



Nurses, Midwives and Health Visitors Act 1979

CHAPTER 36

ARRANGEMENT OF SECTIONS

The Central Council

Section

1. Constitution of Central Council.
2. Functions of Council.
3. Standing committees of Council.
4. The Midwifery Committee.

The National Boards and their relationship to the Central Council

5. Constitution of National Boards.
6. Functions of Boards.
7. Standing committees of Boards.
8. Joint committees of Council and Boards.
9. Local training committees.

Registration

10. The professional register.
11. Admission to register.
12. Removal from, and restoration to, register.
13. Appeals.
14. False claim of professional qualification.

Miscellaneous provisions about midwifery

15. Rules as to midwifery practice.
16. Local supervision of midwifery practice.
17. Attendance by unqualified persons at childbirth.
18. Jury service in Scotland.

Financial provisions

Section

19. Finances of Council and Boards.
20. Accounts of Council and Boards.

Miscellaneous and general

21. Dissolution of existing bodies, etc.
22. Central Council rules.
23. Interpretation and supplementary.
24. Citation, etc.

SCHEDULES :

- Schedule 1—Constitution etc. of Central Council.
- Schedule 2—Constitution etc. of National Boards.
- Schedule 3—Proceedings before Council and committees.
- Schedule 4—Qualifications of auditors.
- Schedule 5—Transitional provisions, etc.
- Schedule 6—Adaptations for Northern Ireland and its National Board.
- Schedule 7—Amendments of enactments.
- Schedule 8—Repeals.

ELIZABETH II



Nurses, Midwives and Health Visitors Act 1979

1979 CHAPTER 36

An Act to establish a Central Council for Nursing, Midwifery and Health Visiting, and National Boards for the four parts of the United Kingdom; to make new provision with respect to the education, training, regulation and discipline of nurses, midwives and health visitors and the maintenance of a single professional register; to amend an Act relating to the Central Council for Education and Training in Social Work; and for purposes connected with those matters. [4th April 1979]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

The Central Council

1.—(1) There shall be a corporate body known as the United Kingdom Central Council for Nursing, Midwifery and Health Visiting. Constitution
of Central
Council.

(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.

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

Functions of Council.

2.—(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.

Standing committees of Council.

3.—(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.

4.—(1) Of the members of the Council's Midwifery Committee the majority shall be practising midwives. The
Midwifery
Committee.

(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*

Constitution
of National
Boards.

5.—(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
- (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.

6.—(1) The National Boards shall in England, Wales, Scotland and Northern Ireland respectively— Functions of Boards.

(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.—(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. Standing committees of Boards.

(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.

Joint
committees of
Council and
Boards.

8.—(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

(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.—(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. Local training committees.

(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.—(1) The Central Council shall prepare and maintain a register of qualified nurses, midwives and health visitors. The professional register.

(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—

(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.

**Admission
to register.**

11.—(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
- (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.

(4) In the case of an applicant within subsection (3)(b) or (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).

(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.

12.—(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.

Removal from, and restoration to, register.

(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.

(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.

Appeals.

13.—(1) A person aggrieved by a decision to remove him from the register, or to remove or alter any entry in respect of him, 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.

False claim of professional qualification.

14.—(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 £500.

Miscellaneous provisions about midwifery

15.—(1) The Council shall make rules regulating the practice of midwives and these rules may in particular—

Rules as to midwifery practice.

- (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.—(1) The following bodies shall be local supervising authorities for midwives—

Local supervision of midwifery practice.

- (a) in England, Regional Health Authorities ;
- (b) in Wales, Area Health Authorities ;
- (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.

Attendance by unqualified persons at childbirth.

1975 c. 65.

17.—(1) A person other than a registered midwife or 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 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 £500.

Jury service in Scotland.

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

Financial provisions

Finances of Council and Boards.

19.—(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.—(1) The Central Council and each of the National Boards shall— Accounts
of Council
and Boards.

(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.

(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

Dissolution
of existing
bodies, etc.

21.—(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 ;

1962 c. 33.

and the 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.

S.I. 1977/1240.

(4) In section 3(1)(a) of the Health Visiting and Social Work (Training) Act 1962 (functions of Central Council for Education and Training in Social Work) for “in the health and welfare services” there is substituted “in connection with health and welfare services provided in the United Kingdom by local authorities, the Department of Health and Social Services for Northern Ireland and voluntary organisations”; and accordingly the 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.

Central
Council rules.

22.—(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.

23.—(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) ;
- “ 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 ;

Interpretation
and
supplementary.

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.

Citation, etc.

24.—(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.

SCHEDULES

SCHEDULE 1

Section 1.

CONSTITUTION ETC. OF CENTRAL COUNCIL

PART I

NOMINATION OF MEMBERS OF CENTRAL COUNCIL BY NATIONAL BOARDS

1.—(1) Each of the National Boards shall nominate as members of the Central Council the number of members of the Board, being not less than 5, prescribed by the Secretary of State by order.

