EXPLANATORY MEMORANDUM TO

THE NURSING AND MIDWIFERY COUNCIL (ELECTION SCHEME) RULES ORDER OF COUNCIL 2005

2005 No.2250

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. Description

This Order approves rules made by the Nursing and Midwifery Council (NMC) which contain a scheme for the election of the registrant and alternate members of the NMC. The first election under the scheme will be held in 2006, with the new members taking office in either late July or early August 2006.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative background

4.1 The rules and the approval order were both made under the Nursing and Midwifery Order 2001 (S.I. 2002 No. 253) ("the main Order"), which provided for the creation of the NMC. Its main functions are to establish standards of education, training, conduct and performance for nurses and midwives and to ensure the maintenance of those standards. This Order is the first use of the powers to provide an election scheme for electing the registrant and alternate members of the NMC. The first registrant and alternate members of the NMC, who took office on 1st August 2003, were appointed by the Privy Council, under transitional arrangements set out in Schedule 2 to the main Order.

5. Extent

5.1 This instrument applies to the United Kingdom.

6. European Convention on Human Rights

6.1 No statement is required.

7. Policy background

7.1 The main Order set up the NMC and established three categories of membership of the NMC: registrant members; alternate members (who may only attend NMC meetings if the registrant member whom they shadow

cannot); and lay members. Both the registrant and the alternate members have to be on the NMC's register of nurses and midwifes. Conversely, lay members must never have been registered as nurses or midwifes, either under the main Order or under the legislation that preceded it.

7.2 Initially, all members of the NMC, whether lay, registrant or alternate, were appointed by the Privy Council to hold office for the transitional period. Lay members will continue to be appointed by the Privy Council when the transitional period comes to an end, but the new registrant and alternate members will be elected.

7.3 Paragraph 2 of Schedule 1 of the main Order gives the NMC power to make rules for an election scheme for the registrant and alternate members. This Order approves the Rules which put in place a mechanism for the NMC to elect its registrant and alternate members. Elections will usually take place using a single transferable voting system, with the candidate placed first in the ballot for a particular seat on the NMC being elected as the registrant member, and the candidate placed second as the alternate member.

7.4 The election scheme contained in this Order sets out a number of provisions including:

- the appointment of a returning officer and an independent scrutineer,
- election by national constituencies
- eligibility criteria for candidates
- election timetables
- basis of election
- the entitlement to vote

Once elected, as matters stand, the first elected registrant members will serve for one, two, three or four years, and the first elected alternate members will serve for four years. However, the Department proposes to bring forward amending legislation in 2006 which will ensure that the full term of office of alternate members is the same as that of the registrant members whom they shadow.

7.5. The NMC consulted employers, members of the public and practitioners on the election rules during the three month period from May to August 2003 with the consultation closing on 15 August. Responses were received from a range of respondents ranging from individuals to professional bodies such as the Royal College of Midwives. The proposals received significant support and the scheme set out in this Order was informed by that consultation.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 There are no identified costs to either the public or the Exchequer arising from this Instrument.

9. Contact

Stephen Arthur at the Department of Health (telephone: 0113 254 5789 or e-mail: stephen.arthur@dh.gsi.gov.uk) can answer any queries regarding the instrument.