

Nurses & Midwives (Parts of and Entries in the Register) Order of Council 2004 (SI 2004/1765)

Unofficial consolidated text

Effective from 1 January 2021

This consolidated text has been produced for internal use by the Nursing and Midwifery Council. It is not the official text and users must consult an authorised version of the legislation for the purpose of interpreting and applying the law.

Amended text is enclosed in [], a footnote identifies the amending legislation.

This text incorporates amendments made by:

SI 2005/641	The National Health Service (Pharmaceutical Services) Regulations 2005
SI 2006/1015	The Nurses and Midwives (Parts of and Entries in the Register) Amendment Order of Council 2006
SI 2006/1056	The Smoking, Health and Social Care (Scotland) Act 2005 (Consequential Modifications) (England, Wales and Northern Ireland) Order 2006
SI 2007/3101	The European Qualifications (Health and Social Care Professions) Regulations 2007
SSI 2009/183	The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009
SI 2018/838	The Nursing and Midwifery (Amendment) Order 2018
SI 2019/593	European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations

2004 No. 1765

HEALTH CARE AND ASSOCIATED PROFESSIONS

NURSES AND MIDWIVES

Nurses and Midwives (Parts of and Entries in the Register) Order of Council 2004

Made - - - - 2004
Laid before Parliament 2004
Coming into force -- 1st August 2004

At the Council Chambers, Whitehall, the day of 2004.

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

Their Lordships, in exercise of the powers conferred on them by article 6 of the Nursing and Midwifery Order 2001¹, and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as [the Nursing and Midwifery Council (Parts of and Entries in the Register) Order of Council 2004]² and shall come into force on 1st August 2004.

(2) In this Order—

“the Order” means the Nursing and Midwifery Order 2001;

[...]³

“Drug Tariff” means—

[in England, the Drug Tariff published under regulation 56 (standards of, and payments for, drugs and appliances) of the National Health Service (Pharmaceutical Services) Regulations 2005;

(aa) in Wales, the Drug Tariff published under regulation 18 (standards of, and payments for, drugs and appliances) of the National Health Service (Pharmaceutical Services) Regulations 1992;⁴

1 S.I.2002/253.
2 Substituted - SI 2018/838, Schedule 2, para 2.
3 Omitted: SI 2006/1015
4 Substituted: SI 2005/641

in Scotland, the **[sic...Drug Tariff published under the]** National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009⁵; and

in Northern Ireland, the Drug Tariff published under regulation 9 (standards of, and payments for, drugs and appliances) of the Pharmaceutical Services Regulations (Northern Ireland) 1997⁶;

[...]⁷

“first level nurse” means a nurse registered in Sub-Part 1 of the Nurses’ Part of the register;

“old register” means the register maintained by the Nursing and Midwifery Council pursuant to paragraph 10 of Schedule 2 to the Order;

“recordable qualification” means a qualification which is not a qualification leading to admission to a Part of the register and which—

meets the standards set by the Council; or

is obtained outside the United Kingdom and which the Council is satisfied is equivalent to a qualification of the type referred to in paragraph (a);

“second level nurse” means a nurse registered in Sub-Part 2 of the Nurses’ Part of the register;

“specialist community public health nurse” means a registered nurse or midwife who is also registered in the Specialist Community Public Health Nurses’ Part of the register.

Parts and Sub-Parts of the register

2. The register shall be divided into the Parts and Sub-Parts specified in column 1 of Schedule 1 to this Order.

[Closure of Sub-Part 2 of the nurses’ part of the register

2A. –(1) Except where paragraph (2) applies, Sub-Part 2 of the Nurses’ Part of the register is to be closed on the appointed day so that on or after that date no further person may become registered in that Sub-Part.

(2) Sub-Part 2 of the Nurses’ Part of the register will remain effective and continue to apply for the purposes of registrants registered in that Sub-Part before the appointed day.

(3) For the purposes of this article “appointed day” means the date of coming into force of article 1(2) of the Nursing and Midwifery (Amendment) Order 2018. **]**⁸

Designated titles

3. The designated titles in relation to each Part or Sub-Part of the register are the titles set out in column 2 of Schedule 1 to this Order opposite the Part or Sub-Part of the register specified in column 1.

