
STATUTORY INSTRUMENTS

2002 No. 253

The Nursing and Midwifery Order 2001

PART IX

OFFENCES

Offences

44.—(1) [^{F1}Subject to paragraph (1A), a person commits an offence] if with intent to deceive (whether expressly or by implication)—

- (a) he falsely represents himself to be registered in the register, or a particular part of it or to be the subject of any entry in the register;
- (b) he uses a title referred to in article 6(2) to which he is not entitled;
- (c) he falsely represents himself to possess qualifications in nursing or midwifery [^{F2}or a qualification as a nursing associate].

[^{F3}(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.]

(2) [^{F4}Subject to paragraph (2A), a person commits an offence] if—

- (a) with intent that any person shall be deceived (whether expressly or by implication) he causes or permits another person to make any representation about himself which, if made by himself with intent to deceive, would be an offence under paragraph (1); or
- (b) with intent to deceive, he makes with regard to another person any representation which—
 - (i) is false to his own knowledge, and
 - (ii) if made by the other person with that intent would be an offence by him under paragraph (1).

[^{F5}(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.]

(3) [^{F6}Subject to paragraph (3A), a person who fraudulently procures], or tries to procure, the making, amendment, removal or restoration of an entry in the register, is guilty of an offence.

[^{F7}(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.]

(4) A person who, without reasonable excuse, fails to comply with any requirement imposed by—

- (a) the Council, or
- (b) a Practice Committee

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under article 25(1) or (2) or rules made by virtue of article 32(2)(m) or under any corresponding rule made by virtue of article 26, 33 or 37 is guilty of an offence.

(5) A person guilty of an offence under this article shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Textual Amendments

- F1** Words in art. 44(1) substituted (28.1.2019) by [The Nursing and Midwifery \(Amendment\) Order 2018 \(S.I. 2018/838\)](#), art. 1(3), [Sch. 1 para. 30\(a\)](#)
- F2** Words in art. 44(1)(c) inserted (28.1.2019) by [The Nursing and Midwifery \(Amendment\) Order 2018 \(S.I. 2018/838\)](#), art. 1(3), [Sch. 1 para. 30\(b\)](#)
- F3** Art. 44(1A) inserted (28.1.2019) by [The Nursing and Midwifery \(Amendment\) Order 2018 \(S.I. 2018/838\)](#), art. 1(3), [Sch. 1 para. 30\(c\)](#)
- F4** Words in art. 44(2) substituted (28.1.2019) by [The Nursing and Midwifery \(Amendment\) Order 2018 \(S.I. 2018/838\)](#), art. 1(3), [Sch. 1 para. 30\(d\)](#)
- F5** Art. 44(2A) inserted (28.1.2019) by [The Nursing and Midwifery \(Amendment\) Order 2018 \(S.I. 2018/838\)](#), art. 1(3), [Sch. 1 para. 30\(e\)](#)
- F6** Words in art. 44(3) substituted (28.1.2019) by [The Nursing and Midwifery \(Amendment\) Order 2018 \(S.I. 2018/838\)](#), art. 1(3), [Sch. 1 para. 30\(f\)](#)
- F7** Art. 44(3A) inserted (28.1.2019) by [The Nursing and Midwifery \(Amendment\) Order 2018 \(S.I. 2018/838\)](#), art. 1(3), [Sch. 1 para. 30\(g\)](#)

Commencement Information

- I1** [Art. 44](#) in force at 1.8.2004 as notified in the London Gazette (Issue 57361, published 21.7.2004), see [art. 1\(2\)\(3\)](#)

Attendance by unqualified persons at childbirth

45.—(1) A person other than a registered midwife or a registered medical practitioner shall not attend a woman in childbirth.

(2) Paragraph (1) does not apply—

- (a) where the attention is given in a case of sudden or urgent necessity; or
- (b) in the case of a person who, while undergoing training with a view to becoming a medical practitioner or to becoming a midwife, attends a woman in childbirth as part of a course of practical instruction in midwifery recognised by the Council or by the General Medical Council.

(3) A person who contravenes paragraph (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Commencement Information

- I2** [Art. 45](#) in force at 1.8.2004 as notified in the London Gazette (Issue 57361, published 21.7.2004), see [art. 1\(2\)\(3\)](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art. 5A(6A) inserted by [S.I. 2023/1286 Sch. 3 para. 61](#)
- art. 7(2A)-(2D) inserted by [S.I. 2023/1286 Sch. 3 para. 62](#)
- art. 9(4A) inserted by [S.I. 2023/1286 Sch. 3 para. 63\(a\)](#)
- art. 13(5A)-(5D) inserted by [S.I. 2023/1286 Sch. 3 para. 64\(b\)](#)
- art. 13ZA inserted by [S.I. 2023/1286 Sch. 3 para. 65](#)
- art. 21A inserted by [S.I. 2023/1286 Sch. 3 para. 66](#)
- art. 22(1)(a)(vi)(vii) inserted by [S.I. 2008/1485 Sch. 1 para. 4](#)