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STATUTORY INSTRUMENTS

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**2008 No. 1485**

**The Nursing and Midwifery (Amendment) Order 2008**

**Citation, commencement and interpretation**

- 1.—(1) This Order may be cited as the Nursing and Midwifery (Amendment) Order 2008.
- (2) The following provisions shall come into force on the day after the day on which this Order is made—
- (a) this article and articles 3 to 5; and
  - (b) in Schedule 1, paragraphs 1(a), 2, 3, 6(a), 7, 9, 10(1) in so far as it relates to paragraph 10(4)(b) and (c), 10(4)(b) and (c) and 12, and article 2(1) in so far as it relates to those paragraphs.
- (3) Except as provided for by paragraph (2), the provisions of this Order which confer, amend or substitute powers enabling rules or orders to be made shall come into force on the making of this Order, but for the purpose only of the exercise of those powers.
- (4) The following provisions shall come into force on the coming into force of section 44(1) of the Safeguarding Vulnerable Groups Act 2006<sup>(1)</sup> (registers: power to apply for vetting information)—
- (a) paragraph 4 of Schedule 1, and article 2(1) in so far as it relates to that paragraph; and
  - (b) paragraph 1 of Schedule 2, and article 2(2) in so far as it relates to that paragraph.
- (5) Except as provided for by paragraphs (2) to (4), the provisions of this Order shall come into force on such day as the Secretary of State may specify in writing.
- (6) Different days may be specified under paragraph (5) for different purposes.
- (7) The Secretary of State shall notify any day specified and, if different purposes are specified, the purposes for which it is specified, in the London, Edinburgh and Belfast Gazettes at least one week before that day.
- (8) In this Order, “the principal Order” means the Nursing and Midwifery Order 2001<sup>(2)</sup>.

**Amendment and revocation of nursing and midwifery legislation**

- 2.—(1) The amendments to the principal Order set out in Schedule 1 shall have effect.
- (2) The amendment to and revocations of subordinate legislation under the principal Order set out in Schedule 2 shall have effect.

**Cancellation of elections**

3. Elections shall not be held in respect of the vacancies which, but for the amendments to the principal Order set out in paragraph 12(1)(c) of Schedule 1, would have arisen in respect of the registrant and alternate members who were due to vacate office at the end of 31st July 2008 and 31st July 2009.

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(1) 2006 c.47.  
(2) S.I. 2002/253.

### **Transitional, transitory or saving provisions orders**

4.—(1) In connection with the commencement of any provision of this Order, the Privy Council may by order make such transitional, transitory or saving provisions as it considers appropriate.

- (2) The power to make an order under paragraph (1) may be exercised—
  - (a) so as to make different provision—
    - (i) with respect to different cases or different classes of cases, or
    - (ii) in respect of the same case or class of case for different purposes;
  - (b) in relation to all cases to which the power extends or in relation to all those cases subject to specified exceptions; or
  - (c) so as to make any supplementary, incidental or consequential provisions which the Privy Council considers necessary or expedient.
- (3) The power to make an order under paragraph (1) shall be exercisable by statutory instrument.
- (4) For the purposes of section 1 of the Statutory Instruments Act 1946<sup>(3)</sup> (definition of “Statutory Instrument”), paragraph (3) shall have effect as if contained in an Act of Parliament.

### **Privy Council procedures etc.**

5.—(1) The power of the Privy Council to make an order under article 4(1) may be exercised by any two or more members of the Privy Council.

(2) The making of an order under article 4(1) shall be sufficiently signified by an instrument signed by the Clerk of the Privy Council.

(3) Where an order of the Privy Council under this Order is signified by an instrument purporting to be signed by the Clerk of the Privy Council, that shall be evidence, and in Scotland sufficient evidence, of—

- (a) the fact that the order was duly made; and
- (b) the order’s terms.

*Judith Simpson*  
Clerk of the Privy Council

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(3) 1946 c.36; section 1 has been amended by the Government of Wales Act 1998 (c.38), Schedule 12, paragraph 2.