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STATUTORY INSTRUMENTS

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**2002 No. 253**

**The Nursing and Midwifery Order 2001**

**PART II**

**[<sup>F1</sup>The Practice Committees]**

**The Nursing and Midwifery Council and its Committees**

3.—(1) There shall be a body corporate known as the Nursing and Midwifery Council (referred to in this Order as “the Council”).

(2) The principal functions of the Council shall be to establish from time to time standards of education, training, conduct and performance for [<sup>F1</sup>nurses, midwives and nursing associates] and to ensure the maintenance of those standards.

(3) The Council shall have such other functions as are conferred on it by this Order or as may be provided by the Privy Council by order.

[<sup>F2</sup>(4) The over-arching objective of the Council in exercising its functions is the protection of the public.

(4A) The pursuit by the Council of its over-arching objective involves the pursuit of the following objectives—

- (a) to protect, promote and maintain the health, safety and well-being of the public;
- (b) to promote and maintain public confidence in the professions regulated under this Order; and
- (c) to promote and maintain proper professional standards and conduct for members of those professions.]

[<sup>F3</sup>(5) In exercising its functions, the Council shall—

- (a) have proper regard for—
  - (i) the interests of persons using or needing the services of registrants in the United Kingdom, and
  - (ii) any differing interests of different categories of registrants;
- (b) co-operate, in so far as is appropriate and reasonably practicable, with public bodies or other persons concerned with—
  - (i) the employment (whether or not under a contract of service) of registrants,
  - (ii) the education or training of nurses, midwives [<sup>F4</sup>, nursing associates] or other health care professionals,
  - (iii) the regulation of, or the co-ordination of the regulation of, other health or social care professionals,
  - (iv) the regulation of health services, and
  - (v) the provision, supervision or management of health services.

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Nursing and Midwifery Order 2001. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(5A) In carrying out its duty to co-operate under paragraph (5)(b), the Council shall have regard to any differing considerations relating to practising as a nurse or midwife which apply in England, Scotland, Wales or Northern Ireland.

(5B) In paragraph (5), “health care professionals” means persons regulated by a body, other than the Council, mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 (which relates to the Council for the Regulation of Health Care Professionals).]

(6) Before making any order under paragraph (3), the Privy Council shall consult the Council.

<sup>F5</sup>(7) .....

[<sup>F6</sup>(7A) The Council shall be constituted as provided for by order of the Privy Council, subject to Part 1 of Schedule 1.]

(8) Part I of Schedule 1 shall have effect with respect to the constitution of the Council [<sup>F7</sup>and orders of the Privy Council under paragraph (7A)].

[<sup>F8</sup>(9) There shall be two committees of the Council, to be known as—

- (a) the Investigating Committee; and
- (b) the Fitness to Practise Committee.]

[<sup>F9</sup>(10) The two committees mentioned in paragraph (9) are referred to in this Order as “the Practice Committees”.]

(11) Each of the [<sup>F10</sup>Practice Committees] shall have the functions conferred on it by this Order.

(12) The Council may establish such other committees as it considers appropriate in connection with the discharge of its functions and delegate any of its functions to them, other than any power to make rules.

(13) The Council shall inform and educate registrants, and shall inform the public, about its work.

(14) Before establishing any standards or giving any guidance under this Order the Council shall consult representatives of any group of persons it considers appropriate including, as it sees fit, representatives of—

- (a) registrants or classes of registrant;
- (b) employers of registrants;
- (c) users of the services of registrants; and
- (d) persons providing, assessing or funding education or training for registrants or prospective registrants.

(15) The Council shall publish any standards it establishes and any guidance it gives.

(16) Paragraphs (14) and (15) do not apply to guidance given to an individual which is particular to him.

(17) Part II of Schedule 1 shall have effect with respect to the [<sup>F11</sup>Practice Committees].

(18) Nothing in this Order shall require or permit any disclosure of information which is prohibited by or under any other enactment [<sup>F12</sup>or the [<sup>F13</sup>UK GDPR]].

<sup>F14</sup>(19) .....

