

## SCHEDULE

### CONSEQUENTIAL AMENDMENTS TO PRIMARY AND SECONDARY LEGISLATION

## PART 2

### CONSEQUENTIAL AMENDMENTS TO SECONDARY LEGISLATION

#### European Parliamentary Elections (Northern Ireland) Regulations 2004

11. In the European Parliamentary Elections (Northern Ireland) Regulations 2004(1), in Schedule 2 (absent voters), in Part 1 (applications), in paragraph 4(2)(b), omit the words “within the meaning of section 7(7) of the Nurses, Midwives and Health Visitors Act 1997”.

#### European Parliamentary Elections Regulations 2004

12. In the European Parliamentary Elections Regulations 2004(2), in Schedule 2 (absent voting), in Part 2 (applications), for paragraph 16(2)(b), substitute—  
“(b) a registered nurse;”.

#### Community Health Councils Regulations 2004

13. In the Community Health Councils Regulations 2004(3), in regulation 9 (disqualification for membership), for paragraph (1)(e)(v) substitute—  
“registered nurse or registered midwife;”.

#### Nurses Agencies (Wales) Regulations 2003

14. In the Nurses Agencies (Wales) Regulations 2003(4), in regulation 2 (interpretation), in paragraph (1), for the definition of “nurse” (“nyrs”), substitute—  
““nurse” (“nyrs”) means a registered nurse or registered midwife;”.

#### Medicines (Child Safety) Regulations 2003

15. In the Medicines (Child Safety) Regulations 2003(5), in regulation 1 (citation, commencement and interpretation), in paragraph (2)—

- (a) for the definition of “first level nurse” substitute—  
““first level nurse” means a nurse registered in Sub-Part 1 of the Nurses' Part of the professional register;”;
- (b) in the definition of “nurse prescriber”, in paragraph (a), after “nurse” insert “or registered midwife”;
- (c) in the definition of “professional register”, for “pursuant to paragraph 10 of Schedule 2 to”, substitute “under article 5 of”;
- (d) in the definition of “relevant register”, in sub-paragraph (a), after “nurse”, insert “or registered midwife”; and

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(1) S.I.2004/1267.  
(2) S.I. 2004/293.  
(3) S.I. 2004/905.  
(4) S.I. 2003/2527.  
(5) S.I. 2003/2317.

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- (e) in the definition of “supplementary prescriber”, omit “or” at the end of sub-paragraph (a) and after sub-paragraph (b) insert—

“or

- (c) a registered midwife.”.

### **National Assembly for Wales (Representation of the People) Order 2003**

**16.** In the National Assembly for Wales (Representation of the People) Order 2003<sup>(6)</sup> in Schedule 2 (absent voting at Assembly elections), in paragraph 2 , for sub-paragraph (2)(b), substitute—

- “(b) a registered nurse.”.

### **The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003**

**17.** In the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003<sup>(7)</sup>, in Schedule 4 (excepted professions, offices, employments and occupations), in Part I (professions) for paragraph 6 substitute—

- “6. Nurse or midwife.”.

### **Council Tax (Discounts) (Scotland) Consolidation and Amendment Order 2003**

**18.** In the Council Tax (Discounts) (Scotland) Consolidation and Amendment Order 2003<sup>(8)</sup>, in article 7 (student nurses), in paragraph (1) for “on any of Parts 1 to 8, 10 and 12 to 15 of the Register maintained under section 7 of the Nurses, Midwives and Health Visitors Act 1997”, substitute “in the Nurses' or Midwives' Part of the register maintained under article 5 of the Nursing and Midwifery Order 2001”.

