



NURSES AND MIDWIVES ACT, 1985
(Act 18 of 1985)

F. A. RENE
PRESIDENT.

3rd December, 1985

AN ACT to establish the Seychelles Nurses and Midwives Council to make provision for registration of nurses and midwives, for their training, qualification and disciplinary control; to repeal the Midwives Act , and the Nurses' Registration Act; and for connected purposes

ENACTED by the President and the People's assembly –

- Short title** 1. This Act may be cited as the Nurses and Midwives Act. 1985
- Interpretation** 2. In this Act –
- "chairman" means the chairman of the Council;
- "council" means the Seychelles Nurses and Midwives Council established by section 3;
- "member" means a member of the council;
- "register" means the register of nurses or any part thereof or the register of midwives, whichever is appropriate;
- "registered" means entered in the appropriate register;
- "registrar" means the person appointed as such under paragraph 2 of the Schedule.
- Establishment of Seychelles Nurses & Midwives Council** 3. (1) There is established a council to be known as the Seychelles Nurses and Midwives Council.
- (2) The Schedule has effect with respect to the council, its composition, quorum, meetings, committees and proceedings, and to its registrar and otherwise.
- Register of nurses** 4. (1) The council shall cause to be kept a register of nurses which shall, in relation to each nurse registered, contain the following particulars –
- (a) the date and number of registration;
 - (b) the full name including, in the case of a married woman, 'her maiden name;
 - (c) the permanent address;.
 - (d) the particulars of training and qualifications;
 - (e) remarks and endorsements.
- (2) The register of nurses is divided into the following parts –
- (a) Part I containing the names and other particulars of all authorized by this Act to practice general nursing;
 - (b) Part II containing the names and other particulars of nurses qualified in the nursing and' care of persons suffering from mental disease.
 - (c) Part III containing the names and other particulars of nurses qualified in a specific field of nursing
 - (d) Part IV containing the names and other particulars of nurses registered in Part I 'who hold specialist qualifications;
 - (e) such other part as may be prescribed
- (3) Where a person qualifies for registration in more than one part of the register, his name may be included in each such part.
- (4) A nurse whose name remains, on the day immediately preceding the commencement of this Act, in the register of this Act, in the register of nurses kept under the Nurses' Registration Act shall, notwithstanding section 8 of this Act, be qualified to be registered under this Act and the registrar shall, subject to any directions given by the council and notwithstanding section 9 of this Act, register his name and other particulars required under this .Act in the appropriate part or parts of the register of nurses kept under [his .Act.
- Caps 192** 5. (1) The Council shall cause to be kept a register of midwives which shall, in relation

Register of midwives

to each midwife registered, contain the particulars specified in paragraphs (a) to (e) of section 4(1).

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(2) A midwife whose name remains, on the day immediately preceding the commencement of this Act, in the register of midwives kept under the Midwives Act shall, notwithstanding section 8 of this Act, be -qualified to be registered under this Act and the registrar shall, subject to any directions given by the council and notwithstanding section 9 of this Act, register her name and other particulars required under this Act in the register of midwives kept under this Act:

Custody, inspection and publication of registers

6. (1) The register of nurses and the register of midwives shall be kept in the custody of the registrar at the headquarters of the Ministry of Health and shall, on application to, the registrar, be open to inspection free of charge during normal working hours, by any nurse, midwife, officer of the Ministry of Health or: with the permission of the registrar, by any other person

(2) The council shall cause a list of nurses and midwives whose names remain on the register on the 31st December in each year to be published annually in the *Gazette* as soon as possible after that date;

Provided that a nurse or midwife who has been suspended from practicing as nurse or midwife pursuant to an order under section 11 (ii) shall not, so long as the order remains in the list.

(3) In any proceedings under this Act, a copy of the Gazette containing the most recent list of nurses or midwives published under sub-section (2) shall be evidence -

- (a) That the persons included in the list are registered under the Act,
- (b) That the persons not included in this list are not registered in the Act.

