
STATUTORY INSTRUMENTS

1983 No. 884**NURSES, MIDWIVES AND HEALTH VISITORS****The Nursing and Midwifery Qualifications
(EEC Recognition) Order 1983**

<i>Made</i>	- - - -	<i>22nd June 1983</i>
<i>Laid before Parliament</i>		<i>30th June 1983</i>
<i>Coming into Operation</i>		<i>1st July 1983</i>

At the Court of Buckingham Palace, the 22nd day of June 1983

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 2(2) of the European Communities Act 1972(a) is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and commencement

1. This Order may be cited as the Nursing and Midwifery Qualifications (EEC Recognition) Order 1983 and shall come into operation on 1st July 1983.

Amendment of the Nurses, Midwives and Health Visitors Act 1979

2. The Nurses, Midwives and Health Visitors Act 1979(b) shall have effect subject to the amendments specified in Articles 3 to 7 of this Order.

Amendments relating to admission to the register

3. In section 11 (admission to register of nurses, midwives and health visitors)—

(a) after subsection (3) there shall be added the following subsection—

“(3A) An order under subsection (3)(b) may provide that a professional qualification designated by the order is to be regarded as having Community equivalence for the purposes of registration in a part of the register only if prescribed conditions

(a) 1972 c. 68.

(b) 1979 c. 36.

are fulfilled; and different conditions may be prescribed with respect to the same qualification for different circumstances.”; and

(b) after subsection (4) there shall be inserted the following subsection—

“(4A) In any case where—

(a) an application for admission to a part of the register is made by an applicant within subsection (3)(b), and

(b) the Council has received all the documentary evidence as to his character and qualifications required to enable him to be registered,

he shall be registered in that part within 3 months of the date on which the Council was in receipt of that evidence.”.

Amendments relating to visiting EEC nurses and midwives etc.

4. After section 11 there shall be inserted the following section—

“Deemed registration of visiting EEC nurses and midwives.

11A.—(1) A visiting EEC nurse may practise as a nurse responsible for general care during the period specified in his relevant documents in pursuance of section 22B(4)(a)(ii), and while he is so practising he shall be deemed to be registered as a nurse responsible for general care.

(2) A visiting EEC midwife shall be deemed to be registered as a midwife during the period specified in her relevant documents in pursuance of section 22B(4)(a)(ii).”.

5.—(1) In section 12 (disciplinary proceedings) the following subsections shall be inserted after subsection (2)—

“(2A) The Council may bring proceedings before a committee constituted in pursuance of subsection (2) in respect of a visiting EEC nurse or midwife for the purpose of determining whether by reason of his misconduct or otherwise the provisions of this Act (except this section) relating to visiting EEC nurses or midwives should cease to apply to him; and the provisions of this section and of rules made under this section shall apply, with any necessary modifications, in relation to any such proceedings as they apply in relation to proceedings relating to a person’s removal from the register.

(2B) In any case where it is determined that those provisions should cease to apply to any person he shall thereupon cease to be a visiting EEC nurse or, as the case may be, a visiting EEC midwife for the purposes of this Act and accordingly shall also cease to be deemed to be registered; and he shall not be entitled to be treated as such a nurse or midwife before the expiry of such period (if any) as may be specified in the determination, or if no such period is specified, without the written consent of the Council.”.

(2) In section 13 (appeals) after the words “in respect of him” there shall be inserted the words “or by any decision under section 12(2A) or (2B)”.

6. The following sections shall be inserted after section 22 of the Act—

“22A. A registered nurse or midwife who—

Community documents.

(a) wishes to practice as a nurse or midwife in any member State, and

(b) requires for that purpose any such documentary evidence relating to his qualification as is referred to in the Nursing Directive or, as the case may be, the Midwifery Directive

may apply to the Council for, and the Council shall provide, the necessary documents.

22B.—(1) In this Act “visiting EEC nurse” and “visiting EEC midwife” means a person who—

Visiting EEC nurses and midwives.

