

SCHEDULE

CONSEQUENTIAL AMENDMENTS TO PRIMARY AND SECONDARY LEGISLATION

PART 1

CONSEQUENTIAL AMENDMENTS TO PRIMARY LEGISLATION

National Health Service Reform and Health Care Professions Act 2002

1. In section 29 of the National Health Service Reform and Health Care Professions Act 2002(1) (reference of disciplinary cases by Council to court)—

- (a) in subsection (1)(i), for “, midwife or health visitor” substitute “or midwife under the Nursing and Midwifery Order 2001”(2);
- (b) in subsection (2)(b), for “, midwife or health visitor” substitute “or midwife under the Nursing and Midwifery Order 2001”.

Care Standards Act 2000

2. In the Care Standards Act 2000(3)—

- (a) in section 4 (other basic definitions), in subsection (5), for “, registered midwives or registered health visitors”, substitute “or registered midwives”;
- (b) in Schedule 2A (persons subject to review by the Commissioner under section 72B), omit paragraph 24.

Employment Rights Act 1996

3. In section 55 of the Employment Rights Act 1996(4) (right to time off for ante-natal care), after subsection (4), add—

- “(5) References in this section to a registered nurse are to such a nurse—
- (a) who is also registered in the Specialist Community Public Health Nurses' Part of the register maintained under article 5 of the Nursing and Midwifery Order 2001, and
 - (b) whose entry in that Part of the register is annotated to show that he holds a qualification in health visiting.”.

Children Act 1989

4. In the Children Act 1989(5)—

- (a) in section 45 (duration of emergency protection orders and other supplemental provisions), after subsection (12), add—

“(13) The reference in subsection (12) to a registered midwife is to such a midwife who is also registered in the Specialist Community Public Health Nurses' Part of the register maintained under article 5 of the Nursing and Midwifery Order 2001.”;

(1) 2002 c. 17. There are amendments not relevant to this Order.

(2) S.I.2002/253. There are amendments not relevant to this Order.

(3) 2000 c. 14. There are amendments not relevant to this Order.

(4) 1996 c. 18. Relevant amendments were made by S.I. 2002/253.

(5) 1989 c. 41. Relevant amendments were made by the Care Standards Act 2000, the Regulation of Care (Scotland) Act 2001, the Adoption and Children Act 2002 c. 38 and S.I. 2002/253.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) in section 48 (powers to assist in discovery of children who may be in need of emergency protection), after subsection (11), insert—

“(11A) The reference in subsection (11) to a registered midwife is to such a midwife who is also registered in the Specialist Community Public Health Nurses' Part of the register maintained under article 5 of the Nursing and Midwifery Order 2001.”;

- (c) in section 102 (power of constable to assist in exercise of certain powers to search for children), after subsection (3), insert—

“(3A) The reference in subsection (3) to a registered midwife is to such a midwife who is also registered in the Specialist Community Public Health Nurses' Part of the register maintained under article 5 of the Nursing and Midwifery Order 2001.”.

Police and Criminal Evidence (Northern Ireland) Order 1989

5. In Article 53(1) of the Police and Criminal Evidence (Northern Ireland) Order 1989⁽⁶⁾ (interpretation of Part VI), in the definition of “registered health care professional”, for paragraph (a), substitute—

- “(a) a nurse registered in the Nurses' Part of the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001;”.

National Health Service (Scotland) Act 1978

6. In section 27 of the National Health Service (Scotland) Act 1978⁽⁷⁾ (arrangements for provision of pharmaceutical services), in subsection (1A) —

- (a) for paragraph (g), substitute—

“(g) persons who are registered nurses or registered midwives;” ;

- (b) in paragraph (h), after “persons” insert “not mentioned above”.

Interpretation Act 1978

7. In Schedule 1 to the Interpretation Act 1978⁽⁸⁾ (words and expressions defined), in the definition of “registered” in relation to nurses and midwives, for “Nurses and Midwives Order 2001” substitute “Nursing and Midwifery Order 2001”.

National Health Service Act 1977

8. In section 41 of the National Health Service Act 1977⁽⁹⁾ (arrangements for pharmaceutical services), in subsection (3)—

- (a) for paragraph (g), substitute—

“(g) persons who are registered nurses or registered midwives;” ;

- (b) in paragraph (h), after “persons” insert “not mentioned above”.

Race Relations Act 1976

9. In the Race Relations Act 1976⁽¹⁰⁾, in Part 2 of Schedule 1A (bodies and other persons added after commencement of general statutory duty), omit the entries for the English National Board for

⁽⁶⁾ S.I. 1989/1341 (NI12) as amended by the Police (Northern Ireland) Act 2003, section 42.

⁽⁷⁾ 1978 c. 29. The subsection was inserted by the Health and Social Care Act 2001 (c. 15), section 44.

⁽⁸⁾ 1978 c. 30. The definition was inserted by the Nurses, Midwives and Health Visitors Act 1979 c. 36, section 23 and Schedule 7.

⁽⁹⁾ 1977 c. 49. The section was substituted by the Health and Social Care Act 2001, section 42.

⁽¹⁰⁾ 1976 c. 74. Relevant amendments were made by the Race Relations (Amendment) Act 2000, section 2(2) and Schedule 1 and S.I. 2001/3457 and 2003/3007.

Nursing, Midwifery and Health Visiting and the Welsh National Board for Nursing, Midwifery and Health Visiting.

Medicines Act 1968

10. In the Medicines Act 1968⁽¹¹⁾—

- (a) in section 11 (exemptions for nurses and midwives), in subsection (1), omit “and qualified”; and
- (b) in section 55 (exemptions for doctors, dentists, veterinary surgeons and veterinary practitioners), in subsection (2)(b), for “certified midwife (or, in relation to England and Wales, by a certified midwife or exempted midwife)”, substitute “registered midwife”.

⁽¹¹⁾ 1968 c. 67. Relevant amendments were made by the National Health Service Reorganisation Act 1973 c. 32, sections 57 and 58 and Schedule 4 and the Nurses, Midwives and Health Visitors Act 1979 c. 36, section 23 and Schedules 7 and 8.