

REPRINT

NURSING COUNCIL ACT (CAP. 104)

As in force at: 1 March 1996

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AN ACT TO ESTABLISH A NURSING COUNCIL FOR SOLOMON ISLANDS; TO REPEAL THE NURSES AND MIDWIVES ACT; AND FOR OTHER MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO

NURSING COUNCIL ACT (CAP. 104)

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NURSING COUNCIL ACT (Cap. 104)

As in force at: 1 March 1996

1 Short title

This Act may be cited as the *Nursing Council Act*.

2 Exemption from application of Act

This Act shall not apply to a person:

- (a) who is registered as a medical or dental practitioner pursuant to the *Medical and Dental Practitioners Act*,
- (b) who is acting under the instructions or supervision of a medical or dental practitioner; or
- (c) who is registered as a health worker pursuant to the *Health Workers Act*.

3 Interpretation

For the purposes of this Act, the expressions:

“auxiliary nurse” means an assistant community health nurse, nurse aid, and includes a village health worker who has been trained and registered pursuant to this Act;

“Chairman” means the Chairman of the Council or any person for the time being performing the functions of the Chairman;

“Council” means the Council established under section 4;

“Head of Nursing Services”, “head of the hospital”, and “head of the community health services” means respectively the heads of those services in the Ministry of Health and Medical Services;

“Institution” means either schools of nursing, colleges or hospitals where training is undertaken;

“nurse” means a person who has undertaken a three year basic nursing course and has been registered pursuant to this Act;

“midwife” means a person who has undergone specialist training in this field and registered pursuant to this Act;

“member” means a member of the Council and includes the Chairman and deputy Chairman;

“Minister” means the Minister responsible for administration of the Ministry of Health and Medical Services;

“Ministry of Health and Medical Services” means the Government Ministry responsible for the administration of health and medical services;

“practise” when used in relation to a nurse, midwife or auxiliary nurse, means to perform the duties of a nurse, midwife or auxiliary nurse.

4 Establishment of Nursing Council

- (1) There shall be established for the purposes of this Act a body to be known as the Nursing Council of Solomon Islands (hereinafter referred to as “the Council”) which shall be a body corporate to which the provisions of Part VII of the *Interpretation and General Provisions Act* shall apply.
- (2) The provisions of the Schedule shall have effect as to the constitution of the Council and otherwise in relation thereto.

5 Functions

The functions of the Council shall be:

- (a) to arrange and regulate examinations and courses for the training of nurses, midwives and auxiliary nurses and for persons wishing to be registered as nurses, midwives and auxiliary nurses;
- (b) to register persons who are entitled to be registered as nurses, midwives or auxiliary nurses;

- (c) to keep in such a manner as it considers desirable a register for nurses, midwives and auxiliary nurses;
- (d) to issue certificates and badges to nurses, midwives and auxiliary nurses who have been registered under this Act;
- (e) to regulate and supervise the practice of nurses, midwives and auxiliary nurses in Solomon Islands;
- (f) to ensure and promote proper professional conduct by nurses, midwives and auxiliary nurses;
- (g) to exercise disciplinary control over nurses, midwives and auxiliary nurses;
- (h) to approve training courses run by institutions for nurses, midwives and auxiliary nurses; and
- (i) to view matters related to the profession of nursing in the light of developments in technology, medical and nursing care for the benefit of patients and the nursing profession.

6 Register of Nurses

- (1) The Council shall keep and maintain a register (to be known as the "Register of Nurses") which shall be open to inspection by any member of the public at all reasonable times.
- (2) The Register shall contain such particulars as the Council deems necessary.
- (3) No entry or deletion in the Register referred to in subsection (1) shall be made except on the directions of the Council.

7 Application for registration

- (1) Any person who wishes to be registered as a nurse, midwife or auxiliary nurse may apply to the Council in such form as may be prescribed.
- (2) An application under subsection (1) should be accompanied by such fee as may be prescribed.

8 Registration and issue of certificates and badges

- (1) Where an application is made under subsection (1) of section 7, the Council may register the applicant if it is satisfied that the applicant is qualified under section 9 and not disqualified under section 10, but otherwise it shall reject the application.
- (2) Where an applicant is registered under subsection (1), the Council shall issue to him:
 - (a) a certificate of registration in such a form as may be prescribed; and
 - (b) such badges as determined.
- (3) A decision made by the Council under subsection (1), whether to accept or to reject an application is final and conclusive.

9 Qualifications

A person shall be qualified to be registered under section 8 if:

- (a) he has undergone a course of training approved by the Council at an institution recognised by the Council and has passed to the satisfaction of the Council, such examinations as are approved by the Council; or
- (b) he has been registered as a nurse in a country where the standard of training and examination is not lower than that approved by the Council under this Act; or
- (c) he possesses such other qualifications as, in the opinion of the Council, are sufficient to justify registering him under this Act; and
- (d) he satisfies the Council as to his good character.

