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STATUTORY INSTRUMENTS

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**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),

- (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 EEA State attesting to her qualification and, where appropriate, evidence that all the conditions imposed pursuant to article 14(2) of the Order have been met, or
  - (iii) where the applicant is relying on article 13(1)(c) 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 applying; and
- (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.

### **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;
- (d) for an applicant applying to join the register who is relying on article 13(1)(b) of the Order—
  - (i) by the document
    - (aa) required by the competent authority of her Member State of origin, attesting to her good health, issued within the three months preceding the date of her application, or
    - (bb) where such document is not required by the competent authority of her Member State of origin, by a document issued by a competent authority which attests to the applicant's good health, and

(ii) by the document

(aa) issued within the three months preceding the date of her application, required by the competent authority of her Member State of origin, attesting to her good character, and confirming she has not been suspended or prohibited from practising the profession to which the application relates because of professional misconduct or the commission of a criminal offence, or

(bb) where the competent authority of her Member State of origin, does not issue such documents, by a declaration on oath or solemn declaration to the same effect, made by the applicant before a competent judicial or administrative authority or (where appropriate) a notary or duly qualified professional body of the relevant state, provided in each case that such declaration is authenticated by a certificate issued by the authority, notary or body,

and for the purposes of paragraph (5) or (6), any such document as mentioned in paragraph (i) or (ii) is to be treated as a supporting declaration;

(e) for an applicant applying to join the register who is relying on article 13(1)(c) 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.

(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 (1)(a), (b), (c), (d)(i), (e), (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 (1)(a), (b), (c), (d)(ii), (e), (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—

“Member State of origin” means—

the EEA State from which the applicant originated or comes, or from which the applicant obtained her registrable qualification, or in which she practised prior to making an application to join the register;

“relative” in relation to any person means—

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

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

### **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.

### **Overseas applications for registration which are unsuccessful**

8. Where an application is made under article 13(1)(c) of the Order which does not satisfy the Registrar that the applicant meets the standards of proficiency required for admission to the register—

- (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(d) of the Fees Rules, in respect of an unsuccessful application;
- (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(d) of the Fees Rules.

### **Knowledge of English**

9. The Registrar may require an applicant who is not an EEA national exercising an enforceable Community right, or an exempt person, to produce evidence that she has sufficient knowledge of spoken and written English to enable her to practise as a registered nurse or registered midwife safely and competently in the United Kingdom.

### **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.

### **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
- (c) a notice warning her that 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.

### **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.

### **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 as to her good health and good character;

- (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.

(2) Subject to rule 14(4) 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.

### **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 subject to paragraph (4), the Registrar may remove a registrant's name from the register upon written application made by or on behalf of that registrant.

(2) An application, as referred to in paragraph (1), to remove a registrant's name from the register shall be made in writing and shall be accompanied by a declaration that the registrant concerned is not aware of any matter which could give rise to an allegation against her under article 22 of the Order.

(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 or rule 13

- (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.

### **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) and 6(1) 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

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

- (2) The Registrar shall amend the register, so far as may be necessary—
- (a) in consequence of any notification under paragraph (1);
  - (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.

**Circumstances for refund of renewal of registration fee**

17. A person who satisfies the Council that she has retired on reaching her occupational retirement age, or on the grounds of ill-health, leaving unexpired any complete year of a registration period, shall, on written application to the Council, be given a refund of the proportion of the fee paid by her in respect of each such year.