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STATUTORY INSTRUMENTS

2004 No.1771

**HEALTH CARE AND
ASSOCIATED PROFESSIONS
NURSES AND MIDWIVES**

**The Health Act 1999 (Consequential Amendments)
(Nursing and Midwifery) Order 2004**

<i>Made</i>	- - - -	<i>9th July 2004</i>
<i>Laid before Parliament</i>		<i>9th July 2004</i>
<i>Coming into force</i>	- -	<i>1st August 2004</i>

The Secretary of State for Health, in exercise of the powers conferred upon him by section 63 of the Health Act 1999⁽¹⁾, and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Health Act 1999 (Consequential Amendments) (Nursing and Midwifery) Order 2004 and shall come into force on 1st August 2004.

(2) The amendment to the Interpretation Act in paragraph 7 will come into force immediately after the coming into force of paragraph 7 of Schedule 5 to the Nursing and Midwifery Order.

Extent

2. The extent of any amendment of any enactment or instrument in the Schedule to this Order is the same as that of the enactment or instrument amended.

Consequential amendments

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

(1) 1999 c. 8.

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Signed by authority of the Secretary of State for Health

9th July 2004

John Hutton
Minister of State,
Department of Health

SCHEDULE

Article 3

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(2) (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”(3);
- (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(4)—

- (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(5) (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(6)—

- (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.”;

(2) 2002 c. 17. There are amendments not relevant to this Order.

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

(4) 2000 c. 14. There are amendments not relevant to this Order.

(5) 1996 c. 18. Relevant amendments were made by S.I. 2002/253.

(6) 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.

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- (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(7) (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(8) (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(9) (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(10) (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(11), 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

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

(8) 1978 c. 29. The subsection was inserted by the Health and Social Care Act 2001 (c. 15), section 44.

(9) 1978 c. 30. The definition was inserted by the Nurses, Midwives and Health Visitors Act 1979 c. 36, section 23 and Schedule 7.

(10) 1977 c. 49. The section was substituted by the Health and Social Care Act 2001, section 42.

(11) 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(12)—
- (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”.

PART 2

CONSEQUENTIAL AMENDMENTS TO SECONDARY LEGISLATION

European Parliamentary Elections (Northern Ireland) Regulations 2004

11. In the European Parliamentary Elections (Northern Ireland) Regulations 2004(13), in Schedule 2 (absent voters), in Part 1 (applications), in paragraph 4(2)(b), omit the words “within the meaning of section 7(7) of the Nurses, Midwives and Health Visitors Act 1997”.

European Parliamentary Elections Regulations 2004

12. In the European Parliamentary Elections Regulations 2004(14), in Schedule 2 (absent voting), in Part 2 (applications), for paragraph 16(2)(b), substitute—

“(b) a registered nurse;”.

Community Health Councils Regulations 2004

13. In the Community Health Councils Regulations 2004(15), in regulation 9 (disqualification for membership), for paragraph (1)(e)(v) substitute—

“registered nurse or registered midwife;”.

Nurses Agencies (Wales) Regulations 2003

14. In the Nurses Agencies (Wales) Regulations 2003(16), in regulation 2 (interpretation), in paragraph (1), for the definition of “nurse” (“nyrs”), substitute—

““nurse” (“nyrs”) means a registered nurse or registered midwife;”.

Medicines (Child Safety) Regulations 2003

15. In the Medicines (Child Safety) Regulations 2003(17), in regulation 1 (citation, commencement and interpretation), in paragraph (2)—

(12) 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.

(13) S.I. 2004/1267.

(14) S.I. 2004/293.

(15) S.I. 2004/905.

(16) S.I. 2003/2527.

(17) S.I. 2003/2317.

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- (a) for the definition of “first level nurse” substitute—
““first level nurse” means a nurse registered in Sub-Part 1 of the Nurses' Part of the professional register;”;
- (b) in the definition of “nurse prescriber”, in paragraph (a), after “nurse” insert “or registered midwife”;
- (c) in the definition of “professional register”, for “pursuant to paragraph 10 of Schedule 2 to”, substitute “under article 5 of”;
- (d) in the definition of “relevant register”, in sub-paragraph (a), after “nurse”, insert “or registered midwife”; and
- (e) in the definition of “supplementary prescriber”, omit “or” at the end of sub-paragraph (a) and after sub-paragraph (b) insert—
“or
(c) a registered midwife.”.

