Draft Order in Council laid before Parliament under section 62(9) of the Health Act 1999, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No.

HEALTH CARE AND ASSOCIATED PROFESSIONS

NURSES AND MIDWIVES

The Nursing and Midwifery (Amendment) Order 2014

Made - - - - 2014

Coming into force in accordance with article 1

At the Court at Buckingham Palace, the xx day xx of xx 2014

Present,

The Queen's Most Excellent Majesty in Council

This Order in Council is made in exercise of the powers conferred by sections 60 and 62(4) of, and Schedule 3 to, the Health Act 1999(**1**).

The Secretary of State published a draft Order and invited representations as required by paragraph 9(1) of Schedule 3 to that Act.

The period of three months mentioned in paragraph 9(2) of that Schedule expired before a draft of this Order in Council was laid before Parliament.

A draft of this Order in Council has been laid before, and approved by resolution of, each House of Parliament in accordance with section 62(9) of that Act.

Accordingly, Her Majesty is pleased, by and with the advice of her Privy Council, to make the following Order in Council.

(**1**) 1999 c. 8; Section 60 was amended by paragraph 16 of Schedule 5 to the Nursing and Midwifery Order 2001 (S.I. 2002/253); section 26(9) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17); paragraph 1 of Schedule 8 to the Health and Social Care Act 2008 (c. 14); sections 209, 210 and 213 of, and paragraphs 60 and 72 of, Schedule 15 to the Health and Social Care Act 2012 (c. 7); paragraph 7 of Schedule 4 to the Pharmacy Order 2010 (S.I. 2010/231); paragraph 43 of Schedule 34 to the Human Medicines Regulations 2012 (S.I. 2012/1916). Section 62 was amended by paragraph 1 of Schedule 4 to the National Health Service (Consequential Provisions) Act 2006 (c. 43); and paragraph 2 of Schedule 8 to the Health and Social Care Act 2008. Subsections (4) and (4A) were substituted in section 62 by paragraph 11 of Schedule 10 to the Health and Social Care Act 2008. Schedule 3 was amended by section 26(10) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17); paragraph 8(b) of Schedule 4 to the Health and Social Work Professions Order 2002 (S.I. 2002/254); paragraph 67 of Schedule 11, and paragraph 1 of Schedule 14, to the Health and Social Care (Community Health and Standards) Act 2003 (c. 43); paragraphs 4 to 9 of Schedule 8, and paragraph 1 of Schedule 15, to the Health and Social Care Act 2008; section 211 of, and paragraphs 61 and 72 of Schedule 15 to, the Health and Social Care Act 2012.

Citation and commencement

1. This Order may be cited as the Nursing and Midwifery (Amendment) Order 2014 and shall come into force on the day after the day on which this Order is made.

Amendments to the Nursing and Midwifery Order 2001

2. The Nursing and Midwifery Order 2001(**2**) is amended as follows.

Amendment to article 12A

3. In article 12A (indemnity arrangements)(**3**) after paragraph (7) insert—

"(7A) For the purposes of verifying that information, the Registrar may disclose to any person information relating to a person's indemnity arrangement which is provided to the Council by virtue of rules made under paragraph (4) or (7).".

Amendment to article 25

4. In article 25(1) (Council's power to require disclosure of information)(**4**) for "or any of its Practice Committees" substitute ", any of its Practice Committees, the Registrar or any other officer of the Council".

Amendments to article 26

5. In article 26 (the Investigating Committee)—

(a) in paragraph (2)—

(i) omit ", it shall",

(ii) for sub-paragraph (a) substitute—

"(a) the Council shall without delay notify the person concerned of the allegation and invite him to submit written representations to the Committee within a prescribed period;",

(iii) in sub-paragraphs (b), (c) and (d), at the beginning of those sub-paragraphs insert "the Committee shall";

(b) in paragraph (11)—

(i) after "before" insert "or after",

(ii) after "paragraph (6)" insert ": but the Investigating Committee may only make an interim order after it has referred a case if the Health Committee or the Conduct and Competence Committee has not begun its consideration of the case".

Insertion of articles 26A, 26B and 26C

6. After article 26 insert—

(**2**) S.I. 2002/253.
(**3**) Article 12A was inserted by article 26 of S.I.2014/1887.
(**4**) Article 25 was amended by S.I. 2009/1182, article 4 and Schedule 4, Part 6, paragraph 38(d)(i) and (ii).