

## **CHAPTER 274**

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## CHAPTER 274

### THE NURSES AND MIDWIVES ACT.

*Commencement:* 8 November, 1996.

**An Act to provide for the training, registration enrollment and discipline of nurses and midwives of all categories and for other matters connected to the above.**

#### PART I—INTERPRETATION.

##### **1. Interpretation.**

In this Act, unless the context otherwise requires—

- (a) “certificate” means a certificate issued under section 18;
- (b) “chairperson” means the chairperson of the council appointed under section 4;
- (c) “council” means the Nurses and Midwives Council established under section 2;
- (d) “diploma” means a diploma issued under section 18;
- (e) “enrolled” means having the name entered in the roll under section 22;
- (f) “former council” means the council established under the Nurses, Midwives and Nursing Assistants Act, 1964;
- (g) “Gazette” means the Uganda Gazette and includes the Gazette Extraordinary;
- (h) “health unit” includes a private hospital, clinic, nursing home, maternity centre or other specialised establishment, as well as a Government unit of the same nature;
- (i) “midwife” means a person who is trained and qualified in the care of women in relation to childbirth and in the care of infants and who is registered or enrolled under section 23;
- (j) “Minister” means the Minister responsible for health;
- (k) “nurse” means a person who is trained and qualified in the promotion of health, the prevention of disease and the care of the sick and who is registered or enrolled under section 23;
- (l) “register” means the register kept under section 22;
- (m) “registered” means having the name entered in the register under section 22;
- (n) “registrar” means the registrar of the council appointed under section 10;

- (o) “roll” means the roll kept under section 22;
- (p) “supervisory authority” means a person or body appointed to be a supervisory authority under section 46;
- (q) “traditional birth attendant” means a person recognised by her community as being able to assist women in childbirth.

PART II—ESTABLISHMENT, FUNCTIONS AND COMPOSITION OF THE  
COUNCIL.

**2. Establishment of the council.**

(1) There is established a council to be known as the Nurses and Midwives Council which shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name and, subject to this Act, may do or suffer all other things and acts as bodies corporate do or suffer.

(2) The seal of the council shall be such device as the council may determine and shall be authenticated in the manner provided under the Schedule to this Act.

**3. Functions of the council.**

The functions of the council shall be—

- (a) to regulate the standards of nursing and midwifery in the country;
- (b) to regulate the conduct of nurses and midwives and to exercise disciplinary control over them;
- (c) to approve courses of study for nurses and midwives;
- (d) to supervise and regulate the training of nurses and midwives;
- (e) to grant diplomas or certificates to persons who have completed the respective courses of study in nursing or midwifery;
- (f) to supervise the registration and enrollment of nurses and midwives and the publication of the names of registered and enrolled nurses and midwives in the Gazette;
- (g) to advise and make recommendations to the Government on matters relating to the nursing and midwifery professions;
- (h) to exercise general supervision and control over the two professions and to perform any other function relating to those professions or incidental to their practice.

#### **4. Composition of the council.**

- (1) The council shall consist of—
  - (a) a chairperson who shall be a senior registered nurse or midwife or both appointed by the Minister;
  - (b) ex officio members—
    - (i) the commissioner for nursing services;
    - (ii) the chief training officer (nursing);
    - (iii) the registrar;
    - (iv) the senior principal nursing officer, Mulago Hospital;
    - (v) the senior principal nursing officer, Butabika Hospital;
    - (vi) the head of the department of nursing, Makerere University; twelve members representing the following
  - (c) bodies—
    - (i) two representatives elected by the Uganda Nurses and Midwives Association;
    - (ii) two tutors representing all nursing and midwifery schools in Uganda, elected from among their number;
    - (iii) one representative elected by public health nurses from among their number;
    - (iv) one representative elected by psychiatric nurses from among their number;
    - (v) two representatives of nurses and midwives working in nongovernment organisation hospitals;
    - (vi) one representative of the Uganda Private Midwives Association;
    - (vii) one representative of the Uganda Community-based Health Care Association;
    - (viii) one representative of the Uganda Medical and Dental Practitioners Council;
    - (ix) one representative of the Uganda Allied Health Professionals Council.
- (2) The members of the council referred to in subsection (1) shall be appointed by the Minister in consultation with the associations, schools, organisations, councils or bodies they represent.
- (3) The council shall make rules of procedure for the election of members representing the various categories.

