

NURSING AND MIDWIFERY (REGISTRATION, ETC.) ACT

NURSING AND MIDWIFERY (REGISTRATION, ETC.) ACT

SECTION

ARRANGEMENT OF SECTIONS

Establishment of the Nursing and Midwifery Council of Nigeria

1. Establishment of the Nursing and Midwifery Council, etc.
2. Membership of the Council.
3. Financial provisions and annual reports.
4. Power of the Minister to give directions to the Council.
5. Appointment of Secretary-General and other staff.

Registers and registration

6. Preparation and maintenance of the register.
7. Publication of the register and lists of corrections.
8. Registration of nurses.
9. Registration of midwives.
10. Special provisions as to midwives trained outside Nigeria.
11. Special provisions as to nurses trained outside Nigeria.
12. Power to co-operate on experimental nurses' and midwives' training schemes.
13. State Nursing and Midwifery Committees.
14. Approval of training institutions.
15. Supervision of instruction and examinations leading to approved qualifications.
16. Supervisory authority.

Professional discipline

17. Establishment of the Disciplinary Tribunal, etc.
18. Penalties for unprofessional conduct.
19. Avoidance of duty, etc.

Miscellaneous and supplementary

20. Offences.
21. Unauthorised training.
22. Restricted effect of registration or use of name.
23. Nursing or midwifery duties, etc.
24. Repeals, savings and transfer of assets, liabilities and staff, etc.
25. Regulations.
26. Interpretation.
27. Short title.

FIRST SCHEDULE

Supplementary provisions relating to the Council

SECOND SCHEDULE

Registrable qualifications

THIRD SCHEDULE

Supplementary provisions relating to the Disciplinary Tribunal

NURSING AND MIDWIFERY (REGISTRATION, ETC.) ACT

An Act to establish the Nursing and Midwifery Council of Nigeria for the registration of nurses and midwives in Nigeria and State Nursing and Midwifery Committees and to provide for the discipline of nurses and midwives and other ancillary matters.

[1979 No. 89. 1992 No. 83.]

[28th September, 1979]

[Commencement.]

Establishment of the Nursing and Midwifery Council of Nigeria

1. Establishment of Nursing and Midwifery Council, etc.

(1) There is hereby established a body to be known as the Nursing and Midwifery

Council of Nigeria (in this Act referred to as "the Council") which shall be a body corporate with perpetual succession and a common seal and may sue and be sued by the name

aforesaid.

(2) The Council shall be charged with the general duty of-

(a) determining what standards of knowledge and skill are to be attained by persons seeking to become members of the profession of nursing and midwifery (in this Act referred to as "the profession") and reviewing those standards from time to time as circumstances may require;

(b) securing in accordance with the provisions of this Act the establishment and maintenance of a register of persons entitled to practise the profession and the publication from time to time of the lists of those persons;

(c) regulating and controlling the practice of the profession in all its ramifications;

(d) maintaining, in accordance with this Act, of discipline within the profession; and

(e) performing the other functions conferred upon the Council by this Act.

(3) Subject to subsection (4) of this section and to any direction of the Minister under this Act, the Council shall have power to do anything which in its opinion is calculated to facilitate the carrying on of its activities.

(4) The Council shall not have power to borrow money or to dispose of any property

except with the prior consent of the Minister and shall not have power to pay remunerations (including pensions), allowances or other expenses to any member or employee of

the Council or to any other person except in accordance with scales approved after consultation with the Federal Civil Service Commission.

2. Membership of the Council

(1) The Council shall consist of the following members that is-

(a) a chairman, who shall be appointed by the Minister;

(b) the head of the Nursing Services in the Federal Ministry of Health;

[1979 No. 89.]

(c) eight persons, four of whom shall be the heads of the Nursing Services in a

State Ministry of Health and two heads of Nursing Services in any of the University Teaching Hospitals, and two nurses from the faculties of nursing in the

universities representing each of the four health zones in rotation among the States comprised in each health zone for three years at a time;

[1988 No. 84.]

(d) four persons who shall be tutors in appropriate nursing, public health, psychiatry and midwifery training institutions in Nigeria to serve on rotation among

the health zones for three years at a time;

[1989 No. 18.]

