
STATUTORY INSTRUMENTS

1993 No. 629

NURSES, MIDWIVES AND HEALTH VISITORS

**The National Board for Nursing, Midwifery and Health Visiting
for England (Constitution and Administration) Order 1993**

<i>Made</i>	- - - -	<i>11th March 1993</i>
<i>Laid before Parliament</i>		<i>11th March 1993</i>
<i>Coming into force</i>	- -	<i>1st April 1993</i>

The Secretary of State for Health, in exercise of powers conferred on her by sections 5(2)(b) and (d), (6)(b), (7), (8), (9) and (10) and 6(1)(da) of the Nurses, Midwives and Health Visitors Act 1979(1) and of all other powers enabling her in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the National Board for Nursing, Midwifery and Health Visiting for England (Constitution and Administration) Order 1993 and shall come into force on 1st April 1993.

Interpretation

2.—(1) In this Order, unless the context otherwise requires—

“the Act” means the Nurses, Midwives and Health Visitors Act 1979;

“the 1992 Act” means the Nurses, Midwives and Health Visitors Act 1992(2);

“the Board” means the National Board for Nursing, Midwifery and Health Visiting for England;

“member” means a member of the Board, including the chairman and deputy chairman;

“officer member” means the chief executive officer of the Board, or the principal finance officer or principal professional officer appointed to the offices specified under article 3(2) for the purposes of section 5(2)(d) of the Act, as the case may be;

“principal professional officer” means a person appointed by the Board who is principally responsible for giving to it advice on matters concerned with nursing, midwifery or health visiting.

(1) 1979 c. 36; section 5(2) to (10) is substituted with effect from 1st April 1993 by the Nurses, Midwives and Health Visitors Act 1992 (c. 16) (“the 1992 Act”), section 4; section 6 is amended with effect from the same date by the 1992 Act, section 5 and Schedule 2, paragraph 4.
(2) 1992 c. 16.

- (2) Unless the context otherwise requires, in this Order any reference—
- (a) to a numbered article is a reference to the article bearing that number in this Order;
 - (b) to the Schedule is a reference to the Schedule to this Order;
 - (c) in an article in, or in the Schedule to, this Order to a numbered paragraph is a reference to the paragraph bearing that number in that article or Schedule.

Constitution of the Board

3.—(1) The Board shall have, in addition to the chairman referred to in section 5(2)(a) of the Act, six other members appointed by the Secretary of State under section 5(2)(b) of the Act, of whom—

- (a) one shall be a registered nurse;
- (b) one shall be a practising midwife;
- (c) one shall be a registered health visitor;
- (d) one shall be a person who has qualifications and experience in education; and
- (e) two shall be persons who have such qualifications and experience in any other field as in the opinion of the Secretary of State will be of value to the Board in the performance of its functions.

(2) The offices of principal finance officer and principal professional officer are hereby specified for the purposes of paragraph (d) of section 5(2) of the Act.

(3) When appointing any member the Secretary of State shall specify the sub-paragraph of paragraph (1) by virtue of which the appointment is made.

(4) A person who falls within the provisions of the Schedule is disqualified for appointment to the Board.

Officers of the Board

4.—(1) For the purposes of section 5(6)(b) of the Act the Board shall have, in addition to the chief executive officer referred to in section 5(6)(a) of the Act—

- (a) a principal finance officer, and
- (b) a principal professional officer,

appointed by the Board.

(2) Subject to article 5(4), the chief executive officer and the principal professional officer shall each be a registered nurse, practising midwife or registered health visitor.

(3) No person who is a member appointed by the Secretary of State shall be appointed as an officer of the Board.

(4) Where, for any period, the chief executive officer, the principal finance officer or the principal professional officer of the Board is suspended from his duties for any reason, the Board shall, for the duration of that period, appoint another person to act in the place of that suspended officer.

(5) Where the name of the chief executive officer or the principal professional officer is removed from the register maintained by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting under section 10 of the Act or his registration is suspended, the Board shall forthwith terminate his appointment or suspend him from his duties (as the case may be) as such an officer.

Tenure of office of members

5.—(1) Subject to article 8, the term of office of a member appointed by the Secretary of State shall be such period, not exceeding 4 years, as the Secretary of State shall specify on appointing him.

(2) Subject to paragraphs (3) and (4), an officer member shall remain a member for so long as he holds the relevant office.

(3) Where, for any period, a person mentioned in paragraph (2) is suspended from his duties in the relevant office—

- (a) he shall also be suspended for that period from performing his functions as a member; and
- (b) any person appointed pursuant to article 4(4) to act in his place in the relevant office shall also be appointed by the Board to perform his functions as a member of the Board for that period.

