

SCHEDULE 1

Article 2(1)

Amendments to the Nursing and Midwifery Order 2001

1. The Nursing and Midwifery Order 2001 is amended as follows.

Insertion of new article 2A

2. After article 2 (interpretation) insert—

“Application to nursing associates

2A. The provisions of this Order that apply to nursing associates, and only to the extent that they apply to nursing associates, apply in respect of England only.”.

Amendment of article 3

3. In article 3 (the Nursing and Midwifery Council and its Committees)(1)—
 - (a) in paragraph (2) for “nurses and midwives” substitute “nurses, midwives and nursing associates”;
 - (b) in paragraph (5)(b)(ii) after “midwives” insert, “, nursing associates”.

Amendment of article 5

4. In article 5 (establishment and maintenance of register)(2)—
 - (a) in paragraph (1) for “nurses and midwives” substitute “nurses, midwives and nursing associates”;
 - (b) in paragraph (2)(b) for “nurse or midwife” substitute “nurse, midwife or nursing associate”;
 - (c) omit paragraph (5).

Amendment of article 6

5. In paragraph (3)(aa) of article 6 (register)(3) for “a visiting nurse or midwife” substitute “a visiting nurse, midwife or nursing associate”.

Amendment of article 6A

6. In article 6A (temporary annotations with regard to emergencies involving loss of human life or human illness etc.)(4) before paragraph (1) insert—

“(A1) The Registrar may not exercise the powers conferred by this article in relation to a registrant who is entered in the nursing associates’ part of the register.”.

Amendment of article 7

7. In article 7 (the register: supplemental provisions)(5) for paragraph (4) substitute—

(1) Article 3 was amended by the Health and Social Care (Safety and Quality) Act 2015 (c. 28) and by S.I. 2008/1485 and S.I. 2017/321.
(2) Article 5 was amended by S.I. 2009/1182.
(3) Article 6 was amended by 2007/3101.
(4) Article 6A was inserted by S.I. 2008/1485 and amended by S.I. 2009/1182.
(5) Article 7 was amended by S.I. 2007/3101 and S.I. 2008/1485.

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“(4) Rules under this article shall not provide for fees to be charged in respect of a person’s registration in exercise of an entitlement under article 39A (visiting general systems nurses from relevant European States), article 39C (visiting general systems nursing associates from relevant European States) or Schedule 2A (visiting midwives, and certain visiting nurses, from relevant European States).”.

Amendment of article 9

8. In article 9 (registration)(6)—

- (a) in paragraph (2)(b) for “as a nurse or midwife” substitute “as a nurse, midwife or nursing associate”;
- (b) in paragraphs (3B)(a), (3C) and (6) for “article 13(1)(b), (c) or (e)” substitute “article 13(1)(b), (c), (e) or (f)”;
- (c) for paragraph (7) substitute—

“(7) This article does not apply to a person who seeks registration in exercise of an entitlement under article 39A (visiting general systems nurses from relevant European States), article 39C (visiting general systems nursing associates from relevant European States) or Schedule 2A (visiting midwives, and certain visiting nurses, from relevant European States).”.

Amendment of article 10

9. In article 10 (renewal of registration and readmission)(7) in paragraph (6) for “nurse or midwife” substitute “nurse, midwife or nursing associate”.

Amendment of article 12A

10. In article 12A (indemnity arrangements)(8)—

- (a) in paragraph (3) for “registered nurse or midwife” substitute “registered nurse, midwife or nursing associate”;
- (b) for paragraph (11) substitute—

“(11) This article does not apply to a person who has an entitlement to be registered under article 39 and Schedule 2A (visiting midwives, and certain visiting nurses, from relevant European States), article 39A (visiting general systems nurses from relevant European States), or article 39C (visiting general systems nursing associates from relevant European States).”.

Amendment of article 13

11. In paragraph (1) of article 13 (approved qualifications)(9)—

- (a) for sub-paragraph (a) substitute—

“(a) he has a nursing or midwifery qualification awarded in the United Kingdom or a nursing associate qualification awarded in England 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;”;

(6) Article 9 was amended by [S.I. 2007/3101](#), [S.I. 2014/1887](#) and [S.I. 2015/806](#).