National Assembly for Wales (Representation of the People) Order 2003

16. In the National Assembly for Wales (Representation of the People) Order 2003⁽¹⁸⁾ in Schedule 2 (absent voting at Assembly elections), in paragraph 2 , for sub-paragraph (2)(b), substitute—

“(b) a registered nurse.”.

The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003

17. In the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2003⁽¹⁹⁾, in Schedule 4 (excepted professions, offices, employments and occupations), in Part I (professions) for paragraph 6 substitute—

“6. Nurse or midwife.”.

Council Tax (Discounts) (Scotland) Consolidation and Amendment Order 2003

18. In the Council Tax (Discounts) (Scotland) Consolidation and Amendment Order 2003⁽²⁰⁾, in article 7 (student nurses), in paragraph (1) for “on any of Parts 1 to 8, 10 and 12 to 15 of the Register maintained under section 7 of the Nurses, Midwives and Health Visitors Act 1997”, substitute “in the Nurses' or Midwives' Part of the register maintained under article 5 of the Nursing and Midwifery Order 2001”.

Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2003

19. In the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2003⁽²¹⁾—

- (a) in regulation 3 (membership of Local Health Boards), in paragraph (3), for sub-paragraph (i) substitute “a nursing or midwifery member;”;
- (b) in Schedule 2 (eligibility requirements for members), in Part II (eligibility requirements for specific categories of member)—

⁽¹⁸⁾ S.I. 2003/284.

⁽¹⁹⁾ S.S.I. 2003/231. There are amendments which are not relevant to this Order.

⁽²⁰⁾ S.I. 2003/176.

⁽²¹⁾ S.I. 2003/149.

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- (i) in paragraphs (9) and (12) for “Nurses and Midwives Council”, substitute “Nursing and Midwifery Council”,
- (ii) for the heading to paragraph (12), substitute “Nursing and midwifery member”,
- (iii) in paragraph (12) for “nursing midwifery and health visiting” substitute “nursing and midwifery”, and
- (iv) in paragraph (18), for sub-paragraph (e), substitute—
“(e) nursing and midwifery member; or.”

Nurses Agencies Regulations 2002

20. In the Nurses Agencies Regulations 2002(22), in regulation 2 (interpretation), in paragraph (1), for the definition of “nurse”, substitute—

““nurse” means a registered nurse or registered midwife;”

European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 2002

21. In the European Communities (Recognition of Professional Qualifications) (Second General System) Regulations 2002(23), in Schedule 2 (regulated professions), in Part 1 (professions regulated by law or public authority), in the column headed “Profession” for the words “Nurse admitted to” to “Part 7 - Second level nurse (Scotland and Northern Ireland)”, substitute “Nurse admitted to Sub-Part 2 of the Nurses' Part of the register”.

Scottish Parliament (Elections etc) Order 2002

22. In the Scottish Parliament (Elections etc) Order 2002(24), in Schedule 3 (absent voting), in paragraph 2 (additional requirements for applications on grounds of physical incapacity), for sub-paragraph (2)(b), substitute—

“(b) a registered nurse; or”.

Private and Voluntary Health Care (Wales) Regulations 2002

23. In the Private and Voluntary Health Care (Wales) Regulations 2002(25), in regulation 2 (interpretation), in paragraph (1), in the definition of “midwife” (“bydwraig”) for “section 14(1)(b) of the Nurses, Midwives and Health Visitors Act 1997”, substitute “article 42 of the Nursing and Midwifery Order 2001”.

Misuse of Drugs Regulations 2001

24. In the Misuse of Drugs Regulations 2001(26)—

(a) in regulation 2 (interpretation), in paragraph (1)—

(i) for the definition of “registered health visitor”, substitute at the appropriate alphabetical place—

““specialist community public health nurse” means a registered nurse or midwife who is also registered in the Specialist Community Public Health

(22) S.I. 2002/3212. Amendments have been made which are not relevant to this Order.