10 Disqualifications

Notwithstanding the provisions of section 9 a person is not qualified for registration under this Act if:

- (a) he is under the age of eighteen years;

- (b) he is certified by a medical practitioner to be mentally or physically unfit to perform the duties of a nurse, midwife or auxiliary nurse, as the case may be; or
- (c) he has been convicted of an offence and sentenced to imprisonment for a term of six months or more which in the opinion of the Council is sufficient to justify rejection of the application.

11 Personal attendance

- (1) When considering an application made under section 7, the Council may, if it considers it necessary to do so, give notice to the applicant to appear before the Council on such a date and at such a place and time as may be specified in the notice.
- (2) The Council may reject an application made by an applicant who fails to comply with a notice given to him under subsection (1).

12 Applicant to be notified of rejection

Where an application is rejected under subsection (1) of section 8, the Council shall, as soon as reasonably practicable, notify the applicant of the rejection and the reasons therefor.

13 Cancellation of registration

- (1) The Council may cancel the registration of any person under this Act if it is satisfied that the person:
 - (a) has died;
 - (b) has left Solomon Islands and has no intention of returning;
 - (c) has been registered by mistaken, fraudulent or false representation;
 - (d) is guilty of professional misconduct which in the opinion of the Council, is sufficient to justify cancellation of the registration;
 - (e) has been convicted of an offence the nature of which is such that, in the opinion of the Council, it is fit and proper that the person should not continue to perform the duties of, or, to

remain as a nurse, midwife or auxiliary nurse; or

(f) has become disqualified under section 10.

(2) Any certificate of registration held by a person whose registration has been cancelled under subsection (1) is void and of no effect.

14 Suspension of registration

(1) The Council may suspend the registration of a person as a nurse, midwife or auxiliary nurse under this Act:

(a) where following investigation it is satisfied that the person is guilty of conduct which, in its opinion, sufficiently justifies the suspension of the registration; or

(b) pending the result of any investigation into any allegation made against the person in connection with any of the matters specified in subsection (1) of section 13.

(2) No suspension imposed under subsection (1) shall be for a period in excess of six months.

15 Opportunity to be heard

(1) No registration shall be:

(a) cancelled on any of the grounds specified in paragraphs (c), (d) or (e) of subsection (1) of section 13; or

(b) suspended under subsection (1) of section 14, unless the Council has requested the person to show cause why his registration should not be so cancelled or suspended.

(2) Any person who is aggrieved by the decision of the Council may appeal to the High Court on a point of law, and the Council shall, if the Court so orders, withdraw the cancellation or suspension, as the case may be.

16 Provisional certificate

(1) Notwithstanding anything contained in this Act, the Chairman or, in his absence, the deputy Chairman may issue to a person who:

- (a) has made an application under subsection (1) of section 7; and
- (b) satisfies the Chairman or deputy Chairman as the case may be, that he is qualified for registration under section 9 and not disqualified under section 10,

a certificate in such form as may be prescribed authorising the person to practise as a nurse, midwife, or auxiliary nurse, as the case may be, pending the consideration of his application.

- (2) A certificate issued under subsection (1) shall remain valid and in force until it is cancelled by the Council.

17 Re-registration

- (1) Any person whose registration as a nurse, midwife or auxiliary nurse is cancelled on any grounds specified under paragraphs (b) to (f) of subsection (1) of section 13 may re-apply to the Council to be re-registered under this Act.
- (2) An application under subsection (1) shall be made in such form as may be prescribed and shall be accompanied by such fee as may be prescribed.
- (3) Where an application is made under subsection (1), the Council may, in its absolute discretion and subject to such conditions as it may deem fit to impose, re-register the applicant.

18 Offence of practising as or pretending to be a nurse

- (1) Save as provided for in section 16, no person shall:
 - (a) practise as a nurse, midwife or auxiliary nurse; or
 - (b) use any name, title or description or wear any uniform or badge implying that he is registered as a nurse, midwife or auxiliary nurse,

unless he is registered as a nurse, midwife or auxiliary nurse in accordance with this Act.

- (2) Any person who contravenes subsection (1) is guilty of an offence and liable to a fine of five hundred dollars or to imprisonment for a

term of two years or to both such fine and imprisonment.

19 Offence of altering particulars of certificate

Any person who fraudulently alters any particulars contained in any certificate issued under this Act is guilty of an offence and liable to a fine of two hundred dollars or to imprisonment for a term of six months or to both such fine and imprisonment.

20 Offence of giving false particulars

Any person who includes in an application under subsection (1) of section 7 or subsection (1) of section 17 any particulars or material which he knows to be false is guilty of an offence and liable to a fine of two hundred dollars or to imprisonment for a term of six months or to both such fine and imprisonment.

21 Certificate is conclusive evidence

In any court proceedings under this Act, any document purporting to be a certificate issued under this Act shall, unless the contrary is proved, be conclusive evidence to the facts stated therein.

22 Regulations

The Council may with the approval of the Minister make regulations:

- (a) prescribing any matter that is required to be prescribed by this Act;
- (b) prescribing fees payable in respect of inspection of the Register of Nurses or in respect of issuing of duplicate copies of certificates or other documents prescribed under this Act;
- (c) with respect to classification and training of nurses, midwives and auxiliary nurses; and
- (d) generally, for the better carrying out of the provisions of this Act.