(4) No person shall be appointed a member of the council if that person—

- (a) has been declared bankrupt or has entered into any composition with his or her creditors;
- (b) has been convicted of an offence involving moral turpitude;
- (c) is unable in the opinion of the medical board, by reason of infirmity of mind or body, to perform the duties of a member;
- (d) has been disqualified under this Act or under the Uganda Medical and Dental Practitioners Act from practising or carrying on the profession or calling.

(5) The registrar shall be the secretary to the council.

## **5. Term of office.**

A member of the council, including the chairperson, shall hold office for a term of three years from the date of appointment and shall be eligible for reappointment for not more than two terms.

## **6. Vacation of office.**

- (1) A member of the council shall vacate office if that member—
  - (a) becomes subject to any of the disqualifications under section 4(4);
  - (b) by writing under the member's hand addressed to the Minister, resigns the membership of the council.

(2) If any member of the council dies, resigns, is removed from office or for any other reason ceases to hold office before the expiration of the term for which he or she was appointed, the Minister may appoint another person to take the place of that member in accordance with section 4(2), and the person so appointed shall hold office until the expiration of the term of office of the member in whose place he or she was appointed.

(3) If a member is unable to discharge the duties of a member of the council due to absence, illness or other cause, the Minister may appoint some other person to temporarily act in that member's place during the period of inability of that member to discharge the duties.

## **7. Remuneration of members.**

A member of the council or any other person attending a meeting of the council may be paid such remuneration or allowance that the council may, in consultation with the Minister, determine.

## **8. Meetings of the council.**

(1) The Schedule to this Act shall have effect in relation to the meetings of the council and other related matters specified in that Schedule.

(2) The Minister may, in consultation with the council, by statutory instrument, amend the Schedule.

### **PART III—MANAGEMENT AND STAFF OF THE COUNCIL.**

## **9. The secretariat.**

The council shall have a secretariat to assist it in carrying out its functions under this Act.

## **10. Registrar of the council.**

(1) There shall be a registrar of the council who shall be a public officer appointed by the Health Service Commission from among the registered nurses and midwives.

(2) The office of registrar shall become vacant—

- (a) if the registrar resigns office by writing addressed to the Health Service Commission;
- (b) if, in the opinion of the council, the registrar becomes incapable of performing the duties of registrar and is removed from office; or
- (c) if the registrar is found by the council guilty of professional misconduct.

## **11. Functions of the registrar.**

(1) The registrar shall be the chief executive officer of the council and the head of the secretariat and as such shall—

- (a) keep and maintain the registers and the rolls of nurses and



- midwives;
- (b) make necessary alterations and corrections in the registers or rolls in relation to any entry as may be directed by the council from time to time;
  - (c) remove from any register or roll— (i) the name of any person ordered to be removed under this Act; (ii) the name of a deceased nurse or midwife; (iii) any entry which may have been incorrectly or fraudulently made in the register or roll; (iv) with the consent of the person concerned, the name of a person who has ceased to practise;
  - (d) reinstate a name removed from the register or roll for a specified period at the request of the person concerned, after payment of the prescribed fee;
  - (e) inspect and have full access, on behalf of the council, to all maternity homes and nurse health units;
  - (f) implement the decisions of the council; and
  - (g) perform any other duty that may be required under this Act or as the council may direct.

(2) The registrar shall be responsible for the recording of all the minutes of the meetings of the council and its committees and shall keep custody of all records and documents of the council.

## **12. Deputy registrar.**

(1) There shall be a deputy registrar who shall be a public officer appointed by the Health Service Commission from among the registered nurses and midwives.

(2) Section 10(2) shall apply to the deputy registrar.

(3) The deputy registrar shall carry out such duties as the registrar shall assign to him or her, and the deputy registrar shall deputise the registrar in all his or her duties.

## **13. Other staff.**

(1) The council shall have such other officers and employees as may be appointed by the council, and the officers and employees shall hold office

on terms and conditions that shall be determined by the council.

- (2) Public officers may be seconded to the council.

#### PART IV—FINANCIAL PROVISIONS.

### **14. Funds of the council.**

- (1) The funds of the council shall consist of—
  - (a) money appropriated to the council by Parliament from time to time;
  - (b) grants, gifts and donations to the council;
  - (c) fees and other monies paid for services rendered by the council;
  - (d) monies that may in any manner become payable to or vested in the council under the provisions of this Act or in relation or incidental to the carrying out of its functions.

