
STATUTORY INSTRUMENTS

2004 No. 1762

**The Nursing and Midwifery Order 2001
(Transitional Provisions) Order of Council 2004**

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Nursing and Midwifery Order 2001 (Transitional Provisions) Order of Council 2004 and shall come into force on 1st August 2004.

(2) In this Order—

“the Act” means the Nurses, Midwives and Health Visitors Act 1997⁽¹⁾;

“case relating to conduct” means any case in which, under the Act, a person would be, or would have been, liable to have her name removed from the register because of misconduct;

“case relating to health” means any case in which, under the Act, a person would be, or would have been, liable to have her name removed from the register because her fitness to practise is seriously impaired by reason of her physical or mental condition;

“the Conduct Rules” means the Rules scheduled to the Nurses, Midwives and Health Visitors (Professional Conduct) Rules 1993 Approval Order 1993⁽²⁾;

“misconduct” means conduct unworthy of a registered nurse or midwife and includes obtaining registration by fraud;

“old register” means the register maintained under the Act or by the Nursing and Midwifery Council pursuant to paragraph 10 of Schedule 2 to the Order;

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

“respondent” means a person who is the subject of an allegation in a case relating to conduct or health.

(3) For the purposes of this Order, the Act and relevant rules made under the Act (including the Conduct Rules) shall apply as they were in force on 31st March 2002, except that, where necessary, references in the Act or the rules to the United Kingdom Central Council for Nursing, Midwifery and Health Visiting (“UKCC”) are to be treated as references to the Council.

⁽¹⁾ 1997 c. 24.

⁽²⁾ S.I.1993/893 as amended by: S.I. 1998/1103; in relation to England and Wales by S.I. 2001/536 and 2002/82 and 708; and in relation to Scotland by SSI 2001/54 and 2002/59 and 142.