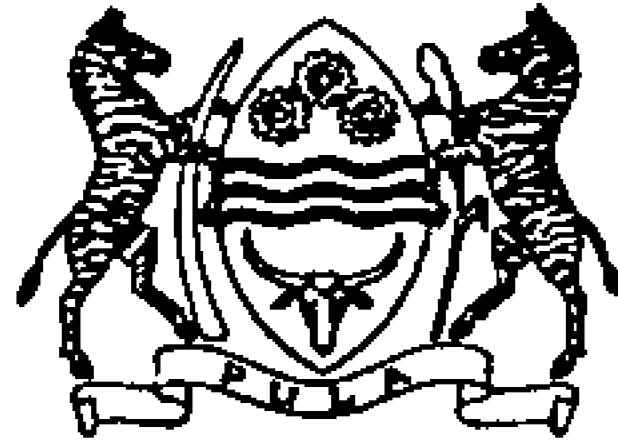


NURSES AND MIDWIVES ACT, 1995

No. 1



of 1995

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement
2. Interpretation
3. Establishment of Council
4. Chairman of Council
5. Meetings of Council
6. Committees
7. Duty and powers of Council
8. Registers to be kept
9. Powers of University of Botswana
10. Practising certificates
11. Offences and penalties
12. Regulations
13. Saving
14. Repeal, Cap 61:03

An Act to provide for the regulation of the practice of nursing and midwifery in Botswana, for the establishment of the Nursing and Midwifery Council of Botswana, for the training of and the conduct of examinations for nurses and midwives, for the registering of nurses and midwives and the keeping of registers, and for matters incidental thereto.

Date of Assent: 24th January, 1995.

Date of Commencement: By Notice.

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Nurses and Midwives Act, 1995, and shall come into operation on such date as the Minister may by notice in the Gazette appoint.

Short title
and
commencement

2. In this Act, unless the context otherwise requires —
“Council” means the Nursing and Midwifery Council of Botswana established under section 3;
“enrolled nurse” means a person who has completed such period of training in practical nursing, and passed such examinations in such courses of instruction as may be determined by the Council for enrolled nurses;

Interpretation

“midwife” means a person who has completed a programme of training and passed such examinations in the practice of midwifery as may be determined by the Council;

“nurse” means a person who has completed a programme of basic, generalized nursing education and passed such examinations in the practice of nursing as may be determined by the Council;

“nurse administrator” means a nurse who has also completed a programme of training and passed such examinations in nursing administration as may be determined by the Council for nurse administrators;

“nurse educator” means a nurse who has also completed a programme of training and passed such examinations in nursing education as may be determined by the Council for nurse educators;

“nurse-midwife” means a nurse who has completed such periods of training in nursing and also in midwifery, and passed such examinations as may be determined by the Council for nurses and for midwives;

“nurse specialist” means a nurse who has also completed a programme of post-graduate training in a particular field of nursing and has passed such examinations as may be determined by the Council for nurse specialists;

“registered” means registered in the appropriate register referred to in section 8.

**Establishment
of Council**

3. (1) There is hereby established a body to be known as the Nursing and Midwifery Council of Botswana, which shall consist of the following persons —

- (a) the President of the Nurses Association of Botswana;
- (b) one member appointed by the Minister from among the various health services;
- (c) one member appointed by the Minister to represent the general public; and
- (d) thirteen members elected by the registered nurses resident in Botswana from among their number, of which —
 - (i) three shall be nurse educators, one of whom shall be from the University of Botswana;
 - (ii) four shall be nurse specialists;
 - (iii) three shall be nurse-midwives; and
 - (iv) three shall be nurse administrators; and
- (e) three members who shall be enrolled nurses elected by the enrolled nurses resident in Botswana from among their number.

(2) The President of the Nurses Association of Botswana shall be a member of the Council whilst she holds such office of President, and her membership of the Council shall pass to her successor as President.

(3) Notice of the appointments and elections made under paragraphs (b), (c), (d) and (e) of subsection (1), their commencement dates and their duration, shall be published in the Gazette.

