

## SCHEDULE

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

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

**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—

(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.”.