

## SCHEDULE

### THE NURSING AND MIDWIFERY COUNCIL (EDUCATION, REGISTRATION AND REGISTRATION APPEALS) (AMENDMENT) RULES 2012

The Nursing and Midwifery Council makes the following Rules in exercise of the powers conferred by articles 7(2), 12(1), 32 and 47(2) of the Nursing and Midwifery Order 2001<sup>(1)</sup>.

In accordance with article 47(3) of that Order, the Nursing and Midwifery Council has consulted representatives of groups of persons who appear likely to be affected by the rules.

#### **Citation and commencement**

1. These Rules may be cited as the Nursing and Midwifery Council (Education, Registration and Registration Appeals) (Amendment) Rules 2012 and shall come into force on 14th January 2013.

#### **Amendments to the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004**

2. The Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004<sup>(2)</sup> are amended as follows.

3. In rule 14 (lapse of registration)—

(a) in paragraph (1), for “subject to paragraph (4)” substitute “subject to paragraphs (2A) and (4)”; and

(b) for paragraph (2), substitute—

“(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.

(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—

<sup>(1)</sup> S.I. 2002/253; to which there are amendments not relevant to these Rules.

<sup>(2)</sup> Scheduled to S.I. 2004/1767, rule 14 of which has been amended by S.I. 2005/3354, and rule 15 of which has been amended by S.I. 2007/3101.

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- (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.”.
4. In rule 15 (readmission to the register), after paragraph (3) insert—
- “(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); and
  - (c) of the applicant’s good character in accordance with rule 6(6).”.