(a) is a national of any member State, and

(b) is lawfully practising in a member State other than the United Kingdom as a nurse responsible for general care or, as the case may be, as a midwife, and

(c) holds the appropriate diploma, and

(d) is temporarily in the United Kingdom as a visitor, and

(e) provides the Council with the relevant documents.

(2) A visiting EEC nurse and a visiting EEC midwife shall provide the Council with the relevant documents before he provides any services as a nurse or midwife in the United Kingdom except that, in a case of sudden or urgent necessity, a nurse may provide the documents as soon as possible after he has provided his services as a nurse.

This subsection is without prejudice to section 17(3)(a).

(3) For the purposes of this Act “the appropriate diploma” means a diploma, certificate or other evidence of formal qualifications which member States are required to recognize in the case of a nurse, by the Nursing Directive or, in the case of a midwife, by the Midwifery Directive.

(4) For the purposes of this Act “relevant documents”, in relation to any person, means—

(a) a written declaration stating—

(i) that he is intending to practise in the United Kingdom as a nurse responsible for general care or, as the case may be, as a midwife, and

(ii) the address of the place where and the period during which he intends so to practise; and

- (b) a certificate or certificates issued, not more than twelve months before the date on which the Council is provided with the relevant documents, by the competent authority of the member State in which he is practising as mentioned in subsection (1)(b) certifying—
- (i) that he is lawfully practising as a nurse responsible for general care or, as the case may be, as a midwife in that State; and
 - (ii) that he holds an appropriate diploma.

(5) For the purposes of this Act—

- (a) “competent authority” in relation to a member State means the authority or body designated by that member State as competent for the purposes of the Nursing Directive or, as the case may be, the Midwifery Directive;
- (b) “Nursing Directive” means the European Communities Council Directive No. 77/452/EEC(a), concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of nurses responsible for general care; and
- (c) “Midwifery Directive” means the European Communities Council Directive No. 80/154/EEC(b), concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of midwives;

and “national” shall be construed in accordance with section 11(5).”.

Revocation

7. The Nursing Qualifications (EEC Recognition) Order 1979(c), Articles 3, 4 and 5 of the Medical, Nursing and Dental Qualifications (EEC Recognition) (Greek Qualifications) Order 1980(d) and Article 3 of the Medical, Nursing, Dental and Veterinary Qualifications (EEC Recognition) Order 1982(e) are hereby revoked.

N. E. Leigh,
Clerk of the Privy Council.

(a) OJ No. L176, 15.7.77, p. 1, as supplemented by OJ No. L385, 31.12.81, p. 25.

(b) OJ No. L33, 11.2.80, p. 1.

(c) S.I. 1979/1604.

(d) S.I. 1980/1721.

(e) S.I. 1982/1076.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order which is made under section 2 of the European Communities Act 1972 and comes into operation on 1st July 1983 implements European Communities Council Directives relating to the mutual recognition of nursing and midwifery qualifications and the co-ordination of provisions relating to the taking up and practice of nursing and midwifery. The Order amends the Nurses, Midwives and Health Visitors Act 1979 which comes fully into operation on 1st July 1983.

Article 3 modifies the power under the 1979 Act to designate qualifications as having Community equivalence for the purposes of registration in the United Kingdom as a nurse or midwife to allow for the imposition of conditions in certain cases in accordance with the Directives. Article 3 also provides for a time limit within which an EEC nurse or midwife with relevant qualifications must be registered of three months from the date of her application for registration.

Article 4 enables visiting EEC nurses and midwives to provide nursing and midwifery services in the United Kingdom without prior registration.

Article 5 enables the Central Council for Nursing, Midwifery and Health Visiting to exercise control in matters of conduct and discipline over visiting EEC nurses and midwives.

Article 6 inserts two new sections into the 1979 Act. Section 22A requires the Central Council to provide documentary evidence necessary to enable registered nurses and midwives to take up and pursue their professions in other member States of the Communities. Section 22B provides a definition of "visiting EEC nurse" and "visiting EEC midwife" for the purposes of the 1979 Act.

Article 7 revokes the Nursing Qualifications (EEC Recognition) Order 1979, and certain provisions of other Orders, which are replaced by the 1979 Act and this Order.

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