(4) The duration of appointments and elections made under subsection (1) shall not exceed three years, but may be renewed for not more than two consecutive terms.

(5) The Council shall direct the procedure to be followed for the election of members under paragraphs (d) and (e) of subsection (1).

(6) Where a member of the Council is for any reason unable to complete the term of his appointment or election, as the case may be, the Minister, in the case of a person appointed under paragraphs (a), (b) or (c) of subsection (1), or the Council in the case of any other member, may appoint another suitable person to complete the term of such member.

4. (1) At its first meeting the Council shall elect a Chairman of the Council from among members who are nurse-midwives, and such Chairman shall hold such office for the full term of his election as a member, after which the Council shall hold a new election for that office.

Chairman of
Council

(2) If the elected Chairman vacates such office before the period thereof expires, a new Chairman shall be elected at the next meeting of the Council for the remaining portion of such period.

(3) If the Chairman is absent from any meeting of the Council, the members present at that meeting shall elect one of the nurse-midwives present to be the Chairman and to exercise all the functions of the Chairman for that meeting.

5. (1) Meetings of the Council shall be held at such times and at such places as the Council may determine:

Meetings of
Council

Provided that at least four ordinary meetings of the Council shall be held in each year.

(2) Special meetings of the Council may be convened by the Chairman when he considers such meetings to be necessary or desirable, and shall be convened by him within one month, on the request in writing of at least twelve members of the Council setting out clearly the purpose for which the meeting is to be convened.

(3) At any meeting of the Council any eight members shall constitute a quorum.

(4) Decisions of the Council at any meeting shall be decided by a majority of the members present at that meeting, but if there is an equality of votes the Chairman, or the person acting as Chairman at the meeting, shall have a casting vote.

(5) Except as may be otherwise provided in this Act, the Council shall regulate its own affairs and proceedings.

6. The Council shall appoint an executive committee, and may appoint such other committees as it considers necessary or desirable to conduct its affairs, and may delegate to such committees such of its functions as it may determine.

Committees

7. (1) It shall be the duty of the Council to ensure and maintain a high standard of nursing and midwifery education in Botswana and the establishment of the safe and effective practice of nursing and midwifery.

Duty and
powers of
Council

(2) For the purpose of carrying out its duties and functions under this Act the Council shall, in addition to and without derogation from, any other powers specifically provided for in this Act, have the following powers —

- (a) to make recommendations to the Minister with regard to any matter affecting the well-being of the professions of nursing and midwifery in Botswana;
- (b) to approve, subject to inspection, schools of nursing and institutions where student nurses and midwives, and enrolled nurses are trained;
- (c) to establish machinery for the evaluation of the competence of practicing nurses and midwives, and for the continuing training and education of those nurses and midwives;
- (d) to liaise with the University of Botswana for the purpose of determining the procedure for, and any fees payable in respect of, the taking of examinations for the practice of nursing and midwifery, and the issue of degrees, diplomas or examination certificates therefor;
- (e) to determine the procedure for, including the provision of tests or examinations, and any fees payable in respect thereof, for the registration of, and the issue of practising certificates to, prospective nurses and midwives;
- (f) to keep and maintain the registers referred to in section 8;
- (g) to deal in such manner as it may determine with breaches of discipline or professional ethics by nurses or midwives, to suspend or revoke practising certificates of such nurses or midwives, and to reissue such certificates in such circumstances and on such conditions as it may determine;
- (h) to remove from the registers referred to in section 8 the names of nurses and midwives who for any reason referred to in paragraph (g) have their practising certificates revoked, or who for any other reason are no longer entitled to be so registered, and to reregister such nurses and midwives whenever such certificates are reissued;
- (i) to regulate the manner in which nurses and midwives may advertise their services;
- (j) to determine badges or other distinguishing devices for nurses and midwives registered under the Act, and the circumstances in which they shall be worn;
- (k) to appoint such officers of the Council as may be necessary, and determine the qualifications for such posts, their duties and their conditions of service;
- (l) to establish and promote a code of ethical conduct for nurses and midwives in Botswana in line with the international code of nursing ethics; and
- (m) to conduct examinations in those institutions for the training of nurses and midwives which are not affiliated to the University of Botswana, to approve examiners and moderators therefor, and to issue diplomas and certificates in respect of such examinations.

