



ST. HELENA

CHAPTER 52

NURSES AND MIDWIVES ORDINANCE and Subsidiary Legislation

Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email pa.lawofficers@legalandlands.gov.sh]¹

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

This version contains a consolidation of the following laws—

	Page
NURSES AND MIDWIVES ORDINANCE	2
Ordinance 21 of 1987 .. in force 1 April 1988	
Amended by LN 26 of 2009	
Gazette Notice No. 63 of 1 July 2011	
NURSES AND MIDWIVES REGULATIONS	10
Legal Notice 15 of 1988	
Amended by L.N. 6/1998	

¹ These contact details may change during 2011 or early in 2012. In case of difficulty, email shgwebsite@sainthelena.gov.sh or telephone (+290) 2470.

CHAPTER 52**NURSES AND MIDWIVES ORDINANCE****ARRANGEMENT OF SECTIONS**

SECTION

1. Short title
2. Interpretation
3. Establishment of Nurses and Midwives Registration Board
4. Secretary to the Board
5. Register of nurses and midwives
6. Registration
7. Admission to Register of nurses and midwives of countries other than St. Helena
8. Regulations
9. Evidence of qualification to be given before registration, etc.
10. Examination
11. Registered person may have subsequent qualification inserted
12. Correction of Register
13. Inspection of Register
14. Evidence
15. Persons convicted of certain offences, etc. may be suspended, etc. or struck off Register
16. Appeal from decision of the Board
17. Restoration to the Register
18. Service of Notice
19. Use of description of nurse or midwife
20. Registration as a nurse or midwife not to confer rights of medical practitioner
21. Procuring registration by false pretences
22. Penalties for unlawful assumption of title of registered nurse or midwife
23. Offences relating to the Register
24. Employing unregistered substitute

SCHEDULE: Nurses and Midwives Registration Board

CHAPTER 52

NURSES AND MIDWIVES ORDINANCE

(Ordinance 21 of 1987 and Legal Notice 26 of 2009)

AN ORDINANCE TO ESTABLISH A NURSES AND MIDWIVES BOARD FOR THE ISLAND OF ST. HELENA, AND FOR CONNECTED PURPOSES.

Commencement

[1 April 1988]

Short title

1. This Ordinance may be cited as the Nurses and Midwives Ordinance.

Interpretation

2. (1) In this Ordinance, unless the context otherwise requires—
“**Board**” means the Nurses and Midwives Registration Board established under section 3;
“**diploma**” includes any certificate or other document granted to a person passing an examination;

“**registered**” means registered under this Ordinance;

“**the Register**” means the Register of Nurses and Midwives kept under section 5.

(2) 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.

Establishment of Nurses and Midwives Registration Board

3. (1) There shall be established a Nurses and Midwives Registration Board.

(2) The provisions contained in the Schedule shall have effect with respect to the constitution and proceedings of the Board.

(3) The Governor on the recommendation of the Board may by order alter, add to or amend the provisions of the Schedule.

Secretary to the Board

4. The Board may appoint a fit and proper person to be secretary to the Board.

Register of nurses and midwives

5. (1) Subject to and in accordance with the provisions of this Ordinance, the Board shall keep a Register in which shall be entered the name, address, qualifications and date of registration of every person entitled to registration as a nurse or midwife.

(2) The Register shall comprise—

- (a) a general part, containing the names and prescribed particulars of all persons entitled to be admitted thereto; and

(b) such other parts (if any) as may be prescribed, containing the names and prescribed particulars of all persons entitled, by reason of appropriate specialised training or qualifications, to be admitted thereto.

(3) Where a person satisfies the conditions of admission to any part of the Register, other than the general part, his or her name shall (upon application by that person) be included in that other part of the Register notwithstanding that it is also included in the general part.

Registration

6. Any person wishing to practise as a Nurse or Midwife in St. Helena who satisfies the Board that he or she is of sound character, and that he or she has attained the prescribed educational standard and otherwise that he or she satisfies the prescribed conditions for admission to any part or parts of the Register, shall, on application in the prescribed form and payment of the prescribed fee, be entitled to be registered in the appropriate part or parts of the Register.

Admission to Register of nurses and midwives of countries other than St. Helena

7. Any person wishing to be admitted to practise as a nurse or midwife in St. Helena, who—

(a) proves to the satisfaction of the Board that he or she has been trained in a country or territory outside St. Helena where the standard of training is not lower than the standard of training and examination required under this Ordinance, either as a general nurse or as a nurse of some special class, or as a midwife; and

(b) satisfies the Board as to his or her identity and good character,

may either after examination or without examination, and upon payment of the prescribed fee, be registered in the appropriate part or parts of the Register.

