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NURSES ACT

CHAPTER 257

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CHAPTER 257

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SCHEDULE

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INQUIRY BY THE COUNCIL

CHAPTER 257

NURSES ACT

[Date of assent: 18th May, 1983.]

[Date of commencement: 10th June, 1983.]

An Act of Parliament to make provision for the training, registration, enrolment and licensing of nurses, to regulate their conduct and to ensure their maximum participation in the health care of the community and for connected purposes

[Act No. 3 of 1983, Act No. 2 of 2002, Act No. 27 of 2011.]

(Consolidation of the following amendment ongoing : Act No. 5 of 2019 on the following sections: 1, 2, 4, 4A, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 17, 19, 26, 27, 27A and 27B.)

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Nurses Act.

2. Interpretation

In this Act, unless the context otherwise requires—

“**approved institution**” means an institution for the training of persons seeking registration or enrolment under this Act which has been declared by notice in the *Gazette* to be so approved by the Minister on the recommendation of the Council;

“**Council**” means the Nursing Council of Kenya established by section 3;

“**enrolled**” means entered on a roll;

“**health institution**” means a hospital, nursing home, convalescent home, maternity home, health centre, dispensary or other institution where health or medical services are rendered, either free or on the payment of fees;

“**licence**” means a licence to practise nursing granted under section 17;

“**local supervising authority**” means a local authority or a person appointed by the Minister on the recommendation of the Council to carry out, within such areas as the Minister shall specify, the powers and duties which may be prescribed by regulations made under section 26;

“**medical practitioner**” means a person registered under the Medical Practitioners and Dentists Act (Cap. 253) as a medical practitioner;

“**nurse educator community health nursing**” means a registered nurse who is also a registered midwife and registered community health nurse who holds a teaching diploma or degree in community health approved by the Council;

“**nurse educator general**” means a registered nurse who holds a teaching diploma or degree in general nursing approved by the Council;

“**nurse educator midwifery**” means a registered nurse who is also a registered midwife and who holds a teaching degree or diploma in midwifery approved by the Council;

“nurse educator psychiatric nursing” means a registered nurse who is also a registered psychiatric nurse and who holds a teaching diploma or degree in psychiatric nursing approved by the Council;

“register” means any of the registers required to be kept under section 12, and **“registered”** means entered in any of those registers;

“registered community health nurse” means a person whose name appears in the register kept by the Registrar under section 12(1)(c);

“registered nurse” means a person whose name appears in the register kept by the Registrar under section 12(1)(a);

“registered psychiatric nurse” means a person whose name appears in the register kept by the Registrar under section 12(1)(d);

“Registrar” means the Registrar of the Council appointed under section 11;

“retention fee” means a fee prescribed under section 11(4);

“roll” means any of the rolls required to be kept under section 14.

PART II – ADMINISTRATION

3. Establishment of Council

There is hereby established a Council to be known as the Nursing Council of Kenya which shall be a body corporate having perpetual succession and a common seal with power to sue and be sued and to purchase, hold, manage and dispose of land and other property, and to enter into such contracts as it may consider necessary or expedient.

4. Membership of the Council

(1) The Council shall consist of—

- (a) the Director of Medical Services or his representative;
- (b) the Director of Education or his representative;
- (c) the Chief Nursing Officer or his representative;
- (d) the Attorney-General or his representative;
- (e) the following persons appointed by the Minister—
 - (i) one registered midwife, to be elected by registered midwives;
 - (ii) one registered community health nurse, to be elected by registered community health nurses;
 - (iii) one registered psychiatric health nurse, to be elected by registered psychiatric health nurses;
 - (iv) one registered general nurse, elected by registered general nurses;
 - (v) one nurse nominated by the National Nurses Association of Kenya;
 - (vi) one nurse nominated by the Kenya Progressive Nurses Association;

- (vii) one registered nurse educator actively involved in the training of nurses nominated by recognized universities in Kenya;
- (viii) two registered nurses nominated by registered religious organizations providing health services in Kenya;
- (ix) one person with a professional background in human resource management;
- (f) the chief executive officer of the Kenya Medical Training College or his representative.

(2) All nominations and elections under this section shall be in such manner as may be prescribed and all appointments shall be notified in the *Gazette*.

