

## SCHEDULE 1

### Amendments to the Nursing and Midwifery Order 2001

#### Amendments to article 31

- 13.** In article 31 (interim orders by a Practice Committee)**(1)**—
- (a) in paragraph (1)—
    - (i) in sub-paragraph (a) for “the Investigating Committee, Conduct and Competence Committee or to the Health Committee” substitute “a Practice Committee”,
    - (ii) in sub-paragraph (a)(ii) for “another Practice Committee” substitute “the Fitness to Practise Committee”,
    - (iii) in sub-paragraph (c) for “Conduct and Competence Committee or the Health Committee” substitute “Fitness to Practise Committee”;
  - (b) in paragraph (2) before “Committee” insert “Practice”;
  - (c) for paragraph (5)(a) substitute—
    - “(a) in a case falling within paragraph (1)(a)—
      - (i) when the Investigating Committee reaches a decision under article 26(2)(d) (i) that there is no case to answer,
      - (ii) when the Investigating Committee agrees undertakings with the person concerned under article 26(5A),
      - (iii) where in respect of an allegation mentioned in article 22(1)(b), the Investigating Committee reaches a decision in respect of the allegation,
      - (iv) when the Fitness to Practise Committee reaches a decision in respect of the allegation in question;”;
  - (d) in paragraph (6)—
    - (i) for “any Practice Committee to which the matter has been referred” substitute “where the matter has been referred to the Fitness to Practise Committee by the Investigating Committee pursuant to article 26(6)(b)(ii), by the Fitness to Practise Committee”,
    - (ii) in sub-paragraph (a) for “three months” substitute “six months”;
  - (e) in paragraph (7) for “or any Practice Committee to which the matter has been referred” substitute “or, if the matter has been referred to the Fitness to Practise Committee by the Investigating Committee pursuant to article 26(6)(b)(ii), the Fitness to Practise Committee”;
  - (f) for paragraph (9) substitute—
    - “(9) On such an application the court may—
      - (a) extend (or further extend) for up to 12 months the period for which the order has effect;
      - (b) replace an interim conditions of practice order with an interim suspension order having effect for the remainder of the term of the order as extended;
      - (c) replace an interim suspension order with an interim conditions of practice order having effect for the remainder of the term of the order as extended.”;
  - (g) for paragraph (11) substitute—
    - “(11) For the purposes of paragraph (6), the first review—

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(1) Article 31 was amended by [S.I. 2014/3272](#), articles 2 and 8.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (a) after the extension of an order by the court pursuant to paragraph (9)(a) or after the replacement of an order by the court pursuant to paragraph (9)(b) or (c), must take place within the period of 6 months beginning with the date on which the court extended that order or replaced the order, as the case may be;
- (b) after the replacement of an interim conditions of practice order or an interim suspension order by a Practice Committee pursuant to paragraph (7)(d) or, as the case may be, paragraph (7)(e), must take place within the period of 6 months beginning with the date on which the replacement order was made.”;
- (h) for paragraph (12) substitute—
  - “(12) Where an order has effect under paragraph (2), (7) or (9), the court may, on an application being made by the person concerned—
    - (a) in the case of an interim suspension order—
      - (i) terminate the suspension,
      - (ii) replace the interim suspension order with an interim conditions of practice order;
    - (b) in the case of an interim conditions of practice order—
      - (i) revoke or vary any condition imposed by the order,
      - (ii) replace the interim conditions of practice order with an interim suspension order;
    - (c) in either case, substitute for the period specified in the order (or in the order extending it) some other period which could have been specified in the order when it was made (or in the order extending it),and the decision of the court under any application under this paragraph shall be final.”.
- (i) in paragraphs (14) and (17) insert “Practice” before “Committee”;
- (j) in paragraph (15) for “any Practice Committee” substitute “a Practice Committee”.