

SCHEDULES

SCHEDULE 4

Nurses, midwives and nursing associates

PART 1

Amendments to legislation

Interpretation

1. In this Schedule, “the 2001 Order” means the Nursing and Midwifery Order 2001 ^{M1}.

Commencement Information

- I1** Sch. 4 para. 1 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

- M1** [S.I. 2002/253](#).

Nursing and Midwifery Order 2001

2. The 2001 Order is amended as follows.

Commencement Information

- I2** Sch. 4 para. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

3. In article 5A (knowledge of English) ^{M2}, omit paragraphs (5) and (7).

Commencement Information

- I3** Sch. 4 para. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

- M2** Article 5A was inserted by [S.I. 2015/806](#).

4. In article 6 (register of nurses, midwives and nursing associates) ^{M3}, omit paragraph (3)(aa).

Changes to legislation: There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019, PART 1. (See end of Document for details)

Commencement Information

I4 Sch. 4 para. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M3 Paragraph (3)(aa) was inserted by [S.I. 2007/3101](#). Relevant amending instrument is [S.I. 2018/838](#).

5. In article 7 (register: supplemental provision) ^{M4}, omit paragraph (4).

Commencement Information

I5 Sch. 4 para. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M4 Paragraph (4) was inserted by [S.I. 2007/3101](#) and substituted by [S.I. 2018/838](#).

6. In article 8 (access to register) ^{M5}, omit paragraph (5).

Commencement Information

I6 Sch. 4 para. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M5 Relevant amending instrument is [S.I. 2007/3101](#).

7. In article 9 (registration) ^{M6}—

- (a) in paragraph (1), for “Subject to paragraph (7), a” substitute “ A ”;
- (b) omit paragraphs (3A) to (3C);
- (c) in paragraph (5), for the words from “ “the specified period”” to the end substitute “ “the specified period” means the period of three months beginning with the relevant date. ”;
- (d) in paragraph (6), omit the words from “, including” to “13(1A),”;
- (e) omit paragraph (7).

Commencement Information

I7 Sch. 4 para. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M6 Paragraphs (3A) and (7) were inserted by [S.I. 2007/3101](#), paragraphs (3B) and (3C) were inserted by [S.I. 2015/806](#). Paragraph (5) was substituted by [S.I. 2007/3101](#) and paragraph (7) was substituted by [S.I. 2018/838](#). Relevant amending instruments are [S.I. 2007/3101](#), 2015/806, 2018/838.

8. In article 10 (renewal and readmission) ^{M7}—

- (a) in paragraph (1), for “Subject to paragraph (6), where” substitute “ Where ”;

- (b) omit paragraph (6).

Commencement Information

I8 Sch. 4 para. 8 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Marginal Citations

M7 Paragraph (1) was amended by and paragraph (6) was inserted by S.I. 2007/3101.

9. In article 12A (indemnity arrangements)^{M8}, omit paragraph (11).

Commencement Information

I9 Sch. 4 para. 9 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Marginal Citations

M8 Article 12A was inserted by S.I. 2014/1887 and paragraph (11) was substituted by S.I. 2018/838.

10. In article 13 (approved qualifications)^{M9}—

- (a) in paragraph (1)—

(i) at the end of sub-paragraph (a), insert “ or ”;

(ii) omit sub-paragraphs (b) and (c);

(iii) in sub-paragraph (d)—

(aa) omit “he is not an exempt person and”;

(bb) at the end insert “ or ”;

(iv) omit sub-paragraphs (e) and (f);

- (b) omit paragraphs (1A) and (1B);

- (c) after paragraph (2) insert—

“(3) A relevant European qualification is to be treated as a qualification as to which the Council is satisfied as mentioned in paragraph (1)(d)(i) (and accordingly included in any list kept under paragraph (2)(a)).

(4) In this article “relevant European qualification” means a qualification that falls within article 13AA and has not been designated by the Council for the purposes of this paragraph.

(5) The Council—

(a) may designate a qualification for the purposes of paragraph (4) only with the approval of the Privy Council;

(b) must maintain and publish a list of the qualifications that are so designated.

