
EXPLANATORY NOTE

(This note is not part of the Order)

This Order of Council is made by the Privy Council under the Nursing and Midwifery Order 2001 and replaces the EEC Nursing and Midwifery Qualifications Designation Order 1996 as amended which was made by the Secretary of State under the Nurses, Midwives and Health Visitors Act 1979 and which continued in existence under the Nurses, Midwives and Health Visitors Act 1997.

In accordance with article 14 of the Nursing and Midwifery Order 2001 and Directives [77/452/EEC](#) (“the Nursing Directive”) (Articles 2, 4, 4a and 18b and the Annex) and [80/154/EEC](#) (“the Midwifery Directive”) (Articles 2, 4, 5 and 19b and the Annex) as amended, it designates nursing and midwifery qualifications awarded in other EU States as being approved qualifications for the purposes of registration in the register maintained by the Nursing and Midwifery Council.

By virtue of the Agreement on the European Economic Area the provisions of these Directives apply to qualifications awarded in Iceland, Norway and Liechtenstein which are also designated.

In accordance with the Agreement between the European Community, and its Member States, and the Swiss Confederation, qualifications awarded in Switzerland are also designated.

Article 3 relates to the designation of a qualification awarded after the specified date by an EEA State (which, in this note, includes Switzerland) which satisfies the training requirements of Directive [77/453/EEC](#) (“the second Nursing Directive”) or [80/155/EEC](#) (“the second Midwifery Directive”) and is listed in the Annex to Directive [77/452/EEC](#) or [80/154/EEC](#).

Article 4 relates to the designation of a qualification listed in the Annex to Directive [77/452/EEC](#) or [80/154/EEC](#) awarded before the specified date, or in respect of nursing training begun before that date, if it satisfies the training requirements of the relevant Directive or is accompanied by a certificate confirming that the holder has practised effectively and lawfully for the period stated in it.

Article 5 of the Order relates to the designation of a qualification which is not listed in the Annex to Directive [77/452/EEC](#) or [80/154/EEC](#) which was awarded before, or in respect of training begun before, the relevant date and which does not satisfy the training requirements of the relevant Directive but is accompanied by a certificate confirming that the holder has practised effectively and lawfully for the period stated in it.

Article 6 relates to the designation of a qualification which is not listed in the Annex to Directive [77/452/EEC](#) or [80/154/EEC](#) but which satisfies the training requirements of the relevant Directive and which is treated by the State which awarded it as if it were a listed qualification.

Article 7 relates to the designation of a qualification awarded in Poland before the specified date which does not satisfy the training requirements of the relevant Directive provided it is accompanied by a certificate confirming that the holder has practised effectively and lawfully for the period set out in article 7(3).

Articles 8 and 9 relate to the designation of qualifications arising out of training received in the former German Democratic Republic. Article 8 relates to a qualification not listed in the Annex to Directive [77/452/EEC](#) or [80/155/EEC](#) but which satisfies the training requirements of the relevant Directive and which is accompanied by a certificate confirming that the holder is entitled to practise in Germany as if he held a qualification listed in the Annex. Article 9 relates to a qualification which does not satisfy the training requirements of the relevant Directive but which entitles the holder to practise on the same conditions as a holder of a listed qualification and which is accompanied by a certificate confirming that he has practised effectively and lawfully for the time stated in it.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Article 10 relates to the designation of a qualification awarded by, or following training in, the former Czechoslovakia, the former Soviet Union or Yugoslavia which is accompanied by a certificate confirming that the holder has practised effectively and lawfully for at least three consecutive years out of the five years preceding the award of the qualification and an attestation that the qualification has the same legal validity in respect of access to and practice of the profession concerned as a qualification listed in the Directive.

Article 11 contains a transitional provision in relation to midwifery qualifications awarded in Spain following training which began before 1st January 1986 which are accompanied by a certificate confirming that the qualification satisfies Directive training requirements or, if it does not, that the holder has practised effectively and lawfully for the period stated in it.

Some midwifery qualifications awarded after shorter training which nevertheless satisfy the Directive requirements must be accompanied by a certificate issued in accordance with Articles 2 and 4 of Directive [80/154/EEC](#) confirming that the midwife has practised satisfactorily. This is provided for in articles 3(2); 4(3)(b)(i) and (4)(a); 6(3)(a) and (4)(a); 11(3)(b) and (4)(a). Where the qualification is awarded before the coming into force of Directive [80/154/EEC](#) it must be accompanied instead by a certificate confirming that the holder has practised effectively and lawfully for the period stated in it as is provided for in articles 4(3)(b)(ii) and (4)(b); 6(3)(b) and (4)(b); 8(3)(b) and (4); and 11(3)(b) and (4)(b).

(the expressions “the Nursing Directive”, “the second Nursing Directive”, “the Midwifery Directive” and “the second Midwifery Directive” are defined in Schedule 4 of the Nursing and Midwifery Order 2001 as amended by [S.I.2003/3148](#)).