EXPLANATORY MEMORANDUM TO

THE NURSING AND MIDWIFERY COUNCIL (PRACTICE COMMITTEES) (CONSTITUTION) RULES ORDER OF COUNCIL 2006

2006 No. 1199

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) in respect of the constitution and procedure of the three Practice Committees (the Investigating Committee, the Conduct and Competence Committee and the Health Committee) ("the new procedure rules"). This Order revokes the Nursing and Midwifery Council (Practice Committees) (Interim Constitution) Rules 2003.

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

3.1 None.

4. Legislative background

4.1 The new procedure 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.

5. Extent

5.1 This instrument applies to the United Kingdom.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

7. Policy background

7.1 The main Order set up the NMC. The Nursing and Midwifery Council (Practice Committees) (Interim Constitution) Rules 2003 set out interim rules in respect of the constitution and procedures of the Practice Committees. The latter rules appointed members to serve on the Practice Committees until the end of the second transitional period.

7.2 The second transitional period is due to end on 31 July 2006 and so new procedure rules are required to replace the interim rules. These rules will come into force on 31 July 2006. The rules cover the membership, tenure and procedures of the committees

7.3. The Nursing and Midwifery Council consulted on the proposed constitution of the Practice Committees in its Fitness to Practise Consultation, which was issued in May 2003. These new procedure rules update, and will replace, the Nursing and Midwifery Council (Practice Committees)(Interim Constitution) Rules 2003 (SI 2003/1738), which were the subject of a limited consultation issued in February 2003. The new procedure rules were themselves the subject of a limited consultation issued in September 2005.

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.