



STATUTORY INSTRUMENTS.

S.I. No. 226 of 2022



NURSES AND MIDWIVES ACT 2011 (COMMENCEMENT) ORDER 2022

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I, STEPHEN DONNELLY, Minister for Health, in exercise of the powers conferred on me by subsections (2) and (3) of section 1 of the Nurses and Midwives Act 2011 (No. 41 of 2011), hereby order as follows:

1. This Order may be cited as the Nurses and Midwives Act 2011 (Commencement) Order 2022.

2. The 9th day of May 2022 is appointed as the day on which the following provisions of the Nurses and Midwives Act 2011 (No. 41 of 2011) shall come into operation:

- (a) subsection (1) of section 4 insofar as it relates to the repeal of section 49 of the Nurses Act 1985 (No. 18 of 1985);
- (b) section 39;
- (c) section 41;
- (d) sections 44 and 45;
- (e) section 103.



GIVEN under my Official Seal,
9 May, 2022.

STEPHEN DONNELLY,
Minister for Health.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

This Order brings into operation sections 4 (1), 39, 41, 44, 45 and 103 of the Nurses and Midwives Act 2011.

Section 4 (1) insofar as it relates to the repeal of Section 49 of the Nurses Act 1985 (Improper use of title of nurse or midwife, etc.).

Section 39 provides that a person cannot practise (or advertise that they practise) the professions of nursing or midwifery without being registered in the relevant division of the Register of Nurses and Midwives which is maintained by the Nursing and Midwifery Board of Ireland (NMBI).

However, Section 41 provides for limited circumstances in which a person can practise nursing or midwifery without the appropriate registration. Two provisions are made: firstly, if the person's practice is only in the course of rendering first aid to a person, and secondly, a person qualified to practise in a place outside the State and in the State for a humanitarian purpose may be issued with a permit by the NMBI allowing them to practice for a period not longer than 30 days, and in accordance with the terms and conditions of the permit. Of note, this permit provision does not apply to nurses and midwives who are eligible to have their qualifications recognised under the European Union (Recognition of Professional Qualifications) Regulations 2017 (S.I. No. 8 of 2017) and who, accordingly, are eligible to apply to provide services on a temporary and occasional basis.

Section 44 of the Act updates Section 49 of the Nurses Act 1985 (that is hereby now revoked by Section 4 (1)) by providing for offences and penalties regarding Section 39 (see above), Section 43 (misuse of designated titles) and falsely representing to be registered.

Section 45 provides that an unregistered nurse or unregistered midwife cannot charge or recover fees for providing nursing or midwifery services unless they were registered at the time service was provided or the service was provided in accordance with Section 41 of the Act.

Section 103 provides that NMBI shall, at the request of the Minister, or may, of its own initiative or upon a complaint made by a member of the public, investigate suspected cases of unregistered individuals practising or unregistered individuals claiming to be registered and outlines the relevant penalties.

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