
STATUTORY INSTRUMENTS

2004 No. 1766

**European Nursing and Midwifery Qualifications
Designation Order of Council 2004**

PART 2

Designation of Approved Qualifications

Qualifications in respect of which a diploma specified in Schedule 2 is awarded on or after the implementation date or relevant date

3.—(1) Subject to article 11 (transitional provision for Spanish midwifery qualifications) and paragraph (2), a professional qualification in respect of which a diploma specified in Part 1 (nursing diplomas) or Part 2 (midwifery diplomas) of Schedule 2 is awarded in an EEA State—

- (a) in the case of a nursing qualification, on or after the implementation date of the Nursing Directives, and which is not evidence of training commenced by the holder before that date; or
- (b) in the case of a midwifery qualification, on or after the relevant date,

is hereby designated as being an approved qualification for the purposes of registration.

(2) A midwifery qualification referred to in paragraph (1)—

- (a) in respect of which a diploma has been obtained in any EEA State following training which complies with all the training requirements in Article 1 of the Second Midwifery Directive; but
- (b) where the diploma is required to be recognised by other EEA States in pursuance of Article 2 of the Midwifery Directive only if the holder has undertaken professional practice in respect of which a certificate complying with Article 4 of that Directive is issued,

shall be an approved qualification for the purposes of registration if it is accompanied by an Article 4 certificate relating to the holder.

Qualifications in respect of which a diploma specified in Schedule 2 is awarded before the implementation date or relevant date or in respect of nursing training which began before the former date

4.—(1) Subject to article 11 (transitional provision for Spanish midwifery qualifications), and paragraph (2), a professional qualification in respect of which a diploma specified in Part 1 or Part 2 of Schedule 2 is awarded in an EEA State other than Poland—

- (a) in the case of a qualification in nursing in general care, before the implementation date of the Nursing Directives or on or after that date in respect of a course of training begun before that date; or
- (b) in the case of a midwifery qualification, before the relevant date,

shall be an approved qualification for the purposes of registration.

- (2) The diploma referred to in paragraph (1) shall—
 - (a) be one awarded in respect of training which complies with the requirements laid down—
 - (i) in the case of a nursing qualification, in Article 1 of the second Nursing Directive (minimum standards of training for nurses) or,
 - (ii) in the case of a midwifery qualification, in Article 1 of the second Midwifery Directive (minimum standards of training for midwives),
 subject also in the case of a midwifery qualification to paragraphs (3) and (4); or
 - (b) be accompanied by a competent authority certificate relating to the holder.
- (3) A midwifery qualification referred to in paragraph (1)—
 - (a) in respect of which a diploma which falls within paragraphs (1) and (2) has been awarded; but
 - (b) where the diploma—
 - (i) is required to be recognised by other EEA States in pursuance of Article 2 of the Midwifery Directive only if the holder has undertaken professional practice in respect of which a certificate complying with Article 4 of that Directive is issued, or
 - (ii) would be required to be so recognised if it had been awarded on or after the date of entry into force of the Midwifery Directive,
 shall be an approved qualification for the purposes of registration if the requirement set out in paragraph (4) is satisfied.
- (4) The requirement referred to in paragraph (3) is that a diploma referred to in that paragraph must be accompanied by—
 - (a) an Article 4 certificate relating to the holder; or
 - (b) if the diploma was awarded before the date of entry into force of the Midwifery Directive, a competent authority certificate relating to the holder.

Qualifications in respect of which a diploma not specified in Schedule 2 is awarded before the implementation date or relevant date in respect of training which does not comply with Directive requirements

5.—(1) A professional qualification in respect of which a diploma specified in paragraph (2) is awarded in an EEA State other than Poland shall be an approved qualification for the purposes of registration if it is accompanied by a competent authority certificate.

- (2) The diploma referred to in paragraph (1) is—
 - (a) a diploma in nursing in general care which is not specified in Part 1 of Schedule 2 and is awarded—
 - (i) before the implementation date of the Nursing Directives or on or after that date in respect of a course of training begun before that date, and
 - (ii) in respect of training which does not comply with the requirements of Article 1 of the second Nursing Directive (minimum standards of training for nurses); or
 - (b) a midwifery diploma which is not specified in Part 2 of Schedule 2 and is awarded—
 - (i) before the relevant date, and
 - (ii) in respect of training which does not comply with the requirements of Article 1 of the second Midwifery Directive (minimum standards of training for midwives).

Qualifications in respect of which a diploma not specified in Schedule 2 is awarded in respect of training which complies with Directive requirements

6.—(1) A professional qualification in respect of which a diploma specified in paragraph (2) is awarded in an EEA State shall be an approved qualification for the purposes of registration, provided that, if it is a midwifery qualification which falls within paragraph (3), it also satisfies paragraph (4).

