

SCHEDULES

SCHEDULE 4

Nurses, midwives and nursing associates

PART 1

Amendments to legislation

Interpretation

1. In this Schedule, “the 2001 Order” means the Nursing and Midwifery Order 2001⁽¹⁾.

Nursing and Midwifery Order 2001

2. The 2001 Order is amended as follows.
3. In article 5A (knowledge of English)⁽²⁾, omit paragraphs (5) and (7).
4. In article 6 (register of nurses, midwives and nursing associates)⁽³⁾, omit paragraph (3)(aa).
5. In article 7 (register: supplemental provision)⁽⁴⁾, omit paragraph (4).
6. In article 8 (access to register)⁽⁵⁾, omit paragraph (5).
7. In article 9 (registration)⁽⁶⁾—
 - (a) in paragraph (1), for “Subject to paragraph (7), a” substitute “A”;
 - (b) omit paragraphs (3A) to (3C);
 - (c) in paragraph (5), for the words from ““the specified period”” to the end substitute ““the specified period” means the period of three months beginning with the relevant date.”;
 - (d) in paragraph (6), omit the words from “, including” to “13(1A),”;
 - (e) omit paragraph (7).
8. In article 10 (renewal and readmission)⁽⁷⁾—
 - (a) in paragraph (1), for “Subject to paragraph (6), where” substitute “Where”;
 - (b) omit paragraph (6).
9. In article 12A (indemnity arrangements)⁽⁸⁾, omit paragraph (11).

(1) [S.I. 2002/253](#).

(2) Article 5A was inserted by [S.I. 2015/806](#).

(3) Paragraph (3)(aa) was inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2018/838](#).

(4) Paragraph (4) was inserted by [S.I. 2007/3101](#) and substituted by [S.I. 2018/838](#).

(5) Relevant amending instrument is [S.I. 2007/3101](#).

(6) Paragraphs (3A) and (7) were inserted by [S.I. 2007/3101](#), paragraphs (3B) and (3C) were inserted by [S.I. 2015/806](#). Paragraph (5) was substituted by [S.I. 2007/3101](#) and paragraph (7) was substituted by [S.I. 2018/838](#). Relevant amending instruments are [S.I. 2007/3101](#), [2015/806](#), [2018/838](#).

(7) Paragraph (1) was amended by and paragraph (6) was inserted by [S.I. 2007/3101](#).

(8) Article 12A was inserted by [S.I. 2014/1887](#) and paragraph (11) was substituted by [S.I. 2018/838](#).

10. In article 13 (approved qualifications)(9)—

(a) in paragraph (1)—

- (i) at the end of sub-paragraph (a), insert “or”;
- (ii) omit sub-paragraphs (b) and (c);
- (iii) in sub-paragraph (d)—
 - (aa) omit “he is not an exempt person and”;
 - (bb) at the end insert “or”;
- (iv) omit sub-paragraphs (e) and (f);

(b) omit paragraphs (1A) and (1B);

(c) after paragraph (2) insert—

“(3) A relevant European qualification is to be treated as a qualification as to which the Council is satisfied as mentioned in paragraph (1)(d)(i) (and accordingly included in any list kept under paragraph (2)(a)).

(4) In this article “relevant European qualification” means a qualification that falls within article 13AA and has not been designated by the Council for the purposes of this paragraph.

(5) The Council—

- (a) may designate a qualification for the purposes of paragraph (4) only with the approval of the Privy Council;
- (b) must maintain and publish a list of the qualifications that are so designated.”.

11. After article 13 insert—

“European qualifications

13AA.—(1) Subject to the following provisions of this article, a qualification falls within this article if it was awarded in a relevant European State and—

- (a) in relation to registration as a nurse in sub-Part 1 of the Nurses’ Part of the register, it is listed in Annex V, point 5.2.2 of the Directive;
 - (b) in relation to registration in the Midwives’ Part of the register, it is listed in Annex V, point 5.5.2 of the Directive.
- (2) A qualification within paragraph (1)(b) falls within this article only if—
- (a) it attests to training that satisfies the conditions in paragraph (1)(a), (b) or (c) of article 41 of the Directive, and
 - (b) in the case mentioned in paragraph (1)(c) of that article, it is accompanied by a certificate of the sort described in paragraph (2) of that article.
- (3) A qualification does not fall within this article if it was awarded before the reference date, or on or after that date in respect of a course of training begun before that date.
- (4) In paragraph (3), “reference date” means—
- (a) in the case of a qualification within paragraph (1)(a), the date listed in relation to the State in which the qualification was awarded in the column entitled “Reference date” in Annex V, point 5.2.2 of the Directive;

(9) Paragraphs (1)(b)-(f) were substituted, by and paragraphs (1A) and (1B) were inserted by, [S.I. 2007/3101](#). Relevant amending instruments are [S.I. 2015/806](#), [2016/1030](#), [2018/838](#).

