrant, an indemnity arrangement providing appropriate cover.]

Textual Amendments

- F28** Sch. rule 13A inserted (9.3.2015) by [The Nursing and Midwifery Council \(Fitness to Practise\) \(Education, Registration and Registration Appeals\) \(Amendment\) Rules Order of Council 2015 \(S.I. 2015/52\)](#), Sch. rules 1, **17**

Lapse of registration

14.—(1) Without prejudice to any other power of the Registrar to remove a registrant's name from the register because her registration has lapsed, and [^{F29}subject to paragraphs (2A) and (4)], the Registrar may remove a registrant's name from the register upon written application made by or on behalf of that registrant.

[^{F30}(2) An application referred to in paragraph (1) shall be accompanied by a declaration by the registrant confirming, as the case may be, that the registrant is—

- (a) not aware of any matter which could give, or has given, rise to an allegation under article 22 of the Order;
- (b) aware of any such matter: in such a case the registrant is to give full details of that matter.

Status: Point in time view as at 19/01/2016.

Changes to legislation: There are currently no known outstanding effects for the The Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules Order of Council 2004, PART 3. (See end of Document for details)

(2A) Where, on the date the Registrar receives an application under this rule, an allegation against the registrant has been referred to a Practice Committee under article 22(5) of the Order and consideration of the allegation at a substantive meeting or hearing before a Practice Committee has commenced, the Registrar is to seek the advice of that Committee and is to take that advice into account in determining the application.

(2B) Where matters have given rise to an allegation against the registrant under article 22 of the Order, and the Council's proceedings in relation to that allegation have not concluded—

- (a) the Registrar shall before determining the application provide the maker of the allegation (if any) with a reasonable opportunity to comment on the application;
- (b) the Registrar, in considering whether to remove the registrant's name from the register or, where paragraph (2A) applies, the Committee in considering its advice to the Registrar, shall amongst such other matters which the Registrar or, as the case may be, the Committee considers appropriate, have regard to—
 - (i) any comments received pursuant to sub-paragraph (a): such comments may also be considered by the Registrar or Committee in discharging any of their other functions;
 - (ii) the interests of the registrant; and
 - (iii) the public interest.]

(3) When a registrant's registration lapses under article 10(3) of the Order, the Registrar shall remove the registrant's name from the register notifying her accordingly and advising her of her right of appeal under article 37 of the Order except in cases where article 37(2) applies.

(4) A registrant's registration shall not lapse under this rule [^{F31}or [^{F32}rule 12A, 13 or 15A(4)]]

- (a) where the person concerned is the subject of an allegation under article 22(1) of the Order, or is treated under article 22(6) of the Order as if she were the subject of an allegation, or is the subject of any investigations or proceedings under Part V or VI of the Order, on the grounds only that she has not paid the prescribed fee in accordance with the Fees Rules or has failed to apply for renewal in the prescribed form or within the prescribed time; or
- (b) if the person concerned is the subject of a suspension order, a conditions of practice order, an interim suspension order or an interim conditions of practice order.

[^{F33}(5) Where there is a good reason for a registration not to lapse, the Registrar may decide, prior to the date on which the registration is due to lapse, to allow a further period not exceeding three months beginning with the date that a retention fee was due under rule 12A or that renewal was due under rule 13 for the registrant to—

- (a) pay the retention fee prescribed in rule 3(i) of the Fees Rules; or
- (b) satisfy the requirements of renewal specified in rule 13.

(6) Subject to paragraph (4) and article 10(3) of the Order, where the Registrar has allowed a further period under paragraph (5), the registrant's registration shall lapse at the end of that period unless it has been retained in accordance with rule 12A or renewed in accordance with rule 13.]

Textual Amendments

- F29** Words in Sch. rule 14(1) substituted (14.1.2013) by [The Nursing and Midwifery Council \(Education, Registration and Registration Appeals\) \(Amendment\) Rules Order of Council 2012 \(S.I. 2012/2754\)](#), Sch. rules 1, **3(a)**
- F30** Sch. rule 14(2)-(2B) substituted for Sch. rule 14(2) (14.1.2013) by [The Nursing and Midwifery Council \(Education, Registration and Registration Appeals\) \(Amendment\) Rules Order of Council 2012 \(S.I. 2012/2754\)](#), Sch. rules 1, **3(b)**

- F31** Words in Sch. rule 14(4) substituted (1.1.2006) by The Nursing and Midwifery Council (Education, Registration and Registration Appeals) (Amendment) Rules Order of Council 2005 (S.I. 2005/3354), Sch. rules 1, **3(6)(a)**
- F32** Words in Sch. rule 14(4) substituted (9.3.2015) by The Nursing and Midwifery Council (Fitness to Practise) (Education, Registration and Registration Appeals) (Amendment) Rules Order of Council 2015 (S.I. 2015/52), Sch. rules 1, **18**
- F33** Sch. rule 14(5)(6) added (1.1.2006) by The Nursing and Midwifery Council (Education, Registration and Registration Appeals) (Amendment) Rules Order of Council 2005 (S.I. 2005/3354), Sch. rules 1, **3(6)(b)**

Readmission to the register

15.—(1) Where a registrant's registration has lapsed she may, subject to paragraph (3) below and in compliance with the Council's requirements specified in rule 3(4), apply to the Registrar to be readmitted to the register.