(4) Notwithstanding articles 3(2) and 4(2), the chief executive officer or the principal professional officer may remain a member even if his registration under section 10 of the Act is suspended under section 12(1)(ba) of the Act(3) and he is suspended under paragraph (3)(a) from performing his functions as a member.

(5) In this article, “relevant office” in relation to a member means the office by virtue of the holding of which he became a member.

Appointment of deputy chairman

6.—(1) The members may appoint one of their number, other than the chairman or an officer member, to be deputy chairman.

(2) The term of office of a member as deputy chairman shall be the unexpired portion of his term of office as a member, or such shorter period as is specified on his appointment.

(3) The deputy chairman shall perform the duties of the chairman where the chairman has died, ceased to hold office or is unable to perform his duties for any other reason.

(4) The deputy chairman may at any time resign the office of deputy chairman by giving notice in writing to the chairman, whereupon the members may appoint another of their number as deputy chairman in accordance with the provisions of paragraph (1).

(5) Where the deputy chairman ceases to be a member, he shall also cease to be deputy chairman.

Termination of tenure of office

7.—(1) This article applies to the members other than officer members; and in this article “member” means a member to whom this article applies.

(2) A member may resign his office at any time by giving notice in writing to the Secretary of State.

(3) Where a member has failed to attend a meeting of the Board for a period of six months, the Secretary of State shall forthwith terminate his appointment unless she is satisfied that—

- (a) the absence was due to a reasonable cause; and
- (b) the member will be able to attend meetings of the Board within such period as the Secretary of State considers reasonable.

(4) A member shall cease to be a member if he ceases to fall within the sub-paragraph of article 3(1) by virtue of which he was appointed.

(5) Where the Secretary of State is of the opinion that it is not in the interests of the Board that a member should continue to hold office, she may terminate his appointment.

(6) Where it comes to the notice of the Secretary of State that at the time of a member’s appointment he was disqualified under the provisions of the Schedule, the Secretary of State shall

(3) Section 12 is amended by section 7 of the Nurses, Midwives and Health Visitors Act 1992 (c. 16) as from 1st April 1993.

forthwith declare that he was not duly appointed and shall notify him accordingly and upon receipt of any such notification the member shall cease to act in any capacity as a member.

(7) Where it comes to the notice of the Secretary of State that a member has come to fall within any of paragraphs (a) to (d) of paragraph (1) of paragraph 1 of the Schedule, she shall forthwith notify him in writing of that fact and upon receipt of any such notification his tenure of office shall be terminated and he shall cease to act in any capacity as a member.

Vacant office

8.—(1) Where a member other than an officer member ceases to be a member before the end of the period for which he was appointed, the Secretary of State shall appoint a person to fill the vacancy for the remainder of the period for which he was appointed.

(2) In making an appointment under paragraph (1), the Secretary of State shall appoint a person who is qualified for appointment by virtue of the same sub-paragraph of article 3(1) as she specified under article 3(3) in relation to the member whose departure has given rise to the vacancy.

Eligibility for reappointment

9. Subject to article 3(4), a member of the Board appointed by the Secretary of State shall, on the expiration of his term of office, be eligible for reappointment.

Committees

10.—(1) The Board may appoint, for the purpose of transacting particular business of the Board, such committees as it may determine.

(2) Committees appointed under paragraph (1) may consist wholly or partly of persons who are not members.

Meetings and procedure

11.—(1) Subject to paragraphs (2) to (5) the Board shall, by means of Standing Orders, regulate its own procedure and that of its committees and may vary or revoke such Standing Orders.

(2) The Board may act notwithstanding any vacancy among its members.

(3) No defect in the appointment of any member shall invalidate any proceedings of the Board.

(4) The quorum at any meeting of the Board shall consist of 4 members who shall include—

- (a) a registered nurse, a practising midwife or a registered health visitor; and
- (b) two other members who are not officer members.

(5) All acts of, and all matters coming before, the Board shall be done and decided upon by a majority of the members present and voting at the meeting of the Board and, in the case of an equal number of votes, the chairman or the deputy chairman, as the case may be, shall have a second or casting vote.

Functions of the Board

12.—(1) The Board shall, in addition to the functions specified in section 6 of the Act, perform the functions specified in paragraphs (2) and (3).

(2) The Board shall make available to the public, to such extent as it considers appropriate, information about careers in the professions of nursing, midwifery and health visiting in England.

(3) The Board shall provide, or arrange for others to provide, at institutions approved by the Board—

- (a) courses of education for persons intending to become teachers of nurses, midwives or health visitors; and
- (b) further courses of education for teachers of nurses, midwives or health visitors.

Employees of the Board

13.—(1) Subject to such directions as may be given by the Secretary of State, the Board may employ such staff (in addition to the officers referred to in section 5(6) of the Act) under such conditions of service as the Board may determine.