Regulations

8. The Governor in Council after considering the advice of the Board, may make regulations—

(a) prescribing and regulating courses of training and the conditions and conduct of examinations in nursing and midwifery;

(b) regulating the conditions of admission to the Register and prescribing the conditions to be observed by applicants for registration, and regulating the issue and prescribing the form of the Register and certificates of registration;

(c) regulating the practice of nurses and midwives;

(d) 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;

(e) prescribing the conditions under which and the manner in which any registered person may be suspended from practice by the Board;

(f) prescribing the procedure for removal from and restoration to the Register;

(g) regulating the proceedings of the Board;

(h) enabling the Board to constitute committees and for authorising the delegation by the Board to committees of any of the powers of the Board and for regulating the procedure of such committees;

(i) prescribing fees;

- (j) prescribing the titles which shall be used and the uniforms or badges which may be worn by nurses and midwives registered under this Ordinance;
- (k) prescribing anything to be prescribed under this Ordinance in relation to the Board and the Register; and
- (l) generally for carrying this Ordinance into effect.

Evidence of qualification to be given before registration, etc.

9. (1) No person shall be registered, and no additional qualification shall be inserted in the Register maintained under section 5 in respect of any person, unless the Board is satisfied by the proper evidence that the person claiming such registration or qualification is entitled to be registered or have such additional qualification added; and any entry which shall be proved to the satisfaction of the Board to have been fraudulently or incorrectly made shall be erased from the Register by the Board.

(2) Upon the registration of a person under this Ordinance there shall be issued to him or her a certificate under the hand of the Secretary to the Board stating that he or she has been registered on the date specified on the certificate.

Examination

10. (1) It shall be the duty of the Board to make such arrangements as may be necessary for the holding or recognition of examinations for the purposes of this Ordinance, to appoint examiners therefor, and to determine the time when and the place where any such examination shall be held.

(2) Such fee as may be prescribed shall be paid by every person who presents himself for any such examination as is mentioned in subsection (1).

Registered person may have subsequent qualification inserted

11. Any registered person who may have obtained any degree higher than or any qualification other than the qualification in respect of which he or she may have been registered, shall be entitled on proof to the satisfaction of the Board of such degree or qualification to have such higher degree or additional qualification inserted in the Register in substitution for or in addition to any qualification previously registered.

Correction of Register

12. (1) The Board shall cause to be inserted in the Register from time to time any alteration which may come to its knowledge in the name or address of any registered person.

(2) The Board shall (upon the board becoming aware of the fact) cause to be erased from the Register the name of any deceased person.

Inspection of Register

13. The Register shall be open to the inspection of any person, on payment of such fee as may be prescribed, during the usual office hours.

Evidence

14. A certificate purporting to be a certificate under the hand of the Secretary to the Board that any person is or was at any date or is not, or was not at any date, duly registered or stating that any particulars are, or were, at any date, or are not, or were not at any date, contained in the Register kept by the Board, with respect to any person, shall be *prima facie* evidence in all courts of law of the facts stated in the certificate.

Persons convicted of certain offences, etc. may be suspended, etc. or struck off Register

15. (1) If any registered person—

- (a) shall be convicted of an offence punishable with imprisonment for two years or more, or an offence under section 23; or
- (b) shall after due inquiry be judged by the Board to have been guilty of malpractice, negligence or infamous conduct in any professional respect,

the Board may, if it sees fit, caution or censure such registered person or suspend him or her from practice, or order his or her name to be removed from the Register.

(2) Where the Board makes any inquiry under the provisions of this section the person against whom any offence is alleged shall be first informed of the nature of the allegation, and shall be entitled to appear in person before the Board and be heard thereon.

(3) Where after due inquiry the Board decides under the provisions of this section to order the name of any person to be removed from the Register, notice of the intention of the Board so to do shall be served on such person by the Secretary to the Board either personally or, if such person cannot be found, by leaving it at the place stated in the Register to be his or her address.

(4) The Board shall not cause the name of any person to be erased from the Register until one month has elapsed since the date of the service of the notice referred to in subsection (3), and it has been ascertained that no appeal under the provisions of section 16 has been lodged, or, if an appeal has been lodged, until the determination thereof.

(5) Any person whose name has been removed from the Register by the Board under the provisions of subsection (1) shall, within fourteen days after the service on him or her of such removal, surrender his or her certificate of registration to the Board, and if he or she fails so to do he or she shall be guilty of an offence, and liable on summary conviction to a fine not exceeding £50:

Provided that if, on appeal from the decision of the Board removing his or her name from the Register, such decision shall be reversed, his or her certificate of registration shall thereupon be restored to him or her.