(4) In any proceedings under this Act, a certificate purporting to be signed by the registrar certifying that a person is or is not registered under this Act shall, without proof of the signature of the registrar, be conclusive evidence of the facts stated in the certificate.

Correction of register

7. (1) The registrar may amend a register -
- (a) as to the address or other relevant particulars relating to any person whose name appears in the register upon being satisfied that the amendment is necessary for the purpose of preserving the accuracy of the register;
 - (b) by inserting or removing there from, upon the direction of the council, the name of any nurse or midwife;
 - (c) for the purpose of complying with the provision of the Act relating to the form and contents of the register.

(2) Without prejudice to its powers of removal under section 11, the council may direct that the name of any person be removed from a register who--

- (a) requests in writing addressed to the council that the name be so removed;
- (b) dies;
- (c) leaves Seychelles without giving to the council notice of intention to return.

but, in that last case the person is entitled to re-registration without payment of any fee upon application after his return to Seychelles.

- Qualification for registration**
8. (1) Subject to this Act, no person is qualified to be registered under this Act unless he-- .
 (a) has attained the age of 19 years;
 (b) is of good character; and
 in addition thereto--
 (c) has completed such training as may be prescribed and has passed such examinations as may be required by the council for registration under the Act:
 or
 (d) is registered under the law of any foreign country as a nurse or midwife and the council is satisfied that the standard of training and examination required in that country is not inferior to the standard adopted by the council for registration under the Act.
- (2) In subsection (1) "foreign country" means a country other than Seychelles.
- Registration**
9. (1) A person who is qualified to be registered may apply in such manner as may be prescribed to the council for registration.
- (2) Where the council is satisfied that an applicant under subsection (1) is qualified in accordance with section 8 to be registered, the council shall, upon payment of the prescribed fee (if any), cause his name to be registered under the Act and, where the council is not so satisfied, shall refuse registration under the Act.
- Certificate of registration**
10. (1) Upon the registration of any person under section 4(4) or section 5(2) or section 9, the registrar shall issue to him a certificate of registration stating that the person has been registered in the appropriate register or part that of, when applicable, on the date specified in the certificate.
- (2) where a certificate of registration issued under subsection (1) is lost or destroyed, the registrar, upon being satisfied of the loss, or, destruction shall, upon payment of the prescribed fee (if any), issue a certificate of registration with the word 'duplicate' marked at the top left corner of the certificate.
- (3) Where the name of a nurse or midwife is removed from a register by order of the council made under section 11, that nurse or midwife shall forthwith return to the registrar the certificate of registration or, where that certificate has been lost or destroyed, he shall deliver to the registrar a statement in writing to that effect.
- (4) A person who fails to comply with subsection (3) is guilty of an offence and liable on conviction to a fine of 1,000 rupees.
- Disciplinary powers of council**
11. Where after due inquiry in accordance with regulations made under section 15, the council is satisfied that a person registered under this Act -
 (a) has been convicted of an offence punishable with imprisonment;
 (b) has been guilty of malpractice, negligence or misconduct or has contravened any rule of conduct prescribed under this Act;
 (c) has obtained registration by fraud or misrepresentation.
 (d) was not, at the time of registration, qualified to be registered,
 the council may-
- (i) order that the name and other particulars of the person be removed from

- the register;
- (ii) order that the person be suspended from practicing as a nurse or midwife. as the case may be, for ,such period as it may think fit and an endorsement to that effect be made In the register;
- (iii) caution or reprimand the person;
- (iv) take such other disciplinary measures as may be prescribed, ' '

Provision relating to orders of the council

12. (1) The registrar shall cause a copy of any order, refusing registration upon an application made under section 9(1) or of any order made under section 11 or of any order rejecting an application made under subsection (3) of this section to be served, as soon as may be after the making of the order, upon the person affected by the order either personally or by post addressed to him at the last address known to , the registrar.