- (2) The council shall operate a bank account in a bank determined by the council, and the account shall be operated in a manner decided by the council.

### **15. Financial year.**

The financial year of the council shall be the twelve months beginning from the 1st day of July and ending on the 30th day of June.

### **16. Estimates.**

- (1) The council shall, within three months before the end of each financial year, prepare and submit to the Minister for his or her approval estimates of income and expenditure of the council for the next ensuing year and may, at any time before the end of a financial year, prepare and submit to the Minister for his or her approval any supplementary estimates.

- (2) No expenditure shall be made out of the funds of the council unless that expenditure is part of the expenditure approved by the Minister under estimates for the financial year in which that expenditure is to be made or in estimates supplementary to that year's estimates.

## **17. Accounts and audit.**

(1) The council shall keep proper books of account and shall prepare the annual financial statement of accounts for the immediately preceding financial year not later than three months into the following year.

(2) The annual accounts of the council shall be audited by the Auditor General or an auditor appointed by him or her.

(3) The council shall, within three months after the end of each financial year, submit—

- (a) to the Minister an annual report in respect of that year containing—
  - (i) financial statements; (ii) a report on the operations of the council; (iii) any other information that the Minister may, prior to the completion of the annual report or as otherwise supplementary thereto, direct in writing;
- (b) to the Auditor General—
  - (i) the accounts of the council for the financial year; and
  - (ii) the annual report referred to under paragraph (a) of this subdivision.

(4) The Auditor General shall audit the accounts of the council within two months of the receipt thereof and submit his or her opinion on the accounts and the annual report to the Minister and the council.

(5) The Minister shall lay copies of the annual report together with a copy of the audited accounts before Parliament at the first available opportunity after receipt of them.

### **PART V—REGISTRATION AND ENROLLMENT OF NURSES AND MIDWIVES.**

## **18. Council to conduct courses.**

The council shall prescribe courses of training for nurses and midwives and issue diplomas or certificates, as the case may be, to persons who pass the qualifying examinations.

## **19. Eligibility for registration or enrollment.**

A person holding any of the following minimum qualifications shall be eligible for registration or enrollment in the appropriate category to which the qualifications relate—

- (a) a degree of Bachelor of Science in nursing recognised by the council;
- (b) a certificate or diploma in nursing issued by the council;
- (c) a person who produces evidence satisfactory to the council that he or she has been registered or enrolled as a nurse or midwife in any other country in which there is for the time being in force a law for registration or enrollment of nurses and midwives and in respect of which country the council is satisfied that the standard of training and examination is not inferior to the standard set by the council;
- (d) a nursing or midwifery qualification recognised by the council under section 20.

## **20. Other qualifications recognised.**

(1) The council may, taking into account the entrance requirements, the curriculum followed and, where possible, the professional standards exhibited by persons holding qualifications of the training institution awarding the qualification under consideration, recognise the institutions and qualifications other than those provided under section 19(a), (b) and (c) for purposes of registration or enrollment under this Act.

(2) The training institutions recognised under subsection (1) shall be published in the Gazette as soon as the council recognises them; and the registrar shall, after the 1st day of January and not later than the 31st day of March in each year, cause to be published all qualifications under this section in the Gazette.

(3) The council may, at any time, if professional standards so require, withdraw its recognition under subsection (1); but the withdrawal shall not affect the registration or enrollment of any already registered or enrolled nurse or midwife or the entitlement of any provisionally registered or enrolled person to remain on the register or roll and to continue to practise.

## **21. Eligibility where qualifications not recognised.**

(1) A person holding a qualification which is not recognised by the council and which is not a qualification under section 18 may apply to the council, and the council may make arrangements for that person to attend an interview and sit for an oral or written examination or both for the purpose of having that qualification recognised by the council.

(2) The council may after interviewing or examining a person under subsection (1) direct that person to undergo a period of training or to undertake further examination as it may specify.

(3) The council shall authorise the registration or enrollment of a person if it is satisfied with the results of an interview or examination under subsection (1) or when the conditions given under subsection (2) are fulfilled to its satisfaction.

(4) The council may appoint a committee to assess the suitability for registration or enrollment of a person under this section, and the committee shall submit its findings and recommendations to the council for the council's decision.

## **22. Register and roll of nurses and midwives.**

(1) The registrar shall keep and maintain a register and a roll of nurses and midwives and shall enter against the name of a person registered or enrolled—

- (a) the address of contact;
- (b) the date of entry;
- (c) qualifications and additional qualification; and
- (d) such other particulars as the council may determine.

