

**2005 No. 3354**

**HEALTH CARE AND ASSOCIATED PROFESSIONS  
NURSES AND MIDWIVES**

**The Nursing and Midwifery Council (Education,  
Registration and Registration Appeals) (Amendment)  
Rules Order of Council 2005**

*Made* - - - - - *5th December 2005*  
*Laid before Parliament* *7th December 2005*  
*Coming into force* - - *1st January 2006*

At the Council Chamber, Whitehall, the 5th day of December 2005

By the Lords of Her Majesty's Most Honourable Privy Council

The Nursing and Midwifery Council has made the Nursing and Midwifery Council (Education, Registration and Registration Appeals) (Amendment) Rules 2005 as set out in the Schedule to this Order.

In accordance with articles 47(1) and 48 of the Nursing and Midwifery Order 2001(a) such Rules shall not come into force until approved by order of the Privy Council.

Having considered the Rules, their Lordships approve them.

This Order may be cited as the Nursing and Midwifery Council (Education, Registration and Registration Appeals) (Amendment) Rules Order of Council 2005 and shall come into force on 1st January 2006.

*A.K. Galloway*  
Clerk of the Privy Council

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(a) S.I. 2002/253; there are no relevant amending instruments.

## SCHEDULE

### THE NURSING AND MIDWIFERY COUNCIL (EDUCATION, REGISTRATION AND REGISTRATION APPEALS) (AMENDMENT) RULES 2005

The Nursing and Midwifery Council makes the following Rules in exercise of its powers conferred under articles 7(1) and (2), 12(1) and (3) and 47(2) of, and Schedule 4 to, the Nursing and Midwifery Order 2001(a).

The Nursing and Midwifery Council has consulted in accordance with articles 7(3) and 47(3) of that Order.

#### Citation and Commencement

1. These Rules may be cited as the Nursing and Midwifery Council (Education, Registration and Registration Appeals) (Amendment) Rules 2005 and shall come into force on 1st January 2006.

#### Interpretation

2. In these Rules “the principal Rules” means the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004(b).

#### Amendments to the principal Rules

3.—(1) After rule 10 of the principal Rules (registration period), add—

##### “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(c); and
- (b) a notice of 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.”.

(2) In rule 11 of the principal Rules (notice of renewal of registration), in paragraph (c), after “warning her that” insert “, subject to rule 14(4) to (6),”.

(3) In rule 12 of the principal Rules (service of notices in relation to registration), at the end, add “, unless the contrary is proved”.

(4) After rule 12 of the principal Rules (service of notices in relation to registration), add—

##### “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.”.

(5) In rule 13 of the principal Rules (renewal of registration)—

- (a) in paragraph (1)(e), after the word “applicant” insert “, with which the Registrar is satisfied,”; and
- (b) in paragraph (2), for “rule 14(4)” substitute “rule 14(4) to (6) and article 10(3) of the Order,”.

(6) In rule 14 of the principal Rules (lapse of registration)—

- (a) in paragraph (4), for “or rule 13” substitute “or rule 12A or 13”; and
- (b) after paragraph (4) add—

“(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.

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(a) S.I. 2002/253; there are no relevant amending instruments.

(b) Scheduled to S.I. 2004/1767.

(c) Scheduled to S.I. 2004/1654 as amended by S.I. 2005/3353.

(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."

(7) Rule 17 of the principal Rules (circumstances for refund of renewal of registration fee) is omitted.

**Transitional Provision**

4.—(1) Subject to paragraph (2), where—

- (a) a registrant retires leaving unexpired any complete year of a registration period (determined in accordance with rule 10 of the principal Rules) which began on or before 1st January 2006; and
- (b) she satisfies the Council that she has retired on reaching her occupational retirement age or on grounds of ill-health,

the Council shall, on receipt of a written application from her, give a refund of the proportion of the fee paid by her in respect of each such year.

(2) Paragraph (1) shall not apply where the registration period is a first registration period (determined in accordance with rule 10 of the principal Rules) which begins on 1st January 2006.

Given under the official seal of the Nursing and Midwifery Council on 2nd November 2005.



*Jonathan Asbridge*  
President

*Sarah Thewlis*  
Chief Executive and Registrar

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order, which is made under the Nursing and Midwifery Order 2001, approves Rules made by the Nursing and Midwifery Council which amend the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004 (“the Registration Rules”).

Rule 3(1) and (4) sets out the procedure for retention of registration.

Rule 3(3) makes a minor change in relation to the sending of notices.

Rule 3(2), (5) and (6) introduces a provision allowing the Registrar, where there is a good reason for a registration not to lapse, to exercise her discretion that the registration of a registrant will not lapse for a period not exceeding 3 months following a failure to satisfy the requirements for retention or renewal.

Rule 3(7) omits rule 17 of the Registration Rules and rule 4 makes transitional provision in respect of this.

£3.00

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E1735 12/2005 151735 19585