



STATUTORY INSTRUMENTS.

**S.I. No. 236 of 2022**

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NURSES AND MIDWIVES (FITNESS TO PRACTISE SUBCOMMITTEE)  
RULES 2022

NURSES AND MIDWIVES (FITNESS TO PRACTISE SUBCOMMITTEE)  
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The Nursing and Midwifery Board of Ireland, in exercise of the powers conferred on it by section 13 of the Nurses and Midwives Act 2011 (No. 41 of 2011), with the approval of the Minister for Health, hereby makes the following rules:

*Part 1*

Preliminary

*Citation*

1. These Rules may be cited as the Nurses and Midwives (Fitness to Practise Subcommittee) Rules 2022.

*Commencement*

2. These Rules come into operation on 9<sup>th</sup> May 2022.

*Definitions*

3. In these Rules—

“Act” means the Nurses and Midwives Act 2011 (No. 41 of 2011).

*Part 2*

Establishment of Fitness to Practise Subcommittees

4. The chairperson of the Fitness to Practise Committee or a member of the Fitness to Practise Committee who is also a member of the Board may, at any time following the referral of a complaint to it by the Preliminary Proceedings Committee pursuant to section 61 of the Act, establish a subcommittee of the Fitness to Practise Committee, to be known as a Fitness to Practise Subcommittee, to perform the functions of the Fitness to Practise Committee in respect of that complaint, including to conduct the hearing of the complaint.

*Part 3*

Membership of Fitness to Practise Subcommittees

5. A Fitness to Practise Subcommittee shall have three members, with one member designated as the Chairperson of that Subcommittee.

6. Each member of a Fitness to Practise Subcommittee shall be a member of the Fitness to Practise Committee at the time of the establishment of the Subcommittee.

7. The Chairperson of a Fitness to Practise Subcommittee shall, at the time of establishment of the Subcommittee, be a member of the Board.

8. Where the complaint concerns a registered nurse, one member of the Fitness to Practise Subcommittee established in accordance with Rule 4 shall be a registered nurse.

9. Where the complaint concerns a registered midwife, one member of the Fitness to Practise Subcommittee established in accordance with Rule 4 shall be a registered midwife.

10. Two members of the Fitness to Practise Subcommittee established in accordance with Rule 4 shall be persons who are not and never have been registered nurses or registered midwives in the State or nurses or midwives in other jurisdictions.

#### *Part 4*

#### Functions and Procedures of Fitness to Practise Subcommittees

11. A Fitness to Practise Subcommittee shall comply with any written procedures of the Fitness to Practise Committee but otherwise may regulate its own procedures when inquiring into a complaint.

12. A Fitness to Practise Subcommittee established under Rule 4 shall stand dissolved upon either:

- (a) the completion of an inquiry in accordance with section 65(2) of the Act;
- (b) where the Subcommittee reaches a decision in accordance with section 66(a) of the Act; or
- (c) on submission by the Subcommittee to the Board of a report in writing on its findings in accordance with section 67(1) of the Act.



GIVEN under the Official Seal of the Nursing  
and Midwifery Board of Ireland,  
9 May, 2022

ESSENE CASSIDY,  
President.

SHEILA MCCLELLAND  
Chief Executive Officer.

I, STEPHEN DONNELLY, Minister for Health, approve these Rules.

GIVEN under my hand,  
16 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).*

These Rules have been drafted pursuant to section 13 (2) (h) of the Nurses and Midwives Act 2011 as amended by the Regulated Professions (Health and Social Care) (Amendment) Act, 2020.

These rules provide greater detail with respect to the establishment, membership, functions and procedures of subcommittees established by the Nursing and Midwifery Board's Fitness to Practise Committee to inquire into specified complaints and otherwise perform the functions of the Fitness to Practise Committee in respect of such complaints.

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