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STATUTORY INSTRUMENTS

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**2002 No. 253**

**The Nursing and Midwifery Order 2001**

**PART V**

**FITNESS TO PRACTISE**

**Legal assessors**

**34.**—(1) The Council shall appoint legal assessors.

(2) Legal assessors shall have the general function of giving advice to—

- <sup>F1</sup>(a) . . . . .
- (b) the Practice Committees;
- (c) the Registrar; or
- (d) the Council,

on questions of law arising in connection with any matter which any of those persons is considering under article 9 or 10, Part V or VI.

(3) They may at the request of the person mentioned in paragraph (2) assist in the drafting of any decision required by this Order to be issued under any of the provisions mentioned in that paragraph.

(4) They shall have such other functions as may be conferred on them by rules made by the Council.

(5) To be qualified for appointment as a legal assessor, a person must—

- (a) have a 10 year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990); or
- (b) be an advocate or solicitor in Scotland of at least 10 years' standing; or
- (c) be a member of the Bar of Northern Ireland of at least 10 years' standing.

(6) No person shall be a legal assessor if he is—

- (a) a member of the Council;
- (b) a member of a Practice Committee;
- (c) a <sup>F2</sup>... visitor or medical or registrant assessor; or
- (d) employed by the Council.

(7) The Council may make such provision in respect of legal assessors as it may determine—

- (a) for the payment of fees and allowances, including the payment of allowances to employers of legal assessors for the purposes of enabling legal assessors to perform functions under this article;
- (b) for the reimbursement of such expenses as the legal assessors may reasonably have incurred in the course of carrying out their functions under this Order.

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**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

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#### Textual Amendments

- F1** [Art. 34\(2\)\(a\)](#) omitted (28.1.2019) by virtue of [The Nursing and Midwifery \(Amendment\) Order 2018 \(S.I. 2018/838\)](#), [art. 1\(3\)](#), [Sch. 1 para. 23\(a\)](#)
- F2** Word in [art. 34\(6\)\(c\)](#) omitted (28.1.2019) by virtue of [The Nursing and Midwifery \(Amendment\) Order 2018 \(S.I. 2018/838\)](#), [art. 1\(3\)](#), [Sch. 1 para. 23\(b\)](#)

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#### Modifications etc. (not altering text)

- C1** [Pt. V](#) applied (with modifications) (1.8.2004) by [The Nursing and Midwifery Order 2001 \(Transitional Provisions\) Order of Council 2004 \(S.I. 2004/1762\)](#), [arts. 1\(1\)](#), [7\(4\)\(b\)](#)
- C2** [Pt. V](#) applied (with modifications) (1.8.2004) by [The Nursing and Midwifery Order 2001 \(Transitional Provisions\) Order of Council 2004 \(S.I. 2004/1762\)](#), [arts. 1\(1\)](#), [6\(b\)](#)

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#### Commencement Information

- I1** [Art. 34\(4\)](#) in force at 5.3.2004 for specified purposes as notified in the London Gazette (Issue 57218, published 27.2.2004), see [art. 1\(2\)\(3\)](#)
- I2** [Art. 34](#) 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\(2\)\(3\)](#)

**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](#)