[^{F1}(6) A person who applies, on or after IP completion day, for admission to the register is to be deemed to satisfy the requirements of Article 9(2)(a).”].

Changes to legislation: There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019, PART 1. (See end of Document for details)

Textual Amendments

- F1** Words in Sch. 4 para. 10(c) inserted (31.12.2020 immediately before IP completion day) by [The European Qualifications \(Health and Social Care Professions\) \(EFTA States\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1394\)](#), regs. 1(2), **12(2)**

Commencement Information

- I10** Sch. 4 para. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

- M9** Paragraphs (1)(b)-(f) were substituted, by and paragraphs (1A) and (1B) were inserted by, [S.I. 2007/3101](#). Relevant amending instruments are [S.I. 2015/806](#), 2016/1030, 2018/838.

11. After article 13 insert—

“European qualifications

13AA.—(1) Subject to the following provisions of this article, a qualification falls within this article if it was awarded in a relevant European State and—

- (a) in relation to registration as a nurse in sub-Part 1 of the Nurses' Part of the register, it is listed in Annex V, point 5.2.2 of the Directive;
- (b) in relation to registration in the Midwives' Part of the register, it is listed in Annex V, point 5.5.2 of the Directive.

(2) A qualification within paragraph (1)(b) falls within this article only if—

- (a) it attests to training that satisfies the conditions in paragraph (1)(a), (b) or (c) of article 41 of the Directive, and
- (b) in the case mentioned in paragraph (1)(c) of that article, it is accompanied by a certificate of the sort described in paragraph (2) of that article.

(3) A qualification does not fall within this article if it was awarded before the reference date, or on or after that date in respect of a course of training begun before that date.

(4) In paragraph (3), “reference date” means—

- (a) in the case of a qualification within paragraph (1)(a), the date listed in relation to the State in which the qualification was awarded in the column entitled “Reference date” in Annex V, point 5.2.2 of the Directive;
- (b) in the case of a qualification within paragraph (1)(b), the date listed in relation to the State in which the qualification was awarded in the column entitled “Reference date” in Annex V, point 5.5.2 of the Directive.”

Commencement Information

- I11** Sch. 4 para. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

12. Omit article 14 (EEA qualifications) ^{M10}.

Commencement Information

I12 Sch. 4 para. 12 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Marginal Citations

M10 Relevant amending instrument is **S.I. 2007/3101**.

13. In article 15 (education and training) ^{M11}, omit paragraph (2).

Commencement Information

I13 Sch. 4 para. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Marginal Citations

M11 Relevant amending instrument is **S.I. 2007/3101**.

14. In article 19 (post-registration training) ^{M12}, omit paragraphs (2A) to (2D).

Commencement Information

I14 Sch. 4 para. 14 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Marginal Citations

M12 Paragraphs (2A) to (2D) were inserted by **S.I. 2007/3101**. Relevant amending instrument is **S.I. 2018/838**.

15. In article 37 (appeals against decisions of the Registrar) ^{M13}—

(a) in paragraph (1), omit sub-paragraphs (zb), (aa), and (e) to (h);

(b) in paragraph (9)—

(i) in sub-paragraph (b), omit the words from “or, in” to the end;

(ii) at the end of paragraph (c), insert “ or ”;

(iii) omit sub-paragraph (ca) (including the final “or”).

Commencement Information

I15 Sch. 4 para. 15 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Marginal Citations

M13 Paragraph (1)(zb) was inserted by **S.I. 2015/806**. Paragraph (1)(aa) was inserted by **S.I. 2007/3101**. Paragraphs (1)(e)-(h) and (9)(ca) were inserted by, and paragraph (9)(b) was amended by, **S.I. 2016/1030**. Relevant amending instruments are **S.I. 2016/1030**, 2018/838.

16. In article 38 (other appeals) ^{M14}, in paragraph (3)—

(a) in sub-paragraph (b), omit the words from “or, in” to the end;

(b) at the end of paragraph (c), insert “ or ”;

Changes to legislation: There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019, PART 1. (See end of Document for details)

(c) omit sub-paragraph (ca) (including the final “or”).

Commencement Information

I16 Sch. 4 para. 16 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M14 Paragraph (3)(ca) was inserted by [S.I. 2016/1030](#). Relevant amending instruments are [S.I. 2016/1030](#), [2017/231](#).