23 Repeal and savings

- (1) The *Nurses and Midwives Act* (hereinafter referred to as the “repealed”) is hereby repealed.

- (2) Notwithstanding such repeal, from and after the date of coming into operation of this Act:
- (a) all members of the former Board shall become corresponding members of the Council and continue in office for the period for which they were appointed as members of the former Board;
 - (b) all registers kept, certificates issued and other documents in use and valid on the date of coming into operation of this Act shall continue to be valid until such time as the Council makes other provisions in that behalf;
 - (c) all persons registered as nurses or midwives under the repealed Act shall be deemed to be persons registered as nurses and midwives under this Act; and
 - (d) any application for registration as a nurse or midwife made under the repealed Act and pending on the date of coming into operation of this Act shall continue to be valid and be deemed to be an application for registration duly made under this Act.
- (3) In this section the words “**former Board**” means the Board established under the repealed Act.

24 Rules made under the repealed Act to continue

Any rules made by the Nurses and Midwives Board under the repealed Act shall be deemed to be regulations made by the Council and approved by the Minister under this Act and shall continue in force and be valid until these rules are cancelled or new rules are made under this Act.

SCHEDULE

(Section 4)

1. Constitution of Council

(1) The Council shall consist of:

- (a) a Chairman who shall be the Under Secretary for Health in the Ministry of Health and Medical Services;
- (b) a deputy Chairman who shall be the head of nursing services;
- (c) the heads of approved training institutions;
- (d) the respective heads of the hospital and community health services;
- (e) a registered nurse employed in the service of a religious organisation in Solomon Islands;
- (f) a registered nurse nominated by an association representing nurses in Solomon Islands;
- (g) a registered nurse employed in the private sector.

(2) The members referred to in sub-paragraphs (d) to (g) (hereinafter referred to as the “appointed members”) shall be appointed by the Council with the approval of the Minister.

2. Term of office of appointed member

Subject to paragraphs 3 and 4, an appointed member holds office for three years and is eligible for re-appointment.

3. Resignation of appointed member

An appointed member may resign his office at any time by giving the Council one month’s written notice thereof.

4. Termination of appointment of appointed member

- (1) The Minister, on recommendation of the Council may terminate the appointment of an appointed member on the grounds that the member:
 - (a) is, by reason of physical or mental disability or illness, incapable of discharging the functions of his office;
 - (b) has been absent from three consecutive meetings of the Council without reasonable excuse; or
 - (c) has persistently conducted himself in a manner inconsistent with the functions of his office.
- (2) No termination of appointment pursuant to sub-paragraph (1) shall take effect until after the expiration of one month from the date of the termination.

5. Presiding, voting and procedure at meetings

- (1) The Chairman, or, in his absence, the deputy Chairman, shall preside at the meetings of the Council.
- (2) Except as provided otherwise by the Council the manner of voting at any of the Council meetings shall be by a show of hands.
- (3) The Council shall regulate the procedure for its meetings.

6. Quorum

The quorum at any of the meetings of the Council shall be five members.

7. Remuneration of members

The members of the Council shall be entitled to such sitting allowances as may be fixed by the Minister.

8. Secretary and Registrar

- (1) The Council shall appoint a Secretary with the approval of the Minister.
- (2) The duties of the Secretary shall be:
 - (a) to keep records of the Council;
 - (b) to record the minutes of the Council meetings;
 - (c) to receive and despatch correspondence on behalf of the Council;
 - (d) to prepare, in consultation with the Chairman, the agenda for Council meetings; and
 - (e) to perform such other duties as may be directed by the Council;
- (3) The Secretary shall also be the Registrar of the Council.

9. Duties of the Registrar

The duties of the Registrar shall be:

- (a) to register in the Register of Nurses, persons who are approved by the Council to be registered under this Act;
- (b) to have custody of the Register of Nurses;
- (c) to issue certificates, and badges to persons who have been registered under this Act; and
- (d) to perform such other duties as may be directed by the Council.

10. Resignation of Secretary

The Secretary may resign his office by giving written notice to the Council.

11. Power to appoint officers

The Council may appoint and employ at such remuneration and on

such terms and conditions as it thinks fit such officers as it thinks necessary for the proper carrying out of its functions.

12. Accounts and audit

The Council shall keep proper accounts and other records in relation to its work and shall prepare annually a statement of accounts in a form satisfactory to the Auditor-General.

13. Power of the Minister to require information etc.

The Council shall furnish the Minister with such information as he requires with respect to the activities of the Council, and shall afford to him facilities for verifying such information in such manner and at such times as he may reasonably require.

ENDNOTES

1

KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 104 of the Revised Edition of the Laws of Solomon Islands.

2

LIST OF LEGISLATION

Nursing Council Act (Cap. 104)

Constituent legislation: 13 of 1987 (Commenced 1 December 1987)

3

LIST OF AMENDMENTS