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STATUTORY INSTRUMENTS

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**1996 No. 3103**

**NURSES, MIDWIVES AND HEALTH VISITORS**

**The Nurses, Midwives and Health Visitors (Admission to the Register and Training) Amendment Rules Approval Order 1996**

*Made* - - - - *10th December 1996*

*Coming into force* - - *31st December 1996*

In exercise of the powers conferred upon me by section 22(4) of the Nurses, Midwives and Health Visitors Act 1979<sup>(1)</sup>, I hereby approve the following rules made by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting and set out in the Schedule hereto.

This Order may be cited as the Nurses, Midwives and Health Visitors (Admission to the Register and Training) Amendment Rules Approval Order 1996 and shall come into force on the 31st December 1996 immediately after the European Nursing and Midwifery Qualification Designation Order 1996<sup>(2)</sup>.

*Stephen Dorrell*  
One of Her Majesty's Principal Secretaries of  
State  
Department of Health

10th December 1996

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(1) 1979 c. 36.  
(2) S.I. 1996/3101.

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## SCHEDULE

### THE NURSES, MIDWIVES AND HEALTH VISITORS (ADMISSION TO THE REGISTER AND TRAINING) AMENDMENT RULES 1966

### 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 2(3) and 22 of the Nurses, Midwives and Health Visitors Act 1979(3) and of all other powers enabling it in that behalf and 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 make the following Rules:—

#### Citation and interpretation

1.—(1) These Rules may be cited as the Nurses, Midwives and Health Visitors (Admission to the Register and Training) Amendment Rules 1996.

(2) In these Rules, “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 in accordance with the following paragraphs of this rule.

(2) In rule 7 (admission to the register following professional qualification in a Member State of the European Communities)—

- (a) in the title for “a member State of the European Communities” there is substituted “an EEA State other than the United Kingdom”;
- (b) in paragraph (1) for the words “A national of a member State of the European Communities” there are substituted the words “A national of an EEA State to whom rule 6 does not apply”; and
- (c) after paragraph (1), there is added—

“(2) Any person who—

- (a) is not a national of an EEA State but who has a qualification referred to in section 11(3)(b) of the Act(5); and
- (b) is, by virtue of a right conferred by Article 11 of Council Regulation (EEC) No. 1612/68(6), or any other enforceable Community right, entitled to be treated, for the purposes of access to the nursing profession, or the profession of midwifery, no less favourably than a national of such a State,

shall be treated for the purposes of paragraph (1) above as if she were such a national.”.

(3) In rule 8(4) (admission to the register following training outside the United Kingdom), after the words “satisfy the Council” there is inserted “, unless she is exempt from this requirement,”.

(4) After paragraph (4) of rule 8 there is added the following paragraph—

(3) 1979 c. 36. Section 2(3) was amended by paragraph 3 of Schedule 2 to the Nurses, Midwives and Health Visitors Act 1992 (c. 16) and section 22 by section 14 of that Act.

(4) Approved by S.I. 1983/873; relevant amendments were made by Rules approved by S.I. 1986/786, 1989/1456, 1990/1624, 1991/2907 and 1993/1901.

(5) Section 11 has been amended by S.I. 1996/3101.

(6) O.J. No. L257, 19.10.68, p. 1 (amended by Council Regulation (EEC) No. 312/76, O.J. No. L39, 14.2.76, p. 2).

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“(5) For the purposes of this rule a person is exempt from the requirement in paragraph (4) above if—

- (a) she is a national of an EEA State; or
- (b) she is not a national of an EEA State but is, by virtue of a right conferred by Article 11 of Council Regulation (EEC) No. 1612/68 or any other enforceable Community right, entitled to be treated, for the purposes of access to the nursing profession, the profession of midwifery or the profession of health visiting, no less favourably than such a national.”

(5) In rules 14A(13)(a) and 18(4) (education and training for admission to Parts of the register) in the definition of “Nursing Directive” after the word “care” there are inserted the words “as amended by Council Directive No. 89/595/EEC(7) ”.

(6) In rule 27 (interpretation of Part V relating to midwives) in the definition of “Midwives Directive” after the word “midwives” there are inserted the words “as amended by Council Directive No. 89/594/EEC(8) ”.

GIVEN under the Official Seal of the UNITED KINGDOM CENTRAL COUNCIL FOR NURSING, MIDWIFERY AND HEALTH VISITING this day of 7th June 1996

L.S.

*Mary E. Uprich*  
President Registrar and Chief Executive Officer

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### EXPLANATORY NOTE

*(This note is not part of the Order)*

The Rules approved by this Order and made by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting further amend the Rules approved by the Nurses, Midwives and Health Visitors Rules Approval Order 1993 (“the principal Rules”) (S.I.1983/873) to make it clear that the provisions in rule 7 relating to admission to the register for nurses and midwives with qualifications designated as having Community equivalence apply not only to EEA nationals but in other situations where enforceable Community rights are being exercised and in particular to non-EEA spouses and certain children of EEA nationals who have rights under Regulation (EEC) No. 1612/68 (Article 2(2)).

The principal Rules are further amended to the effect that EEA nationals (and non-EEA spouses and children of EEA nationals where an enforceable Community right is being exercised in relation to admission to the register under rule 8) are not required to satisfy the Council before being admitted to the register that they have a particular knowledge of English.

The principal Rules require the training of student nurses (for entry to Parts 1 and 12 of the register) and midwives (for entry to Part 10) to meet the training requirements set out in Council Directives

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(7) O.J. No. L341, 23.11.89, p. 30.

(8) O.J. No. L341, 23.11.89, p. 19.

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Nos. [77/453/EEC](#) (Nurses) and [80/155/EEC](#) (Midwives). Article 2(5) and (6) of the Rules approved by this Order amends the definitions of those Directives to reflect the amendments made to the training requirements in those Directives by Article 2 of Council Directive [89/595/EEC](#) and Article 27 of Council Directive No. [89/594/EEC](#).