Appeal from decision of the Board

16. (1) Any person whose name has been ordered by the Board to be removed from the Register under the provisions of section 15 may, within twenty-one days of the date of the service upon him or her of the notice of the decision of the Board, appeal in manner provided by rules of court to the Supreme Court, and upon any such appeal the Court may confirm or reverse the order appealed against; and the decision of the Supreme Court thereon shall be final and conclusive.

(2) The Chief Justice may make rules of court for prescribing forms and fees and generally regulating appeals under this section.

Restoration to the Register

17. Any person whose name has been removed from the Register under the provisions of section 15 may apply to the Board for the restoration of his or her name to the Register, and the Board, in its absolute discretion and after such inquiry as they may deem expedient, may allow or refuse to allow the name of such person to be restored to the Register.

Service of Notice

18. Any notice directed to be served on any person under the provisions of this Ordinance or any rules or regulations made thereunder shall be deemed to have been served on such person if such notice has been posted by registered post to his or her address given in the Register or, if the name of such person is not registered, then to the address furnished by him or her or as known to the Board.

Use of description of nurse or midwife

19. A person registered under this Ordinance as a nurse or midwife shall, by virtue of being so registered, be entitled to practise nursing or midwifery and to take or use the description of registered nurse or registered midwife, as the case may be.

Registration as a nurse or midwife not to confer rights of medical practitioner

20. Registration as a nurse or midwife shall not confer upon any person so registered any right to take or use any name, title or addition implying a qualification to practise medicine or surgery.

Procuring registration by false pretences

21. Any person who shall procure or attempt to procure himself to be registered by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, shall be guilty of an offence and on summary conviction liable to both imprisonment for six months and to a fine of £100.

Penalties for unlawful assumption of title of registered nurse or midwife

22. Any person who—
- (a) not being a person duly registered under this Ordinance takes or uses the title of registered nurse or midwife or its equivalent in any other language, either alone or in combination with any other words or letters, or uses any name, title, addition, description, uniform or badge implying that he or she is registered under this Ordinance or is recognised by law as a registered nurse or midwife, or uses any title, uniform or badge prescribed for the use of nurses or midwives registered under this Ordinance; or
 - (b) being either a male person or a woman who is not duly registered under this Ordinance, attends a woman in childbirth other than in a case of sudden or urgent necessity:

Provided that the provisions of this paragraph shall not apply in the case of a person who, while undergoing training with a view to becoming a registered

This e-version of the text is not authoritative for use in court.

midwife attends a woman in childbirth as part of a course of training prescribed by the Board, nor to a registered medical practitioner, shall be guilty of an offence and liable on summary conviction in the case of a first offence to a fine of £10 and in the case of a second or subsequent offence to a fine of £50.

Offences relating to the Register

23. (1) Any person who—

- (a) being a person whose name is included in any part of the register, uses any name, title, addition, description, uniform or badge, or otherwise does any act of any kind, implying that his or her name is included in some other part of the Register in which it is not included; or
- (b) with intent to deceive, makes use of any certificate of registration issued under this Ordinance to him or her or to any person; or
- (c) knowing that some other person is not registered makes any statement or does any act calculated to suggest that that other person is registered,

shall be guilty of an offence and liable on summary conviction, in the case of a first offence, to a fine of £10 and, in case of a second or any subsequent offence, to a fine of £50.

(2) Any person who wilfully makes or causes to be made any falsification in any matter relating to the Register shall be guilty of an offence and liable on summary conviction to imprisonment for six months and to a fine of £100.

Employing unregistered substitute

24. Any registered nurse or midwife who employs an unregistered person as his or her substitute shall be guilty of an offence against this Ordinance, and liable on summary conviction to a fine of £100 or to six months imprisonment or both.

SCHEDULE

NURSES AND MIDWIVES REGISTRATION BOARD

1. The Board shall consist of—

- (a) the Chief Nursing Officer, who shall be Chairman of the Board;
- (b) three Nursing Officers;
- (c)² the Chairman of the Council Committee (if any) for the time being having responsibility for Government business relating to public health.;
- (d) a medical practitioner appointed by the Governor;
- (e) the Chief Education Officer³ or an Education Officer nominated by him;
- (f) one other member, nominated by the St. Helena Nurses' Association.

2. The members of the Board (other than the *ex officio* members) shall hold office for three years and shall be eligible for re-appointment.

3. If the place of any member of the Board (other than an *ex officio* member) becomes vacant before the expiration of his or her term of office the Governor may appoint another person of the same description to fill the vacancy for the unexpired portion of the term of the vacating member.