(e) two persons to represent the Nursing and Midwifery Association;

(f) one person who is adviser on secondary education;

(g) two persons to represent the public interest; and

(h) two persons to represent the universities offering degree programmes in nursing on rotation, for three years;

(i) one registered medical practitioner who shall be a qualified gynaecologist and obstetrician to serve for three years.

(2) The chairman shall hold office for a period of three years and shall be eligible for reappointment for one further period of three years and thereafter, he shall no longer be eligible for reappointment.

(3) All appointments under paragraphs (d) to (i) of subsection (1) of this section shall be made by the Minister.

(4) The supplementary provisions contained in the First Schedule to this Act shall

have effect with respect to the proceedings of the Council and the other matters mentioned therein.

[First Schedule.]

3. Financial provisions and annual reports

(1) The Council shall establish and maintain a fund from which there shall be de-frayed all expenditure incurred by the Council.

(2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section-

(a) such monies as the Minister may, out of moneys provided by the Federal Government, pay to the Council by way of grant or by way of loan or otherwise

howsoever; and

(b) all other monies that may accrue to the Council under this Act.

(3) The Council shall prepare and submit to the Minister not later than 31 October of the year in which this Act comes into force (so however that for that year the Minister may, if he considers it necessary, extend the period) and in each subsequent year an estimate of its expenditure and income during the next succeeding financial year.

(4) The Council shall keep proper accounts in respect of each financial year and proper records in relation to those accounts, and shall cause the accounts to be audited as soon as may be after the end of each financial year to which the accounts relate by a firm of auditors appointed, as respects that year, from the list and in accordance with guidelines supplied by the Auditor-General for the Federation.

(5) The Council shall prepare and submit to the Minister not later than twelve months after its establishment and once in each year thereafter a report on the activities of the Council during the last preceding financial year and shall include in the report a copy of the audited accounts of the Council for that year and of the auditors' report on the accounts.

4. Power of the Minister to give directions to the Council

The Minister may give to the Council directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the exercise by the Council of its functions and it shall be the duty of the Council to comply with the directions.

5. Appointment of Secretary-General and other staff

(1) There shall be a Secretary-General of the Council to be appointed by the Council on such terms and conditions of service as may be stipulated in his letter of appointment or on such terms or conditions of service as may be determined from time to time by the Council.

[1988 No.2.]

(2) The Secretary-General shall be the chief executive of the Council and shall be responsible for the day-to-day running of the affairs of the Council.

(3) The Secretary-General shall keep the records and conduct the correspondence of the Council and perform such other functions as the Council may from time to time direct.

(4) The Council may appoint such other persons to be employees of the Council as the Council may determine.

(5) The Council shall have the power to advance, confirm, promote, transfer, discipline and terminate appointments of employees of the Council.

Registers and registration

6. Preparation and maintenance of the register

(1) The person appointed as Secretary-General under section 5 of this Act shall also be the registrar of the Council.

(2) It shall be the duty of the registrar to prepare and maintain, in accordance with rules made by the Council under this section, a register of the names, addresses and approved qualifications, and of such other particulars as may be specified, of all persons who are entitled in accordance with the provisions of this Act to be registered as nurses or midwives and who apply in the specified manner to be so registered.

(3) Subject to the following provisions of this section, the Council shall make rules with respect to the form and the keeping of the register and the making of entries therein, and in particular-

(a) regulating the making of applications for registration and providing for the evidence to be produced in support of applications;

(b) providing for the notification to the registrar, by the person to whom any registered particulars relate, of any change in those particulars;

(c) authorising a registered person to have any nursing or midwifery qualification

registered in relation to his name in addition to or, as he may elect, in substitution for any other qualification so registered;

(d) specifying the fees to be paid to the Council in respect of the entry of names on

the register and authorising the registrar to refuse to enter a name on the register until any fee specified for the entry has been paid; and

(e) specifying anything falling to be specified under the foregoing provisions of this section:

Provided that rules made for the purposes of paragraph (d) of this subsection shall not come into force until they are confirmed by the Minister and published in the *Federal Gazette*.