(2) The registrar shall cause to be published in the Gazette the name of a person registered as soon as is practicable and shall, after the 1st day of January and not later than the 31st day of March in each year cause to be published in the Gazette an up-to-date register and roll maintained under this section.

(3) Subject to subsection (1), the register and the roll shall be in forms prescribed by the council.

**23. Application for registration or enrollment.**

(1) A person who qualifies to be registered or enrolled as a nurse or midwife may apply to the council for registration or enrollment; and if the council is satisfied that the applicant is eligible for registration, it shall authorise the registrar to enter that person's name on the register or roll.

(2) An application for registration or enrollment shall be in the prescribed form, and the application shall be accompanied by documentary proof of the qualifications of the applicant together with the prescribed fee.

(3) The registrar shall not register or enroll a person under section 19(c) whose name has been removed from the register or roll in the country in which he had been registered.

**24. Certificate of registration or enrollment.**

On the registration or enrollment of a nurse or midwife, the registrar shall issue to the person registered or enrolled a certificate of registration or enrollment in a prescribed form with the seal of the council affixed on the certificate.

**25. All registered nurses or midwives to be issued with practising licences.**

(1) A registered nurse or midwife practising in a health unit, whether private or public, shall apply to the council for a practising licence.

(2) An application for a licence under this section shall be accompanied by a copy of the certificate of registration.

(3) The council may, if satisfied that the applicant possesses the necessary qualifications, grant a licence.

(4) A practising licence granted under subsection (3) shall be valid for a period of three calendar years and may be renewed subject to conditions that the council may determine.

(5) A practising licence granted under subsection (3) shall not be issued subject to a condition which is less advantageous than that already attached unless the applicant has been given an opportunity of being heard

by the council.

**26. Titles used by registered or enrolled persons.**

(1) A person registered under this Part of the Act may take and use the title “Registered Nurse” or “Registered Midwife”, as the case may be.

(2) A person enrolled under this Part of the Act may take and use the title “Enrolled Nurse” or “Enrolled Midwife”, as the case may be.

(3) A person who uses a title which he or she is not entitled to use under this section commits an offence.

**27. Registration or enrollment not a right to practise medicine.**

Registration or enrollment under this Act shall not confer upon any person a right under the Medical and Dental Practitioners Act—

- (a) to assume a name, title or designation under that Act;
- (b) to practise medicine, surgery or dentistry;
- (c) to grant any medical certificate or certificate of death; or
- (d) to undertake the charge of cases of abnormality or disease in connection with parturition.

**28. Removal from the register or roll.**

(1) The council may, after inquiry, cause to be removed from the register or roll the name of any person—

- (a) who is convicted by a court of law of a criminal offence involving moral turpitude;
- (b) who is found guilty of professional misconduct by the council; or
- (c) who is suspended from practice.

(2) When the name of a person is removed from a register or roll in accordance with this Act, the registration of a maternity home or nurse health unit under his or her name shall also, by virtue of the removal, lapse, unless it is registered in a partnership with other registered or enrolled persons or until such time as another qualified person is registered in respect of those premises.

## **29. Restoration of name after removal.**

(1) The council may, on the application of the person whose name has been removed from the register or roll after the expiration of a prescribed period, cause the name of that person to be reinstated on the register or roll on the payment of a prescribed fee.

(2) Where the name of a person is reinstated on the register or roll, the council may restore the registration of the establishment that may have lapsed and may impose any condition it may deem fit.

### **PART VI—REGULATION OF PRIVATE PRACTICE.**

## **30. Private practice.**

(1) A registered or enrolled midwife who has served in a hospital or health unit for not less than five years may apply to the council for a licence to engage in private practice as a midwife to undertake the care of women in relation to childbirth and of infants and to manage common health conditions in the community.

(2) A registered nurse who has served in a hospital or health unit for not less than ten years may apply to the council for a licence to engage in private practice to manage common health conditions in the community.

(3) An application for a licence under this section shall be accompanied by a copy of the certificate of registration issued under section 24.

(4) The council may, if satisfied that the applicant possesses the necessary qualifications, authorise the registration and grant a licence to the applicant.

(5) A licence for private practice granted under subsection (4) shall be valid for the calendar year in which it is granted, but it may be renewed subject to conditions that the council may determine for a period of one calendar year at a time.