### **Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2003**

**19.** In the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2003<sup>(9)</sup>—

- (a) in regulation 3 (membership of Local Health Boards), in paragraph (3), for sub-paragraph (i) substitute “a nursing or midwifery member;”; and
- (b) in Schedule 2 (eligibility requirements for members), in Part II (eligibility requirements for specific categories of member)—
- (i) in paragraphs (9) and (12) for “Nurses and Midwives Council”, substitute “Nursing and Midwifery Council”,
- (ii) for the heading to paragraph (12), substitute “Nursing and midwifery member”,
- (iii) in paragraph (12) for “nursing midwifery and health visiting” substitute “nursing and midwifery”, and
- (iv) in paragraph (18), for sub-paragraph (e), substitute—
- “(e) nursing and midwifery member; or.”

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<sup>(6)</sup> S.I. 2003/284.

<sup>(7)</sup> S.S.I. 2003/231. There are amendments which are not relevant to this Order.

<sup>(8)</sup> S.I. 2003/176.

<sup>(9)</sup> S.I. 2003/149.

## **Nurses Agencies Regulations 2002**

**20.** In the Nurses Agencies Regulations 2002(**10**), in regulation 2 (interpretation), in paragraph (1), for the definition of “nurse”, substitute—

““nurse” means a registered nurse or registered midwife;”

## **European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 2002**

**21.** In the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 2002(**11**), in Schedule 2 (regulated professions), in Part 1 (professions regulated by law or public authority), in the column headed “Profession” for the words “Nurse admitted to” to “Part 7 - Second level nurse (Scotland and Northern Ireland)”, substitute “Nurse admitted to Sub-Part 2 of the Nurses' Part of the register”.

## **Scottish Parliament (Elections etc) Order 2002**

**22.** In the Scottish Parliament (Elections etc) Order 2002(**12**), in Schedule 3 (absent voting), in paragraph 2 (additional requirements for applications on grounds of physical incapacity), for subparagraph (2)(b), substitute—

“(b) a registered nurse; or”.

## **Private and Voluntary Health Care (Wales) Regulations 2002**

**23.** In the Private and Voluntary Health Care (Wales) Regulations 2002(**13**), in regulation 2 (interpretation), in paragraph (1), in the definition of “midwife” (“bydwraig”) for “section 14(1)(b) of the Nurses, Midwives and Health Visitors Act 1997”, substitute “article 42 of the Nursing and Midwifery Order 2001”.

## **Misuse of Drugs Regulations 2001**

**24.** In the Misuse of Drugs Regulations 2001(**14**)—

(a) in regulation 2 (interpretation), in paragraph (1)—

(i) for the definition of “registered health visitor”, substitute at the appropriate alphabetical place—

““specialist community public health nurse” means a registered nurse or midwife who is also registered in the Specialist Community Public Health Nurses' Part of the professional register and against whose name in that Part of the register there is an annotation that she has a qualification in health visiting;”

(ii) insert at the appropriate alphabetical place—

““professional register” means the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001;”

(b) in regulation 6 (general authority to supply and possess), in paragraph (2), omit “an extended formulary nurse prescriber;”

(c) in regulation 11 (exemption for midwives)—

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(10) S.I. [2002/3212](#). Amendments have been made which are not relevant to this Order.

(11) S.I. [2002/2934](#).

(12) S.I. [2002/2779](#).

(13) S.I. [2002/325](#).

(14) S.I. [2001/3998](#). Relevant amendments were made by S.I. [2003/2429](#).

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- (i) in paragraph (1), for “section 14(1)(b) of the Act of 1997”, substitute “article 42 of the Order”,
- (ii) in paragraph (3)—
  - (aa) omit the definition of “the Act of 1997”,
  - (bb) in the definition of “appropriate medical officer”, in sub-paragraph (b), for “section 15 of the Act of 1997”, substitute “article 43 of the Order”,
  - (cc) in the definition of “local supervising authority”, for “section 15(1) of the Act of 1997”, substitute “Schedule 4 of the Order(15)”, and
  - (dd) insert at the appropriate alphabetical place—
    - ““the Order” means the Nursing and Midwifery Order 2001;”;
- (d) in Schedule 8 (persons who may supply or administer a specified controlled drug under a patient group direction), in paragraph 1, omit sub-paragraph (b).

