
STATUTORY INSTRUMENTS

2002 No. 253

The Nursing and Midwifery Order 2001

**PART III
REGISTRATION**

Registrar

4.—(1) The Council shall appoint a Registrar who shall hold office for such period and on such terms as the Council may determine.

(2) The Registrar shall have such functions as the Council may direct.

(3) The terms on which the Registrar holds office may, in addition to providing for his remuneration, include provision for the payment of such pensions, allowances or gratuities to or in respect of him, or such contributions or payments towards provision for such pensions, allowances or gratuities, as may be determined by the Council.

(4) Where the terms on which the Registrar holds office include provision for the payment to him of any allowances or expenses, the rate at which those allowances or expenses are paid shall be determined by the Council.

(5) If the Council appoints a deputy or assistant Registrar and that deputy or assistant Registrar is authorised by the Registrar to act for him in any matter, any reference in this Order to “the Registrar” shall include a reference to that deputy or assistant Registrar.

Establishment and maintenance of register

5.—(1) In accordance with the provisions of this Order the Council shall establish and maintain a register of qualified nurses and midwives.

(2) The Council shall from time to time—

(a) establish the standards of proficiency necessary to be admitted to the different parts of the register being the standards it considers necessary for safe and effective practice under that part of the register; and

(b) prescribe the requirements to be met as to the evidence of good health and good character in order to satisfy the Registrar that an applicant is capable of safe and effective practice as a nurse or midwife.

(3) The Council shall—

(a) before prescribing the requirements mentioned in paragraph (2)(b), consult the Conduct and Competence Committee in addition to the persons referred to in article 3(14); and

(b) publish those requirements.

(4) The register shall show, in relation to each registrant, such address and other details as the Council may prescribe.

(5) In any enactment or instrument (past or future and including this Order), except where the context otherwise provides, “registered” in relation to nurses and midwives means registered in the

register maintained under this article by virtue of qualifications in nursing or midwifery, as the case may be.

Register

6.—(1) The register shall be divided into such parts as the Privy Council may by order determine, on a proposal by the Council or otherwise, and in this Order, references to parts of the register are to the parts so determined.

(2) Each part shall have a designated title indicative of different qualifications and different kinds of education or training and a registrant is entitled to use the title corresponding to the part of the register in which he is registered.

(3) Subject to article 7, the Privy Council may by order, on a proposal by the Council or otherwise, make such other provision in connection with the register as it considers appropriate and in particular may provide for—

- (a) the register to include entries indicating the possession of qualifications (whether or not they are approved qualifications) or competence in a particular field or at a particular level of practice, or for the use of a particular category of entry to be discontinued;
- (b) persons to be registered in one or more parts of the register by virtue of having been included in the register maintained under the 1997 Act;
- (c) the recording of additional entries by virtue of their having been in the register maintained under the 1997 Act;
- (d) a specified part of the register to be closed, as from a date specified in the order, so that on or after that date no further person may become registered in that part;
- (e) a specified part of the register to be sub-divided into two or more parts, or for two or more parts to be combined into one;
- (f) persons to be registered in one or more parts of the register by virtue of having been registered in a part or parts of the register which have been closed, sub-divided or combined;
- (g) the register to include a part or parts for specialists in community and public health;
- (h) the recording in Welsh of titles, qualifications and other entries referred to in this paragraph in respect of those members of the professions regulated by this Order whose registered address is in Wales.

(4) The Privy Council, except where acting in accordance with a proposal made by the Council, shall consult the Council before making, varying or revoking any order under this article.

(5) Before making any proposal referred to in paragraph (1) or (3), the Council shall consult representatives of any group of persons who appear likely to be affected by the proposed order.

The register: supplemental provisions

7.—(1) The Council shall make rules in connection with registration and the register, and as to the payment of fees.

(2) The rules shall, in particular, make provision as to—

- (a) the form and keeping of the register;
- (b) the procedure for the making, alteration and deletion of entries in the register;
- (c) the form and manner in which applications are to be made and the fee to be charged—
 - (i) for registration, renewal of registration and readmission to the register,
 - (ii) for the making of any additional entry in the register, and

(iii) for registration to lapse;

(d) the documentary and other evidence which is to accompany applications of the kind mentioned in sub-paragraph (c).

