

## SCHEDULE 1

Article 3

### THE NURSING AND MIDWIFERY COUNCIL AND COMMITTEES

#### PART I

#### THE NURSING AND MIDWIFERY COUNCIL

##### *Membership*

- 1.—(1) The Council shall consist of—
  - (a) 12 members who are appointed by the Council on being elected under the election scheme made under paragraph 2 (referred to in this Order as “registrant members”);
  - (b) 11 members who are appointed by the Privy Council (referred to in this Order as “lay members”);
  - (c) 12 members appointed by the Council on being elected under the election scheme made under paragraph 2 (referred to in this Order as “alternate members”).
- (2) The Council shall appoint an alternate member for each registrant member.
- (3) An alternate member shall have the same functions as a registrant member but he may attend a Council meeting in his capacity as an alternate member and vote, only if his corresponding registrant member is unable to do so.
- (4) The Council shall appoint an elected candidate to be a registrant member or alternate member in accordance with criteria set out in the election scheme made under paragraph 2.
  
- 2.—(1) The Council shall provide in rules for an election scheme to elect the registrant members and alternate members and may provide in the rules for by-elections.
- (2) The election scheme shall provide that—
  - (a) a person seeking election—
    - (i) is registered in the part of the register for which he seeks election but no person may be elected for more than one part of the register at a time,
    - (ii) in respect of a national constituency, lives or works wholly or mainly in that national constituency,
    - (iii) is not the subject of any allegation, investigation or proceedings concerning his fitness to practise, and
    - (iv) is wholly or mainly engaged in the practice, teaching or management of the profession in respect of which he is registered and seeks election or in research in those fields;
  - (b) at least one registrant member and one alternate member shall be appointed from each part of the register and the number of members from each part shall be equal;
  - (c) at least one member shall be elected from each of the national constituencies for each part of the register;
  - (d) a person may only vote—
    - (i) in respect of one part of the register,
    - (ii) for candidates who represent a part of the register in which he is registered at the time of the election, and

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- (iii) for a candidate seeking election for the constituency in which he wholly or mainly lives or works or, if he does not wholly or mainly live or work in any constituency, the constituency he has selected or to which he has been assigned in accordance with prescribed criteria;
  - (e) a person may vote even if he lives or works outside the United Kingdom;
  - (f) where someone ceases to be a registrant member or alternate member a replacement shall, subject to paragraph 7(3), be appointed by the Council.
- (3) The Council shall provide such information and advice for voters and candidates about the purpose and conduct of the elections as it considers appropriate.
- 3.** Having consulted such persons as it considers appropriate, the Privy Council shall appoint lay members from among persons who are not and never have been on the register or the register kept under the 1997 Act and who have such qualifications, interests and experience as, in the opinion of the Privy Council, will be of value to the Council in the performance of its functions.
- 4.** Of the members appointed by the Privy Council, there shall be at least one appointed from each country of the United Kingdom and that member shall live or work wholly or mainly in the country concerned.
- 5.** On a proposal from the Council or otherwise, the Privy Council may by order vary the size or composition of the Council, provided that—
- (a) the number of registrant members constitutes no less than half the total number of members and the number of registrant members does not exceed the number of lay members by more than one;
  - (b) the members live or work wholly or mainly in the United Kingdom;
  - (c) there is at least one registrant member and one alternate member from each part of the register, and the number of registrant and alternate members from each part is equal;
  - (d) the registrant and alternate members appointed in respect of each part of the register include at least one member appointed from each of the countries of the United Kingdom and that member shall live or work wholly or mainly in the country concerned;
  - (e) the members who are not registered professionals include at least one member appointed from each of the countries of the United Kingdom and that member shall live or work wholly or mainly in the country concerned.
- 6.** Where a member appointed by the Privy Council ceases to be a member, the Council shall inform the Privy Council and, subject to paragraph 7(3), the Privy Council shall replace him.
- 7.—(1)** Where a member does not complete his term of office, his successor shall be appointed for the remainder of the unexpired term—
- (a) in the case of registrant and alternate members, by the Council; and
  - (b) in the case of lay members, by the Privy Council.
- (2) In this paragraph “the unexpired term” means the period beginning with the date on which the member ceased to be a member and ending with the date on which his full term of office would have expired.
- (3) If the unexpired term is less than twelve months, the vacancy need not be filled.
- (4) In the case of a registrant member or alternate member, the person appointed for the unexpired term shall be registered in the same part of the register and live or work wholly or mainly in the same country of the United Kingdom as the member he is to replace.