#### **Private and Voluntary Health Care (England) Regulations 2001**

**25.** In the Private and Voluntary Health Care (England) Regulations 2001(16), in regulation 2 (interpretation) in the definition of “midwife” for “section 14(1)(b) of the Nurses, Midwives and Health Visitors Act 1997”, substitute “article 42 of the Nursing and Midwifery Order 2001”.

#### **National Care Standards Commission (Registration) Regulations 2001**

**26.** In the National Care Standards Commission (Registration) Regulations 2001(17), in regulation 2 (interpretation), in paragraph (1), for the definition of “nurse” substitute—  
““nurse” means a registered nurse or registered midwife;”.

#### **Northern Ireland Assembly (Elections) Order 2001**

**27.** In the Representation of the People (Northern Ireland) Regulations 2001(18), in regulation 55 (additional requirements for applications in respect of a particular election), in paragraph (4)(b) and (6)(d), in head (ii) omit the words “within the meaning of section 7(7) of the Nurses, Midwives and Health Visitors Act 1997”.

#### **General Social Care Council (Appointments and Procedure) Regulations 2001**

**28.** In the General Social Care Council (Appointments and Procedure) Regulations 2001(19) in regulation 4 (disqualification for appointment), in paragraph (7), for sub-paragraph (b) , substitute—  
“(b) a registered nurse or registered midwife;”.

#### **National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001**

**29.** In the National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001(20), in regulation 2 (interpretation)—  
(a) in paragraph (1)—

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(15) The definition of “local supervising authority” in Schedule 4 of the Order has been amended by S.I. 2002/2469.

(16) S.I. 2001/3968. Amendments have been made which are not relevant to this Order.

(17) S.I. 2001/3969. Relevant amendments were made by S.I. 2003/2429. Other amendments have been made which are not relevant to this Order.

(18) S.I. 2001.400. Relevant amendments have been made by S.I. 2001/2599.

(19) S.I. 2001/1744. A relevant amendment was made by S.I. 2003/1590.

(20) S.I. 2001/1358. Relevant amendments were made by S.I. 2003/2624. Other amendments have been made which are not relevant to this Order.

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- (i) for the definition of “independent nurse prescriber” (“nyrs sy'n rhagnodi'n annibynnol”), substitute—

““independent nurse prescriber” (“nyrs sy'n rhagnodi'n annibynnol”) means a person—

- (a) who is registered in Sub-Part 1 of the Nurses' Part or in the Midwives' Part of the register maintained by the Nursing and Midwifery Council under the Nursing and Midwifery Order 2001, and—
- (b) in respect of whom an annotation signifying that he is qualified to order drugs, medicines and appliances from—
- (i) the Nurse Prescribers' Formulary for District Nurses and Health Visitors in Part XVIIIB(i) of the Drug Tariff, or
- (ii) the Nurse Prescribers' Extended Formulary in Part XVIIIB(ii) of the Drug Tariff,

is also recorded in that register;”,

- (ii) in the definition of “nurses and midwives' professional register” (“*cofrester proffesiwn nyrsys a beydwragedd*”), for “pursuant to paragraph 10 of Schedule 2 to”, substitute “under article 5 of”,

- (iii) in the definition of “supplementary prescriber” (“rhagnodydd atodol”), for sub-paragraph (a), substitute—

“(a) Sub-Part 1 of the Nurses' Part or in the Midwives' Part of the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001;”; and

- (b) omit paragraph (2).

### **Representation of the People (Scotland) Regulations 2001**

**30.** In the Representation of the People (Scotland) Regulations 2001(**21**), in regulation 53 (additional requirements for applications for a proxy vote for a particular or indefinite period on grounds of physical incapacity or blindness), in paragraph (2)(b) for “pursuant to paragraph 10 of” substitute “under article 5 of”.