(6) A licence renewed under subsection (5) shall not be issued subject to a condition which is less advantageous than that already attached unless the person concerned has been given an opportunity of being heard by the



council.

(7) The registrar shall keep a register of all persons engaged in private practice.

**31. Annual report by a licensed person.**

(1) A person who is licensed under this Part of the Act shall, before the 31st day of January in each year, make and submit to the supervisory authority a report of his or her transactions and all the cases he or she attended in the preceding year, and all the registers and records made by that person in the preceding year shall be made available to the supervisory authority for inspection.

(2) The supervisory authority shall, if satisfied with the transactions of the licensed person and the report made under subsection (1), issue a letter of competence to that licensed person; and the licensed person shall, before the 31st day of January each year, present the letter of competence, together with the application for renewal, to the registrar for the renewal of a practising licence.

**32. Registration of maternity homes and nurse health units.**

(1) On and after the coming into force of this Act any—  
(a) registered nurse; and  
(b) registered or enrolled midwife, who intends to open a nurse health unit or a maternity home shall apply to the council for the registration of such nurse health unit or maternity home.

(2) The council shall, after making an inquiry and receiving a fee prescribed by the council, authorise the registration of the nurse health unit or maternity home; and upon registration, a licence shall be issued in respect of that nurse health unit or maternity home.

(3) The registrar shall not register a nurse health unit or maternity home in the name of a registered nurse or midwife unless the registrar is satisfied that there is a registered medical practitioner in the locality who will supervise the nurse health unit or maternity home.

(4) A licence issued under subsection (2) shall be valid for the calendar year in which it is issued and will be subject to renewal for a period

of one year at a time.

**33. Publication of nurse health units and maternity homes in the Gazette.**

The council shall cause to be published in the Gazette soon after registration is authorised and a licence issued in respect of a nurse health unit or maternity home—

- (a) the name, address, qualifications and the date of registration of the medical or dental practitioner supervising the nurse health unit or the maternity home;
- (b) the conditions attached to the licence;
- (c) the name and address of the nurse health unit or maternity home; and
- (d) the name, address, qualifications and date of registration of the nurse or midwife or those of an enrolled midwife in whose name the nurse health unit or maternity home is registered.

**34. Protection of patients.**

(1) A person registered or enrolled under this Act shall not, except with a special licence or permission, engage in stockpiling, retailing or wholesaling of drugs at his or her nurse health unit or maternity home.

(2) In the interest of good practice and the welfare of patients, a nurse or midwife shall not carry out procedures beyond common conditions and health problems and shall refer all cases beyond his or her ability to a medical practitioner.

(3) A registered or enrolled nurse or midwife who employs as his or her substitute a person who is not registered or enrolled in the same category as oneself commits an offence.

**35. Inspection of nurse health units.**

(1) The registrar or registered nurse or midwife authorised by the council shall, for the purposes of certifying that the provisions of this Act are complied with, enter and inspect any nurse health unit or maternity home with the assistance of a law enforcement officer, if necessary.

(2) If in the opinion of the person who made the inspection any action

against the nurse health unit or maternity home is necessary, he or she shall submit a report to that effect to the council within thirty days.

(3) On receipt of a report made under subsection (2), the council may, after making or causing to be made such inquiry as is considered necessary and after affording an opportunity to the owner to be heard, take action as it may consider fit.

#### PART VII—DISCIPLINARY PROVISIONS.

### **36. Disciplinary committee.**

(1) There shall be a disciplinary committee of the council which shall consist of—

- (a) the chairperson appointed by the council from among its members who shall preside at all meetings of the committee;
- (b) three members appointed by the council from among its members;
- (c) one person appointed by the council who shall be a person registered or enrolled in the same category as the person whose conduct is the subject of an inquiry by the committee;
- (d) an advocate of not less than five years standing appointed by the council;
- (e) a member of the Health Service Commission;
- (f) a supervisory authority from the area in which the person whose conduct is the subject of inquiry operates; and
- (g) the registrar, who shall also be the secretary to the committee.

(2) At the meeting of the disciplinary committee, five members, including the chairperson and a person registered or enrolled in the same category as the person whose conduct is the subject of inquiry, shall form a quorum.