(5) It shall be the duty of the registrar-

(a) to correct, in accordance with the Council's directions, any entry in the register which the Council directs him to correct as being in the Council's opinion an entry which was incorrectly made;

(b) to make from time to time any necessary alterations to the registered particulars of registered persons; and .

(c) to remove from the register the name of any registered person who has died, or as the case may be, has ceased to be entitled to be registered.

(6) If the registrar-

(a) sends by post to any registered person a registered letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to the letter within the period of six months from the date of posting it; and

(b) upon the expiration of that period sends in like manner to the person in question a second and similar letter and receives no reply to that letter within three

months from the date of posting it,

the registrar may remove the particulars relating to the person in question from the relevant part of the register; but the Council may for any reason which seems to it to be sufficient, direct the registrar to restore to the appropriate part of the register any particulars

removed therefrom under this subsection.

7. Publication of the register and lists of corrections

(1) The registrar shall-

(a) cause a list of persons whose names and qualifications are contained in the register to be printed, published and put on sale to members of the public not later than six months from the beginning of the year in which this subsection comes into force;

(b) in each year after that in which a register is first published under paragraph (a) of this subsection, cause to be printed, published and put on sale as aforesaid either a corrected edition of the register or a list of corrections made to the register since it was last printed; and

(c) cause a print of each edition of the register and of each list of corrections to be deposited at all offices of the Council, and the Council shall cause the registrar to keep the register and lists so deposited to re-

main open at all reasonable times for inspection by members of the public.

(2) A document purporting to be a print of an edition of a register published under this section by authority of the registrar in the current year, or documents purporting to be prints of an edition of a register so published in a previous year and of a list of corrections to that edition so published in the current year shall, without prejudice to any other mode of proof, be admissible in any proceedings as evidence that any person specified in the document or the documents read together as being fully or provisionally registered is so registered and that any person not so specified is not so registered.

8. Registration of nurses

(1) Subject to any restriction upon registration otherwise imposed by this Act, the holder of-

(a) any qualification of a general nature specified in Part A of the Second Schedule to this Act; [Second Schedule.]

(b) any qualification of a specialised nature specified in Part B of the Second Schedule to this Act,

shall be entitled to registration as a nurse in the appropriate part of the general register maintained pursuant to section 6 (2) of this Act.

(2) A registered nurse may apply for registration as a nurse tutor upon the ground that he has undergone requisite practical training in an institution where student nurses are trained and has completed a course for nurse tutors in an institution or university

recognised for that purpose by the Council; and if the Council is satisfied as to his qualifications, the Council may direct registration accordingly.

(3) In the application of this section, a certificate or other document produced as evidence shall be deemed to be a valid certificate or document unless the contrary is proved.

9. Registration of midwives

(1) An applicant for registration shall, unless otherwise precluded by this Act, be entitled to registration as a midwife if she satisfies the Council that she is of good character, and-

(a) is the holder of a certificate under Part 8 of the Second Schedule to this Act; or [Second Schedule.]

(b) is exempted from examination as the holder of a qualification granted outside Nigeria and for the time being accepted by the Council:

Provided that if the Council so requires, the applicant shall satisfy the Council that she has had sufficient practical experience as a midwife.

(2) Any person aggrieved by a decision of the Council under this section may appeal

to the High Court most convenient in terms of access to her, within one month after notice is given to her of the decision of the Council.

10. Special provisions as to midwives trained outside Nigeria

(1) Where any person has, outside Nigeria, completed a course of training as a mid- wife not acceptable to the Council, without further proof of competency, the Council may require that person to undergo additional training in a teaching hospital or institution or under any scheme of training in Nigeria approved for the purposes of section 6 of this Act; and upon completion of the prescribed further training to the satisfaction of the

Council such person may apply for registration under this Act and be registered accordingly in the appropriate register.

(2) Every application for registration shall be accompanied by evidence of identity and payment of the prescribed fee.

11. Special provisions as to nurses trained outside Nigeria

(1) Any person to whom this section applies who satisfies the Council that he has undergone training pursuant to a scheme approved by the Council and that he is of good

character, may apply for registration in the prescribed manner; and, on payment of the prescribed fee, shall be registered in that part of the general register which the Council may consider appropriate to the case.

