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STATUTORY INSTRUMENTS

2021 No. 531

EXITING THE EUROPEAN UNION

HEALTH CARE AND ASSOCIATED PROFESSIONS

PROFESSIONAL QUALIFICATIONS

**The Nursing and Midwifery (European Qualifications)
(Amendment) Regulations 2021**

<i>Made</i> - - - -	<i>28th April 2021</i>
<i>Laid before Parliament</i>	<i>29th April 2021</i>
<i>Coming into force</i> - -	<i>20th May 2021</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(a).

The Secretary of State is of the opinion that, by reason of urgency, it is necessary to make these Regulations without meeting the requirements of paragraph 3 of Schedule 7 to the European Union (Withdrawal) Act 2018(b).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Nursing and Midwifery (European Qualifications) (Amendment) Regulations 2021 and come into force on 20th May 2021.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Amendment to the Nursing and Midwifery Order 2001

2. For article 13(6) (approved qualifications) of the Nursing and Midwifery Order 2001(c), substitute—

(a) 2018 c. 16. Section 8 was amended by section 27 of the European Union (Withdrawal Agreement) Act 2020 (c. 1), and Paragraph 21 of Schedule 7 was amended by Schedule 5 to that Act.
(b) Paragraphs 5(7) and (8) of Schedule 7 to the European Union (Withdrawal) Act 2018.
(c) S.I. 2002/253, amended by S.I. 2019/593. S.I. 2019/593 was amended by S.I. 2020/1394; there are other amending instruments but none is relevant.

“(6) In relation to a person holding a relevant European qualification who makes an application under article 9(1), article 9(2)(a) is to be read as if the words after “holds an approved qualification” to the end were omitted.”.

Signed by authority of the Secretary of State for Health and Social Care

28th April 2021

Edward Argar
Minister of State,
Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union (and, in particular, the deficiencies under section 8(2)(d) and (e) of that Act).

These Regulations address a deficiency in article 13 of the Nursing and Midwifery Order 2001 (S.I. 2002/253) (“the NMO”) in relation to recognition of European qualifications. They do so by correcting an amendment that was made to article 13 of the NMO by the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593), as those Regulations were themselves amended by the European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394).

The amended version of S.I. 2019/593 inserted a new paragraph (6) into article 13 of the NMO, but failed to remedy the deficiency fully.

Regulation 2 of these Regulations now remedies the deficiency by ensuring that the effect of article 13(6) of the NMO, which treats certain conditions for registering as a nurse or midwife as being satisfied, is limited to persons who hold a relevant European qualification within the meaning of article 13(4) of the NMO.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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