(2) The persons nominated by each of the Boards shall include at least—

- (a) two practising nurses ;
- (b) one practising midwife ;
- (c) one practising health visitor ; and
- (d) one person engaged in the teaching of nursing, midwifery or health visiting.

PART II

OTHER PROVISIONS WITH RESPECT TO CONSTITUTION ETC. OF CENTRAL COUNCIL

Tenure of office of members and chairman etc.

2.—(1) In the first instance, members of the Council shall hold office for a period ending on a day appointed by the Secretary of State by order, which day is not to be more than three years from the coming into force of section 1.

(2) After that day, members shall hold office for a period prescribed by the Secretary of State by order, being not less than 3 and not more than 5 years.

3.—(1) Where the place of a member becomes vacant before the expiration of his term of office (whether by death, resignation or otherwise) the vacancy shall be filled as follows—

- (a) if the former member was a member nominated by a National Board, that Board shall nominate another of its members to be a member of the Council ; or
- (b) if the former member was appointed by the Secretary of State, the vacancy shall be filled by an appointment made by the Secretary of State.

(2) In nominating a person under sub-paragraph (1)(a), a Board shall have regard to the requirements of paragraph 1(2); and, in making an appointment under sub-paragraph (1)(b), the Secretary of State shall have regard to the qualification by virtue of which the former member was appointed.

(3) Where a person is nominated or appointed as a member of the Council under sub-paragraph (1) above, he shall (subject to paragraph 4(2) and (3)) hold office for the remainder of the term of office of the former member whose place he fills.

SCH. 1 4.—(1) If the chairman or deputy chairman ceases to be a member of the Council, he shall also cease to be chairman or deputy chairman.

(2) Where a member of the Council or of any of its committees is absent from meetings for more than 6 months consecutively or is disqualified from practising as a nurse, midwife or health visitor, the Council may by resolution declare his office to be vacant.

(3) A nominated member who ceases to be a member of the National Board which nominated him shall cease to be a member of the Council.

1975 c. 24. 5. In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices), the following entry is inserted at the appropriate place in alphabetical order—

“Chairman of the United Kingdom Central Council for Nursing, Midwifery and Health Visiting, if appointed by the Secretary of State under section 1(6)(a) of the Nurses, Midwives and Health Visitors Act 1979.”

Procedure

6.—(1) The Council may act notwithstanding—

(a) any vacancy among its members, or

(b) that in consequence of one or more vacancies, the nominated members cease to form the majority of the total membership of the Council.

(2) At any meeting of the Council the quorum shall be 15 members including at least one nominated member from each of the National Boards.

(3) The Council may constitute committees of itself, for the purpose of transacting particular business of the Council.

(4) Persons who are not members of the Council may be appointed by it as members of such committees; but not more than one-third of the members of such a committee shall be persons appointed by virtue of this sub-paragraph.

(5) The Council may, by means of standing orders, regulate its own procedure and that of its standing committees and of any joint committee constituted by or under section 8, and that of any committees constituted under sub-paragraph (3) above, and may, to such extent and in such cases as may be permitted or required by orders of the Secretary of State or by its rules and standing orders, act through those standing and other committees.

(6) Before making any standing orders regarding the procedure of any joint committee constituted by or under section 8, the Council shall consult each of the National Boards.

(7) No defect in the appointment of any member shall invalidate any proceedings of the Council or of its committees or of any joint committee.

Remuneration, allowances and pensions

SCH. 1

7. The Council may pay—

- (a) to its employees such remuneration, and make such provision for the payment of pensions, allowances or gratuities to or in respect of them, as the Secretary of State may, with the consent of the Minister for the Civil Service, approve ;
- (b) to its chairman and members and to other persons appointed to serve on its standing and other committees, or on any joint committee constituted by or under section 8, such travelling and other allowances as the Secretary of State may determine with the approval of the Minister for the Civil Service.

Documents

8. A document purporting to be duly executed under the seal of the Council or to be signed on its behalf shall be received in evidence and shall be deemed to be so executed or signed unless the contrary is proved.

SCHEDULE 2

Section 5.

CONSTITUTION ETC. OF NATIONAL BOARDS

PART I

ELECTIONS TO NATIONAL BOARDS

1.—(1) The Central Council shall, within the period of two years following the coming into force of section 1(1) of this Act, submit an electoral scheme to the Secretary of State for his approval, and the Secretary of State shall, if he approves it, give effect to the scheme by order.

(2) The Council shall by the scheme determine as respects each Board the professional, residential or other qualifications which a person must have to be eligible to vote or be elected in the election held under the scheme.

(3) The scheme may be varied from time to time by the Central Council, subject to the approval of the Secretary of State to be signified by order.

(4) No order shall be made under this paragraph unless a draft of the order has been approved by resolution of each House of Parliament.

PART II

OTHER PROVISIONS WITH RESPECT TO NATIONAL BOARDS

Tenure of office of members and chairmen

2.—(1) With effect from the appointed day, members of each of the Boards shall hold office for a period prescribed by the Secretary of State by order, being not less than 3 and not more than 5 years.

