



# Nurses, Midwives and Health Visitors Act 1979

## 1979 CHAPTER 36

### *The Central Council*

#### **1 Constitution of Central Council.**

- (1) There shall be a corporate body known as the United Kingdom Central Council for Nursing, Midwifery and Health Visiting.
- (2) The Council shall consist of the number of members, being not more than 45, prescribed by the Secretary of State by order.
- (3) Of the members of the Council—
  - (a) the majority shall be members of the National Boards established by section 5 below and be nominated by the Boards (in equal numbers) in accordance with Part I of Schedule 1 to this Act; and
  - (b) the other members shall be persons appointed by the Secretary of State.
- (4) The Secretary of State's appointments shall be made from among persons who either are nurses, midwives, health visitors or registered medical practitioners, or have such qualifications and experience in education or other fields as, in the Secretary of State's opinion, will be of value to the Council in the performance of its functions.
- (5) The Secretary of State shall have especially in mind the need to secure that qualifications and experience in the teaching of nurses, midwives and health visitors are adequately represented on the Council.
- (6) The Council shall have—
  - (a) a chairman appointed from among its members (initially by the Secretary of State and, as from such later day as he may by order appoint, by the Council itself); and
  - (b) a deputy chairman appointed by the Council from among its members.

**Status:** Point in time view as at 01/02/1991. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)

- (7) Part II of Schedule 1 to this Act shall have effect with respect to the constitution and administration, etc. of the Central Council.

**Modifications etc. (not altering text)**

C1 S. 1(6)(a) : 12.7.1985 appointed for purposes of section 1(6)(a) by S.I. 1985/789, art. 2

## 2 Functions of Council.

- (1) The principal functions of the Central Council shall be to establish and improve standards of training and professional conduct for nurses, midwives and health visitors.
- (2) The Council shall ensure that the standards of training they establish are such as to meet any Community obligation of the United Kingdom.
- (3) The Council shall by means of rules determine the conditions of a person's being admitted to training, and the kind and standard of training to be undertaken, with a view to registration.
- (4) The rules may also make provision with respect to the kind and standard of further training available to persons who are already registered.
- (5) The powers of the Council shall include that of providing, in such manner as it thinks fit, advice for nurses, midwives and health visitors on standards of professional conduct.
- (6) In the discharge of its functions the Council shall have proper regard for the interests of all groups within the professions, including those with minority representation.

## 3 Standing committees of Council

- (1) The Secretary of State shall by order constitute as standing committees of the Council a Midwifery Committee and a Finance Committee.
- (2) The Council shall consult the Finance Committee on all financial matters.
- (3) The Secretary of State may by order constitute other standing committees of the Council and (to the extent prescribed by the order) require the Council to consult them on, or empower them to discharge functions of the Council with respect to, other matters including in particular—
  - (a) training;
  - (b) clinical nursing studies;
  - (c) mental nursing; and
  - (d) occupational health nursing.
- (4) An order constituting a standing committee of the Council—
  - (a) may provide for persons who are not members of the Council to be appointed as members of that committee; and
  - (b) shall provide for a majority on the committee to be persons who work or have worked in the professional field with which it is primarily concerned.

---

**Status:** Point in time view as at 01/02/1991. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)

---

#### **4 The Midwifery Committee.**

- (1) Of the members of the Council's Midwifery Committee the majority shall be practising midwives.
- (2) The Council shall consult the Committee on all matters relating to midwifery and the Committee shall, on behalf of the Council, discharge such of the Council's functions as are assigned to them either by the Council or by the Secretary of State by order.
- (3) The Council shall assign to the Committee any matter involving a proposal to make, amend or revoke rules under section 15 below; and—
  - (a) the Committee shall consider the proposal and report on it to the Council;
  - (b) the Council shall take no action on the report until they have consulted the National Boards with respect to the matters dealt with in it.
- (4) The Secretary of State shall not approve rules relating to midwifery practice unless satisfied that they are framed in accordance with recommendations of the Council's Midwifery Committee.
- (5) Any matter which is assigned to the Midwifery Committee otherwise than under subsection (3) shall be finally dealt with by the Committee on behalf of the Council, so far as the Council expressly authorise the Committee to deal finally with it; and the Committee shall make a report to the Council as to the way in which they have dealt with the matter.