(23) S.I. 2002/2934.

(24) S.I. 2002/2779.

(25) S.I. 2002/325.

(26) S.I. 2001/3998. Relevant amendments were made by S.I. 2003/2429.

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Nurses' Part of the professional register and against whose name in that Part of the register there is an annotation that she has a qualification in health visiting;”;

(ii) insert at the appropriate alphabetical place—

““professional register” means the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001;”;

(b) in regulation 6 (general authority to supply and possess), in paragraph (2), omit “an extended formulary nurse prescriber;”;

(c) in regulation 11 (exemption for midwives)—

(i) in paragraph (1), for “section 14(1)(b) of the Act of 1997”, substitute “article 42 of the Order”;

(ii) in paragraph (3)—

(aa) omit the definition of “the Act of 1997”;

(bb) in the definition of “appropriate medical officer”, in sub-paragraph (b), for “section 15 of the Act of 1997”, substitute “article 43 of the Order”;

(cc) in the definition of “local supervising authority”, for “section 15(1) of the Act of 1997”, substitute “Schedule 4 of the Order(27)”, and

(dd) insert at the appropriate alphabetical place—

““the Order” means the Nursing and Midwifery Order 2001;” and

(d) in Schedule 8 (persons who may supply or administer a specified controlled drug under a patient group direction), in paragraph 1, omit sub-paragraph (b).

Private and Voluntary Health Care (England) Regulations 2001

25. In the Private and Voluntary Health Care (England) Regulations 2001(28), in regulation 2 (interpretation) in the definition of “midwife” for “section 14(1)(b) of the Nurses, Midwives and Health Visitors Act 1997”, substitute “article 42 of the Nursing and Midwifery Order 2001”.

National Care Standards Commission (Registration) Regulations 2001

26. In the National Care Standards Commission (Registration) Regulations 2001(29), in regulation 2 (interpretation), in paragraph (1), for the definition of “nurse” substitute—

““nurse” means a registered nurse or registered midwife;”.

Northern Ireland Assembly (Elections) Order 2001

27. In the Representation of the People (Northern Ireland) Regulations 2001(30), in regulation 55 (additional requirements for applications in respect of a particular election), in paragraph (4)(b) and (6)(d), in head (ii) omit the words “within the meaning of section 7(7) of the Nurses, Midwives and Health Visitors Act 1997”.

(27) The definition of “local supervising authority” in Schedule 4 of the Order has been amended by S.I. 2002/2469.

(28) S.I. 2001/3968. Amendments have been made which are not relevant to this Order.

(29) S.I. 2001/3969. Relevant amendments were made by S.I. 2003/2429. Other amendments have been made which are not relevant to this Order.

(30) S.I. 2001.400. Relevant amendments have been made by S.I. 2001/2599.

General Social Care Council (Appointments and Procedure) Regulations 2001

28. In the General Social Care Council (Appointments and Procedure) Regulations 2001(**31**) in regulation 4 (disqualification for appointment), in paragraph (7), for sub-paragraph (b) , substitute—

“(b) a registered nurse or registered midwife;”.

National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001

29. In the National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001(**32**), in regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) for the definition of “independent nurse prescriber” (“nyrs sy'n rhagnodi'n annibynnol”), substitute—

““independent nurse prescriber” (“nyrs sy'n rhagnodi'n annibynnol”) means a person—

(a) who is registered in Sub-Part 1 of the Nurses' Part or in the Midwives' Part of the register maintained by the Nursing and Midwifery Council under the Nursing and Midwifery Order 2001, and—

(b) in respect of whom an annotation signifying that he is qualified to order drugs, medicines and appliances from—

(i) the Nurse Prescribers' Formulary for District Nurses and Health Visitors in Part XVIIB(i) of the Drug Tariff, or

(ii) the Nurse Prescribers' Extended Formulary in Part XVIIB(ii) of the Drug Tariff,

is also recorded in that register;”.

