
 STATUTORY INSTRUMENTS

1986 No. 786

NURSES, MIDWIVES AND HEALTH VISITORS

The Nurses, Midwives and Health Visitors (Midwives Amendment) Rules Approval Order 1986

Made - - - - 30th April 1986

Coming into Operation 30th May 1986

In exercise of the powers conferred upon me by section 22(4) of the Nurses, Midwives and Health Visitors Act 1979(a), having satisfied myself that the rules made by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting and set out in the Schedule hereto are framed in accordance with the recommendations of the Midwifery Committee of the said Council(b), I hereby approve the said rules.

This Order may be cited as the Nurses, Midwives and Health Visitors (Midwives Amendment) Rules Approval Order 1986 and shall come into operation on 30th May 1986.

Norman Fowler,
One of Her Majesty's Principal Secretaries of State.

30th April 1986.

SCHEDULE

The United Kingdom Central Council for Nursing, Midwifery and Health Visiting
The Nurses, Midwives and Health Visitors Act 1979

The United Kingdom Central Council for Nursing, Midwifery and Health Visiting in exercise of the powers conferred upon it by the following sections of the Nurses, Midwives and Health Visitors Act 1979(c) namely:—

Section 2 (3) and (4)

Section 11

(a) 1979 c.36.

(b) See Nurses, Midwives and Health Visitors Act 1979, section 4(4).

(c) 1979 c.36.

Section 15(1)

Section 16(3)

Section 22(1) and (2)

and of all other powers enabling it in that behalf having, in accordance with Sections 4(3) and 22(3) of that Act, consulted the National Boards (including consultation with respect to the matters recommended in the report of the Midwifery Committee on the proposal to make these rules which was referred to that Committee) and representatives of groups of persons likely to be affected by these rules, hereby make the following rules:—

Citation and interpretation

1.— (1) These rules may be cited as the Nurses, Midwives and Health Visitors (Midwives Amendment) Rules 1986.

(2) In these rules, unless the context otherwise requires, “the principal rules” means the Nurses, Midwives and Health Visitors Rules 1983(a).

Amendment of the principal rules

2.— (1) The principal rules shall be amended in accordance with the following provisions of these rules.

(2) The definition of “Student” in rule 2(1) of the principal rules shall be deleted and there shall be substituted the following:—

“student” means any person whose name is on the index of students maintained by each Board as required under rules 20, 25(1) and 34 of these rules.

(3) There shall be substituted for Part V of the principal rules (“Midwives Rules”) and Schedules I to XII the following rules:—

“PART V

MIDWIVES RULES

Interpretation

27. For the purpose of this part of these rules, the following expressions have the meanings hereby respectively assigned to them except where the context otherwise requires:—

“emergency” means in the context of rule 40(1) any illness of the mother or baby or any abnormality becoming apparent in the mother or baby during the antenatal, intranatal and postnatal periods;

(a) S.I. 1983/873.

“health authority”	<p>(a) in relation to England and Wales, has the same meaning as in the National Health Service Act 1977(a);</p> <p>(b) in relation to Scotland means a Health Board constituted under Section 2 of the National Health Service (Scotland) Act 1978(b);</p> <p>(c) in relation to Northern Ireland means a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(c);</p>
“local supervising authority”	means a body prescribed by Section 16(1) of the Act as being a local supervising authority for midwives;
“Midwives Directive”	means Council Directive No. 80/155/EEC concerning the co-ordination of provisions laid down by law, regulation or administrative action relating to the taking up and pursuit of activities of midwives(d);
“mother and baby”	means a woman and her baby whether before or after birth and a reference to “mother and baby” shall be a reference to the woman and her unborn baby during the antenatal and intranatal periods and to the mother and her baby during the period from the birth of the baby to the end of the postnatal period and “mother” and “baby” shall be construed accordingly;
“postnatal period”	means a period of not less than ten and not more than twenty-eight days after the end of labour, during which the continued attendance of a midwife on the mother and baby is requisite;
“practising midwife”	means a midwife who attends professionally upon a woman during the antenatal, intranatal and/or postnatal period or who holds a post for which a midwifery qualification is essential and who notifies her intention to practise to the local supervising authority;
“supervisor of midwives”	means the person appointed by the local supervising authority in accordance with Section 16(3) of the Act.