#### *The National Boards and their relationship to the Central Council*

#### **5 Constitution of National Boards.**

- (1) England, Wales, Scotland and Northern Ireland shall each have a National Board for Nursing, Midwifery and Health Visiting, and the Boards shall be corporate bodies.
- (2) Each of the National Boards shall have the number of members prescribed by the Secretary of State by order, the maximum being, in the case of the National Board for Northern Ireland, 35 members and, in the case of the other National Boards, 45 members.
- (3) Until the appointed day, the members of each National Board shall be persons appointed by the Secretary of State for a term of office ending not later than that day.
- (4) With effect from the appointed day, each of the Boards shall consist—
  - (a) of members directly appointed by the Secretary of State; and
  - (b) of elected members, that is to say members appointed by him on being elected under an electoral scheme to be prepared and approved as set out in Part I of Schedule 2 to this Act;and, in the case of each Board, the numbers of members who are directly appointed and of elected members shall be as prescribed for that Board by the Secretary of State by order, but so that the elected members form a majority on the Board.
- (5) In the case of each Board—
  - (a) the majority of those appointed under subsection (3) shall be persons who are nurses, midwives or health visitors; and

**Status:** Point in time view as at 01/02/1991. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)

- (b) the Secretary of State's direct appointments under subsection (4)(a) shall be made from among persons who either—
  - (i) are nurses, midwives, health visitors, or registered medical practitioners, or
  - (ii) have such qualifications and experience in education or other fields as, in his opinion, will be of value to the Board in the performance of its functions.
- (6) The Secretary of State shall have especially in mind the need to secure that qualifications and experience in the teaching of nurses, midwives and health visitors are adequately represented on each Board.
- (7) Each of the Boards shall have a chairman and a deputy chairman appointed from among its members.
- (8) The chairman shall—
  - (a) until the appointed day, be a person appointed by the Secretary of State;
  - (b) on and after that day, be a person appointed by the Board;
 and the deputy chairman shall at all times be a person appointed by the Board.
- (9) Part II of Schedule 2 to this Act shall have effect with respect to the constitution and administration, etc of the National Boards.
- (10) In this section and in Schedule 2, "the appointed day" means a day appointed by the Secretary of State by order, which must be not more than three years from the coming into force of this section.

**Modifications etc. (not altering text)**

**C2** S. 5(10) : 15.9.1983 appointed for purposes of section 5(10) by S.I. 1982/962, art. 2

## 6 Functions of Boards.

- (1) The National Boards shall in England, Wales, Scotland and Northern Ireland respectively—
  - (a) provide, or arrange for others to provide, at institutions approved by the Board—
    - (i) courses of training with a view to enabling persons to qualify for registration as nurses, midwives or health visitors or for the recording of additional qualifications in the register; and
    - (ii) courses of further training for those already registered;
  - (b) ensure that such courses meet the requirements of the Central Council as to their content and standard;
  - (c) hold, or arrange for others to hold, such examinations as are necessary to enable persons to satisfy requirements for registration or to obtain additional qualifications;
  - (d) collaborate with the Council in the promotion of improved training methods; and
  - (e) carry out investigations of cases of alleged misconduct, with a view to proceedings before the Central Council or a committee of the Council for a person to be removed from the register.

- (2) The National Boards shall discharge their functions subject to and in accordance with any applicable rules of the Council and shall have proper regard for the interests of all groups within the professions, including those with minority representation.

## **7 Standing committees of Boards.**

- (1) The Secretary of State shall for each of the National Boards by order constitute as standing committees of the Board a Midwifery Committee and a Finance Committee.
- (2) Of the members of the Board's Midwifery Committee the majority shall be practising midwives.
- (3) Each Board shall consult its Midwifery Committee on all matters relating to midwifery and the Committee shall, on behalf of the Board, discharge such of the Board's functions as are assigned to them by the Board or by the Secretary of State by order.
- (4) In particular, the Board, when consulted by the Central Council with respect to matters dealt with in a report of the latter's Midwifery Committee, shall seek the views of its own Midwifery Committee on those matters.
- (5) Each Board shall consult its Finance Committee on all financial matters.
- (6) In the case of any Board, the Secretary of State may by order constitute other standing committees of the Board and (to the extent prescribed by the order) require the Board to consult them on, or empower the committee to discharge functions of the Board with respect to, any other matters including any of those mentioned in section 3(3).
- (7) An order constituting a standing committee of a National Board—
  - (a) may provide for persons who are not members of the Board to be appointed as members of that committee; and
  - (b) shall provide for a majority on the committee to be persons who work or have worked in the professional field with which it is primarily concerned.