(2) Such an order may make different provision with regard to elected and appointed members respectively.

SCH. 2

3.—(1) Where the place of a member becomes vacant before the expiration of his term of office (whether by death, resignation or otherwise) the vacancy shall be filled—

- (a) if the former member was an elected member, by an appointment made by the Secretary of State of a person (proposed by the Board) who would be qualified for election to that place;
- (b) if the former member was appointed by the Secretary of State, by an appointment made by the Secretary of State having regard to the qualification by virtue of which the former member was appointed.

(2) Persons so appointed shall (subject to paragraph 4(2) and (3)) hold office for the remainder of the term of office of the former member.

4.—(1) If the chairman or deputy chairman of a Board ceases to be a member of that Board, he shall also cease to be chairman or deputy chairman.

(2) Where a member of a Board or of any of its committees is absent from meetings for more than 6 months consecutively or is disqualified from practising as a nurse, midwife or health visitor, the Board may by resolution declare his office to be vacant.

(3) An elected member, or a member appointed under paragraph 3(1)(a) who ceases to hold the qualification by virtue of which he was elected or appointed shall cease to be a member and his place shall become vacant.

1975 c. 24.

5.—(1) In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices), the following entry is inserted at the appropriate place in alphabetical order—

“Chairman of any of the National Boards constituted under the Nurses, Midwives and Health Visitors Act 1979, if appointed by the Secretary of State under section 5(8)(a) of that Act”.

1975 c. 25.

(2) In Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975, in Part III the following entry is inserted at the appropriate place in alphabetical order—

“Chairman of the National Board for Nursing, Midwifery and Health Visiting for Northern Ireland”.

Procedure

6.—(1) A Board may act notwithstanding—

- (a) any vacancy among its members, or
- (b) that in consequence of one or more vacancies, the elected members cease to form the majority of the total membership of the Board.

(2) At any meeting of a Board the quorum shall be 15 members (10 in the case of the Board for Northern Ireland).

(3) A Board may constitute committees of itself, for the purpose of transacting particular business of the Board.

SCH. 2

(4) A Board may appoint as members of such committees persons who are not members of the Board; but not more than one-third of the members of such a committee shall be persons appointed by virtue of this sub-paragraph.

(5) A Board may, by means of standing orders, regulate its own procedure and that of its standing and other committees and may, to such extent and in such cases as may be permitted or required by orders of the Secretary of State and by its standing orders, act through those standing and other committees and through joint committees constituted by or under section 8:

Provided that standing orders shall not be made by a Board so as to conflict with any rules of the Central Council.

(6) No defect in the appointment of any member shall invalidate any proceedings of a Board, or of any of its standing or other committees.

Remuneration, allowances and pensions

7. A Board may pay—

- (a) to its employees such remuneration, and make such provision for the payment of pensions, allowances or gratuities to or in respect of them, as the Secretary of State may, with the consent of the Minister for the Civil Service, approve;
- (b) to its chairman and members and to other persons appointed to serve on its standing and other committees, such travelling and other allowances as the Secretary of State may determine with the approval of the Minister for the Civil Service.

Documents

8. A document purporting to be duly executed under the seal of a Board or to be signed on its behalf shall be received in evidence and shall be deemed to be so executed or signed unless the contrary is proved.

SCHEDULE 3

PROCEEDINGS BEFORE COUNCIL AND COMMITTEES

Section 12(5).

1. For purposes of proceedings under section 12 before the Council or a committee in England and Wales—

- (a) the Council or committee may administer oaths;
- (b) a solicitor to the Council, and any person entitled to appear at the proceedings, may sue out writs of subpoena ad testificandum and duces tecum (but not so as to compel a person to produce a document which he could not be compelled to produce on the trial of an action); and
- (c) section 49 of the Supreme Court of Judicature (Consolidation) Act 1925 (subpoena valid throughout United Kingdom) 1925 c. 49.

SCH. 3

applies as in relation to causes or matters in the High Court.

2.—(1) For purposes of proceedings under section 12 before the Council or a committee in Scotland—

- (a) the Council or committee may administer oaths ; and
- (b) the Court of Session shall, on the application of any party to the proceedings, have the same such powers as are mentioned in sub-paragraph (2) below as it has in an action in that court.

(2) The powers mentioned above are—

- (a) to grant warrant for the citation of witnesses and havers to give evidence or to produce documents before the Council or committee, and for the issue of second diligence against any witness or haver failing to appear after due citation ;
- (b) to grant warrant for the recovery of documents ; and
- (c) to grant commissions to persons to take the evidence of witnesses or to examine havers and receive their exhibits and productions.

3.—(1) The Central Council shall appoint assessors (either generally or for any particular proceedings or class of proceedings) to advise the Council or committees on questions of law arising in the proceedings.

(2) Assessors shall be barristers, advocates or solicitors of not less than 10 years' standing.

(3) The Council shall pay to assessors such remuneration as it may determine.

4.—(1) The Lord Chancellor and, for proceedings in Scotland, the Lord Advocate may by order make provision with regard to the functions of assessors.