8. The Council shall keep and maintain the following registers —

**Registers to
be kept**

- (a) a register for general nurses;**
- (b) a register for midwives;**
- (c) a register for nurse specialists;**
- (d) a register for enrolled nurses;**
- (e) a register for student nurses; and**
- (f) a register for student midwives.**

9. The University of Botswana shall be the validating authority for courses of instruction for prospective nurses and midwives in Botswana at the University or at institutions affiliated to the University, and in respect of such courses shall have power, in consultation with the Council, to —

**Powers of
University of
Botswana**

- (a) determine the curricula for the education of student nurses and midwives at such courses, and the nature and period of training required therefor;**
- (b) determine the examinations required to be taken and passed by such student nurses and midwives;**
- (c) conduct the examinations referred to in paragraph (b), and to appoint examiners in respect thereof;**
- (d) grant examination certificates and other awards to student nurses and midwives in respect of such examinations.**

10. (1) No person shall practice as an enrolled nurse, a midwife or nurse unless his name appears in the appropriate register referred to in section 8 and he is in possession of a current practising certificate entitling him to practise as such enrolled nurse, midwife or nurse in Botswana.

**Practising
certificates**

(2) Applications for practising certificates shall be made to the Council in such form, together with such additional information and such fee as may be required or determined by the Council.

(3) A practising certificate shall be valid from the 1st. January in the year of its issue and shall expire on the 31st. December in that year, subject to earlier termination thereof in accordance with the powers of the Council exercised under the provisions of section 7 (2) (f):

Provided also that where the name of an enrolled nurse, midwife or nurse is for any reason removed from the appropriate register referred to in section 8, any practising certificate issued to such enrolled nurse, midwife or nurse shall, with effect from the date of such removal, cease to be valid.

(4) Subject to the provisions of subsection (3), a practising certificate may be renewed annually in the same manner as an original application for a practising certificate:

Provided that the holder of a valid practising certificate shall be permitted a period of thirty days from the date of expiry thereof to effect the renewal of such certificate.

**Offences and
penalties**

11. (1) Any person who engages in the practice of nursing or midwifery —

(a) whose name does not appear in the appropriate register referred to in section 8; or

(b) who does not hold a valid practising certificate in respect thereof; or

(c) who engages in such practice otherwise than in accordance with the terms and conditions of such practising certificate,

shall be guilty of an offence and liable to a fine of P1 000.

(2) Any person who is not an enrolled nurse, a registered nurse or a registered midwife who —

(a) uses the title “enrolled nurse”, “registered nurse” or “registered midwife”; or

(b) holds himself out, directly or indirectly, to be an enrolled nurse, a registered nurse or a registered midwife; or

(c) wears the distinguishing features, devices or badges of an enrolled nurse, a midwife or a nurse, or any imitation thereof,

shall be guilty of an offence and liable to a fine of P1 000.

(3) Any person who employs another person as an enrolled nurse, a midwife or a nurse, knowing that such other person does not have a valid practising certificate, or knowing that the name of such other person is not on or has been removed from the relevant register, shall be guilty of an offence and liable to a fine of P1 000.

Regulations

12. The Minister may, after consultation with the Council, make regulations for the better carrying out of the provisions and purposes of this Act.

Saving

13. The registers referred to in section 13 of the Nurses and Midwives Act, repealed by this Act, shall be deemed to form part of the appropriate registers required to be kept in accordance with the provisions of section 8 of this Act, and every person whose name appears in the first mentioned registers as at the date of commencement of this Act, shall, with effect from such date, be deemed to be registered and have his name included in the corresponding register required to be kept under this Act.

**Repeal
Cap. 60:03**

14. The Nurses and Midwives Act is hereby repealed.

PASSED by the National Assembly this 15th day of December, 1994.

T.G.G.G. SEELETSO,
Clerk of the National Assembly.