(2) The diploma referred to in paragraph (1) is one which—

- (a) is not specified in Part 1 or Part 2 of Schedule 2; and
- (b) is accompanied by a certificate issued by the competent authority of the State which awarded the diploma to the effect that the latter—
 - (i) was awarded following training in accordance with the provisions of the second Nursing Directive (minimum standards of training for nurses) or, as the case may be, the second Midwifery Directive (minimum standards of training for midwives), and
 - (ii) is treated by that State as if it were a qualification in respect of which a diploma is listed, in relation to that State, in the Annex to the Nursing Directive or, as the case may be, the Annex to the Midwifery Directive.

(3) Paragraph (4) applies to a midwifery qualification in respect of which a midwife holds a diploma referred to in paragraph (1) which—

- (a) is required to be recognised by other EEA States in pursuance of Article 2 of the Midwifery Directive only if the holder has undertaken professional practice in respect of which a certificate complying with Article 4 of that Directive is issued; or
- (b) would be required to be so recognised if it had been awarded on or after the date of entry into force of the Midwifery Directive.

(4) A midwifery qualification referred to in paragraph (3) shall be an approved qualification for the purposes of registration only if the diploma referred to in paragraph (2) is accompanied by—

- (a) an Article 4 certificate relating to the holder; or
- (b) if the diploma was awarded before the date of entry into force of the Midwifery Directive, a competent authority certificate relating to the holder.

Qualifications awarded in Poland before the implementation date or relevant date, or awarded in respect of nursing or midwifery training begun before those dates which do not comply with Directive requirements

7.—(1) This article applies to a professional qualification in respect of which a diploma is awarded in Poland in respect of training which does not comply with the requirements of Article 1 of the second Nursing Directive or Article 1 of the second Midwifery Directive^{3/4}

- (a) in the case of a qualification in nursing in general care, before the implementation date of the Nursing Directives or on or after that date in respect of a course of training begun before that date; or
- (b) in the case of a midwifery qualification, before the relevant date, or on or after that date in respect of training begun before that date.

(2) A qualification referred to in paragraph (1) shall be an approved qualification for the purposes of registration only if the requirements of paragraph (3) are satisfied.

(3) The diploma referred to in paragraph (1) shall be accompanied by a certificate from the Polish competent authority stating that the person named in the certificate has practised effectively and lawfully as a nurse responsible for general care or, as the case may be, as a midwife in Poland for—

- (a) in the case of a person holding the diploma of bachelor of nursing (dyplom licencjata pielęgniarstwa) or the diploma of bachelor of midwifery (dyplom licencjata położnictwa),

at least three consecutive years during the period of five years ending with the date of issue of the certificate; or

- (b) in the case of a person holding the diploma of nurse (dyplom pielęgniarki albo pielęgniarki dyplomowanej) or the diploma of midwife (dyplom położnej) with post-secondary education obtained from a medical vocational school, at least five consecutive years during the period of seven years ending with the date of issue of the certificate,

and the period of practice specified in either sub-paragraph (a) or (b) in relation to a person holding the diploma of bachelor of nursing or the diploma of nurse must have included taking full responsibility for the planning, organisation and carrying out of the nursing care of the patient.

Qualifications following training in the former German Democratic Republic which complies with Directive requirements

8.—(1) Subject to paragraph (2), a professional qualification in respect of which a diploma in nursing in general care or, as the case may be, a midwifery diploma has been awarded which is evidence of training which—

- (a) was received in the territory of the former German Democratic Republic; and
- (b) commenced before 3rd October 1990,

shall be an approved qualification for the purposes of registration.

(2) The diploma referred to in paragraph (1) shall—

- (a) be one which is not specified in Part 1 or Part 2 of Schedule 2 and is awarded in respect of training which complies with the requirements laid down—
 - (i) in the case of a nursing qualification, in Article 1 of the second Nursing Directive (minimum standards of training for nurses), or
 - (ii) in the case of a midwifery qualification, in Article 1 of the second Midwifery Directive (minimum standards of training for midwives),

subject also in the case of a midwifery qualification to paragraphs (3) and (4); and

- (b) be accompanied by a certificate of the competent authority in Germany that the holder is entitled by virtue of the qualification of which the diploma is evidence to practise anywhere in Germany as a nurse responsible for general care or, as the case may be, a midwife on the same conditions as the holder of a qualification evidenced by a diploma listed under the heading “Germany” in Part 1 (nursing diplomas) or, as the case may be, Part 2 (midwifery diplomas) of Schedule 2.

(3) A midwifery qualification referred to in paragraph (1)—

- (a) in respect of which a diploma which falls within paragraphs (1) and (2) has been awarded; but
- (b) where the diploma would, if it had been awarded in respect of training which commenced on or after 3rd October 1990, be required to be recognised by other EEA States in pursuance of Article 2 of the Midwifery Directive only if the holder had undertaken professional practice in respect of which a certificate complying with Article 4 of that Directive has been issued,

shall be an approved qualification for the purposes of registration if the requirement set out in paragraph (4) is satisfied.