(2) In particular, provision may be made—

- (a) requiring assessors, when advising the Council or any of its committees, to do so in the presence of the parties or, where advice is given in private, requiring the parties to be notified of the advice tendered by the assessors ; and
- (b) requiring the parties to be informed in cases where the assessors' advice is not accepted.

Section 20(2).

SCHEDULE 4

QUALIFICATION OF AUDITORS

1. A person is qualified for the purposes of section 20(2) if he is a member of one of the recognised professional bodies.

2. Those bodies are—

the Institute of Chartered Accountants in England and Wales ;

the Institute of Chartered Accountants of Scotland ;
the Association of Certified Accountants ; and
the Institute of Chartered Accountants in Ireland.

SCH. 4

3. A person is also qualified if he is a member of a body of accountants established in the United Kingdom and recognised by the Secretary of State for the purposes of section 161(1)(a) of the Companies Act 1948.

1948 c. 38.

4. A Scottish firm is qualified if each of the partners in it is so.

SCHEDULE 5

Section 21.

TRANSITIONAL PROVISIONS, ETC.

PART I

TRANSFER OF PROPERTY AND STAFF ETC. FROM EXISTING BODIES

1. In this Schedule—

“the new statutory bodies” means the Central Council and the four National Boards ;

“the replaced statutory bodies” means the bodies mentioned in section 21(1) of this Act.

2.—(1) The Secretary of State may by order provide for the transfer on the day specified by the order—

(a) to the employment of one or other of the new statutory bodies of any persons who immediately before that day were employed by one of the replaced statutory bodies ;

(b) to any one or other of the new statutory bodies of such of the property, rights and liabilities, which immediately before that day were property, rights and liabilities of one or other of the replaced statutory bodies, as may be specified by the order.

(2) The reference in sub-paragraph (1)(b) above to rights and liabilities does not include rights and liabilities under any contract of employment.

(3) An order under sub-paragraph (1)(a) above shall, in the case of any persons transferred by the order, provide for the scales of remuneration applicable to them in the employment of the new statutory body and, taken as a whole, the other terms and conditions of that employment to be in general no less favourable than the scales of remuneration, terms and conditions enjoyed by them immediately before the transfer.

(4) Any such order shall so provide and have effect that, for the purposes of any enactment specified in it, the employments from which and to which persons are transferred by the order are to be treated as one continuous employment.

3. Orders under paragraph 2 shall provide for persons suffering loss of employment in consequence of the dissolution of any of the

SCH. 5 replaced statutory bodies (whether or not they are entitled to payments in respect of that loss of employment under legislation relating to redundancy) to be entitled, in such circumstances as the order may specify, to compensation payable by the Central Council on scales laid down by the Secretary of State with the approval of the Minister for the Civil Service.

4. Any dispute arising as to whether or not—

- (a) the terms of employment with one of the new statutory bodies are, or would be, less favourable to a person than those on which he was employed at the time when the employment was offered to him ; or
- (b) whether or not a person's refusal of employment with one of those bodies was reasonable,

and any dispute concerning the compensation referred to in paragraph 3, shall be referred to and determined by an industrial tribunal.

5. Any property, rights and liabilities (other than rights and liabilities under a contract of employment) which are vested in or incumbent on any of the replaced statutory bodies immediately before the day on which the replaced statutory bodies are dissolved and are not transferred on that day by virtue of an order under paragraph 2(1)(b) above shall by virtue of this sub-paragraph be transferred to, and vest in or become incumbent on, the Central Council on that day.

6.—(1) Where a person formerly employed by any of the replaced statutory bodies claims to have a right of action against that body arising from his employment by them but is unable to pursue his claim because of the dissolution of the body, he may bring his claim—

- (a) if he is transferred to the employment of one or other of the new statutory bodies, against that body ; or
- (b) in any other case, against the Central Council.

(2) The body against whom a claim is brought by virtue of sub-paragraph (1) shall be liable in the same manner and to the same extent as the replaced statutory body would have been liable if it had not been dissolved.

PART II

CONTINUATION OF DISCIPLINARY PROCEEDINGS

7. Where on the appointed day any disciplinary proceedings—

- (a) are pending before any of the replaced statutory bodies or before any committee of theirs ; or
- (b) have begun but the body or committee seized of them has not communicated its decision to the person who is the subject of the proceedings,

that body or committee shall refer the proceedings to the Central Council and the Council shall dispose of the matter in whatever way it thinks just.

8. An appeal by a person aggrieved by a decision of any of the replaced statutory bodies or any committee of theirs to remove or suspend him from one of the registers, rolls or lists maintained under any of the enactments repealed by this Act which is pending or proceeding before any court on the appointed day may be continued and disposed of as if the provision of the repealed enactments under which the appeal was brought had remained in force.

SCH. 5

9. In this Part of this Schedule "the appointed day" means the day appointed by the Secretary of State by order for the purposes of this Part.

SCHEDULE 6

Section 23(3).