(2) Any person to whom this section applies who satisfies the Council that he has undergone training which requires augmentation in Nigeria and has in any institution, all

approved by the Council thereafter undergone further training and passed the examination (if any) prescribed, may apply for registration in the prescribed manner; and the pro-

visions of subsection (1) of this section shall, with, the necessary changes, apply to an application under this subsection.

(3) Notwithstanding the foregoing provisions of this section, if the Council is satisfied that an applicant, being a person to whom this section applies, has not received

augmented training but would with further experience or upon subsequent examination qualify for registration on the general register, and the applicant has undertaken in writing to furnish the necessary evidence of experience or examination as the case may require, the Council may defer its decision until satisfactory evidence of the augmented training is produced to the Council.

(4) This section shall apply to persons who in any place outside Nigeria successfully complete training in general nursing or as the case may be, in any specialised field of nursing and the scheme of training undergone-

(a) is one already approved by the Council; or

(b) is one which the Council requires to be augmented by further training or examination, as the case may be, in Nigeria.

(5) No nurse or midwife shall be allowed to practice or to continue in practice in any year except if such nurse or midwife has paid the annual fee for that year as prescribed by the Council.

12. Power to co-operate on experimental nurses' and midwives' training schemes

(1) In the performance of its duties under this Act, the Council shall from time to time, seek to improve methods employed in the basic and post-basic education of nurses and midwives, and for that purpose the Council may co-operate with recognised bodies

interested in the preparation of experimental schemes for the basic and post-basic education of nurses and midwives.

(2) Where the Council is of the opinion that a trial should, in the public interest, be made on a scheme of training and examinations to be undergone and passed by persons as a condition prior to registration under this Act (being training and examinations which differ from prescribed training and examinations but appear to the Council to be no less

efficient), the Council may adopt the scheme for such period and in relation to such institutions as may be specified in the resolution; but any such resolution shall be subject to

confirmation by the Minister.

(3) A scheme of training and examinations adopted by the Council under subsection (2) of this section shall provide that, for the period of its adoption, persons who, in an

institution specified in the adopting resolution undergo the training specified therein to the satisfaction of the Council and thereafter pass the prescribed examinations shall, on due compliance with all other requirements of this Act, be entitled to registration according to the requirement of the case, anything to the contrary in this Act notwithstanding.

(4) A scheme of training and examinations under this section may contain such incidental and supplementary provisions (including provision for charging fees in respect of the undergoing of training and examination specified in the scheme) as the Council may consider necessary.

(5) Any scheme of training and examinations adopted under this section may in like manner as is provided for its adoption, be extended for such period as the Council may think fit.

13. State Nursing and Midwifery Committees

(1) For the purposes of this Act, there shall be constituted by the Commissioner charged with responsibility for health matters in each State of the Federation, a Nursing and Midwifery Committee which shall be under the general direction and control of the Council and, acting in collaboration with the Chief Nursing Officer in that State, may exercise within the State the powers and duties conferred upon it by this Act or as the Council may from time to time prescribe.

(2) Nothing in this section shall be construed so as to authorise the appointment to a State Nursing and Midwifery Committee of any person not registered under this Act, without the approval of the Minister.

14. Approval of training institutions

(1) The Council may on the recommendation of the State Nursing and Midwifery Committee approve hospitals and other similar institutions in Nigeria which are organised by the Government of the Federation or of a State or by voluntary agencies as training schools for nurses and midwives.

(2) Where a State Nursing and Midwifery Committee recommends approval pursuant to subsection (1) of this section, the approval by the Council shall, unless the Council otherwise directs, be conditional upon the attainment by the hospital or other similar institution of the standards prescribed by the Council for training under this Act.

(3) Recommendations under this section shall be submitted to the Council by the secretary of the State Nursing and Midwifery Committee.

15. Supervision of instruction and examinations leading to approved qualifications

(1) It shall be the duty of the Council to keep itself informed of the nature of the instruction given to at approved institutions to, and examinations taken by, persons attending approved courses of training and for the purposes of performing that duty the Council may appoint, either from among its own members or otherwise, persons to visit approved institutions or to attend such examinations.