(ii) in the definition of “nurses and midwives' professional register” (“*cofrester proffesiwn nyrsys a beydwragedd*”), for “pursuant to paragraph 10 of Schedule 2 to”, substitute “under article 5 of”,

(iii) in the definition of “supplementary prescriber” (“rhagnodydd atodol”), for sub-paragraph (a), substitute—

“(a) Sub-Part 1 of the Nurses' Part or in the Midwives' Part of the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001;” and

(b) omit paragraph (2).

Representation of the People (Scotland) Regulations 2001

30. In the Representation of the People (Scotland) Regulations 2001(**33**), in regulation 53 (additional requirements for applications for a proxy vote for a particular or indefinite period on grounds of physical incapacity or blindness), in paragraph (2)(b) for “pursuant to paragraph 10 of” substitute “under article 5 of”.

(31) S.I. 2001/1744. A relevant amendment was made by S.I. 2003/1590.

(32) S.I. 2001/1358. Relevant amendments were made by S.I. 2003/2624. Other amendments have been made which are not relevant to this Order.

(33) S.I. 2001/497. A relevant amendment was made by S.I. 2002/881.

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National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001

31. In regulation 2 of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 2001⁽³⁴⁾ (interpretation), in paragraph (1)—

(a) for the definition of “independent nurse prescriber”, substitute—

““independent nurse prescriber”, means a person—

- (a) who is registered in Sub-Part 1 of the Nurses' Part or in the Midwives' Part of the nurses and midwives' professional register; and
- (b) in respect of whom an annotation signifying that he is qualified to order drugs, medicines and appliances from—
 - (i) the Nurse Prescribers' Formulary for Community Nurses and Health Visitors in Part 8B of the Drug Tariff, or
 - (ii) the Nurse Prescribers' Extended Formulary in Part 8C of the Drug Tariff, is also recorded in that register;”;

(b) in the definition of “nurses and midwives' professional register”, for “pursuant to paragraph 10 of Schedule 2 to”, substitute “under article 5 of”; and

(c) in the definition of “supplementary prescriber”, for sub-paragraph (a), substitute—

“(a) Sub-Part 1 of the Nurses' Part, or in the Midwives' Part, of the nurses and midwives' professional register;”.

Representation of the People (England and Wales) Regulations 2001

32. In the Representation of the People (England and Wales) Regulations 2001⁽³⁵⁾, in regulation 53 (additional requirements for applications for a proxy vote for a definite or indefinite period on grounds of physical incapacity or blindness), in paragraph (2)(b) for “pursuant to paragraph 10 of”, substitute “under article 5 of”.

National Health Service Trusts (Membership and Procedure) (Scotland) Regulations 2001

33. In the National Health Service Trusts (Membership and Procedure) (Scotland) Regulations 2001⁽³⁶⁾, in regulation 6 (appointment and term of office), in paragraph (1), for sub-paragraph (c) (ii), substitute—

“(ii) a registered nurse or registered midwife.”

National Health Service (Charges for Drugs and Appliances) Regulations 2000

34. In the National Health Service (Charges for Drugs and Appliances) Regulations 2000⁽³⁷⁾, in regulation 2 (interpretation), in paragraph (1)—

(a) for the definition of “independent nurse prescriber” substitute—

““independent nurse prescriber” means a person—

- (a) who is registered in Sub-Part 1 of the Nurses' Part or in the Midwives' Part of the nurses and midwives' professional register, and—
- (b) in respect of whom an annotation signifying that he is qualified to order drugs, medicines and appliances from—

⁽³⁴⁾ S.S.I. 2001/430. Relevant amendments were made by S.S.I. 2003/295 and 2004/212.

⁽³⁵⁾ S.I. 2001/341. Relevant amendments were made by S.I. 2001/1700 and 2002/881.

⁽³⁶⁾ S.S.I. 2001/301. There are no relevant amendments.

⁽³⁷⁾ S.I. 2000/620. Relevant amendments were made by S.I. 2003/699 and 2004/865. Other amendments have been made which are not relevant to this Order.