(3) The members of the Council appointed under paragraph (e) of subsection (1) shall hold office for a term of three years and shall be eligible for reappointment in accordance with the procedure set out in that paragraph for one further term.

[Act No. 2 of 2002, Sch., Act No. 27 of 2011, s. 2.]

5. Disqualification from office and filling of vacancies

(1) No person shall be qualified for appointment or election as a member of Council if—

- (a) he is an undischarged bankrupt; or
- (b) his name has been and remains removed from the appropriate register or his registration, enrolment or licence has been suspended under section 25(1).

(2) A member of the Council shall vacate his office if he—

- (a) becomes subject to any of the disqualifications referred to in subsection (1); or
- (b) has been absent from more than two consecutive ordinary meetings of the Council without its leave; or
- (c) gives notice in writing to the Council of his desire to resign from office and his resignation is accepted.

(3) Every vacancy caused by the death of a member or by vacation of office under subsection (2) shall, in the case of a member appointed by the Minister, be filled by a person appointed by the Minister, and in every other case, unless the Council otherwise decides, shall be filled by a person appointed by the Council and every person so appointed shall hold office for the residue of the term for which his predecessor was appointed or elected.

6. Appointment of chairman of Council

(1) The Council shall once in each year elect from among its members a chairman and a vice-chairman who shall hold office in that year.

(2) The vice-chairman shall act as chairman whenever the chairman is unable to act and when so acting shall have the powers and discharge the duties of the chairman.

(3) If the chairman and the vice-chairman are both absent from any meeting of the Council, the members present shall elect one of their number present to

preside at the meeting and the person so elected shall, during the absence from that meeting of the chairman and vice-chairman, have all the powers and discharge all the duties of the chairman.

(4) If the chairman or vice-chairman vacates his office before the period of his appointment expires, a new chairman or vice-chairman, as the case may be, shall be elected at the meeting of the Council next following the vacation of office for the unexpired portion of the period for which the chairman or vice-chairman whose seat has become vacant was elected.

7. Meetings of Council

(1) The Council shall be convened by the chairman at least four times in each year.

(2) The chairman may at any time convene a special meeting of the Council and shall do so within fifteen days of a written requisition for the meeting signed by at least four members.

[Act No. 27 of 2011, s. 3.]

8. Quorum

(1) The quorum of the Council shall be seven, at least four of whom shall be members appointed under section 4(1)(e); but no meeting shall be held or continued, notwithstanding that there is a quorum, unless the Registrar or a person deputed by him is present.

(2) The decision of the majority of the members present and voting at any meeting shall constitute the decision of the Council and in the event of an equality of votes the chairman of the meeting shall have a casting in addition to a deliberative vote.

[Act No. 2 of 2002, Sch., Act No. 27 of 2011, s. 4.]

9. Functions of Council and annual report

(1) The functions of the Council shall be—

- (a) to establish and improve standards of all branches of the nursing profession in all their aspects and to safeguard the interests of all nurses;
- (b) to establish and improve the standards of professional nursing and of health care within the community;
- (c) with the approval of the Minister, to make provision for the training and instruction for persons seeking registration or enrolment under this Act;
- (d) with the approval of the Minister, to prescribe and regulate syllabuses of instruction and courses of training for persons seeking registration or enrolment under this Act;
- (e) to recommend to the Minister institutions to be approved institutions for training of persons seeking registration or enrolment under this Act;
- (f) with the approval of the Minister, to prescribe and conduct examinations for persons seeking registration or enrolment under this Act;

- (g) to prescribe badges, insignia or uniforms to be worn by persons registered, enrolled or licensed under this Act;
- (h) to have regard to the conduct of persons registered, enrolled or licensed under this Act, and to take such disciplinary measures as may be necessary to maintain a proper standard of conduct among such persons;
- (i) to have regard to the standards of nursing care, qualified staff, nursing commodities, facilities, conditions and environment of health institutions, and to take such disciplinary or appropriate measures as may be necessary to maintain a proper standard of nursing care in health institutions;
- (j) to direct and supervise the compilation and maintenance of registers, rolls and records required to be kept under sections 12, 14 and 16;
- (k) to advise the Minister on matters concerning all aspects of nursing.

(2) The Council shall, before the end of the month of February in each year, cause a report on the work carried out by the Council during the previous year, together with a statement of the accounts for that year, to be supplied to the Minister, and shall cause such further information as may be required by the Minister from time to time to be supplied to him.