(7) Article 10 was amended by [S.I. 2007/3101](#), [S.I. 2014/1887](#) and [S.I. 2015/806](#).

(8) Article 12A was inserted by [S.I. 2014/1887](#) and amended by [S.I. 2014/3272](#).

(9) Article 13 was amended by [S.I. 2007/3101](#), [S.I. 2015/806](#) and [S.I. 2016/1030](#).

- (b) in sub-paragraph (d) immediately after “in nursing or midwifery” insert “or training comparable to that of a nursing associate”;
- (c) after sub-paragraph (d) insert—
 - “(dd) he has, in Northern Ireland, Scotland or Wales undergone training comparable to that of a nursing associate, and either—
 - (i) the Council is satisfied that his qualification attests to a standard of proficiency comparable to that attested to by a qualification referred to in sub-paragraph (a) required for admission to the nursing associates’ part of the register, 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 nursing associates’ part of the register;”;
- (d) in sub-paragraph (f) for “to practise as a nurse in the United Kingdom” substitute “to practise as a nurse in the United Kingdom, or as a nursing associate in England”.

Insertion of new article 13A

12. After article 13 (approved qualifications) insert—

“Transitional provisions relating to admission to the register

13A.—(1) This article applies to a person who, on or before 26th July 2019—

- (a) has been awarded a specified qualification; or
- (b) has commenced a course of education or training leading to a specified qualification.

(2) A person referred to in paragraph (1) who applies for admission to the nursing associates’ part of the register under article 9(1) (“the applicant”) and who satisfies the conditions in paragraph (3) of this article, shall be treated as holding an approved qualification for the purposes of article 9(2)(a).

(3) The conditions referred to in paragraph (2) are that—

- (a) the applicant provides evidence of the award of the specified qualification and the Council is satisfied, on the basis of that evidence, that the applicant has been awarded that qualification; and
- (b) the Council is satisfied that the qualification attests to a standard of proficiency comparable to the requisite standard of proficiency for admission to the nursing associates’ part of the register; or
- (c) 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 the applicant to take, that the applicant has the requisite standard of proficiency for admission to the nursing associates’ part of the register.

(4) For the purposes of this article—

- (a) “a specified qualification” means a qualification as a nursing associate awarded—

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- (i) on the satisfactory completion of a course of education or training which has been approved by Health Education England⁽¹⁰⁾ in accordance with sections 97, 98, 99, 100 and 101 of the Care Act 2014⁽¹¹⁾, or
- (ii) as part of an approved English apprenticeship for nursing associates under an approved English apprenticeship agreement;
- (b) “an approved English apprenticeship” and “an approved English apprenticeship agreement” have the meanings given in section A1(2) and (3) respectively of the Apprenticeship, Skills, Children and Learning Act 2009⁽¹²⁾.”.

Amendment of article 15

13. In article 15 (education and training)⁽¹³⁾ after paragraph (5) insert—

“(5A) The Council’s duties in paragraph (5), where these relate to nursing associates, are exercisable in relation to universities and other bodies in England only.”.

Amendment of article 16

14. In article 16 (visitors) for paragraphs (5) and (6) substitute—

“(5) A person is not to be prevented from being a visitor merely because he is a member of the Council, or any of its committees, but he may not be a visitor if he is employed by the Council.

(6) Visitors are to be selected with due regard to the profession with which the education and training they are to report on is concerned and subject to paragraph (6A), at least one of the visitors must be registered in that part of the register which relates to that profession.

(6A) At least one of the visitors who are to report on the education and training of nursing associates shall be registered in the nurses’ or the nursing associates’ parts of the register.”.

Amendment of article 19

15. In article 19⁽¹⁴⁾ (post-registration training)—

- (a) in paragraph (2A) for “visiting nurse or midwife from a relevant European State,” substitute “visiting nurse, midwife or nursing associate from a relevant European State,”;
- (b) in paragraph (2B)(a), for “nursing or midwifery” substitute “a nurse, midwife or nursing associate”;
- (c) in paragraphs (2C) and (2D), for “as a nurse or midwife” substitute “as a nurse, midwife or nursing associate”.