(3) Before determining or varying any fees mentioned in paragraph (2)(c) the Council shall consult such of those persons mentioned in article 3(14) as it considers appropriate.

Access to register etc.

8.—(1) The Council shall make the register available for inspection by members of the public at all reasonable times.

(2) The Council shall publish the register maintained by it in such manner, and at such times, as it considers appropriate.

(3) Any copy of, or extract from, the published register shall be evidence (and in Scotland sufficient evidence) of the matters mentioned in it.

(4) A certificate purporting to be signed by the Registrar, certifying that a person—

(a) is registered in a specified category;

(b) is not registered;

(c) was registered in a specified category at a specified date or during a specified period;

(d) was not registered in a specified category, or in any category, at a specified date or during a specified period; or

(e) has never been registered,

shall be evidence (and in Scotland sufficient evidence) of the matters certified.

(5) On application by a registrant who wishes to practise in another EEA State, the Council shall provide him with such documentary evidence as is required by the relevant Directive.

Registration

9.—(1) A person seeking admission to a part of the register must apply to the Council and, subject to the provisions of this Order, if he satisfies the conditions mentioned in paragraph (2) he shall be entitled to be registered in that part.

(2) Subject to paragraph (3), the conditions are that the application is made in the prescribed form and manner and that the applicant—

(a) satisfies the Registrar that he holds an approved qualification awarded—

(i) within such period, not exceeding five years ending with the date of the application, as may be prescribed, or

(ii) before the prescribed period mentioned in head (i), and he has met such requirements as to additional education, training and experience as the Council may specify under article 19(3) and which apply to him;

(b) satisfies the Registrar in accordance with the Council's requirements mentioned in article 5(2) that he is capable of safe and effective practice as a nurse or midwife; and

(c) has paid the prescribed fee.

(3) Where the applicant is already registered in the register and wishes to be registered in an additional part of the register or to have additional entries recorded, paragraph (2)(a) shall apply only to the qualifications on which his application is based.

(4) The Registrar shall give his decision on an application under paragraph (1) as soon as reasonably practicable and in any event within—

- (a) three months from the date by which the application together with full supporting documentation has been received or, if the Nursing or Midwifery Directive applies, such longer period as may be allowed by the relevant Directive; or
- (b) in respect of applications to which the European Communities (Recognition of Professional Qualifications) Regulations 1991⁽¹⁾ or the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 1996⁽²⁾ apply, within the period specified in the relevant regulations.

(5) The Registrar shall notify the applicant in writing of his decision, and, where that decision is unfavourable to the applicant, of his reasons for reaching that decision and, of the applicant's right of appeal under article 37.

(6) Failure to notify the applicant of the Registrar's decision within the time specified in paragraph (4) shall be treated as a decision from which the applicant may appeal under article 37.

Renewal of registration and readmission

10.—(1) Where a person is registered and wishes to renew his registration at the end of a prescribed period, he shall make an application for renewal to the Registrar in accordance with rules made by the Council.

(2) The Registrar shall grant the application for renewal if the applicant—

- (a) meets the conditions set out in article 9(2)(b) and (c);
- (b) satisfies the Registrar that he has met any prescribed requirements for continuing professional development within the prescribed time; and
- (c) where he has not practised, or has practised for less than the prescribed period, since his first registration or, as the case may be, his latest renewal, has met such requirements as to additional education, training or experience as the Council may specify under article 19(3) and which apply to him.

(3) Where an applicant does not satisfy the Registrar that he has met the requirements mentioned in paragraph (2)(b) or (c), the Registrar may renew the applicant's registration on condition that he satisfy those requirements within a specified time and if the person fails to comply with the condition, subject to articles 12(3) and 37(3), his registration shall lapse and, in accordance with prescribed procedure, his name shall be removed from the register.