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- (i) the Nurse Prescribers' Formulary for District Nurses and Health Visitors in Part XVIIIB(i) of the Drug Tariff, or
 - (ii) the Nurse Prescribers' Extended Formulary in Part XVIIIB(ii) of the Drug Tariff,
- is also recorded in that register;”;
- (b) in the definition of “nurses and midwives' professional register”, for “pursuant to paragraph 10 of Schedule 2 to”, substitute “under article 5 of”; and
 - (c) in the definition of “supplementary prescriber”, for sub-paragraph (a), substitute—
 - “(a) Sub-Part 1 of the Nurses' Part or in the Midwives Part' of the nurses and midwives' professional register;”.

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

35. In the Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000(**38**), in—

- (a) regulation 1 (citation, commencement and interpretation), in paragraph (2), in the definition of “nurse”, for “nurse, midwife or health visitor registered in accordance with the Nursing and Midwifery Order 2001”, substitute “registered nurse or registered midwife”;
- (b) regulation 5 (disqualification for appointment: chairman and non-officer members), for paragraph (5)(b), substitute—
 - “(b) a registered nurse or registered midwife;”.

Commission for Health Improvement (Membership and Procedure) Regulations 1999

36. In the Commission for Health Improvement (Membership and Procedure) Regulations(**39**), in regulation 1 (citation, commencement and interpretation), in paragraph (2), in the definition of “lay member”, for sub-paragraph (d), substitute—

- “(d) a registered nurse or registered midwife;”.

Primary Care Trusts (Consultation on Establishment, Dissolution and Transfer of Staff) Regulations 1999

37. In the Primary Care Trusts (Consultation on Establishment, Dissolution and Transfer of Staff) Regulations 1999(**40**), in regulation 1 (citation, commencement and interpretation), in paragraph (2), in the definition of “health care professional” for sub-paragraph (b), substitute—

- “(b) a registered nurse or registered midwife;”.

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

38. In the Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc of Acts of the Scottish Parliament) Order 1999(**41**), in Schedule 2 (general

(38) S.I. 2000/89. Relevant amendments were made by S.I. 2002/ 881 and 2469, 2003/1616 and 2004/696 and 865.

(39) S.I. 1999/2801. Relevant amendments were made by S.I. 2002/880.

(40) S.I. 1999/2337. Relevant amendments were made by S.I. 2002/880.

(41) S.I. 1999/1379. A relevant amendment was made by S.I. 2002/881. There are other amendments which are not relevant to this Order.

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definitions), for the definition of “Registered” in relation to nurses, midwives and health visitors, substitute—

““Registered”, in relation to nurses and midwives, means registered in the register maintained under article 5 of the Nursing and Midwifery Order 2001 by virtue of qualifications in nursing or midwifery, as the case may be;”.

Prescription Only Medicines (Human Use) Order 1997

39. In the Prescription Only Medicines (Human Use) Order 1997(42)—

- (a) in article 1 (citation, commencement and interpretation), in paragraph (2)—
 - (i) for the definition of “district nurse/health visitor prescriber”, substitute—
 - ““district nurse/health visitor prescriber” means a first level nurse, or a registered midwife, against whose name in the professional register there is an annotation that he is qualified to order drugs, medicines and appliances from the Nurse Prescriber’s Formulary for District Nurses and Health Visitors Appendix in the current edition of the British National Formulary”;
 - (ii) in the definition of “extended formulary nurse prescriber”, in sub-paragraph (a), after “nurse”, insert “or registered midwife”,
 - (iii) for the definition of “first level nurse” substitute—
 - ““first level nurse” means a person registered in Sub-Part 1 of the Nurses' Part of the professional register;”;
 - (iv) in the definition of “professional register”, for “pursuant to paragraph 10 of Schedule 2 to”, substitute “under article 5 of”,
 - (v) for the definition of “registered midwife”, substitute—
 - ““registered midwife” means a person registered in the Midwives' Part of the professional register;”;
 - (vi) for the definition of “registered nurse”, substitute—
 - ““registered nurse” means a person registered in the Nurses' Part of the professional register;”;
 - (vii) in the definition of “relevant register”, in sub-paragraph (a), after “nurse” insert “or registered midwife”,
 - (viii) in the definition of “supplementary prescriber”, omit “or” at the end of sub-paragraph (a) and after sub-paragraph (b) insert—
 - “or
 - (c) a registered midwife;”;
- (b) in Schedule 7, Part III (classes of individual by whom prescription only medicines may be supplied or administered), omit “Registered health visitors”.