- (b) in the case of a qualification within paragraph (1)(b), the date listed in relation to the State in which the qualification was awarded in the column entitled “Reference date” in Annex V, point 5.5.2 of the Directive.”.
12. Omit article 14 (EEA qualifications)(10).
13. In article 15 (education and training)(11), omit paragraph (2).
14. In article 19 (post-registration training)(12), omit paragraphs (2A) to (2D).
15. In article 37 (appeals against decisions of the Registrar)(13)—
- (a) in paragraph (1), omit sub-paragraphs (zb), (aa), and (e) to (h);
 - (b) in paragraph (9)—
 - (i) in sub-paragraph (b), omit the words from “or, in” to the end;
 - (ii) at the end of paragraph (c), insert “or”;
 - (iii) omit sub-paragraph (ca) (including the final “or”).
16. In article 38 (other appeals)(14), in paragraph (3)—
- (a) in sub-paragraph (b), omit the words from “or, in” to the end;
 - (b) at the end of paragraph (c), insert “or”;
 - (c) omit sub-paragraph (ca) (including the final “or”).
17. Omit articles 39 to 40 (EEA provisions)(15).
18. Omit article 55 (review)(16).
19. Omit Schedule 2A (visiting European practitioners)(17).
20. Omit Schedule 2B (European Professional Card)(18).
21. Omit Schedule 3 (competent authority functions)(19).
22. In Schedule 4 (interpretation)(20)—
- (a) for the definition of “the Directive” substitute—

““the Directive” means [Directive 2005/36/EC](#) of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ No L255, 30.09.2005, p 22), and any reference in this Order to the Directive or to any provision of the Directive is a reference to the Directive, or to that provision, as it had effect immediately before exit day;”;
 - (b) omit the definitions of “competent authority”, “[Directive 2002/58/EC](#)”, “European professional card”, “exempt person”, “General Systems Regulations”, “IMI”, “IMI file”,

(10) Relevant amending instrument is [S.I. 2007/3101](#).

(11) Relevant amending instrument is [S.I. 2007/3101](#).

(12) Paragraphs (2A) to (2D) were inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2018/838](#).

(13) Paragraph (1)(zb) was inserted by [S.I. 2015/806](#). Paragraph (1)(aa) was inserted by [S.I. 2007/3101](#). Paragraphs (1)(e)-(h) and (9)(ca) were inserted by, and paragraph (9)(b) was amended by, [S.I. 2016/1030](#). Relevant amending instruments are [S.I. 2016/1030](#), [2018/838](#).

(14) Paragraph (3)(ca) was inserted by [S.I. 2016/1030](#). Relevant amending instruments are [S.I. 2016/1030](#), [2017/231](#).

(15) Articles 39 and 40 were substituted by, and article 39A was inserted by, [S.I. 2007/3101](#). Article 39B was inserted by [S.I. 2016/1030](#). Article 39C was inserted by [S.I. 2018/838](#). Relevant amendments made by Schedule 19 to the Data Protection Act 2018. Relevant amending instruments are [S.I. 2016/1030](#), [2018/838](#).

(16) Article 55 was inserted by [S.I. 2016/1030](#).

(17) Schedule 2A was inserted by [S.I. 2007/3101](#). Relevant amending instruments are [S.I. 2011/1043](#), [2016/1030](#).

(18) Schedule 2B was inserted by [2016/1030](#), and amended by Schedule 19(2) Data Protection Act 2018.

(19) Schedule 3 was substituted by [2007/3101](#), and amended by Schedule 19(2) Data Protection Act 2018. Relevant amending instruments are [S.I. 2015/806](#), [2016/1030](#).

(20) Relevant amending instruments are Data Protection Act 2018, [S.I. 2003/3148](#), [2007/3101](#), [2011/1043](#), [2016/1030](#), [2018/838](#).

“national”, and “visiting nurse, midwife or nursing associate from a relevant European State”.

