

1973. No. 131

[C]

NURSES AND MIDWIVES**Nurses (Disciplinary) Rules Approval Order**

ORDER, DATED 19TH APRIL 1973, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER SECTION 52 OF THE NURSES AND MIDWIVES ACT (NORTHERN IRELAND) 1970.

WHEREAS the Northern Ireland Council for Nurses and Midwives has, in exercise of its powers under Part V and section 52 of the Nurses and Midwives Act (Northern Ireland) 1970(a) made the Nurses (Disciplinary) Rules (Northern Ireland) 1973 and has submitted them to the Ministry of Health and Social Services (in this Order referred to as "the Ministry") for approval:

NOW, THEREFORE, the Ministry, on behalf of the Secretary of State and in exercise of the powers conferred on it by section 52 of the Nurses and Midwives Act (Northern Ireland) 1970 and of every other power enabling it in that behalf, hereby makes the following Order:

1. This Order may be cited as the Nurses (Disciplinary) Rules (Northern Ireland) 1973 Approval Order (Northern Ireland) 1973.
2. The Ministry hereby approves the said Rules in the form set out in the Schedule.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 19th day of April 1973.

(L.S.)

F. A. Elliott,

Assistant Secretary.

SCHEDULE

The Northern Ireland Council for Nurses and Midwives in exercise of its powers under Part V and section 52 of the Nurses and Midwives Act (Northern Ireland) 1970 and of all other powers enabling it in that behalf hereby makes the following Rules:—

PART I

GENERAL

1. These Rules may be cited as the Nurses (Disciplinary) Rules (Northern Ireland) 1973.

2. Part V of the Nurses Rules (Northern Ireland) 1965 and Part V of the Enrolled Nurses Rules (Northern Ireland) 1965 are hereby revoked.

3.—(1) In these Rules—

“the Act” means the Nurses and Midwives Act (Northern Ireland) 1970;

“the Register” means the Register of Nurses maintained by the Council;

“the Roll” means the roll of nurses maintained by the Council;

“the List” means the list of nurses maintained by the Council under the Act;

“the English List” means the list of nurses kept by the General Nursing Council for England and Wales under section 5 of the Nurses Act 1957;

“enrolled nurse” means a nurse whose name is on the Roll of Nurses maintained by the Council;

“registered nurse” means a nurse whose name is in the Register;

“the Investigating Committee” means the committee appointed by the Council under section 46(1)(b) of the Act;

“the Director” means the person for the time being appointed to act as Director of Nursing and Midwifery Education, and includes any person duly authorised to act and acting on her behalf;

“complainant” means a body or person by whom a complaint has been made to the Council alleging that a registered nurse, an enrolled nurse or a person whose name is in the List has been convicted of an offence or has been guilty of misconduct or alleging that the entry of a name in the Register, the Roll or the List has been procured by fraud and who, where the case has been referred by the Investigating Committee in their discretion under Rule 8 of these Rules to the Disciplinary Committee, wishes to be a party to the proceedings;

“Solicitor” means the person who for the time being is the Solicitor to the Council or his deputy appointed by the Council.

(2) In these Rules words importing the feminine gender include the masculine.

PART II

REMOVAL OF NAME FROM THE REGISTER, THE ROLL OR THE LIST

4. When it is brought to the notice of the Council that a registered nurse, an enrolled nurse or a person whose name is in the List (in this part of these Rules referred to as "the respondent") has been convicted of a crime, or where she is alleged to have been guilty of any misconduct, during the period in which her name is in the Register, on the Roll or the List, or during any period in which her name has for any reason been excluded from the Register, the Roll or the List, or where a question arises whether an entry in the Register, the Roll or the List was procured by fraud, the Director, after making such further inquiries relative thereto as she thinks necessary, shall invite the respondent to furnish any written statement or explanation which she may desire to offer and shall lay the matter before the Investigating Committee.

5. The Investigating Committee shall consist of the Vice-Chairman of the Council, who shall be Chairman and four other members of the Council none of whom shall be members of the Disciplinary Committee; a quorum shall be three.