Welsh Language Schemes (Public Bodies) Order 1996

40. In the Welsh Language Schemes (Public Bodies) Order 1996(43), in the Schedule (specified public bodies), omit the entries for—

- (a) United Kingdom Central Council for Nursing, Midwifery and Health Visiting;

(42) S.I. 1997/1830. Relevant amendments were made by S.I. 2002/549 and 2003/696.

(43) S.I. 1996/1898. The Nursing and Midwifery Council was specified in S.I. 2002/1441.

- (b) Cyngor Canalog y Deyrnas Gyfunol dros Nyrsio, Bydwreigiaeth a Gwasanaethau Ymwelwyr lechyd;
- (c) Welsh National Board for Nursing, Midwifery and Health Visiting; and
- (d) Bwrdd Cenedlaethol Cymru dros Nyrsio, Bydwreigiaeth a Gwasanaethau Ymwelwyr lechyd.

Health Authorities (Membership and Procedure) Regulations 1996

41. In the Health Authorities (Membership and Procedure) Regulations 1996(44), in regulation 2 (membership of Authorities), for paragraph (2)(d), substitute—

- “(d) registration in the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001; or”.

Family Health Services Appeal Authority Regulations 1995

42. In the Family Health Services Appeal Authority Regulations 1995(45), regulation 7 (disqualification for appointment), in paragraph (1)(i), for head (v), substitute—

- “(v) registered nurse or registered midwife.”.

National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995

43. In the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995(46), in regulation 2 (interpretation and application), in paragraph (1) —

- (a) for the definition of “independent nurse prescriber” substitute—
 - ““independent nurse prescriber” means a person—
 - (a) who is registered in the Nursing and Midwifery Register, and—
 - (b) in respect of whom an annotation signifying that he is qualified to order drugs, medicines and appliances from—
 - (i) the Nurse Prescribers' Formulary for Community Nurses and Health Visitors in Part 8B of the Drug Tariff, or
 - (ii) the Nurse Prescribers' Extended Formulary in Part 8C of the Drug Tariff;is also recorded in that register;”;
- (b) in the definition of “nurses' and midwives' professional register”, for “pursuant to paragraph 10 of Schedule 2 to”, substitute “under article 5 of”;
- (c) in the definition of “supplementary prescriber”, for sub-paragraph (a), substitute—
 - “(a) the Nursing and Midwifery Register; ”.

National Health Service (Service Committees and Tribunal) Regulations 1992

44. In the National Health Service (Service Committees and Tribunal) Regulations 1992(47), in Schedule 2 (constitution of discipline committees), in paragraph 8(b) (definition of “lay person”), for (iii), substitute—

- “(iii) a registered nurse or registered midwife,”.

(44) S.I. 1996/707. A relevant amendment was made by S.I. 2002/556.

(45) S.I. 1995/622. Amendments have been made which are not relevant to this Order.

(46) S.I. 1995/414. Relevant amendments were made by S.I. 2003/296. Amendments have been made which are not relevant to this Order.

(47) S.I. 1992/664. Amendments have been made which are not relevant to this Order.

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National Health Service (Pharmaceutical Services) Regulations 1992

45. In the National Health Service (Pharmaceutical Services) Regulations 1992(**48**), in regulation 2 (interpretation)—

- (a) in the definition of “nurses and midwives' professional register”, for “pursuant to paragraph 10 of Schedule 2 to”, substitute “under article 5 of”;
- (b) in the definition of “relevant register”, in paragraph (a), after “nurse” add “or midwife”;
- (c) in the definition of “supplementary prescriber”, for sub-paragraph (a), substitute—
 - “(a) the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001;”.

