

Disqualification criteria (Registrant Council member)

Article 5 of the Nursing and Midwifery Council (Constitution) Order 2008 sets out the circumstances in which a person is disqualified from being a member of the Council.

Section 178 of the Charities Act 2011 and section 69 of the Charities and Trustee Investment (Scotland) Act 2005 set out the circumstances in which a person is automatically disqualified from being a Trustee of a charity.

You are disqualified from being a registrant member of the Council if you:

- have at any time been subject to any investigation or proceedings concerning your fitness to practise by the Nursing and Midwifery Council, or by any body that regulated registered nurses or registered midwives before the Council, in the course of which, or where the final outcome was:
 - your removal or being struck off the register (for a reason connected to your fitness to practise).
 - your registration in the register was suspended (including by an interim suspension order) and that suspension has not been terminated.
 - your registration in the register was made conditional upon your compliance with any requirement (including an interim conditions of practice order) and that requirement has not been lifted.
 - your registration in the register was annotated by virtue of a caution order and that order is still in force.
- have at any time been subject to any investigation or proceedings concerning your fitness to practise by any licensing body, the final outcome of which was:
 - your erasure from a register held by the licensing body or a decision that had the effect of preventing you from practising the profession licensed or regulated by the licensing body.
 - your suspension from a register held by the licensing body and that suspension has not been terminated.
 - a decision that had the effect of only allowing you to practise that profession subject to conditions and those conditions have not been lifted.
- have an unspent conviction for contempt of court or an offence involving: dishonesty or deception; terrorism; money-laundering; bribery; contravening a Charity Commission Order or Direction under s.77 of the Charities Act 2011; misconduct in public office, perjury, or perverting the course of justice; or for aiding, attempting or abetting any of the above offences.

- have an unspent conviction for any offence which involved a sentence of imprisonment or detention.
- are, or have at any time been, included by the Disclosure and Barring Service in a barred list; or have at any time been on the sex offenders register.
- are, or have at any time been, included by the Scottish Ministers in the children's list or the adults' list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007).
- are, or have at any time been, a designated person under specific anti-terrorist legislation.
- have at any time been removed from office as the chair, member, convenor or director of any public body on the grounds that it was not in the interests of, or conducive to the good management of, that body that you should continue to hold that office.
- are an undischarged bankrupt (or subject to bankruptcy restrictions or an interim order) or subject to any undischarged arrangement or composition with your creditors.
- are disqualified from acting as a director of a company.
- have at any time been removed from being a trustee of a charity by the Charity Commission, Office of the Scottish Charity Regulator or the Courts or been removed from management or control of any body.
- have been found guilty of disobedience to an order or direction of the Charity Commission under section 336(1) of the Charities Act 2011.
- could not be classed as a "fit and proper person" under the Finance Act 2010 and HM Revenue and Customs has ever ruled that you are not a "fit and proper person".

January 2022
Nursing and Midwifery Council