

SCHEDULE

Article 2

THE NURSING AND MIDWIFERY COUNCIL (EMERGENCY PROCEDURES) (AMENDMENT) RULES 2020

The Nursing and Midwifery Council makes the following Rules in exercise of the powers conferred under articles 7(1) and (2), 26(3), 32(1) and (2), and 37(4) and (5) of the Nursing and Midwifery Order 2001.

The Nursing and Midwifery Council have consulted in accordance with article 47(3) of that Order, such consultation being limited in scope in the context of a worldwide health pandemic.

**PART 1**

Preliminaries

**Citation and commencement**

1. These Rules may be cited as the Nursing and Midwifery Council (Emergency Procedures) (Amendment) Rules 2020 and come into force on 31st March 2020.

**Commencement Information**

**I1** Sch. rule 1 in force at 31.3.2020, see [art. 1](#)

2.—(1) Where the Secretary of State advises the Registrar of the matters under article 9A(1)(a)<sup>M1</sup> (temporary registration in emergencies involving loss of human life or human illness etc) of the 2001 Order, the following Rules have effect as if they were subject to the amendments made by Parts 2, 3 and 4 respectively—

- (a) the Nursing and Midwifery Council (Fitness to Practise) Rules 2004<sup>M2</sup>;
- (b) the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004<sup>M3</sup>;
- (c) the Nursing and Midwifery Council (Practice Committees) (Constitution) Rules 2008<sup>M4</sup>.

<sup>F1</sup>(2) .....

**F1** Sch. rule 2(2) omitted (31.8.2020) by virtue of [The Nursing and Midwifery Council \(Coronavirus\) \(Amendment\) \(No. 2\) Rules Order of Council 2020 \(S.I. 2020/821\)](#), art. 1, [Sch. rule 5](#)

**Commencement Information**

**I2** Sch. rule 2 in force at 31.3.2020, see [art. 1](#)

**Marginal Citations**

**M1** Article 9A is inserted by section 2 of, and Schedule 1, of the [Coronavirus Act 2020 \(c. 7\)](#)

**M2** [S.I. 2004/1761](#).

**M3** [S.I. 2004/1767](#).

**M4** [S.I. 2008/3148](#).

## PART 2

### Amendment of the Nursing and Midwifery Council (Fitness to Practise) Rules 2004

3.—(1) The Nursing and Midwifery Council (Fitness to Practise) Rules 2004 are amended as follows.

(2) After rule 2 (interpretation), insert—

#### **“Meetings and hearings during an emergency situation**

**2B.** Meetings and hearings arranged under these Rules may be conducted using audio or video conferencing facilities.”.

(3) After rule 5(3) (procedure of the Investigating Committee where the allegation relates to a fraudulent or incorrect entry in the register), insert—

“(3A) In paragraph (3) “venue” includes details of audio or video conferencing arrangements.”.

(4) After rule 11(3) (notice of hearing), insert—

“(3A) In paragraph (3) “venue” includes details of audio or video conferencing arrangements.”.

(5) After rule 19(4) (public and private hearings), add—

“(5) This rule does not apply to hearings conducted by audio or video conferencing.”.

(6) After rule 32(3) (postponements and adjournments), insert—

“(3A) In paragraph (3) “venue” includes details of audio or video conferencing arrangements.”.

(7) In rule 34 (service of documents) <sup>M5</sup>, for paragraph (1), substitute—

“(1) Any notice of hearing required to be served upon the registrant shall be delivered by sending it by—

- (a) a postal service or other delivery service in which delivery or receipt is recorded to, or by leaving it at, the registrant's address in the register; or
- (b) a postal service or other delivery service in which delivery or receipt is recorded to, or by leaving it at, where this differs from, and it appears to the Council more likely to reach the registrant at, the registrant's last known address; or
- (c) electronic mail to an electronic mail address that the registrant has notified to the Council as an address for communications.”.

#### **Commencement Information**

**I3** Sch. rule 3 in force at 31.3.2020, see [art. 1](#)

#### **Marginal Citations**

**M5** Relevant amending instrument is [S.I.2012/17](#).

## PART 3

### Amendment of the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004

4.—(1) The Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004 are amended as follows.

(2) After rule 2 (interpretation), insert—

#### “Hearings during an emergency situation

**2B.** Hearings arranged under these Rules may be conducted using audio or video conferencing facilities.”.

(3) In rule 14(5) (lapse of registration)<sup>M6</sup>, omit the words commencing with “not exceeding three months” and ending with “due under rule 13”.

(4) In rule 19 (service of documents in relation to registration appeals)—

(a) for paragraph (1), substitute—

“(1) In this part of the Rules a reference to sending of a notice or other document to a person is a reference to it being sent—

(a) in the case of the Council, an Appeal Panel or the Registrar, to—

(i) the offices of the Council, or

(ii) the electronic mail address notified by the Council;

(b) in the case of the appellant, to—

(i) the address, identified in the appellant's notice of appeal, or

(ii) the electronic mail address, identified in the appellant's notice of appeal;

(c) in all other cases, to the person's last known—

(i) postal address, or

(ii) electronic mail address.”.

(b) in paragraph (2)—

(i) after “by post”, insert “ or electronic mail ”;

(ii) for “letter or document”, substitute “ letter, document or electronic mail ”.

(5) After rule 23(1) (notice of hearing), insert—

“(1A) In paragraph (1) “venue” includes details of audio or video conferencing arrangements.”.

(6) In rule 30 (conduct at hearing)—

(a) in paragraph (1), before “The hearing shall” insert, “ Subject to paragraph (1A), ”;

(b) after paragraph (1), insert—

“(1A) Paragraph (1) does not apply where a hearing is conducted by audio or video conferencing.”.

#### Commencement Information

**I4** Sch. rule 4 in force at 31.3.2020, see [art. 1](#)

**Changes to legislation:** There are currently no known outstanding effects for the The Nursing and Midwifery Council (Emergency Procedures) (Amendment) Rules 2020 Order of Council 2020, SCHEDULE. (See end of Document for details)

**Marginal Citations**

**M6** Relevant amending instrument is [S.I. 2005/3354](#).

**PART 4**

**Amendment of the Nursing and Midwifery Council  
(Practice Committees) (Constitution) Rules 2008**

**5.—**(1) The Nursing and Midwifery Council (Practice Committees) (Constitution) Rules 2008 are amended as follows.

(2) In rule 6 (the practice committees)—

(a) after paragraph (8), insert—

“(8A) The Council may extend the term of office of any member of the Practice Committee, who as of 3rd March 2020 was serving a second term, for such a period or periods as it considers appropriate.”;

(b) in paragraph (10), before “The quorum” insert “ Subject to paragraph (11), ”;

(c) after paragraph (10), add—

“(11) If it is not reasonably practicable to comply with the requirements of paragraph (10), that paragraph is amended as follows—

(a) for “3”, substitute “ 2 ”, and

(b) paragraph (10)(a) shall not apply.”.

**Commencement Information**

**I5** Sch. rule 5 in force at 31.3.2020, see [art. 1](#)

Given under the common seal of the Nursing and Midwifery Council this 26th day of March 2020.

L.S.

*Philip Graf*  
*Andrea Sutcliffe*  
Chair Chief Executive and Registrar

**Changes to legislation:**

There are currently no known outstanding effects for the The Nursing and Midwifery Council (Emergency Procedures) (Amendment) Rules 2020 Order of Council 2020, SCHEDULE.