
STATUTORY INSTRUMENTS

1993 No. 2106

NURSES, MIDWIVES AND HEALTH VISITORS

The Nurses, Midwives and Health Visitors
(Midwives Amendment) Rules Approval Order 1993

Made - - - - 24th August 1993
Coming into force - - 1st September 1993

In exercise of the powers conferred upon me by section 22(4) of the Nurses, Midwives and Health Visitors Act 1979(1) and 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 to this Order are framed in accordance with the recommendations of the Midwifery Committee of that Council(2), I hereby approve those Rules.

This Order may be cited as the Nurses, Midwives and Health Visitors (Midwives Amendment) Rules Approval Order 1993 and shall come into force on 1st September 1993.

24th August 1993

Virginia Bottomley
One of Her Majesty's Principal Secretaries of
State

(1) 1979 c. 36.
(2) See Nurses, Midwives and Health Visitors Act 1979, section 4(4).

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SCHEDULE

THE NURSES, MIDWIVES AND HEALTH VISITORS (MIDWIVES AMENDMENT) RULES APPROVAL ORDER 1993

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 on it by Sections 15(1), 16(3) and 22(1) of the Nurses, Midwives and Health Visitors Act 1979 and of all other powers enabling it in that behalf having, in accordance with Sections 4(2) and 22(3) of that Act, consulted the Midwifery Committee, the National Boards and representatives of groups of persons likely to be affected by these rules, hereby makes the following rules:—

Citation and Interpretation

1.—(1) These rules may be cited as the Nurses, Midwives and Health Visitors (Midwives Amendment) Rules 1993.

(2) In these rules, unless the context otherwise requires, “the principal Rules” means the Nurses, Midwives and Health Visitors Rules 1983⁽³⁾.

Amendment of the Principal Rules

2.—(1) The principal Rules shall be amended in accordance with the following paragraphs of this rule.

(2) In rule 36(1)—

(a) in sub-paragraph (a)—

(i) after the word “authority” the comma shall be deleted, and

(ii) after the word “and” there shall be added the words “, thereafter,”;

(b) in sub-paragraph (b)—

(i) the words “shall” and “in every year thereafter” shall be deleted, and

(ii) after the word “March” shall be added the words “, in respect of each period of 12 months beginning on 1st April,”;

(c) for the word “decided” shall be substituted the words “published, under rule 45(a)(i),”.

(3) In rule 36(3) the words “after consultation with the Boards” shall be deleted.

(4) In rule 36(4)—

(a) for the words “relevant Board” shall be substituted the word “Council”;

(b) for the words “in the following way”, shall be substituted the words “by sending the originals of the notices to the Council”;

(c) in sub-paragraph (a) for the word “and” shall be substituted the word “or”;

(d) sub-paragraph (b) shall be deleted and shall be substituted with the words—

“subject to sub-paragraph (a) above by 7th day of each month for those practising midwives who have notified such intention during the preceding month”.

(5) In rule 37—

(a) in paragraph (3) for the word “training” shall be substituted the word “educational”;

(b) paragraph 6 shall be deleted;

(3) See S.I. 1983/873.

- (c) the numbering of paragraph (7) shall be paragraph (6);
- (d) the numbering of paragraph (8) shall be paragraph (7).
- (6) In rule 38(2)—
 - (a) in sub-paragraph (a) for the words “a Board” shall be substituted the words “the Council”;
 - (b) in sub-paragraphs (b) and (c) for the date “1983” shall be substituted the date “1993”;
- (7) In rule 38(3)(b) the words “to a Board and/or” and “as may be appropriate” shall be deleted.
- (8) In rule 39 for the words “allow herself to be medically examined” shall be substituted the words “undergo medical examination”.
- (9) In rule 41(2)—
 - (a) in sub-paragraph (a) the words “on the recommendation of a Board” shall be deleted;
 - (b) in sub-paragraph (b) the first word “that” shall be deleted.
- (10) In rule 41(3)—
 - (a) the words “on the recommendation of a Board” shall be deleted;
 - (b) after the word “hospital” shall be inserted the words “, or other institution,”;
 - (c) after the words “other means” for the words “other than that” shall be substituted the words “which has not been”;
 - (d) after the words “other than that approved by the Council” for the word “otherwise” shall be substituted the word “, other”;
 - (e) after the words “medical practitioner” the words “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” shall be deleted.
- (11) In rule 43(1)—
 - (a) the words “the relevant Board and” shall be deleted;
 - (b) after the words “local supervising authority” shall be inserted the words “and the Council”.
- (12) In rule 43(2) for the words “professional officer or member designated by a Board” shall be substituted the words “midwifery officer, who shall be a practising midwife, of the Council or of an authority designated by the Council”.
- (13) In rule 44(1)—
 - (a) in sub-paragraph (a) for the words “not less than one year of which shall have been in the two years immediately preceding the appointment” shall be substituted the words “of which at least one year shall have been in the period of two years immediately preceding the appointment”;
 - (b) in sub-paragraph (b) for the words “relevant Board” shall be substituted the word “Council”.
- (14) In rule 44(2)—
 - (a) after the words “midwives shall” shall be inserted the words “, unless the Council decides otherwise,”;
 - (b) for sub-paragraphs (a) and (b), which shall be deleted, shall be substituted the words “have completed a course of instruction not more than three years prior to appointment”.
- (15) There shall be inserted rule 45 in the following terms—

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“Discharge of statutory functions by a local supervising authority

45. Each local supervising authority shall ensure that, in respect of practising midwives within its area, there is published in writing at least once every two years—

- (a) (i) the date in the month of March by which notice of intention to practise under rule 36(1)(b) must be received by it, and
(ii) the name or office of the person to whom the said notice must be sent;
- (b) the means by which it will—
 - (i) investigate any prima facie case of misconduct, and
 - (ii) determine whether to suspend a midwife from practice pursuant to Section 16(2)(c) of the Act;
- (c) (i) a list of the supervisors of midwives whom it has appointed, and
(ii) details of how it will provide midwives with continuous access to a supervisor of midwives;
- (d) details of how the practice of midwives will be supervised;
- (e) all policies which it has formulated affecting the practice of midwives”

GIVEN under the Official Seal of the UNITED KINGDOM CENTRAL COUNCIL FOR NURSING, MIDWIFERY AND HEALTH VISITING this 15th day of July 1993.

Miss M. E. Uprichard
President

Colin Ralph
Registrar and Chief Executive

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 (“the Council”), further amend the principal Rules approved by the Nurses, Midwives and Health Visitors Rules Approval Order 1983.

Rule 2 of these Rules amends rule 36 of the principal Rules so as to require local supervising authorities to give monthly notice to the Council about midwives who give them notices of their intention to practise; amends rule 37 of the principal Rules so that, as respects refresher courses, no exception is made for midwives in Northern Ireland; amends rule 38 of the principal Rules so that local supervising authorities are required to notify the Council instead of the National Boards about midwives suspended from practice; amends rule 41 of the principal Rules so that the Council’s approval of an inhalation analgesic appliance and pain relief apparatus which midwives may use in the course of their practice is no longer subject to the recommendations of the National Boards;

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amends rule 43 of the principal Rules by substituting for the National Boards, as respects inspection of premises and equipment, the Council and any authority designated by the Council; amends rule 44 of the principal Rules so that a person to be appointed as supervisor of midwives is required to complete an appropriate course of education before appointment; and inserts a newrule 45 which requires local supervisory authorities to publish within every two years the means by which they investigate and determine misconduct allegations and all their policies affecting midwives' practice.