[Act No. 27 of 2011, s. 5.]

10. Appointment and powers of committees of Council

(1) The Council shall appoint committees in the following areas—

- (a) human resources and finance;
- (b) registration and licensing;
- (c) education, research and examination;
- (d) discipline, standards and ethics.

(2) The Council may from time to time appoint such other committees as it may deem necessary for the more effective carrying out of its functions under this Act.

(3) Any committee appointed by the Council under subsection (1) or (2) shall consist of such persons as the Council deems necessary.

(4) The Council may prescribe and fix a quorum for each of its committees and may delegate to any committee such of its powers and duties as it deems fit.

(5) Except where the Council has by resolution authorized a committee to manage, regulate, or conclude any matter, no act of a committee shall be binding on the Council until it has been approved by the Council.

(6) A committee appointed under this section shall elect its own chairman and may also elect a vice-chairman.

(7) The Registrar or his deputy shall be the secretary of all committees appointed under this Act.

(8) Any committee other than a standing committee may be dissolved after notice of a motion to that effect by the vote of the majority of the Council.

[Act No. 2 of 2002, Sch., Act No. 27 of 2011, s. 6.]

PART III – REGISTRATION, ENROLMENT AND LICENSING

11. Appointment of Registrar and other officers

(1) The Council shall, with the approval of the Minister, appoint a Registrar who shall be a registered nurse and who shall perform such duties as may be prescribed by this Act or directed by the Council.

(2) The Council may, with the approval of the Minister, appoint such other officers as the work of the Council may require, and those officers shall perform such duties as the Council may direct.

(3) The Registrar shall keep up to date or cause to be kept up to date all registers, rolls and records required to be kept under or for the purposes of this Act, subject to any directions which may from time to time be issued to him by the Council.

(4) A fee, to be known as a retention fee, may be prescribed for payment annually, or at such longer intervals as the Council may deem appropriate, by any person whose name appears on a register or roll as a condition of maintaining his name thereon.

(5) The Registrar and other officers appointed under this section shall be paid such remuneration and allowances as the Council, with the approval of the Minister, may from time to time determine.

12. Registers to be kept

(1) The Registrar shall, under the direction of the Council, compile and keep in his office the following registers—

- (a) a register of nurses;
- (b) a register of midwives;
- (c) a register of community health nurses;
- (d) a register of psychiatric nurses;
- (e) a register of sick children's nurses,

and such other registers as may from time to time be required by the Council with the approval of the Minister.

(2) Subject to the payment of a retention fee, there shall be entered and maintained in the appropriate register the name and address of every person entitled to be registered under this Act together with his professional qualifications and such other particulars as may be prescribed by the Council.

13. Persons entitled to be registered

Except as otherwise provided in this Act or in any regulations made thereunder, every person shall be entitled to registration on the appropriate register who satisfies the Council that he is of good character and has paid the prescribed registration fee, and who—

- (a) has undergone a prescribed course of instruction and has passed the appropriate examination conducted or prescribed by the Council; or

- (b) has undergone a course of training and passed an examination, elsewhere than in Kenya, which the Council recognizes as equivalent to the training and instruction required in the case of persons trained in Kenya and as equivalent to the qualification by examination required under this Act.

14. Rolls to be kept

(1) The Registrar shall, under the direction of the Council, compile and keep in his office the following rolls—

- (a) a roll of nurses;
- (b) a roll of midwives;
- (c) a roll of community health nurses;
- (d) a roll of psychiatric nurses,

and such other rolls as may from time to time be required by the Council with the approval of the Minister.

(2) Subject to the payment of a retention fee, there shall be entered and maintained on the appropriate roll the name and address of every person entitled to be enrolled under this Act together with his professional qualifications and such other particulars as may be prescribed by the Council.

15. Persons entitled to be enrolled

Except as otherwise provided in this Act or in any regulations made thereunder, every person shall be entitled to enrolment in the appropriate roll who satisfies the Council that he is of good character and has paid the prescribed enrolment fee and who—

- (a) has undergone a prescribed course of instruction and has passed the appropriate examination conducted or prescribed by the Council; or
- (b) has undergone a course of training and passed an examination, elsewhere than in Kenya, which the Council recognizes as equivalent to the qualification by examination required under this Act.