(4) The requirement referred to in paragraph (3) is that a diploma referred to in that paragraph be accompanied by a certificate issued by the competent authority in Germany stating that the holder of the diploma has effectively and lawfully been engaged in actual practice in Germany as a midwife for at least two years during the period of five years ending with the date of issue of the certificate.

Qualifications following training in the former German Democratic Republic which does not comply with Directive requirements

9.—(1) Subject to paragraphs (2) and (3), a professional qualification in respect of which a diploma in nursing in general care not specified in Part 1 of Schedule 2 or, as the case may be, a midwifery diploma not specified in Part 2 of Schedule 2 has been awarded which is evidence of training which—

- (a) was received in the territory of the former German Democratic Republic; and
- (b) commenced before 3rd October 1990; but
- (c) does not comply with the requirements laid down—
 - (i) in the case of a nursing qualification, in Article 1 of the Second Nursing Directive (minimum standards of training for nurses), or
 - (ii) in the case of a midwifery qualification, in Article 1 of the Second Midwifery Directive (minimum standards of training for midwives),

shall be an approved qualification for the purposes of registration.

(2) The qualification of which the diploma referred to in paragraph (1) is evidence must be such as to entitle the holder to practise anywhere in Germany as a nurse responsible for general care or, as the case may be, a midwife on the same conditions as the holder of a qualification evidenced by a diploma listed under the heading “Germany” in Part 1 (nursing diplomas) or, as the case may be, Part 2 (midwifery diplomas) of Schedule 2.

(3) The diploma shall be accompanied by a certificate issued by the competent authority in Germany stating that, for at least three years during the period of five years ending with the date of issue of the certificate, the holder of the qualification has effectively and lawfully been engaged in actual practice in Germany as a nurse responsible for general care or, as the case may be, a midwife.

Qualifications following training in the former Czechoslovakia, the former Soviet Union or Yugoslavia

10.—(1) Subject to paragraph (2), a professional qualification in respect of which a diploma in nursing in general care or, as the case may be, a midwifery diploma has been awarded which—

- (a) is evidence of training which commenced in the territory specified in column (a) of the table below before the date specified in the corresponding entry in column (b); or
- (b) was awarded by the State or former State specified in column (a) of the table below before the date specified in the corresponding entry in column (b),

shall be an approved qualification for the purposes of registration.

| <i>Column (a)</i> | <i>Column (b)</i> | <i>Column (c)</i> |
|-----------------------|-------------------|-------------------|
| Former Czechoslovakia | 1st January 1993 | Czech Republic |
| Former Czechoslovakia | 1st January 1993 | Slovakia |
| Former Soviet Union | 20th August 1991 | Estonia |
| Former Soviet Union | 21st August 1991 | Latvia |
| Former Soviet Union | 11th March 1990 | Lithuania |
| Yugoslavia | 25th June 1991 | Slovenia |

(2) The diploma referred to in paragraph (1) shall—

- (a) be accompanied by a certificate of the competent authority of the EEA State specified in column (c) of the corresponding row of the table in paragraph (1) stating that the holder of the diploma has effectively and lawfully been engaged in the practice of the profession in question in that State for at least three consecutive years during the period of five years ending with the date of issue of that certificate; and
- (b) the certificate referred to in sub-paragraph (a) shall be accompanied by an attestation from that competent authority to the effect that the diploma has, on its territory, the same legal validity as regards access to, and practice of, the profession concerned as the qualification listed in relation to that State in Part 1 of Schedule 2 or, as the case may be, Part 2 of Schedule 2.

Transitional provision for Spanish midwifery qualifications

11.—(1) Subject to paragraph (3), a professional midwifery qualification, not being one to which article 5 or 6 applies, in respect of which a diploma specified in paragraph (2) has been awarded in Spain shall be an approved qualification for the purposes of registration.

- (2) The diploma referred to in paragraph (1) is one which—
 - (a) is evidence of training received in Spain which commenced before 1st January 1986; and
 - (b) is accompanied by—
 - (i) a certificate issued by the competent authority in Spain to the effect that the diploma was awarded following training which satisfies all the training requirements in Article 1 of the second Midwifery Directive, or
 - (ii) if the training does not satisfy the requirements laid down in Article 1 of the second Midwifery Directive, a competent authority certificate.
- (3) A qualification referred to in paragraph (1)—
 - (a) in respect of which a person holds a diploma referred to in paragraph (2)(a) which is accompanied by a certificate referred to in paragraph (2)(b)(i); but
 - (b) where the diploma is required to be recognised by other EEA States in pursuance of Article 2 of the Midwifery Directive only if the holder has undertaken professional practice in respect of which a certificate complying with Article 4 of that Directive is issued,

shall be an approved qualification for the purposes of registration if the requirement in paragraph (4) is satisfied.

- (4) The requirement referred to in paragraph (3) is that a diploma referred to in that paragraph be accompanied by—
 - (a) an Article 4 certificate relating to the holder; or
 - (b) if the diploma was awarded before 1st January 1986, a competent authority certificate relating to the holder.