Amendment of article 22

16. For paragraph (5)(b) of article 22 (allegations)⁽¹⁵⁾ substitute—

“(b) in any other case, to a Practice Committee.”.

⁽¹⁰⁾ Health Education England is a body corporate established by section 96(1) of the Care Act 2014 (c. 23).

⁽¹¹⁾ 2014 c.23.

⁽¹²⁾ 2009 c.22.

⁽¹³⁾ Article 15 was amended by S.I. 2007/3101.

⁽¹⁴⁾ Article 19 was amended by S.I. 2007/3101.

⁽¹⁵⁾ Article 22 was amended by section 81(5) of the Policing and Crime Act 2009 (c. 26) and by S.I. 2015/806 and S.I. 2017/321.

Revocation of articles 23 and 24

17. Omit article 23 (screeners) and article 24 (screeners: supplementary).

Amendment of article 25

18. In paragraph (2)(a)(i) of article 25 (Council’s power to require disclosure of information)(16) after “nursing or midwifery” insert “, or as a nursing associate”.

Amendment of article 26

19. In article 26 (the Investigating Committee)(17)—

(a) in paragraph (1) omit “or 24”;

(b) for paragraph (6)(b) substitute—

“(b) refer the case to the Fitness to Practise Committee.”;

(c) in paragraph (6A) for “paragraphs (5A), (6)(a) or (b)(i),” substitute “paragraphs (5A) or (6)(a)”.

Amendment of article 26D

20. In paragraph (a) of article 26D (the Fitness to Practise Committee)(18) omit “, Screeners”.

Amendment of article 29

21. For paragraph (4) of article 29 (orders of the Fitness to Practise Committee)(19) substitute—

“(4) The Committee may undertake mediation of the matter, or decide that it is not appropriate to take any further action.”.

Amendment of article 32

22. In paragraph (2)(h) of article 32 (investigation of allegations: procedural rules)(20) omit “, Screeners”.

Amendment of article 34

23. In article 34 (legal assessors)—

(a) in paragraph (2) omit sub-paragraph (a);

(b) in paragraph (6)(c) omit “Screener”.

Amendment of article 35

24. In article 35 (medical assessors)—

(a) in paragraph (2) omit sub-paragraph (a);

(b) in paragraph (4)(c) omit “Screener”.

(16) Article 25 was amended by [S.I. 2009/1182](#) and by [S.I. 2014/3272](#).

(17) Article 26 was amended by section 5(2) of the Health and Social Care (Safety and Quality) Act 2015 (c. 28) and by [S.I. 2014/3272](#) and [S.I. 2017/321](#).

(18) Article 26D was inserted by [S.I. 2017/321](#).

(19) Article 29 was amended by [S.I. 2015/806](#) and [S.I. 2017/321](#).

(20) Article 32 was amended by [S.I. 2008/1485](#) and [S.I. 2017/321](#).

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Amendment of article 36

25. In article 36 (registrant assessors)—

- (a) in paragraph (2) insert “or” at the end of sub-paragraph (b) and omit sub-paragraph (c);
- (b) in paragraph (4)(c) omit “Screener.”.

Amendment of article 37

26. In article 37 (appeals against Registrar’s decisions)(**21**)—

- (a) in paragraph (1)(zb) for “article 13(1)(b), (c) or (e)” substitute “article 13(1)(b), (c), (e) or (f)”;
- (b) in paragraph (1)(aa) immediately after “article 39A (visiting general systems nurses from relevant European States)” insert “, article 39C (visiting general systems nursing associates from relevant European States)”;
- (c) in paragraph (1)(e) for “the profession of nurse or midwife in the United Kingdom” substitute “the profession of a nurse or midwife in the United Kingdom, or a nursing associate in England”;
- (d) for paragraph (5)(c) substitute—
 - “(c) for a panel considering an appeal to consist of no fewer than three members who are to be selected with due regard to the matter under consideration and to include—
 - (i) one registrant registered in the same part of the register as the one in which the person concerned is, or is applying to be, registered except in relation to appeals concerning nursing associates, where the panel must include one registrant registered in the nurses’ or the nursing associates’ part of the register, and
 - (ii) a person who—
 - (aa) is not and never has been a registered nurse, midwife or nursing associate,
 - (bb) is not and never has been a registered medical practitioner, and
 - (cc) does not hold qualifications which would entitle them to apply for registration as a registered nurse, midwife, nursing associate or a registered medical practitioner;”.