## **8 Joint committees of Council and Boards.**

- (1) The Secretary of State shall by order constitute a joint committee of the Central Council and the National Boards, called the Health Visiting Joint Committee.
- (2) Of the members of the Health Visiting Joint Committee, the majority shall be practising health visitors.
- (3) The Council and each of the Boards shall consult the Joint Committee on all matters relating to health visiting and shall not act on any such matters before receiving a recommendation of the Joint Committee which shall be made within such period of time as the Council or Board shall specify; and the Committee shall, on behalf of the Council or of any Board, discharge such of the functions of the Council or the Board as are assigned to it by the body otherwise charged with those functions, or by the Secretary of State by order.
- (4) The Secretary of State may by order constitute other joint committees of the Council and the National Boards and (to the extent prescribed by the order)—
  - (a) require the Council and the Boards to consult the appropriate joint committee on such matters as may be assigned to it; and

*Status: Point in time view as at 01/02/1991. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)*

- (b) authorise any such committee to discharge functions of the Council or a Board with respect to any matters including any of those mentioned in section 3(3).
- (5) There may in particular be constituted under subsection (4) a joint committee to be concerned with district nursing.
- (6) Joint committees shall be constituted from members of the Council and of the Boards, in such numbers and proportions as the Secretary of State's order may specify; and his order—
  - (a) may provide for persons who are not members of the Council or of any Board to be appointed as members of the joint committee;
  - (b) shall provide for a majority on the joint committee to be persons who work or have worked in the professional field with which it is primarily concerned.

## **9 Local training committees.**

- (1) The Secretary of State may by order provide for the constitution of training committees of the Boards for such areas of England, Wales, Scotland and Northern Ireland as the order may prescribe.
- (2) The committees shall be charged with assisting the Boards in the exercise of their training functions, being the functions specified in section 6(1)(a) to (c) above.
- (3) The committees shall discharge the training functions of the Boards to such extent and in such cases as may be prescribed or (subject to orders under this section) the Boards may direct.
- (4) The committees shall carry out their functions in accordance with directions given to them by the Boards.
- (5) Orders under this section may make provision for persons who are not members of a Board to be appointed as members of any of its training committees.
- (6) Before making an order under this section, and before varying or revoking such an order, the Secretary of State shall consult the Central Council and have regard to any proposals made by the Council after it has consulted the Boards for the parts of the United Kingdom affected.

### *Registration*

## **10 The professional register.**

- (1) The Central Council shall prepare and maintain a register of qualified nurses, midwives and health visitors.
- (2) The register shall be divided into such parts as the Secretary of State may by order determine, the parts being indicative of different qualifications and different kinds and standards of training; and in this Act references to parts of the register are to the parts so determined.
- (3) The Council may by rules make provision—

---

**Status:** Point in time view as at 01/02/1991. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)

---

- (a) as to the documentary and other evidence to be produced, and the fees to be paid, by those applying for registration or for additional qualifications to be recorded, or for any entry in the register to be altered or restored;
  - (b) as to the keeping of the register and the means of obtaining access to, and copies of extracts from it;
  - (c) for a person's registration to remain effective without limitation of time (subject to removal from the register for misconduct or otherwise) or to lapse after a specified period or in specified cases, or to be subject to renewal as and when provided by the rules.
- (4) The Secretary of State may by order provide—
- (a) for persons to be registered in one or more parts of the register by virtue of having been included in one or more of the registers, rolls or lists maintained under enactments repealed by this Act, or having been certified under any of those enactments;
  - (b) for a specified part of the register to be closed, as from a date specified by the order, so that on or after that date no further persons can become registered in that part;
  - (c) for a specified part of the register to be sub-divided into two or more parts, or for two or more parts to be combined into one.
- (5) The Secretary of State shall consult the Central Council before making, varying or revoking any order under this section.
- (6) A certificate issued and duly authenticated by the Council stating that a person is, or was at any date, or is not, or was not at any date, registered shall be evidence in all courts of law of the fact stated in the certificate.
- (7) In any enactment or instrument (past or future, and including this Act)
- “registered”, in relation to nurses, midwives and health visitors, means registered in the register maintained under this section by virtue of qualifications in nursing, midwifery or health visiting, as the case may be.
- (8) Orders under subsection (2) may, by reference to the part or parts in which a person is registered, prescribe the more advanced qualifications which he must have in order to be treated as a qualified nurse for the purposes of any particular enactment or instrument.

