

SCHEDULE 2

Article 2(2)

Amendments to other subordinate legislation

Amendment of the Nurses and Midwives (Parts of and Entries in the Register) Order of Council 2004

1. The Nurses and Midwives (Parts of and Entries in the Register) Order of Council 2004⁽¹⁾ is amended as follows.

2. In article 1(1) (citation, commencement and interpretation), for “the Nurses and Midwives (Parts of and Entries in the Register) Order of Council 2004” substitute “the Nursing and Midwifery Council (Parts of and Entries in the Register) Order of Council 2004”.

3. After article 2 (parts and sub-parts of the register) insert—

“Closure of Sub-Part 2 of the nurses’ part of the register

2A.—(1) Except where paragraph (2) applies, Sub-Part 2 of the Nurses’ Part of the register is to be closed on the appointed day so that on or after that date no further person may become registered in that Sub-Part.

(2) Sub-Part 2 of the Nurses’ Part of the register will remain effective and continue to apply for the purposes of registrants registered in that Sub-Part before the appointed day.

(3) For the purposes of this article, “appointed day” means the date of coming into force of article 1(2) of the Nursing and Midwifery (Amendment) Order 2018.”.

4. For article 8 (annotations denoting visiting nurses or midwives from relevant European States)⁽²⁾ substitute—

“Annotations denoting visiting nurses, midwives or nursing associates from relevant European States

8. The entries in the register are to include such annotation as the Council considers appropriate to denote that a registrant is a visiting nurse, midwife or nursing associate from a relevant European State.”.

5. In Schedule 1 (parts and sub-parts of the register)—

(a) in column 1, immediately after the entry “Midwives” add the following entry: “Nursing Associates in England”;

(b) in column 2, immediately after the entry “Midwife” and opposite the entry in column 1 added by paragraph (a), add the following entry: “Nursing Associate”.

Amendment of the Schedule to the Nursing and Midwifery Council (Fitness to Practise) Rules Order of Council 2004

6. In the Schedule to the Nursing and Midwifery Council (Fitness to Practise) Rules Order of Council 2004⁽³⁾—

(a) in rule 2 (interpretation)⁽⁴⁾—

(i) for the definition of “lay” substitute—

(1) [S.I. 2004/1765](#).

(2) Article 8 was inserted by [S.I. 2007/3101](#).

(3) [S.I. 2004/1761](#).

(4) Rule 2 was amended by rules Scheduled to S.Is [2007/893](#), [2008/3148](#), [2012/17](#) and [2015/52](#).

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- ““lay”, in relation to a Case Examiner, means a person who—
- (a) is not and never has been a registered nurse, midwife or nursing associate;
 - (b) is not and never has been a registered medical practitioner; and
 - (c) does not hold qualifications which would entitle them to apply for registration as a registered nurse, midwife, nursing associate or registered medical practitioner;”,
- (ii) in the definition of “professional” for “registered nurse or midwife” substitute “registered nurse, midwife or nursing associate”;
- (b) in paragraph (3)(a) of rule 3 (notice of allegations of fraudulent or incorrect entries in the register)(5) for “services in, or in relation to, nursing or midwifery” substitute “professional services”.

Amendment of the Schedule to the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules Order of Council 2004

7. In the Schedule to the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules Order of Council 2004(6)—

- (a) for rule 2A (application to visiting nurses and midwives from relevant European States)(7) substitute—

“Application to visiting nurses, midwives and nursing associates from relevant European States

2A. In these Rules—

- (a) Part 2 does not apply to visiting nurses, midwives or nursing associates from relevant European States, or in respect of a person’s registration in exercise of an entitlement under article 39A or 39C of, or Schedule 2A to, the Order, except for rule 3(3)(education leading to registration and re-registration: continuing professional development);
 - (b) Part 3 does not apply in respect of a person’s registration in exercise of an entitlement under article 39A or 39C of, or Schedule 2A to, the Order, except for rules 4 (the register), 14 (lapse of registration) and 16 (amendments to the register);
 - (c) Part 4 applies in respect of a person’s registration in exercise of an entitlement under article 39A or 39C of, or Schedule 2A to, the Order.”;
- (b) in rule 5 (application for admission to a part of the register)—
- (i) in paragraph (2)(a)(iii) for “article 13(1)(c) or (d)” substitute “article 13(1)(c), (d) or (dd)”;
 - (ii) omit “or” after paragraph (2)(a)(iii) and insert “or” after paragraph (2)(a)(iv),
 - (iii) after paragraph (2)(a)(iv) insert—
 - “(v) where the applicant is relying on article 13A of the Order, evidence of her specified qualification as mentioned in article 13A(4) of the Order and, where appropriate, such other evidence as the Council may reasonably require (such as a document that details her training and references) in order

(5) Rule 3 was amended by rules Scheduled to [S.I. 2012/17](#), [S.I. 2015/52](#) and [S.I. 2017/703](#).