Amendment of article 38

27. In article 38 (appeals)(**22**)—

- (a) after paragraph (1) insert—

“(1ZA) An appeal from a decision referred to in paragraph (1)(b) relating to a nursing associate or a person seeking registration in the nursing associates’ part of the register lies only to the county court.”;
- (b) in paragraph (4) for “In this article” substitute “Subject to paragraph (5), in this article”;
- (c) after paragraph (4) insert—

“(5) Where the appeal mentioned in paragraph (1)(a) concerns a nursing associate, “the appropriate court” means the High Court of Justice in England and Wales.”.

(21) Article 37 was amended by S.I.s: [2007/3101](#), [2008/1485](#), [2009/1182](#), [2014/1887](#), [2014/3272](#), [2015/806](#), [2016/1030](#) and [2017/321](#).

(22) Article 38 was amended by [S.I. 2007/3101](#), [S.I. 2016/1030](#) and [S.I. 2017/321](#).

Amendment of article 39A

28. In article 39A(1) (visiting general systems nurses from relevant European States)(**23**) for sub-paragraph (b) substitute—

- “(b) who seeks to provide, or is providing, nursing services in the United Kingdom of a kind which are provided, in the United Kingdom, by nurses admitted to sub-part 1 of the nurses’ part of the register whose field of practice is mental health nursing, learning disabilities nursing or children’s nursing.”.

Insertion of new article 39C

29. After article 39B (European Professional Card) insert—

“Visiting general systems nursing associates from relevant European States

39C.—(1) This article applies to an exempt person (“V”) who—

- (a) is lawfully established as a nursing associate in a relevant European State other than the United Kingdom (“State A”); and
- (b) seeks to provide, or is providing, services as a nursing associate in England of a kind which are provided, in England, by nursing associates admitted to the nursing associates’ part of the register.

(2) Paragraph (3) applies if V has the benefit of regulation 12 of the General Systems Regulations in connection with the provision by V of services as a nursing associate in England on a temporary and occasional basis (V having complied with any requirements imposed under Part 2 of those Regulations in connection with the provision by V of those services).

(3) V is entitled to be registered in the nursing associates’ part of the register and the Registrar shall give effect to the entitlement.

(4) If V is entitled under paragraph (3) to be registered, but is not registered in the nursing associates’ part of the register, V shall be treated as being registered in that part.

(5) V’s entitlement under paragraph (3) ceases if V ceases, whether as a result of the operation of regulation 24 of the General Systems Regulations or otherwise, to have the benefit of regulation 12 of those Regulations in connection with the provision by V of services as a nursing associate in England on a temporary and occasional basis.

(6) If—

- (a) V’s entitlement under paragraph (3) ceases by reason of the operation of paragraph (5); and
- (b) V is registered,

the Registrar may remove V’s name from the register.

(7) Paragraph (8) applies if—

- (a) V’s establishment in State A is subject to a condition relating to V’s practice as a nursing associate;
- (b) V’s name is registered in the nursing associates’ part of the register; and
- (c) for any of the purposes of this Order it falls to be decided whether V’s fitness to practise is or may be impaired on the ground of misconduct.

(23) Article 39A was inserted by [S.I. 2007/3101](#) and amended by [S.I. 2016/1030](#).

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(8) The matters that may be counted as misconduct include (in particular) any act or omission by V during the course of the provision by V of services as a nursing associate in England on a temporary and occasional basis that is, or would be if the condition applied in relation to practice as a nursing associate outside State A, a breach of the condition.

(9) In paragraphs (7) and (8) “condition” includes limitation.

