

CHAPTER 296**THE NURSES REGISTRATION ACT**

Arrangement of Sections

Section

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SCHEDULE.

NURSES REGISTRATION(29th *November*, 1954.)

14/1954.
 5/1956.
 11/1957.
 18/1989.

1. This Act may be cited as the Nurses Registration Act. **Short title.**

2. (1) For the purposes of this Act there shall be established a Nursing Council for Antigua and Barbuda (in this Act referred to as "the Council"), which shall be a body corporate by that name with perpetual succession and a common seal. **Establishment and constitution of Nursing Council.**

Schedule.

(2) The Council shall be constituted in accordance with the provisions contained in the Schedule.

(3) The seal of the Council shall be authenticated in the 'prescribed manner and any document purporting to be sealed with the said seal so authenticated shall be receivable in evidence of the particulars stated in that document.

Register of nurses.

3. (1) It shall be the duty of the Council to form and keep a register of nurses for the sick (in this Act referred to as "the register") subject to and in accordance with the provisions of this Act.

(2) The register shall consist of the following parts—

(a) a general part containing the names of all female nurses who satisfy the conditions of admission to that part of the register;

(b) any other prescribed part.

(3) A certificate under the seal of the Council duly authenticated in the prescribed manner stating that any person is, or was at any date, duly registered under this Act, shall be evidence in all courts of law of the fact stated in the certificate.

(4) Any reference in this Act to the register shall, unless the context otherwise requires, be deemed to include a reference to any part of the register, and the expression "registered" shall be construed accordingly.

Rules.

4. (1) The Council may make rules for the following purposes—

(a) for regulating the formation, maintenance and publication of the register;

(b) for regulating the conditions of admission to the register;

(c) for regulating the conduct of any examinations which may be prescribed as a condition of admission to the register, and any matters ancillary to or connected with any such examination;

(d) for prescribing the causes for which, the conditions under which, and the manner in which nurses may be fined, suspended or removed from the register, the procedure for the restoration to the register of nurses who have been removed therefrom, and the fee to be payable on such restoration;

(e) for regulating the summoning of meetings of the Council and the proceedings (including quorum) of the Council;

(f) for enabling the Council to constitute committees and for authorizing the delegation to committees of any of the powers of the Council, and for regulating the proceedings (including quorum) of committees;

(g) generally for making provision with respect to any matters with respect to which the Council think that provision should be made for the purpose of carrying this Act into effect (including provision with respect to the issue of certificates to nurses registered under this Act and with respect to the uniform or badge which may be worn by nurses so registered), and for prescribing anything which under this Act is to be prescribed.

(2) Rules under this section shall contain provisions—

(a) requiring as a condition of the admission of any person to the register that that person shall have undergone the prescribed training, and shall possess the prescribed experience, in the nursing of the sick;

(b) requiring that the prescribed training shall be carried out in an institution approved by the Council in that behalf;

(c) enabling persons who, within a period of two years after the date on which the rules to be made under the provisions of this paragraph first come into operation, make an application in that behalf (in this Act referred to as "an existing nurse's application") to be admitted to the register on producing evidence to the satisfaction of the Council that they are of good character, are of the prescribed age, are persons who were for at least three years before the first day of January, nineteen hundred and fifty-three, bona fide engaged in practice as nurses in attendance on the sick,

under conditions which appear to the Council to be satisfactory for the purposes of this provision and have adequate knowledge and experience of the nursing of the sick.

(3) Rules made by the Council shall not take effect until they have been approved by the Cabinet.

Staff and expenses.

5. (1) The Council may, with the previous sanction of the Cabinet, appoint a person to act as Secretary and Treasurer of the Council, and may, subject to the consent of the Cabinet, employ such other officers as the Council consider necessary.

(2) Any expenses incurred by the Council in carrying this Act into effect, including expenses in connection with examinations under this Act shall be defrayed out of the sums received by the Council under this Act.

(3) The accounts of the Council shall be audited in such manner, and by such person, as the Council may, subject to the approval of the Cabinet, from time to time direct, and copies of the accounts and of any report made on the accounts shall be transmitted to all the members of the Council and to such other persons as the Council may direct.

Fees.

6. (1) There shall be paid to the Council in respect of every application to be examined or to be registered under this Act, and in respect of the retention in any year of the name of any person on the register, such fees respectively as the Council may, with the approval of the Cabinet, from time to time determine:

Provided that—

(a) in the case of an existing nurse's application the amount of the fee payable on the application shall be such sum, not exceeding five dollars, as the Council, with such approval as aforesaid, may determine; and

(b) the amount of the fee payable in respect of the retention in any year of the name of any person on the register shall not exceed one dollar and twenty cents.

(2) The Council may charge for any certificate or other document issued, or in respect of any services performed by them, such fees as may be prescribed.

7. (1) Any person who proves to the satisfaction of the Council that she has been registered generally as a nurse for the sick in the United Kingdom, shall be entitled, on making an application in the prescribed manner and paying such fee not being greater than the fee payable on ordinary applications for registration under this Act, as the Council may demand, to be registered in a corresponding manner under this Act.

Admission to register of persons trained outside Antigua and Barbuda.