### **37. Inquiry by committee.**

(1) The conduct of a registered or enrolled nurse or midwife may be the subject of inquiry by the disciplinary committee if—

- (a) he or she is convicted of an offence under this Act or under the Medical and Dental Practitioners Act or any other law substituted for that Act;
- (b) he or she is convicted of any offence involving dishonesty or

- fraud;
- (c) he or she is alleged to have committed any scandalous conduct in respect of his or her professional calling; or
  - (d) his or her name has been struck off the register or roll of any board, hospital, university or other body recognised by the council.

(2) A meeting of the committee for the purpose of holding an inquiry under this section shall be convened by the registrar.

(3) At least twenty-eight days' notice prior to the date fixed for an inquiry under this section and in writing signed by the registrar shall be served personally on the nurse or midwife the subject of inquiry or sent to that person by registered post at his or her last known address informing him or her of the time and place fixed for the inquiry and of the substance of the allegation made against him, accompanied, where practicable, by a copy of any document to be produced at the inquiry and any other document which shall be available at all reasonable times before the inquiry for inspection by the person or his or her advocate.

(4) A nurse or midwife subject to an inquiry shall be entitled to be present at the proceedings and, if he or she wishes, to be represented by an advocate.

(5) If at the time and place fixed for the inquiry, the nurse or midwife subject to an inquiry fails without reasonable excuse to appear and the committee is satisfied that the provisions of subsection (3) have been complied with, it shall be lawful for the committee to proceed with the inquiry as if the nurse or midwife were present.

(6) An inquiry under this section shall be deemed to be a judicial proceeding for the purposes of sections 94 and 99 of the Penal Code Act.

### **38. Power to summon witnesses.**

(1) In any inquiry under section 37, the committee shall have the powers of the High Court to summon witnesses and to call for the production of books, plans and documents and to examine witnesses and parties on oath.

(2) Summons for the attendance of witnesses or other persons at any inquiry held under section 37 shall be signed by the registrar, and oaths and

affirmations shall be authenticated at the inquiry by the person presiding over the committee.

### **39. Offences by witnesses.**

(1) A person who, having been served with summons to attend and give evidence or to produce any book, plan or document at any inquiry held under section 37—

- (a) fails without reasonable cause to obey the summons;
- (b) refuses without reasonable cause to answer all questions put to him by the committee; or
- (c) wilfully interrupts the proceedings of the committee or insults any member of the committee,

commits an offence.

(2) An inquiry under section 37 shall be deemed to be a suit or proceeding for the purposes of section 131 of the Evidence Act.

### **40. Disciplinary powers of the committee.**

The committee after due inquiry made in accordance with this Act may—

- (a) in the case of a registered nurse or midwife, recommend to the council the removal of his or her name from the register;
- (b) in the case of any enrolled nurse or midwife, recommend to the council the removal of his or her name from the roll;
- (c) order the suspension of the nurse or midwife for a period that it may deem fit; or
- (d) reprimand the nurse or midwife.

### **41. Proceedings to be recorded.**

(1) The proceedings of the committee at any inquiry under the provisions of this Act shall be recorded in writing and signed by the person presiding over the committee and when recorded and signed shall be conclusive evidence of the finding and decision.

(2) A copy of any direction or order and the notification of any reprimand under section 40 shall be served upon the relevant registered nurse or midwife or the enrolled nurse or midwife either personally or by registered post addressed to his last known address.

(3) A nurse or midwife who has been suspended from practice or whose name has been ordered to be removed from the register or roll under this Act shall surrender for retention or cancellation, as the case may be, the registration or enrollment certificate within a period directed by the committee.

#### **42. Appeal from the decision of the council.**

(1) A person who is aggrieved by a decision of the council may, within one month from the notification to him or her of the decision, or within a further period that the High Court may in any case allow, appeal to the High Court whose decision shall be final.

(2) Every appeal referred to under subsection (1) shall be by petition stating the facts and grounds of appeal, and a copy of the petition shall be served on the registrar.

(3) A nurse or midwife whom the council has ordered to be suspended from practice or whose name has been removed from the register or roll shall be informed of his or her right to appeal to the High Court under subsection (1).

(4) On hearing any appeal under this section, the High Court may allow or dismiss the appeal or alter or vary the decision of the council or make any other order that may appear just.

### **PART VIII—MISCELLANEOUS PROVISIONS.**

#### **43. Committees of the council.**

(1) For the better carrying out of its functions, the council may appoint such committees composed of its members, or its members and other persons, as it may consider necessary.

(2) A committee appointed under subsection (1) shall deliberate on any matter assigned to it by the council and make findings and recommendations to the council.

