1993 No. 313

NURSES, MIDWIVES AND HEALTH VISITORS

The Nurses, Midwives and Health Visitors (Professional Conduct) Rules 1993, Approval Order (Northern Ireland) 1993

Made . . . . . *23rd March 1993*

Coming into operation . . *1st April 1993*

I, the Right Honourable Sir Brian Hutton, Lord Chief Justice of Northern Ireland, in exercise of the powers conferred on me by sections 22(4) and 23(3) of, and Schedule 6 to, the Nurses, Midwives and Health Visitors Act 1979(**a**) and of all other powers enabling me in that behalf, hereby approve the Nurses, Midwives and Health Visitors (Professional Conduct) Rules 1993 made by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting as set out in the Schedule hereto.

This Order may be cited as the Nurses, Midwives and Health Visitors (Professional Conduct) Rules 1993, Approval Order (Northern Ireland) 1993 and shall come into operation on 1st April 1993.

Dated 23rd March 1993

Brian Hutton
Lord Chief Justice of Northern Ireland

THE SCHEDULE

THE NURSES, MIDWIVES AND HEALTH VISITORS
(PROFESSIONAL CONDUCT) RULES 1993
made by
THE UNITED KINGDOM CENTRAL COUNCIL FOR NURSING,
MIDWIFERY AND HEALTH VISITING
under
THE NURSES, MIDWIVES AND HEALTH VISITORS ACT 1979
AND THE NURSES, MIDWIVES AND HEALTH
VISITORS ACT 1992

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The United Kingdom Central Council for Nursing, Midwifery and Health Visiting, in exercise of the powers conferred on it by sections 12 and 12A of the Nurses, Midwives and Health Visitors Act 1979(**a**), hereby makes the following rules:

PART I

Citation and interpretation

1.—(1) These rules may be cited as the Nurses, Midwives and Health Visitors (Professional Conduct) Rules 1993.

(2) For the purposes of these rules the following expressions have the meanings hereby respectively assigned to them except where the context otherwise requires—

(*a*) ''the Act'' means the Nurses, Midwives and Health Visitors Act 1979;

(*b*) ''applicant'' means a former practitioner who has been removed from the register, or whose registration has been suspended, and who is making an application for her name to be restored to the register, or for the termination of such suspension;

(*c*) ''complainant'' means a body or person by whom a complaint has been made to the Council alleging that a practitioner has been guilty of misconduct or that her fitness to practise is seriously impaired by reason of her physical or mental condition;

(*d*) ''the Conduct Committee'' means the Professional Conduct Committee of the Council constituted under rule 12;

(*e*) ''the Council'' means the United Kingdom Central Council for Nursing, Midwifery and Health Visiting;

(*f*) ''the Council's officer'' means any employee of the Council serving the Preliminary Proceedings Committee, the Conduct Committee, the professional screeners or the Health Committee;

(*g*) ''the Vice-President'' means the Vice-President of the Council;

(*h*) ''the Health Committee'' means the Health Committee of the Council constituted under rule 29;

(*i*) ''legal assessor'' means a person appointed to be a legal assessor under the provisions of paragraph 3(1) of Schedule 3 to the Act;

(**a**) Section 12 was amended by sections 7 and 8 of the Nurses, Midwives and Health Visitors Act 1992 (c. 16) and section 12A was inserted by section 9 of that Act

(*j*) "medical examiners" means the persons referred to in the Second Schedule to these rules;

(*k*) "misconduct" means conduct unworthy of a registered nurse, midwife or health visitor, as the case may be, and includes obtaining registration by fraud;

(*l*) "Notice of Inquiry" means the notice referred to in Rule 13(1);

(*m*) "Notice of Proceedings" means the notice referred to in rule 9(1)(*a*);

(*n*) "Notice of Referral" means the notice referred to in rule 35(1);

(*o*) "parties to the proceedings" means the respondent, applicant and/or solicitor collectively or such of them as are involved in a particular case;

(*p*) "practitioner" means any person whose name is on the register of nurses, midwives and health visitors;

(*q*) "the Preliminary Proceedings Committee" means the Preliminary Proceedings Committee constituted by the Council under rule 7;

(*r*) "the President" means the President of the Council;

(*s*) "professional screeners" means the professional screeners selected by the Council under rule 30(2);

(*t*) "the register" means the professional register maintained by the Council under section 10(1) of the Act, and any part or parts thereof as determined in the Nurses, Midwives and Health Visitors (Parts of the Register) Order 1983(**a**), and "registration" shall be construed accordingly.

(*u*) "Registrar" means the person for the time being appointed as Registrar and Chief Executive of the Council and includes any person duly authorised to act and acting on her behalf;

(*v*) "respondent" means any practitioner who is alleged to be liable to be removed from the register, have her registration suspended or have a caution issued as to her future conduct;

(*w*) "the solicitor" means the solicitor appointed by the Council for any purpose under these rules.

Removal from, and restoration to, the register

2.—(1) The circumstances in which a practitioner may be removed from the register are—

(*a*) that she has been guilty of misconduct; or

(*b*) that her fitness to practise is seriously impaired by reason of her physical or mental condition.

(2) The means by which a practitioner may be removed from the register in the circumstances of paragraph (1)(*a*) are that, in accordance with Parts I and II of these rules, the question of misconduct has been investigated and referred to the Conduct Committee and, in accordance with Part II of these rules, misconduct has been proved to the Conduct Committee's satisfaction and the Conduct Committee has directed the removal.

(**a**) *See* S.I. 1983/667