### **National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001**

**31.** In regulation 2 of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001(**22**) (interpretation), in paragraph (1)—

- (a) for the definition of “independent nurse prescriber”, substitute—

““independent nurse prescriber”, means a person—

- (a) who is registered in Sub-Part 1 of the Nurses' Part or in the Midwives' Part of the nurses and midwives' professional register; and
- (b) in respect of whom an annotation signifying that he is qualified to order drugs, medicines and appliances from—
- (i) the Nurse Prescribers' Formulary for Community Nurses and Health Visitors in Part 8B of the Drug Tariff, or
- (ii) the Nurse Prescribers' Extended Formulary in Part 8C of the Drug Tariff,

(21) S.I. 2001/497. A relevant amendment was made by S.I. 2002/881.

(22) S.S.I. 2001/430. Relevant amendments were made by S.S.I. 2003/295 and 2004/212.

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- is also recorded in that register;”;
- (b) in the definition of “nurses and midwives' professional register”, for “pursuant to paragraph 10 of Schedule 2 to”, substitute “under article 5 of”; and
  - (c) in the definition of “supplementary prescriber”, for sub-paragraph (a), substitute—
    - “(a) Sub-Part 1 of the Nurses' Part, or in the Midwives' Part, of the nurses and midwives' professional register;”.

### **Representation of the People (England and Wales) Regulations 2001**

**32.** In the Representation of the People (England and Wales) Regulations 2001(23), in regulation 53 (additional requirements for applications for a proxy vote for a definite or indefinite period on grounds of physical incapacity or blindness), in paragraph (2)(b) for “pursuant to paragraph 10 of”, substitute “under article 5 of”.

### **National Health Service Trusts (Membership and Procedure) (Scotland) Regulations 2001**

**33.** In the National Health Service Trusts (Membership and Procedure) (Scotland) Regulations 2001(24), in regulation 6 (appointment and term of office), in paragraph (1), for sub-paragraph (c) (ii), substitute—

“(ii) a registered nurse or registered midwife.”

### **National Health Service (Charges for Drugs and Appliances) Regulations 2000**

**34.** In the National Health Service (Charges for Drugs and Appliances) Regulations 2000(25), in regulation 2 (interpretation), in paragraph (1)—

- (a) for the definition of “independent nurse prescriber” substitute—
  - ““independent nurse prescriber” means a person—
  - (a) who is registered in Sub-Part 1 of the Nurses' Part or in the Midwives' Part of the nurses and midwives' professional register, and—
  - (b) in respect of whom an annotation signifying that he is qualified to order drugs, medicines and appliances from—
    - (i) the Nurse Prescribers' Formulary for District Nurses and Health Visitors in Part XVIIB(i) of the Drug Tariff, or
    - (ii) the Nurse Prescribers' Extended Formulary in Part XVIIB(ii) of the Drug Tariff,
- is also recorded in that register;”;
- (b) in the definition of “nurses and midwives' professional register”, for “pursuant to paragraph 10 of Schedule 2 to”, substitute “under article 5 of”; and
- (c) in the definition of “supplementary prescriber”, for sub-paragraph (a), substitute—
  - “(a) Sub-Part 1 of the Nurses' Part or in the Midwives' Part' of the nurses and midwives' professional register;”.

(23) S.I. 2001/341. Relevant amendments were made by S.I. 2001/1700 and 2002/881.

(24) S.I. 2001/301. There are no relevant amendments.

(25) S.I. 2000/620. Relevant amendments were made by S.I. 2003/699 and 2004/865. Other amendments have been made which are not relevant to this Order.

### **Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000**

**35.** In the Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000<sup>(26)</sup>, in—

- (a) regulation 1 (citation, commencement and interpretation), in paragraph (2), in the definition of “nurse”, for “nurse, midwife or health visitor registered in accordance with the Nursing and Midwifery Order 2001”, substitute “registered nurse or registered midwife”;
- (b) regulation 5 (disqualification for appointment: chairman and non-officer members), for paragraph (5)(b), substitute—
  - “(b) a registered nurse or registered midwife;”.