ADAPTATIONS FOR NORTHERN IRELAND
AND ITS NATIONAL BOARD

1. In sections, 5, 7, 9, 17, 19, 20, 22 and 23, and Schedules 2, 3 and 4, as they apply to Northern Ireland and to the National Board for Nursing, Midwifery and Health Visiting for Northern Ireland, there are made the adaptations provided for by this Schedule.

2. Subject to the following provisions of this Schedule, in the provisions of this Act specified in column 1 of the Table set out below, for any reference specified in column 2 substitute the reference specified in column 3.

<i>Provision</i>	<i>Reference</i>	<i>Substituted reference</i>
Sections 5(3), (4)(a), (5), (6) and (8)(a) and 20(5) and (6) and Schedule 2, paragraph 3.	The Secretary of State.	The Head of the Department of Health and Social Services for Northern Ireland.
Sections 7, 9, 17(2), 19(1), (3) and (4) and 20(1) and (2) and Schedule 2, paragraphs 6(5) and 7.	The Secretary of State.	The Department of Health and Social Services for Northern Ireland.
Section 17(2).	Schedule 4 to the Sex Discrimination Act 1975.	Schedule 5 to the Sex Discrimination (Northern Ireland) Order 1976.
Section 20(1)(b).	The Treasury.	The Department of Finance for Northern Ireland.
Section 20.	The Comptroller and Auditor General.	The Comptroller and Auditor General for Northern Ireland.
Section 20(5).	Each House of Parliament.	The Northern Ireland Assembly.
Section 22(4) and Schedule 3, paragraph 4.	The Lord Chancellor.	The Lord Chief Justice of Northern Ireland.
Schedule 2, paragraph 7.	The Minister for the Civil Service.	The Department of the Civil Service for Northern Ireland.
Schedule 4, paragraph 3.	The Secretary of State.	The Department of Commerce for Northern Ireland.
Schedule 4, paragraph 3.	Section 161(1)(a) of the Companies Act 1948.	Section 155(1)(a) of the Companies Act (Northern Ireland) 1960.

3. In section 23(1)—

- (a) in the definition of "by order", at the end add the words "or in the case of an order under section 7 or 9 made by

SCH. 6

the Department of Health and Social Services for Northern Ireland or an order under section 22(4) or paragraph 4 of Schedule 3 made by the Lord Chief Justice of Northern Ireland means by order made by statutory rule for the purposes of the Statutory Rules Act (Northern Ireland) 1958 ” ;

- (b) in the definition of “ prescribed ” after the words “ Secretary of State ” insert the words “ or, as the case may be, the Department of Health and Social Services for Northern Ireland ”.

4. In section 23(2) at the end add—

“ (c) orders made by the Department of Health and Social Services for Northern Ireland under section 7 or 9 ;

and the orders mentioned in paragraph (c) shall be subject to negative resolution as defined by section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were statutory instruments within the meaning of that Act.”

5. In paragraph 1 of Schedule 3, for “ in England and Wales ” substitute “ in Northern Ireland ” and for paragraph 1(c) substitute—

“ (c) section 67 of the Judicature (Northern Ireland) Act 1978 (subpoena valid throughout United Kingdom) applies as in relation to causes or matters in the High Court in Northern Ireland.”

Section 23(4).

SCHEDULE 7

AMENDMENTS OF ENACTMENTS

Nursing Homes Registration (Scotland) Act 1938 (c. 73)

1. In section 1(3)(d) of the Nursing Homes Registration (Scotland) Act 1938, for “ certified ” substitute “ registered ” and for “ pupil midwife ” substitute “ student midwife ” ; and after section 1(3) insert—

“ (3A) In relation to any nursing home, a person is to be treated as a qualified nurse if he possesses such qualifications as the Secretary of State considers to be requisite in the provision of nursing care for patients in that home.”

2. In section 5(1), for “ qualified nurse ” substitute “ registered nurse ”.

3. In section 10—

- (a) omit the definitions of “ qualified nurse ” and “ certified midwife ” ;

- (b) for the definition of “ pupil midwife ” substitute—

“ “ student midwife ” means a person who is undergoing training with a view to becoming a registered midwife, and for that purpose attending women in childbirth, as part of a course of practical instruction in midwifery recognised by the National Board for Nursing, Midwifery and Health Visiting for Scotland ” ; ”.

Nurses (Scotland) Act 1951 (c. 55)

SCH. 7

4. In section 27 of the Nurses (Scotland) Act 1951—

(a) in subsection (1), for paragraphs (a) to (c) substitute—

“ (a) registered nurses and registered midwives ; and ”
and make paragraph (d) into paragraph (b) ;

(b) in subsection (3), for “ registered nurse ” substitute “ registered and qualified nurse ”.

5. In section 29, for “ registered nurse ” substitute “ registered and qualified nurse ”.

6. In section 32, omit the definition of “ certified midwife ”.

Births and Deaths Registration Act 1953 (c. 20)

7. In section 11(1) and (1A) of the Births and Deaths Registration Act 1953, for “ certified midwife ” substitute “ registered midwife ”.

