

# BILL

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## THE SIERRA LEOENE NURSING AND MIDWIFERY COUNCIL ACT, 2017

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No.



2017

**Sierra Leone**

**A BILL ENTITLED**

**The Sierra Leone Nursing and Midwifery Council Bill, 2017.** Short title.

**Being an Act to establish the Nursing and Midwifery Council of Sierra Leone to provide for the registration and training of persons engaged in nursing and midwifery, enrolment and licensing, and to regulate the practice of Nurses and Midwives and enrolled persons and other related matters.**

[ ]

ENACTED by the President and Members of Parliament in this present Parliament assembled. Date of commencement.

## PART I - PRELIMINARY

- Interpretation. 1. In this Act unless the context otherwise requires-
- “Chairman” means Chairman of the Council;
- “Registrar” means the Registrar of Nurses and Midwives appointed under section 12;
- “Auxiliary Roll” means the Auxiliary Roll of Nursing Assistants and attendants kept by the Registrar;
- “Minister” means the Minister responsible for health;
- “Council” means the Nursing and Midwifery Council of Sierra Leone established under section 2;
- “nurse” means a person, either male or female, who holds any qualifications specified in section 16;
- “nursing” includes both surgical and medical nursing and the nursing of persons suffering from mental or infectious diseases and of sick children;
- “midwife” means any person who holds the qualifications specified in this Act and is registered;
- “midwifery” means the attendance on a woman for the purpose of delivering her of a child;
- “Register” means the Nurses and Midwives Register kept by the Registrar in terms of section 15;

## PART II- ESTABLISHMENT AND FUNCTIONS OF THE NURSING AND MIDWIFERY COUNCIL

2. (1) There is hereby established a body to be known as the Nursing and Midwifery Council of Sierra Leone. Establishment of the Nursing and Midwifery Council.
- (2) The Council shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of any property, whether moveable or immovable, and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.
- (3) The Council shall have a common seal, the use of which shall be authenticated by the signatures of –
- (a) the Chairman or other member of the Council authorized either generally or specially by the Council in that behalf; and
  - (b) the Registrar or some other person authorised by the Council in that behalf.
- (4) Every document purporting to be an instrument executed or issued by or on behalf of the Council and to be sealed with the common seal of the Council authenticated in the manner stated in subsection (3) shall be deemed to be executed or issued without further proof unless the contrary is proven.
- (5) In appropriate cases the seal may be affixed to documents outside Sierra Leone.
3. (1) The Council shall consist of the Chairman who shall be appointed by the President on the advice of the Minister and subject to the approval of Parliament and the following other members- Composition of Council.
- (a) the Director of Nursing and Midwifery Services;

- (b) the President of the Sierra Leone Nurses Association;
- (c) the President of the Sierra Leone Midwives Association;
- (d) the Chairperson West African College of Nursing, Sierra Leone Chapter;
- (e) the Principal Public Health Nursing Officer;
- (f) a Senior Matron of not less than 20 years experience in the medical profession and holds a postgraduate degree in a health related discipline;
- ;
- (g) the Solicitor General, Law Officers Department;
- (h) the Permanent Secretary, Ministry of Education;
- (i) The Executive Chairman, Christian Health Association of Sierra Leone.

(2) A person shall not be qualified for appointment as Chairman under subsection (1) unless the person is—

- (a) a senior registered nurse or midwife;
- (b) a holder of a postgraduate degree in nursing, midwifery or other allied medical profession from a recognized university;
- (c) a fellow of the West African College of nursing or midwifery;
- (d) a citizen of Sierra Leone.

4. (1) The Chairman and other member of Council in paragraph (f) shall hold office for a term of three years and shall be eligible for re- appointment for one additional term only. Tenure of Members of Council.

(2) A person shall cease to be a member of the Council on any of the following grounds-

- (a) inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted of an offence involving fraud or dishonesty;
- (e) if he fails to attend three consecutive meetings of the Council without reasonable cause; or
- (f) if he resigns his office by written notice to the Council;
- (g) if he ceases to be an employee of the organisation of which he is a representative.

5. (1) Where the Chairman or a member of the Council dies, resigns, is removed from office or is absent from Sierra Leone for a continuous period of three months or is by reason of illness unable to perform the functions of his office for a continuous period of three months- Filling of Vacancies

- (a) the members of the Council shall, as the case maybe, elect one of their number to act as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and

(b) in the case of any other member, the Council shall arrange, subject to this Act, to have another person appointed to the Council.

(2) Where a person is appointed as Chairman or appointed as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member, as the case may be, and shall, subject to this Act, be eligible for re-appointment.

Meetings of Council.

6. (1) The Council shall meet for the dispatch of its business at least three times a year or at such time as the Chairman may determine.

(2) The Chairman shall preside at every meeting of the Council, if present, and in his absence, the members present shall appoint a member from among themselves to preside at that meeting.

(3) A minimum of three members of the Council may, by notice in writing signed by them, request the Chairman to summon a special meeting of Council for such purposes as may be stated in the notice.

