

**N.R.C.D. 117**  
**NURSES AND MIDWIVES ACT, 1972**

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**N.R.C.D. 117****NURSES AND MIDWIVES ACT, 1972<sup>1</sup>**

**AN ACT to establish an Authority for Nurses and Midwives and to provide for related matters.**

*Nurses and Midwives Authority***1. Establishment of the Authority**

(1) There is hereby established a Nurses and Midwives Authority.

(2) The affixing of the seal of the Authority to a document shall be authenticated by the signatures of the chairman of the Council and two other members of the Council independently of any other person who may have signed the document as a witness.

**2. Functions of the Authority**

(1) The Authority is responsible for the nursing and midwifery profession and, in particular, with the organisation of the training and education of nurses and midwives, and the maintenance and promotion of standards of professional conduct and efficiency.

(2) The Authority is responsible for

- (a) prescribing the conditions of registration of nurses and midwives and of the granting of certificates and badges to nurses and midwives;
- (b) the establishment of a system of training of nurses and midwives;
- (c) the selection of the subjects in which persons seeking to qualify as nurses or midwives may be examined;
- (d) the establishment of courses of instruction for student nurses and midwives;

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1. This Act was issued as the Nurses and Midwives Decree, 1972 (N.R.C.D. 117) made on the 27th day of September, 1972 and notified in the *Gazette* on 6th October, 1972.

- (e) the admission, subject to the conditions prescribed by the Board, of students to pursue courses of instruction leading to qualification as nurses or midwives; and
- (f) the examination of student nurses and midwives.

### **3. The governing body of the Authority**

The governing body of the Authority is a Council consisting of

- (a) eleven registered nurses including at least one registered nurse-midwife and also a military nurse, elected by the registered nurses,
- (b) five registered midwives elected by the registered midwives,
- (c) three registered medical practitioners appointed by the Ghana Medical Association,
- (d) one person experienced in the administration of hospitals and health services, and appointed by the Minister, and
- (e) one person appointed by the Minister responsible for Education.

### **4. Chairman of the Council**

A registered nurse-midwife elected by the members of the Board from among their number shall be the chairman.

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

(1) The chairman and the other members shall hold office for a term of three years but are eligible for re-election or re-appointment to the Council.

(2) A member other than an ex officio member may resign from office by letter addressed to the chairman.

(3) In the event of the death or resignation of a member before the completion of the term of office, a new member shall, subject to subsection (4), be elected or appointed to hold office for the remaining term of office.

(4) An election or appointment shall not be held or made under subsection (3) if the remaining term of office is one year or less.

### **6. Meetings of the Council**

(1) The Council shall meet at least once in every three months, for the performance of its functions at the times and places determined by the chairman.

(2) The chairman may, and shall on the request in writing of not less than seven members, call an extraordinary meeting of the Council at the time and place determined by the chairman.

(3) The chairman shall preside at meetings of the Council and in the absence of the chairman the members present shall appoint one of their number to preside at the meeting.

(4) The quorum at a meeting of the council is seven.

(5) Questions proposed at a meeting of the Council shall be decided by a majority of the votes of the members present and in the event of an equality of votes the chairman or person presiding shall have a casting vote.

(6) The validity of an act or the proceedings of the Council shall not be affected by a vacancy among, or a defect in the appointment or election of, a member.

(7) Subject to this section, the Council may regulate its own procedure.

#### **7. Committees and advisers**

(1) The Council may appoint the committees that it considers necessary and may delegate to a committee a function of the Council.

(2) The Council may request the attendance of a person to act as adviser at any of its meetings, but a co-opted person is not entitled to vote at the meeting on a matter for decision by the Council.

#### **8. Allowances**

The Council may pay to members and to persons attending meetings of the Council travelling and other allowances approved by the Minister responsible for Finance.

#### *Officers and Employees of the Authority*

#### **9. Registrar**

(1) The Council shall appoint a registered nurse-midwife as a registrar of the Authority on the terms and conditions that it shall determine.

(2) The registrar shall perform the functions prescribed in relation to the registrar under this Act and any other functions assigned to the registrar by the Council.

(3) The registrar shall attend the meetings of the Council but is not entitled to vote on a matter for decision by the Council.

#### **10. Treasurer**

(1) The members of the Council shall elect one of their number to be the treasurer of the Authority.

(2) The treasurer may by letter addressed to the Council resign as treasurer.