## **11 Admission to register.**

- (1) A person seeking admission to a part of the register must make application to the Central Council in accordance with the Council's rules.
- (2) Subject to subsection (4) below, the applicant shall be registered in that part (on payment of such fee as may be required by the rules) if he satisfies the Council that he is of good character and has the appropriate professional qualifications.
- (3) He is to be regarded as having those qualifications if—
  - (a) he has in the United Kingdom undergone the training, and passed the examinations, required by the Council's rules for admission to that part of the register; or

**Status:** Point in time view as at 01/02/1991. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)

- (b) being a national of any member State of the European Communities, he has professional qualifications, obtained in a member State other than the United Kingdom, which the Secretary of State has by order designated as having Community equivalence for purposes of registration in that part; or
- (c) he has, elsewhere than in the United Kingdom, undergone training in nursing, midwifery or health visiting (as the case may be) and either—
  - (i) that training is recognised by the Central Council as being to a standard sufficient for registration in that part; or
  - (ii) it is not so recognised, but the applicant has undergone in the United Kingdom or elsewhere such additional training as the Council may require.

[<sup>F1</sup>(3A) An order under subsection (3)(b) may provide that a professional qualification designated by the order is to be regarded as having Community equivalence for the purposes of registration in a part of the register only if prescribed conditions [<sup>F2</sup>required by a directive issued by the Council of the European Communities] are fulfilled; and different conditions may be prescribed with respect to the same qualification for different circumstances.]

- (4) In the case of an applicant within subsection (3) . . . <sup>F3</sup>(c), the rules may either—
  - (a) make it an additional condition of his being registered that he has the necessary knowledge of English; or
  - (b) require him to have that knowledge within a period specified by the rules (failing which his registration will lapse at the end of the period).

[<sup>F4</sup>(4A) In any case where—

- (a) an application for admission to a part of the register is made by an applicant within subsection (3)(b), and
- (b) the Council has received all the documentary evidence as to his character and qualifications required to enable him to be registered,

he shall be registered in that part within 3 months of the date on which the Council was in receipt of that evidence.]

- (5) “National” in relation to a member State of the European Communities, means the same as it does for the purposes of the Community Treaties.

#### Textual Amendments

- F1** S. 11(3A) inserted by S.I. 1983/884, art. 3(a)
- F2** Words inserted by S.I. 1984/1975 art. 2
- F3** Words repealed by S.I. 1981/432, art. 2(1)(f)
- F4** S. 11(4A) inserted by S.I. 1983/884, art. 3(b)

#### [<sup>F5</sup>11A Deemed registration of visiting EEC nurses and midwives.

- (1) A visiting EEC nurse may practice as a nurse responsible for general care during the period specified in his relevant documents in pursuance of section 22B(4)(a)(ii), and while he is so practising he shall be deemed to be registered as a nurse responsible for general care.



*Status: Point in time view as at 01/02/1991. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)*

- (2) A visiting EEC midwife shall be deemed to be registered as a midwife during the period specified in her relevant documents in pursuance of section 22B(4)(a)(ii).]

**Textual Amendments**

**F5** S. 11A inserted by S.I. 1983/884, art. 4

**12 Removed from, and restoration to, register.**

- (1) The Central Council shall by rules determine circumstances in which, and the means by which—
- (a) a person may, for misconduct or otherwise, be removed from the register or a part of it, whether or not for a specified period;
  - (b) a person who has been removed from the register or a part of it may be restored to it; and
  - (c) an entry in the register may be removed, altered or restored.
- (2) Committees of the Council shall be constituted by the rules to hear and determine proceedings for a person's removal from, or restoration to, the register or for the removal, alteration or restoration of any entry.

[<sup>F6</sup>(2A) The Council may bring proceedings before a committee constituted in pursuance of subsection (2) in respect of a visiting EEC nurse or midwife for the purpose of determining whether by reason of his misconduct or otherwise the provisions of this Act (except this section) relating to visiting EEC nurses or midwives should cease to apply to him; and the provisions of this section and of rules made under this section shall apply, with any necessary modifications, in relation to any such proceedings as they apply in relation to proceedings relating to a person's removal from the register.

(2B) In any case where it is determined that those provisions should cease to apply to any person he shall thereupon cease to be a visiting EEC nurse or, as the case may be, a visiting EEC midwife for the purposes of this Act and accordingly shall also cease to be deemed to be registered; and he shall not be entitled to be treated as such a nurse or midwife before the expiry of such period (if any) as may be specified in the determination, or if no such period is specified, without the written consent of the Council.]