(4) The Chairman or, in his absence, the member appointed to act in his behalf.

(5) The quorum at any meeting of the Board shall be five.

(6) The Chairman or other person presiding shall have a casting vote where there is an equality of votes.

(7) Any proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Council and shall be incorporated in the minutes of the next succeeding meeting of the Council.

Provided that, if a member requires that such proposal be placed before a meeting of the Council, this subsection shall not apply to such proposal.

(8) The Council may co-opt any person to attend and participate in its deliberations on any matter but such person shall not vote on any issue for the decision by the Council.

(9) The Council shall cause minutes of all its meetings to be taken and signed by the Chairman and kept in proper form.

(10) Subject to this Act, the Council shall regulate its own procedure.

7. (1) A member of the Council who has any interest, whether direct or indirect in any matter being considered or to be considered by the Council, shall disclose the nature of his interest to the Council and the disclosure shall be recorded in the minutes of the Council and such member shall not take part in any deliberation or decision of the Council relating to that matter.

Disclosure of Interest.

(2) A member of the Council who contravenes subsection (1) shall be guilty of misconduct and shall be liable to be removed from the Council.

8. (1) No action or other proceedings shall lie or be instituted against any member of the Council or member of a committee of the Council for or in respect of any act or thing done or omitted to be done in good faith in the exercise of his functions under this Act.

Immunity of members of Council.

(2) No member of the Council shall be personally liable for any debt or obligation of the Council.

9. (1) The Council may, for the discharge of its functions, appoint one or more committees to perform such functions as the Council may determine.

Committees of Council.

(2) A committee appointed by the Council under subsection (1), shall consist of members of the Council or non-members or both as the Council may decide.

(3) Without prejudice to the generality of subsection (1), the Council shall appoint an audit committee consisting of such members of the Council, excluding the Registrar, and performing such functions as the Council may determine.

(4) A committee shall submit a report of its proceedings to the Council at such time as the Council may determine.

Remuneration of members.

10. The Chairman and other members of the Council and any person co-opted or appointed by the Council under this Act shall be paid remuneration, fees and allowances approved by the Minister and shall be reimbursed by the Council for expenses incurred in connection with the discharge of their functions as the Council may, with the approval of the Minister, determine.

### PART III – FUNCTIONS OF COUNCIL

Functions of Council.

11. (1) The object for which the Council is established is to protect and maintain the health and safety of the public by setting standards for efficient registration, licensing and regulation of nurses and midwives.

(2) Without prejudice to the generality of subsection (1), the Council shall be responsible to -

- (a) prescribe standards for nursing and midwifery education, ethics and practice throughout Sierra Leone;
- (b) prescribe and enforce standards for the accreditation of nursing and midwifery institutions throughout Sierra Leone;

(c) establish and maintain a Register of Nurses and Midwives in Sierra Leone;

(d) prescribe and enforce standards of discipline for nursing and midwifery throughout Sierra Leone;

(e) provide for the licensing and registration of nursing and midwifery institutions throughout Sierra Leone;

(e) advise the Minister on matters relating to –

(i) education, training, discipline and welfare of nurses and midwives;

(ii) operation, funding and development of nursing and midwifery institutions throughout Sierra Leone; and

(f) do all other things that may be necessary for the purpose of achieving the objective of the Council under this Act.

### PART IV – ADMINISTRATIVE PROVISIONS

12. (1) There shall be a Registrar of Nurses and Midwives, who shall be the Deputy Director of Medical Services.

Registrar of Nurses and Midwives.

13. (1) The Council shall have other staff such as including a Financial Officer, Administrative Officer and other technical and administrative staff, as may be required for the efficient performance of the functions of the Council.

Other staff of Council.

(2) The staff shall be appointed by the Council subject to such terms and conditions as the Council may determine.

(3) The Council may delegate to the Registrar the power to—

(a) appoint of such grade or categories of staff as the Council may require; and

(b) enter into an agreement with an independent body or agency for the purpose of carrying out the functions of the Council for and on behalf of the Council.

Protection of officers.

14. No officer or employee of the Council or any acting on the directions of the Council or under this Act shall be liable in respect of any matter or thing done by him in good faith.

**PART V – REGISTRATION OF NURSES AND MIDWIVES**

Register of Nurses and Midwives.

15. (1) The Registrar shall maintain a register of qualified nurses and midwives including assistant nursing and maternal and child health aides in such form as the Council may prescribe.

(2) The Register shall consist of -

(a) a **General roll** containing the names of all qualified nurses and midwives;

(b) an **Auxiliary roll** containing the names of persons trained in general assistant nursing and maternal and child health aide.

(3) Every entry into the Register shall indicate the qualifications by virtue of which registration is made.

(5) The Registrar shall annually cause to be published in the Gazette, the names of all professional nurses and midwives registered in the previous year.

(4) The Registrar shall from time to time make the necessary amendment to the Register.