SECTION A

TRAINING RULES

28. The conditions of a person being admitted to training and the kind and standard of training for qualification enabling an application to be made for admission to Part 10 of the register shall be in accordance with this section of the rules.

Age of entry

29. Persons admitted to training at an approved institution shall be aged not

(a) 1977 c.49. (b) 1978 c.29. (c) S.I. 1972/1265 (N.I. 14).
 (d) O.J. No. L33 of 11.2.80, p. 8.

less than 17 years and 6 months on the first day of the commencement of a course except that in exceptional circumstances related to the specific course or individual the Council on the recommendation of a Board may agree to entry earlier but in no circumstances at less than 17 years of age.

Educational requirements

30.— (1) The educational conditions for entry to training leading to a qualification for admission to Part 10 of the register shall meet any obligations of the Midwives Directive but shall not be less than either:—

- (a) a minimum of five subjects at ordinary level at (A), (B) or (C) grade in the General Certificate of Education of England and Wales or grade 1 in the Certificate of Secondary Education of which one shall be English Language and one shall be a Science subject; or
- (b) a minimum of five subjects at O grades (Bands A, B, or C) in the Scottish Certificate of Education of which one shall be English and one shall be a Science subject; or
- (c) a minimum of five subjects at A, B, or C grade in the Northern Ireland General Certificate of Education at ordinary level of which one shall be English Language and one shall be a Science subject; or
- (d) such other qualifications as the Council may consider the equivalent to those set out in sub-paragraph (a), (b) or (c) of this paragraph; or
- (e) a specified pass standard in an educational test approved by the Council.

(2) The above requirements shall not apply to a person registered in Part 1 of the register.

31. The length of training courses the successful completion of which shall enable an application to be made for admission to Part 10 of the register shall be:—

- (a) not less than 3 years; or
- (b) for a person registered on Part 1 of the register not less than 18 months.

Interruption of training

32.— (1) For students commencing training on or after 1st January 1988:—

- (a) absence from training for any reason other than annual leave, statutory and public holidays must be made up prior to completion of training;
- (b) a student midwife having an interruption in training of:—
 - (i) 12 consecutive weeks or more shall make up the period of absence and a period of additional training shall be undertaken of a minimum of 2 weeks or such greater period as a Board may require up to a maximum period of 16 weeks;
 - (ii) three consecutive years or more shall recommence training and no allowance will be made for previous training undertaken

except in special circumstances as approved by the Council on the recommendation of a Board.

(2) For students commencing training before 1st January 1988 the effect of an interruption in training shall be determined in accordance with the provisions of these rules which applied before the 30th May 1986 as if those provisions had not been revoked in accordance with the established practice of the relevant Board.

(3) A student midwife may transfer to another approved training institution subject to any condition that the relevant Board may require. Where the intended transfer is to an institution which is subject to the approval of another Board, the transfer must be acceptable to the receiving Board and subject to any conditions that that Board may require.