Council Tax (Discount Disregards) Order 1992

46. In the Council Tax (Discount Disregards) Order 1992(**49**), in Schedule 1 (definition of students, etc.), in Part III (student nurses), in paragraph 7, for paragraph (1), substitute—

“(1) A person is a student nurse on a particular day if, on that day, he is undertaking a course which would (if successfully completed) lead to first registration in the Nurses' Part or the Midwives' Part of the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001”.

European Communities (Recognition of Professional Qualifications) Regulations 1991

47. In the European Communities (Recognition of Professional Qualifications) Regulations 1991(**50**), in Schedule 1, in Part 1 (professions regulated by law or public authority), in the column headed “Profession”, for the words “Nurses admitted to:” to “of the register maintained by the Nursing and Midwifery Council”, substitute—

“Nurses admitted to Sub-Part 1 of the Nurses' Part of the register maintained by the Nursing and Midwifery Council”.

National Health Service Trusts (Membership and Procedure) Regulations 1990

48. In the National Health Service Trusts (Membership and Procedure) Regulations 1990(**51**), in regulation 4 (qualifications for appointments), in paragraph (1)(c), for “pursuant to paragraph 10 of Schedule 2 to”, substitute “under article 5 of”.

Prescription Pricing Authority Constitution Order 1990

49. In the Prescription Pricing Authority Constitution Order 1990(**52**), in regulation 5 (constitution of the Pricing Authority), for paragraph (e)(v), substitute—

“(v) a person registered in the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001 (or of the register maintained under section 7 of the Nurses, Midwives and Health Visitors Act 1997);”.

(48) S.I. 1992/662. Relevant amendments were made by S.I. 2003/699 and 2004/922 (in relation to England) and 2003/2624 and 2004/1021 (in relation to Wales).

(49) S.I. 1992/548.

(50) S.I. 1991/824. Schedule 1 was substituted by S.I. 2000/1960 and a relevant amendment was made by S.I. 2002/881.

(51) S.I. 1990/2024. A relevant amendment was made by S.I. 2002/881.

(52) S.I. 1990/1718. A relevant amendment was made by S.I. 2002/881.

Social Fund Maternity and Funeral Expenses (General) Regulations 1987

50. In the Social Fund Maternity and Funeral Expenses (General) Regulations 1987(**53**), in regulation 3 (interpretation), in paragraph (1), in the definition of “health professional”, for paragraph (b) substitute—

“(b) a registered nurse or registered midwife;”.

Statutory Maternity Pay (Medical Evidence) Regulations 1987

51. In the Statutory Maternity Pay (Medical Evidence) Regulations 1987(**54**), in the Schedule—

(a) in Part I (rules), in paragraph 4, in sub-paragraph (e)—

(i) omit “Part 10 of”, and

(ii) for “pursuant to paragraph 10 of Schedule 2 to”, substitute “(“NMC”) under article 5 of”;

(b) in Part II (form of certificate), for “UKCC” in both places it occurs, substitute “NMC”.

Company and Business Names Regulations 1981

52. In the Company and Business Names Regulations 1981(**55**), in the Schedule (specification of words, expressions and relevant bodies) for the entry in Column (2) (relevant body) opposite the entry in Column (1), for—

- (a) District Nurse;
- (b) Health Visitor;
- (c) Midwife;
- (d) Midwifery;
- (e) Nurse; and
- (f) Nursing,

substitute “Nursing and Midwifery Council”.

Medicines (Pharmacy and General Sale – Exemption) Order 1980

53. In the Medicines (Pharmacy and General Sale – Exemption) Order 1980(**56**)—

(a) in article 1 (citation, commencement and interpretation), in paragraph (2)—

(i) omit the definition of “enrolled nurse”,

(ii) for the definition of “first level nurse”, substitute—

““first level nurse” means a nurse registered in Sub-Part 1 of the Nurses' Part of the professional register;”,

(iii) in the definition of “nurse prescriber”, in paragraph (a), after “nurse” insert “or registered midwife”,

(iv) in the definition of “professional register”, for “pursuant to paragraph 10 of Schedule 2 to”, substitute “under article 5 of”,

(v) omit the definition of “registered nurse”,

(53) S.I. 1987/481. Relevant amendments were made by S.I. 2000/528 and 2002/881.