(2) The registrar shall not remove the name of a person from a register or make an endorsement in the register pursuant co an order made under section 11(ii) before the expiration of 21 days after the service upon that person of the copy of such order under subsection, (1) or, in the case of an appeal against- the order, until after determination of the appeal.

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(3) A person whose name is removed from a register in accordance with this Act or whose name, prior to the commencement of this Act , was removed from a register kept under the Midwives Act or the Nurses' Registration Act in accordance with those Acts may apply to the' council for restoration or insertion of his name to or in the register and the council, may either allow the application subject to such condition as it thinks fit or reject it.

Appeals

13. A person aggrieved by the refusal of the council to register him upon an application under section (9) (1) or by an order made under section 11 or by an order rejecting an application made under section 12(3) may, within 14 days after the date on which notice of the refusal or order is served upon him, appeal to the Minister against such the refusal or order, and the decision of the Minister upon such appeal is final.

Offence

14. Any person who –

- (a) Not being registered under this Act takes or uses the name or title of nurse or midwife either alone or in combination with any other words or letters, or any name, title, addition, description, uniform or badge, representing that he is registered;
- (b) being a person whose name is entered in a register takes or use any name, title, addition, description, uniform or badge, or otherwise does any act of any kind, representing that his name is entered in another register or in some other part of a register;
- (c) at any tie, with intent to deceive, make use of any certificate of registration issued to him or to any other person; or
- (d) willfully makes, or causes to be made, a falsification in a matter relating to a register or to the registration of any name therein.

Is guilty of an offence and liable to a fine of 5,000 rupees or imprisonment for 6 months

15. the Minister may, after consultation with the council make regulations for all or any

Regulations

of the following purposes –

- (a) prescribing anything which is required to be prescribed under the Act;
- (b) prescribing forms for the registers or other documents;
- (c) providing for courses of training, examinations and the conduct of examinations in nursing and midwifery;
- (d) defining the conditions for registration under the Act;
- (e) determining the procedure to be followed in relation to inquiries under section 11;
- (f) prescribing rules of conduct for the practice of nursing or midwifery;
- (g) listing the duties of nurse and midwives and the specific duties of nurses with specialist qualifications;
- (h) prescribing fees and charges in respect of any matter done in pursuance of this Act;
- (i) providing for uniforms or badges;
- (j) constituting committees of the council and defining their functions;
- (k) regulating the proceedings of the council and of any committee thereof;
- (l) amending the Schedule;
- (m) generally, for the better carrying into effect of this Act.

16. The Midwives Act and the Nurses' Registration Act are repealed.

Repeals**SCHEDULE (section 3(2))**

1. (1) The council shall consist of the following members –
 - (a) The principal nursing officers of the Ministry of Health and the head of the department of Health Studies of the Seychelles Polytechnic *ex officio*;
 - (b) One nurse, one midwife and one medical practitioner, appointed by the Minister; and
 - (c) A representative of the Nurses Association of the Republic of Seychelles appointed by the Minister following the recommendation of the Association.
- (2) The Minister shall nominate one of the council members to be the chairman of the council.
- (3) The members appointed under sub-paragraphs (1)(b) and (c) shall unless they vacate office earlier, hold office for 2 years are eligible for reappointment .
- (4) Any member appointed under sub-paragraph (1)(b) or sub-paragraph (1)(c) may resign from membership of the council by letter addressed to the Minister.
2. There shall be a registrar to the council appointed by the Minister from among the officers of the Ministry of Health who, in his opinion, are senior officers (of that Ministry) and the registrar shall act as secretary to the council, implementing its decisions, keeping and maintaining all such things as the chairman directs him to do.
3. (1) The council meets at such times and in such place –
 - (a) as the chairman may direct; or
 - (b) as may be requested in writing to the chairman by not less than 5 members
- (2) At a meeting of the council 5 members form a quorum.

Registrar to council**Meetings of council**

(3) The chairman or, in his absence, any member referred to in paragraph 1(1)
(a) Elected by the members present presides at the meeting and voting thereon.