Nurses Agencies Act 1957 (c. 16)

8. In section 1 of the Nurses Agencies Act 1957—

(a) in subsection (1), for paragraphs (a) to (c) substitute—

“ (a) registered nurses and registered midwives ; and ”
and make paragraph (d) into paragraph (b) ;

(b) in subsection (3), for “ registered nurse ” substitute “ registered and qualified nurse ”.

9. In section 3(2), for “ registered nurse ” substitute “ registered and qualified nurse ”.

10. In section 8, omit the definitions of “ certified midwife ”, “ enrolled nurse ” and “ registered nurse ”, and the word “ and ” immediately preceding the latter.

Health Visiting and Social Work (Training) Act 1962 (c. 33)

11. In paragraph 4 of Schedule 1 to the Health Visiting and Social Work (Training) Act 1962, for “ General Nursing Council for England and Wales ” substitute “ United Kingdom Central Council for Nursing, Midwifery and Health Visiting ”.

Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49)

12. In section 21(2) and (3) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965, for “ certified midwife ” substitute “ registered midwife ”.

13. Omit section 21(6).

Medicines Act 1968 (c. 67)

14. In section 11 of the Medicines Act 1968—

(a) in subsection (1) for “ a registered nurse or as a certified midwife ” substitute “ a registered and qualified nurse or a registered midwife ” ;

(b) omit subsection (2).

SCH. 7 *Commissioner for Complaints Act (Northern Ireland) 1969*
(c. 25 N.I.)

15. In Schedule 1 to the Commissioner for Complaints Act (Northern Ireland) 1969, in Part II insert the following entry at the appropriate point in alphabetical order—

“The National Board for Nursing, Midwifery and Health Visiting for Northern Ireland.”

Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971
(c. 32 N.I.)

16. In section 2(e) of the Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971, before “midwife” insert “registered” and for “pupil midwife” substitute “student midwife”; and at the end of section 2 insert—

“(2) In relation to any nursing home, a person is to be treated as a qualified nurse if he possesses such qualifications as the Department of Health and Social Services for Northern Ireland considers to be requisite in the provision of nursing care for patients in that home.”

17. In section 10(1)—

(a) omit the definitions of “Joint Council”, “qualified nurse”, and “the register of nurses”;

(b) for the definition of “pupil midwife” substitute—

““student midwife” means a person who is undergoing training with a view to becoming a registered midwife, and for that purpose attending women in childbirth, as part of a course of practical instruction in midwifery recognised by the National Board for Nursing, Midwifery and Health Visiting for Northern Ireland”.

18. Omit section 10(2).

19. In section 11—

(a) in subsection (1), for paragraphs (a) to (c) substitute—

“(a) registered nurses and registered midwives; and”
and make paragraph (d) into paragraph (b);

(b) in subsection (3) for “registered nurse” substitute “registered and qualified nurse”.

20. In section 19 omit the definitions of “enrolled nurse” and “registered nurse”.

21. In section 20 omit the definitions of “the Act of 1970” and “midwife”.

22. In Schedule 1, omit the entry relating to the Nurses and Midwives Act (Northern Ireland) 1970.

Nursing Homes Act 1975 (c. 37)

23. In section 4(e) of the Nursing Homes Act 1975, for “certified” substitute “registered” and for “pupil midwife” substitute “student midwife”; and at the end of section 4 insert—

“(2) In relation to any nursing home, a person is to be treated as a qualified nurse if he possesses such qualifications as the Secretary of State considers to be requisite in the provision of nursing care for patients in that home.”

24. In section 20(1)—

(a) for the definition of “pupil midwife” substitute—

““student midwife” means a person who is undergoing training with a view to becoming a registered midwife, and for that purpose attending women in childbirth, as part of a course of practical instruction in midwifery recognised by the National Board for Nursing, Midwifery and Health Visiting for England or for Wales”;

(b) omit the definition of “qualified nurse”.

25. Omit section 20(2).

Sex Discrimination Act 1975 (c. 65)

26. In paragraph 3(1) of Schedule 4 to the Sex Discrimination Act 1975, for the words “the issue” to “section 20)” substitute “registration as midwives under the Nurses, Midwives and Health Visitors Act 1979”.

Restrictive Trade Practices Act 1976 (c. 34)

27. In Schedule 1 to the Restrictive Trade Practices Act 1976, for paragraph 6 substitute—

“6. The services of nurses”.

National Health Service Act 1977 (c. 49)

28. In section 128(1) of the National Health Service Act 1977, omit the definition of “certified midwife” and “registered nurse”; and in Schedule 4, paragraph 1 (5) (c), for “certified” substitute “registered”.

National Health Service (Scotland) Act 1978 (c. 29)

29. In section 108(1) of the National Health Service (Scotland) Act 1978, omit the definitions of “certified midwife” and “registered nurse”.

Interpretation Act 1978 (c. 30)

30. In Schedule 1 to the Interpretation Act 1978 (words and expressions defined) at the appropriate place in alphabetical order insert—

“Registered” in relation to nurses, midwives and health visitors, means registered in the register maintained by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting by virtue of qualifications in nursing, midwifery or health visiting, as the case may be.