**Textual Amendments**

**F1** Words in art. 3(2) substituted (12.7.2018) by [The Nursing and Midwifery \(Amendment\) Order 2018 \(S.I. 2018/838\)](#), art. 1(2)(b), **Sch. 1 para. 3(a)**

**F2** [Art. 3\(4\)\(4A\)](#) substituted for art. 3(4) (26.9.2016) by [Health and Social Care \(Safety and Quality\) Act 2015 \(c. 28\)](#), s. 6(4), **Sch. para. 5(2)**; S.I. 2016/906, reg. 2(b)

- F3** Art. 3(5)-(5B) substituted for art. 3(5) (12.6.2008) by The Nursing and Midwifery (Amendment) Order 2008 (S.I. 2008/1485), art. 1(2)(b), **Sch. 1 para. 1(a)**
- F4** Words in art. 3(5)(b)(ii) inserted (12.7.2018) by The Nursing and Midwifery (Amendment) Order 2018 (S.I. 2018/838), art. 1(2)(b), **Sch. 1 para. 3(b)**
- F5** Art. 3(7) omitted (1.1.2009 as notified in the London Gazette (Issue 58904, published 5.12.2008)) by virtue of The Nursing and Midwifery (Amendment) Order 2008 (S.I. 2008/1485), **Sch. 1 para. 1(b)**
- F6** Art. 3(7A) inserted (1.1.2009 as notified in the London Gazette (Issue 58904, published 5.12.2008)) by The Nursing and Midwifery (Amendment) Order 2008 (S.I. 2008/1485), **Sch. 1 para. 1(c)**
- F7** Words in art. 3(8) inserted (1.1.2009 as notified in the London Gazette (Issue 58904, published 5.12.2008)) by The Nursing and Midwifery (Amendment) Order 2008 (S.I. 2008/1485), **Sch. 1 para. 1(d)**
- F8** Art. 3(9) substituted (31.3.2017) by The Nursing and Midwifery (Amendment) Order 2017 (S.I. 2017/321), art. 1(2)(c)(d), **Sch. 1 para. 1(1)(a)** (with art. 3, Sch. 1 para. 1(2))
- F9** Art. 3(10) substituted (31.3.2017) by The Nursing and Midwifery (Amendment) Order 2017 (S.I. 2017/321), art. 1(2)(c)(d), **Sch. 1 para. 1(1)(b)** (with art. 3, Sch. 1 para. 1(2))
- F10** Words in art. 3(11) substituted (31.3.2017) by The Nursing and Midwifery (Amendment) Order 2017 (S.I. 2017/321), art. 1(2)(c)(d), **Sch. 1 para. 1(1)(c)** (with art. 3)
- F11** Words in art. 3(17) substituted (31.3.2017) by The Nursing and Midwifery (Amendment) Order 2017 (S.I. 2017/321), art. 1(2)(c)(d), **Sch. 1 para. 1(1)(c)** (with art. 3)
- F12** Words in art. 3(18) inserted (25.5.2018) by Data Protection Act 2018 (c. 12), s. 212(1), **Sch. 19 para. 280(2)** (with ss. 117, 209, 210); S.I. 2018/625, reg. 2(1)(g)
- F13** Words in art. 3(18) substituted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 3 para. 39(2)** (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Art. 3(19) omitted (31.12.2020) by virtue of The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 3 para. 39(3)** (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1)

### Commencement Information

- I1** Art. 3(1)-(7), (9)(d), (12)-(16), (18) in force at 1.4.2002 as notified in the London Gazette (Issue 56517, published 25.3.2002), see **art. 1(2)(3)**
- I2** Art. 3(8)(10)(11)(17) in force at 1.4.2002 for specified purposes as notified in the London Gazette (Issue 56517, published 25.3.2002), see **art. 1(2)(3)**
- I3** Art. 3(8)(11)(17) in force at 22.1.2003 for specified purposes as notified in the London Gazette (Issue 56816, published 10.1.2003), see **art. 1(2)(3)**
- I4** Art. 3(9)(10) in force at 22.1.2003 in so far as not already in force as notified in the London Gazette (Issue 56816, published 10.1.2003), see **art. 1(2)(3)**
- I5** Art. 3(11)(17) in force at 1.8.2004 in so far as not already in force as notified in the London Gazette (Issue 57361, published 21.7.2004), see **art. 1(2)(3)**
- I6** Art. 3(8) in force at 31.7.2006 in so far as not already in force as notified in the London Gazette (Issue 58044, published 14.7.2006), see **art. 1(2)(3)**

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Nursing and Midwifery Order 2001. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art. 5A(6A) inserted by [S.I. 2023/1286 Sch. 3 para. 61](#)
- art. 7(2A)-(2D) inserted by [S.I. 2023/1286 Sch. 3 para. 62](#)
- art. 9(4A) inserted by [S.I. 2023/1286 Sch. 3 para. 63\(a\)](#)
- art. 13(5A)-(5D) inserted by [S.I. 2023/1286 Sch. 3 para. 64\(b\)](#)
- art. 13ZA inserted by [S.I. 2023/1286 Sch. 3 para. 65](#)
- art. 21A inserted by [S.I. 2023/1286 Sch. 3 para. 66](#)
- art. 22(1)(a)(vi)(vii) inserted by [S.I. 2008/1485 Sch. 1 para. 4](#)