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**CHAPTER 225****NURSES AND MIDWIVES****ARRANGEMENT OF SECTIONS**

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## CHAPTER 225

## NURSES AND MIDWIVES

**An Act to provide for control of the training and practice of clinical nurses and midwives, for the registration of nurses and midwives and the enrolment of clinical nurses; to repeal the Midwives Act; and for matters incidental to or connected with the matters aforesaid.**

*12 of 1971  
E.L.A.O., 1974  
16 of 1989  
25 of 1995*

*[Assent 17th June, 1971]*

*[Commencement 18th October, 1971]*

1. This Act may be cited as the Nurses and Midwives Act. Short title.
2. (1) In this Act, unless the context otherwise requires — Interpretation.
- “the Council” means the Nursing Council established under section 3;
- “mental nurse” means a nurse trained in the nursing care of persons suffering from mental illness;
- “Minister” means the Minister responsible for Medical, Nursing and Health Services; *E.L.A.O., 1974.*
- “nurse” includes mental nurse;
- “the register” means —
- (a) in relation to nurses, the Register of Nurses; and
- (b) in relation to midwives, the Register of Midwives, specified in section 9;
- “the Registrar” means the Registrar appointed under section 5;
- “the roll” means the Roll of Clinical Nurses specified in section 10.
- (2) References in this Act to a section are, unless the contrary intention appears, references to a section of this Act, and references in a section to a subsection are, unless the contrary intention appears, references to a subsection of that section.
3. (1) There shall be established for the purposes of this Act a body to be called the Nursing Council. Establishment of  
Nursing Council.

First Schedule.

(2) The provisions of the First Schedule shall have effect as to the constitution of the Council and otherwise in relation thereto.

Powers of the Council.

4. The Council shall have power to control the training and practice of nurses, clinical nurses and midwives, to register nurses and midwives and to enrol clinical nurses.

Appointment of Registrar and other officers, servants and agents.

5. The Council may appoint and employ at such remuneration and on such terms and conditions as it thinks fit a Registrar and such other officers, servants or agents as it thinks necessary for the proper carrying out of the provisions of this Act:

Provided that no salary in excess of three thousand dollars shall be assigned to any post without the prior approval of the Minister.

Funds of the Council.

6. The funds of the Council shall consist of such moneys as may from time to time be placed at its disposal for the purposes of this Act by Parliament, and such other moneys as may lawfully be paid to the Council.

Accounts and audit.

7. The Council shall keep proper accounts of its receipts, payments, assets and liabilities, and such accounts shall be audited annually by an auditor appointed in each year by the Council with the approval of the Minister.

Annual Reports and Estimates.

8. (1) The Council shall in each year prepare and submit to the Minister on or before the thirty-first day of March a report of its proceedings during the twelve months ending on the thirty-first day of December in the preceding year, including a statement of its accounts audited in accordance with section 7.

(2) The Council shall, on or before the thirty-first day of August in each year, submit to the Minister for approval its estimates of revenue and expenditure in respect of the twelve-month period commencing on the first day of January next following.

Registration of nurses and midwives.

9. (1) The Council shall cause the Registrar to keep in such form as it may from time to time determine —

- (a) a register, to be known as the Register of Nurses, in which shall be entered the name and other prescribed particulars of every person registered as a nurse; and

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- (b) a register, to be known as the Register of Midwives, in which shall be entered the name and other prescribed particulars of every person registered as a midwife.

(2) The Register of Nurses and the Register of Midwives shall be open to inspection by any member of the public at all reasonable times, and a copy of each register shall be published in the *Gazette* by the Registrar at such times as may be prescribed.

(3) Every person who immediately before the commencement of this Act was listed as a nurse in the official list kept by the Minister of nurses practising in The Bahamas shall be deemed at the commencement of this Act to be registered as a nurse under this Act, and the Registrar shall as soon as may be after the commencement of this Act enter the name and other prescribed particulars of such person in the Register of Nurses.

(4) Every person who immediately before the commencement of this Act was registered as a midwife under the Midwives Act (now repealed) shall be deemed at the commencement of this Act to be registered as a midwife under this Act, and the Registrar shall as soon as may be after the commencement of this Act enter the name and other prescribed particulars of such person in the Register of Midwives.

28 of 1926.

(5) Every person who —

- (a) (i) satisfies the Council that he has successfully completed in The Bahamas a course of training in nursing or midwifery recognised by the Council, and has passed any examination or examinations set by the Council for the purpose; or
- (ii) in any other case satisfies the Council that he has successfully completed such a course of training as aforesaid at an overseas institution recognised by the Council; and
- (b) further satisfies the Council that he is of good character and is a fit and proper person to practise as a nurse or midwife in The Bahamas,

shall be qualified under this Act to be registered as a nurse or midwife, as the case may be:

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Provided that nothing in this subsection shall operate to prevent the Council from requiring any particular person to sit and pass such examination or examinations set by the Council as the Council may deem fit before such person shall be qualified to be registered as aforesaid.