(4) Where a person's registration has lapsed, he may apply to the Registrar to be readmitted and the Registrar shall grant the application if—

- (a) the applicant meets the conditions set out in article 9(2)(b) and (c); and
- (b) he satisfies the Registrar that he has met such requirements as to additional education, training or experience as the Council may specify under article 19(3) and which apply to him.

(5) Article 9(4) to (6) shall apply to applications made under this article.

Deemed registration of visiting EEA nurses and midwives

11.—(1) A visiting EEA nurse may practise as a nurse responsible for general care during the period specified in his relevant documents in pursuance of article 39, and while he is so practising he shall be deemed to be registered as a nurse responsible for general care.

(1) S.I.1991/824 relevant amendments to which are made by S.I. 2000/1960.

(2) S.I. 1996/2374 as amended by S.I. 1999/67.

(2) A visiting EEA midwife shall be deemed to be registered as a midwife during the period specified in his relevant documents(3).

Lapse of registration

12.—(1) The Council may make rules providing for the procedure by which and the circumstances in which a registrant's name may be removed from the register on his own application or after the expiry of a specified period.

(2) Where a person's name is removed in accordance with this article or article 10(3), his registration shall be referred to as lapsed.

(3) Any rules made under paragraph (1) shall provide that a person's registration shall not lapse under this article or under article 10(3)—

- (a) where the person concerned is the subject of an allegation, or is treated under article 22(6) as if he were the subject of an allegation, or is the subject of any investigations or proceedings under Part V or VI of this Order, on the grounds only that he has not paid the prescribed fee or has failed to apply for renewal in the prescribed form or within the prescribed time; or
- (b) if the person concerned is the subject of a suspension order, a conditions of practice order, an interim suspension order or an interim conditions of practice order.

Approved qualifications

13.—(1) For the purposes of this Order a person is to be regarded as having an approved qualification if—

- (a) he has a qualification awarded in the United Kingdom which has been approved by the Council as attesting to the standard of proficiency it requires for admission to the part of the register in respect of which he is applying;
- (b) he is an EEA national and has a qualification of the kind mentioned in article 14; or
- (c) he has, elsewhere than in the United Kingdom, undergone training in nursing or midwifery and either—
 - (i) holds a qualification which the Council is satisfied attests to a standard of proficiency comparable to that attested to by a qualification referred to in sub-paragraph (a), or
 - (ii) the Council is not so satisfied, but the applicant has undergone in the United Kingdom or elsewhere such additional training or experience as satisfies the Council, following any test of competence as it may require him to take, that he has the requisite standard of proficiency for admission to the part of the register in respect of which he is applying; and, in either case,
 - (iii) he is not an EEA national or exempt person and he satisfies prescribed requirements as to knowledge of English.

(2) The Council shall determine procedures to—

- (a) assess whether a qualification awarded outside the United Kingdom is of a comparable standard to a qualification mentioned in paragraph (1)(a) and it shall, where it sees fit, keep a list of qualifications which are of a comparable standard which it shall publish and keep under review; and
- (b) assess other training or professional experience acquired outside the United Kingdom and to compare it, together with qualifications mentioned in sub-paragraph (a) where

(3) See Article 39.

appropriate, with the standard of proficiency required for admission to any part of the register.

EEA qualifications

14.—(1) For the purposes of article 13(1)(b) a qualification is one obtained outside the United Kingdom, to which an EC Directive applies and which the Privy Council has by order designated as being an approved qualification for the purposes of registration in the relevant part of the register.

(2) An order under paragraph (1) may provide—

- (a) that a qualification is designated for the purposes of registration in a particular part of the register only if prescribed conditions required by a Directive issued by the Council of the European Communities are fulfilled, and different conditions may be prescribed with respect to the same qualification for different circumstances; and
- (b) that the Council may require the applicant to satisfy specified additional conditions before being registered including the undertaking of training or education, working under supervision or the taking and passing of a test of competence.

(3) A person falling within the definition of “exempt person” shall be treated for the purposes of this article and article 13(1)(b) as if he were an EEA national.