### **Commission for Health Improvement (Membership and Procedure) Regulations 1999**

**36.** In the Commission for Health Improvement (Membership and Procedure) Regulations<sup>(27)</sup>, in regulation 1 (citation, commencement and interpretation), in paragraph (2), in the definition of “lay member”, for sub-paragraph (d), substitute—

- “(d) a registered nurse or registered midwife;”.

### **Primary Care Trusts (Consultation on Establishment, Dissolution and Transfer of Staff) Regulations 1999**

**37.** In the Primary Care Trusts (Consultation on Establishment, Dissolution and Transfer of Staff) Regulations 1999<sup>(28)</sup>, in regulation 1 (citation, commencement and interpretation), in paragraph (2), in the definition of “health care professional” for sub-paragraph (b), substitute—

- “(b) a registered nurse or registered midwife;”.

### **Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc of Acts of the Scottish Parliament) Order 1999**

**38.** In the Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc of Acts of the Scottish Parliament) Order 1999<sup>(29)</sup>, in Schedule 2 (general definitions), for the definition of “Registered” in relation to nurses, midwives and health visitors, substitute—

- ““Registered”, in relation to nurses and midwives, means registered in the register maintained under article 5 of the Nursing and Midwifery Order 2001 by virtue of qualifications in nursing or midwifery, as the case may be;”.

### **Prescription Only Medicines (Human Use) Order 1997**

**39.** In the Prescription Only Medicines (Human Use) Order 1997<sup>(30)</sup>—

- (a) in article 1 (citation, commencement and interpretation), in paragraph (2)—
  - (i) for the definition of “district nurse/health visitor prescriber”, substitute—

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<sup>(26)</sup> S.I. 2000/89. Relevant amendments were made by S.I. 2002/ 881 and 2469, 2003/1616 and 2004/696 and 865.

<sup>(27)</sup> S.I. 1999/2801. Relevant amendments were made by S.I. 2002/880.

<sup>(28)</sup> S.I. 1999/2337. Relevant amendments were made by S.I. 2002/880.

<sup>(29)</sup> S.I. 1999/1379. A relevant amendment was made by S.I. 2002/881. There are other amendments which are not relevant to this Order.

<sup>(30)</sup> S.I. 1997/1830. Relevant amendments were made by S.I. 2002/549 and 2003/696.

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““district nurse/health visitor prescriber” means a first level nurse, or a registered midwife, against whose name in the professional register there is an annotation that he is qualified to order drugs, medicines and appliances from the Nurse Prescriber’s Formulary for District Nurses and Health Visitors Appendix in the current edition of the British National Formulary”,

- (ii) in the definition of “extended formulary nurse prescriber”, in sub-paragraph (a), after “nurse”, insert “or registered midwife”,
- (iii) for the definition of “first level nurse” substitute—

““first level nurse” means a person registered in Sub-Part 1 of the Nurses' Part of the professional register;”,
- (iv) in the definition of “professional register”, for “pursuant to paragraph 10 of Schedule 2 to”, substitute “under article 5 of”,
- (v) for the definition of “registered midwife”, substitute—

““registered midwife” means a person registered in the Midwives' Part of the professional register;”,
- (vi) for the definition of “registered nurse”, substitute—

““registered nurse” means a person registered in the Nurses' Part of the professional register;”,
- (vii) in the definition of “relevant register”, in sub-paragraph (a), after “nurse” insert “or registered midwife”,
- (viii) in the definition of “supplementary prescriber”, omit “or” at the end of sub-paragraph (a) and after sub-paragraph (b) insert—

“or

(c) a registered midwife;”, and

- (b) in Schedule 7, Part III (classes of individual by whom prescription only medicines may be supplied or administered), omit “Registered health visitors”.

