STATUTORY INSTRUMENTS

2026 No. 822

HEALTH CARE AND ASSOCIATED PROFESSIONS

NURSES, MIDWIVES AND NURSING ASSOCIATES

The Nursing and Midwifery Council (Fees) (Practice Committee) (Fitness to Practise) (Amendment) Rules Order of Council 2026

Made - - - -	*9th July 2026*
Laid before Parliament	*15th July 2026*
Coming into force - -	*1st October 2026*

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Schedule — The Nursing and Midwifery Council (Fees) (Practice Committee) (Fitness to Practise) (Amendment) Rules 2026

At the Council Chamber, Whitehall, the 9th day of July 2026

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

The Nursing and Midwifery Council has made the Nursing and Midwifery Council (Fees) (Practice Committees) (Fitness to Practise) (Amendment) Rules 2026, as set out in the Schedule to this Order, in exercise of the powers conferred by articles 7(1) and (2), 26(3) and (4), 26C(1), 32(1), (2)(b) and (4), 33(7)(a), 47(2) of, and paragraph 17 of Schedule 1 to, the Nursing and Midwifery Order 2001 ("the 2001 Order")(**a**).

In accordance with articles 7(3) and 47(3) of 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.

(**a**) S.I. 2002/253. Relevant amending instruments are S.I. 2008/1485, S.I. 2009/1182, S.I. 2014/3272, S.I. 2014/1887 and S.I. 2017/321.

In accordance with articles 47(1) and 48 of the 2001 Order, the Rules shall not come into force until approved by order of the Privy Council.

Citation and commencement

1.—(1) This Order may be cited as the Nursing and Midwifery Council (Fees) (Practice Committee) (Fitness to Practise) (Amendment) Rules Order of Council 2026.

(2) This Order comes into force on 1st October 2026.

Council approval

2. Their Lordships, having taken the Rules contained in the Schedule into consideration, are pleased to and do approve them.

Richard Tilbrook
Clerk of the Privy Council

SCHEDULE

Article 2

The Nursing and Midwifery Council (Fees) (Practice Committee) (Fitness to Practise) (Amendment) Rules 2026

The Nursing and Midwifery Council, having consulted in accordance with articles 7(3) and 47(3) of the Nursing and Midwifery Order 2001, makes the following Rules in exercise of the powers conferred by articles 7(1) and (2), 26(3) and (4), 26C(1), 32(1), (2)(b) and (4), 33(7)(a), 47(2) of, and paragraph 17 of Schedule 1 to, that Order.

Citation and commencement

1. These Rules may be cited as the Nursing and Midwifery Council (Fees) (Practice Committees) (Fitness to Practise) (Amendment) Rules 2026 and shall come into force on 1st October 2026.

Amendment of the Nursing and Midwifery Council (Fees) Rules 2004

2. In rule 3 (fees) of the Nursing and Midwifery Council (Fees) Rules 2004(**a**), in the table—

(a) in the entry of column (3) of rows (a), (e), (f) and (i), for "£120" substitute "£143";

(b) in the entry in column (3) of row (b), for "£153" substitute "£182";

(c) in the entry in column (3) of row (c), for "£140" substitute "£167";

(d) in the entry in column (3) of row (g), for "£23" substitute "£27";

(e) in the entry in column (3) of row (h), for "£25" substitute "£30".

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

3. The Nursing and Midwifery Council (Fitness to Practise) Rules 2004(**b**) are amended as follows.

4. In rule 6A (notice of fitness to practise allegations), after paragraph (2) insert—

"(3) The Registrar may extend the period specified in paragraph (2)(b).".

5. In rule 6B (investigation of fitness to practise allegations) omit paragraph (4).

6. In rule 6C (consideration of fitness to practise allegations by case examiners)—

(a) in paragraph (1), omit ", in the light of the information which the Council has been able to obtain and any representations or other observations made to it under rule 6A(2) or under rule 6B(4),";

(b) after paragraph (1) insert—

"(1A) Before the Case Examiners make a decision that there is a case to answer under paragraph (2), give advice or issue a warning under paragraph (2B) or refer the case to the Investigating Committee under paragraph (4), they must be satisfied that the Registrar has—

(**a**) See the Schedule to S.I. 2004/1654. For relevant amending rules, see the Schedule to each of S.I. 2005/3353, S.I. 2011/229, S.I. 2018/1198 and S.I. 2019/593.