(54) S.I. 1987/235. Relevant amendments were made by S.I. 1991/2284 and 2002/881.

(55) S.I. 1981/1685. Amendments not relevant to this Order have been made.

(56) S.I. 1980/1924. Relevant amendments were made by S.I. 2004/1.

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- (vi) in the definition of “relevant register”, in sub-paragraph (a), after “nurse”, insert “or registered midwife”;
- (vii) in the definition of “supplementary prescriber”, omit “or” at the end of sub-paragraph (a) and after sub-paragraph (b) insert—

“or

(c) a registered midwife.”;

- (b) in Schedule 1 (exemptions for certain persons from sections 52 and 53 of the Medicines Act 1968)—
 - (i) in paragraph 9 in Column 2, for “, a registered nurse or an enrolled nurse”, substitute “or a registered nurse”;
 - (ii) in paragraphs 9(2)(a) and 11(a), in Column 3, omit “or an enrolled nurse”.

Medicines (Sale or Supply) (Miscellaneous Provisions) Regulations 1980

54. In the Medicines (Sale or Supply) (Miscellaneous Provisions) Regulations 1980⁽⁵⁷⁾, in regulation 1 (citation, commencement and interpretation), in paragraph (2)(a)—

- (a) for the definition of “district nurse/health visitor prescriber”, substitute—

““district nurse/health visitor prescriber” means a first level nurse, or a registered midwife, against whose name in the professional register there is an annotation that he is qualified to order drugs, medicines and appliances from the Nurse Prescriber’s Formulary for District Nurses and Health Visitors Appendix in the current edition of the British National Formulary.”;
- (b) in the definition of “extended formulary nurse prescriber”, in sub-paragraph (a), after “nurse”, insert “or registered midwife”;
- (c) for the definition of “first level nurse” substitute—

““first level nurse” means a nurse registered in sub-part 1 of the Nurses’ Part of the professional register.”;
- (d) in the definition of “professional register”, for “pursuant to paragraph 10 of Schedule 2 to”, substitute “under article 5 of”;
- (e) in the definition of “relevant register”, in sub-paragraph (a), after “nurse”, insert “or registered midwife”;
- (f) in the definition of “supplementary prescriber”, omit “or” at the end of sub-paragraph (a) and after sub-paragraph (b) insert—

“or

(c) a registered midwife.”.

Medicines (Labelling and Advertising to the Public) Regulations 1978

55. In the Medicines (Labelling and Advertising to the Public) Regulations 1978⁽⁵⁸⁾—

- (a) in regulation 1 (citation, commencement and interpretation), in paragraph (2), for the definition of—
 - (i) “certified midwife”, substitute at the appropriate alphabetical position—

⁽⁵⁷⁾ S.I. 1980/1923. Relevant amendments were made by S.I. 2003/698.

⁽⁵⁸⁾ S.I.1978/41. Amendments not relevant to this Order have been made.

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““registered midwife” means a person registered in the Midwives' Part of the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001;”, and

(ii) “registered nurse”, substitute—

““registered nurse” means a person 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;”;

(b) in regulation 5 (prohibition of representations), in sub-paragraph (2)(c), for “certified midwife”, substitute “registered midwife”.

Social Security (Medical Evidence) Regulations 1976

56. In the Social Security (Medical Evidence) Regulations 1976(**59**), in Schedule 2—

(a) in Part I (rules), in paragraph 4, for sub-paragraph (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 by the Nursing and Midwifery Council (“NMC”) on her registration in the register maintained under article 5 of the Nursing and Midwifery Order 2001 and the expiry date of that registration”;

(b) in Part II (form of certificate), in the second column headed “Fill in this part if you are giving the certificate after the confinement”, for “UKCC” in the two places it occurs, substitute “NMC”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes a number of amendments to primary and secondary legislation consequential on the implementation of the [Nursing and Midwifery Order 2001 \(S.I. 2002 No. 253\)](#) 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 has been replaced by the Nursing and Midwifery Council.

(59) [S.I.1976/615](#). Relevant amendments were made by S.I. [1987/409](#) and [1991/2284](#). Other amendments have been made which are not relevant to this Order.