(2) It shall be the duty of a visitor appointed under subsection (1) of this section to report to the Council on-

(a) the sufficiency of the instruction given to persons attending approved courses of training at institutions visited by him;

(b) the sufficiency of any examinations attended by him; and

(c) any other matters relating to the institutions on which the Council may, either generally or in a particular case, request him to report,

but no visitor shall interfere with the giving of any instruction or the holding of any examination.

(3) On receiving a report made in pursuance of this section, the Council shall as soon as may be send a copy of the report to the person appearing to the Council to be in charge of the institution or responsible for the examination to which the report relates, requesting that person to make observations on the report to the Council within such period as may

be specified in the request, not being less than one month beginning with the date of the request.

16. Supervisory authority

(1) The Chief Nursing Officer of the State concerned shall be the supervisory authority over nurses and midwives within the State concerned and it shall be the duty of a supervisory authority-

(a) to work in co-operation with the State Nursing and Midwifery Committee

(which is hereby required to keep its supervisory authority informed of its activities under this Act) and generally to exercise supervision as directed by the

Council;

(b) if any particular case so requires, to investigate charges of malpractice, negligence, misconduct or contravention of instructions given by the Council to the

State Nursing or Midwifery Committee;

(c) to report any matter to the Council and in any particular case, to recommend to the Council that the matter so reported be dealt with by the tribunal under this Act;

(d) to inform the Council as soon as possible of the name of any nurse or midwife convicted of an offence.

(2) A supervisory authority shall not delegate any of the aforesaid duties to any person without the prior authority in writing of the Council.

Professional discipline

17. Establishment of the Disciplinary Tribunal, etc.

(1) There shall be established a body to be known as the Nurses and Midwives Disciplinary Tribunal (in this Act referred to as "the Tribunal") which shall be charged with

the duty of considering and determining any case referred to it by the supervisory authority established under section 16 of this Act and any other case of which the Tribunal has cognisance under the following provisions of this Act.

(2) The Tribunal shall consist of the chairman of the Council and seven other members of the Council to be appointed by the Council.

(3) The supervisory authority referred to in section 16 of this Act shall be the investigating authority charged with the duty of-

(a) conducting a preliminary investigation into any case where it is alleged that a person registered has misbehaved in his capacity as a nurse or midwife or should for any other reason be the subject of proceedings before the tribunal; and

(b) deciding whether the case should be referred to the Tribunal.

(4) The provisions of the Third Schedule to this Act shall have effect with respect to the Tribunal.

[Third Schedule.]

18. Penalties for unprofessional conduct

(1) Where-

(a) a person registered under this Act is convicted by any court in Nigeria or elsewhere having power to award imprisonment for an offence which in the opinion of the Tribunal is incompatible with the status of a nurse or midwife; or

(b) a registered person is judged by the Tribunal to be guilty of infamous conduct in a professional respect; or

(c) the Tribunal is satisfied that the name of any person has been fraudulently registered, the Tribunal may, if it thinks fit, give a direction-

(i) reprimanding that person; or

(ii) ordering the registrar to strike his name off the relevant part of the register; or

(iii) suspending him from practice by ordering him not to engage in practice as a nurse or midwife for such period not exceeding six months as may be specified in the direction,

and any such direction may, where appropriate, include provision requiring the refund of moneys paid or the handing over of documents or any other thing as the circumstances of the case may require.

(2) The Tribunal may, if it thinks fit, defer or further defer its decision as to the giving of a direction under subsection (1) of this section until a subsequent meeting of the

Tribunal; but-

(a) no decision shall be deferred under this subsection for periods exceeding six months in the aggregate; and

(b) no person shall be a member of the Tribunal for the purpose of reaching a decision which has been deferred or further deferred unless he was present as a

member of the tribunal when the decision was deferred.

(3) For the purposes of subsection (1) of this section, a person shall not be treated as convicted as mentioned in paragraph (a) of that subsection unless the conviction stands at a time when no appeal or further appeal is pending or may (without extension of time) be ought in connection with the conviction.