(**b**) See the Schedule to S.I. 2004/1761. For relevant amending rules, see the Schedule to each of S.I. 2012/17, S.I. 2015/52, S.I. 2015/1923, S.I. 2017/703 and S.I. 2020/364.

(a) sent any information or documents obtained pursuant to rule 6B to the registrant;

(b) given the registrant a period of 28 days, beginning with the date on which information and documents obtained pursuant to rule 6B are sent, to make representations in response; and

(c) informed the registrant that, after the expiry of the period—

(i) specified in sub-paragraph (b), or

(ii) if that period is extended under paragraph (1B), the extended period,

the Case Examiners can proceed to make a decision in the absence of any representations.

(1B) The Registrar may extend the period specified in paragraph (1A)(b).

(1C) Before making a decision, the Case Examiners must consider the information the Registrar has been able to obtain and any representations or other observations made under these Rules.".

7. In rule 6D (consideration of fitness to practise by the investigating committee), in paragraph (1)(c), substitute "6B(4)" for "6C(1A)".

8. In rule 11 (notice of hearing)—

(a) for paragraph (2) substitute—

"(2) The notice of hearing shall be sent to the registrant no later than 28 days before the date fixed for the hearing, unless—

(a) the registrant consents to a shorter period being given; or

(b) the Registrar or the Fitness to Practise Committee considers it is in the public interest for there to be a shorter period.";

(b) in paragraph (3)(h) insert "subject to paragraph (4)," before "require the registrant";

(c) in paragraph (3)(l) insert "subject to paragraph (4)," before "where the Fitness to Practise Committee is to consider";

(d) after paragraph (3A) insert—

"(4) If the notice of hearing is sent less than 28 days before the date fixed for the hearing, the periods specified in the notice may be shorter than those prescribed in paragraphs (3)(h) and (3)(l).".

9. In rule 11A (notice of meeting)—

(a) in paragraph (1), after "the date the meeting is to be held" insert "unless—

(a) the registrant consents to a shorter period being given; or

(b) the Registrar or the Fitness to Practise Committee considers it is in the public interest for there to be a shorter period";

(b) in paragraph (2)(e) insert "subject to paragraph (3)," before "invite the registrant";

(c) after paragraph (2) insert—

"(3) If the notice of meeting is sent less than 28 days before the date fixed for the meeting, the period specified in the notice may be shorter than that prescribed in paragraph (2)(e).".

10. After rule 17 (interpretation) insert—

"Case management directions

17A.—(1) A Committee or Chair of the Committee may give directions (referred to in article 32(3) of the Order) as to the conduct of the case and for the consequences of failure to comply with such directions ("case management directions") acting on the request of a party or on their own initiative.

(2) Case management directions may be given, varied or set aside—

(a) by the Committee at any hearing or meeting in accordance with these Rules;

(b) by the Chair at a preliminary meeting held in accordance with rule 18; or

(c) by the Committee, or a legally qualified chair of the Committee, without a preliminary meeting.

(3) Where a Committee or Chair gives case management directions under these Rules, they must—

(a) keep a record of the directions given; and

(b) send written confirmation of such directions to all parties promptly.

(4) Case management directions are binding on the parties and on any subsequent Committee considering the case, unless that Committee considers that—

(a) there has been a material change in circumstances; or

(b) it is not in the interests of justice for that to be the case.".

11. In rule 18 (preliminary meetings)—

(a) in paragraph (1) for "the Chair" substitute "a Chair";

(b) in paragraph (2)(a) for "the Chair" substitute "a Chair";

(c) in paragraph (2)(b), after "held with a legal assessor in attendance" insert ", unless the meeting is being held by a legally qualified chair or by a Committee with a legally qualified chair";

(d) omit paragraph (3);

(e) for paragraph (4) substitute—

"(4) The Chair of the preliminary meeting shall give the parties not less than 14 days notice of any preliminary meeting unless—

(a) the parties consent to a shorter period being given; or

(b) it is in the public interest for there to be a shorter period.";

(f) in paragraph (5)(h) for "for vulnerable witnesses" substitute "to support witnesses to give their evidence";

(g) at the end of paragraph (5)(i) omit "and";

(h) at the end of paragraph (5)(j)(ii) for "." substitute "; and";

(i) after paragraph (5)(j) insert—

"(k) where the meeting is conducted by the Committee—

(i) a direction determining any legal argument; and

(ii) a direction as to the admissibility of evidence.";

(j) omit paragraphs (6) and (7);

(k) for paragraph (8) substitute—

"(8) Where a direction is made pursuant to paragraph (5)(j), the Chair of the preliminary meeting must inform the registrant of the matters set out in rule 6B(3D).".