(6) [S.I. 2004/1767](#).

(7) Rule 2A was inserted by [S.I. 2007/3101](#).

- to satisfy the Council that she has met the requisite standard of proficiency for admission to the part of the register in respect of which she is applying;”;
- (c) in rule 6 (requirements for declarations of good health and good character)(8)—
- (i) omit “or” after paragraph (1)(a)(i) and insert “or” after paragraph (1)(a)(ii),
 - (ii) after paragraph (1)(a)(ii) insert—
 - “(iii) by the registered nurse or nursing associate, whose name has been notified to the Council, who is responsible for the nursing associate education in the relevant approved educational institution, or her designated registered nurse substitute or designated registered nursing associate substitute;”,
 - (iii) in paragraph (1)(b)(i) for “with paragraph (1)(a)(i) or (ii)” substitute “with paragraph (1)(a)(i), (ii) or (iii)”,
 - (iv) for paragraph (1)(b)(ii) substitute—
 - “(ii) by a declaration signed by a registrant who is registered in a relevant part of the register and who has known the applicant for at least one year, and has been in contact with her during the preceding six months and can attest to the matters set out in the declaration;”,
 - (v) after sub-paragraph (b) insert—
 - “(ba) for an applicant who is applying to the nursing associates’ part of the register and who is a person to whom article 13A of the Order applies, by a declaration signed by a registered nurse who has known the applicant for at least one year and has been in contact with her during the preceding six months and can attest to the matters set out in the declaration;”,
 - (vi) for paragraph (1)(c) substitute—
 - “(c) for an applicant applying for readmission to the register who has not completed a return to practice programme, by a declaration signed by a registrant who is registered in a relevant part of the register and who has known the applicant for at least one year, and has been in contact with her during the preceding six months and can attest to the matters set out in the declaration;”,
 - (vii) before paragraph (1)(e) insert—
 - “(da) for an applicant applying to join the nursing associates’ part of the register who is relying on article 13(1)(dd) of the Order, by a declaration signed by a registered nurse or registered nursing associate who has known the applicant for at least one year and has been in contact with her during the preceding six months and who is able to attest to the matters set out in the declaration;
 - (db) for an applicant to whom sub-paragraph (da) applies, in addition to the declaration referred to in that sub-paragraph, a declaration signed by—
 - (i) a member of the occupational health department of a body that has employed or engaged the applicant who, on the basis of a health assessment of the applicant undertaken by that department, is able to attest to the matters set out in the declaration, or
 - (ii) a registered medical practitioner who has undertaken a health assessment of the applicant in the last six months;”,
 - (viii) before paragraph (1A) insert—

(8) Rule 6 was amended by the Policing and Crime Act 2009 (c. 26) and by S.I. 2005/2114 and S.I. 2007/3101.

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“(1ZA) For the purpose of paragraph (1)(b) and (c) “a relevant part of the register” means—

- (a) where the applicant is applying to be registered as a nurse or midwife, the part of the register in which the applicant is applying to be registered;
- (b) where the applicant is applying to be registered as a nursing associate, the nurses’ part of the register or the nursing associates’ part of the register.”;
- (ix) in paragraphs (1D)(b) and (1E) for “ nurse or midwife” substitute “ nurse, midwife or nursing associate”;
- (x) in paragraph (1F)(a) after “midwifery” insert “, or her qualification which is comparable to that of a nursing associate in England”;
- (xi) in paragraph (5)(b) for “paragraph (1)(a), (b), (c) or (e)” substitute “paragraph (1)(a), (b), (ba), (c), (da), (db) or (e)”;
- (xii) in paragraph (6)(b) for “paragraph (1)(a), (b), (c) or (e)” substitute “paragraph (1)(a), (b), (ba), (c), (da), (db) or (e)”;
- (d) in rule 8 for “article 13(1)(b), (c), (d), (e) or (f) of the Order” substitute “article 13(1)(b), (c), (d), (dd), (e) or (f) of the Order”;
- (e) in paragraph (4)(a) of rule 15 (readmission to the register)(9) for “as a nurse or midwife” substitute “as a nurse, midwife or nursing associate”;
- (f) in paragraph (1)(c) of rule 16A (evidence in connection with indemnity arrangements)(10) for “ as a nurse or midwife” in both places that it occurs, substitute “as a nurse, midwife or nursing associate in England”;
- (g) in rule 25 (consideration by appeal panel)(11)—
 - (i) for paragraph (3)(a) substitute—
 - “(a) a person who is registered in—
 - (i) the same part of the register in respect of an appellant who is, or is applying to be, registered as a nurse or midwife, or
 - (ii) the nurses’ or nursing associates’ parts of the register in respect of an appellant who is, or is applying to be, registered as a nursing associate;”;
 - (ii) in paragraph (3)(aa) for “the Nursing and Midwifery Council (Midwifery and Practice Committees) (Constitution) Rules 2008” substitute “the Nursing and Midwifery Council (Practice Committees) (Constitution) Rules 2008”;
 - (iii) for paragraph (3)(b) substitute—
 - “(b) a person who—
 - (i) is not and never has been a registered nurse, midwife or nursing associate,
 - (ii) is not and never has been a registered medical practitioner, and
 - (iii) does not hold qualifications which would entitle them to apply for registration as a registered nurse, midwife, nursing associate or registered medical practitioner;”;