SCH. 7

Employment Protection (Consolidation) Act 1978 (c. 44)

31. In section 33(5) of the Employment Protection (Consolidation) Act 1978, for “certified midwife” substitute “registered midwife”; and in section 153(1) omit the definition of “certified midwife”.

Scotland Act 1978 (c. 51)

32. In Schedule 13 to the Scotland Act 1978, at the end of Part II add—

United Kingdom Central Council for Nursing, Midwifery and Health Visiting.	Nurses, Midwives and Health Visitors Act 1979, section 1.
Standing committees of the Central Council constituted by Order.	The said Act, section 3.
National Board for Nursing, Midwifery and Health Visiting for Scotland.	The said Act, section 5.
Standing committees of the National Board for Scotland constituted by order.	The said Act, section 7.
Joint committees of the Central Council and the National Boards for Nursing, Midwifery and Health Visiting constituted by order.	The said Act, section 8.
Local training committees of the National Board for Scotland constituted by order.	The said Act, section 9.

Wales Act 1978 (c. 52)

33. In Schedule 7 to the Wales Act 1978, at the end of Part II, add—

United Kingdom Central Council for Nursing, Midwifery and Health Visiting.	Nurses, Midwives and Health Visitors Act 1979, section 1.
Standing committees of the Central Council constituted by order.	The said Act, section 3.
National Board for Nursing, Midwifery and Health Visiting for Wales.	The said Act, section 5.
Standing committees of the National Board for Wales constituted by order.	The said Act, section 7.
Joint committees of the Central Council and the National Boards for Nursing, Midwifery and Health Visiting constituted by order.	The said Act, section 8.

Local training committees of the National Board for Wales constituted by order. The said Act, section 9.

SCH. 7

Health and Personal Social Services Order (Northern Ireland) 1972
(S.I. 1972/1265 (N.I. 14))

34. In Article 17(1) of the Health and Personal Social Services Order (Northern Ireland) 1972, after sub-paragraph (c), insert—

“(d) provide such facilities and accommodation for persons training with a view to qualification for registration as nurses and midwives as the National Board for Nursing, Midwifery and Health Visiting for Northern Ireland may require in discharging functions under section 6(1)(a) of the Nurses, Midwives and Health Visitors Act 1979 ;”.

35. After Article 17(1), insert—

“(1A) The Health and Social Services Board in whose area a school for the training of nurses and midwives is situated shall—

(a) employ, for the period of the person’s training with a view to qualification for registration as a nurse or midwife, any person accepted for such training by it and the National Board for Nursing, Midwifery and Health Visiting for Northern Ireland ;

(b) in assigning duties to any such person during that period, comply with the training requirements of the United Kingdom Central Council for Nursing, Midwifery and Health Visiting.”.

Births and Deaths Registration (Northern Ireland) Order 1976
(S.I. 1976/1041 (N.I. 14))

36. In Article 2(2) of the Births and Deaths Registration (Northern Ireland) Order 1976 omit the definition of “midwife” ; and in Article 15 for “midwife” substitute “registered midwife”.

Sex Discrimination (Northern Ireland) Order 1976 (S.I. 1976/1042 (N.I. 15))

37. In paragraph 3(1) of Schedule 5 to the Sex Discrimination (Northern Ireland) Order 1976, for the words from “the issue” to “Article 22)” substitute “registration as midwives under the Nurses, Midwives and Health Visitors Act 1979”.

Industrial Relations (No. 2) (Northern Ireland) Order 1976
(S.I. 1976/2147 (N.I. 28))

38. In Article 15(4) of the Industrial Relations (No. 2) (Northern Ireland) Order 1976, for “certified midwife” substitute “registered midwife” ; and in Article 32 omit the definition of “certified midwife”.

Section 23(5).

