

Item 7 Annexe 1  
NMC/20/68  
29 July 2020

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## **Item 7 Annexe 1**

**The Nursing and Midwifery Council (Coronavirus) (Amendment) (No 2)  
Rules 2020 Order of Council 2020**

*This Statutory Instrument has been printed to correct defects in SI 2020/364 and is being issued free of charge to all known recipients of that Statutory Instrument.*

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S T A T U T O R Y   I N S T R U M E N T S

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**2020 No. 0000**

**HEALTH CARE AND ASSOCIATED PROFESSIONS**

**NURSES, MIDWIVES AND NURSING ASSOCIATES**

**The Nursing and Midwifery Council (Coronavirus)  
(Amendment) (No. 2) Rules Order of Council 2020**

<i>Made</i>	- - - -	2020
<i>Laid before Parliament</i>		2020
<i>Coming into force</i>	- -	2020

At the Court Council Chamber, Whitehall, the [x]th day of August 2020

By the Lords of Her Majesty's Most Honourable Privy Council

The Nursing and Midwifery Council has made the Nursing and Midwifery Council (Coronavirus) (Amendment) (No. 2) Rules 2020, as set out in the Schedule to this Order, in exercise of the powers conferred by articles 32(1) and (2)(j), 37(4) and (5) of, and paragraph 17(1) of Schedule 1 to the Nursing and Midwifery Order 2001(a).

In accordance with article 47(3) of the Nursing and Midwifery Order 2001 (“the 2001 Order”) 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 article 47(1) of the 2001 Order, 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 (Coronavirus) (Amendment) (No. 2) Rules Order of Council 2020 and comes into force on [x] th August 2020.

**Privy Council approval**

2. Their Lordships, having taken the Rules as set out in the Schedule to this Order into consideration, are pleased to, and do approve them.

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(a) S.I. 2002/253. Relevant amending instruments are S.I. 2008/1485, 2014/3272, 2017/321 and 2018/838.

## SCHEDULE

Article 2

### THE NURSING AND MIDWIFERY COUNCIL (CORONAVIRUS) (AMENDMENT) (NO. 2) RULES 2020

The Nursing and Midwifery Council makes the following Rules in exercise of the powers conferred under articles 32(1) and (2)(j), 37(4) and (5), and paragraph 17(1) of Schedule 1 to the Nursing and Midwifery Order 2001.

The Nursing and Midwifery Council have consulted in accordance with article 47(3) of that Order, with representatives of groups of persons who appear likely to be affected by the proposed rules.

#### **Citation and commencement**

1. These Rules may be cited as the Nursing and Midwifery Council (Coronavirus) (Amendment) (No. 2) Rules 2020 and come into force on [x]th August 2020.

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

2. In the Nursing and Midwifery Council (Fitness to Practise) Rules 2004(a)—
- (a) for the heading of rule 2B(b), substitute “Virtual meetings and hearings”;
  - (b) renumber rule 2B as 2ZA;
  - (c) omit rule 19(5)(c).

#### **Amendment of the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004**

3. In the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004(d)—
- (a) for the heading of rule 2B(e), substitute “Virtual meetings and hearings”;
  - (b) renumber rule 2B as 2ZA.

#### **Amendment of the Nursing and Midwifery Council (Practice Committees) (Constitution) Rules 2008**

4. In the Nursing and Midwifery Council (Practice Committees) (Constitution) Rules 2008(f) in rule 6 (the practice committees)—
- (a) for paragraph (8A)(g), substitute—

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- (a) The Rules in the Schedule to the Nursing and Midwifery Council (Fitness to Practise) Rules 2004 Order of Council 2004 (S.I. 2004/1761) as amended, the relevant amendments are those approved under S.I. 2020/364.
  - (b) Inserted by the rule 3(2) of the Nursing and Midwifery Council (Emergency Procedures) (Amendment) Rules 2020 as contained in the Schedule to S.I. 2020/364.
  - (c) Inserted by the rule 3(5) of the Nursing and Midwifery Council (Emergency Procedures) (Amendment) Rules 2020 as contained in the Schedule to S.I. 2020/364.
  - (d) The Rules in the Schedule to the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules Order of Council 2004 (S.I. 2004/1767) as amended, the relevant amendments are those approved under S.I. 2020/364.
  - (e) Inserted by the rule 4(2) of the Nursing and Midwifery Council (Emergency Procedures) (Amendment) Rules 2020 as contained in the Schedule to S.I. 2020/364.
  - (f) The Rules in the Schedule to the Nursing and Midwifery Council (Midwifery and Practice Committees) (Constitution) Rules Order of Council 2008 (S.I. 2008/3148) as amended, the relevant amendments are those approved under S.I. 2017/321 and S.I. 2020/364.
  - (g) Inserted by the rule 5(2)(a) of the Nursing and Midwifery Council (Emergency Procedures) (Amendment) Rules 2020 as contained in the Schedule to S.I. 2020/364.

“(8A) The Council may extend the term of office of any member of a Practice Committee, who as of 3rd March 2020 was serving a second term, for such a period as it considers appropriate.”;

(b) in paragraph (10), before “The quorum”, for “Subject to paragraph (11),” substitute “Subject to paragraph (11),”;

(c) for paragraph (11)(a), substitute—

“(11) In cases where it is not reasonably practicable to comply with the requirements of paragraph (10)—

(a) in that paragraph, for “3”, substitute “2”; and

(b) paragraph (10)(a) shall not apply.”.

### **Amendment to the Nursing and Midwifery Council (Emergency Procedures) (Amendment) Rules 2020**

5. In the Nursing and Midwifery Council (Emergency Procedures) (Amendment) Rules 2020(b), omit rule 2(2).

Given under the official seal of the Nursing and Midwifery Council this XX th day of August 2020.



*Philip Graf*

Chair

*Andrea Sutcliffe*

Chief Executive and Registrar

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order approves amendments to Rules made by the Nursing and Midwifery Council (“NMC”). The amendments ensure that the NMC’s processes can continue during the period of the Covid-19 pandemic. The Order makes amendments to the Nursing and Midwifery Council (Fitness to Practise) Rules 2004, Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004 and the Nursing and Midwifery Council (Practice Committees) (Constitution) Rules 2008 to correct defects contained in the Nursing and Midwifery Council (Emergency Procedures) (Amendment) Rules 2020 (as contained in the Schedule to S.I. 2020/364) and amend a provision regarding when hearings are held in public and private so that it applies to audio and video hearings. This order further removes the sunset clause in article 2(2) of S.I. 2020/364.

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(a) Inserted by the rule 5(2)(c) of the Nursing and Midwifery Council (Emergency Procedures) (Amendment) Rules 2020 as contained in the Schedule to S.I. 2020/364.

(b) The Rules in the Schedule to the Nursing and Midwifery Council (Emergency Procedures) (Amendment) Rules 2020 Order of Council 2020 (S.I. 2020/364).