

## CHAPTER 256

## NURSES AND MIDWIVES

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*Ordinances Nos. 13 of 1948, 25 of 1959, 37 of 1966,  
Legal Notice No. 112 of 1970, Act No. 25 of 1982\**

**AN ACT TO PROVIDE FOR THE REGISTRATION OF NURSES FOR THE  
SICK AND MIDWIVES AND TO REGULATE THEIR PRACTICE**

[29 September 1948]

*Short title*

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

*Establishment of Nurses and Midwives Board*

- 2.—(1) There is hereby established a Nurses and Midwives Board consisting of—
  - (a) the Permanent Secretary for Health, who shall be chairman;
  - (b) the Controller of Nursing Services, who shall be the Registrar of Nurses and Midwives;
  - (c) the Principal, Central Nursing School;

\*Section 2(3) of Act No. 25 of 1982 reads as follows:—

“(3) Section 24 of the Interpretation Act applies in relation to this Act as if the power, under section 2 of the Act as amended by this Act, to make appointments were a power conferred by this Act alone.”.

- (d) the Senior Matron, Lautoka Hospital;
- (e) the Senior Matron, Colonial War Memorial Hospital;
- (f) a member, being a registered nurse who has been employed for not less than 5 years as a nurse in charge of other nurses, appointed by the Minister;
- (g) a member, being a registered midwife who has been employed for not less than 5 years as a midwife in charge of other midwives, appointed by the Minister; and
- (h) 3 other members, being persons registered under this Act, appointed by the Minister.

(Amended by Ordinance 25 of 1959, s. 2; Act 25 of 1982, s. 3.)

(2) A member appointed to the Board under any of the paragraphs (d) to (h), inclusive, of subsection (1) shall hold office for 2 years or for such other period, not exceeding 2 years, as is specified in the relevant instrument of appointment, and is eligible for re-appointment. (Substituted by Act 25 of 1982, s. 3.)

(3) Subject to subsections (3A) and (3B), the Board shall make standing orders governing its own procedure and for the appointment and powers of a deputy chairman. (Substituted by Act 25 of 1982, s. 3.)

(3A) At a meeting of the Board—

- (a) the chairman or, in the absence of the chairman, the deputy chairman; and
- (b) 6 other members,

shall constitute a quorum. (Inserted by Act 25 of 1982, s. 3.)

(3B) A person shall not be appointed as deputy chairman unless that person is a member of the Board and a registered nurse. (Inserted by Act 25 of 1982, s. 3.)

(4) It shall be lawful for the Board to appoint committees and to delegate all or any of its powers to any such committee:

Provided that no order made by a committee under the provisions of section 9 shall be valid or effective unless confirmed by the Board.

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

#### *Duties of the Board, etc.*

3.—(1) It shall be the duty of the Board—

- (a) to form and keep, in such a manner and in such parts as the Board considers desirable, a register of nurses for the sick and midwives;
- (b) to arrange for and regulate courses of training for nurses and midwives and the examination of such persons seeking admission to the register;
- (c) to make such provision for the issue of certificates to nurses and midwives registered under this Act and the wearing of badges and uniforms by such persons as the Board consider expedient;
- (d) to regulate, supervise and restrict within due limits the practice of nurses and midwives whether registered or not.

(2) A certificate under the seal of the Board authenticated by the signature of the chairman and 1 other member stating that any person is or was at any date, or is not or was not at any date, duly registered under this Act shall be conclusive evidence in all courts of law of the facts stated in such certificate.

(3) The Registrar of Nurses and Midwives shall—

- (a) perform the duties of secretary to the Board; and

(b) subject to the directions of the Board, have the custody and control of the register.

(Inserted by Act 25 of 1982, s. 4.)

*Admission to the register*

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

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

(Amended by Act 25 of 1982, s. 5.)

*None but registered persons entitled to recover charges*

5. No person is not entitled to recover, in any court of law, any charge for services rendered by that person as a nurse or midwife unless, at the time those services were rendered, that person was registered under this Act as a nurse or a midwife, as the case requires, proof of which shall lie upon that person.

(Substituted by Act 25 of 1982, s. 6.)

*None but registered persons to practise in certain areas*

6.—(1) The provisions of this section shall have effect only in such parts of Fiji as the Minister may, by order, direct.

(2) Any person who, in any part of Fiji to which this section applies—

- (a) not being a registered midwife attends a woman in childbirth otherwise than under the direction and personal supervision of a duly qualified medical practitioner or in a case of sudden or urgent necessity;
  - (b) not being a registered nurse, nurses a person for gain,
- is guilty of an offence and upon conviction shall be liable to a fine of \$100.

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

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

(Amended by Act 25 of 1982, s. 7.)

*Rules*

8. The Board may, subject to the approval of the Minister, make rules—

- (a) making such provision as the Board deem expedient for the purpose of enabling it to carry out the duties imposed upon it by the provisions of this Act;
- (b) prescribing fees for the examination and registration of nurses and midwives;
- (ba) making provision with respect to the practice of nursing and midwifery;
- (bb) prescribing penalties not exceeding a fine of fifty dollars for offences against the rules; and

- (c) prescribing the conditions under which a person whose name has been struck off the register may be re-admitted thereto.  
(Amended by Act 25 of 1982, s. 8.)

*Power of the Board to remove from the register*

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

(2) A person whose conduct is the subject of inquiry under this section shall be entitled to be present during such inquiry and to be represented by a barrister and solicitor.

(3) At the conclusion of such inquiry, the Board shall record its finding and the reasons therefor and may make an order accordingly, and shall forthwith notify the person concerned in writing of such finding and order and, if required, supply that person with a copy of its finding and the reasons therefor. (Amended by Act 25 of 1982, s. 9.)

(4) A person whose name has been removed from the register may, within 3 months after the date on which notice to that effect is given to that person in accordance with subsection (3), appeal against the removal in manner provided by rules of court to the Supreme Court and, on any such appeal, the Supreme Court may give such directions in the matter as it thinks proper, including directions as to the costs of the appeal, and the order of the Supreme Court shall be final and conclusive and not subject to an appeal to any other court. (Amended by Act 25 of 1982, s. 9.)

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

*Application*

10. Nothing in this Act relating to nurses or midwives shall apply to a medical practitioner duly registered under the provisions of the Medical and Dental Practitioners Act. (Cap. 255.)

(Amended by Ordinance 37 of 1966, s. 34.)

*Controlled by Ministry of Health*