- (3) The committees shall be constituted from members of the Council; and the rules shall so provide that the members of a committee constituted to adjudicate upon the conduct of any person are selected with due regard to the professional field in which that person works.
- (4) The rules shall make provision as to the procedure to be followed, and the rules of evidence to be observed, in such proceedings, whether before the Council itself or before any committee so constituted, and for the proceedings to be in public except in such cases (if any) as the rules may specify.
- (5) Schedule 3 to this Act has effect with respect to the conduct of proceedings to which this section applies.

**Status:** Point in time view as at 01/02/1991. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)

#### Textual Amendments

**F6** S. 12(2A)(2B) inserted by S.I. 1983/884, [art. 5\(1\)](#)

VALID FROM 01/04/1993

#### [<sup>F7</sup>12A Cautions.

- (1) Without prejudice to the generality of section 12, rules under that section may make provision with respect to the giving, in the course of disciplinary proceedings, of cautions as to future conduct.
- (2) Rules under section 12 may also make provision with respect to the keeping by the Council of a record of any caution as to future conduct given in the course of disciplinary proceedings.
- (3) For the purposes of this section, “disciplinary proceedings” means proceedings for removal from the register or a part of it for misconduct.]

#### Textual Amendments

**F7** S. 12A inserted (1. 4. 1993) by [Nurses, Midwives and Health Visitors Act 1992 \(c. 16\), s.9](#); S.I. 1993/588, [art.2](#)

### 13 Appeals.

- (1) A person aggrieved by a decision to remove him from the register, or to remove or alter any entry in respect of him [<sup>F8</sup>or by any decision under section 12(2A) or (2B)], may, within 3 months after the date on which notice of the decision is given to him by the Council, appeal to the appropriate court; and on the appeal—
  - (a) the court may give such directions in the matter as it thinks proper, including directions as to the costs of the appeal; and
  - (b) the order of the court shall be final.
- (2) The appropriate court for the purposes of this section is the High Court, the Court of Session or the High Court in Northern Ireland, according as the appellant’s ordinary place of residence is in England and Wales, Scotland or Northern Ireland at the time when notice of the decision is given.

#### Textual Amendments

**F8** Words inserted by S.I. 1983/884, [art. 5\(2\)](#)

### 14 False claim of professional qualification.

**Status:** Point in time view as at 01/02/1991. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)

- (1) A person commits an offence if, with intent to deceive (whether by words or in writing or by the assumption of any name or description, or by the wearing of any uniform or badge or by any other kind of conduct)—
  - (a) he falsely represents himself to possess qualifications in nursing, midwifery or health visiting; or
  - (b) he falsely represents himself to be registered in the register, or in a particular part of it.
- (2) A person commits an offence if—
  - (a) with intent that any person shall be deceived, he causes or permits another person to make any representation about himself which, if made by himself with intent to deceive would be an offence in him under subsection (1); or
  - (b) with intent to deceive, makes with regard to another person any representation which—
    - (i) is false to his own knowledge, and
    - (ii) if made by the other with that intent would be an offence in the other under that subsection.
- (3) A person guilty of an offence under this section shall be liable on summary conviction to a fine of not more than [<sup>F9</sup>level 4 on the standard scale]

#### Textual Amendments

- F9** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#), (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#) and (N.I.) by [S.I. 1984/703, \(N.I. 3\) art. 5](#)

#### *Miscellaneous provisions about midwifery*

### **15 Rules as to midwifery practice.**

- (1) The Council shall make rules regulating the practice of midwives and these rules may in particular—
  - (a) determine the circumstances in which, and the procedure by means of which, midwives may be suspended from practice;
  - (b) require midwives to give notice of their intention to practise to the local supervising authority for the area in which they intend to practise; and
  - (c) require registered midwives to attend courses of instruction in accordance with the rules.
- (2) If rules are made requiring midwives to give the notice referred to in subsection (1) (b), it is then the duty of the local supervising authority to inform the National Board of any notices given to them in compliance with the rules.