Nursing and Midwifery Council (Fees) Rules 2004

23. In the Nursing and Midwifery Council (Fees) Rules 2004(21), in rule 3 (prescribed fees), in the table—

- (a) omit entry (d);
- (b) in Column (2)—
 - (i) in entry (a), for “, (b), (c), (dd), (e) or (f)” substitute “or (dd)”;
 - (ii) in entry (c), omit “(c),”.

Nursing and Midwifery Council (Parts of and Entries in the Register) Order of Council 2004

24. In the Nursing and Midwifery Council (Parts of and Entries in the Register) Order of Council 2004(22), omit article 8.

European Nursing and Midwifery Qualifications Designation Order of Council 2004

25. The European Nursing and Midwifery Qualifications Designation Order of Council 2004(23) is revoked.

Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004

26. The Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004(24) are amended as follows.

- (1) In rule 2 (interpretation)(25), omit paragraph (2).
- (2) Omit rule 2A (visiting European practitioners)(26).
- (3) In rule 3 (education)(27), omit paragraphs (1) to (2).
- (4) In rule 5 (applications for registration)(28)—
 - (a) in paragraph (2)(a)—
 - (i) at the end of paragraph (i), insert “or”;
 - (ii) omit paragraph (ii);
 - (iii) in paragraph (iii), omit “(c),”;
 - (iv) omit paragraph (iv) (and the “or” before it);
 - (b) omit paragraphs (3) to (4A).
- (5) In rule 6 (declarations of good health and character)(29)—

(21) As set out in the Schedule to the Nursing and Midwifery Council (Fees) Rules Order of Council 2004 (S.I. 2004/1654).

(22) S.I. 2004/1765. Relevant amending instruments are S.I. 2007/3101, 2018/838.

(23) S.I. 2004/1766.

(24) As set out in the Schedule to the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules Order of Council 2004 (S.I. 2004/1767).

(25) Paragraph (2) was inserted by S.I. 2007/3101.

(26) Rule 2A was inserted by S.I. 2007/3101 and substituted by pending amending instrument S.I. 2018/838.

(27) Paragraphs (1) and (2) were substituted by S.I. 2007/3101.

(28) Paragraphs (3) and (4) were inserted by S.I. 2007/3101. Paragraph (4A) was inserted by S.I. 2016/1030. Relevant amending instruments are S.I. 2007/3101, 2016/1030, 2018/838.

(29) Paragraphs (1A) to (1F) were inserted by S.I. 2007/3101, except paragraph (1ZA) which was inserted by S.I. 2018/838. Relevant amending instruments are S.I. 2007/3101, 2018/838.

- (a) in paragraph (1)(e), omit “(c) or”;
 - (b) omit paragraphs (1A) to (1F);
 - (c) in paragraph (5)(b), omit “or paragraph (1D), (1E),”;
 - (d) in paragraph (6)(b), omit “or paragraph (1B), (1C),”.
- (6) In rule 8 (unsuccessful applications)(**30**)—
- (a) for “13(1)(b), (c), (d), (dd), (e) or (f)” substitute “13(1)(d) or (dd)”;
 - (b) in paragraphs (b) and (c), omit “or (d)”.
- (7) In rule 15 (readmission)(**31**), in paragraph (2), omit “to (1E)”.
- (8) In rule 20 (periods for appeals)(**32**)—
- (a) in paragraph (a)—
 - (i) for “(za), (zb), (a), (aa), (b), (c) or (e) to (h)” substitute “(za), (a), (b) or (c)”;
 - (ii) at the end insert “or”;
 - (b) omit paragraph (c) (and the “or” before it).
- (9) In rule 21 (notice of appeal)(**33**), in paragraph (2)—
- (a) in sub-paragraph (iii), for “(za), (zb), (a), (aa), (b), (c) or (e) to (g)” substitute “(za), (a), (b) or (c)”;
 - (b) in sub-paragraph (iv), omit “or (h)”.
- (10) In Schedule 3 (applications for registration)(**34**), omit paragraphs (ba) and (bb).

(30) Rule 8 was substituted by [2011/2297](#). Relevant amending instrument is [S.I. 2018/838](#).

(31) Relevant amending instruments are [S.I. 2007/3101](#), [2014/1887](#), [2015/1923](#). There are other amending instruments but none is relevant.

(32) Relevant amending instruments are [S.I. 2015/1923](#), [2016/1030](#).

(33) Relevant amending instruments are [S.I. 2015/1923](#), [2016/1030](#).

(34) Relevant amending instrument is [S.I. 2007/3101](#).