(2) Rules 5(1) [^{F34}, (2)(aa)[^{F35}, (ab)] and (b)] and 6(1) [^{F36}to (1E)] shall apply to an application for readmission as they apply to an application for admission.

(3) To allow the Council to take up references, the Council may require of the applicant the names and addresses of at least three referees—

- (a) two of whom shall have known her for at least one out of the previous three years;
- (b) one of whom shall have worked with her during her most recent period of employment or self-employment, if any; and
- (c) one of whom will, for an applicant mentioned in rule 6(1)(a) or (c), be required to provide a supporting declaration in accordance with rule 6(1)(a) or (c). Amendments to the register

[^{F37}(4) Where the Registrar receives an application for readmission in accordance with this rule and is or becomes aware of information (whether received before or after the applicant's registration lapsed or before or after the readmission application was made) which raises concerns that the registrant's fitness to practise may be impaired, the Registrar shall have regard to that information for the purposes of determining whether the applicant has satisfied the Registrar—

- (a) that the applicant is capable of safe and effective practice as a nurse or midwife in accordance with article 9(2)(b) of the Order;
- (b) of the applicant's good health in accordance with rule 6(5); ^{F38}...
- (c) of the applicant's good character in accordance with rule [^{F39}6(6); and]]
- [^{F40}(d) that the applicant has the necessary knowledge of English for the purposes of article 9(2) (ba) of the Order.]

Textual Amendments

- F34** Words in Sch. rule 15(2) 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. 33**
- F35** Word in Sch. rule 15(2) inserted (19.1.2016) by The Nursing and Midwifery Council (Fitness to Practise) (Education, Registration and Registration Appeals) (Amendment No. 2) Rules Order of Council 2015 (S.I. 2015/1923), Sch. rules 1, **12(a)**
- F36** Words in Sch. rule 15(2) inserted (3.12.2007) by The European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), **177(9)**
- F37** Sch. rule 15(4) inserted (14.1.2013) by The Nursing and Midwifery Council (Education, Registration and Registration Appeals) (Amendment) Rules Order of Council 2012 (S.I. 2012/2754), Sch. rules 1, **4**

Status: Point in time view as at 19/01/2016.

Changes to legislation: There are currently no known outstanding effects for the The Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules Order of Council 2004, PART 3. (See end of Document for details)

- F38** Word in Sch. rule 15(4)(b) omitted (19.1.2016) by virtue of The Nursing and Midwifery Council (Fitness to Practise) (Education, Registration and Registration Appeals) (Amendment No. 2) Rules Order of Council 2015 (S.I. 2015/1923), Sch. rules 1, **12(b)**
- F39** Words in Sch. rule 15(4)(c) substituted (19.1.2016) by The Nursing and Midwifery Council (Fitness to Practise) (Education, Registration and Registration Appeals) (Amendment No. 2) Rules Order of Council 2015 (S.I. 2015/1923), Sch. rules 1, **12(c)**
- F40** Sch. rule 15(4)(d) inserted (19.1.2016) by The Nursing and Midwifery Council (Fitness to Practise) (Education, Registration and Registration Appeals) (Amendment No. 2) Rules Order of Council 2015 (S.I. 2015/1923), Sch. rules 1, **12(d)**

[^{F41}Payment of fees

15A.—(1) A person may, with the agreement of the Registrar, pay any prescribed fee for—

- (a) registration as provided in rule 5 or rule 8;
- (b) retention as provided in rule 12A;
- (c) renewal as provided in rule 13;
- (d) readmission as provided in rule 15; or
- (e) restoration as provided in article 33 of the Order,

in such instalments and by such means of payment as the Registrar may determine.

(2) For the purpose of paragraph (1) the Registrar may determine—

- (a) the amount of each instalment and the date on which each instalment is to be paid (with the final instalment due on a date no later than 11 months beginning with the date on which the prescribed fee was due); and
- (b) that payment will be made by direct debit or by such other means of payment.