16. Records of licences to be kept

(1) The Registrar shall, under the direction of the Council, compile and keep in his office the following separate records of licences to practise nursing in Kenya—

- (a) a record of nurses licensed to practise general nursing;
- (b) a record of nurses licensed to practise midwifery;
- (c) a record of nurses licensed to practise community health nursing;
- (d) a record of nurses licensed to practise psychiatric nursing;
- (e) a record of nurses licensed to practise sick children's nursing,

and all such other records as may from time to time be required by the Council with the approval of the Minister.

(2) There shall be entered on the appropriate record the name and address of every person licensed under this Act together with his professional qualifications and such other particulars as may be prescribed by the Council.

17. Private practice

(1) No person shall engage in private practice as a nurse unless such person—

- (a) is a citizen of Kenya;
- (b) is registered, enrolled or licensed as a nurse under this Act;
- (c) has served as a nurse for a period of not less than three years under supervision of a senior nurse of not less than seven years standing;
- (d) is a holder of an annual licence known as a practising certificate for that year;
- (e) is a holder of such other qualification as may be prescribed.

(2) Notwithstanding the provisions of subsection (1), a person who is not a citizen of Kenya may be licensed to practise as a nurse if he satisfies the Council that—

- (a) he is of good character;
- (b) he has paid the prescribed fees;
- (c) he has undergone a course of training and passed an examination, elsewhere than in Kenya, which would not qualify him to be registered or enrolled under this Act but which the Council recognizes as sufficient to enable him to practise nursing in Kenya.

(3) A licence issued under subsection (2)—

- (a) shall be for such period and for such purpose as the Council may prescribe;
- (b) may, on its expiry, be renewed for such period, not exceeding one year, as the Council may prescribe.

(4) Where a licence issued under subsection (2) is renewed, details of the renewal shall be entered in the appropriate record.

(5) Where a licence issued under subsection (2) expires and is not renewed within thirty days of expiry, the name of the holder of the licence shall be removed from the appropriate record and the Council may decline further requests for renewal of such a licence or impose a levy on such further requests.

(6) For the purposes of this Act—

- (a) a person shall be deemed to engage in private practice as a nurse if such person—
 - (i) practises on his own account and is entitled to receive, for his own financial benefit, the entire amount of all fees and charges;
 - (ii) practises in partnership with others and is entitled to receive, for his own financial benefit, a share of the fees and charges;

- (b) a person shall not be deemed to engage in private practice as a nurse if such person is employed by—
- (i) the Government or any other public body;
 - (ii) any person or employer where all fees and charges accrue to the person or employer despite the fact of him being employed in his professional capacity as a nurse.

(7) An application for a practising certificate or its renewal shall be made to the Council in the prescribed form and shall be accompanied by such fee as the Council may from time to time determine.

(8) Where an application is made by a person in accordance with subsection (7), the Council shall issue to such person a practising certificate for that year if it is satisfied that the person fulfils the requirements set out in subsection (1) and has paid the fee referred to in subsection (7) of this section.

(9) A practising certificate shall be valid from the date on which it is issued and shall expire on the thirtieth day of December of every year unless its holder ceases to be a registered person under this Act.

(10) Where a practising certificate ceases to be in force in accordance with subsection (7), the person to whom the certificate was issued shall deliver it to the Council within thirty days from the date on which he ceases to be registered.

(11) Any person who contravenes—

- (a) subsection (1) or (2), in addition to being culpable of professional misconduct, commits an offence and is liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding one year, or to both;
- (b) subsection (7) commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings.

[Act No. 27 of 2011, s. 7.]

18. Use of titles

(1) Any person registered or enrolled under this Act may take and use the title appropriate to the register or roll on which his name appears.

(2) Any person licensed under this Act may take and use the title appropriate to the terms of the licence granted to him.

