

2006 No. 1199

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

**The Nursing and Midwifery Council (Practice Committees)
(Constitution) Rules Order of Council 2006**

<i>Made</i> - - - - -	<i>19th April 2006</i>
<i>Laid before Parliament</i>	<i>2nd May 2006</i>
<i>Coming into force</i> - -	<i>31st July 2006</i>

At the Council Chamber, Whitehall, the 19th day of April 2006
By the Lords of Her Majesty's Most Honourable Privy Council

The Nursing and Midwifery Council has made the Nursing and Midwifery Council (Practice Committees) (Constitution) Rules 2006 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 (Practice Committees) (Constitution) Rules Order of Council 2006 and shall come into force on 31st July 2006.

A. K. Galloway
Clerk of the Privy Council

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

SCHEDULE

THE NURSING AND MIDWIFERY COUNCIL (PRACTICE COMMITTEES) (CONSTITUTION) RULES 2006

The Nursing and Midwifery Council makes the following Rules in exercise of its powers conferred under article 47(2) of, and paragraph 17 of Schedule 1 to, the Nursing and Midwifery Order 2001(a).

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

Citation and commencement

1. These Rules may be cited as the Nursing and Midwifery Council (Practice Committees) (Constitution) Rules 2006 and shall come into force on 31st July 2006.

Interpretation

2. In these Rules—

“Chair” means a member of the Council who has been appointed by the Council to carry out the functions of a Chairman of a Practice Committee;

“the Order” means the Nursing and Midwifery Order 2001; and

“Vice-Chair” means a member of the Council who has been appointed by the Council to carry out the functions of the Chair of a Practice Committee, other than the function set out in paragraph 18(8) of Schedule 1 to the Order (the Statutory Committees), in the event that the Chair is unavailable to carry out those functions.

Membership

3. The members of a Practice Committee shall be appointed by the Council in accordance with paragraph 18 of Schedule 1 to the Order and a Practice Committee shall consist of not less than seven members.

Chair and Vice-Chair

4.—(1) The Council shall appoint a Chair from among the members of the Practice Committee, who shall be a member of the Council.

(2) The Council may appoint a Vice-Chair from among the members of the Practice Committee, who shall be a member of the Council.

Tenure

5.—(1) A member of a Practice Committee who is a member of the Council shall serve until the end of her current term of office as a member of the Council.

(2) A member of a Practice Committee who is not a member of the Council—

(a) shall serve for four years from the date of her appointment;

(b) may then be re-appointed for one further term of four years; and

(c) may then be re-appointed to serve further terms of one year from the dates of her re-appointment.

(3) A member of a Practice Committee may resign at any time by giving written notice to the Registrar.

(4) The Council may remove a member of a Practice Committee from office—

(a) for a serious and persistent deficiency in her attendance, conduct or performance at meetings of the Committee;

(b) for failure to comply with requirements laid down by the Council regarding the undertaking of education and training provided or organised by the Council;

(c) if it is satisfied that her continued membership is liable to undermine public confidence in the regulation of the nursing and midwifery professions;

(d) if she is a member of the Committee by virtue of her being a registrant and she—

(i) ceases to be wholly or mainly engaged in the practice, teaching or management of the relevant profession, or in research in those fields, or

(ii) ceases to be registered in the part of the register relating to that profession; or

(e) if she is a member of the Committee by virtue of her being a registered medical practitioner and she ceases to be so registered.

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

Standards for members of Practice Committees

6.—(1) A member of a Practice Committee shall—

- (a) attend all meetings of the Committee unless there is good reason for her being unable to do so;
- (b) prepare for any meeting of the Committee by reading the agenda and any papers issued by the Committee or the Council which are relevant to any subject to be considered at that meeting; and
- (c) if she is unable to attend a meeting of the Committee, take all reasonable steps to give advance warning of her absence to the Chair.

(2) A member of a Practice Committee shall undertake education and training provided or organised by the Council from time to time so that she is properly informed about her responsibilities and, in particular, shall receive training in—

- (a) the functions of the Council, and the role of the Committee and its place in the work of the Council;
- (b) the effective conduct of proceedings by the Committee; and
- (c) the discharge by the Committee of its functions under Part V of the Order (fitness to practise) including the principles of natural justice, human rights and European Community law.

Meetings and written resolutions

7.—(1) As soon as is reasonably practicable after the end of a review period a Practice Committee shall meet—

- (a) to review the allegations heard by the Committee during the review period;
- (b) to review the education, training, attendance and performance of its members during that period;
- (c) to consider the education and training requirements for its members for the following 12 months and to make recommendations to the Council; and
- (d) in the case of the Conduct and Competence Committee, to review—
 - (i) the standards of conduct, performance and ethics established by the Council under article 21(1)(a) of the Order (Council's functions in respect of fitness to practise, ethics and other matters), and
 - (ii) the requirements as to good health and good character to be met by registrants and prospective registrants.

(2) The review period specified in paragraph (1) is the period of 12 months ending on 31st March in each year.

(3) A Practice Committee shall meet at such places, times and dates as the Chair of the Committee shall determine.

(4) A resolution may be unanimously approved in writing, whether or not electronically.

Quorum

8.—(1) Subject to paragraphs (2), (3) and (4), the quorum for any meeting of a Practice Committee shall be one-third of the total number of members of the Committee, disregarding any vacancies.

(2) If the total number of members of the Committee is not exactly divisible by three, the quorum shall be calculated by reference to the next highest number that is exactly so divisible.

(3) The quorum for any meeting of a Practice Committee shall include—

- (a) one member who is a registrant;
- (b) one member who is neither a registrant nor a registered medical practitioner; and
- (c) the Chair or, if a Vice-Chair has been appointed, the Vice-Chair, either of whom may also count as the relevant member under sub-paragraphs (a) or (b).

(4) A quorum shall not exist at any meeting of a Practice Committee unless there is present such number of members of the Council (including the Chair or any Vice-Chair) as would constitute more than half of the quorum figure calculated in accordance with paragraphs (1) and (2).

Procedure

9. Subject to the provisions of the Order and of these or any other Rules made under it, a Practice Committee may regulate its own procedure.

Revocation of previous rules

10. The Nursing and Midwifery Council (Practice Committees) (Interim Constitution) Rules 2003(a) are revoked.

Given under the official seal of the Nursing and Midwifery Council on 9th February 2006.



Jonathan Asbridge
President

Sarah Thewlis
Chief Executive and Registrar

(a) Scheduled to S.I. 2003/1738.

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 in respect of the constitution and procedure of the Investigating Committee, the Conduct and Competence Committee and the Health Committee (the “Practice Committees”).

Rule 10 revokes the Nursing and Midwifery Council (Practice Committees) (Interim Constitution) Rules 2003.

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