

Legally Qualified Chair Eligibility and Disqualification criteria

Eligibility Criteria

1. You must **not** have previously served as an NMC Panel Member for two terms. If you have served for one term you must notify us of this, and the reason why you were not reappointed for a second term.
2. You must **not** have served at any time in the previous five years as a member of the NMC's Council or of a Discretionary Committee of the Council.
3. You must **not** have been an NMC employee in the previous five years.

Standing Orders, made by the Council under Article 12, Schedule 1 of the Nursing and Midwifery Order 2001.

Rule 6 of the Nursing and Midwifery Council (Practice Committees) (Constitution) Rules 2008.

4. You must have ten years' experience as a solicitor, barrister or advocate at the time of appointment
 - a. have a 10-year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990); or
 - b. be an advocate or solicitor in Scotland of at least 10 years' standing; or
 - c. be a member of the Bar of Northern Ireland of at least 10 years' standing.
5. You must have current good standing with your regulator, and you must hold a valid practising certificate.

References to "licensing body" in the criteria means your regulator (as per Rule 2 of the Practice Committee Constitution Rules).

Disqualification from appointment as a Legally Qualified Chair

1. A person is disqualified from appointment as a member if that person—
 - (a) has at any time been convicted of an offence involving dishonesty or deception in the United Kingdom and the conviction is not a spent conviction;
 - (b) has at any time been convicted of an offence in the United Kingdom, and—
 - (i) the final outcome of the proceedings was a sentence of imprisonment or detention, and

- (ii) the conviction is not a spent conviction;
- 2. has at any time been removed—
 - (i) from the office of charity trustee or trustee for a charity by an order made by the Charity Commissioners, the Charity Commission, the Charity Commission for Northern Ireland or the High Court on the grounds of any misconduct or mismanagement in the administration of the charity—
 - (aa) for which the person was responsible or to which the person was privy, or
 - (bb) which the person by their conduct contributed to or facilitated, or
 - (ii) under—
 - (aa) section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990(7) (powers of Court of Session to deal with management of charities), or
 - (bb) section 34(5)(e) of the Charities and Trustee Investment (Scotland) Act 2005(8) (powers of the Court of Session),

from being concerned with the management or control of any body;
- 3. has at any time been removed from office as the chair, member, convenor or director of any public body on the grounds, in terms, that it was not in the interests of, or conducive to the good management of, that body that the person should continue to hold that office;
- 4. at any time has been adjudged bankrupt or sequestration of the person's estate has been awarded, and—
 - (i) the person has not been discharged, or
 - (ii) the person is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986(9) or Schedule 2A of the Insolvency (Northern Ireland) Order 1989(10) (which relate to bankruptcy restriction orders and undertakings);
- 5. has at any time made a composition or arrangement with, or granted a trust deed for, the person's creditors and the person has not been discharged in respect of it;
- 6. is subject to—
 - (i) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986(11),
 - (ii) a disqualification order under Part II of the Companies (Northern Ireland) Order 1989(12) (company directors disqualification),

(iii) a disqualification order or disqualification undertaking under the Company Directors Disqualification (Northern Ireland) Order 2002(**13**), or

(iv) an order made under section 429(2) of the Insolvency Act 1986(**14**) (disabilities on revocation of a county court administration order);

7. has been included by—

(i) the Independent Barring Board in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006(**15**) or the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007(**16**)), or

(ii) the Scottish Ministers in the children's list or the adults' list (within the meaning of the Protection of Vulnerable Groups (Scotland) Act 2007(**17**));

8. has at any time been subject to any investigation or proceedings concerning the person's fitness to practise by any licensing body, the final outcome of which was—

(i) the person's erasure from a register held by the licensing body or a decision that had the effect of preventing the person from practising the profession licensed or regulated by the licensing body,

(ii) the person's suspension from a register held by the licensing body, and that suspension has not been terminated, or

(iii) a decision that had the effect of only allowing the person to practise that profession subject to conditions, and those conditions have not been lifted;

9. has at any time been subject to any investigation or proceedings concerning the person's fitness to practise by the Council, in the course of which or where the final outcome was that—

(i) the person was removed from or struck off the register (for a reason connected to the person's fitness to practise),

(ii) the person's registration in the register was suspended (including by an interim suspension order) and that suspension has not been terminated,

(iii) the person's registration in the register was made conditional upon their compliance with any requirement (including an interim conditions of practice order) and that requirement has not been lifted, or

(iv) the person's registration in the register was annotated by virtue of a caution order and that order is still in force;

10. has at any time been subject to any investigation or proceedings relating to an allegation that the person's entry in the register was fraudulently procured, the final outcome of which was the removal of the person's entry in the register;

11. is or has at any time been subject to any investigation or proceedings concerning the person's fitness to practise by—

(i) any licensing body, or

(ii) the Council,

and the Council is satisfied that the person's membership of the committee would be liable to undermine public confidence in the regulation of the nursing and midwifery professions; or

12. has at any time been convicted of an offence elsewhere than in the United Kingdom and the Council is satisfied that the person's membership of the committee would be liable to undermine public confidence in the regulation of the nursing and midwifery professions.

Rule 8 of the Nursing and Midwifery Council (Practice Committees) (Constitution) Rules 2008.