PART IIIA – DISCIPLINARY PROVISIONS

18A. Professional misconduct

(1) A registered nurse shall be culpable of professional misconduct if such nurse—

- (a) allows any person to practise in his name as a registered nurse, unless such person is the holder of a practising certificate and is in partnership with him or employed by him;
- (b) enters, for the purpose of or in the course of practising as a registered nurse, into partnership with a person who does not hold a practising certificate, or secures any professional business through the services of such a person or by means not open to a registered nurse;

- (c) pays or allows or agrees to pay, directly or indirectly, to any person (other than a person who holds a practising certificate, is a retired partner or the legal representative of such a partner), any share, commission or brokerage out of the fees for, or profits of his professional services;
- (d) solicits clients or professional work or advertises professional attainments or services by use of means which contravenes the guidelines published by the Council;
- (e) discloses information acquired in the course of professional engagement to any person other than a client, without the consent of the client, or otherwise than required by law;
- (f) fails to observe and apply professional, technical, ethical or other standards prescribed by the Council as guidelines for practice by registered nurses;
- (g) is guilty of gross negligence in the conduct of his professional duties;
- (h) expresses an opinion on any matter with which he is concerned in a professional capacity without obtaining sufficient information on which to base the opinion;
- (i) fails to keep the funds of a client in a separate banking account or to use any such funds for purposes for which they are intended;
- (j) includes in any statement, return or form to be submitted to the Council any particular knowing it to be false;
- (k) is convicted of a crime under the Anti-Corruption and Economic Crimes Act, 2003 (No. 3 of 2003);
- (l) fails to declare a conflict of interest in relation to any particular matter or acts in a matter notwithstanding the presence of an undisclosed conflict of interest; or
- (m) fails to do any other act which may be prescribed.

(2) For avoidance of doubt, this section applies in equal respects to all categories of nurses whether registered, enrolled or licensed as such under this Act.

18B. Inquiry by the Council

(1) Where the Council, a member of the Council or any member of the public has reason to believe that a registered, enrolled or licensed nurse has committed an act of professional misconduct, the Council may, on its own or through a committee appointed for that purpose, inquire into the matter.

(2) The provisions of the Schedule shall have effect with respect to an inquiry by the Council under this section.

(3) On the completion of an inquiry under this section into the alleged professional misconduct of a registered, enrolled or licensed nurse, the Council may decide that—

- (a) no further action be taken against that nurse;
- (b) the nurse be reprimanded;

- (c) the nurse pays to the Council such fine, not exceeding five hundred thousand shillings, as may be appropriate;
- (d) the nurse undertakes training at his own cost, of such nature and duration and at such institutions as the Council may determine;
- (e) the nurse discharges his professional obligations under any contractual arrangement subject of the alleged misconduct;
- (f) any practising certificate held by the nurse be suspended for such period not exceeding five years as may be appropriate; or
- (g) the nurse be de-registered from the register.

(4) The Council shall as soon as practically possible, inform the registered, enrolled or licensed nurse of the action taken against him under this section.

(5) Any person aggrieved by any decision of the Council on inquiry may, within twenty-eight days from the date of the decision, appeal to the High Court, and in any such appeal the High Court may annul or vary the decision as it thinks fit.

(6) Any person whose name has been removed from a register, roll or record or whose registration, enrolment or licence has been suspended shall forthwith surrender to the Registrar his certificates and badges, and any person who contravenes this subsection commits an offence and is liable to a fine not exceeding fifty thousand shillings.

[Act No. 27 of 2011, s. 8.]

PART IV – MISCELLANEOUS PROVISIONS

19. Offences by person not eligible to be registered, enrolled or licensed

(1) Any person who, not being eligible to be registered, enrolled or licensed under this Act, uses any title appropriate to a person so registered, enrolled or licensed, or holds himself out directly or indirectly as being so registered, enrolled or licensed, or wears any uniform, badge or other distinguishing device prescribed for the use of persons so registered, enrolled or licensed, or any imitation thereof, shall be guilty of an offence and shall be liable to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding two years or to both.

(2) Any person who, not being eligible to be registered, enrolled or licensed under this Act, practises for gain as a nurse, except in an area which the Minister has, by notice in the *Gazette*, determined to be suitable for such practice by persons who are not so registered, enrolled or licensed, or, except in such circumstances as may be specifically laid down in regulations made under this Act, shall be guilty of an offence and shall be liable to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding two years or to both:

Provided that nothing in this section shall prohibit persons employed in the service of the Government or by an approved institution from performing their duties under the supervision of a medical practitioner or of a person registered, enrolled or licensed under this Act.

[Act No. 27 of 2011, s. 9.]