16. (1) No person shall be registered as a nurse or midwife unless that person- Protection of Officers

(a) has passed such examination as may be prescribed by Council; or

(b) possesses any other qualifications which are acceptable to and recognised by Council.

(2) A person registered under this Act, shall be issued a Certificate of Registration that shall be in such form as may be prescribed by the Council.

17. (1) A person shall not be entitled to be registered under this Act if he is convicted of an offence which in the opinion of the Council renders him unfit to be registered. Disqualification

(2) The Council shall strike off the Register, the name of any person convicted of an offence, which in the opinion of the Council, renders him unfit to be registered.

**PART VI – SUPERVISION OF NURSES AND MIDWIVES**

18. (1) A person registered under this Act may apply to the Council for a practicing licence. Practicing licence.

(2) An application for a licence to practice shall be made to the Council in such form as the Council may prescribe and shall be accompanied by a copy of the certificate of registration and such other documents and information as may be required by the Council.

(3) A licence to practice issued under this Act shall be valid for a period of 3 years and may be renewed subject to such terms and conditions, including the place and type of practice, as may be prescribed by the Council.

Supervisory authorities. 19. The Council may appoint any person or body of persons to act as supervisory Authorities over any-

- (a) registered nurse or midwife including assistant nursing and maternal and child health aides; or
- (b) person undergoing training in nursing or midwifery.

Duties of supervisory authorities. 20. It shall be the duty of a supervisory authority in respect of any nurse or midwife or nurse or midwife in training under his supervision to -

- (a) exercise general supervision in accordance with any instruction issued by the Council;
- (b) investigate charges of malpractice, negligence, misconduct, disobedience to regulations and make a full report to the Council;
- (c) report to the Council the name of any registered nurse or midwife convicted of any criminal offence.

PART VII- FUNDS AND ACCOUNTS OF COUNCIL

Funds of Council. 21. (1) The activities of the Council shall be financed by funds consisting of-

- (a) any moneys appropriated from time to time by Parliament for the purposes of the Council;
- (b) all moneys given to the Council by way of gifts, bequest, grant or other contributions by persons and organisations for the purposes of the Council; and

(c) all other moneys which may, from time to time, accrue to the Council.

(2) The funds of the Council shall be applied only for the purposes of the approved budget of the Council.

22. (1) The Council shall keep proper books of account and other records in relation to the activities, property and finances of the Council in a form approved by the Auditor-General and shall prepare in respect of each financial year of the Council a financial statement which shall include-

- (a) balance sheet accounts;
- (b) income and expenditure accounts; and
- (c) source and application of funds.

(2) The accounts of the council kept under subsection (1) shall, not later than two months after the end of each financial year, be audited by the Auditor- General or an auditor appointed by him.

(3) For the purposes of subsection (2), the Auditor – General or the auditor appointed by him shall be entitled to have access to all the books of account, vouchers and other financial records of the Council and to require such information and explanation thereon as he may think fit.

(4) The Council shall provide the Auditor-General or the auditor appointed by him with all the necessary and appropriate facilities for the examination of the accounts and records of the Council.

(5) The Auditor- General or auditor appointed by him shall submit to the Council a report on the audited accounts and the financial statements referred to in subsection (1) and shall, in his report draw attention to-

- (a) any irregularities in the accounts;
- (b) any matters that are likely to adversely affect the operations of the Council; and
- (c) any other matter which, in his opinion, ought to be brought to the notice of the Council.

Internal Auditor. 23. (1) There shall be an internal auditor appointed by the Council who shall be responsible for the internal audit of the Council.

(2) The Internal Auditor shall submit quarterly reports of the audit carried out by him to the Council.

Financial year of Council. 24. The financial year of the Council shall be the same as the financial year of the Government.

Annual report. 25. (1) The Council shall, within three months after the end of the financial year, submit to the Minister a report on the performance of its functions during that year and on its policies and programmes.

(2) The annual report shall include the accounts and annual financial statement prepared under section 17 and the report of the audit thereon.

(3) The Minister shall lay copies of the annual report before Parliament within two months after he has received the report.

(4) The Council shall make copies of the report available to all stakeholders once it has been laid before Parliament.

PART VIII-MISCELLANEOUS PROVISIONS

Regulations. 26. (1) The Council may by statutory instrument make regulations as it considers necessary or expedient for giving effect to the provisions of this Act.

(2) Notwithstanding the generality of subsection (1), the council may make Regulations for –

- (a) the manner in which applications for registration may be made;
- (b) the fees to be paid in respect of proceedings under this Act and certificates issued under this Act;
- (c) the preliminary standard of education, the course of training and the conduct of examination of candidates for registration and enrolment;
- (d) the redress mechanism for professional malpractice by health workers and compensation for victims.

27. (1) The Nursing Act, 1956 (CAP 152) and the Midwives Act, 1959 (CAP 153) are hereby repealed. Repeal and Savings.

(2) All licences, certificates, orders, rules and other statutory instruments made under the Nursing Act, 1956 (CAP 152) and the Midwives Act, 1959 (CAP 153) shall remain in force until expressly repealed.

