STATUTORY RULES OF NORTHERN IRELAND

# 2002 No. 117

# NURSES, MIDWIVES AND HEALTH VISITORS

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

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| *Made - - - -* | *20th March 2002* |
| *Coming into operation* | *31st March 2002* |

I, the Right Honourable Sir Robert Carswell, Lord Chief Justice of Northern Ireland, in exercise of the powers conferred on me by sections 19(5) and 22(3) of, and Schedule 3 to, the Nurses, Midwives and Health Visitors Act 1997(**1**) and of all other powers enabling me in that behalf, hereby approve the Nurses, Midwives and Health Visitors (Professional Conduct) (Amendment) (No. 2) Rules 2002(**2**) made by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting and set out in the Schedule hereto.

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

Dated 20th March 2002 *Robert Carswell*

Lord Chief Justice of Northern Ireland

(**1**) 1997 c. 24

(**2**) The Rules amended are, as concerns Northern Ireland, in the Schedule to S.R. 1993 No. 313 as amended by Rules in the Schedules to S.R. 1998 No. 159, S.R. 2001 No. 76 and S.R. 2002 No. 43

SCHEDULE

## 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(**3**), 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(**4**).

### 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

(**3**) 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)

(**4**) The Rules amended are, as concerns Northern Ireland, in the Schedule to S.R. 1993 No. 313, as amended by Rules in the Schedules to S.R. 1998 No. 159, S.R. 2001 No. 76 and S.R. 2002 No. 43