(4) All questions for determination at meetings of the council are decided by a majority vote of the member present at the meeting and voting thereon.

(5) Each member has one vote and in the event of an equality of votes the member presiding has an additional vote.

(6) Where a member has a direct interest in a matter which fails to be decided at a meeting of the Council, he shall not be present nor vote at the meeting where the matter is considered or decided by the council.

**Decisions by
circulation of
papers**

4. (1) Whenever a matter requires a decision of the council and it is not convenient or possible for the council to meet to determine the matter, the registrar shall, on the instructions of the chairman, circulate paper regarding the matter to all members for considerations and decision or approval and if the members reach an unanimous decision on the basis of the paper that, decision is deemed to be a decision of the council and has effect immediately.

Provided that a member who has a direct interest in the matter that requires a decision or approval shall not take part in the decision or approval.

(2) Decisions taken in accordance with sub-paragraph (1) shall be recorded by the registrar in the minute-book of the council and shall be confirmed at the next subsequent meeting of the council.

5. (1) The council may appoint committees from among its members.

(2) The registrar acts as secretary to any committee under sub-paragraph (1)

(3) A committee appointed under sub-paragraph (1) has the same powers as the council in respect of all matters within the committee's purview but a decision of a committee shall not be acted upon unless approved at a meeting of the Council.

6. Subject to any regulations under section 15, the Council and committee thereof regulate their own proceedings.

I certify this is a correct copy of the bill which was passed by the People's Assembly on the 25th day of November 1985.

Mrs F Shroff
Clerk to the People's Assembly

S.1. 7 of 2004

NURSES AND MIDWIVES ACT

(Caps 150)

Nurses and Midwives (Composition of Council)
Regulations, 2004

In exercise of the powers conferred by section 15 of the Nurses and Midwives Act, the Minister for Health hereby makes the following Regulations –

Citation

1. These Regulations may be cited as the Nurses and Midwives (Composition of Council) Regulations, 2004.

**Amendment of
Schedule of
Cap. 150 last
amended by
S.1. 75' of 1997**

2. The Schedule to the Nurses and Midwives Act is amended, by repealing paragraph 1 and substituting thereof the following paragraph -

Composition
of the Council

1: (I) The Council shall consist of the following members

- (a) the Director of Nursing or the person for the time being discharging functions as such;
- (b) the Head of the institution responsible for the nursing education programme;
- (c) five nurses and three midwives, of whom one nurse and one midwife shall be drawn from community based services; one nurse and one midwife from Hospital Services, and one nurse or midwife shall be a person not employed by the Ministry of Health - elected or appointed in the manner specified in subparagraph (6);
- (d) one representative from each registered nurses or midwives professional association the membership of which consists of at least 20 percent of registered nurses or midwives;
- (e) one health professional who is neither a nurse nor a midwife and is appointed by the Minister; and
- (f) a person, not being person connected with health services, to be appointed by the Minister to represent those who receive such services.

(2) The members of the Council shall elect from amongst themselves a chairman.

(3) The members referred to in subparagraph (1) (c), (d), (e) and (f) shall, unless they vacate office earlier, hold office for 2 years and are eligible for reappointment.

(4) Any member referred to in subparagraph (1) (c), (d), (e) or ((f) may resign from membership of the council by letter addressed to the Minister.

(5) Where a member referred to. In subparagraph (1) (c), (d), (e) or (f) vacates office , a person may be appointed or elected in pl.ace of that member having regard to the provisions of subparagraph (1).

(6) Three nurses and two midwives referred to in subparagraph (1) (c) shall be elected respectively by the nurse s from among themselves ' and by the midwives from among themselves, at an election where a nurse or a midwife shall be eligible to vote in p'ers9n'or by proxy; and the other two nurses and one midwife shall be appointed by the Minister having regard to the provisions of subparagraph (1)((c).

MADE this 9th day of February, 2004.

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PATRICK PILLAY
MINISTER OF HEALTH