(6) Subject to the provisions of subsections (3) and (4), any person who is qualified under this Act to be registered as a nurse or midwife may make application to the Registrar for registration, and every such application shall be made in the prescribed form and accompanied by the prescribed fee.

(7) The Registrar shall issue to every person registered under this Act the appropriate certificate of registration in the prescribed form.

Enrolment of  
clinical nurses.

**10.** (1) The Council shall cause the Registrar to keep a roll to be known as the Roll of Clinical Nurses (in this Act referred to as “the roll”), in which shall be entered the name and other prescribed particulars of every person whose application for enrolment as a clinical nurse is approved by the Council.

(2) The roll shall be open to inspection by any member of the public at all reasonable times.

(3) Every person who —

(a) satisfies the Council that he has successfully completed a course of practical training recognised by the Council as qualifying such person to engage in clinical nursing, that is to say, to undertake the basic care of patients under the supervision of a registered medical practitioner or a nurse; and

(b) further satisfies the Council that he is of good character and is a fit and proper person to practise clinical nursing (within the meaning given to that expression in paragraph (a) of this subsection) in The Bahamas,

shall be qualified under this Act to be enrolled as a clinical nurse.

(4) Any person who is qualified under this Act to be enrolled as a clinical nurse may make application to the Registrar for enrolment, and every such application shall be made in the prescribed form and accompanied by the prescribed fee.

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(5) The Registrar shall issue to every person enrolled as a clinical nurse a certificate of enrolment in the prescribed form.

**11.** (1) If any person who is registered or enrolled under this Act is found, upon enquiry by the Council — Suspension and striking off.

- (a) to be suffering from any illness rendering such person unfit to practise nursing or midwifery, or to perform satisfactorily the duties of a clinical nurse, as the case may be; or
- (b) to have procured any registration or enrolment under this Act as a result of any misleading, false or fraudulent representation; or
- (c) to be guilty of —
  - (i) dishonesty, negligence or incompetence in the performance of his duties as a nurse, midwife or clinical nurse, as the case may be; or
  - (ii) conduct that is unbecoming to a nurse, midwife or clinical nurse,

the Council may, if it thinks fits, suspend the registration or enrolment of such person for a period not exceeding one year or direct the Registrar to strike the name of such person off the register or off the roll, as the case may require.

(2) The Council may at any time, if it thinks just, and subject to any conditions that it considers the circumstances of the case require, direct the name of any person which has been struck off the register or off the roll to be reinstated.

- (3) The Council shall, as soon as may be after —
- (a) the registration or enrolment of any person has been suspended; or
  - (b) the name of any person has been struck off the register or off the roll; or
  - (c) the reinstatement of any name which was struck off the register or off the roll,

cause notice of the appropriate fact to be published in the *Gazette*.

(4) Whenever the name of any person has been struck off the register or off the roll, the Council may in writing

require such person to return to the Registrar his certificate of registration or certificate of enrolment, and such person shall comply with that requirement.

Appeals to  
Nursing Appeal  
Tribunal.

**12.** (1) Without prejudice to the provisions of subsections (3) and (4) of section 11, any person aggrieved by any decision of the Council in respect of the suspension or cancellation of the registration or enrolment of such person may appeal from such decision to the Nursing Appeal Tribunal hereinafter referred to as “the Tribunal”, which shall be constituted for the purposes of this section.

Second Schedule.

(2) The provisions of the Second Schedule shall have effect as to the constitution of the Tribunal and otherwise in relation thereto.

(3) Upon allowing an appeal from any decision of the Council under subsection (1) of section 11, the Tribunal shall cause notice of its decision to be published in the *Gazette* and shall, in the event of the appellant’s certificate having been returned under subsection (4) of section 11, direct such certificate to be restored to him.

(4) A decision of the Tribunal shall not affect any liability incurred under subsection (1) of section 14 by the appellant prior to such decision.

Supervisors of  
Midwives.

**13.** (1) The Council may, for the purpose of ensuring proper supervision of midwives —

- (a) divide The Bahamas into such midwifery districts (in this Act referred to as “districts”) as it may think fit;
- (b) designate such persons as it may think fit to be Supervisors of Midwives; and
- (c) specify the districts for which each Supervisor of Midwives shall be responsible.

(2) The Council shall, as soon as may be after any Supervisor of Midwives has been designated, cause notice of the fact to be published in the *Gazette*, and such notice shall set out the name and address of such Supervisor of Midwives and the districts for which he is responsible.

