
STATUTORY INSTRUMENTS

1995 No. 967

NURSES, MIDWIVES AND HEALTH VISITORS

The Nurses, Midwives and Health Visitors (Periodic Registration) Amendment Rules Approval Order 1995

Made - - - - *30th March 1995*
Coming into force - - *1st April 1995*

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 as set out in the Schedule to this Order, insofar as they relate to midwifery practice, are framed in accordance with the recommendations of the Midwifery Committee of the Council(2), I hereby approve those Rules.

This Order may be cited as the Nurses, Midwives and Health Visitors (Periodic Registration) Amendment Rules Approval Order 1995 and shall come into force on 1st April 1995.

Virginia Bottomley
One of Her Majesty's Principal Secretaries of
State,
Department of Health

30th March 1995

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

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SCHEDULE

RULES MADE BY THE UNITED KINGDOM COUNCIL FOR NURSING, MIDWIFERY AND HEALTH VISITING AND APPROVED BY THE SECRETARY OF STATE

The United Kingdom Central Council for Nursing, Midwifery and Health Visiting, in exercise of the powers conferred on it by Sections 2(3), 10(3), 11 and 22 of The Nurses, Midwives and Health Visitors Act 1979(3) (hereinafter referred to as “the Act”) and of all other powers enabling it in that behalf, having in accordance with Sections 4(2) and 22(3) of the Act consulted the Midwifery Committee, the National Boards and representatives of any group of persons who appear 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 (Periodic Registration) Amendment Rules 1995.

(2) In these rules, unless the context otherwise requires, “the principal rules” means the Nurses, Midwives and Health Visitors Rules 1983(4).

Amendment of the Principal Rules

2.—(1) The principal rules shall be amended as follows.

(2) In rule 2(1) of the principal rules—

(a) after the definition of “programme of education” there shall be inserted—

““readmission” means admission to a Part or Parts of the register in which a person’s former registration has lapsed, and “readmitted” shall be construed accordingly;”;

(b) after the definition of “register” there shall be inserted—

““registration period” means a 3 year period of registration effected in accordance with these rules;”.

(3) In rule 6 (Admission to Part or Parts of the register following the successful completion of an approved course of training in the United Kingdom)—

(a) in paragraph (1)—

(i) for the words; “and 1(C)” there shall be substituted the words “, 1(C) and 1(D)”;

(ii) for “undergone” there shall be substituted throughout the words “has, within the 5 year period preceding the date of her application, successfully completed”;

(iii) after sub-paragraph (c), there shall be added—

“and

(d) who has notified the Council of the qualification or qualifications (with reference to the Part or Parts of the register to which she seeks admission) by virtue of which she intends to practise during the registration period following admission and the nature of that practice, if any;” and

(b) after paragraph 1(C) there shall be added—

(3) 1979 c. 36 as amended by The European Communities (Medical, Dental and Nursing Professions) (Linguistic Knowledge) Order S.I. 1981/432, The Nursing and Midwifery Qualifications (EEC Recognition) Order 1983 S.I. 1983/884 and 1984/1975, and the Nurses, Midwives and Health Visitors Act 1992 (c. 16).

(4) Approved by S.I. 1983/873, the relevant amending instruments being S.I. 1986/786, 1986/1345, 1986/1897, 1986/2294, 1989/1456, 1990/1624 and 1993/2106.

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“**1(D)** A person whose application is made under this rule 5 or more years after she has completed the relevant education and training and passed the appropriate examinations shall, in addition to meeting the requirements of sub-paragraphs (a), (b), (c) and (d) of paragraph (1), provide evidence that she has, within the 6 months preceding the date of her application, successfully completed a course approved by a National Board for the purpose of this paragraph and which meets the Council’s requirements as determined and published from time to time.”

(4) For rule 9 (registration renewable periodically), there shall be substituted the following—

“Requirements for renewal of an entry in the register and for readmission to the register

Renewal of registration

9.—(1) Subject to paragraphs (13)(b) and (14)(e), a person’s registration shall lapse at the end of the registration period unless it has been renewed in accordance with the provisions of this rule.