20. Offences by persons eligible to be registered, enrolled or licensed

(1) Any person who, though eligible to be registered, enrolled or licensed under this Act, is not so registered, enrolled or licensed and who practises as a nurse of any of the categories referred to in section 12, 14 or 16, shall be guilty of an offence and liable to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding six months.

(2) Any person who, being registered, enrolled or licensed under this Act—

- (a) wears any uniform, badge or other distinguishing device, or any imitation thereof, prescribed for—
 - (i) any category of persons registered or enrolled;
 - (ii) any particular category of person licensed under this Act when he is not the holder of a licence for such category;
- (b) holds himself out, directly or indirectly, as being—
 - (i) registered in any register or enrolled in any roll under this Act in which his name is not registered or enrolled;
 - (ii) licensed under this Act to do anything which he is not licensed to do;
- (c) uses any name, title or description other than that which he is entitled to use under this Act,

shall be guilty of an offence and liable to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding six months.

[Act No. 27 of 2011, s. 10.]

21. Offences by persons conducting training courses or examinations without authority

(1) Any person, being in charge of any health or other institution which is not approved by the Council as an institution for the training of persons seeking registration or enrolment under this Act, who—

- (a) admits to the institution under his charge any person for the purpose of training in any of the categories of nursing in respect of which provision is made for registration or enrolment under this Act;
- (b) purports to be conducting courses of training or examinations under this Act or regulations made thereunder;
- (c) issues any document, statement, badge, seal or uniform implying that the institution under his charge is approved by the Council as an institution for training of persons seeking registration or enrolment under this Act;
- (d) issues any document, statement, certificate, badge or seal implying that the holder thereof has undergone a course of instruction or passed an examination prescribed by the Council,

shall be guilty of an offence and liable to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding two years or to both.

(2) Any person who purports to conduct examinations on behalf of the Council while not being authorized by the Council so to do shall be guilty of an offence and liable to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding six months.

[Act No. 27 of 2011, s. 11.]

22. Employment of unregistered staff and entry of premises

(1) Any person who employs another person as a nurse to work in a health institution shall, if that other person is not registered, enrolled or licensed under this Act, be guilty of an offence and liable to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding two years or to both.

(2) The Council may authorize any person in writing to enter any health institution to check the status of nurses employed therein or the condition of the premises or the standard of nursing care therein.

(3) Any person who knowingly refuses entry to or obstructs an authorized person in any inspection under subsection (2) shall be guilty of an offence and liable to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding six months.

[Act No. 27 of 2011, s. 12.]

23. Certificates

A certificate under the seal of the Council stating that a person is or was at any date registered, enrolled or licensed under this Act shall be conclusive evidence of the fact stated in the certificate.

24. Falsification of registers, rolls or records

Any person who wilfully makes or causes to be made any false entry in, or falsification of, any register, roll or record kept under this Act, or who procures or attempts to procure himself or any other person to be registered, enrolled or licensed under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration either orally or in writing, shall be guilty of an offence and liable to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding two years or to both.

[Act No. 27 of 2011, s. 13.]

25. Deleted by Act No. 27 of 2011, s. 14.

26. Regulations

The Council may, with the approval of the Minister, make regulations generally for better carrying out of the provisions of this Act and, without prejudice to the foregoing generality, may make regulations to provide for—

- (a) the form and the method of keeping the registers, rolls and records under this Act;
- (b) the conditions of admission to the registers and rolls and of the issue of licences;
- (c) the manner in which the various categories of persons for whom provision is made in this Act for registration or enrolment may be established and their training regulated;
- (d) the conditions under which training schools for persons desirous of obtaining registration or enrolment under this Act may be approved and the courses of training and instruction to be undergone by persons seeking such registration or enrolment;

- (e) the subject matter of training courses and examinations to be conducted by the Council;
- (f) the conditions of admission for entry to training courses and examinations to be conducted by the Council;
- (g) the uniforms, badges and other distinguishing devices which may be worn by persons registered, enrolled and licensed under this Act;
- (h) the standards and conditions of professional practice of persons registered, enrolled or licensed under this Act;
- (i) the fees payable in respect of examinations, registration, enrolment, issue of licences, issue of certificates and badges and in respect of any other matters under this Act;
- (j) the procedure for election of those members of the Council who are required to be elected;
- (k) the summoning of meetings of and the direction of the proceedings of the Council;
- (l) the powers and duties of local supervising authorities, different powers and duties for which may be prescribed for different local supervising authorities;
- (m) the disposal of fees collected, the authorization of such disbursements as may be necessary and the management of any funds within the control of the Council;
- (n) the keeping and opening of new registers, rolls and records and the closing of existing registers, rolls and records or parts thereof.