(4) The person to whom such a direction relates may, at any time within 28 days from the date of service on him of the direction, appeal against the direction to the High Court; and the Tribunal may appear as respondent to the appeal and, for the purpose of

enabling directions to be given as to the costs of appeal before the High Court, the Tribunal shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal.

(5) A direction of the Tribunal under subsection (1) of this section shall take effect-

(a) where no appeal under this section is ought against the direction within the time limited for the appeal, on the expiration of that time; or

(b) where such an appeal is ought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal; or

(c) where such an appeal is ought and is not withdrawn or struck out as afore- said, if and when the appeal is dismissed,

and not otherwise howsoever.

(6) A person whose name is removed from the register in pursuance of a direction of

the Tribunal under this section shall not be entitled to be registered again except in pursuance of a direction in that behalf given by the Tribunal on the application of that person;

and a direction under this section for the removal of a person's name from the register may prohibit an application under this subsection by that person until the expiration of

such period from the date of the direction (and where he has duly made such an application, from the date of his last application) as may be specified in the direction.

19. A voidance of duty, etc.

(1) Any registered person who, being employed as a nurse or midwife in any capacity in a hospital, nursing home or institution of any nature whatsoever established to provide medical care for the sick-

(a) without reasonable cause or excuse (the proof of which shall lie on him), leaves his place of employment; or

(b) likewise without reasonable cause or excuse, with the burden of proof as in paragraph (a) of this section, persuades or attempts to persuade any nurse or midwife qualified as aforesaid to leave any such place of employment,

shall be reported to the Council and the Council shall inquire into any such report; and if the case reported is proved to its satisfaction, the Council may take such action by way of suspension of the offender from practice for a period not exceeding three months, or by way of reprimand, as the circumstances may require.

(2) An appeal by any person under this section affected by a suspension from practice shall lie to the appropriate High Court.

Miscellaneous and supplementary

20. Offences

(1) Any person not being a person duly registered under this Act who-

[1988 No.4.]

(a) for or in expectation of reward practises or holds himself out to practise as such; or

(b) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorised by law to practise as a nurse or midwife,

is guilty of an offence under this section.

(2) Any person who employs any unregistered person as a nurse or midwife is guilty of an offence under this section and liable on conviction to be punished as provided in this section.

(3) It shall be an offence under this section for any registered nurse or midwife to establish a private nursing or maternity home without complying with the provisions of this Act.

(4) If any person for the purpose of procuring the registration of any time, qualification or other matter-

(a) makes a statement which is false in a material particular; or

(b) recklessly makes a statement which is false in a material particular, he is guilty of an offence under this section.

(5) If the registrar or any other person employed by the Council wilfully makes any falsification in any matter relating to the register he is guilty of an offence under this section.

(6) A person guilty of an offence under this section shall be liable-

(a) on conviction in a court lower than the High Court to a fine not exceeding

₦1,000 and where the offence is a continuing one, to a further fine not exceeding ₦ 50 for each day during which the offence continues;

(b) on conviction in a High Court, to a fine not exceeding ₦ 2,000 or imprisonment for a term not exceeding two years or to both such fine and imprisonment

and where the offence is a continuing one, to a further fine not exceeding ₦ 50 for each day during which the offence continues.

(7) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or

any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished as provided under paragraph (b) of subsection (6) of this section.

21. Unauthorised training

It shall be an offence for any person without the approval of the Minister, given on the recommendation of the Council, to train or purport to train any person as a nurse or mid- wife or to provide any course of training or establish any school for such purpose or as one of its purposes; and any such person shall be liable-

(a) on conviction otherwise than in a High Court, to a fine of N1,000 or to imprisonment for a term of six months, or to both such fine and imprisonment;

(b) on conviction in a High Court, to a fine of N2,000 or to imprisonment for a term of two years or to both such fine and imprisonment.

22. Restricted effect of registration or use of name

Registration under this Act shall not confer the right to assume any name, title or designation suggesting or implying that the person registered is by law entitled to take

charge of cases of abnormality or disease in or relating to any pregnancy requiring medical attention.

23. Nursing or midwifery duties, etc.

(1) A nurse or midwife registered under this Act shall be entitled to carry out nursing or midwifery care as provided for in the training curriculum prescribed and approved by the Council.