(3) The chairperson of a committee under this section shall be appointed by the council from among the members of the council.

#### **44. Change of practising venue.**

(1) A person registered or enrolled under this Act who, having been practising in a place, ceases to practise in that place and commences to practise in some other place shall, within seven days before commencing to practise, give notice accompanied by a recommendation from the supervising authority of the place where he or she was practising.

(2) A notice under subsection (1) shall contain particulars that may be required by rules made under this Act.

(3) A person registered or enrolled under this Act who fails to comply with any of the provisions of this section commits an offence.

#### **45. Additional qualifications.**

A person registered or enrolled under this Act who has acquired additional qualifications approved by the council may, on payment of a prescribed fee, have the additional qualification included in the register or roll.

#### **46. Supervisory authority.**

(1) The council may, in respect of any region, district or smaller area, appoint a senior registered nurse or midwife to be the supervisory authority to any registered nurse or registered or enrolled midwife or class of registered nurses or enrolled midwives.

- (2) It shall be the duty of a supervisory authority—
  - (a) to exercise general supervision over nurses and midwives in accordance with the rules made under this Act;
  - (b) to investigate charges of malpractice, negligence or misconduct against a nurse or midwife and make full report to the disciplinary committee of the facts and circumstances of the charge;
  - (c) to suspend from practice for a period not exceeding three months, and in accordance with rules made under this Act, any nurse or midwife if suspension appears necessary; and the authority shall immediately after the suspension make a report, including the circumstances and reasons of the suspension, to the disciplinary committee;
  - (d) to report to the disciplinary committee the name of any nurse or

midwife convicted of an offence and the nature of the offence committed as soon as possible after the conviction comes to the knowledge of the supervisory authority.

**47. Notification of the death of a nurse or midwife.**

The supervisory authority appointed under section 46 shall on receiving information of the death of a registered or enrolled nurse or midwife notify the registrar in writing of the death.

**48. Publication prima facie evidence.**

(1) The publication of any list in the Gazette under this Act shall be prima facie evidence that—

- (a) a person whose name appears therein is registered or enrolled as indicated in the Gazette;
- (b) the nurse, health unit or maternity home mentioned in the Gazette at the time of publication is duly registered under this Act;
- (c) the absence of the name of any person or health unit from the relevant list means that a person or health unit is not registered under this Act.

(2) A copy or extract from a register or roll certified under the hand of the registrar shall be received in evidence in a court of law.

**49. Charges.**

A nurse or midwife engaged in private practice under this Act may demand reasonable charges for the attendance on, treatment of or service rendered to any person under this Act and for any drugs supplied, and shall be entitled to sue for or recover the same, with full costs, in any court of competent jurisdiction.

**50. Regulations.**

The Minister may, on the recommendation of the council, make regulations generally for better carrying out the provisions of this Act and, without prejudice to the generality of the foregoing, the Minister may—

- (a) prescribe the fees to be prescribed under this Act, including the fees payable for any registration under this Act;
- (b) prescribe the application forms that may be necessary;



- (c) prescribe any other form to be issued under this Act;
- (d) provide for the procedure of electing members to the council;
- (e) prescribe the form of the register or roll to be kept under this Act;
- (f) prescribe the form of application and other requirements for the registration or enrollment of a person under this Act;
- (g) prescribe the examinations that may be taken under this Act;
- (h) provide the curriculum for courses of study under this Act;
- (i) provide for the standards and grading of examinations for the issue of a certificate or diploma under this Act; (j) prescribe any other thing that may be prescribed under this Act.

**51. Procuring registration by fraud.**

A person commits an offence who—

- (a) makes or produces or causes to be produced any false or fraudulent representation or declaration, whether verbally or in writing, while procuring or attempting to procure oneself or any other person to be registered or enrolled;
- (b) wilfully makes or causes to be made any false entry in the register or roll.

**52. Registered or enrolled nurse or midwife to undergo minimum continuing education.**

(1) Every registered or enrolled nurse or midwife engaged in active public or private practice shall be required to have undergone minimum continuing education courses as prescribed by the council in order to remain on the register.

(2) The council may delegate the responsibility of arranging the continuing education in subsection (1) to the Uganda Nurses and Midwives Association or any other professional association the council may deem fit.

(3) A practitioner who fails to satisfy the council that he or she has engaged in a minimum continuing education shall constitute grounds for the council to take disciplinary action.