6. The Council shall delegate to the Investigating Committee the responsibility for deciding whether any matter shall be referred to the Disciplinary Committee.

7. The Investigating Committee shall consider the matter and may at any stage of the case take the advice of the Solicitor, and may instruct him to obtain proofs of evidence in support of the allegations against the respondent, and may, in such cases as they think fit, decline to proceed with the matter.

8. Where the Investigating Committee decides that a prima facie case is made out for the removal of the respondent's name from the Register, the Roll or the List, they shall refer the case to the Disciplinary Committee and may direct the Solicitor to take all necessary steps for verifying the evidence to be submitted to the Disciplinary Committee and for obtaining the necessary documents and the attendance of witnesses.

9. The Disciplinary Committee shall consist of nine members of the Council, two thirds of whom shall be nurses and midwives. The Council shall appoint one of the members of the Committee to be Chairman. A quorum shall be six.

10. The Disciplinary Committee shall meet at such times and in such places as it may determine.

11. Members of the Disciplinary Committee shall be given not less than three clear days written notice of each meeting of the Committee.

12. Where a case has been referred by the Investigating Committee to the Disciplinary Committee under the provisions of Rule 8 the Director shall send to the respondent a notice of inquiry in writing in the form set out in the Appendix, specifying the nature and particulars of the charge against her, and informing her of the time and place of the meeting of the Disciplinary Committee at which the case will be heard.

13.—(1) Such notice shall be sent by registered letter or by letter sent by recorded delivery to the permanent address of the respondent contained in the Register, on the Roll or the List; or if the Director has reason to believe that the address is not her present address, then to any later address which may be known to the Director and shall be posted so as to allow at least twenty-one days to elapse between the day on which the notice is posted and the date fixed for the hearing.

(2) Where any question whether any entry in the Register, on the Roll or the List was procured by fraud has been referred by the Investigating Committee to the Disciplinary Committee, the Director, in addition to sending a notice of inquiry in writing to the respondent, shall also send a copy of the notice to any person who is alleged to have been a party to the fraud alleged and to such other persons (if any) as the Chairman of the Disciplinary Committee may direct. Any such person may with the leave of the Chairman appear at the inquiry as an additional party thereto.

(3) In any case in which there is a complainant, the Director shall send him a copy of the notice of inquiry and a copy of these Rules.

(4) Upon application by any party to the inquiry, the Director shall send to that party copies of any statutory declaration, explanation, admission or other similar statement or communication sent to the Council or the Investigating Committee or the Disciplinary Committee by any party to the inquiry.

(5) Any party to the inquiry may appear in person or be represented at the hearing by a friend or by counsel or solicitor or, in the case of an incorporated or unincorporated body being a complainant, by a member or officer duly appointed by them for the purpose. If the respondent intends to be represented by counsel or a solicitor, not less than seven days notice of such intention shall be given to the Director.

14. The Disciplinary Committee may postpone the hearing of an inquiry or may refer the matter to the Investigating Committee for further consideration or may amend a notice of inquiry or may decide that an inquiry shall not be held.

15. At the hearing of the case, the Solicitor, Director or other person appointed by the Disciplinary Committee for the purpose shall first state to the Disciplinary Committee the facts of the case and the charge alleged against the respondent, and shall then submit to the Disciplinary Committee the evidence in support of the charge and the respondent or her representative shall be entitled to cross-examine any witness appearing against her.

16. A certificate of a competent officer of the Court in which the proceedings took place, that the respondent was convicted of a crime, shall be sufficient proof of the conviction, unless the respondent proves that the conviction was subsequently quashed on appeal.

17. When the statement of the charge and the evidence in support thereof are concluded, the respondent or her representative shall be invited by the Chairman to address the Disciplinary Committee and to tender evidence in answer to the charge. The Solicitor, Director or other person appointed by the Disciplinary Committee for the purpose shall be entitled to cross-examine any witness tendered in answer to the charge, and to reply upon the whole case after the respondent or her representative has addressed the Disciplinary Committee a second time at the conclusion of the respondent's defence.