(2) Subject to paragraphs (3) and (7), a person’s registration in any Part of the register shall be renewed, provided that—

(a) she satisfies the Council, in accordance with such criteria as it shall determine and publish from time to time, that she has, during the registration period—

(i) compiled and maintained a personal professional profile which shall record details of her professional education and practice; and

(ii) either:

(aa) completed at least 5 days (or their equivalent) of study in respect of her professional practice during the registration period in order to maintain and develop her professional knowledge and competence; or

(bb) undertaken a programme of education and training leading to such specialist or advanced qualifications as may be defined by the Council and as shall be relevant to the Part or Parts of the register in which she is registered; and

(b) not fewer than 5 working days before the last day of the registration period, the Council receives—

(i) such fee for renewal as it may, with the approval of the Secretary of State, from time to time determine; and

(ii) notification of the qualification or qualifications (with reference to the Part or Parts of the register in which she is registered) by virtue of which she is, or has been practising, or intends to practise, and the nature of that practice, if any.

(3) A person who seeks renewal of her registration in—

(i) Part 10, and/or

(ii) any or all of the other Parts of the register

and who, in the 5 year period preceding the date of her application for such renewal under these rules, and in respect of her registration in such Part or Parts, respectively, has practised on fewer than 100 days, or for fewer than 750 hours, shall, subject to paragraph (7), be granted renewal of such registration upon—

(a) compliance with the requirements of paragraph (6)(a) and (c); and

(b) payment of the fee referred to in paragraph (2)(b)(i).

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Readmission within 5 years of lapse

- (4) A person (excluding anyone referred to in rule 7) whose registration in—
- (i) Part 10, and/or
 - (ii) any or all of the other Parts of the register

lapsed fewer than 5 years preceding the date of her application for readmission to such Part or Parts, respectively, shall, subject to paragraph (5), be so readmitted, provided that, in accordance with such criteria as the Council shall determine and publish from time to time, she has—

- (a) subject to paragraph (10), paid to the Council any such fee for readmission as it may, with the approval of the Secretary of State, from time to time determine; and
 - (b) submitted notification to the Council of the qualification or qualifications (with reference to the Part or Parts of the register in which she was registered) by virtue of which she intends to practise and the nature of that practice, if any; and
 - (c) during the 5 years preceding the date of her application, completed at least 5 days (or their equivalent) of study in order to maintain and develop her professional knowledge and competence, having regard to the nature of her most recent, or intended, professional practice.
- (5) A person whose registration in—
- (i) Part 10, and/or
 - (ii) any or all of the other Parts of the register

has lapsed within the 5 year period preceding the date of her application for readmission under these rules, and who, in that period, has, in respect of her registration in such Part or Parts, respectively, practised on fewer than 100 days, or for fewer than 750 hours, shall be readmitted to such Part or Parts upon her compliance with the requirements of paragraph (6).

Readmission after lapse of 5 or more years

(6) A person (excluding anyone referred to in rule 7) whose registration in a Part or Parts of the register lapsed 5 years or more preceding the date of her application for readmission to such Part or Parts shall be so readmitted, provided that she satisfies the Council, in accordance with such criteria as it shall determine and publish from time to time, that she has—

- (a) successfully completed a programme approved by a National Board for the purpose of this paragraph, which meets the Council's requirements, as determined and published from time to time, and which shall be relevant to practice in either:
 - (i) Part 10, or
 - (ii) any or all of the other Parts of the register, according to the Part to which readmission is sought; and
- (b) subject to paragraph (10), paid to the Council the fee referred to in paragraph (4)(a); and
- (c) submitted notification of the qualification or qualifications (with reference to the Part or Parts of the register in which she is registered) by virtue of which she is, or has been, practising or intends to practise, and the nature of that practice, if any.

General requirements for renewal/readmission

(7) A person who is or has been registered in Part 10 of the register shall comply with the requirements of rule 36 in addition to the requirements of this rule, when applying for renewal of registration in, or readmission to, Part 10.

(8) A person applying to be readmitted to the register shall, in addition to satisfying the other requirements of this rule, satisfy the Council as to her good character, for which purpose she shall—

- (a) declare whether or not, since her registration lapsed, she has been found guilty of a criminal offence, and, if so, provide details thereof, including the date of the finding and the address of the court at which the proceedings took place; and
- (b) provide the names and addresses of at least 3 persons, 2 of whom shall have known her for at least 2 out of the previous 3 years and one of whom shall have worked with her during her most recent period of employment or self-employment, if any, so that the Council may take up references.

