

**LAWS OF THE GILBERT ISLANDS
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CHAPTER 64

NURSES AND MIDWIVES

ARRANGEMENT OF SECTIONS

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An Ordinance to provide for the registration of nurses for the sick and midwives and to regulate their practice

5 of 1968
(Cap. 31 of
1973)
14 of 1974
26 of 1977

Commencement: 9th August 1968

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

Short title

2. In this Ordinance—

Interpretation

“medical officer” means a person registered as such under the Medical and Dental Practitioners Ordinance;

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“the Matron” means the matron of the Central Hospital at Bikenibeu;

“registered medical practitioner” means a person registered as such under the Medical and Dental Practitioners Ordinance.

Cap. 55

3. (1) There is hereby established a Board to be known as the Nurses and Midwives Board.

Establishment
of Board

- (2) The Board shall consist of—
- (a) the Secretary as Chairman;
 - (b) the Matron;
 - (c) so many other members not exceeding 3 as the Minister may appoint of whom at least 1 shall be a nurse or midwife registered under this Ordinance.

(3) Members appointed to the Board under subsection (2) (c) shall hold office for 2 years but may be reappointed or may be removed from office by the Minister for such cause as he may deem sufficient or may at any time resign by notice in writing addressed to the Chairman.

(4) If any member of the Board appointed under subsection (2) (c) dies, resigns, or is removed from office, the vacancy shall be filled in the manner in which the appointment to the vacant office was originally made and any person so appointed shall hold office for the remainder of the period for which his predecessor in office was appointed.

(5) The powers of the Board shall not be affected by any vacancy in the membership of the Board.

(6) The Chairman and 2 members of the Board shall form a quorum and the Chairman shall have a deliberative vote and in the event of an equality of votes shall also have a casting vote.

(7) The board may make standing orders governing its own procedure.

(8) The Board shall be a body corporate with perpetual succession and a common seal.

Duties of the Board

4. (1) It shall be the duty of the Board—
- (a) to form and keep in such a manner and in such parts as the Board considers desirable a register of nurses for the sick and midwives;
 - (b) to arrange for and regulate courses of training for nurses and midwives and the examination of such persons seeking admission to the register;
 - (c) to make such provision for the issue of certificates to nurses and midwives registered under this Ordinance and the wearing of badges and uniforms by such persons as the Board considers expedient;
 - (d) to regulate, supervise and restrict within due limits the practice of nurses and midwives.
- (2) A certificate under the seal of the Board authenticated by

the signature of the Chairman and 1 other member 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 conclusive in all courts of law of the facts stated in such certificate.

5. It shall be a condition of admission of a nurse or midwife to the register that such person—

Admission to the register

- (a) has undergone a course of training approved or prescribed by the Board in an institution approved by the Board and has passed, to the satisfaction of the Board, an examination approved by the Board; or
- (b) is or has been registered as a nurse or midwife in a country where the standard of training and examination is not lower than that required by this Ordinance, and satisfies the Board as to his good character; or
- (c) possesses such special qualifications as in the opinion of the Board justify the admission of such person to the appropriate part of the register:

Provided that in the case of a person who was practising as a nurse or midwife in the Gilbert Islands at the date of the coming into force of this Ordinance the Board may, if satisfied as to the efficiency and good character of such person, admit such person to the register without such training and examination as aforesaid.

6. No person shall be entitled to recover any charge in any court of law for any services rendered as a nurse or midwife unless such person proves at the trial that he was registered under this Ordinance at the time such services were rendered.

None but registered persons entitled to recover charges

7. Any person who—

- (a) not being a registered midwife or nurse, for gain, attends a woman in childbirth otherwise than under the direction and supervision of a registered medical practitioner or medical officer;
 - (b) not being a registered nurse, nurses a person for gain,
- shall be liable to a fine of \$100:

Restriction on activities of unregistered person

Provided that no person shall be convicted of an offence under the provisions of this section if it is shown to the satisfaction of the court that at the time and place of the alleged offence the services of such a registered medical practitioner, medical officer, nurse or midwife were not conveniently available.

Penalty for unlawful assumption of title, etc., of registered nurse or registered midwife

8. Any person who takes or uses any name, title, description, uniform or badge implying that such person is registered as a nurse or midwife when not so registered shall be liable to a fine of \$100.

Power of the Board to remove from the register

9. (1) If a registered nurse or registered midwife is convicted either in the Gilbert Islands or elsewhere of an offence which if committed in the Islands is punishable by a term of imprisonment for more than 6 months, or if after due inquiry and after hearing the person whose conduct is in question the Board is satisfied that a registered nurse or registered midwife has been guilty of serious misconduct in a professional respect the Board may make an order removing the name of such person from the register.

(2) A person whose conduct is the subject of inquiry under this section may attend the inquiry in person and may be represented by counsel.

(3) At the conclusion of such inquiry, the Board shall record their finding and the reasons therefor and may make an order accordingly, and shall forthwith notify the person concerned in writing of such finding and order and if required supply him with a copy of their finding and the reasons therefor.

(4) If the Secretary considers that any registered nurse or registered midwife has ceased to practise or to be employed as such, whether by reason of death, dismissal, resignation, retirement or of any other cause, he shall communicate the fact to the Board and, after giving such person if he is alive and can be found an opportunity to be heard or to make any representations on the matter and after such other inquiry as the Board deems necessary, the Board may make an order removing the name of such person from the register.

(5) Any person aggrieved by the removal of his name from the register, under any of the provisions of this section, may within 3 months after the date on which notice is given to him by the Board that his name has been so removed, appeal to the High Court against the removal, and on any such appeal the court may give directions as to the costs of the appeal.

(6) The Board may, in its discretion, re-admit to the register any person whose name has been removed therefrom under any of the provisions of this section.

10. The Board may, subject to the approval of the Minister, ^{Rules} make rules—

- (a) making such provision as the Board deems expedient for the purpose of enabling them to carry out the duties imposed upon them by this Ordinance;
- (b) prescribing fees for the examination and registration of nurses and midwives;
- (c) prescribing the conditions under which a person whose name has been struck off the register may be re-admitted thereto.

11. Nothing in this Ordinance relating to nurses or midwives ^{Application} shall apply to—

- (a) any registered medical practitioner or medical officer or to any person being instructed by or acting under the supervision of such medical practitioner or medical officer;
- (b) any person being instructed by or assisting any nurse or midwife registered under this Ordinance and acting under the direct supervision of such nurse or midwife.