

2002 No. 881

NURSES AND MIDWIVES

**The Nursing and Midwifery Order 2001 (Consequential
Amendments) Order 2002**

<i>Made - - - -</i>	<i>27th March 2002</i>
<i>Laid before Parliament</i>	<i>28th March 2002</i>
<i>Coming into force</i>	<i>17th April 2002</i>

The Secretary of State for Health, in exercise of the powers conferred upon him by section 63 of the Health Act 1999^(a), and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Nursing and Midwifery Order 2001 (Consequential Amendments) Order 2002 and shall come into force on 17th April 2002.

Consequential amendments

2. The enactments specified in the Schedule to this Order are amended as there specified.

Signed by authority of the Secretary of State

27th March 2002

Jacqui Smith
Minister of State,
Department of Health

^(a) 1999 c.8.

CONSEQUENTIAL AMENDMENTS TO SECONDARY LEGISLATION**Social Security (Medical Evidence) Regulations 1976(a)**

1. In regulation 1 of the Social Security (Medical Evidence) Regulations 1976 (citation, commencement and interpretation), for the definition of “registered midwife”, substitute—

““registered midwife” means a midwife who is registered as a midwife with the Nursing and Midwifery Council under the Nursing and Midwifery Order 2001;”.

Statutory Maternity Pay (Medical Evidence) Regulations 1987(b)

2. In regulation 1 of the Statutory Maternity Pay (Medical Evidence) Regulations 1987 (citation, interpretation and commencement), for the definition of “registered midwife”, substitute—

““registered midwife” means a midwife who is registered with the Nursing and Midwifery Council under the Nursing and Midwifery Order 2001;”.

3. In Part I of the Schedule (rules), for paragraph 4(e), substitute—

“(e) the address of the doctor or where the maternity certificate is signed by a registered midwife the personal identification number given to her on her registration in Part 10 of the register maintained by the Nursing and Midwifery Council pursuant to paragraph 10 of Schedule 2 to the Nursing and Midwifery Order 2001 and the expiry date of that registration.”.

Social Fund Maternity and Funeral Expenses (General) Regulations 1987(c)

4. In regulation 3 of the Social Fund Maternity and Funeral Expenses (General) Regulations 1987 (interpretation), in the definition of “health professional”, for paragraph (b), substitute—

“(b) a midwife, nurse or health visitor registered as a midwife, nurse or health visitor with the Nursing and Midwifery Council under the Nursing and Midwifery Order 2001;”.

Family Health Services Authorities (Membership and Procedure) Regulations 1990(d)

5. In regulation 2 of the Family Services Authorities (Membership and Procedure) Regulations 1990 (membership of authorities), in paragraph (2)(d), for “under section 10 of the Nurses, Midwives and Health Visitors Act 1979” substitute “pursuant to paragraph 10 of Schedule 2 to the Nursing and Midwifery Order 2001”.

Prescription Pricing Authority Constitution Order 1990(e)

6. In article 5 of the Prescription Pricing Authority Constitution Order 1990 (constitution of the Pricing Authority), in paragraph (e), for sub-paragraph (v), substitute—

“(v) a person registered in any part of the register maintained by the Nursing and Midwifery Council pursuant to paragraph 10 of Schedule 2 to the Nursing and Midwifery Order 2001;”.

National Health Service Trusts (Membership and Procedure) Regulations 1990(f)

7. In regulation 4 of the National Health Service Trusts (Membership and Procedure) Regulations 1990 (qualifications for appointments), in paragraph (1)(c), for “a registered nurse or registered midwife as defined in section 10(7) of the Nurses, Midwives and Health Visitors Act 1979”, substitute “a nurse or midwife registered on the register maintained by the Nursing and Midwifery Council pursuant to paragraph 10 of Schedule 2 to the Nursing and Midwifery Order 2001”.

(a) S.I. 1976 No. 615.

(b) S.I. 1987 No. 235.

(c) S.I. 1987 No. 481.

(d) S.I. 1990 No. 1330 (as revoked with savings by S.I. 1996/707).

(e) S.I. 1990 No. 1718.