[1992 No. 83.)

(2) Any registered nurse or midwife shall be entitled to set up a private nursing or maternity home if-

(a) he has spent at least five years (as in other professions) in a recognised health establishment as a registered nurse or midwife after registration with the Council;

(b) he has complied with all the conditions laid down by the Ministry of Health of the State concerned for the establishment of such maternity home; and

(c) he has demonstrated unequivocally that there is prompt access to a practising obstetrician and gynaecologist or an experienced medical practitioner at all times, who has legal responsibility for attending to any emergencies.

24. Repeals, savings and transfer of assets, liabilities and staff, etc.

(1) The Midwives Act 1966 and the Nurses Act 1970 (in this section referred to as “the repealed enactments”) are hereby repealed and the bodies established thereunder are hereby dissolved.

[1966 No. 78. 1970 No.2.]

(2) Notwithstanding subsection (1) of this section-

(a) any person whose name was immediately before the coming into force of this

Act included in the register of nurses or midwives kept under the repealed enactments shall, without further application or payment of any other fee, be

deemed to be registered under the appropriate provision of this Act;

(b) any register kept in pursuance of the repealed enactments shall be deemed to be part of the register to be kept in pursuance of this Act;

(c) any document referring to a provision of any of the repealed enactments shall be construed as a reference to the corresponding provision of this Act; and

(d) where any offence, being an offence for the continuance of which a penalty

was provided, has been committed under any of the repealed enactments, proceedings may be taken under this Act in respect of the continuance of the of-

fence after the commencement of this Act in the same manner as if the offence had been committed under the corresponding provisions of this Act.

(3) All assets, funds, resources and other movable or immovable property which immediately before the commencement of this Act were vested in the bodies established by

the repealed enactments shall by virtue of this Act and without any further assurances, be vested in the Council.

(4) As from the commencement of this Act-

(a) the rights, interests, obligations and liabilities of the bodies referred to in sub-section (3) of this section existing immediately before the commencement of

this Act under any contract or instrument or at law or in equity apart from any contract or instrument are hereby assigned to and vested in the Council without further assurance but for

this Act; and

(b) any such contract or instrument shall be of the same force and effect against or in favour of the Council and shall be enforceable as fully and effectively as if instead of the bodies mentioned in the repealed enactments, the Council has been named therein or had been a party thereto.

(5) Any proceeding or cause of action pending or existing immediately before the commencement of this Act by or against any of the bodies mentioned in the repealed enactments in respect of any right, interest, obligation or liability of the bodies aforesaid

may be continued or, as the case may be, commenced and any determination of a court of law, tribunal or other authority or person may be enforced by or against the Council to the same extent that any such proceeding, cause of action or determination could have been continued, commenced or enforced by or against the bodies aforesaid if this Act had not been made.

(6) Notwithstanding the repeal of the enactments referred to in this section, if the Council thinks it expedient that any vacancy in the Council should be filled by a person holding office at the commencement of this Act in the bodies dissolved by this section, it may employ such person by way of transfer by the Council and the previous service in the dissolved body by such person shall count as service for the purposes of any pension subsequently payable by the Council.

25. Regulations

In addition to any other power to make regulations under this Act, the Minister may

make all such other regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

26. Interpretation

In this Act, unless the context otherwise requires-

“Committee” means a State Nursing and Midwifery Committee established by section 13 of this Act;

“Council” means the Nursing and Midwifery Council established by section 1 of this Act;

“functions” includes powers and duties;

“Minister” means the Minister charged with responsibility for matters relating to the profession of nursing and midwifery;

“nurse” or “midwife” means a person who is registered to practise the profession in accordance with the provisions of this Act;

“register” means the register maintained under section 6 of this Act in respect of those entitled to practise the profession of nursing or midwifery and **“registered”** shall be construed accordingly;

“supervisory authority” means the Chief Nursing Officer of a State;

“Tribunal” means the Nurses and Midwives Disciplinary Tribunal established by section 17 of this Act.

27. Short title

This Act may be cited as the Nursing and Midwifery (Registration, etc.) Act.