17. Omit articles 39 to 40 (EEA provisions) ^{M15}.

Commencement Information

I17 Sch. 4 para. 17 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M15 Articles 39 and 40 were substituted by, and article 39A was inserted by, [S.I. 2007/3101](#). Article 39B was inserted by [S.I. 2016/1030](#). Article 39C was inserted by [S.I. 2018/838](#). Relevant amendments made by Schedule 19 to the Data Protection Act 2018. Relevant amending instruments are [S.I. 2016/1030](#), [2018/838](#).

18. Omit article 55 (review) ^{M16}.

Commencement Information

I18 Sch. 4 para. 18 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M16 Article 55 was inserted by [S.I. 2016/1030](#).

19. Omit Schedule 2A (visiting European practitioners) ^{M17}.

Commencement Information

I19 Sch. 4 para. 19 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M17 Schedule 2A was inserted by [S.I. 2007/3101](#). Relevant amending instruments are [S.I. 2011/1043](#), [2016/1030](#).

20. Omit Schedule 2B (European Professional Card) ^{M18}.

Changes to legislation: There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019, PART 1. (See end of Document for details)

Commencement Information

I20 Sch. 4 para. 20 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Marginal Citations

M18 Schedule 2B was inserted by 2016/1030, and amended by Schedule 19(2) Data Protection Act 2018.

21. Omit Schedule 3 (competent authority functions) ^{M19}.

Commencement Information

I21 Sch. 4 para. 21 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Marginal Citations

M19 Schedule 3 was substituted by 2007/3101, and amended by Schedule 19(2) Data Protection Act 2018. Relevant amending instruments are S.I. 2015/806, 2016/1030.

22. In Schedule 4 (interpretation) ^{M20}—

(a) for the definition of “the Directive” substitute—

““the Directive” means Directive 2005/36/EC of the European Parliament and of the Council of 7th September 2005 on the recognition of professional qualifications (OJ No L255, 30.09.2005, p 22), and any reference in this Order to the Directive or to any provision of the Directive is a reference to the Directive, or to that provision, as it had effect immediately before [F2IP completion day];”;

(b) omit the definitions of “competent authority”, “Directive 2002/58/EC”, “European professional card”, “exempt person”, “General Systems Regulations”, “IMI”, “IMI file”, “national”, and “visiting nurse, midwife or nursing associate from a relevant European State”.

Textual Amendments

F2 Words in Sch. 4 para. 22(a) substituted (31.12.2020 immediately before IP completion day) by The European Qualifications (Health and Social Care Professions) (EFTA States) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1394), regs. 1(2), 12(3)

Commencement Information

I22 Sch. 4 para. 22 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Marginal Citations

M20 Relevant amending instruments are Data Protection Act 2018, S.I. 2003/3148, 2007/3101, 2011/1043, 2016/1030, 2018/838.

Nursing and Midwifery Council (Fees) Rules 2004

23. In the Nursing and Midwifery Council (Fees) Rules 2004 ^{M21}, in rule 3 (prescribed fees), in the table—

Changes to legislation: There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019, PART 1. (See end of Document for details)

- (a) omit entry (d);
- (b) in Column (2)—
 - (i) in entry (a), for “, (b), (c), (dd), (e) or (f)” substitute “ or (dd) ”;
 - (ii) in entry (c), omit “(c),”.

Commencement Information

I23 Sch. 4 para. 23 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Marginal Citations

M21 As set out in the Schedule to the **Nursing and Midwifery Council (Fees) Rules Order of Council 2004 (S.I. 2004/1654)**.

Nursing and Midwifery Council (Parts of and Entries in the Register) Order of Council 2004

24. In the Nursing and Midwifery Council (Parts of and Entries in the Register) Order of Council 2004 ^{M22}, omit article 8.

Commencement Information

I24 Sch. 4 para. 24 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Marginal Citations

M22 **S.I. 2004/1765**. Relevant amending instruments are **S.I. 2007/3101**, 2018/838.