(3) The treasurer is generally responsible for the proper administration of the finances of the Authority and shall in particular,

- (a) exercise a general superintendence over the general income and expenditure of the Authority, and
- (b) ensure that the accounts of the Authority are properly kept.

#### **11. Staff**

(1) The President shall, on the recommendations of the Council, appoint as secretary to the Authority a graduate of a University approved by the Council who is a public officer not below the grade of a director or an equivalent grade.

(2) The Authority may employ any other persons as the Council considers necessary for the proper and efficient performance of the functions of the Authority.

(3) The Authority shall pay to its employees the remuneration determined by the Council.

## **12. Accounts and audit**

(1) The Council shall keep proper books of account and proper records relating to the accounts in the form approved by the Auditor-General.

(2) The books and accounts of the Authority shall each year be audited by the Auditor-General, who shall have access to the books, records, stores, and any other matters relating to the accounts, and who shall in the report draw attention to irregularities in the accounts audited.

(3) The Authority shall pay in respect of the audit the fee agreed on between the Auditor-General and the Council or in the case of failure to agree, the fees determined by the Minister responsible for Finance.

(4) The Council shall, as soon as possible after receiving the report of the Auditor-General under this section, forward a copy of the report to the Minister responsible for Health.

(5) The Minister responsible for Health shall as soon as practicable on receipt of the report, lay before Parliament a copy of the Auditor-General's report forwarded under this section.

## *Certificates and Registration*

### **13. Issue of certificates**

The Authority shall issue certificates to persons who have satisfied the Council that

- (a) they have attained the necessary standards of proficiency in nursing or midwifery, or
- (b) they have acquired an adequate practical experience in nursing or midwifery, or
- (c) they are otherwise qualified to practise as nurses or midwives.

### **14. Registers of nurses and midwives**

(1) The Authority shall provide separate registers for the registration of nurses and midwives.

(2) The registers shall be kept by the registrar in a form that shows the full names, address, qualifications, date of local registration, and higher or additional qualifications, of the person registered, together with the remarks that are necessary.

### **15. Qualification for registration**

(1) Subject to this Act, the registrar shall register as a nurse or a midwife, on the payment of the prescribed fee,

- (a) a person who holds a qualifying certificate issued by the Authority under this Act or any other qualification recognised by the Council as furnishing

a sufficient guarantee that that person has the knowledge and skill requisite for the efficient practice of nursing or midwifery and which is approved by the Ministry of Health, and

- (b) a person who the registrar is satisfied is of good character, and
- (c) a person who is by law entitled to practise nursing or midwifery in the country where the qualification was granted, or would, if that person were a national of that country, be so entitled.

(2) Where a person holding a qualification in nursing or midwifery is unable to practise nursing or midwifery in a country because that person has not acquired the practical experience required by the laws of that country or is unable to qualify for registration under subsection (1), the Council may prescribe conditions under which that person may qualify for registration under subsection (1).

(3) The conditions specified under subsection (2) may require that person to be engaged for a specified period in employment in the Republic or elsewhere in one or more hospitals or institutions approved by the Council.

(4) Where the Council prescribes a conditions under subsection (2) requiring a person to be employed for a specified period in a hospital or an institution, section 25 (c) shall not apply to that person while so employed and acts in accordance with the prescribed conditions.

(5) A person registered under this Act who obtains a higher or additional qualification recognised by the Council is entitled to have that qualification inserted in the appropriate register in substitution for, or in addition to, the qualification previously registered, without the payment of a further fee.

#### **16. Roll of auxiliaries**

(1) The registrar shall keep a Roll of Auxiliary Nurses in a form that shows clearly the full names, address, qualifications and date of enrolment of the person enrolled, together with the remarks that are necessary.

(2) Subject to subsection (3), a person registered under this Act shall not be enrolled as an auxiliary nurse under this section.

(3) Where a person enrolled as an auxiliary nurse under this section is subsequently registered under this Act, the registrar shall, subject to subsection (4), remove the name of that person from the Roll of Auxiliary Nurses.

(4) Despite subsection (2), a registered midwife who is not a registered nurse may be enrolled as an auxiliary nurse under this section, but that enrolment shall not affect the registration of that person as a midwife under this Act.

(5) An auxiliary nurse is not, as an auxiliary nurse, a member of the nurses and midwives profession and is not entitled to practise that profession by virtue of the enrolment under this section.

(6) Despite subsection (5), an auxiliary nurse may perform, under the direction of a person registered under this Act, the services of an elementary nature and under the conditions prescribed or permitted by the Board.