### **Welsh Language Schemes (Public Bodies) Order 1996**

**40.** In the Welsh Language Schemes (Public Bodies) Order 1996(31), in the Schedule (specified public bodies), omit the entries for—

- (a) United Kingdom Central Council for Nursing, Midwifery and Health Visiting;
- (b) Cyngor Canalog y Deyrnas Gyfunol dros Nyrsio, Bydwreigiaeth a Gwasanaethau Ymwelwyr lechyd;
- (c) Welsh National Board for Nursing, Midwifery and Health Visiting; and
- (d) Bwrdd Cenedlaethol Cymru dros Nyrsio, Bydwreigiaeth a Gwasanaethau Ymwelwyr lechyd.

### **Health Authorities (Membership and Procedure) Regulations 1996**

**41.** In the Health Authorities (Membership and Procedure) Regulations 1996(32), in regulation 2 (membership of Authorities), for paragraph (2)(d), substitute—

(31) S.I. 1996/1898. The Nursing and Midwifery Council was specified in S.I. 2002/1441.

(32) S.I. 1996/707. A relevant amendment was made by S.I. 2002/556.



“(d) registration in the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001; or”.

### **Family Health Services Appeal Authority Regulations 1995**

**42.** In the Family Health Services Appeal Authority Regulations 1995(33), regulation 7 (disqualification for appointment), in paragraph (1)(i), for head (v), substitute—

“(v) registered nurse or registered midwife.”.

### **National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995**

**43.** In the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995(34), in regulation 2 (interpretation and application), in paragraph (1) —

(a) for the definition of “independent nurse prescriber” substitute—

““independent nurse prescriber” means a person—

(a) who is registered in the Nursing and Midwifery Register, and—

(b) in respect of whom an annotation signifying that he is qualified to order drugs, medicines and appliances from—

(i) the Nurse Prescribers' Formulary for Community Nurses and Health Visitors in Part 8B of the Drug Tariff, or

(ii) the Nurse Prescribers' Extended Formulary in Part 8C of the Drug Tariff; is also recorded in that register;”;

(b) in the definition of “nurses' and midwives' professional register”, for “pursuant to paragraph 10 of Schedule 2 to”, substitute “under article 5 of”;

(c) in the definition of “supplementary prescriber”, for sub-paragraph (a), substitute—

“(a) the Nursing and Midwifery Register; ”.

### **National Health Service (Service Committees and Tribunal) Regulations 1992**

**44.** In the National Health Service (Service Committees and Tribunal) Regulations 1992(35), in Schedule 2 (constitution of discipline committees), in paragraph 8(b) (definition of “lay person”), for (iii), substitute—

“(iii) a registered nurse or registered midwife,”.

### **National Health Service (Pharmaceutical Services) Regulations 1992**

**45.** In the National Health Service (Pharmaceutical Services) Regulations 1992(36), in regulation 2 (interpretation)—

(a) in the definition of “nurses and midwives' professional register”, for “pursuant to paragraph 10 of Schedule 2 to”, substitute “under article 5 of”;

(b) in the definition of “relevant register”, in paragraph (a), after “nurse” add “or midwife”;

(c) in the definition of “supplementary prescriber”, for sub-paragraph (a), substitute—

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(33) S.I. 1995/622. Amendments have been made which are not relevant to this Order.

(34) S.I. 1995/414. Relevant amendments were made by S.I. 2003/296. Amendments have been made which are not relevant to this Order.

(35) S.I. 1992/664. Amendments have been made which are not relevant to this Order.

(36) S.I. 1992/662. Relevant amendments were made by S.I. 2003/699 and 2004/922 (in relation to England) and 2003/2624 and 2004/1021 (in relation to Wales).

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“(a) the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001;”.

#### **Council Tax (Discount Disregards) Order 1992**

46. In the Council Tax (Discount Disregards) Order 1992(37), in Schedule 1 (definition of students, etc.), in Part III (student nurses), in paragraph 7, for paragraph (1), substitute—

“(1) A person is a student nurse on a particular day if, on that day, he is undertaking a course which would (if successfully completed) lead to first registration in the Nurses' Part or the Midwives' Part of the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001”.