(9) Rule 15 was amended by [S.I. 2007/3101](#) and [S.I. 2014/1887](#) and by rules Scheduled to S.Is [2012/2754](#) and [2015/1923](#).

(10) Rule 16A was inserted by rules Scheduled to [S.I. 2015/52](#).

(11) Rule 25 was amended by [S.I. 2009/1182](#) and by rules Scheduled to [S.I. 2015/52](#).

- (h) in paragraph (j) of Schedule 3 (application for admission to a part of the register)(**12**) for “nurse or midwife” in both places that it occurs, substitute “nurse, midwife or nursing associate in England”;
- (i) in paragraph 1(h) of Schedule 4 (notice of renewal of registration)(**13**) for “nurse or midwife” in both places that it occurs, substitute “nurse, midwife or nursing associate in England”.

Amendment of the Schedule to the Nursing and Midwifery Council (Midwifery and Practice Committees)(Constitution) Rules Order of Council 2008

8. In the Schedule to the Nursing and Midwifery Council (Midwifery and Practice Committees) (Constitution) Rules Order of Council 2008(**14**)—

- (a) in rule 2 (interpretation)(**15**) in the definition of “non registrant” for “registered nurse or midwife” substitute “registered nurse, midwife or nursing associate”;
- (b) in rule 8(l) and (m) (disqualification from appointment as committee member)(**16**), for “the nursing and midwifery professions” substitute “nurses, midwives and nursing associates”;
- (c) in rule 9(1)(j) (termination of committee membership)(**17**) for “the nursing and midwifery professions” substitute “nurses, midwives and nursing associates”.

Amendment of the Nursing and Midwifery Council (Constitution) Order 2008

9. In the Nursing and Midwifery Council (Constitution) Order 2008(**18**) in articles 5(l) and (m) (disqualification from appointment as a member)(**19**) and 6(1)(j) (removal of members from office), for “the nursing and midwifery professions” substitute “nurses, midwives and nursing associates”.

Amendment of the European Union (Recognition of Professional Qualifications) Regulations 2015

10. In the European Union (Recognition of Professional Qualifications) Regulations 2015(**20**)—

- (a) in Schedule 1(regulated professions), in Part 1 (professions regulated by law or public authority)(**21**) in the column headed “Profession” immediately after “Nurse (other than a nurse admitted to Sub-Part 1 of the nurses’ part of the register maintained by the Nursing and Midwifery Council whose field of practice is adult nursing),”, insert “Nursing Associate in England”;
- (b) in Schedule 2 (regulated professions having public health or safety implications), in the list immediately after “Nurse (other than a nurse admitted to Sub-Part 1 of the nurses’ part of the register maintained by the Nursing and Midwifery Council whose field of practice is adult nursing)” insert “Nursing Associate in England”.

(12) Schedule 3 was inserted by [S.I. 2007/3101](#) and amended by rules Scheduled to [S.I. 2015/52](#).

(13) Schedule 4 was amended by rules Scheduled to [S.I. 2015/52](#).

(14) [S.I. 2008/3148](#).

(15) Rule 2 was amended by [S.I. 2017/321](#).

(16) Rule 8 was amended by [S.I. 2012/3006](#).

(17) Rule 9 was amended by [S.I. 2017/321](#).

(18) [S.I. 2008/2553](#).

(19) Article 5 was amended by [S.I. 2012/3006](#).

(20) [S.I. 2015/2059](#).

(21) Schedule 1 Part 1 was amended by [S.I. 2016/1094](#) and by [S.I. 2018/166](#).