### **16 Local supervision of midwifery practice.**

- (1) The following bodies shall be local supervising authorities for midwives—
  - (a) in England, Regional Health Authorities;
  - (b) in Wales, Area Health Authorities [<sup>F10</sup>and District Health Authorities];

**Status:** Point in time view as at 01/02/1991. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)

- (c) in Scotland, Health Boards; and
  - (d) in Northern Ireland, Health and Social Services Boards.
- (2) Each local supervising authority shall—
- (a) exercise general supervision, in accordance with rules under section 15, over all midwives practising within its area;
  - (b) report any prima facie case of misconduct on the part of a midwife which arises in its area to the National Board for the part of the United Kingdom in which the authority acts;
  - (c) have power in accordance with the Council's rules to suspend a midwife from practice.
- (3) The Council may by rules prescribe the qualifications of persons who may be appointed by a local supervising authority to exercise supervision over midwives within its area, and no person shall be so appointed who is not qualified in accordance with the rules.
- (4) The National Boards are responsible for providing the authorities with advice and guidance in respect of the exercise of their functions under this section.

#### Textual Amendments

**F10** Words added (E.W.S.) by [Health Services Act 1980 \(c. 53, SIF 113:2\)](#), ss. 1, 2, [Sch. 1 para. 86](#)

## 17 Attendance by unqualified persons at childbirth.

- (1) A person other than a registered midwife of a registered medical practitioner shall not attend a woman in childbirth.
- (2) Until the day appointed by the Secretary of State by an order under paragraph 3(1) of Schedule 4 to the <sup>M1</sup>Sex Discrimination Act 1975, a man who is a registered midwife shall not attend a woman in childbirth except in a place approved in writing by or on behalf of the Secretary of State.
- (3) Subsections (1) and (2) do not apply—
  - (a) where the attention is given in a case of sudden or urgent necessity; or
  - (b) in the case of a person who, while undergoing training with a view to becoming a medical practitioner or to becoming a midwife, attends a woman in childbirth as part of a course of practical instruction in midwifery recognised by the General Medical Council or one of the National Boards.
- (4) A person who contravenes subsection (1) or (2) shall be liable on summary conviction to a fine of not more than [<sup>F11</sup>level 4 on the standard scale]

#### Textual Amendments

**F11** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46, (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G and (N.I.) by [S.I. 1984/703](#), (N.I. 3), art. 5

#### Marginal Citations

**M1** 1975 c. 65.

**Status:** Point in time view as at 01/02/1991. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)

## [<sup>F12</sup>18 **Jury service in Scotland.**

Practising midwives shall be exempt from serving on any jury in Scotland.]

### Textual Amendments

**F12** S. 18 repealed (S.) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55, SIF 72:2), s. 28(2), Sch. 3

## *Financial provisions*

### **19 Finances of Council and Boards.**

- (1) The Central Council and the National Boards may each charge such fees, in respect of such matters, as are determined by them respectively with the approval of the Secretary of State, including fees in connection with the training, qualification, examination and certification of nurses, midwives and health visitors.
- (2) Subject to this section, fees received by the Council and Boards shall be applied to defray the expenses of the Council and Boards respectively.
- (3) The Secretary of State may make grants to the Council and the Boards towards expenses incurred, or to be incurred, by them with the approval of the Secretary of State in connection with—
  - (a) the initial establishment of the Council and Boards;
  - (b) the promotion by the Council and Boards of improvements in the education and training of nurses, midwives and health visitors;
  - (c) the performance by the National Boards of their duties under paragraphs (a) and (b) of section 6(1) above.
- (4) The Council shall reimburse the Boards in respect of expenditure incurred by them with the former's approval in so far as that expenditure is not defrayed by fees received by the Boards, or funded by the Secretary of State with grants under subsection (3).
- (5) Any sums required by the Secretary of State for making grants under subsection (3) shall be paid out of money provided by Parliament.

### **20 Accounts of Council and Boards.**

- (1) The Central Council and each of the National Boards shall—
  - (a) keep proper accounts, and such records in relation to the accounts, as the Secretary of State may direct; and
  - (b) in respect of each financial year, prepare a statement of accounts in such form as the Secretary of State may with the approval of the Treasury direct.
- (2) The accounts of the Council and of each of the Boards shall be audited in such manner and by such persons (qualified in accordance with Schedule 4) as the Secretary of State may direct; and copies of the statements of account, together with the auditors' reports, shall be sent to the Secretary of State who shall send them to the Comptroller and Auditor General not later than 30th November in the year following that for which the accounts are made up.