(2) Directions given by the Secretary of State in pursuance of paragraph (1) shall be in writing and may include directions as to—

- (a) the qualifications of persons who may be employed;
- (b) the qualifications or experience which employees must possess for the purpose of performing any functions specified in the directions; and
- (c) the manner in which any employee of the Board is to be appointed.

Documents

14. A document purporting to be duly executed under the seal of the Board or to be signed on its behalf shall be received in evidence and shall be deemed to be so executed or signed unless the contrary is proved.

Revocation

15. The Nurses, Midwives and Health Visitors Act 1979 (Membership of National Boards) Order 1982(4) shall cease to have effect in England.

11th March 1993

Virginia Bottomley
Secretary of State for Health

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

SCHEDULE

Article 3(4)

DISQUALIFICATION FOR APPOINTMENT

1. A person shall be disqualified for appointment as a member if—
 - (a) he is a member of either House of Parliament;
 - (b) he has within the preceding five years been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine;
 - (c) he has been adjudged bankrupt or has made a composition or arrangement with his creditors; or
 - (d) he has been dismissed, otherwise than by reason of redundancy, from any paid employment.
2. For the purposes of paragraph 1(b), the date of conviction shall be deemed to be the date on which the ordinary period allowed for making an appeal or application with respect to the conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its not being prosecuted.
3. For the purposes of paragraph 1(d), a person shall not be treated as having been in paid employment merely because of his chairmanship or membership of—
 - (a) a health authority or a Family Health Services Authority respectively established under sections 8 and 10 of the National Health Service Act 1977⁽⁵⁾;
 - (b) an NHS Trust established under section 5 of the National Health Service and Community Care Act 1990⁽⁶⁾;
 - (c) a Health Board or a Special Health Board, the Common Services Agency for the Scottish Health Service or an NHS Trust constituted under sections 2, 10 and 12A respectively of the National Health Service (Scotland) Act 1978⁽⁷⁾;
 - (d) a State Hospital Management Committee constituted under section 91 of the Mental Health (Scotland) Act 1984⁽⁸⁾;
 - (e) The Dental Practice Board⁽⁹⁾ or Scottish Dental Practice Board⁽¹⁰⁾ ;
 - (f) The Public Health Laboratory Service Board⁽¹¹⁾ ; and
 - (g) The National Radiological Protection Board established under section 1 of the Radiological Protection Act 1970⁽¹²⁾ .

⁽⁵⁾ 1977 c. 49. Section 8 was amended by the Health Services Act 1980 (c. 53), Schedule 1, paragraph 28, the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 10, and the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 1 and Schedule 10; section 10 was substituted by the Health and Social Security Act 1984 (c. 48), section 5(1) and amended by the 1990 Act, section 2 and Schedule 10.

⁽⁶⁾ 1990 c. 19.

⁽⁷⁾ 1978 c. 29. Section 2 was amended by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 7, paragraph 1, and by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 28; section 10 was amended by the Health Services Act 1980 (c. 53), Schedule 6, paragraph 2; section 12A was inserted by the 1990 Act, section 31.

⁽⁸⁾ 1984 c. 36.

⁽⁹⁾ See section 37 of the National Health Service Act 1977 (c. 49) as amended by Schedule 1 to the Health Services Act 1980 (c. 53) and by section 12 of and Schedule 3 to, the Health and Medicines Act 1988 (c. 49).

⁽¹⁰⁾ See section 4 of the National Health Service (Scotland) Act 1978 (c. 29).

⁽¹¹⁾ See section 5(4) of the National Health Service Act 1977 (c. 49) as amended by section 1 of the Public Health Laboratory Service Act 1979 (c. 23).

⁽¹²⁾ 1970 c. 46.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision concerning the constitution and administration of the National Board for Nursing, Midwifery and Health Visiting for England (“the Board”) established under section 5(1) of the Nurses, Midwives and Health Visitors Act 1979 (“the 1979 Act”).

In particular this Order provides for the constitution and appointment of the Board (article 3); the appointment of senior officers of the Board (article 4); the tenure of office of the members of the Board (article 5); the appointment of a deputy chairman of the Board (article 6); the termination of tenure of office of members of the Board (article 7); the filling of vacancies on the Board (article 8); the eligibility for reappointment of a member to the Board (article 9); the appointment of committees (article 10); the procedure at meetings of the Board (article 11); the additional functions to those specified in section 6 of the 1979 Act (article 12); the appointment of employees of the Board (article 13); the documents sealed or signed on behalf of the Board to be received in evidence (article 14); and the disqualifications which debar the appointment of a person to the Board (Schedule). The Nurses, Midwives and Health Visitors Act 1979 (Membership of the National Boards) Order 1982 is revoked in its application in England.