(3) Where it has been agreed in accordance with paragraph (1) that any prescribed fee will be paid in instalments—

- (a) the Registrar may make, retain, renew, readmit or restore a register entry once the first such instalment has been so paid; and
- (b) references in these Rules to an application being accompanied by the relevant fee, supported by payment of the appropriate fee, or payment of such a fee having been received, shall be construed as if they were references to a direct debit mandate (or such other form of written payment authorisation as the Registrar may determine), being received in respect of those fees.

(4) Where—

- (a) in accordance with this rule any prescribed fee is to be paid in instalments; and
- (b) following the payment of the first instalment and the making, retention, renewal readmission or restoration of a register entry, any subsequent instalment is not paid by the date on which it is due,

the Registrar will send a notice to the registrant stating that, if payment is not received within 14 days (beginning with the day on which the Registrar sent the notice) the registrant's name may be removed from the register, and if no such payment is made, the Registrar may remove the registrant's name from the register.]

Textual Amendments

- F41** Sch. rule 15A inserted (9.3.2015) by [The Nursing and Midwifery Council \(Fitness to Practise\) \(Education, Registration and Registration Appeals\) \(Amendment\) Rules Order of Council 2015 \(S.I. 2015/52\)](#), Sch. rules 1, **19**

16.—(1) A registrant shall notify the Registrar in writing within one month of any change in her name or address.

[^{F42}(1A) A registrant must inform the Registrar—

- (a) if there is not, or will not be in force in relation to that registrant, appropriate cover under an indemnity arrangement; and
- (b) the date on which the appropriate cover under an indemnity arrangement ceased or will cease to be in force.]

(2) The Registrar shall amend the register, so far as may be necessary—

- (a) in consequence of any notification under paragraph (1) [^{F43}or paragraph (1A)];
- (b) to give effect to any order made by a Practice Committee under Part V of the Order;
- (c) to give effect to any decision made on an appeal under article 37 or 38 of the Order;
- (d) to reflect any other information which comes to the attention of the Registrar and which in her opinion requires an amendment to be made to the register in order to maintain its accuracy.

(3) Before making any amendment under paragraph (2)(a) or (d) the Registrar may make such further enquiries or require such further evidence from the registrant concerned as appears to the Registrar to be appropriate.

Textual Amendments

- F42** Sch. rule 16(1A) inserted (9.3.2015) by [The Nursing and Midwifery Council \(Fitness to Practise\) \(Education, Registration and Registration Appeals\) \(Amendment\) Rules Order of Council 2015 \(S.I. 2015/52\)](#), Sch. rules 1, **20(a)**
- F43** Words in Sch. rule 16(2)(a) inserted (9.3.2015) by [The Nursing and Midwifery Council \(Fitness to Practise\) \(Education, Registration and Registration Appeals\) \(Amendment\) Rules Order of Council 2015 \(S.I. 2015/52\)](#), Sch. rules 1, **20(b)**

[^{F44}Evidence in connection with indemnity arrangements

16A.—(1) The Registrar may, by notice to a registrant specifying a period within which the registrant must comply, request that the registrant provide—

- (a) evidence that there is, or will be in force in relation to the registrant, appropriate cover under an indemnity arrangement;
- (b) details of the nature and scope of the registrant's practice; and
- (c) the name and address of—
 - (i) any person, body or organisation by whom the registrant is employed, or intends to be employed as a nurse or midwife,
 - (ii) any person, body or organisation with whom the registrant has an arrangement, or intends to have an arrangement to provide services as a nurse or midwife.

Status: Point in time view as at 19/01/2016.

Changes to legislation: There are currently no known outstanding effects for the The Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules Order of Council 2004, PART 3. (See end of Document for details)

(2) The Registrar may request such other documents and information as the Registrar may reasonably require for the purposes of verifying the evidence provided in accordance with paragraph (1).]

Textual Amendments

F44 Sch. rule 16A inserted (9.3.2015) by [The Nursing and Midwifery Council \(Fitness to Practise\) \(Education, Registration and Registration Appeals\) \(Amendment\) Rules Order of Council 2015 \(S.I. 2015/52\)](#), Sch. rules 1, **21**

Circumstances for refund of renewal of registration fee

^{F45}**17.**

Textual Amendments

F45 Sch. rule 17 omitted (1.1.2006) by virtue of [The Nursing and Midwifery Council \(Education, Registration and Registration Appeals\) \(Amendment\) Rules Order of Council 2005 \(S.I. 2005/3354\)](#), Sch. rules 1, **3(7)**

Status:

Point in time view as at 19/01/2016.

Changes to legislation:

There are currently no known outstanding effects for the The Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules Order of Council 2004, PART 3.