
STATUTORY INSTRUMENTS

1996 No. 3102

The European Nursing and Midwifery
Qualifications Designation Order 1996

PART I
GENERAL

Citation and commencement

1. This Order may be cited as the European Nursing and Midwifery Qualifications Designation Order 1996 and shall come into force on 1996 immediately after the Nurses, Midwives and Health Visitors Act 1979 (Amendment) Regulations 1996(1).

Interpretation

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

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

“the Accession of Greece Act”, “the Accession of Spain and Portugal Act”, “the Accession of Austria, Finland and Sweden Act” have the same meaning as in subsection (6) of section 22B of the Act(2);

“diploma” means a diploma, certificate or other evidence of formal qualifications;

“the First Nursing Directive” means Council Directive No. 77/452/EEC(3), concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of nurses responsible for general care, as adapted, amended or extended by the Accession of Greece Act, Council Directive No. 81/1057/EEC(4), the Accession of Spain and Portugal Act, Council Directives Nos. 89/594/EEC(5), 89/595/EEC(6) and 90/658/EEC(7), the EEA Agreement(8) and the Accession of Austria, Finland and Sweden Act;

“the First Midwifery Directive” means Council Directive No. 80/154/EEC(9), concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications in midwifery, as adapted, amended or extended by Council Directive No. 80/1273/EEC(10), the Accession of Spain and Portugal Act, Council Directives Nos. 89/594/EEC and 90/658/EEC, the EEA Agreement and the Accession of Austria, Finland and Sweden Act;

“the Nursing Directives” means the First and Second Nursing Directives;

(1) S.I. 1996/.

(2) Subsection (6) of section 22B was added by S.I. 1996/.

(3) O.J. No. L176, 15.7.1977, p. 1.

(4) O.J. No. L385, 31.12.1981, p. 25.

(5) O.J. No. L341, 23.11.1989, p. 19.

(6) O.J. No. L341, 23.11.1989, p. 30.

(7) O.J. No. L353, 17.12.1990, p. 73.

(8) “the EEA Agreement” is defined in section 11(5) of the Act as amended by S.I. 1996/.

(9) O.J. No. L33, 11.2.1980, p. 1.

(10) O.J. No. L375, 31.12.1980, p. 74.

“registration” means, in the case of a nursing qualification, registration in Part 1 of the professional register, and, in the case of a midwifery qualification, registration in Part 10 of that register;

“the Second Nursing Directive” means Council Directive No. 77/453/EEC⁽¹¹⁾ concerning the coordination of provisions in respect of the activities of nurses responsible for general care as amended by Council Directive No. 89/595/EEC;

“the Second Midwifery Directive” means Council Directive No. 80/155/EEC⁽¹²⁾ concerning the coordination of provisions relating to the practice of midwifery as amended by Council Directive No. 89/594/EEC;

(2) In this Order “a competent authority certificate” means a certificate issued by a competent authority in an EEA State⁽¹³⁾ stating that the person named in the certificate has practised effectively and lawfully as a nurse or, as the case may be, as a midwife for at least three years or, for the purposes of articles 4(4)(b) and 6(4)(b), two years, during the period of five years ending with the date of issue of the certificate.

(3) In this Order “an Article 4 certificate” means a certificate issued to a person by a competent authority in an EEA State in accordance with Article 4 of the First Midwifery Directive to the effect that the person, after qualifying as a midwife, has practised satisfactorily, for the period provided for in that Article, as a midwife in a hospital or other health establishment approved for the purposes of that Article.

(4) Any reference in this Order to—

- (a) “the implementation date” of the First or Second Nursing Directive;
- (b) “the date of entry into force” of the First Midwifery Directive; or
- (c) “the relevant date” in connection with the First Midwifery Directive,

is a reference to the date set out in Column 2, 3 or 4 as appropriate opposite the relevant State in Column 1 in the table in Schedule 1.

(5) In this Order, unless the context otherwise requires, a reference—

- (a) to a numbered article or Schedule is to the article in or Schedule to this Order bearing that number;
- (b) in an article to a numbered paragraph is to the paragraph of that article bearing that number; and
- (c) in a paragraph to a numbered or lettered sub-paragraph is to the sub-paragraph in that paragraph bearing that number or letter.

⁽¹¹⁾ O.J. No. L176, 15.7.1977, p. 8.

⁽¹²⁾ O.J. No. L33, 11.2.1980, p. 8.

⁽¹³⁾ “EEA State” is defined in section 11(5) of the Act as amended by S.I. 1996/.