(9) A person who is required under this rule to compile and maintain a personal professional profile shall, on request by the Council, provide such profile in whole or in part to the Council.

(10) Where a person is already registered in one or more Parts of the register during a registration period, she shall not, in applying for readmission to any other Part before the expiry of that registration period, be required to pay the fee specified in paragraph (4)(a), but such fee as may be determined by the Council from time to time and approved by the Secretary of State.

Procedure for renewal of registration/readmission to the register

(11) The Registrar shall, not more than 5 days after the beginning of a person's registration period, send to that person at her registered address notification of the date on which such period will end.

(12) The Registrar shall, not fewer than 45 days before the last day of a person's registration period, send to that person's registered address a notice in writing informing her of the amount of the renewal fee due, and of the other requirements for renewal of registration, and stating that her registration will, subject to paragraph (15), lapse unless she satisfies the requirements of paragraphs (2) or (3), as appropriate.

- (a) (13) Where a person who has applied for renewal of registration in, or readmission to, any Part or Parts of the register fails to satisfy such of the requirements set out in paragraphs (2)(b), (4)(a), (4)(b), (6)(b), (6)(c) or (7) as are relevant to her application, the Registrar shall notify her in writing of the requirements which have not been so satisfied, that until she satisfies such requirements she may not reapply, and, in the case of an application for renewal, that her registration will otherwise lapse at the end of the registration period;
- (b) where a person's registration would otherwise lapse, or have lapsed, by virtue of her failure to satisfy the requirements for renewal, the Registrar may, at her discretion, determine that it shall not lapse for a period not exceeding 3 months from the end of the registration period.

Review and Appeal

- (a) (14) A person who, on application for renewal, fails to satisfy such of the requirements of this rule as are relevant to her application, save those set out in paragraph (13)(a), and whose registration on any Part or Parts of the register has not been renewed, may have her application reviewed, provided that she so requests in writing, and that such request is received by the Council within 28 days of the date of the notice referred to in paragraph (13)(a);
- (b) within 14 days of the receipt of such a request, the Registrar shall review the application and shall notify the person in writing of the result of the review as soon as practicable;
- (c) if, as a result of a review requested under sub-paragraph (a), a person's registration has not been renewed, she may appeal in writing to the Council within 28 days of the date

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of the notice sent under sub-paragraph (b), and may make written submissions in support of her appeal;

- (d) the Council's decision on a person's appeal shall be sent to her in writing, stating the requirements, if any, to be satisfied before a further application for renewal or readmission, as appropriate, may be made;
- (e) a person's registration shall not lapse pending the outcome of a review or appeal against a decision on that person's application for renewal;
- (f) the provisions of sub-paragraphs (a), (b), (c) and (d) shall also apply where a person has applied for readmission to a Part or Parts of the register, and has failed to satisfy such of the requirements of this rule in respect of readmission as are relevant to her application, save those set out in paragraph (13)(a).

(15) The registration of a person who is the subject of an investigation or proceedings under rules made under section 12 of the Act shall not lapse by reason of her failure to renew such registration until such time as that investigation or proceedings have been determined.

Transitional Provisions

- (a) (16) Save for sub-paragraph (d), the requirements of this rule for renewal of registration shall, subject to sub-paragraph (b), first be satisfied as follows—
 - (i) by persons who are admitted to a Part or Parts of the register, or whose registration is renewed, prior to 1st April 1995, on the second application for renewal and in any event not later than 1st April 2001;
 - (ii) by persons who are admitted to a Part or Parts of the register, or whose registration is renewed, on or after 1st April 1995, on the renewal of that registration;
 - (iii) by persons who are readmitted to a Part or Parts of the register on or after 1st April 1995, on the first application for renewal;
- (b) the requirements of paragraph (3) for renewal of registration shall first be satisfied by persons applying for renewal on or after 1st April 2000;
- (c) save in respect of sub-paragraph (e), the requirements of this rule for readmission to a Part or Parts of the register shall be complied with by persons applying for such readmission to be effective on or after 1st April 2000;
- (d) upon—
 - (i) payment of such renewal fee as the Council may, with the approval of the Secretary of State, from time to time determine; and
 - (ii) notification of the qualification or qualifications (with reference to the Part or Parts of the register in which she is registered) by virtue of which she is, or has been, practising or intends to practise, and the nature of that practice, if any,renewal of registration in a Part or Parts of the register shall be effected, in respect of a person renewing her registration prior to the date by which she must comply with the renewal requirements of this rule, save as are set out in this sub-paragraph;
- (e) subject to sub-sub-paragraph (f)(iii), readmission to a Part or Parts of the register shall be effected, in respect of a person seeking such readmission prior to 1st April 2000, if she—
 - (i) pays such fee as the Council may, with the approval of the Secretary of State, from time to time determine; and
 - (ii) submits notification to the Council of the qualification or qualifications (with reference to the Part or Parts of the register in which she was registered) by virtue of which she intends to practise and the nature of that practice, if any; and

