



ST HELENA

REVISED EDITION OF THE LAWS, 2017

PUBLIC HEALTH & SAFETY

NURSES AND MIDWIVES ORDINANCE, 1987¹

*Ordinance 21 of 1987
In force 1 April 1988*

Amended by L.N. 26/2009

*Subsidiary Legislation:
NURSES AND MIDWIVES REGULATIONS, 1988
*Legal Notice 15 of 1988
Amended by L.N. 6/1998**

NURSES AND MIDWIVES ORDINANCE, 1987

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¹ Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

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AN ORDINANCE to establish a Nurses and Midwives Board for St Helena, and for connected purposes.

Short title

1. This Ordinance may be cited as the Nurses and Midwives Ordinance, 1987.

Interpretation

2. (1) In this Ordinance, unless the context otherwise requires—
“Board” means the Nurses and Midwives Registration Board established by 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 is, unless the context otherwise requires, deemed to include a reference to any part of the Register; and the expression “Registered” is to be construed accordingly.

Establishment of Nurses and Midwives Registration Board

3. (1) This section establishes a Nurses and Midwives Registration Board.
- (2) The provisions contained in the Schedule have effect with respect to the constitution and proceedings of the Board.
- (3) The Governor in Council, on the recommendation of the Board, may by order alter, add to or amend 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 this Ordinance, the Board must keep a Register in which are to be entered the name, address, qualifications and date of registration of every person entitled to registration as a nurse or midwife.
- (2) The Register must comprise—
 - (a) a general part, containing the names and prescribed particulars of all persons entitled to be admitted to it; and
 - (b) any other part prescribed, containing the names and prescribed particulars of all

persons entitled, by reason of appropriate specialised training or qualifications, to be admitted to it.

(3) If a person satisfies the conditions of admission to any part of the Register, other than the general part, his or her name must (upon application by that person) be included in that other part of the Register even if 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 has attained the prescribed educational standard and otherwise satisfies the prescribed conditions for admission to any part or parts of the Register, is, on application in the prescribed form and payment of the prescribed fee, 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, authorising the delegation by the Board to committees of any of the powers of the Board and regulating the procedure of such committees;
- (i) prescribing fees;
- (j) prescribing the titles which are to 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 may be registered, and no additional qualification may be inserted in the Register 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 is proved to the satisfaction of the Board to have been fraudulently or incorrectly made must be erased from the Register by the Board.

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

Examination

10. (1) The Board must make all necessary arrangements for the holding or recognition of examinations for the purposes of this Ordinance, appoint examiners for such examinations, and fix the time when and the place where any such examination is to be held.

(2) The fee prescribed must be paid by every person who presents himself or herself for any an examination as mentioned in subsection (1).

Registered person may have subsequent qualification inserted

11. Any registered person who obtains any degree higher than or any qualification other than the qualification in respect of which he or she has been registered is 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 must 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 must (upon becoming aware of the fact) cause to be erased from the Register the name of any deceased person.

Inspection of Register

13. The Register must be open to the inspection of any person, on payment of the prescribed fee, 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, is *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) is convicted of an offence punishable with imprisonment for 2 years or more, or an offence under section 23; or
 (b) is after due inquiry 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 the registered person or suspend him or her from practice, or order his or her name to be removed from the Register.

(2) If the Board conducts an inquiry under this section, the person against whom any offence is alleged must be first informed of the nature of the allegation, and is entitled to appear in person before the Board and be heard on the allegation.

(3) If after due inquiry the Board decides under 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 must be served on the person by the Secretary to the Board either personally or, if the person cannot be found, by leaving it at the place stated in the Register to be his or her address.

(4) The Board must not cause the name of any person to be removed 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 section 16 has been lodged, or, if an appeal has been lodged, until the determination of it.

(5) Any person whose name has been removed from the Register by the Board under subsection (1) must, within 14 days after the service on the person of the removal, surrender his or her certificate of registration to the Board, and if the person fails so to do he or she commits an offence.

Penalty: A fine of £50.

(6) If on appeal under section 16 from the decision of the Board removing a person's name from the Register the decision is reversed, the person's certificate of registration must thereupon be restored to him or her.

Appeal from decision of the Board

16. (1) A person whose name has been removed from the Register under section 15(1) may, within 21 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 on such an appeal is 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. A person whose name has been removed from the Register under section 15(1) 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 any inquiry it considers expedient, may allow or refuse to allow the name of such person to be restored to the Register.