(10) Paragraphs (1) to (6) are not to be taken to prejudice the application, in relation to registrants, of any other provision of this Order under which a registrant’s name may be removed from the register or under which a registrant’s registration may be suspended.”.

Amendment of article 44

30. In article 44 (offences), in paragraph (1)—

(a) for “A person commits an offence” substitute “Subject to paragraph (1A), a person commits an offence”;

(b) in sub-paragraph (c) after “nursing or midwifery” insert “or a qualification as a nursing associate”;

(c) after paragraph (1), insert—

“(1A) Where the representations referred to in paragraph (1) relate to the nursing associates’ part of the register or a nursing associate qualification, or where a person uses the title of nursing associate when not entitled to, the offence referred to in that paragraph is committed only when those representations are made, or the title is used, in England.”;

(d) in paragraph (2) for “A person commits an offence” substitute “Subject to paragraph (2A), a person commits an offence”;

(e) after paragraph (2), insert—

“(2A) Where the representations referred to in paragraph (2) relate to the nursing associates’ part of the register or a nursing associate qualification, the offence referred to in that paragraph is committed only when those representations are made in England.”;

(f) in paragraph (3) for “A person who fraudulently procures” substitute “Subject to paragraph (3A), a person who fraudulently procures”;

(g) after paragraph (3), insert—

“(3A) Where under paragraph (3), a person fraudulently procures, or tries to procure, the making, amendment, removal or restoration of an entry in the nursing associates’ part of the register, the offence referred to in that paragraph is committed only if the fraudulent procurement, or attempted procurement, occurs in England.”.

Amendments to Schedule 1

31. In Schedule 1 (Nursing and Midwifery Council and Committees)(**24**) in paragraph 1A(1)(b) (i) for “registered nurses or registered midwives” substitute “registered nurses, midwives or nursing associates”.

Amendments to Schedule 4

32. In Schedule 4 (interpretation)(**25**)—

(24) Schedule 1 was amended by [S.I. 2008/1485](#), [S.I. 2009/1182](#), [S.I. 2013/235](#) and [S.I. 2017/321](#) and by section 187(8) of, and paragraph 7 of Schedule 12 to, the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) and by section 80 of, and paragraph 47 of Schedule 8 to, the Health Act 2006 (c. 28).

(25) Schedule 4 was amended by S.Is. [2003/3148](#), [2004/1947](#), [2007/3101](#), [2008/1485](#), [2011/1043](#), [2014/1887](#), [2015/806](#), [2016/1030](#) and [2017/321](#).

- (a) in the definition of “competent authority” for “in connection with the practice of nursing or midwifery” substitute “in connection with practice as a nurse, midwife or nursing associate”;
- (b) in the definition of “exempt person” for the words “in relation to the profession of nursing or in relation to the profession of midwifery,” substitute “in relation to the profession of a nurse, midwife or nursing associate,”;
- (c) omit the definition of “lay person”;
- (d) in the definition of “the necessary knowledge of English” after paragraph (b) insert—
 - “(c) in relation to a person registered, or applying to be registered, as a nursing associate means knowledge of English which is necessary for the safe and effective practice as a nursing associate in England;”;
- (e) for the definition of “practising” substitute—
 - ““practising” means working as a registered nurse or a midwife or working as a nursing associate in England;”;
- (f) for the definition of “the professions regulated under this Order” substitute—
 - ““the professions regulated under this Order” means the professions of nurse, midwife and nursing associate;”;
- (g) for the definition of “registrant” substitute—
 - ““registrant” means a nurse, midwife or nursing associate who has been admitted to the register maintained under article 5;”;
- (h) for the definition of “visiting nurse or midwife from a relevant European State” substitute—
 - ““visiting nurse, midwife or nursing associate from a relevant European State” means a nurse or midwife registered in exercise of entitlement under article 39A (visiting general systems nurses from relevant European States) or Schedule 2A (visiting midwives, and certain visiting nurses, from relevant European States) or, a nursing associate registered in exercise of entitlement under article 39C (visiting general systems nursing associates from relevant European States);”;
- (i) omit the definition of “Screeners”.