STATUTORY INSTRUMENTS

# 2015 No. 1923

# HEALTH CARE AND ASSOCIATED PROFESSIONS

NURSES AND MIDWIVES

## The Nursing and Midwifery Council (Fitness to Practise) (Education, Registration and Registration Appeals) (Amendment No. 2) Rules Order of Council 2015

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| *Made - - - -* | *19th November 2015* |
| *Laid before Parliament* | *23rd November 2015* |
| *Coming into force - -* | *19th January 2016* |

At the Council Chamber, Whitehall, the 19th day of November 2015
By the Lords of Her Majesty's Most Honourable Privy Council

The Nursing and Midwifery Council has made the Nursing and Midwifery Council (Fitness to Practise) (Education, Registration and Registration Appeals) (Amendment No. 2) Rules 2015, as set out in the Schedule to this Order, in exercise of the powers conferred by articles 7(1) and (2), 9(2), 26(3), 28A, 32(1) and (2), 37(4) and 47(2) of the Nursing and Midwifery Order 2001(**1**).

In accordance with article 47(3) of the Nursing and Midwifery Order 2001 the Nursing and Midwifery Council has consulted representatives of groups of persons who appear likely to be affected by the proposed rules.

In accordance with articles 47(1) and 48 of that Order(**2**) the Rules shall not come into force until approved by order of the Privy Council.

**Citation and commencement**

**1.** This Order may be cited as the Nursing and Midwifery Council (Fitness to Practise) (Education, Registration and Registration Appeals) (Amendment No. 2) Rules Order of Council 2015 and comes into force on 19th January 2016.

(**1**) S.I. 2002/253. Article 9(2) was amended by S.I. 2014/1887, article 2(1), Schedule 1, Part 7, paragraphs 23 and 24 and by S.I. 2015/806, articles 32 and 34(1) and (2). Article 28A was inserted by S.I. 2015/806, article 38.
(**2**) Article 48 was amended by S.I. 2008/1485, article 2(1), Schedule 1, paragraph 7.

**Privy Council approval**

**2.** Their Lordships, having taken the Rules in the Schedule into consideration, are pleased to, and do approve them.

*Richard Tilbrook*
Clerk of the Privy Council

SCHEDULE Article 2

The Nursing and Midwifery Council (Fitness to Practise) (Education, Registration and Registration Appeals) (Amendment No. 2) Rules 2015

The Nursing and Midwifery Council makes the following Rules in exercise of the powers conferred under articles 7(1) and (2), 9(2), 26(3), 28A, 32(1) and (2), 37(4) and 47(2) of the Nursing and Midwifery Order 2001, having consulted in accordance with article 47(3) of that Order.

# PART 1

## Preliminaries

**Citation and commencement**

**1.** These Rules may be cited as the Nursing and Midwifery Council (Fitness to Practise) (Education, Registration and Registration Appeals) (Amendment No. 2) Rules 2015 and come into force on 19th January 2016.

# PART 2

## Amendment of the Nursing and Midwifery Council (Fitness to Practise) Rules 2004

**2.** The Nursing and Midwifery Council (Fitness to Practise) Rules 2004(**3**) are amended as follows.

**3.** In rule 6B (investigation of Fitness to Practise allegations)(**4**), after paragraph (3) insert—

"(3A) Paragraphs (3B) to (3E) apply in the case of an allegation that the registrant's fitness to practise is impaired by reason of not having the necessary knowledge of English.

(3B) The Registrar may direct the registrant to, within such period as the Registrar may specify in a notification referred to in paragraph (3D),—

(a) undertake an examination or other assessment as specified in that notification; and

(b) provide the Registrar with evidence of the result of that examination or other assessment in the form required by paragraph (3C).

(3C) The registrant must provide the evidence referred to in paragraph (3B)(b) in the form of a certificate or other document signed by an officer of the body providing that examination or other assessment.

(3D) Where the Registrar makes a direction pursuant to paragraph (3B), the Registrar must notify the registrant, in writing, of the direction and the notice must also inform the registrant of—

(a) the name of the examination or other assessment that the registrant is directed to undertake;

(b) the evidence to be provided in accordance with paragraph (3C); and

(c) the provisions of rule 31(6A).

(3E) The Registrar must provide the Case Examiners with the evidence provided by the registrant pursuant to paragraph (3C).".

(**3**) These rules are set out in the Schedule to S.I. 2004/1761.
(**4**) Rule 6B was inserted by rule 10 of the Nursing and Midwifery Council (Fitness to Practise) (Education, Registration and Registration Appeals) (Amendment) Rules 2014 which are set out in the Schedule to S.I. 2015/52.