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STATUTORY INSTRUMENTS

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**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**

<i>Made</i>	- - - -	<i>7th July 2004</i>
<i>Laid before Parliament</i>		<i>9th July 2004</i>
<i>Coming into force</i>	- -	<i>1st August 2004</i>

At the Council Chambers, Whitehall, the 7th day of July 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 2001<sup>(1)</sup>, 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 Nurses and Midwives (Parts of and Entries in the Register) Order of Council 2004 and shall come into force on 1st August 2004.

(2) In this Order—

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

“District Nurse and Health Visitor Formulary” means—

- (a) the Nurse Prescribers' Formulary for District Nurses and Health Visitors Appendix in the British National Formulary<sup>(2)</sup>; or
- (b) the Nurse Prescribers' Formulary for District Nurses and Health Visitors in Part XVII B(i) of the Drug Tariff, or, in Scotland, the Nurse Prescribers' Formulary for Community Nurses and Health Visitors in Part 8B of the Drug Tariff, or, in Northern Ireland, the

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(1) S.I.2002/253.

(2) The British National Formulary (“BNF”) is published by the British Medical Association and the Royal Pharmaceutical Society of Great Britain under the authority of a Joint Formulary Committee which comprises representatives of those two bodies and of the UK Health Departments. The BNF is revised twice yearly and changes are made between issues.

Nurse Prescribers' Formulary for District Nurses and Health Visitors in Part IXB of the Drug Tariff;

“Drug Tariff” means—

- (a) in England and 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<sup>(3)</sup>;
- (b) in Scotland, the statement published under regulation 9 (payments to pharmacists and standards of drugs and appliances) of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995<sup>(4)</sup>; and
- (c) 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) 1997<sup>(5)</sup>;

“Extended Formulary” means—

- (a) the Nurse Prescribers' Extended Formulary Appendix in the British National Formulary; or
- (b) the Nurse Prescribers' Extended Formulary in Part XVII B(ii) of the Drug Tariff, or, in Scotland, the Nurse Prescribers' Extended Formulary in Part 8C of the Drug Tariff, or, in Northern Ireland, the Nurse Prescribers' Extended Formulary in Part IXC of the Drug Tariff;

“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—

- (a) meets the standards set by the Council; or
- (b) 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.

### **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.

(3) S.I. 1992/662; regulation 18 has been amended by S.I. 1993/2451, 1995/664, 1999/696, 2002/551, 2469, 2861 and 3189, and 2003/1084.

(4) S.I. 1995/414. Relevant amendments were made by S.S.I. 2002/111.

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

### **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—

- (a) from the District Nurse and Health Visitor Formulary;
- (b) from the Extended Formulary;
- (c) as a supplementary prescriber.

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

- (a) adult nursing;
- (b) mental health nursing;
- (c) learning disabilities nursing;
- (d) children's nursing;
- (e) general practice nursing;
- (f) community mental health nursing;
- (g) community learning disabilities nursing;
- (h) community children's nursing; and
- (i) 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—

- (a) meets the standards set by the Council; or
- (b) 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.

*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	Registered nurse: first level
Sub-Part 2	Registered nurse: second level
Midwives	Midwife
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 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.