**17. Procedure for registration**

Application for registration under this Act shall be made to the registrar accompanied by the prescribed fee and by the document conferring or evidencing the qualification by virtue of which the application is made and showing the time when the qualification was obtained.

**18. Annual list of nurses and midwives**

The registrar shall, in January of every year, publish in the *Gazette* the names, addresses, dates of registration and qualifications of the registered nurses and midwives.

**19. Removal of names from the registers**

(1) The registrar shall remove from any of the registers the name of a person who has died or whom the registrar has reason to believe has permanently left the Republic and does not intend to return.

(2) A person whose name is removed from a register under subsection (1) is entitled on returning to the Republic to have the name restored to the register without the payment of a fee.

**20. Change of address**

A nurse or midwife registered under this Act shall notify the registrar in writing of a change or an alteration in address as soon as the change or alteration occurs.

**21. Correction of errors in register**

(1) An erasure shall not be made in a register or certified copy or extract of the register.

(2) Where an error occurs, a line of red ink shall be drawn through the word improperly inserted so as to leave the original word legible, and a word which may have been omitted shall be interlined or written in the margin with red ink.

(3) The registrar shall sign in the margin opposite the correction to authenticate the correction.

**22. Rights conferred by registration**

(1) A nurse or midwife registered under this Act is entitled to practise nursing or midwifery.

(2) A nurse or midwife registered under this Act who is not employed by the Government or paid out of public funds, is entitled to recover in a Court, with full costs of suit, reasonable charges for professional aid, advice and visits and the value of the medicine or the medical or surgical appliances rendered or supplied to the patient.

(3) A person is not entitled to recover in a Court a charge or cost mentioned in subsection (2) unless that person is registered under this Act.

**23. Validity of certificate**

A certificate or any other document required by law to be signed by a duly qualified nurse or midwife is not valid unless signed by a nurse or midwife registered under this Act.

**24. Evidence**

(1) A copy of the list published in accordance with section 18 is evidence in proceedings that the persons specified in this list are registered under this Act; and the absence of the name of a person from the copy of the list is evidence, until the contrary is shown, that that person is not registered under this Act.

(2) The registers and the copies of the register or extracts from the register certified and signed personally by the registrar shall be receivable in evidence in a Court.

(3) The registrar shall produce or cause to be produced a register kept under this Act when required to do so by a Court.

**25. Offences**

A person who

- (a) wilfully procures registration under this Act by means of a false or fraudulent certificate, representation or declaration, or
- (b) wilfully and falsely uses a name, title or an addition implying a qualification to practise nursing or midwifery, or
- (c) without being registered under this Act practices or professes to practise or publishes the name of that person as practicing nursing or midwifery, or receives a payment for practicing nursing or midwifery, or
- (d) wilfully destroys or damages a register kept under this Act,

commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months, or to both the fine and the imprisonment.

*Discipline***26. Disciplinary committee**

(1) There shall be a disciplinary committee of the Authority consisting of

- (a) one public officer enrolled or qualified to be enrolled as a legal practitioner as chairman, appointed by the Minister,
- (b) two medical practitioners appointed by the Council from among its members, and
- (c) one general nurse, one mental nurse, one public health nurse and one midwife appointed by the Council from among its members.

(2) The disciplinary committee may co-opt a person to be a member of the committee for the performance of its functions under this Act; but a person co-opted is not entitled to vote on a matter for decision by the committee.



**27. Disciplinary cases**

(1) Where an allegation is made to the registrar that a nurse or midwife registered under this Act

- (a) has been convicted by the Council or elsewhere of an offence,
- (b) has been censured by a judicial authority in relation to the professional character of that person, or
- (c) has been guilty of conduct which prima facie constitutes professional misconduct,

the registrar, if satisfied that the allegation, when made under paragraph (a) or (b), is correct or, in the case of an allegation made under paragraph (c), is made in good faith, shall call on the nurse or midwife against whom the allegation is made to give in writing an explanation which that member wishes to make, and shall forward to the Council the documents relating to the allegation, including the written explanation.

(2) The Council, if satisfied that a prima facie case for inquiry into the allegation has been established, shall notify the nurse or midwife, and refer the case to the disciplinary committee which shall proceed to inquire into the allegation.

(3) Where for a reason the chairman of the disciplinary committee is unable to be present at an inquiry under this section the committee shall be assisted in an advisory capacity by a legal officer appointed as judicial assessor by the Attorney-General.