12. After rule 18 (preliminary meetings) insert—

"Legal advice to the Committee

18A.—(1) If the chair is not a legally qualified chair, a legal assessor shall be in attendance to advise the Committee and shall give their advice in accordance with the Nursing and Midwifery Order 2001 (Legal Assessors) Order of Council 2004(**a**).

(2) If the chair is a legally qualified chair, they shall give legal advice to the Committee and must do so in the presence of every party in attendance at the hearing unless paragraph (3) applies.

(3) The legally qualified chair may advise in the absence of the parties where the Committee—

(a) has begun to deliberate on its decision; and

(b) considers that it would be prejudicial to the discharge of its functions for that advice to be given in the presence of the parties.

(4) Where the legally qualified chair gives advice in the absence of the parties under paragraph (3), the chair must—

(a) as soon as reasonably practicable after completion of the deliberations inform each party (or their representatives) who attended the hearing of the advice given, together with any questions which led to that advice; and

(b) subsequently record those matters in writing and give a copy to those parties or their representative.

(5) Copies of written advice, made for the purposes of paragraph (4) shall be available, on application, to every party to the proceedings who does not attend, and is not represented at the hearing before the Committee.".

13. In rule 19 (public and private hearings) in paragraphs (2A)(b) and (3)(b) for "obtained the advice of the legal assessor" substitute "taken legal advice in accordance with rule 18A".

14. In rule 23 (vulnerable witnesses)—

(a) for the heading substitute "Special measures for giving evidence";

(b) for paragraph (1) substitute—

"(1) While ensuring proceedings are conducted fairly, the Committee or the Chair acting under rule 17A (case management directions) may give such directions as they consider appropriate to support witnesses to give their evidence.";

(c) for paragraph (2) substitute—

"(2) When deciding whether to give directions to support witnesses, the Committee or Chair must—

(a) take account of the interests of the witness and the circumstances of the case;

(b) take legal advice in accordance with rule 18A (unless the direction is given by a legally qualified chair acting alone under rule 17A(2)(b) or (c)); and

(c) invite representations from the parties (where present).";

(**a**) S.I. 2004/1763. Article 2 is amended by S.I. 2017/703.

(d) in paragraph (3) for "Measures adopted by the Committee" substitute "The directions";

(e) for paragraph (6) substitute—

"(6) in this rule—

(a) "in private" means conducted in the presence of every party and any person representing a party, but otherwise excluding the public; and

(b) "witness" includes a registrant who gives evidence to the Committee.".

15. In rule 29 (joinder), in paragraph (1) for "the advice of the legal assessor" substitute "legal advice in accordance with rule 18A".

16. In rule 31 (evidence)—

(a) in paragraph (1) for "Upon receiving the advice of the legal assessor" substitute "Having taken legal advice in accordance with rule 18A";

(b) for paragraph (8) substitute—

"(8) Where a party, without good reason, fails to comply with a direction issued under article 32(3) of the Order or rule 17A, a Practice Committee may—

(a) draw adverse inferences; and

(b) refuse to admit evidence, where the failure is a failure to comply with directions for service of that evidence, or otherwise relates to the admissibility of evidence.".

17. In rule 32 (postponements and adjournments), in paragraph (2)(b) for "advice from the legal assessor" substitute "legal advice in accordance with rule 18A".