Service of notice

18. A notice directed or required to be served on any person under this Ordinance or any rules or regulations made under it is deemed to have been served on the person if it has been posted by registered post to the person's address registered in the Register or, if the name of the person is not so registered, then to any address provided by the person 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 is, by virtue of being so registered, 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 does 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. A person who procures or attempts to procure himself or herself 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, commits an offence.

Penalty: A fine of £100 or imprisonment for 6 months, or both.

Penalties for unlawful assumption of title of registered nurse or midwife

22. (1) It is an offence for a person, not being duly registered under this Ordinance to –

- (a) take or use 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;
- (b) use 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
- (c) use any title, uniform or badge prescribed for the use of nurses or midwives registered under this Ordinance.

Penalty: In the case of a first offence, a fine of £10 and in the case of a second or subsequent

offence, a fine of £50.

(2) Subject to subsection (3), it is an offence for a person, being either a male person or a woman who is not duly registered under this Ordinance, to attend a woman in childbirth other than in a case of sudden or urgent necessity.

Penalty: In the case of a first offence, a fine of £10 and in the case of a second or subsequent offence, a fine of £50.

(3) Subsection (2) does not apply to-

- (a) a person who, while undergoing training with a view to becoming a registered midwife attends a woman in childbirth as part of a course of training prescribed by the Board; or
- (b) a registered medical practitioner.

Offences relating to the Register

23. (1) It is an offence for a person—

- (a) being a person whose name is included in any part of the Register, to use any name, title, addition, description, uniform or badge, or otherwise to do 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;
- (b) with intent to deceive, to make 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, to make any statement or do any act calculated to suggest that that other person is registered.

Penalty: In the case of a first offence, a fine of £10 and in case of a second or subsequent offence, a fine of £50.

(2) A person who wilfully makes or causes to be made any falsification in any matter relating to the Register commits an offence.

Penalty: A fine of £100 and imprisonment for 6 months, or both.

Employing unregistered substitute

24. A registered nurse or midwife who employs an unregistered person as his or her substitute commits an offence.

Penalty: A fine of £100 or imprisonment for 6 months, or both.

SCHEDULE

(Section 3)

NURSES AND MIDWIVES REGISTRATION BOARD

1. The Nurses and Midwives Registration Board is to consist of—

- (a) the Chief Nursing Officer, who is to be the Chair of the Board;
- (b) 3 Nursing Officers;
- (c) the Chair 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 Director of Education and Employment or an Education Officer nominated

- by him or her;
 (f) one other member, nominated by the St Helena Nurses' Association.

2. The members of the Board (other than the *ex officio* members) hold office for 3 years and are 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.

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

5. If any member of the Board is temporarily absent from St Helena and occasion arises which in the opinion of the Chair necessitates a meeting of the full Board, the Governor may, upon the request of the Chair, 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. 5 members of the Board constitute 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 ORDINANCE, 1987

NURSES AND MIDWIVES REGULATIONS, 1988

(Section 8)

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Citation

1. These Regulations may be cited as the Nurses and Midwives Regulations, 1988.

Meetings of Board

2. (1) The Board must meet at least 3 times each year, at times the Chair

decides.

(2) The Secretary to the Board must 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 must 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 3 days prior to the meeting.

Register of nurses

3. (1) 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) Subject to sub-regulation (2A), a person must not be registered in any part of the Register unless the Board is satisfied that he or she—

- (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.

(2A) 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 person for registration in that Part if he or she is in possession of a qualification obtained outside St Helena that the Board is satisfied is suitable to justify registration of the person in that Part of the Register.

(3) A registration fee of £10.00 is payable by any person other than a person who has St Helenian status or who is 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.

Courses of training

4. (1) The Board must 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 must be co-ordinated by the Board with a view to ensuring acceptable professional standards.

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

Examinations during training

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

(2) For the purposes of this regulation, an Examinations Committee consisting of 4 persons appointed by the Board must be established.

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

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

(6) The Examinations Committee must, 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 3 “In-Service Training Sessions” approved by the Board.

(2) A “Register of In-Service Training” must be maintained by the Board.

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

(4) The Board must encourage and support the senior health service staff in the arrangements for In-Service Training Sessions.

Professional discipline

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