Courses leading to admission to Part 10 of the register

33. Courses leading to a qualification successful completion of which shall enable an application to be made for admission to Part 10 of the register shall:—

- (a) meet the requirements of the Midwives Directive; and
- (b) be provided at an approved training institution through a planned course of theoretical and clinical instruction and practical experience which will enable the student midwife to accept responsibility for her personal professional development and to acquire the competencies required to give care throughout the antenatal, intranatal and postnatal periods to the mother and baby and in particular (but not so as to limit the generality of the foregoing) by:—
 - (i) advising on the promotion of health;
 - (ii) recognising the physical, emotional and social situations which may influence the health and well-being of the mother and baby;
 - (iii) assessing, planning and implementing care within the sphere of practice of a midwife to meet the physical, emotional, educational and social needs of the mother and baby and the family;
 - (iv) taking action on her own responsibility in initiating the action of other disciplines and seeking assistance when required;
 - (v) interpreting and undertaking care prescribed by a registered medical practitioner;
 - (vi) demonstrating effective communications with mothers and their relatives, colleagues and those in other disciplines;
 - (vii) demonstrating an awareness of the importance of research based practice;
 - (viii) working in a multi-disciplinary team with an understanding of the role of all members of the team.

Student index

34.— (1) Each Board shall keep an index of all student midwives undergoing training at an approved training institution under this part of the rules.

(2) When an applicant has been accepted by an approved training institution as a student midwife the training institution shall submit to the Board on the appropriate form within thirty days of the commencement of her training an application for the inclusion of her name on the index of student midwives.

Examinations

35.— (1) To qualify as a person who can apply to be registered in Part 10 of the register under rule 6 a student midwife shall:—

- (a) have her name on the index of students maintained by a Board; and
- (b) have completed the relevant training for the period required under rules 31, 32 and 33 of these rules; and
- (c) have passed an examination held or arranged by the Board of the country in which the training has just been completed in accordance with Section 6(1)(c) of the Act which may be in parts and which shall be designed so as to assess the students ability to undertake the relevant competencies specified in rule 33 of these rules.

(2) A student midwife shall present herself for the examination leading to qualification as a midwife within six months of the date on which she was eligible to enter for the examination. A student midwife who completes the required training but who does not enter the examination in accordance with this rule may be required by the Board to undergo such further training as the Board may prescribe before presenting herself for examination.

(3) A student midwife who has failed the examination referred to in paragraph 1(c) of this rule shall be required to undergo such further training if any as a Board may prescribe before again presenting herself for the examination.

(4) A student midwife shall be allowed to present herself for the examination on not less than two occasions nor more than three occasions as may be determined by the relevant Board with the approval of the Council.

*SECTION B**PRACTICE RULES**Notification of intention to practise*

36.— (1) If a midwife intends to practise in the area of any local supervising authority she shall, subject to paragraph (2) of this rule, before commencing to practise as a midwife:—

- (a) give notice of her intention to do so to each such local supervising authority, and
- (b) shall give like notice in every year thereafter by a date in the month

of March to each local supervising authority where she continues to practise by virtue of employment for which registration as a midwife is essential;

and the date in the month of March referred to in sub-paragraph (b) of this rule shall be such date as shall be decided by each such local supervising authority for any year.

(2) Notwithstanding the provisions of paragraph (1), the notice referred to in that paragraph may, in an emergency, be given after the time when she commences to practise provided that it is given within 48 hours of that time.

(3) Every notice shall contain such particulars as may be required in the form from time to time prescribed by the Council after consultation with the Boards.

(4) The local supervising authority shall inform the relevant Board pursuant to Section 15(2) of the Act, of notices received by it under this rule in the following way:—

- (a) by the 30th of April of each year for those practising midwives who have notified such intention by the end of March; and
- (b) from the 31st day of July 1986 and thereafter at intervals of not more than three calendar months for practising midwives notifying an intention to practise in its area who did not notify such an intention in the preceding March.

Refresher courses

37.— (1) Subject to paragraph (2) of this rule every midwife who gives notice of intention to practise under rule 36 shall within 12 months of notifying such intention complete a course of instruction or provide evidence of appropriate professional education approved by a Board for the purpose of this rule.