**Status:** Point in time view as at 01/02/1991. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)

- (3) The Comptroller and Auditor General shall examine the statements of account and auditors' reports, certify the statements and prepare a report on the results of his examination.
- (4) For the purposes of his examination, the Comptroller and Auditor General may inspect the accounts of the Council and Boards and any records relating to them.
- (5) The Council and each of the Boards shall annually, within such time as may be limited by the Secretary of State, submit a report to him on the performance of their respective functions during the period since their last such report.
- (6) The Secretary of State shall lay before each House of Parliament—
  - (a) copies of the statements of account certified by the Comptroller and Auditor General, and the auditors' reports in respect of the Council and each of the Boards, together with copies of the report made by the Comptroller and Auditor General under subsection (3); and
  - (b) copies of the reports submitted by the Council and each of the Boards under subsection (5).

*Miscellaneous and general*

**21 Dissolution of existing bodies, etc.**

- (1) The following bodies are dissolved by virtue of this subsection—
  - the General Nursing Council for England and Wales;
  - the General Nursing Council for Scotland;
  - the Central Midwives Board;
  - the Central Midwives Board for Scotland;
  - the Northern Ireland Council for Nurses and Midwives; and
  - the Council for the Education and Training of Health Visitors;

[<sup>F13</sup>and the <sup>M2</sup>Health Visiting and Social Work (Training) Act 1962 (which established the last-mentioned Council and also another body not dissolved by this Act) has effect accordingly.]
- (2) All those persons who at the passing of this Act hold office as members of—
  - the General Nursing Council for England and Wales;
  - the General Nursing Council for Scotland; or
  - the Northern Ireland Council for Nurses and Midwives,
 shall continue in that office until the Council's dissolution.
- (3) Part I of Schedule 5 to this Act has effect in connection with the transfer to the Central Council and the National Boards of the staff, property, rights and liabilities of the bodies mentioned in subsection (1); and Part II of that Schedule has effect with respect to the disposal of disciplinary proceedings begun before subsection (1) comes into force.
- [<sup>F14</sup>(4) ..... <sup>F15</sup>; and accordingly the <sup>M3</sup>Central Council for Education and Training in Social Work Order 1977 is revoked so far as it extends the functions of that Council to include social work required in services provided under the enactments specified in the Order.]

**Status:** Point in time view as at 01/02/1991. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)

#### Textual Amendments

- F13** Words repealed (E.W.S.) by [Health and Social Services and Social Security Adjudications Act 1983](#) (c. 41, SIF 113:3), s. 30, **Sch. 10 Pt. I**
- F14** S. 21(4) repealed (E.W.S.) by [Health and Social Services and Social Security Adjudications Act 1983](#) (c. 41, SIF 113:3), s. 30, **Sch. 10 Pt. I**
- F15** Words amend [Health Visiting and Social Work \(Training\) Act 1962](#) (c. 33), s. **3(1)(a)**

#### Marginal Citations

- M2** 1962 c. 33.
- M3** S.I. 1977/1240.

## 22 Central Council rules.

- (1) The Council may make rules for the purpose of giving effect to this Act, and in particular with respect to anything which by this Act is required or authorised to be determined by rules.
- (2) Rules under this Act may make different provision in relation to England, Wales, Scotland and Northern Ireland respectively.
- (3) Before making any rules under this Act, the Council shall consult—
  - (a) representatives of any group of persons who appear likely to be affected by the proposed rules; and
  - (b) the National Boards for the parts of the United Kingdom to which the proposed rules are to extend.
- (4) Rules under section 12 shall not come into force until approved by order by the Lord Chancellor and, in the case of rules which apply to proceedings in Scotland, the Lord Advocate; otherwise, rules come into force only when approved by the Secretary of State by order.

### [<sup>F16</sup>22A Community documents.

A registered nurse or midwife who—

- (a) wishes to practice as a nurse or midwife in any member State, and
- (b) requires for that purpose any such documentary evidence relating to his qualification as is referred to in the Nursing Directive or, as the case may be, the Midwifery Directive

may apply to the Council for, and the Council shall provide, the necessary documents.]

#### Textual Amendments

- F16** Ss. 22A, 22B inserted by [S.I. 1983/884](#), art. 6

## 22B Visiting EEC nurses and midwives.

- (1) In this Act “visiting EEC nurse” and “visiting EEC midwife” means a person who—
  - (a) is a national of any member State, and

*Status: Point in time view as at 01/02/1991. This version of this Act contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)*

- (b) is lawfully practising in a member State other than the United Kingdom as a nurse responsible for general care or, as the case may be, as a midwife, and
  - (c) holds the appropriate diploma, and
  - (d) is temporarily in the United Kingdom as a visitor, and
  - (e) provides the Council with the relevant documents.
- (2) A visiting EEC nurse and a visiting EEC midwife shall provide the Council with the relevant documents before he provides any services as a nurse or midwife in the United Kingdom except that, in a case of sudden or urgent necessity, a nurse may provide the documents as soon as possible after he has provided his services as a nurse.

