SCOTTISH STATUTORY INSTRUMENTS

2002 No. 142

NURSES, MIDWIVES AND HEALTH VISITORS

The Nurses, Midwives and Health Visitors (Professional Conduct) (Amendment) (No. 2) Rules 2002 Approval (Scotland) Order 2002

Made - - - -	*19th March 2002*
Coming into force - -	*31st March 2002*

The Scottish Ministers, in exercise of the powers conferred by section 19(5) of the Nurses, Midwives and Health Visitors Act 1997(**1**) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Nurses, Midwives and Health Visitors (Professional Conduct) (Amendment) (No. 2) Rules 2002 Approval (Scotland) Order 2002 and shall come into force on 31st March 2002.

(2) This Order extends to Scotland only.

Approval

2. The Nurses, Midwives and Health Visitors (Professional Conduct) (Amendment) (No. 2) Rules 2002, as set out in the Schedule to this Order, are hereby approved.

St Andrew's House,Edinburgh
19th March 2002

MALCOLM CHISHOLM
A member of the Scottish Executive

(**1**) 1997 c. 24. The functions of the Lord Advocate were transferred to the Secretary of State by virtue of the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 (S.I. 1999/678), article 2(1) and the Schedule. The functions of Ministers of the Crown in or as regards Scotland were transferred to the Scottish Ministers by virtue of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750), article 2 and Schedule 1.

SCHEDULE Article 2

THE NURSES, MIDWIVES AND HEALTH VISITORS (PROFESSIONAL CONDUCT) (AMENDMENT) (No. 2) RULES 2002

The United Kingdom Central Council for Nursing, Midwifery and Health Visiting, in exercise of the powers conferred on it by section 10 of the Nurses, Midwives and Health Visitors Act 1997(**2**), and after due consultation in accordance with section 19(3) thereof, hereby makes the following rules–

Citation and Interpretation

1.—(1) These rules may be cited as the Nurses, Midwives and Health Visitors (Professional Conduct) (Amendment) (No. 2) Rules 2002.

(2) For the purposes of these rules "the Professional Conduct rules" means The Nurses, Midwives and Health Visitors (Professional Conduct) Rules 1993(**3**).

Amendment of the Professional Conduct rules

2.—(1) The Professional Conduct rules shall be amended in accordance with the following paragraphs of this rule.

(2) In rule 31 (Information raising the question as to the fitness to practise of nurses, midwives or health visitors)–

(a) in paragraph (4)(b)–

(i) for the words "two medical examiners" there shall be substituted the words "a medical examiner";

(ii) for the word "examiners" where it appears for the second time, there shall be substituted the word "examiner"; and

(iii) for the word "reports" there shall be substituted the words "a report";

(b) in paragraph 4(c) for the words "other medical practitioners" there shall be substituted the words "another medical practitioner";

(c) for paragraph (5) there shall be substituted the following–

"(5) All information received by the Registrar pursuant to paragraph (4)(b), (c) or (d) or paragraph (6) shall be forwarded to the professional screeners";

(d) for paragraph (6) there shall be substituted the following–

"(6) If it appears necessary or desirable to the professional screeners, a second medical examiner may be chosen at the Council's expense to report to the Registrar on the practitioner's fitness to practise; and in the event of the two chosen medical examiners not being able to agree on the result of their respective examinations a third medical examiner may be chosen at the Council's expense to report to the Registrar".

(3) For rule 32 (Examination by medical examiners) there shall be substituted the following–

"**32.**—(1) If the practitioner–

(a) agrees to submit to medical examination in response to an invitation sent pursuant to rule 31(4)(b) or 31(6); or

(b) nominates a medical practitioner to examiner her under rule 31(4)(c)

(**2**) 1997 c. 24. The whole Act is repealed by section 60(3) of and Schedule 5 to the Health Act 1999 (c. 8) from a date or dates to be appointed; in relation to section 10(5) and paragraph 7(4) of Schedule 1 this repeal has been commenced on 11th May 2001 by article 2(2)(a) of the Health Act 1999 (Commencement No. 11) Order 2001 (S.I. 2001/1985).

(**3**) S.I. 1993/893, as amended by S.S.I. 2001/54 and 2002/59, and to which there are other amendments not relevant to these rules.