(2) The requirements of paragraph (1) of this rule need not be satisfied where a midwife has within a period of five calendar years immediately preceding the year of giving notice of intention to practise:—

- (a) qualified as a midwife in the United Kingdom; or
- (b) attended a course of instruction referred to in paragraph (1); or
- (c) complied with paragraphs (3) and (4) of this rule;

and for a midwife qualified overseas and registered in Part 10 of the register without passing the midwifery qualifying examination of a Board the requirement in respect of sub-paragraph (2)(a) of this rule shall be registration as a midwife by the Council.

(3) Any midwife who has not notified her intention to practise for a period of five years or more shall, before being eligible to resume practice, attend a course of practical and theoretical instruction of a minimum period of 4 weeks approved by a Board at an approved training institution. A midwife may not resume practice until such a course has been completed.

(4) A midwife who has notified her intention to practise and has not practised as a midwife for at least the equivalent of 12 working weeks during

the preceding five years shall follow a course of instruction as prescribed in paragraph (3) of this rule.

(5) In the case of a midwife who has not previously given notice of intention to practise a Board may accept evidence of practice as a midwife outside the United Kingdom in lieu of the requirement to follow the course of instruction described in paragraph 3 of this rule.

(6) In the case of a midwife who notifies her intention to practise in Northern Ireland on or before the 31st December 1987 to whom paragraphs (3) and (4) of this rule do not at the date of these rules apply the time interval referred to in paragraph (2) of this rule shall be seven calendar years.

(7) In exceptional circumstances a Board, having regard to the qualifications and experience of a registered midwife who under paragraph (1) of this rule is due to attend a course of instruction may on the recommendation of the local supervising authority grant a postponement of attendance at a course of instruction for a specified period of not more than one year.

(8) A midwife who does not attend a course of instruction, as provided for in this rule shall be reported to the supervisor of midwives whose duty it shall be to report the matter to the relevant Board which shall thereafter investigate the matter with a view to appropriate action being taken.

Suspension from practice by a local supervising authority

38.— (1) It shall be the duty of the local supervising authority to suspend a midwife from practice when necessary for the purpose of preventing the spread of infection, whether or not she has contravened any of the rules laid down by the Council.

(2) The local supervising authority may suspend from practice until any proceedings or investigations have been determined:—

- (a) a midwife against whom it has reported a case for investigation to a Board;
- (b) a midwife who has been referred to the Professional Conduct Committee of the Council as defined in the Nurses, Midwives and Health Visitors (Professional Conduct) Rules 1983(a);
- (c) a midwife who has been referred to the Health Committee of the Council as defined in the Nurses, Midwives and Health Visitors (Professional Conduct) Rules 1983.

(3) A local supervising authority in discharging any duty imposed on it by Section 16(2)(b) of the Act, or in exercising the power given in paragraph (1) and (2) of this rule to suspend a midwife from practice shall:—

- (a) immediately notify the midwife concerned in writing of any decision to suspend her and the reason for such suspension; and
- (b) in respect of a suspension authorised by paragraph (2) of this rule forthwith report any such suspension and the grounds thereof to a Board and/or to the Council as may be appropriate.

(a) S.I. 1983/887.

Duty to be medically examined

39. A practising midwife shall, if the local supervising authority deem it necessary for preventing the spread of infection, allow herself to be medically examined by a registered medical practitioner.

Responsibility and sphere of practice

40.— (1) A practising midwife is responsible for providing midwifery care to a mother and baby during the antenatal, intranatal and postnatal periods. In any case where there is an emergency or where she detects in the health of a mother and baby a deviation from the norm a practising midwife shall call to her assistance a registered medical practitioner, and shall forthwith report the matter to the local supervising authority in a form in accordance with the requirements of the local supervising authority.

(2) A practising midwife must not, except in an emergency, undertake any treatment which she has not been trained to give either before or after registration as a midwife and which is outside her sphere of practice.

Administration of medicines and other forms of pain relief

41.— (1) A practising midwife shall not on her own responsibility administer any medicine, including analgesics unless in the course of her training, whether before or after registration as a midwife, she has been thoroughly instructed in its use and is familiar with its dosage and methods of administration or application.