5 Substituted: SI 2006/1056 and then substituted again by SSI 2009/183

6 S.R. 1997/381. Relevant amendments were made by S.R. 2001/222 and 2002/92.

7 Omitted: SI 2006/1015

8 Inserted – SI 2018/838, Schedule 2, paragraph 3

Registration of persons already registered in accordance with the Nurses, Midwives and Health Visitors Act 1997

4. If a person immediately before this Order comes into force is registered in the old register, that person shall be registered with effect from the date on which this Order comes into force in the Part or Sub-Part of the register which is listed in column 2 of Schedule 2 to this Order opposite the Part of the old register set out in column 1 of that Schedule in which he is registered immediately before this Order comes into force.

Inclusion of additional entries in the register by virtue of their inclusion in the old register

5. Additional entries included in respect of a nurse or midwife in the old register immediately before this Order comes into force shall be included in the register with effect from the date on which this Order comes into force.

Entries in Welsh as well as in English

6. A title, qualification or other entry referred to in article 6(3) of the Order, which is entered on the register in respect of a registered nurse or midwife whose registered address is in Wales, may be entered on the register in Welsh as well as in English.

Entries indicating qualifications or competence

7.—(1) The entries in the register are to include such entry as the Council considers appropriate to indicate a qualification held by, or field of practice of, a registrant as provided for in paragraphs (2) to (7).

(2) In the case of a first level nurse, a midwife or a specialist community public health nurse, a qualification to order drugs, medicines and appliances—

- [as a community practitioner nurse prescriber;
- as a nurse independent prescriber;
- as a nurse independent/supplementary prescriber.]⁹

(3) In the case of a first level nurse a recordable qualification in—

- adult nursing;
- mental health nursing;
- learning disabilities nursing;
- children's nursing;
- general practice nursing;
- community mental health nursing;
- community learning disabilities nursing;
- community children's nursing; and
- district nursing,

which shall be recorded in the Nurses' Part of the register.

(4) In the case of a first level nurse or a midwife, a recordable qualification as a lecturer or practice educator.

(5) In the case of a first level nurse, his field of practice, that is to say adult nursing, mental health nursing, learning disabilities nursing or children's nursing.

(6) In the case of a second level nurse, his field of practice, that is to say adult nursing, mental health nursing, learning disabilities nursing, general nursing or fever nursing.

(7) In the case of a specialist community public health nurse, a qualification in health visiting, occupational health nursing, school nursing or family health nursing which—

meets the standards set by the Council; or

is obtained outside the United Kingdom and which the Council is satisfied is equivalent to a qualification of the type referred to in paragraph (a).

(8) The Council may also include such entry as it considers appropriate to indicate that a registrant possesses any other qualification (whether or not it is an approved qualification) or competence in a particular field or at a particular level of practice.

Annotations denoting visiting nurses, midwives or nursing associates from relevant European States

8. []¹⁰

A.K.
Galloway
Clerk of the Privy Council

SCHEDULE 1

Articles 2 and 3

Parts and Sub-Parts of the register

<i>Column 1 Parts and Sub-Parts of the Register</i>	<i>Column 2 Designated title</i>
Nurses: Sub-Part 1 Sub-Part 2	Registered nurse: first level Registered nurse: second level
Midwives	Midwife
[Nursing Associates in England	Nursing Associate] ¹¹
Specialist Community Public Health Nurses	Specialist community public health nurse

SCHEDULE 2

Article 4

Registration of persons already registered in the old register

<i>Column 1 Part of the old register</i>	<i>Column 2 Part or Sub-Part of the new register</i>
Part 1, 3, 5, 8, 12, 13, 14 or 15	Nurses – Sub-Part 1
Part 2, 4, 6, 7 or 9	Nurses – Sub-Part 2
Part 10	Midwives
Part 11	Specialist Community Public Health Nurses

EXPLANATORY NOTE

(This note is not part of the Order)

This Order determines the Parts into which the register established and maintained under article 5 of the Nursing and Midwifery Order 2001 is to be divided, and the designated titles which may be used only by persons included in the register. The Order also provides for persons who are included in the register which is superseded by the new register to be included in the new register; for certain entries to be in

¹¹ Added – SI 2018/838, Schedule 2, paragraph 5. The nursing associate part of the register is created on 12 July 2018 for the purposes of establishing standards for nursing associates under article 5(2)(a) of the Nursing and Midwifery Order 2001 and for making rules under article 7(1) (the register: supplemental provisions) of that Order as to the payment of fees by nursing associates. (SI 2018/838, Article 1(2)(b)(ix)). The remaining provisions including admission to the nursing associate part of the register will come into force on 28 January 2019 (SI 2018/838, Article 1(3)).

Welsh as well as in English; and for the register to include entries indicating a registrant's field of practice or the possession of qualifications or competence.

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