

I assent.

ALFRED SAVAGE,

Governor.

9th May, 1953.

ORDINANCE No. 18 of 1953.

AN ORDINANCE to provide for the registration of nurses for the sick and for the registration of midwives.

[16th May, 1953.]

A.D. 1953. BE IT ENACTED by the Governor of British Guiana, with the advice and consent of the Legislative Council thereof, as follows:—

Short title. 1. This Ordinance may be cited as the Nurses and Midwives Registration Ordinance, 1953.

Establishment and constitution of General Nursing Council. 2. (1) For the purposes of this Ordinance there shall be established a General Nursing Council for the Colony (in this Ordinance referred to as "the Council"), which shall be a body corporate by that name with perpetual succession and a common seal.

(2) The Council shall be constituted in accordance with the provisions contained in the Schedule to this Ordinance.

(3) The seal of the Council shall be authenticated in the prescribed manner and any document purporting to be sealed with the said seal so authenticated shall be receivable in evidence of the particulars stated in that document.

3. (1) It shall be the duty of the Council to form and keep a register of nurses for the sick and of midwives (in this Ordinance referred to as "the register") subject to and in accordance with the provisions of this Ordinance. Register of
nurses and
midwives.

(2) The register shall consist of the following parts —

- (a) a general part containing the names of all nurses who satisfy the conditions of admission to that part of the register;
- (b) a supplementary part containing the names of nurses trained in the nursing and care of persons suffering from mental diseases;
- (c) a part containing the names of all midwives who satisfy the conditions of admission to that part of the register; and
- (d) any other prescribed part.

(3) Where any person satisfies the conditions of admission to the supplementary or any prescribed part of the register, his name may be included in that part of the register notwithstanding that it is also included in the general part.

(4) A certificate under the seal of the Council duly authenticated in the prescribed manner stating that any person is, or was at any date, or is not, or was not at any date, duly registered under this Ordinance shall be evidence in all courts of law of the fact stated in the certificate.

(5) Any reference in this Ordinance to the register shall, unless the context otherwise requires, be deemed to include a reference to any part of the register, and the expression "registered" shall be construed accordingly.

4. (1) The Council shall make rules for the following purposes — Rules.

- (a) for regulating the formation, maintenance and publication of the register;
- (b) for regulating the conditions of admission to the register;
- (c) for regulating the conduct of any examinations which may be prescribed as a condition of admission to the register, and any matters ancillary to or connected with any such examinations;
- (d) for prescribing the causes for which, the conditions under which, and the manner in which nurses or midwives may be removed from the register, the procedure for the restoration to the register of nurses and midwives who have been removed therefrom, and the fee to be payable on such restoration;
- (e) for regulating the summoning of meetings of the Council and the proceedings (including quorum) of the Council;
- (f) for enabling the Council to constitute committees and for authorising the delegating to committees of any of the powers of the Council, and for regulating the proceedings (including quorum) of committees;
- (g) generally for making provision with respect to any matters with respect to which the Council think that provision should be made for the purpose of carry-

ing this Ordinance into effect (including provision with respect to the issue of certificates to nurses and midwives registered under this Ordinance and with respect to the uniform or badge which may be worn by nurses or midwives so registered), and for prescribing anything which under this Ordinance is to be prescribed.

- (2) Rules under this section shall contain provisions —
- (a) requiring as a condition of the admission of any person to the register that that person shall have undergone the prescribed course of training, in the nursing of the sick or in midwifery as the case may be;
 - (b) requiring that the prescribed training shall be carried out in an institution approved by the Council in that behalf;
 - (c) enabling persons who, within a period of two years after the date on which the rules to be made under the provisions of this paragraph first come into operation make an application in that behalf (in this Ordinance referred to as "an existing practitioner's application") to be admitted to the register on producing evidence to the satisfaction of the Council that they are of good character, are of the prescribed age and have adequate knowledge and experience of the nursing of the sick or of midwifery, as the case may be.

(3) Rules made by the General Nursing Council shall not take effect until they have been approved by the Governor in Council.

Staff and expenses.

5. (1) Subject to the approval of the Governor in Council the Council may appoint a person to act as Registrar of the Council and may employ, subject to the approval of the Governor in Council, such other officers as the Council consider necessary.

(2) There shall be paid to the Registrar and the officers of the Council such salaries or remuneration as the Governor in Council may from time to time determine.

(3) Any expenses incurred by the Council in carrying out examinations or prosecutions under this Ordinance and, subject as hereinafter provided, the travelling expenses of, and sums paid on account of subsistence allowance to members of the Council, shall be defrayed out of the sums received by the Council by way of fees under this Ordinance.

(4) The accounts of the Council shall be audited in such manner, and by such person, as the Governor in Council may direct, and copies of the accounts and of any report made on the accounts shall be transmitted to all the members of the Council and to such other persons as the Council may direct.

Fees.

6. (1) There shall be paid to the Council in respect of every application to be examined or to be registered under this Ordinance such fees respectively as the Council may, with the approval of the Governor in Council from time to time determine:

Provided that in the case of an existing practitioner's application the amount of the fee payable on the application shall

be such sum, not exceeding five dollars, as the Council, with such approval as aforesaid, may determine.

(2) The Council may charge for any certificate or other document issued, or in respect of any services performed by them, such fees as may be prescribed.

7. (1) Any person who proves to the satisfaction of the Council that he has been registered either generally as a nurse for the sick, or as a midwife, or as a nurse of some special class in the United Kingdom, shall be entitled, on making an application in the prescribed manner and paying such fee, not being greater than the fee payable on ordinary applications for registration under this Ordinance, as the Council may demand, to be registered in a corresponding manner under this Ordinance.

Admission to register of persons trained outside the Colony.

