
STATUTORY INSTRUMENTS

2015 No. 806

**The Health Care and Associated Professions
(Knowledge of English) Order 2015**

PART 4

Nursing and Midwifery Order 2001

- 32.** The Nursing and Midwifery Order 2001(1) is amended in accordance with articles [33](#) to [43](#).

Necessary knowledge of English: applicants for registration in the register of qualified nurses and midwives

- 33.** After article 5 (establishment and maintenance of register), insert—

“Supplementary provisions as to necessary knowledge of English

5A.—(1) The Council must publish guidance about—

- (a) the evidence, information or documents to be provided by an applicant for the purpose of satisfying the Registrar under article 9(2)(ba) that the applicant has the necessary knowledge of English; and
- (b) the process by which the Registrar is to determine whether the Registrar is satisfied as mentioned in paragraph (a).

(2) The Registrar must have regard to the guidance published under paragraph (1) in determining whether the Registrar is satisfied as mentioned in paragraph (1)(a).

(3) Paragraphs (4) and (6) apply if, having considered any evidence, information or documents provided by the applicant in support of the applicant’s application, the Registrar is not satisfied under article 9(2)(ba) that the applicant has the necessary knowledge of English.

(4) The Registrar may request the applicant to provide further evidence, information or documents within such period as the Registrar may specify.

(5) The Registrar may not exercise any power under paragraph (4) unless the Registrar has complied with any duty under article 9(3C).

(6) The Registrar may require the applicant—

- (a) to undergo an examination or other assessment; and
- (b) to provide information in respect of that examination or assessment,

within such period as the Registrar may specify.

(7) In the case of an applicant who is an exempt person, the Registrar may not exercise the power under paragraph (6) without having first—

- (a) exercised the power under paragraph (4); and

(b) considered any further evidence, information or documents provided by the applicant.

(8) Guidance published under paragraph (1) may make different provision in relation to different cases or classes of case.

(9) In this article, references to an applicant are references to a person applying for registration in a part of the register or readmission to that part.”

Registration of nurses and midwives

34.—(1) Article 9 (registration)(2) is amended as follows.

(2) In paragraph (2)—

(a) in sub-paragraph (b), for “nurse or midwife; and” substitute “nurse or midwife;”;

(b) after sub-paragraph (b) insert—

“(ba) satisfies the Registrar that he has the necessary knowledge of English; and”.

(3) After paragraph (3A)(3) insert—

“(3B) Paragraph (3C) applies if—

(a) the Registrar is satisfied that the applicant falls within article 13(1)(b), (c) or (e) but not within article 13(1A); and

(b) the applicant has paid the prescribed fee under paragraph (2)(c); but

(c) the Registrar decides to make a request under article 5A(4).

(3C) The Registrar must notify the applicant that the Registrar recognises that the applicant, by virtue of falling within article 13(1)(b), (c) or (e), but not within article 13(1A), is entitled to be registered in a part of the register, subject to meeting any other requirements for registration.”.

(4) In paragraph (5), insert at the beginning “Subject to paragraph (5ZA),”.

(5) After paragraph (5) insert—

“(5ZA) In calculating any period of time for the purposes of paragraph (5), the following are to be disregarded—

(a) any period which begins on the date on which the Registrar makes a request under article 5A(4) and ends on the date on which the applicant complies with the request; and

(b) any period which begins on the date on which the Registrar requires the applicant to undergo an examination or other assessment under article 5A(6)(a) and ends on the date on which the applicant complies with the requirement under article 5A(6)(b).”.

(6) After paragraph (5A) insert—

“(5B) A document that is requested or required under article 5A(4) or (6)(b) is not to be treated as missing for the purposes of this article.”.

(7) In paragraph (6), after “Registrar’s decision” insert “, including a decision for the purposes of paragraph (3B)(a) that the Registrar is not satisfied that the applicant falls within article 13(1)(b), (c) or (e) and not within article 13(1A),”.

(2) Article 9 has been previously amended by S.I. 2007/310 and 2014/1887.

(3) Paragraph (3A) was inserted by S.I. 2007/3101.