This subsection is without prejudice to section 17(3)(a).

- (3) For the purposes of this Act “the appropriate diploma” means a diploma, certificate or other evidence of formal qualifications which member States are required to recognize in the case of a nurse, by the Nursing Directive or, in the case of a midwife, by the Midwifery Directive.
- (4) For the purposes of this Act “relevant documents”, in relation to any person means—
- (a) a written declaration stating—
    - (i) that he is intending to practise in the United Kingdom as a nurse responsible for general care or, as the case may be, as a midwife, and
    - (ii) the address of the place where and the period during which he intends so to practise, and
  - (b) a certificate or certificates issued, not more than twelve months before the date on which the Council is provided with the relevant documents, by the competent authority of the member State in which he is practising as mentioned in subsection (1)(b) certifying—
    - (i) that he is lawfully practising as a nurse responsible for general care or, as the case may be, as a midwife in that State; and
    - (ii) that he holds an appropriate diploma.
- (5) For the purposes of this Act—
- (a) “competent authority” in relation to a member State means the authority or body designated by that member State as competent for the purposes of the Nursing Directive, or, as the case may be, the Midwifery Directive;
  - (b) “Nursing Directive” means the European Communities Council Directive No. [77/452/EEC](#), concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of nurses responsible for general care; and
  - (c) “Midwifery Directive” means the European Communities Council Directive No. [80/154/EEC](#), concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of midwives;
- and “national” shall be construed in accordance with section 11(5).

## 23 Interpretation and supplementary.

- (1) In this Act—
- “by order” means by order in a statutory instrument;
  - “the Central Council” and “the Council” mean the body established by section 1(1);



**Status:** Point in time view as at 01/02/1991. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979. (See end of Document for details)

“elected members” has the meaning given by section 5(4)(b);

“the National Boards” and “the Boards” mean the bodies established by section 5(1);

“prescribed” means prescribed by the Secretary of State by order;

“the professional register” means the register maintained by the Council under section 10(1), and “registration” and “register” shall be construed accordingly;

“rules” means rules made by the Council; and

“training” includes education;

and for a person to be treated as “practising” he must be working in some capacity by virtue of a qualification in nursing, midwifery or health visiting as the case may be.

- (2) Orders under this Act shall be subject to annulment by resolution of either House of Parliament; but this does not apply to—
  - (a) orders under section 22(4), Schedule 2, Part I, Schedule 3 or Schedule 5, Part I; or
  - (b) orders appointing a day for the purposes of any provision of this Act.
- (3) Schedule 6 to this Act has effect for adapting the provisions of this Act there mentioned in their application to Northern Ireland and to the National Board for Nursing, Midwifery and Health Visiting for Northern Ireland.
- (4) The enactments specified in Schedule 7 are amended as there specified
- (5) The enactments specified in Schedule 8 are repealed to the extent there specified

**Modifications etc. (not altering text)**

- C3** It is provided by [S.I. 1979/1573 \(N.I. 12\)](#), [Sch. 4 para. 28](#), that in s. 23(1), as modified by s. 23(3) and Sch. 6 paras. 1 and 3(a), “Statutory Rules (Northern Ireland) Order 1979” is substituted for “Statutory Rules Act (Northern Ireland) 1958”
- C4** The text of s. 23(4)(5), Sch. 1 Pt.II para. 5, Sch. 2 Pt. II para. 5, Sch. 7, Sch. 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1. 2. 1991.

**24 Citation, etc.**

- (1) This Act may be cited as the Nurses, Midwives and Health Visitors Act 1979.
- (2) This Act, except section 21(2) and this section (which shall come into force on the passing of this Act), shall come into force on such day as the Secretary of State may by order appoint; and different days may be appointed for different provisions of this Act.
- (3) This Act extends to Northern Ireland.

**Modifications etc. (not altering text)**

- C5** [S. 24\(2\)](#): power of appointment conferred by section 24(2) fully exercised: [S.I. 1980/893](#); 1982/963, 1565; 1983/668

**Status:**

Point in time view as at 01/02/1991. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the Nurses, Midwives and Health Visitors Act 1979.