



THE NATIONAL HEALTH SERVICE ACT 2001

THE NURSING AND MIDWIFERY ORDER 2002

Draft approved by Tynwald *18th June 2002*

Coming into Operation *1st August 2002*

Whereas a draft of this Order has been approved by Tynwald:

In exercise of the powers conferred on the Department of Health and Social Security by section 40 of the National Health Service Act 2001¹, and all other enabling powers, the following Order is hereby made :-

1. Citation commencement and interpretation

(1) This Order may be cited as the Nursing and Midwifery Order 2002 and shall come into operation on the 1st July 2002.

(2) In this Order -

“the Council” means the Nursing and Midwifery Council constituted by article 3 of the UK Order;

“the register” means the register of qualified nurses and midwives established and maintained by the Council under article 5 of the UK Order;

“registered” has the meaning given by article 2(1);

“the Registrar” means the person appointed under article 4 of the UK Order;

“the UK Order” means the Nursing and Midwifery Order 2002² made under section 60 of the Health Act 1999 (an Act of Parliament)³.

2. The register

(1) In any statutory provision (whenever made) “registered”, in relation to nurses and midwives, means registered in the register by virtue of qualifications in nursing and midwifery, as the case may be.

(2) A copy of, or extract from, the register published under article 8(2) of the UK Order shall be evidence of the matters contained in it.

¹2001 c.14 ²SI 2002/253 ³1999 c.8
Price 65p Price Band A

- (3) A certificate purporting to be signed by the registrar, certifying that a person –
- (a) is registered in a specified category;
 - (b) is not registered;
 - (c) was registered in a specified category at a specified date or during a specified period;
 - (d) was not registered in a specified category, or in any category, at a specified date or during a specified period;
 - (e) has never been registered,

shall be evidence of the matters stated in it.

3. Offences relating to the register

- (1) If a person, with intent to deceive, expressly or by implication –
- (a) falsely represents himself to be registered in the register or a particular part of it, or to be the subject of any entry in the register,
 - (b) uses a title referred to in article 6(2) of the UK Order to which he is not entitled; or,
 - (c) falsely represents himself to possess qualifications in nursing or midwifery,
- he is guilty of an offence.

(2) If a person, with intent that any person shall be deceived, expressly or by implication causes or permits another person to make any representation about himself which, if made by himself with intent to deceive, would be an offence under paragraph (1), he is guilty of an offence.

(3) If a person, with intent to deceive, makes with regard to another person any representation which –

- (a) is false to his own knowledge, and
- (b) if made by the other person with that intent would be an offence by him under paragraph (1),

he is guilty of an offence.

(4) A person guilty of an offence under this article is liable on summary conviction to a fine not exceeding £5,000.

4. Attendance by unqualified persons at childbirth

(1) If any person who is not a registered midwife or registered medical practitioner attends a women in childbirth, he is guilty of an offence.

(2) Paragraph (1) does not apply -

(a) where the attention is given in a case of sudden or urgent necessity, or

(b) in the case of a person who, while undergoing training with a view to becoming a medical practitioner or a midwife, attends a women in childbirth as part of a course of practical instruction in midwifery recognised by the Council or by the General Medical Council.

(3) A person guilty of an offence under this article is liable on summary conviction to a fine not exceeding £5,000.

5. Amendment and repeals

(1) In section 11(1) of the Nurses and Midwives Act 1947⁴, for the definition of "register" substitute -

““registered”, in relation to a nurse or midwife, has the meaning given by article 2(1) of the Nursing and Midwifery Order 2002;”.

(2) The enactments specified in the Schedule are repealed to the extent specified in column 3 thereof.

Article 5(2)

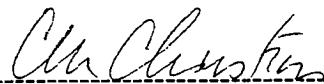
SCHEDULE

CONSEQUENTIAL REPEALS

<i>Reference</i>	<i>Short Title</i>	<i>Extent of repeal</i>
XVI p.617	The Nurses and Midwives Act 1947.	Sections 1 to 3. Section 9. Section 10(1). In section 11(1), the definitions of "the 1997 Act", "the register", "the Council" and "National Board".
1984 c.2	The Nurses and Midwives (Amendment) Act 1984.	In Schedule 1, paragraphs 1 to 4, 6,7. In Schedule 2, paragraphs 4 and 7.
1997 c.4	The Statute Law Revision Act 1997	In Schedule 1, paragraph 17.

⁴XVI p.617

MADE 10th day of July 2002



Minister for Health and Social Security

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is consequential on the Nursing and Midwifery Order 2002 (SI 2002/253) made under the Health Act 1999 of Parliament, which replaces the system of regulation of nurses and midwives under the Nurses, Midwives and Health Visitors Act 1997 of Parliament.

Article 2 provides for the interpretation of "registered", in relation to nurses and midwives, and provides for evidence of the register maintained under the UK Order. Article 3 creates offences of false claims as to registration, and Article 4 makes it an offence for an unqualified person to act as a midwife. Article 5 and the Schedule make consequential amendments and repeals.