(4) The Council shall make and submit to the Minister for approval rules to regulate the procedure at inquiries held under this section.

**28. Procedure in disciplinary cases**

(1) At an inquiry under section 27, the registrar, the complainant, the nurse or the midwife is entitled to appear and to be represented by a lawyer.

(2) Where, after being notified of the time and place of the inquiry, the nurse or midwife or the lawyer fails to appear, the inquiry may proceed in the absence of both or either.

(3) For the purposes of the inquiry the disciplinary committee may by writing signed personally by the chairman and, on the application of a party concerned, summon a person to attend a meeting of the disciplinary committee at a time and place specified in the summons and to give evidence and to produce the books, documents or writings in the custody, possession or control of that person which are required by the summons to be produced.

(4) The chairman may administer an oath to a person appearing before the disciplinary committee and a member of the committee may examine that person on oath.

(5) On the completion of the inquiry the disciplinary committee shall forward a copy of the proceedings together with its findings to the Board.

**29. Disciplinary measures**

(1) Where on a consideration of the findings of the disciplinary committee the Council, or in the event of a disagreement, the majority of the members of the Council finds the allegation against the nurse or midwife as proved, the Council may

- (a) reprimand the nurse or midwife,
- (b) suspend the nurse or midwife from practice for a period determined by the Council,
- (c) order the registrar to remove the name of the nurse or midwife from the register after the expiry of the period prescribed by section 30 (1), or
- (d) suspend or postpone the making of the order to the registrar for a period considered expedient by the Council.

(2) The Council may make an order as to costs.

(3) Where the Council makes a decision under subsection (1) or an order as to costs in respect of the decision, it shall serve a copy of the findings of the disciplinary committee and the Council's decision on the findings on the nurse or midwife.

**30. Appeals**

(1) A nurse or midwife served under section 29 (2) with the findings of a disciplinary committee and the Council's decision on the findings may, not later than twenty-one days after the service, appeal against the findings of the disciplinary committee and the Council's decision.

(2) In the case of a decision under section 29 (1) (a) or (b), the appeal lies by petition to the Minister who may, on hearing the appeal approve, reject or mitigate the decision of the Council; and the Council shall not proceed further until the Minister has disposed of the appeal or unless the appeal is withdrawn or abandoned.

(3) The decision of the Council as approved or mitigated by the Minister under subsection (2) shall be entered in the register by the registrar.

(4) In the case of a decision under section 29 (1) (c) or (d), the appeal lies to the High Court, which may on hearing the appeal confirm, vary or annul the decision of the Council; and the registrar shall not remove the name of a nurse or midwife from a register until twenty-one days have elapsed from the date of service of the findings of the disciplinary committee and the decision of the Council on the finding and until the registrar has ascertained that an appeal has not been lodged or where an appeal has been lodged, until it is disposed of, withdrawn or abandoned.

**31. Restoration of name to the register**

A nurse or midwife whose name has been removed from a register under this Act may apply to the Authority for the restoration of the name to the register and the Council may, after an inquiry that it considers desirable, order the registrar to restore to the register the name of the nurse or midwife, and the registrar shall restore that name.

**32. Offence against disciplinary proceedings**

(1) A person who

- (a) being served with a summons to appear before the disciplinary committee fails without reasonable cause to attend or to produce the books, documents or writings which that person is required by the summons to produce, or

(b) appearing before the disciplinary committee in answer to a summons refuses to be sworn or to answer a question relevant or material to the inquiry, commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty penalty units or in default of payment, to a term of imprisonment not exceeding twelve months.

(2) Subsection (1) does not render a person compellable to answer a question which in the opinion of the chairman tends to incriminate that person.

(3) Proceedings shall not be instituted under this section without the written consent of the Attorney-General.

### *Training establishments*

#### **33. Boards of governors**

(1) Where there exists a training establishment to provide courses of training for state registered nurses, midwives and public health nurses, the Minister may, by executive instrument, establish a board of governors for that training establishment.

(2) A board of governors established by instrument under subsection (1) is responsible for the management, control and welfare of the training establishment to which that instrument relates, and shall perform any other functions specified in the instrument or assigned to it by the Minister.

(3) An instrument made under subsection (1) may

- (a) specify the composition and the terms of office of the board of governors,
- (b) specify the procedure for the filling of vacancies,
- (c) make provision in respect of meetings of the board of governors,
- (d) permit the appointment of committees by the board of governors,
- (e) provide for the appoint of a secretary to and the employment of staff by the board of governors,
- (f) make any other provision for the finances of the board as the Minister considers necessary, and
- (g) make any other provision as is necessary or desirable for the performance of the functions of the board of governors.