Offences.

**14.** (1) Any person who —

- (a) not being registered under this Act as a midwife or not being qualified to practise midwifery under any other enactment for the time being in force in The Bahamas, practises midwifery; or

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- (b) not being registered under this Act as a nurse, practises as a nurse or uses the name or title of registered nurse either alone or in combination with any other words or letters, or uses any name, title, addition, description, uniform or badge implying that he is registered under this Act as a nurse; or
  - (c) not being enrolled as a clinical nurse, at any time after the expiration of six months after the commencement of this Act undertakes employment as a clinical nurse; or
  - (d) being a nurse, midwife or clinical nurse whose registration or enrolment (as the case may be) is suspended under section 11, nevertheless practises as a nurse or midwife or undertakes employment as a clinical nurse; or
  - (e) with intent to deceive makes use of any certificate of registration on, or certificate of, enrolment issued under this Act to him or any other person,

shall be guilty of an offence and shall be liable on summary conviction —

- (f) in the case of a first offence, to a fine not exceeding thirty dollars,
- (g) in the case of a second or subsequent offence, to a fine not exceeding one hundred and fifty dollars, and in default of payment thereof to imprisonment for a period not exceeding six months:

Provided that —

- (i) nothing in paragraph (b) of this subsection shall prevent a children's nurse from taking or using the name or title of nurse, unless the circumstances in which, or the words or letters in combination with which, the name or title is taken or used are such as to suggest that he is something other than a children's nurse, that is to say, a person whose avocation is that of caring for children;
- (ii) a person shall not be guilty of an offence under that paragraph by reason only that, without objection by him, other persons use the word nurse in addressing or referring to him; and

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(iii) proceedings for an offence under that paragraph shall not be instituted except with the consent of the Attorney-General.

*16 of 1989, s. 36.*

(iv) nothing in paragraph (b) shall prevent a dental nurse within the meaning of the Dental Act, 1989 from taking or using the name or title of nurse.

(2) Any person who wilfully makes, or causes to be made, any falsification in any matter relating to the Register of Nurses or the Register of Midwives or to the roll, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding three hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(3) Any person who is guilty of a contravention of any of the provisions of this Act for which no penalty is provided in subsection (1) or (2) shall be liable on summary conviction to a fine not exceeding thirty dollars or to imprisonment for a term not exceeding thirty days.

Regulations.

**15.** (1) The Council, with the approval of the Minister, may make regulations generally for the proper carrying out of the provisions and purposes of this Act and, in particular, but without prejudice to the generality of the foregoing, may make regulations —

- (a) prescribing the requirements which shall be satisfied by persons applying for training as nurses, clinical nurses and midwives;
- (b) providing for the programmes of training and the curricula of study to be followed in the training of nurses, clinical nurses and midwives;
- (c) providing for the establishment, management and control of schools for nurses, midwives and clinical nurses, and regulating the instruction to be given in such schools;
- (d) prescribing the examinations to be passed and the other requirements to be satisfied, whether in addition, or as an alternative, to the passing of examinations, by persons applying for registration as nurses or midwives or enrolment as clinical nurses;
- (e) as to the functions of nurses, midwives and clinical nurses and the nature of the services which may be rendered by them;

- (f) providing for the establishment and control of agencies to facilitate the effective utilisation of the services of nurses, midwives and clinical nurses, in hospitals or otherwise;
  - (g) providing for the making of corrections to the register and the roll required by this Act to be kept;
  - (h) for the procedure to be followed in respect of enquiries into matters capable of rendering persons registered under this Act liable to be struck off or to have their registration or enrolment suspended;
  - (i) regulating the practice of midwifery and prescribing the powers and duties of Supervisors of Midwifery in any district;
  - (j) prescribing any other matter or thing which is required by this Act to be prescribed.
- (2) Regulations made under this section may contain different provisions for nurses, clinical nurses and midwives.

### FIRST SCHEDULE (Section 3)

1. The Council shall consist of ten members appointed by the Minister, and of such members —

Constitution of the Council.

- (a) five shall be persons selected by the Minister;
- (b) three shall be persons nominated by the Nurses' Association of The Bahamas or any other body recognised by the Minister as having succeeded to the functions of that Association;
- (c) one shall be a person nominated by the Minister of Education; and
- (d) one shall be a registered medical practitioner selected by the Minister after consultation with any association or associations recognised by the Minister as representing registered medical practitioners or any branch of such practitioners in The Bahamas.

2. The appointment of a member of the Council shall, subject to the provisions of this Schedule, be for a period not exceeding three years, and such member shall be eligible for re-appointment.

Tenure of office.

3. The Minister shall appoint one of the members of the Council to be the chairman thereof.

Chairman.