### *Tenure of members*

- 8.**—(1) Each member’s term of office will be for a period of 4 years.
- (2) A person shall be removed from office as a Council member if—
- (a) there is a change in his qualifications, interests or experience such that it appears to the Privy Council that he will no longer contribute to the Council’s exercise of its functions in such a manner as justifies his continued membership.
  - (b) he ceases to live or work wholly or mainly in the United Kingdom or, if he has been appointed—
    - (i) in the case of a registrant or alternate member, as a member in respect of one of the national constituencies, or
    - (ii) in the case of a lay member, as a member in respect of one of the countries of the United Kingdom,in that national constituency or country;
  - (c) he ceases to be registered in the part of the register in respect of which he was appointed;
  - (d) he ceases to be wholly or mainly engaged in the practice, teaching or management of the profession for which he is registered and in respect of which he was appointed or in the research mentioned in paragraph 2(2)(a)(iv);
  - (e) an order has been made against him by a Practice Committee;
  - (f) he is removed by a majority of at least two-thirds of the other members of the Council because of a serious and persistent deficiency in his attendance at meetings or in his conduct or performance at meetings;
  - (g) such other circumstances as may be provided for by the Council in standing orders occur.
- 9.** A member may resign at any time by notice in writing addressed to the Registrar.
- 10.** No member may be appointed for more than three consecutive terms.

### *The President*

- 11.**—(1) The members of the Council shall elect a President from among themselves for a term of four years.
- (2) The President shall hold office until whichever of the following first occurs—
- (a) he resigns as President;
  - (b) he ceases to be a member of the Council;
  - (c) he is removed by a majority vote of the other members of the Council.
- (3) A person shall not be prevented from being elected President merely because he has previously been President.
- (4) The President may resign the office of President at any time by notice in writing addressed to the Registrar.

### *Procedure etc. of Council and committees*

- 12.**—(1) Subject to any provision made by or under this Order and, subject to paragraph 16, the Council shall make standing orders in respect of the Council, its committees and sub-committees, but not in respect of any of the Practice Committees, to provide for—
- (a) the quorum at meetings, which shall in the case of meetings of the Council include at least one member appointed from each country of the United Kingdom who shall live or work wholly or mainly in the country in respect of which he is appointed;

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- (b) the procedure at meetings;
- (c) establishing standards for the education and training, attendance and performance of members;
- (d) the composition of any of its committees and sub-committees;
- (e) the chairman of each of its committees to be a Council member;
- (f) the procedure by which a person is removed from office under paragraph 8(2);
- (g) the functions of its officers; and
- (h) circumstances in which meetings are to be in private.

**13.—**(1) In appointing non-Council members to any committee set up under article 3(12) the Council shall have regard, where appropriate and subject to the other provisions of this Order, to the guidance issued by the Commissioner for Public Appointments.

(2) The Council shall ensure that such members of the committee who are not Council members shall have such qualifications, interests or experience as, in the opinion of the Council, are relevant to the field with which the committee is mainly concerned.

(3) The Council shall—

- (a) establish and maintain a system for the declaration and registration of private interests of its members and other members of its committees and sub-committees; and
- (b) publish entries recorded in the register of members' interests.

**14.—**(1) Decisions of the Council and committees shall be made by a majority vote of the members present and voting.

(2) In the event of a tie the Chairman shall have an additional casting vote.

(3) Where a matter to be dealt with by the Council or committee affects only one of the professions regulated under this Order—

- (a) the Chairman shall be a member of the profession concerned; and
- (b) a decision on the matter shall be reached on a majority vote of the members of that profession present and voting.

(4) This paragraph does not apply to the statutory committees or to decisions of the Council under article 37.

#### *Powers of the Council*

**15.—**(1) Subject to any provision made by or under this Order, the Council may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the performance of its functions.

(2) The Council shall, in particular, have power—

- (a) to borrow;
- (b) to appoint such staff as it may determine;
- (c) to pay its staff such salaries, allowances and expenses as it may determine;
- (d) to make such provision for the payment of such pensions, allowances or gratuities, or such contributions or payments towards provision for such pensions, allowances or gratuities, to or in respect of its staff as it may determine;
- (e) to make such provision in respect of its members and members of its committees and sub-committees as it may determine—