(2) A practising midwife shall not on her own responsibility administer any inhalational analgesic by the use of any type of apparatus unless:—

- (a) that apparatus is for the time being approved by the Council on the recommendation of a Board as suitable for use by a midwife; and
- (b) that the midwife has ensured that the apparatus has been properly maintained.

(3) Unless special exemption is given by the Council on the recommendation of a Board to enable a particular hospital to investigate new methods, a practising midwife must not administer any form of pain relief by the use of any type of apparatus or by any other means other than that approved by the Council otherwise than on the instructions of a registered medical practitioner until such methods have been approved by the Council for midwives to undertake on their own responsibility and in accordance with paragraph (1) of this rule.

Records

42.— (1) A practising midwife shall keep as contemporaneously as is reasonable detailed records of observations, care given and medicine or other forms of pain relief administered by her to all mothers and babies.

(2) The records referred to in paragraph (1) of this rule shall be kept:—

- (a) in the case of a midwife employed by a health authority in accordance with any directions given by her employer;

(b) in any other case, in a form approved by the local supervising authority.

(3) A midwife must not destroy or arrange for the destruction of official records which have been made whilst she is in professional attendance upon a case (for the purpose of this rule called "official records"). If she finds it impossible or inconvenient to preserve her official records safely she must transfer them to the local supervising authority or to her employing authority and details of the transfer must be duly recorded by each party to the transfer.

(4) Immediately before ceasing to practise as a midwife employed by a health authority a midwife shall transfer her official records to the local supervising authority and details of the transfer must be duly recorded by each party to the transfer.

(5) Immediately before a self-employed midwife ceases to practise she must ensure that her official records are kept in a safe place and she may transfer them to the local supervising authority and details of any such transfer must be duly recorded by each party to the transfer.

Inspection of premises and equipment

43.— (1) A practising midwife shall give to her supervisor of midwives, the relevant Board and the local supervising authority, every reasonable facility to inspect her methods of practice, her records, her equipment and such part of her residence as may be used for professional purposes.

(2) A midwife shall use her best endeavours to permit inspection from time to time by a professional officer or member designated by a Board of all institutional premises in which she practises other than the private residence of the mother and baby.

Supervisors of midwives

44.— (1) A person to be appointed in accordance with Section 16(3) of the Act by a local supervising authority to exercise supervision over midwives in its area shall be a registered midwife and either:—

- (a) shall have had three years experience as a practising midwife not less than one year of which shall have been in the two years immediately preceding the appointment; or
- (b) shall be eligible to practise and shall undertake any further midwifery experience as may be required by the relevant Board.

(2) A person to be appointed a supervisor of midwives shall:—

- (a) undertake a course of instruction within 12 months of appointment; or
- (b) have completed such a course not more than three years prior to appointment;

and shall undertake to receive further instruction at intervals of not more than five years.

(3) In sub-paragraph (2) of this rule a course means a course approved by a

Board for the instruction of a person in the duties of a supervisor of midwives.”.

GIVEN under the Official Seal of
the UNITED KINGDOM CENTRAL
COUNCIL FOR NURSING MIDWIFERY
AND HEALTH VISITING this Twenty Fourth
day of April one thousand nine
hundred and eighty six

Audrey Emerton
Chairman

M. Storey
Registrar

EXPLANATORY NOTE

(This Note is not part of the Order.)

The Rules approved by this Order, made by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting, amend the rules approved by the Nurses, Midwives and Health Visitors Rules Approval Order 1983 (the 1983 Rules) only in relation to midwifery training and practice.

The effect of these rules is to provide for midwives, and prospective midwives, throughout the United Kingdom, common rules concerning training and practice in place of that part of the 1983 Rules concerning midwifery training and practice which made separate and differing provision concerning these matters in relation to England and Wales, Scotland and Northern Ireland.

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