

**EXPLANATORY MEMORANDUM TO
THE NURSING AND MIDWIFERY COUNCIL (FEES) (AMENDMENT)
RULES ORDER OF COUNCIL 2007
NO.1885**

1. This explanatory memorandum has been prepared by Department of Health and is laid before Parliament by Command of Her Majesty.

2. **Description**

2.1. This Order, which is made under the Nursing and Midwifery Order 2001, approves rules made by the Nursing and Midwifery Council (NMC), which amend the Nursing and Midwifery Council (Fees) Rules 2004 (“the 2004 Rules”).

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1. None.

4. **Legislative Background**

4.1. The NMC makes the amending Rules in exercise of its powers conferred under articles conferred under articles 7(1) and (2), 33(7)(a) and 47(2) of the Nursing and Midwifery Order 2001.

The Nursing and Midwifery Council has consulted in accordance with article 47(3) of that Order.

5. **Extent**

5.1. This instrument applies to the United Kingdom.

6. **European Convention on Human Rights**

6.1. As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. **Policy background**

Policy

7.1 The NMC is the UK regulator for nurses and midwives and in common with other professional regulators is funded by the registration fees of its registrants and needs to set a fee that allows it to carry out its statutory duties effectively.

7.2 Registration fees were last reviewed in 2004 when they were raised to their current level. The proposed new fee level is slightly lower, at £76, than the figure of £80 originally proposed.

Consultation

7.3 The NMC consultation on the proposed amendments to the 2004 Rules, was issued on 31 July 2006 and closed on 17 November 2006. The consultation document and questionnaire was published on the NMC website and a summary published in NMC News, which is sent to all 682,000 nurses and midwives on the register. The consultation sought a response to two questions:

- whether the NMC should have sufficient funds to carry out its statutory functions effectively, and
- whether registrants would want to be able to pay monthly in advance by direct debit and, if so whether they would be willing to pay the additional costs of this service.

There was also provision to make general comments on the document.

7.4 A total of 3,504 responses to the consultation were received. In addition, approximately 3,000 response slips from a Nursing Times “Fairness on Fees” campaign were received. These merely objected to the increase but made no other comment on the consultation proposals.

7.5 Approximately 75% of those who responded agreed that the NMC needed sufficient funds. However, few of those that agreed with this principle agreed with the fee increase proposed. Around 10% of those responding said they should have been offered a range of alternative fee options from which to choose. Finally, approximately 50% of those who responded would use direct debit if available but only 4% would be willing to pay for it.

7.6 The NMC recognised the strength of feeling over the size of the increase and the reluctance of registrants to pay for the direct debit service. Therefore, the proposed fee was reduced by the £4 ascribed to the delivery of the direct debit service. The fee compares favourably with those of professions in similar salary bands.

8. Impact

8.1. A Regulatory Impact Assessment has not been prepared for this instrument as its impact on business, charities or voluntary bodies is not significant. The additional cost to individual registrants will be £33 per annum.

8.2 There are no identified costs to either the public or the Exchequer arising from this instrument.

9. Contact

Stephen Arthur Deputy Project Manager, Professional Regulation Branch at the Department of Health; Tel: 0113 254 5789 or email Stephen.arthur@dh.gsi.gov.uk can reply to any queries regarding this instrument.