(f) S.I. 1990 No. 2024.

European Communities (Recognition of Professional Qualifications) Regulations 1991(a)

8. In Schedule 1 to the European Communities (Recognition of Professional Qualifications) Regulations 1991 (professions regulated by law or public authority), in Part 1, for “United Kingdom Central Council for Nursing, Midwifery and Health Visiting” wherever it appears, substitute “Nursing and Midwifery Council”.

National Health Service (General Medical Services) Regulations 1992(b)

9. In regulation 2 of the National Health Service (General Medical Services) Regulations 1992 (as amended by S.I. 1999 No. 1326) (interpretation), for the definition of “professional register” substitute—

““professional register” means the register maintained by the Nursing and Midwifery Council pursuant to paragraph 10 of Schedule 2 to the Nursing and Midwifery Order 2001;”.

Alternative Names in Welsh Order 1994(c)

10. In the Schedule to the Alternative Names in Welsh Order 1994 (names of bodies and alternative names in Welsh), the entry in respect of the Welsh National Board is omitted.

Public Supply Contracts Regulations 1995(d)

11. In Schedule 1 to the Public Supply Contracts Regulations 1995 (GATT Contracting Authority) the references to—

- (a) the National Board for Nursing, Midwifery and Health Visiting for England;
- (b) the Welsh National Board for Nursing, Midwifery and Health Visiting;
- (c) the National Board for Nursing, Midwifery and Health Visiting for Scotland; and
- (d) the UK Central Council for Nursing, Midwifery and Health Visiting,

are omitted.

European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 1996(e)

12. In Schedule 2 to the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 1996, in Part I, in the column headed “Designated Authority”, for “United Kingdom Central Council for Nursing, Midwifery and Health Visiting”, substitute “Nursing and Midwifery Council”.

Building Societies (Business Names) Regulations 1998(f)

13. In the Schedule to the Building Societies (Business Names) Regulations 1998 (specification of words, expressions and relevant bodies), in the entries relating to “district nurse”, “health visitor”, “midwife”, “midwifery”, “nurse” and “nursing”, for “The United Kingdom Central Council for Nursing, Midwifery and Health Visiting or the National Boards for Nursing, Midwifery and Health Visiting” substitute “The Nursing and Midwifery Council”.

National Assembly for Wales (Representation of the People) Order 1999(g)

14. In Schedule 2 to the National Assembly for Wales (Representation of the People) Order 1999 (absent voting at Assembly elections), for paragraph 3(2)(b) (additional requirements on grounds of physical incapacity), substitute “(b) a nurse who is registered in the register maintained by the Nursing and Midwifery Council pursuant to paragraph 10 of Schedule 2 to the Nursing and Midwifery Order 2001 by virtue of qualifications in nursing”.

Scottish Parliament (Disqualification) Order 1999(h)

15. In Part 1 of the Schedule to the Scottish Parliament (Disqualification) Order 1999 (office holders disqualified from being a Member of the Parliament), the entry relating to the Chairman of the National Board for Nursing, Midwifery and Health Visiting for Scotland or any member of that Board is omitted.

(a) S.I. 1991 No. 824 as amended by S.I. 2000/1960.

(b) S.I. 1992 No. 635.

(c) S.I. 1994 No. 2889.

(d) S.I. 1995 No. 201.

(e) S.I. 1996 No. 2374 as amended by S.I. 2001/200.

(f) S.I. 1998 No. 3186.

(g) S.I. 1999 No. 450.

(h) S.I. 1999 No. 680.

Scottish Parliament (Elections etc.) Order 1999(a)

16. In Schedule 3 to the Scottish Parliament (Elections etc.) Order 1999 (absent voting), in paragraph 3(2), for head (b), substitute—

“(b) a registered nurse registered on the register maintained by the Nursing and Midwifery Council pursuant to paragraph 10 of Schedule 2 to the Nursing and Midwifery Order 2001 by virtue of qualifications in nursing”.

Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of Scottish Parliament) Order 1999(b)

17. In Schedule 2 to the Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of Scottish Parliament) Order 1999 (general definitions), in the definition of “Registered” in relation to nurses, midwives and health visitors, for “United Kingdom Central Council”, substitute “Nursing and Midwifery Council”.