(2) Any person who proves to the satisfaction of the Council that he has been registered either generally as a nurse for the sick, or as a midwife, or as a nurse of some special class in any other part of the British Commonwealth, or in the Republic of Ireland, or in any foreign country approved by the Governor in Council, may be admitted to the final examination for nurses for the sick, or for midwives, or for nurses of such special class, as the case may be, prescribed by the Council on the payment of such fee, not being greater than the entrance fee ordinarily payable on such examination, as the Council may demand, and if he successfully passes such examination shall be entitled on making application and paying such fee, not being greater than the fee payable on ordinary applications for registration under this Ordinance, to be registered under this Ordinance:

Provided that —

(a) there shall be in force in such place an enactment, or a provision of any kind having the force of law, providing for the registration of nurses and midwives under some public authority; and

(b) the standard of training and examination required for admission to the register of nurses and midwives established under the said enactment or provision shall be not lower than the standard of training and examination required under this Ordinance.

(3) Where there is in force a reciprocity agreement concerning nurses and midwives between this Colony and any part of the British Commonwealth, or the Republic of Ireland, or any foreign country, any person who proves to the satisfaction of the Council that he is registered in such part of the British Commonwealth or Republic of Ireland, or any foreign country either generally as a nurse for the sick, or as a midwife, or as a nurse of some special class, shall be entitled, on making application in the prescribed manner and paying such fee, not being greater than the fee payable on ordinary applications for registration under this Ordinance, as the Council may demand, to be registered in a corresponding manner under this Ordinance.

8. Any person aggrieved by the removal of his name from the register or by the refusal of the Council to register him, may, within three months after the date on which notice is given to him by the Council of such removal or refusal, appeal against the Council's decision to the Supreme Court and such appeal shall be

Appeal against removal from register or refusal to register.

heard by single judge in chambers who shall give such directions in the matter as he may think proper, including a direction as to costs of the appeal, and the order of the judge shall be final and conclusive and not subject to an appeal to any other Court.

Penal-
ties for un-
lawful
assump-
tion of
title of
registered
nurse or
registered
midwife
and for
falsifica-
tion of
register.

9. (1) Any person who —

- (a) not being a person duly registered under this Ordinance, at any time after the expiration of three months from the date on which the Council publishes in the *Gazette* that a register of nurses and midwives has been compiled under this Ordinance with the approval of the Governor in Council, takes or uses the name or title of registered nurse or registered midwife, either alone or in combination with any other words or letters, or any name, title, addition, description, uniform or badge, implying that he is registered under this Ordinance or is recognised by law as a registered nurse or registered midwife; or
- (b) being a person whose name is included in any part of the registers, at any time after the expiration of the period aforesaid takes or uses any name, title, addition, description, uniform or badge, or otherwise does any act of any kind, implying that his name is included in some part of the register; or
- (c) at any time with intent to deceive makes use of any certificate of registration as a nurse or a midwife issued under this Ordinance to him or any other person, shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, of fifty dollars, and in the case of a second or any subsequent offence, of two hundred and fifty dollars or to be imprisoned for a term not exceeding six months.

(2) If any person wilfully makes, or causes to be made any falsification in any matter relating to the register, he shall be guilty of a misdemeanour and shall, on conviction thereof, be liable to a fine not exceeding two hundred and fifty dollars or to be imprisoned for a term not exceeding six months.

Repeal
Cap. 186.
Com-
mence-
ment.

10. Part VI and Part VII of the Colonial Medical Service (Consolidation) Ordinance are hereby repealed.

11. This Ordinance shall come into operation on a date to be appointed by the Governor by proclamation published in the *Gazette*.

SCHEDULE

Section 2(2)

Constitution of Council.

1. The Council shall consist of fifteen members.
2. On its first constitution the Council shall be composed of the following persons, namely —
 - (a) nine persons, appointed by the Governor in Council, after consultation with persons and bodies having special knowledge and experience of training schools for nurses, of the work of matrons of hospitals, of general and special nursing

service and of general and special medical practice, of whom not less than six shall be trained nurses or registered midwives under this Ordinance; two persons appointed by the Medical Board of British Guiana; two persons appointed by the British Guiana Nurses Association; one person appointed by the Education Committee of British Guiana; and

- (b) one person appointed by the British Guiana Sicknurses and Dispensers Association.

3. The Governor in Council shall appoint one of the members of the Council to be Chairman of the Council until the expiration of the term of office of the first members of the Council.

4. The first members of the Council shall hold office for two years from the commencement of this Ordinance.

5. After the expiration of the term of office of the first members of the Council, the Council shall be composed of four persons appointed by the Governor in Council, two persons appointed by the Medical Board of British Guiana, one person appointed by the British Guiana Sick-

6. Any members of the Council other than the first members thereof nurses and Dispensers Association, and eight persons who shall be registered nurses or midwives under this Ordinance, elected in accordance with the prescribed scheme and in the prescribed manner by the persons registered as nurses and midwives under this Ordinance and so registered at the date of election.

shall hold office for a term of three years.

7. If the place of a member of the Council becomes vacant before the expiration of his term of office whether by death, resignation or otherwise, the vacancy shall be filled by appointment by the body or persons by whom the member was appointed or if the vacating member was an elected member, by the Council. The Council in co-opting a member under the foregoing provision shall, so far as practicable select a person, being a person registered as a nurse or midwife under this Ordinance who is representative of the same interests as those represented by the vacating member. Any person appointed or elected to fill a casual vacancy shall hold office only so long as the member in whose stead he is appointed or elected would have held office.

8. Any member ceasing to be a member of the Council shall be eligible for re-appointment or re-election.

9. The powers of the Council shall not be affected by any vacancy in the membership thereof, nor by the fact that it is afterwards discovered that there was some defect in the appointment or qualification of a person purporting to be a member of the Council.