4. (1) Any member of the Council, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the

Resignations.

date of receipt by the Minister of such instrument such member shall cease to be a member of the Council.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister, and such resignation shall take effect from the date of receipt by the Minister of such instrument.

Revocation of appointments.

5. The Minister may at any time revoke the appointment of any member of the Council if he thinks it expedient so to do.

Vacancies and acting appointments.

6. (1) If any vacancy occurs in the membership of the Council, such vacancy shall be filled by the appointment of another member, who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed, so, however, that such appointment shall be made in the same manner and from the same category of persons, if any, as the appointment of the previous member.

(2) If the Minister is satisfied that the chairman or any other member of the Council is unable to act, the Minister may appoint any person to act in place of that member.

Gazetting of appointments.

7. The names of all members of the Council as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Incorporation.

8. (1) The Council shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of land and other property of whatever kind.

(2) The seal of the Council shall be kept in the custody of the chairman or the Registrar and shall be affixed to instruments pursuant to a resolution of the Council in the presence of the Chairman or any other member of the Council and the Registrar.

(3) The seal of the Council shall be authenticated by the signatures of the chairman and any other member authorised to act in that behalf and the Registrar, and shall be officially and judicially noticed.

(4) All documents, other than those required by law to be under seal, made by, and all decisions of, the Council may be signified under the hands of the chairman, or any other member authorised to act in that behalf, and the Registrar.

(5) The Council may sue and be sued in its corporate name and may for all purposes be described by such name.

Meetings.

9. (1) The Council shall meet at such times as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such places and times and on such days as the Council may determine.

(2) The chairman may at any time call a special meeting of the Council and shall call a special meeting within seven days of the receipt of a written requisition for that purpose addressed to him by any two members of the Council.

(3) The chairman shall preside at all meetings of the Council at which he is present and, in the case of the chairman's absence from any meeting, the members present and constituting a quorum shall elect a chairman from among their number to preside at that meeting.

(4) A quorum of the Council shall be six.

(5) The decisions of the Council shall be by a majority of votes, and, in addition to an original vote, the chairman or other person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(6) Minutes in proper form of each meeting of the Council shall be kept.

(7) The validity of the proceedings of the Council shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

(8) Subject to the provisions of this Schedule the Council may regulate its own proceedings.

**10.** (1) The Council may appoint such committees as it may think fit and may delegate to any such committee the power and authority to carry out on its behalf such duties as the Council may determine, so, however, that no such committee shall have the power to make regulations.

Committees.

(2) The constitution of each committee shall be determined by the Council.

**11.** (1) No member of the Council shall be personally liable for any act or default of the Council done or omitted to be done in good faith in the course of the operations of the Council.

Protection of members.

(2) Where any member of the Council is exempt from liability by reason only of the provisions of this paragraph the Council shall be liable to the extent that it would be if the member was a servant or agent of the Council.

**12.** There shall be paid from the funds of the Council to the chairman and other members of the Council such remuneration, if any, whether by way of honorarium, salary or fees, and such allowances, if any, as the Minister may determine.

Remuneration of members.

## SECOND SCHEDULE (Section 12)

**1.** The Tribunal shall consist of a chairman and two other members to be appointed by the Minister.

Constitution of the Nursing Appeal Tribunal.

**2.** The members of the Tribunal shall, subject to the provisions of this Schedule, hold office for such period not exceeding three years as the Minister may determine, and shall be eligible for re-appointment.

Tenure of office of members.  
*25 of 1995, s. 2 and Sch.*

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Acting  
appointments.

**3.** The Minister may appoint any person to act in the place of any other member of the Tribunal in case of the absence or inability to act of the chairman or other member.

Resignations.

**4.** (1) Any member of the Tribunal other than the chairman may at any time resign his office by instrument in writing addressed to the chairman, who shall forthwith cause it to be forwarded to the Minister, and from the date of the receipt by the chairman of such instrument such member shall cease to be a member of the Tribunal.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and, from the date of the receipt by the Minister of such instrument, such chairman shall cease to be chairman or a member of the Tribunal.

Revocation of  
appointments.

**5.** The Minister may, if he thinks it expedient so to do, at any time revoke the appointment of the chairman or any other member of the Tribunal.

Filling of  
vacancies.

**6.** If any vacancy occurs in the membership of the Tribunal, such vacancy shall be filled by the appointment of another member, who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed.

Publication of  
membership.

**7.** The names of members of the Tribunal as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Power to make  
rules.

**8.** The Minister may make rules —

- (a) as to the manner of appealing to the Tribunal;
- (b) as to proceedings before the Tribunal and matters incidental to or consequential on such proceedings, and, subject to any rules so made, the Tribunal may regulate its own procedure.