- (i) for the payment of fees and allowances, including the payment of allowances to employers of such members for the purposes of enabling the members to perform functions under this Order;
  - (ii) for the reimbursement of such expenses as the members may reasonably have incurred in the course of carrying out their functions under this Order;
  - (f) to establish such sub-committees of any of its committees as it may determine;
  - (g) subject to any provision made by or under this Order, to regulate the procedure of any of its committees or their sub-committees;
  - (h) to abolish any of its committees, other than a statutory committee, or any sub-committee of any of its committees.
- (3) The Council may not employ any member of the Council or its committees or sub-committees.
- (4) If it appears to the Council that any statutory committee is failing to perform its functions adequately, the Council may give a direction as to the proper performance of those functions.
- (5) Where the Council, having given a direction under sub-paragraph (4), is satisfied that the committee has failed to comply with the direction, it may exercise any power of that committee or do any act or other thing authorised to be done by that committee.
- (6) The powers of the Council may be exercised even though there is a vacancy among its members.
- (7) No proceedings of the Council shall be invalidated by any defect in the election or appointment of a member.
- (8) No person who is a member of the Council or any of its committees or sub-committees by virtue of his membership of any profession, may take part in any proceedings of the Council in any period during which he is the subject of any investigations, proceedings or a determination against him concerning his fitness to practise his profession.

## **PART II**

### **THE STATUTORY COMMITTEES**

#### *Midwifery Committee*

- 16.**—(1) Subject to Part VIII of this Order, the Council shall by standing orders provide in respect of the Midwifery Committee for—
- (a) its composition;
  - (b) the appointment of members;
  - (c) the quorum at its meetings;
  - (d) its procedure;
  - (e) standards for the education and training, attendance and performance of its members; and
  - (f) the performance of its functions.
- (2) The standing orders shall, in particular, provide for—
- (a) the Chairman of the Committee to be a member of the Council;
  - (b) the majority of members of the Committee to be practising midwives;
  - (c) the Council to have regard, subject to other provisions in this Order, when selecting non-Council members for the Committee to the guidance issued by the Commissioner for Public Appointments.

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(3) No person who is a member of the Council or Midwifery Committee by virtue of his membership of any profession may take part in any proceedings of the Committee in any period during which he is the subject of any investigations, proceedings or a determination against him concerning his fitness to practise his profession.

(4) The powers of the Midwifery Committee may be exercised even though there is a vacancy among its members.

(5) No proceedings of the Midwifery Committee shall be invalidated by any defect in the appointment of a member.

#### *Practice Committees*

**17.** Subject to any provision made by or under this Order, the Council shall in respect of each Practice Committee provide by rules for—

- (a) subject to paragraph 18(6), the quorum at meetings of the Committee;
- (b) regulating its procedure;
- (c) establishing standards for the education and training, attendance and performance of its members;
- (d) regulating its composition; and
- (e) the performance of its functions.

**18.—**(1) The members of each Practice Committee shall include registered professionals and other members, of whom at least one shall be a registered medical practitioner.

(2) The number of registered professionals on a Practice Committee may, but need not, exceed the number of other members on the Committee and shall not in any case exceed that number by more than one.

(3) The Chairman of the Committee shall be a Council member.

(4) No one shall be a member of more than one Practice Committee and shall not be both a Screener and a member of a Practice Committee.

(5) The Council shall, subject to other provisions in this Order, have regard when selecting non-Council members for a Practice Committee, to the guidance issued by the Commissioner for Public Appointments.

(6) The panel of a Practice Committee considering an allegation or taking any other action under Part V shall comprise at least three members who shall be selected with due regard to the former, current or proposed professional field of the person concerned as the case may be and to the nature of the matters in issue, provided that—

- (a) at least one member is registered in that Part of the register in which, as the case may be, the person under consideration is or was registered or in respect of which he has made an application to be registered;
- (b) there is at least one lay member, who shall not be a registered medical practitioner;
- (c) where the health of the person is relevant to the case, there is at least one registered medical practitioner;
- (d) subject to sub-paragraph (f), the panel shall comprise both registrant and lay members none of whom is a Council member and the number of registrant members may exceed the number of lay members but may not exceed them by more than one;
- (e) no one who has been involved in the case in any other capacity may sit on the panel; and
- (f) the person presiding may but need not be a member of the Council.

(7) Decisions of a Practice Committee shall be made by a majority vote of the members present and voting.

(8) In the event of a tie, the Chairman shall have an additional casting vote and in respect of a decision under Part V shall exercise his casting vote in favour of the person concerned.

(9) Except when it is performing functions under Part V a Practice Committee may exercise its powers even though there is a vacancy among its members.

(10) Apart from proceedings under Part V, no proceedings of a Practice Committee shall be invalidated by any defect in the appointment of a member.

(11) No person who is a member of the Council or a Committee by virtue of his membership of any profession may take part in any proceedings of a Practice Committee in any period during which he is the subject of any investigations, proceedings or a determination against him concerning his fitness to practise his profession.