#### **European Communities (Recognition of Professional Qualifications) Regulations 1991**

47. In the European Communities (Recognition of Professional Qualifications) Regulations 1991(38), in Schedule 1, in Part 1 (professions regulated by law or public authority), in the column headed “Profession”, for the words “Nurses admitted to:” to “of the register maintained by the Nursing and Midwifery Council”, substitute—

“Nurses admitted to Sub-Part 1 of the Nurses' Part of the register maintained by the Nursing and Midwifery Council”.

#### **National Health Service Trusts (Membership and Procedure) Regulations 1990**

48. In the National Health Service Trusts (Membership and Procedure) Regulations 1990(39), in regulation 4 (qualifications for appointments), in paragraph (1)(c), for “pursuant to paragraph 10 of Schedule 2 to”, substitute “under article 5 of”.

#### **Prescription Pricing Authority Constitution Order 1990**

49. In the Prescription Pricing Authority Constitution Order 1990(40), in regulation 5 (constitution of the Pricing Authority), for paragraph (e)(v), substitute—

“(v) a person registered in the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001 (or of the register maintained under section 7 of the Nurses, Midwives and Health Visitors Act 1997);”.

#### **Social Fund Maternity and Funeral Expenses (General) Regulations 1987**

50. In the Social Fund Maternity and Funeral Expenses (General) Regulations 1987(41), in regulation 3 (interpretation), in paragraph (1), in the definition of “health professional”, for paragraph (b) substitute—

“(b) a registered nurse or registered midwife;”.

#### **Statutory Maternity Pay (Medical Evidence) Regulations 1987**

51. In the Statutory Maternity Pay (Medical Evidence) Regulations 1987(42), in the Schedule—

(a) in Part I (rules), in paragraph 4, in sub-paragraph (e)—

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(37) S.I. 1992/548.

(38) S.I. 1991/824. Schedule 1 was substituted by S.I. 2000/1960 and a relevant amendment was made by S.I. 2002/881.

(39) S.I. 1990/2024. A relevant amendment was made by S.I. 2002/881.

(40) S.I. 1990/1718. A relevant amendment was made by S.I. 2002/881.

(41) S.I. 1987/481. Relevant amendments were made by S.I. 2000/528 and 2002/881.

(42) S.I. 1987/235. Relevant amendments were made by S.I. 1991/2284 and 2002/881.

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- (i) omit “Part 10 of”, and
  - (ii) for “pursuant to paragraph 10 of Schedule 2 to”, substitute “(“NMC”) under article 5 of”;
- (b) in Part II (form of certificate), for “UKCC” in both places it occurs, substitute “NMC”.

### **Company and Business Names Regulations 1981**

**52.** In the Company and Business Names Regulations 1981(**43**), in the Schedule (specification of words, expressions and relevant bodies) for the entry in Column (2) (relevant body) opposite the entry in Column (1), for—

- (a) District Nurse;
- (b) Health Visitor;
- (c) Midwife;
- (d) Midwifery;
- (e) Nurse; and
- (f) Nursing,

substitute “Nursing and Midwifery Council”.

### **Medicines (Pharmacy and General Sale – Exemption) Order 1980**

**53.** In the Medicines (Pharmacy and General Sale – Exemption) Order 1980(**44**)—

- (a) in article 1 (citation, commencement and interpretation), in paragraph (2)—
  - (i) omit the definition of “enrolled nurse”,
  - (ii) for the definition of “first level nurse”, substitute—

““first level nurse” means a nurse registered in Sub-Part 1 of the Nurses' Part of the professional register;”,
  - (iii) in the definition of “nurse prescriber”, in paragraph (a), after “nurse” insert “or registered midwife”,
  - (iv) in the definition of “professional register”, for “pursuant to paragraph 10 of Schedule 2 to”, substitute “under article 5 of”,
  - (v) omit the definition of “registered nurse”,
  - (vi) in the definition of “relevant register”, in sub-paragraph (a), after “nurse”, insert “or registered midwife”,
  - (vii) in the definition of “supplementary prescriber”, omit “or” at the end of sub-paragraph (a) and after sub-paragraph (b) insert—

“or

    - (c) a registered midwife;”,
- (b) in Schedule 1 (exemptions for certain persons from sections 52 and 53 of the Medicines Act 1968)—
  - (i) in paragraph 9 in Column 2, for “, a registered nurse or an enrolled nurse”, substitute “or a registered nurse”;
  - (ii) in paragraphs 9(2)(a) and 11(a), in Column 3, omit “or an enrolled nurse”.