Renewal of registration and readmission

- 35.**—(1) Article 10 (renewal of registration and readmission)(4) is amended as follows.
- (2) In paragraph (2), after sub-paragraph (aa) insert—
- “**(ab)** in such circumstances as may be prescribed, meets the condition in article 9(2)(ba);”.
- (3) After paragraph (2) insert—
- “**(2A)** If the Council makes rules pursuant to paragraph (2)(ab)—
- (a) paragraph (3) applies to an applicant who is required to meet the condition in article 9(2)(ba) as if “**(ab)**,” were inserted after “paragraph (2)”; and
- (b) article 5A applies as if in paragraph (9) of that article “or renewal of registration,” was inserted after “registration.””.
- (4) In paragraph (4)(a), after “article 9(2)(b)”, insert “, (ba)”.

Approved qualifications

36. In article 13(1)(d) (approved qualifications)(5), for “applying,” substitute “applying.”, and omit the words from “and, in either case” to the end.

Allegations

- 37.** In Article 22(1) (allegations)(6), after sub-paragraph (a)(iv) insert—
- “(iva) not having the necessary knowledge of English.”.

Assessment of necessary knowledge of English

- 38.** After article 28, insert—

“Assessment of necessary knowledge of English

- 28A.**—(1) The Council may make rules authorising the giving of directions by—
- (a) any of the Practice Committees;
- (b) any other persons specified in the rules,
- requiring the person concerned to undertake an examination or other assessment of that person’s knowledge of English.
- (2) An examination or other assessment under paragraph (1) must be made in accordance with rules.
- (3) The rules must, in particular, provide for—
- (a) the procedures to be followed by such persons when directing the person concerned to undertake such an examination or other assessment;
- (b) the person concerned who is required to undertake such an examination or other assessment to provide information in respect of that examination or assessment to such persons as may be prescribed under the rules;
- (c) the information provided by virtue of sub-paragraph (b) to be disclosed to such persons as may be prescribed under the rules.

(4) Article 10 has been previously amended by [S.I. 2007/3101](#) and [2014/1887](#).

(5) Article 13 has been previously amended by [S.I. 2007/3101](#).

(6) Article 22 has been previously amended by [S.I. 2008/1485](#) and the Policing and Crime Act 2009 (c.26), section 81(5).

(4) Rules under this article may make provision for the Conduct and Competence Committee or the Health Committee to draw such inferences as seem appropriate to it if a person fails—

- (a) to undergo an examination or other assessment by virtue of rules under paragraph (1); or
- (b) to provide the information required by virtue of rules made under paragraph (3) (b).”.

Orders of the Health Committee and the Conduct and Competence Committee

39. In article 29(6) (orders of the Health Committee and the Conduct and Competence Committee), for “(ii) or (iv)” substitute “(ii), (iv) or (iva)”.

Restoration to the register of persons who have been struck off

40. In article 33(5) (restoration to the register of persons who have been struck off), for “and (b)” substitute “, (b) and (ba)”.

Appeals against Registrar’s decisions

41. In article 37(1) (appeals against Registrar’s decisions)(7), insert before sub-paragraph (a)—

- “(za) requires a person to undergo an examination or other assessment under article 5A(6)(a) because the Registrar is not satisfied that the person has the necessary knowledge of English;
- (zb) makes a decision for the purposes of article 9(3B)(a) that the Registrar is not satisfied that a person falls within article 13(1)(b), (c) or (e), and does not fall within article 13(1A);”.

Directive 2005/36: functions of the Council under article 40(2)

42. In Schedule 3 (Directive 2005/36: functions of the Council under article 40(2))(8), in the table insert in the appropriate place—

“Article 53	Ensuring that any language controls imposed on a nurse or midwife are compliant with article 53 of the Directive.”
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Interpretation: “the necessary knowledge of English”

43. In Schedule 4 (interpretation)(9), insert in the appropriate place—

““the necessary knowledge of English”—

- (a) in relation to a person registered, or applying to be registered, as a nurse means a knowledge of English which is necessary for the safe and effective practice of nursing in the United Kingdom;
- (b) in relation to a person registered, or applying to be registered, as a midwife means a knowledge of English which is necessary for the safe and effective practice of midwifery in the United Kingdom;”.

(7) Article 37 has been previously amended by S.I. 2007/3101, 2008/1485, 2009/1182, 2014/1887 and 3272.

(8) Schedule 3 was substituted by S.I. 2007/3101.

(9) Schedule 4 has been previously amended by S.I. 2002/2469, 2003/3148, 2007/3101, 2008/1485, 2011/1043, 2013/235, 2014/1887 and S.R. 2009/144 (Northern Ireland).

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