European Nursing and Midwifery Qualifications Designation Order of Council 2004

25. The European Nursing and Midwifery Qualifications Designation Order of Council 2004 ^{M23} is revoked.

Commencement Information

I25 Sch. 4 para. 25 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Marginal Citations

M23 **S.I. 2004/1766**.

Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004

26. The Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004 ^{M24} are amended as follows.

- (1) In rule 2 (interpretation) ^{M25}, omit paragraph (2).
- (2) Omit rule 2A (visiting European practitioners) ^{M26}.
- (3) In rule 3 (education) ^{M27}, omit paragraphs (1) to (2).

- (4) In rule 5 (applications for registration) ^{M28}—
- (a) in paragraph (2)(a)—
 - (i) at the end of paragraph (i), insert “ or ”;
 - (ii) omit paragraph (ii);
 - (iii) in paragraph (iii), omit “(c),”;
 - (iv) omit paragraph (iv) (and the “or” before it);
 - (b) omit paragraphs (3) to (4A).
- (5) In rule 6 (declarations of good health and character) ^{M29}—
- (a) in paragraph (1)(e), omit “(c) or”;
 - (b) omit paragraphs (1A) to (1F);
 - (c) in paragraph (5)(b), omit “or paragraph (1D), (1E),”;
 - (d) in paragraph (6)(b), omit “or paragraph (1B), (1C),”.
- (6) In rule 8 (unsuccessful applications) ^{M30}—
- (a) for “13(1)(b), (c), (d), (dd), (e) or (f)” substitute “ 13(1)(d) or (dd) ”;
 - (b) in paragraphs (b) and (c), omit “or (d)”.
- (7) In rule 15 (readmission) ^{M31}, in paragraph (2), omit “to (1E)”.
- (8) In rule 20 (periods for appeals) ^{M32}—
- (a) in paragraph (a)—
 - (i) for “(za), (zb), (a), (aa), (b), (c) or (e) to (h)” substitute “ (za), (a), (b) or (c) ”;
 - (ii) at the end insert “ or ”;
 - (b) omit paragraph (c) (and the “or” before it).
- (9) In rule 21 (notice of appeal) ^{M33}, in paragraph (2)—
- (a) in sub-paragraph (iii), for “(za), (zb), (a), (aa), (b), (c) or (e) to (g)” substitute “ (za), (a), (b) or (c) ”;
 - (b) in sub-paragraph (iv), omit “or (h)”.
- (10) In Schedule 3 (applications for registration) ^{M34}, omit paragraphs (ba) and (bb).

Commencement Information

I26 Sch. 4 para. 26 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(2)**

Marginal Citations

M24 As set out in the Schedule to the [Nursing and Midwifery Council \(Education, Registration and Registration Appeals\) Rules Order of Council 2004 \(S.I. 2004/1767\)](#).

M25 Paragraph (2) was inserted by [S.I. 2007/3101](#).

M26 Rule 2A was inserted by [S.I. 2007/3101](#) and substituted by pending amending instrument [S.I. 2018/838](#).

M27 Paragraphs (1) and (2) were substituted by [S.I. 2007/3101](#).

M28 Paragraphs (3) and (4) were inserted by [S.I. 2007/3101](#). Paragraph (4A) was inserted by [S.I. 2016/1030](#). Relevant amending instruments are [S.I. 2007/3101](#), 2016/1030, 2018/838.

M29 Paragraphs (1A) to (1F) were inserted by [S.I. 2007/3101](#), except paragraph (1ZA) which was inserted by [S.I. 2018/838](#). Relevant amending instruments are [S.I. 2007/3101](#), 2018/838.

M30 Rule 8 was substituted by 2011/2297. Relevant amending instrument is [S.I. 2018/838](#).

Changes to legislation: *There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019, PART 1. (See end of Document for details)*

- M31** Relevant amending instruments are [S.I. 2007/3101](#), 2014/1887, 2015/1923. There are other amending instruments but none is relevant.
- M32** Relevant amending instruments are [S.I. 2015/1923](#), 2016/1030.
- M33** Relevant amending instruments are [S.I. 2015/1923](#), 2016/1030.
- M34** Relevant amending instrument is [S.I. 2007/3101](#).

Changes to legislation:

There are currently no known outstanding effects for the The European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019, PART 1.