18. In rule 34 (service of documents)—

(a) at the end of paragraph (3)(a) omit "or";

(b) at the end of paragraph (3)(b) for "." substitute "; or";

(c) after paragraph (3)(b) insert—

"(c) being placed on an online account with the Council where the recipient has agreed to accept communications via the account.";

(d) at the end of paragraph (4)(b) omit "or";

(e) at the end of paragraph (4)(c) for "." substitute "; or";

(f) after paragraph (4)(c) insert—

"(d) a confirmation showing the notice or document has been placed on the online account with the Council.";

(g) at the end of paragraph (5)(a) omit "or";

(h) at the end of paragraph (5)(b) for "." substitute "; or";

(i) after paragraph (5)(b) insert—

"(c) on the day it was placed on the online account with the Council.";

(j) after paragraph (5) insert—

"(6) Where these Rules require a notice to include any documents, the requirement will be met if—

(a) the recipient has agreed to accept communications via an online account with the Council;

(b) the documents are placed on the online account with the Council; and

(c) the notice confirms that the documents have been placed on the online account with the Council.".

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

19. In rule 7 of the Nursing and Midwifery Council (Practice Committees) (Constitution) Rules 2008(**a**) (chairing of the practice committees), after paragraph (1) insert—

"(1A) The Council may appoint panel chairs who meet the qualification requirements for appointment as a legal assessor under article 34(5) of the Order, to act as legally qualified chairs of the committee of which they are a member.".

Given under the common seal of the Nursing and Midwifery Council this 7th day of May 2026.

L.S.

Ron Barclay-Smith
Chair
Paul Rees
Chief Executive and Registrar
Nursing and Midwifery Council

(**a**) See the Schedule to S.I. 2008/3148. There are amending rules but none is relevant.

EXPLANATORY NOTE

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

This Order approves the Nursing and Midwifery Council (Fees) (Practice Committees) (Fitness to Practise) (Amendment) Rules 2026 (the "2026 Rules").

Rule 2 of the 2026 Rules amends rule 3 of the Nursing and Midwifery Council (Fees) Rules 2004 (approved by S.I. 2004/1654) to increase the fees prescribed for registration—

- rule 2(a) increases the fee for registration in respect of applications for admission to the register where the applicant is relying on article 13(1)(a), (dd) or article 13A of the Nursing and Midwifery Order 2001 (S.I. 2002/253) ("the 2001 Order") and in respect of applications for renewal of registration, readmission or restoration to the register and retention of registration to £143 (an increase of £23);
- rule 2(b) increases the fee for registration in respect of applications for admission to the register where the applicant is relying on article 13(1)(d) of the Order to £182 (an increase of £29);
- rule 2(c) increases the fee for evaluation of information where the applicant is relying on article 13(1)(d) or (dd) of the Order to £167 (an increase of £27);
- rule 2(d) increases the fee for an application in connection with entering on the register a registrable qualification made separately to an application for registration to £27 (an increase of £4);
- rule 2(e) increases the fee for an application for entering in the register a recordable qualification to £30 (an increase of £5).

Rules 3 to 18 of the 2026 Rules make a series of amendments to the Nursing and Midwifery (Fitness to Practise) Rules 2004 (approved by S.I. 2004/1761) relating to the process and conduct of fitness to practice hearings—

- rule 4 makes provision regarding the period for making representations in fitness to practise cases;
- rules 5, 6 and 7 make provision regarding the making of representations by a registrant;
- rule 8 makes provision for a shorter notice period for hearings, and a shorter period for a response to the notice;
- rule 9 makes provision for a shorter notice period for meetings;
- rule 10 makes provision regarding the case management direction powers of the Committee, or Chair of the Committee, and makes provision regarding the requirements for giving such directions;
- rule 11 makes provision regarding the requirements of a preliminary meeting, and clarifies that the Chair who conducts a preliminary meeting may not be the same Chair who conducts the substantive hearing of an allegation;
- rules 12 makes provision regarding the chairing of proceedings by a legally qualified chair, and the provision of legal advice by the legally qualified chairs to the Committee;
- rules 13, 15, 16(a) and 17 make consequential provision to reflect that legal advice may be given by an appointed legally qualified chair;
- rule 14 makes provision regarding the special measures that can be directed for a broader range of witnesses;

- rule 16(b) makes provision regarding the Committee's powers to draw adverse inference, and refusal to admit evidence;
- rule 18 makes provision regarding the requirements for sharing notices and information via an online account.

Rule 19 of the 2026 Rules amends the Nursing and Midwifery Council (Practice Committees) (Constitution) Rules 2008 (approved by S.I. 2008/3148) relating to the power of the Nursing and Midwifery Council to appoint a panel chair to act as a legally qualified chair to fitness to practice committees.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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