**53. Unregistered person using title.**

(1) A person not registered or enrolled under this Act who makes use of any of the titles referred to in section 26 or who holds himself or herself

directly or indirectly as being registered or enrolled, or wears any prescribed uniform, badge or any other distinguishing device or any initiation calculated to deceive commits an offence.

(2) A person who is not registered or enrolled under the provisions of this Act who practises for gain as a nurse or midwife, as the case may be, commits an offence.

(3) Subsection (2) shall not affect the traditional birth attendants who shall practise only in local communities.

#### **54. Offences and penalties.**

A person who commits an offence under this Act is liable on conviction to a fine of not less than three hundred thousand shillings and not more than three million shillings or to a term of imprisonment of not less than three months and not more than three years or to both.

#### **55. Assets and liabilities of former council to vest in council.**

(1) All rights, assets and liabilities of the former council are vested in the council to the same extent and for the same estate or interest as they were previously vested in the former council, to be held and enjoyed, sued for, recovered, maintained, dealt with and disposed of in accordance with this Act.

(2) From and after the coming into operation of this Act, the council shall be subject to and discharge all the obligations and liabilities to which the former council was subject and shall indemnify the former council from these obligations and liabilities and from all costs and expenses in that behalf.

#### *Schedule.*

s. 2.

#### **Seal and meetings of the council.**

##### **1. Seal of the council.**

(1) The seal of the council shall be kept under the custody of the

registrar.

(2) The affixing of the seal of the council on any document shall be authenticated by the signatures of the chairperson and the registrar, and their signatures shall not be required to be witnessed by any other person.

(3) A document purporting to be an instrument issued by the council and sealed with the seal of the council and authenticated in the manner provided by subparagraph (2) shall be deemed to be a valid instrument and admissible in evidence without further proof unless the contrary is shown.

## **2. Vice chairperson.**

The members of the council shall elect one of the members to be the vice chairperson.

## **3. Meetings of the council.**

(1) The council shall meet for the transaction of business at places and at times as may be decided upon by the council, but the council shall meet at least once every three months.

(2) The chairperson or, in his absence, the vice chairperson may, at any time, call a special meeting of the council and shall call a special meeting upon a written request by a majority of the members of the council.

(3) The chairperson or, in his absence, the vice chairperson, shall preside at every meeting of the council; and in the absence of both the chairperson and the vice chairperson from any meeting, the members present may appoint a member from among themselves to preside at that meeting.

## **4. Quorum.**

The quorum at a meeting of the council shall be half of all the members.

## **5. Decisions of the council.**

(1) All questions proposed at a meeting of the council shall be decided by a simple majority of the votes of the members present; and in the event of an equality of votes, the person presiding shall have a second or casting vote in addition to his deliberative vote.

(2) Notwithstanding any other provision of this Schedule, a decision may be made by the council without a meeting by circulation of the relevant papers among the members of the council and by the expression of the views of the majority of the members in writing, but any member shall be entitled to require that the decision be deferred and the matter on which a decision is sought be considered at a meeting of the council.

#### **6. Disclosure of interest.**

(1) A member of the council who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the council shall, as soon as possible, after the relevant facts have come to his or her knowledge, disclose the nature of his or her interest to the council.

(2) A disclosure of interest under subsection (1) shall be recorded in the minutes of the meeting of the council; and the member making such disclosure shall not, unless the council otherwise determines in respect of that matter—

- (a) be present during any deliberation on the matter by the council;  
or
- (b) take part in the decision of the council.

(3) For purposes of the making of a determination by the council under subparagraph (2) in relation to a member who has made a disclosure under subparagraph (1), the member who has made the disclosure shall not—

- (a) be present during the deliberations of the council for the making of that determination; or
- (b) influence any other member or take part in the making by the council of the determination.

#### **7. Minutes of meetings.**

The council shall cause the minutes of all proceedings of its meetings to be recorded and kept, and the minutes of each meeting shall be confirmed by the council at the next meeting and signed by the chairperson of the meeting.

#### **8. Council to regulate proceedings.**

Subject to the Act and this Schedule, the council may regulate its own proceedings.

**History:** Act 2/1996.

### **Cross References**

Evidence Act, Cap. 6.

Medical and Dental Practitioners Act, Cap. 272.

Nurses, Midwives and Nursing Assistants Act, 1964 Revision, Cap. 263.

Penal Code Act, Cap. 120.