27. Finance

The Minister may, with the consent of the Treasury, out of moneys provided by Parliament—

- (a) make to the Council such grants as may be necessary to enable it to discharge its functions under this Act;
- (b) make such other payments as may be necessary to give effect to the provisions of this Act;
- (c) pay remuneration, travelling and any other allowances to members of the Board (other than members who are public officers in receipt of a salary).

28. Repeal and savings

(1) The Nurses, Midwives and Health Visitors Act, in this section referred to as the repealed Act, is repealed.

(2) Any person whose name was registered as a nurse, midwife or health visitor under the provisions of the repealed Act, immediately before the coming into operation of this Act, and whose name was not then the subject of an order to be struck off or removed from the register under the repealed Act, shall be entitled to be registered, on payment of the prescribed fee, as a nurse, midwife, psychiatric nurse, community health nurse, or sick children's nurse, as the case maybe, under this Act.

(3) Where any person is registered under this Act in consequence of the provisions of subsection (2), this Act shall apply to him as though he had been first registered under it.

SCHEDULE

[Section 18B, Act No. 27 of 2011, s. 15.]

INQUIRY BY THE COUNCIL

1. Statement of allegation

(1) The Council, member of the Council or member of the public shall prepare, or cause to be prepared, a statement, in such form as may be prescribed, setting out the allegation of professional misconduct to be investigated by the Council.

(2) The Registrar shall transmit to each member of the Council or its committee, and to the person whose conduct is the subject of investigation, a copy of the statement prepared pursuant to subparagraph (1) of this paragraph.

2. Notice of meeting

(1) The Registrar shall give notice of the first date, time and place fixed for the inquiry to the person whose conduct is the subject of investigation.

(2) Every such notice shall, at least fourteen days, before the first date fixed for the inquiry, be delivered to the person whose conduct is the subject of investigation by hand or be sent to him through the post by registered letter addressed to his address last known to the Council.

(3) Where a person whose conduct is the subject of investigation fails to appear either personally or by his advocate at the time and place fixed in the notice served on him, the inquiry may proceed in his absence.

(4) Notice of the adjournment of an inquiry shall be given to the person whose conduct is the subject of investigation in such manner as the Council determines.

3. Right to representation

A person whose conduct is the subject of investigation may appear at the inquiry either personally or by his advocate.

4. Power of Council

(1) For the purpose of the conduct of the inquiry, the Council shall have power to—

- (a) administer oaths;
- (b) summon persons to attend and give evidence;
- (c) order the production of relevant documents, including court judgements; and
- (d) recover in whole or in part the costs of the inquiry not exceeding one hundred thousand shillings from any or all the parties involved in the proceedings.

(2) An oath may be administered by any member of the Council or by the Registrar.

(3) Notices, orders and summonses of the Council shall be issued under the hand of the Registrar.

5. Procedure at inquiry

(1) Subject to this Act, during an inquiry—

- (a) the procedure to be followed shall be within the discretion of the Council; and
- (b) the Council shall not be bound by the rules of evidence.

(2) Unless the Council otherwise determines, the proceedings on the inquiry shall be held in camera.

(3) The Registrar shall keep or cause to be kept, a record of the proceedings on the inquiry.

(4) The Registrar may attend meetings of the Council and may with the consent of the person presiding at a meeting take part in the deliberations on any matter arising at the meeting but he shall not be entitled to vote on any such matter.

6. Decision by majority

(1) The decision of the Council on an inquiry shall be that of the majority of the members present and voting for the purpose of making a decision.

(2) For the purposes of making a decision on an inquiry, every member of the Council shall have one vote, and, in the event of an equality of votes, the chairperson shall have a casting vote.

7. Transition

The Council existing at the commencement of this Act shall stand dissolved upon the expiration of six months after the commencement of this Act and a new Council shall be constituted in accordance with the provisions of this Act.
