

**2002 No. 59**

**NURSES, MIDWIVES AND HEALTH VISITORS**

**The Nurses, Midwives and Health Visitors (Professional  
Conduct) (Amendment) Rules 2002 Approval (Scotland)  
Order 2002**

*Made* 8th February 2002

*Coming into force* 18th February 2002

The Scottish Ministers, in exercise of the powers conferred by section 19(5) of the Nurses, Midwives and Health Visitors Act 1997(a) and of all other powers enabling them in that behalf, hereby make the following order:

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Nurses, Midwives and Health Visitors (Professional Conduct) (Amendment) Rules 2002 Approval (Scotland) Order 2002 and shall come into force on 18th February 2002.

(2) This Order extends to Scotland only.

**Approval**

2. The Nurses, Midwives and Health Visitors (Professional Conduct) (Amendment) Rules 2002, as set out in the Schedule to this Order, are hereby approved.

*MALCOLM CHISHOLM*  
A member of the Scottish Executive

St Andrew's House,  
Edinburgh  
8th February 2002

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(a) 1997 c.24. The functions of the Lord Advocate were transferred to the Secretary of State by virtue of the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (S.I. 1999/678), article 2(1) and the Schedule. The functions of Ministers of the Crown in or as regards Scotland were transferred to the Scottish Ministers by virtue of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750), article 2 and Schedule 1.

## SCHEDULE

### THE NURSES, MIDWIVES AND HEALTH VISITORS (PROFESSIONAL CONDUCT) (AMENDMENT) RULES 2002

The United Kingdom Central Council for Nursing, Midwifery and Health Visiting, in exercise of the powers conferred on it by section 10 of the Nurses, Midwives and Health Visitors Act 1997(a), and after due consultation in accordance with section 19(3) thereof, hereby makes the following rules—

#### Citation and Interpretation

1.—(1) These rules may be cited as the Nurses, Midwives and Health Visitors (Professional Conduct) (Amendment) Rules 2002.

(2) For the purposes of these rules “the Professional Conduct rules” means The Nurses, Midwives and Health Visitors (Professional Conduct) Rules 1993(b) as amended.

#### Amendment of the Professional Conduct rules

2.—(1) The Professional Conduct rules shall be amended in accordance with the following paragraphs of this rule.

(2) In rule 7 (Preliminary Proceedings Committee)—

- (a) in paragraph (3) for the words “of its members” there shall be substituted the words “persons, who may or may not be Council members,”;
- (b) in paragraph (4) the words “, who shall be a member of the Council,” shall be deleted;
- (c) for paragraph (5) there shall be substituted the following—

“(5) The quorum of the Preliminary Proceedings Committee shall be 3, of whom at least 1 shall be a Council member.”.

(3) In rule 12 (Professional Conduct Committee)—

- (a) for paragraph (2) there shall be substituted the following—

“(2) The quorum of the Conduct Committee shall be 3, of whom at least 1 shall be a Council member.”;

- (b) in paragraph (5) after the word “persons” there shall be added the words “, who may or may not be Council members,”;
- (c) in paragraph (6) the words “, who shall be a member of the Council,” shall be deleted.

(4) In rule 29 (Health Committee)—

- (a) in paragraph (2)—

- (i) for the words “some of its members” there shall be substituted the words “persons, who may or may not be Council members,” and
- (ii) for the second use of the word “members” there shall be substituted the word “persons”;

- (b) in paragraph (5) the words “, who shall be a member of the Council,” shall be deleted.

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(a) 1997 c.24. The whole Act is repealed by section 60(3) of and Schedule 5 to the Health Act 1999 (c.8) from a date or dates to be appointed; in relation to section 10(5) and paragraph 7(4) of the Schedule 1 this repeal was commenced on 11th May 2001 by article 2(2)(a) of the Health Act 1999 (Commencement No. 11) Order 2001 (S.I. 2001/1985).

(b) S.I. 1993/893, as amended by S.S.I. 2001/54 and to which there are other amendments not relevant to these rules.

(c) for paragraph (6) there shall be substituted the following–

“(6) The quorum of the Health Committee shall be 3, of whom at least 1 shall be a Council member.”.

GIVEN under the Official Seal of the  
UNITED KINGDOM CENTRAL  
COUNCIL FOR NURSING, MIDWIFERY  
AND HEALTH VISITING this  
10th day of January 2002

*Alison Norman*  
President

*Sue Norman*  
Chief Executive/Registrar

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order, which extends to Scotland only, approves the Nurses, Midwives and Health Visitors (Professional Conduct) (Amendment) Rules 2002 (“the 2002 Rules”), which are set out in the Schedule.

The 2002 Rules amend rules 7, 12 and 29 of the Nurses, Midwives and Health Visitors (Professional Conduct) Rules 1993 (as set out in the Schedule to S.I. 1993/893 and amended as set out in the Schedule to S.S.I. 2001/54).

Rule 7 provides for the Preliminary Proceedings Committee of the United Kingdom Central Council for Nursing, Midwifery and Health Visiting (“the Council”). Rule 12 provides for the Professional Conduct Committee of the Council and rule 29 provides for the Health Committee of the Council.

Rules 7(3) and 12(5) enable persons to be appointed as deputy chairpersons of the Preliminary Proceedings Committee and Professional Conduct Committee. These rules are amended so that the appointees need no longer be members of the Council (rule 2(2)(a) and (3)(b)).

Rule 29(2) provides that the Council will appoint persons as members of the Health Committee. This rule is amended to enable the appointment of persons to the committee who are not members of the Council (rule 2(4)(a)).

Rules 7(4), 12(6) and 29(5) enable the appointment of a person to act as chairperson of the respective committees when the chairperson and deputies are not present. The rules are amended to enable the appointment, as acting chairperson, of a person who is not a member of the Council (rule 2(2)(b), (3)(c) and (4)(b)).

The quorum of each of the committees, provided for in rules 7(5), 12(2) and 29(6) respectively, is also amended. The committees were quorate if at least 2 members of the Council constituted a majority of those considering a particular case. The amended rules now provide, in respect of each of these committees, that they are quorate if there are 3 committee members present of whom 1 shall be a member of the Council (rule 2(2)(c), (3)(a) and (4)(c)).

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