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- (iii) satisfies the Council as to her good character, for which purpose she shall—
 - (aa) declare whether or not, since her registration lapsed, she has been found guilty of a criminal offence and, if so, provide details thereof, including the date of the finding and the address of the court at which the proceedings took place; and
 - (bb) provide the names and addresses of at least 3 persons, 2 of whom shall have known her for at least 2 out of the previous 3 years and one of whom shall have worked with her during her most recent period of employment or self-employment, if any, so that the Council may take up references;
- (f)
 - (i) a person who is registered in Part 10 of the register and who is, under rule 37, required to have completed a course of instruction in a calendar year before the year in which her registration is due to lapse, may provide evidence of such completion when applying for the first time after 1st April 1995 for renewal of such registration;
 - (ii) a person who is registered in Part 10 of the register, and who is under rule 37, required to have completed a course of instruction in or after the calendar year in which her registration is due to lapse, may provide evidence of such completion when applying for the first and second time after 1st April 1995 for renewal of such registration;
 - (iii) a person whose registration in Part 10 of the register has lapsed may, on applying for readmission to Part 10 prior to 1st April 2001, provide evidence of having completed, no later than in the calendar year 2000, a course of instruction pursuant to rule 37;
 - (iv) a person who, on applying for renewal of registration in, or readmission to, Part 10 of the register, provides evidence of completion of a course of instruction under this sub-paragraph, shall not, in addition, be required by this rule to have completed 5 days or their equivalent of professional study.”.
- (5) For rule 10 (limitation on registration or alterations of the register), there shall be substituted the following—

“Refund of registration fee on retirement

10. — A person who satisfies the Council that she has retired on reaching her occupational retirement age, or on the grounds of ill-health, leaving unused her registration in any complete year of a registration period, shall, on written application to the Council, be given a refund of the proportion of the fee paid by her in respect of each such complete year in the registration period.”.

- (6) In rule 37 (refresher courses), after paragraph (7) there shall be inserted—

“(8) This rule shall cease to have effect on 1st April 2001.”.

GIVEN under the Official Seal of the UNITED KINGDOM CENTRAL COUNCIL FOR NURSING, MIDWIFERY AND HEALTH VISITING this 23rd day of March, 1995)

Mary Uprichard
President

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Catherine McLoughlin
Registrar

EXPLANATORY NOTE

(This Note is not part of the Order)

This Order gives effect to the amendment by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting of rules governing the registration of nurses, midwives and health visitors. To date, registration has been renewable on a three yearly basis upon payment, by nurses and health visitors, of a fee only. The amendments effected introduce additional requirements on all nurses, midwives and health visitors seeking renewal of their registration and create a system by which continuing education will be required to be undertaken by all practitioners throughout their period of registration.

Failure to undertake the appropriate continuing education, and to practise for the minimum period specified, will lead to the lapsing of practitioners' registration and the need for compliance with specified educational requirements in order to entitle practitioners to be readmitted to the register.

In consequence, the Order specifies that all practitioners who, over any 5 year period, practise for less than the minimum period specified, will, in order to retain or regain their registration, be required to complete a return to practice course and, in this respect, rule 6 is also amended to require completion of a similar course by all practitioners who do not seek admission to the register within 5 years of qualifying.

Rule 37 is amended to eliminate the current requirement for midwives to complete refresher courses, which will, by 2001, be replaced by the return to practice courses.