SCHEDULE 8

REPEALS

Chapter	Short title	Extent of repeal
1 & 2 Geo. 6. c. 72.	The Nursing Homes Registration (Scotland) Act 1938.	In section 10, the definitions of "qualified nurse" and "certified midwife".
14 & 15 Geo. 6. c. 53.	The Midwives Act 1951.	The whole Act.
14 & 15 Geo. 6. c. 54.	The Midwives (Scotland) Act 1951.	The whole Act.
14 & 15 Geo. 6. c. 55.	The Nurses (Scotland) Act 1951.	Parts I, II and (except section 36(1) and (2)) IV, and in section 32 the definition of "certified midwife". Schedules 1 and 4. Section 6.
1 & 2 Eliz. 2. c. 47.	The Emergency Laws (Miscellaneous Provisions) Act 1953.	Section 6.
5 & 6 Eliz. 2. c. 15.	The Nurses Act 1957.	The whole Act.
5 & 6 Eliz. 2. c. 16.	The Nurses Agencies Act 1957.	In section 8, the definitions of "certified midwife", "enrolled nurse" and "registered nurse", and the word "and" immediately preceding the latter definition.
7 & 8 Eliz. 2. c. 72.	The Mental Health Act 1959.	In Schedule 7, the entry relating to the Nurses Act 1957.
8 & 9 Eliz. 2. c. 61.	The Mental Health (Scotland) Act 1960.	In Schedule 4, the entry relating to the Nurses (Scotland) Act 1951.
9 & 10 Eliz. 2. c. 14.	The Nurses (Amendment) Act 1961.	The whole Act.
10 & 11 Eliz. 2. c. 33.	The Health Visiting and Social Work (Training) Act 1962.	Section 3(5).
1964 c. 44.	The Nurses Act 1964.	The whole Act.
1965 c. 49.	The Registration of Births and Marriages (Scotland) Act 1965.	Section 21(6).
1967 c. 16.	The Teachers of Nursing Act 1967.	The whole Act.
1967 c. 80.	The Criminal Justice Act 1967.	In Schedule 3, Part I, the entries relating to the Midwives Act 1951 and the Midwives (Scotland) Act 1951.
1968 c. 46.	The Health Services and Public Health Act 1968.	In Part I of Schedule 3, in the first entry relating to the Health Visiting and Social Work (Training) Act 1962, the words "3 and"; and the second entry relating to that Act.
1968 c. 49.	The Social Work (Scotland) Act 1968.	In Schedule 8, paragraph 60.

SCH. 8

Chapter	Short title	Extent of repeal
1968 c. 67.	The Medicines Act 1968.	In section 11(1), the words " or, in relation to " onwards. Section 11(2).
1969 c. 25 (N.I.).	The Commissioner for Complaints Act (Northern Ireland) 1969.	In Schedule 1, in Part II, the entry relating to the Northern Ireland Council for Nurses and Midwives.
1969 c. 47.	The Nurses Act 1969.	The whole Act.
1970 c. 11 (N.I.).	The Nurses and Midwives Act (Northern Ireland) 1970.	The whole Act.
1971 c. 32 (N.I.).	The Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971.	In section 10(1), the definitions of " Joint Council ", " qualified nurse " and " the register of nurses ". Section 10(2). In section 19, the definitions of " enrolled nurse " and " registered nurse ". In section 20, the definitions of " the Act of 1970 " and " midwife ". In Schedule 1, the entry relating to the Nurses and Midwives Act (Northern Ireland) 1970.
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Schedule 1, Part III, the entry relating to the Chairman of the Northern Ireland Council for Nurses and Midwives.
1975 c. 25.	The Northern Ireland Assembly Disqualification Act 1975.	In Schedule 1, in Part III, the entry relating to the Chairman of the Northern Ireland Council for Nurses and Midwives.
1975 c. 37.	The Nursing Homes Act 1975.	In section 20(1), the definition of " qualified nurse ". Section 20(2).
1975 c. 65.	The Sex Discrimination Act 1975.	Section 20(4) and (5). In Schedule 4, paragraph 3(2) and (3). In Schedule 5, paragraph 2.
1977 c. 45.	The Criminal Law Act 1977.	In Schedule 6, the entries relating to the Midwives Act 1951, the Midwives (Scotland) Act 1951, the Nurses (Scotland) Act 1951 and the Nurses Act 1957.
1977 c. 49.	The National Health Service Act 1977.	In section 128(1) the definition of " certified midwife ". In Schedule 15, paragraphs 15 to 17.
1978 c. 29.	The National Health Service (Scotland) Act 1978.	In section 108(1) the definitions of " certified midwife " and " registered nurse ". In Schedule 16, paragraph 7.
1978 c. 44.	The Employment Protection (Consolidation) Act 1978.	In section 153(1) the definition of " certified midwife ".

SCH. 8

Orders in Council

Number	Short title	Extent of repeal
S.I. 1972/1073 (N.I. 10).	The Superannuation (Northern Ireland) Order 1972.	In Schedule 6, paragraph 7.
S.I. 1972/1245 (N.I. 14).	The Health and Personal Social Services (Northern Ireland) Order 1972.	In Schedule 16, Part II, paragraphs 84 to 95.
S.I. 1976/1041 (N.I. 14).	The Births and Deaths Registration (Northern Ireland) Order 1976.	In Article 2(2) the definition of "midwife".
S.I. 1976/1042 (N.I. 15).	The Sex Discrimination (Northern Ireland) Order 1976.	Article 22(4). In Schedule 5, paragraph 3(2) and (3).
S.I. 1976/2147. (N.I. 28).	The Industrial Relations (No. 2) (Northern Ireland) Order 1976.	In Article 32 the definition of "certified midwife".
S.I. 1977/1240.	The Central Council for Education and Training in Social Work Order 1977.	Article 3. Schedule 1.

© Crown copyright 1979

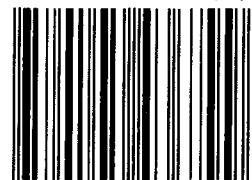
Printed in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

1st Impression April 1979

6th Impression February 1998

Dd 759886 2/98 1731 56219

ISBN 0-10-543679-8



9 780105 436799 >