

**2003 No. 1738**

**NURSES AND MIDWIVES**

**The Nursing and Midwifery Council (Practice Committees)  
(Interim Constitution) Rules Order of Council 2003**

*Made* - - - - - *10th July 2003*

*Laid* - - - - - *14th July 2003*

*Coming into force* - - *4th August 2003*

At the Council Chamber, Whitehall, the 10th day of July 2003  
By the Lords of Her Majesty's Most Honourable Privy Council

Whereas in exercise of the powers conferred on it by article 47(2) of, and paragraph 17 of Schedule 1 to, the Nursing and Midwifery Order 2001<sup>(a)</sup>, and of all other powers enabling it in that behalf, the Nursing and Midwifery Council has made the Nursing and Midwifery Council (Practice Committees) (Interim Constitution) Rules 2003 as set out in the Schedule to this Order:

And whereas by articles 47(1) and 48 of that Order such Rules shall not come into force until approved by order of the Privy Council:

Now, therefore, Their Lordships, having taken the Rules into consideration, are pleased to, and do hereby, approve them.

This Order may be cited as the Nursing and Midwifery Council (Practice Committees) (Interim Constitution) Rules Order of Council 2003 and shall come into force on 4th August 2003.

*A. K. Galloway*  
Clerk of the Privy Council

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<sup>(a)</sup> S.I. 2002/253.

## SCHEDULE

### THE NURSING AND MIDWIFERY COUNCIL (PRACTICE COMMITTEES) (INTERIM CONSTITUTION) RULES 2003

The Nursing and Midwifery Council, in exercise of its powers under article 47(2) of, and paragraph 17 of Schedule 1 to, the Nursing and Midwifery Order 2001<sup>(a)</sup> and of all other powers enabling it in that behalf and after consulting in accordance with article 47(3), hereby makes the following Rules:

#### Citation and commencement

1. These Rules may be cited as the Nursing and Midwifery Council (Practice Committees) (Interim Constitution) Rules 2003 and shall come into force on 4th August 2003.

#### Interpretation

2. In these Rules—

“the Order” means the Nursing and Midwifery Order 2001;

“registrant” means a person registered on the register maintained by the Council pursuant to paragraph 10 of Schedule 2 to the Order; and

“second transitional period” means the second transitional period determined in accordance with paragraph 2 of Schedule 2 to the Order.

#### Membership

3. A Practice Committee shall comprise—

(a) a Chairman and a Deputy Chairman who shall be members of the Council; and

(b) in the case of—

(i) the Conduct and Competence Committee, six other members,

(ii) the Health Committee, two other members,

(iii) the Investigating Committee, three other members,

appointed by the Council in accordance with paragraph 18 of Schedule 1 to the Order.

#### Tenure

4.—(1) A member appointed to a Practice Committee before the end of the second transitional period shall serve until the end of that period.

(2) A member of a Practice Committee may resign at any time by giving notice in writing addressed to the Registrar.

(3) The Council may remove a person from office as a member of a Practice Committee—

(a) for a serious and persistent deficiency in his attendance, conduct or performance at meetings of the Committee;

(b) if he is a member of the Committee by virtue of his being a registered professional and he—

(i) ceases to be wholly or mainly engaged in the practice, teaching or management of the relevant profession or in research in those fields, or

(ii) ceases to be registered in the part of the register relating to that profession; or

(c) if he is a member of the Committee by virtue of his being a registered medical practitioner and he ceases to be so registered.

#### Vacancies

5. Where a person ceases to be a member of a Practice Committee the Council may fill the vacancy and the person appointed shall serve for the remainder of the term of the member he has replaced.

#### Standards for members

6.—(1) A member of a Practice Committee shall—

(a) attend all meetings of the Committee unless there is good reason for him being unable to do so;

(b) prepare for any meeting of the Committee by reading the agenda and any papers issued by the Committee or the Council which are relevant to any subject to be considered at that meeting; and

(c) if he will not be attending a meeting of the Committee, take all reasonable steps to give advance warning of his absence to the Chairman.

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(a) S.I. 2002/253.

(2) A member of a Practice Committee shall undertake education and training provided or organised by the Council from time to time so that he is properly informed about his responsibilities and, in particular, shall receive training in—

- (a) the functions of the Council, and the role of the Committee and its place in the work of the Council;
- (b) the effective conduct of proceedings by the Committee; and
- (c) the discharge by the Committee of its functions under Part V of the Order (fitness to practise) including the principles of natural justice, human rights and Community law.

#### **Quorum**

7. The quorum of a Practice Committee shall be three and shall—

- (a) include at least one registrant and one lay member; and
- (b) comprise—
  - (i) the Chairman or Deputy Chairman; and
  - (ii) two other members.

#### **Procedure**

8. Subject to the provisions of the Order and these or any other Rules made under it, a Practice Committee may regulate its own procedure.

Given under the official seal of the Nursing and Midwifery Council on 3rd July 2003.



*Jonathan Asbridge*  
President

*Sarah Thewlis*  
Chief Executive and Registrar

## EXPLANATORY NOTE

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

This Order, which is made under the Nursing and Midwifery Order 2001, approves Rules made by the Nursing and Midwifery Council in respect of the interim constitution and procedure of the Investigating Committee, the Conduct and Competence Committee and the Health Committee (the “Practice Committees”).

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