² Paragraph 1(c) amended by LN 26 of 2009

³ Gazette Notice No. 63 of 1 July 2011: Title changed to Director of Education and Employment

4. The Governor may in his discretion terminate the appointment of any member of the Board (other than an *ex officio* member).

5. If any member of the Board be temporarily absent from St. Helena and occasion shall arise which in the opinion of the Chairman necessitates a meeting of the full Board, the Governor may, upon the request of the Chairman, appoint some other person of the same description temporarily to fill the vacancy.

6. The powers of the Board may be exercised notwithstanding any vacancy in their number.

7. Five members of the Board shall form a quorum.

8. The Board may, subject to any regulations made under section 8, make standing orders regulating the proceedings of the Board.

NURSES AND MIDWIVES REGULATIONS – SECTION 8

(Legal Notices 15 of 1988 and 6 of 1998)

Short title

1. These regulations may be cited as the Nurses and Midwives Regulations.

Meetings of Board

2. (1) The Board shall meet at least three times each year, at such times as the Chairman shall decide.

(2) The Secretary to the Board will give written notification of the time, date and venue of each meeting, to each member of the Board, at least one week in advance of each meeting.

(3) Minutes shall be kept for each meeting of the Board, to be confirmed (with or without amendments) at the next meeting.

(4) Any member of the Board may place an item on the Agenda by giving written notice to the Secretary to the Board not less than three days prior to the meeting.

Register of nurses

3. (1)⁴ For the purposes of section 5(2)(b) of the Ordinance, the Register is to contain the following other parts—

- (a) a community health nursing part;
- (b) a mental health nursing part;
- (c) a midwifery part;
- (d) an elderly care nursing part;
- (e) a learning disabilities part.

(2) A nurse shall not be registered in any part of the Register unless the Board is satisfied that such nurse—

- (a) has attended the course of study and passed the examinations from time to time approved by the Board for the purpose of qualification for admission to the Register; or
- (b) has attained a nursing qualification outside St. Helena which the Board is satisfied is of a standard not lower than the standard of the course and examinations approved by the Board for the purposes of qualification in St. Helena:

Provided that, if at any time the Board has not approved a course or examination for the purpose of qualification for admission to any Part (other than Part I) of the register, the Board may accept a nurse for Registration in that Part if such nurse is in possession of a qualification obtained outside St. Helena and which the Board is satisfied is suitable to justify registration of that nurse in that Part of the Register.

(3) A Registration fee of £10.00 shall be payable by any person other than a St. Helenian or a citizen of the United Kingdom.

(4) The Register may be inspected by any person during normal office hours on payment of a fee of £1.00.

⁴ Regulation 3(1) substituted by L.N. 6/1998

Courses of training

4. (1) The Board shall prescribe syllabi for courses of nurse training carried out on St. Helena.

(2) The Board may prescribe standards of general education to be attained before entry into nurse training.

(3) Entry into nurse training will be co-ordinated by the Board with a view to ensuring acceptable professional standards.

(4) The Board shall ensure that each syllabus reflects the nursing needs of the population of St. Helena.

Examinations during training

5. (1) The Board shall regulate all examinations for nursing courses in St. Helena.

(2) For the purposes of this regulation, an Examinations Committee consisting of four persons, appointed by the Board, shall be established.

(3) The Examinations Committee shall be responsible for setting standards in examinations; deciding the type of examination necessary for each training course; setting the examination and marking the examination papers.

(4) The Examinations Committee shall arrange a suitable venue for examinations, and appoint an invigilator to conduct each examination.

(5) The Examinations Committee shall prescribe rules for the Conduct of Nursing Examinations on St. Helena, and each examination shall be conducted in accordance with such Rules.

(6) The Examination Committee shall, on behalf of the Board, arrange for "Certificates in Nursing" to be awarded to successful candidates.

Post-basic studies and examinations

6. (1) All registered nurses on St. Helena will be required, in each calendar year, to attend not less than three "IN-SERVICE TRAINING SESSIONS" approved by the Board.

(2) A "Register of In-Service Training" shall be maintained by the Board.

(3) Failure to attend at least three such training sessions in any year may lead to disciplinary action by the Board.

(4) The Board shall encourage and support the senior health service staff in the arrangements for In-Service training sessions.

Professional discipline

7. Nurses shall observe the professional standards of conduct from time to time prescribed by United Kingdom Central Council for Nursing and Midwifery, subject to such modifications as may from time to time be approved by the Board; and any failure to observe such standards shall constitute malpractice.