Commission for Health Improvement (Membership and Procedure) Regulations 1999(c)

18. In regulation 5 of the Commission for Health Improvement (Membership and Procedure) Regulations 1999 (disqualification for appointment), in paragraph (1)(g)—

- (a) after “following Acts”, add “or Orders in Council”; and
- (b) in head (viii), for “the Nurses, Midwives and Health Visitors Act 1997”, substitute “the Nursing and Midwifery Order 2001”.

Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000(d)

19. In regulation 1 of the Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000 (citation, commencement and interpretation), in the definition of “nurse”, for “the Nurses, Midwives and Health Visitors Act 1997” substitute “the Nursing and Midwifery Order 2001”.

20. In regulation 5 (disqualification for appointment), in paragraph (5)(b), for “the Nurses, Midwives and Health Visitors Act 1997” substitute “the Nursing and Midwifery Order 2001”.

Representation of the People (England and Wales) Regulations 2001(e)

21. In regulation 53 of the Representation of the People (England and Wales) Regulations 2001 (additional requirements for applications for a proxy vote etc.), in paragraph (2), for sub-paragraph (b), substitute—

“(b) a nurse registered on the register maintained by the Nursing and Midwifery Council pursuant to paragraph 10 of the Nursing and Midwifery Order 2001 by virtue of qualifications in nursing;”.

Representation of the People (Northern Ireland) Regulations 2001(f)

22. In regulation 53 of the Representation of the People (Northern Ireland) Regulations 2001 (additional requirements for applications on grounds of physical incapacity or blindness), in paragraph (2), for sub-paragraph (b), substitute—

“(b) a nurse registered on the register maintained by the Nursing and Midwifery Council pursuant to paragraph 10 of the Nursing and Midwifery Order 2001 by virtue of qualifications in nursing;”.

Representation of the People (Scotland) Regulations 2001(g)

23. In regulation 53 of the Representation of the People (Scotland) Regulations 2001 (additional requirements for applications for a proxy vote etc.), in paragraph (2), for sub-paragraph (b), substitute—

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- (a) S.I. 1999 No. 787.
 - (b) S.I. 1999 No. 1379.
 - (c) S.I. 1999 No. 2801.
 - (d) S.I. 2000 No. 89.
 - (e) S.I. 2001 No. 341.
 - (f) S.I. 2001 No. 400.
 - (g) S.I. 2001 No. 497.

“(b) a nurse registered on the register maintained by the Nursing and Midwifery Council pursuant to paragraph 10 of the Nursing and Midwifery Order 2001 by virtue of qualifications in nursing;”.

National Health Service (Functions of Health Authorities and Administration Arrangements) (England) Regulations 2001(a)

24. In the National Health Service (Functions of Health Authorities and Administration Arrangements) (England) Regulations 2001—

(a) in regulation 5 (arrangements by Health Authorities for exercise of functions), in paragraph (7), and

(b) in regulation 6 (arrangements with health service bodies in Wales), in paragraph (3)(d),

for “under section 15(2) of the Nurses, Midwives and Health Visitors Act 1997” substitute “pursuant to paragraph 18 of Schedule 2 to the Nursing and Midwifery Order 2001”.

National Care Standards Commission (Membership and Procedure) Regulations 2001(b)

25. In regulation 5 (disqualification for appointment), in paragraph (1)(g)—

(a) after “following Acts”, add “or Orders in Council”; and

(b) in head (viii), for “Nurses, Midwives and Health Visitors Act 1997”, substitute “the Nursing and Midwifery Order 2001;”.

(a) S.I. 2001 No. 747.

(b) S.I. 2001 No. 1042.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes a number of amendments to secondary legislation consequential on the making of the Nursing and Midwifery Order 2001 and the repeal of parts of the Nurses, Midwives and Health Visitors Act 1997 as a result of which the United Kingdom Central Council for Nursing, Midwifery and Health Visiting and the National Boards for Nursing, Midwifery and Health Visiting have been replaced by the Nursing and Midwifery Council.

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