



Tuvalu

NURSES AND MIDWIVES ACT

2008 Revised Edition

CAP. 28.24



Tuvalu

NURSES AND MIDWIVES ACT

Arrangement of Sections

Section

1	Short title.....	5
2	Interpretation.....	5
3	Duties of the Senior Medical Officer.....	5
4	Admission to the register.....	6
5	None but registered persons entitled to recover charges.....	6
6	Restriction on activities of unregistered person.....	6
7	Penalty for unlawful assumption of title, etc., of registered nurse or registered midwife.....	7
8	Power of the Senior Medical Officer to remove from the register.....	7
9	Application.....	7

Supporting Documents

ENDNOTES

9



Tuvalu

NURSES AND MIDWIVES ACT

AN ACT TO PROVIDE FOR THE REGISTRATION OF NURSES FOR THE SICK AND MIDWIVES AND TO REGULATE THEIR PRACTICE¹

Commencement [9th August 1968]

1 Short title

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

2 Interpretation

In this Act —

“**Matron**” means the matron of Funafuti Hospital;

“**medical officer**” means a person registered as such under the Medical and Dental Practitioners Act;²

“**registered medical practitioner**” means a person registered as such under the Medical and Dental Practitioners Act.

3 Duties of the Senior Medical Officer

(1) It shall be the duty of the Senior Medical Officer —

- (a) to form and keep in such a manner and in such parts as the Senior Medical Officer considers desirable a register of nurses for the sick and midwives;
- (b) 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 Senior Medical Officer considers expedient;

- (c) to regulate, supervise and restrict within due limits the practice of nurses and midwives.
- (2) A certificate signed by the Senior Medical Officer 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 in all courts of law of the facts stated in such certificate.

4 Admission to the register

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

- (a) is or has been registered as a nurse or midwife in a country whose standard of training and examination has been approved by the Senior Medical Officer, acting in consultation with the Matron, and satisfies the Senior Medical Officer and Matron as to his good character; or
- (b) possesses such special qualifications as in the opinion of the Senior Medical Officer and the Matron justify the admission of such person to the appropriate part of the register.

5 None but registered persons entitled to recover charges

No person shall be entitled to recover any charge in any court of law for any services rendered as a nurse or midwife unless such person proves at the trial that he was registered under this Act at the time such services were rendered.

6 Restriction on activities of unregistered person

Any person who —

- (a) not being a registered midwife or nurse, for gain, attends a woman in childbirth otherwise than under the direction and supervision of a registered medical practitioner or medical officer;
- (b) not being a registered nurse, nurses a person for gain,

shall be liable to a fine of \$100:

Provided that no person shall be convicted of an offence under the provisions of this section if it is shown to the satisfaction of the court that at the time and place of the alleged offence the services of such a registered medical practitioner, medical officer, nurse or midwife were not conveniently available.

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

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 shall be liable to a fine of \$100.

8 Power of the Senior Medical Officer to remove from the register

- (1) If a registered nurse or registered midwife is convicted either in Tuvalu or elsewhere of an offence which if committed in Tuvalu is punishable by a term of imprisonment for more than 6 months, or if after due inquiry and after consultation with the Matron and after hearing the person whose conduct is in question the Senior Medical Officer is satisfied that a registered nurse or registered midwife has been guilty of serious misconduct in a professional respect the Senior Medical Officer 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 may attend the inquiry in person and may be represented by counsel.
- (3) At the conclusion of such inquiry, the Senior Medical Officer shall record his 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 him with a copy of his finding and the reasons therefor.
- (4) If the Senior Medical Officer considers that any registered nurse or registered midwife has ceased to practise or to be employed as such, whether by reason of death, dismissal, resignation, retirement or of any other cause, after giving such person if he is alive and can be found an opportunity to be heard or to make any representations on the matter and after such other inquiry as the Senior Medical Officer deems necessary, the Senior Medical Officer may make an order removing the name of such person from the register.
- (5) Any person aggrieved by the removal of his name from the register, under any of the provisions of this section, may within 3 months after the date on which notice is given to him by the Senior Medical Officer that his name has been so removed, appeal to the Senior Magistrate's Court against the removal, and on any such appeal the court may give directions as to the costs of the appeal.
- (6) The Senior Medical Officer may, in his discretion, re-admit to the register any person whose name has been removed therefrom under any of the provisions of this section.

9 Application

Nothing in this Act relating to nurses or midwives shall apply to —

- (a) any registered medical practitioner or medical officer or to any person being instructed by or acting under the supervision of such medical practitioner or medical officer;
- (b) any person being instructed by or assisting any nurse or midwife registered under this Act and acting under the direct supervision of such nurse or midwife.

ENDNOTES

¹ 1990 Revised Edition, Cap. 31 –Acts 5 of 1968 (Cap. 31 of 1973), 14 of 1974, L.N.33/76

² Cap. 28.12