(2) Any person who proves to the satisfaction of the Council that she has been registered generally as a nurse for the sick in any other part of the Commonwealth or in any foreign country, may be admitted to the final examination for nurses for the sick prescribed by the Council, on the payment of such fee not being greater than the fee payable on ordinary applications for admission to such final examination as the Council may demand, and if she successfully passes such examination shall be entitled to be registered under this Act:

Provided that the Council are satisfied—

(a) that there is in force in such place an enactment, or a provision of any kind having the force of law, providing for the registration of nurses under some public authority; and

(b) that the standard of training and examination required for admission to the register of nurses established under the said enactment or provision is not lower than the standard of training and examination required under this Act.

(3) Where there is a reciprocity agreement concerning nurses between Antigua and Barbuda and any part of the Commonwealth or any foreign country, any person who proves to the satisfaction of the Council that she is registered in such part of the Commonwealth or foreign country generally as a nurse for the sick, shall be entitled, on making an application in the prescribed manner and paying such fee, not being greater than the fee payable on ordinary applications for registration under this Act, as the Council

may demand, to be registered in a corresponding manner under this Act.

Appeal against removal from register or refusal to register.

8. Any person aggrieved by the removal of her name from the register or by the refusal of the Council to register her may, within three months after the date on which notice is given to her by the Council of such removal or refusal, appeal against the Council's decision to the High Court and such appeal shall be heard by a single judge in chambers who shall give such directions in the matter as he may think proper, including a direction as to costs of the appeal and the order of the judge shall be final and conclusive and not subject to an appeal to any other Court.

Penalties for unlawful assumption of title of registered nurse and for falsification of register.

9. (1) Any person who—

(a) not being a person duly registered under this Act takes or uses the name or title of registered nurse or registered nursing practitioner, either alone or in combination with any other words or letters, or any name, title, addition, description, uniform or badge, implying that she is registered under this Act, or is recognized by law as a registered nurse; or

(b) being a person whose name is included in any part of the register, at any time after the expiration of the period aforesaid takes or uses any name, title, addition, description, uniform or badge, or otherwise does any act of any kind implying that her name is included in some other part of the register; or

(c) at any time with intent to deceive makes use of any certificate of registration as a nurse issued under this Act to her or to any other person,

shall be liable on summary conviction in the case of a first offence, to a fine of five hundred dollars or to imprisonment for a term of three months, and in the case of a second or any subsequent offence, to a fine of three thousand dollars or to a term of imprisonment for six months.

(2) If any person wilfully makes, or causes to be made any falsification in any matter relating to the register, he shall be liable on summary conviction to a fine of three thousand dollars or to a term of imprisonment for six months.

10. Any sum or sums of money arising from summary conviction and recovery of penalties imposed by this Act or by any rule made thereunder shall be paid to the Magistrate, who shall pay the same to the Secretary-Treasurer for use by the Council. **Disposal of fines paid into court.**

SCHEDULE

S. 2 (2)

CONSTITUTION OF COUNCIL

- 1.** The Council shall consist of seven members.
- 2.** On its first constitution the Council shall be composed of the following persons, namely—
 - (a) two persons appointed by the Cabinet;
 - (b) two persons appointed by the Medical Board of Antigua and Barbuda;
 - (c) three persons appointed by the Nurses and Midwives Association of Antigua and Barbuda.
- 3.** The first members of the Council shall hold office for such term, not less than one year and not exceeding four years from the commencement of this Act, as the Cabinet may determine.
- 4.** After the expiration of the term of office of the first members of the Council, the Council shall be composed of the following persons, namely—
 - (a) two persons appointed by the Cabinet;
 - (b) two persons appointed by the Medical Board of Antigua and Barbuda; and
 - (c) three persons not less than two of whom shall be persons registered as nurses under this Act, elected in accordance with the prescribed scheme and in the prescribed manner by the persons registered as nurses under this Act and so registered at the date of election.
- 5.** Any members of the Council other than the first members thereof shall hold office for a term of three years.

6. If the place of a member of the Council becomes vacant before the expiration of his term of office whether by death, resignation, or otherwise, the vacancy shall be filled by appointment by the body or persons by whom the member was appointed, or, if the vacating member was an elected member, by the Council. The Council in co-opting a member under the foregoing provision shall, so far as practicable, select a person, being a person registered as a nurse under this Act who is representative of the same interests as those represented by the vacating member. Any person appointed or elected to fill a casual vacancy shall hold office only so long as the member in whose stead he is appointed or elected would have held office.

7. If any member of the Council is prevented by illness, temporary absence from Antigua and Barbuda or any other cause from performing the duties of his office as such member—

(a) if such member was appointed by the Cabinet or by the Medical Board under paragraph 4 of this Schedule; the Cabinet or the said Medical Board, as the case may be, may appoint a person to act in place of such member until such member is again able to perform the duties of his office or ceases to be a member of the Council, whichever is the earlier;

(b) if such member was elected in accordance with the scheme referred to in paragraph 4 of this Schedule, the Council may appoint a person to act in the place of such member until such member is again able to perform the duties of his office or ceases to be a member of the Council, whichever is the earlier:

Provided that in appointing a person under this sub-paragraph the Council shall, so far as practicable, select a person, being a person registered as a nurse under this Act who is representative of the same interests as those represented by such members.

8. Any member ceasing to be a member of the Council shall be eligible for re-appointment or re-election.

9. The powers of the Council may be exercised notwithstanding any vacancy in their number.