**(43)** S.I. 1981/1685. Amendments not relevant to this Order have been made.

**(44)** S.I. 1980/1924. Relevant amendments were made by S.I. 2004/1.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### **Medicines (Sale or Supply) (Miscellaneous Provisions) Regulations 1980**

**54.** In the Medicines (Sale or Supply) (Miscellaneous Provisions) Regulations 1980<sup>(45)</sup>, in regulation 1 (citation, commencement and interpretation), in paragraph (2)(a)—

- (a) for the definition of “district nurse/health visitor prescriber”, substitute—

““district nurse/health visitor prescriber” means a first level nurse, or a registered midwife, against whose name in the professional register there is an annotation that he is qualified to order drugs, medicines and appliances from the Nurse Prescriber’s Formulary for District Nurses and Health Visitors Appendix in the current edition of the British National Formulary;”;
- (b) in the definition of “extended formulary nurse prescriber”, in sub-paragraph (a), after “nurse”, insert “or registered midwife”;
- (c) for the definition of “first level nurse” substitute—

““first level nurse” means a nurse registered in sub-part 1 of the Nurses’ Part of the professional register;”;
- (d) in the definition of “professional register”, for “pursuant to paragraph 10 of Schedule 2 to”, substitute “under article 5 of”;
- (e) in the definition of “relevant register”, in sub-paragraph (a), after “nurse”, insert “or registered midwife”;
- (f) in the definition of “supplementary prescriber”, omit “or” at the end of sub-paragraph (a) and after sub-paragraph (b) insert—

“or

- (c) a registered midwife.”.

### **Medicines (Labelling and Advertising to the Public) Regulations 1978**

**55.** In the Medicines (Labelling and Advertising to the Public) Regulations 1978<sup>(46)</sup>—

- (a) in regulation 1 (citation, commencement and interpretation), in paragraph (2), for the definition of—
  - (i) “certified midwife”, substitute at the appropriate alphabetical position—

““registered midwife” means a person registered in the Midwives’ Part of the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001;”, and
  - (ii) “registered nurse”, substitute—

““registered nurse” means a person registered in the Nurses’ Part of the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001;”;
- (b) in regulation 5 (prohibition of representations), in sub-paragraph (2)(c), for “certified midwife”, substitute “registered midwife”.

### **Social Security (Medical Evidence) Regulations 1976**

**56.** In the Social Security (Medical Evidence) Regulations 1976<sup>(47)</sup>, in Schedule 2—

<sup>(45)</sup> S.I. 1980/1923. Relevant amendments were made by S.I. 2003/698.

<sup>(46)</sup> S.I.1978/41. Amendments not relevant to this Order have been made.

<sup>(47)</sup> S.I.1976/615. Relevant amendments were made by S.I. 1987/409 and 1991/2284. Other amendments have been made which are not relevant to this Order.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) in Part I (rules), in paragraph 4, for sub-paragraph (e), substitute—
  - “(e) the address of the doctor or, where the maternity certificate is signed by a registered midwife, the personal identification number given to her by the Nursing and Midwifery Council (“NMC”) on her registration in the register maintained under article 5 of the Nursing and Midwifery Order 2001 and the expiry date of that registration”;
- (b) in Part II (form of certificate), in the second column headed “Fill in this part if you are giving the certificate after the confinement”, for “UKCC” in the two places it occurs, substitute “NMC”.