(4) The members of a board of governors established under this section and persons attending meetings of the board shall be paid the travelling and any other allowances determined by the board of governors and approved by the Minister.

(5) Subject to clause (3) of article 125 of the Constitution a decision of a board of governors as to whether or not a person should be withdrawn from a training establishment is final.

#### **34. Tutors-in-charge**

(1) The Minister shall nominate a principal to be known as tutor-in-charge for each training establishment on the recommendation of the director of medical services.

(2) A tutor-in-charge is responsible to the board of governors for the maintenance of academic standards and for the social and domestic organisation and conduct of that training establishment, and in particular,

- (a) for the curriculum and syllabus of that training establishment, subject to the requirements of the Authority;
- (b) for maintaining high standards of service within that establishment;
- (c) for maintaining discipline among students and members of staff, subject to the right of those persons to appeal to the board of governors;
- (d) for maintaining discipline among daily-rated employees at that establishment;
- (e) for the admission of students to that establishment;
- (f) for recommending to the board of governors the withdrawal from that establishment of a student unlikely to benefit from the course of training at that establishment;
- (g) for the expenditure of the funds of that establishment.

(3) A tutor-in-charge

- (a) may suspend a student for misconduct and dismiss a student for good cause, with the approval of the board of governors and the knowledge of the director of medical services, or
- (b) may dismiss daily-rated employees, subject to the provisions of the relevant enactment.

(4) A tutor-in-charge shall submit proper books of account to the board of governors in the form and at the times required by the board of governors.

(5) A tutor-in-charge shall submit to the board of governors and the Minister at the end of the academic year of the training establishment a report on the activities of that establishment during that year which shall contain the information required by the board or Minister.

(6) A tutor-in-charge shall not, except with the approval of the Minister, grant a loan out of the funds of the training establishment.

### **35. Posts of staff**

The post of a tutor-in-charge and of the other members of staff of a training establishment in respect of which an instrument is made under section 33 are posts in the Health Services.<sup>2</sup>

### *Miscellaneous*

### **36. Distribution of nurses and midwives**

(1) With a view to ensuring a proper distribution of the services of nurses and midwives in private practice throughout the country, the Minister may enter into agreement with a nurse or midwife as to the areas in which the nurse or midwife may agree to establish a practice.

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2. The reference to the Civil Service has been replaced by a reference to the Health Service in view of article 190 of the Constitution.

(2) For the purposes of subsection (1), the Minister may incur expenditure on making available to the nurse or midwife suitable accommodation and any other facilities as inducements to the nurse or midwife to practise in a particular area.

### 37. Treatment by unqualified persons

(1) The doing by a person of an act specified in subsection (2) does by itself constitute an offence against, or a contravention of, a provision of this Act.

(2) An act referred to subsection (1) means

- (a) the application of dressing, or
- (b) the practice of an indigenous system of therapeutics by a person who is a citizen who
  - (i) does not perform an act which is dangerous to life, and
  - (ii) does not supply, administer or prescribe a restricted drug within the meaning of the Pharmacy Act, 1994 (Act 489), or
- (c) the giving of injections in accordance with law.

### 38. Regulations

The Minister may, after consultation with the Council, by Legislative Instrument, make Regulations prescribing

- (a) the duties of the registrar;
- (b) the form of the registers and the procedure for registration;
- (c) fees to be paid in respect of registration, proceedings under, and certificates issued under, this Act;
- (d) the procedure at inquiries before the Council;
- (e) certificates, notices and any other documents required for the purposes of this Act;
- (f) the preliminary standards of education, the course of training and the conduct of examination of candidates for registration;
- (g) the conditions of registration;
- (h) the practice of nurses and midwives;
- (i) the conditions under which registered nurses and midwives may be suspended from practice, and
- (j) the carrying out the principles and purposes of this Act.

### 39. Interpretation

In this Act, unless the context otherwise requires,

“**Authority**” means Nurses and Midwives Authority established for section 1;

“**auxiliary nurse**” means an enrolled general nurse, enrolled mental nurse or a community health nurse;

“**chairman**” means the chairman of the Council;

“**citizen**” means a citizen of Ghana;

“**Council**” means the governing body of the Authority;

“**Court**” means a court of competent jurisdiction;

“**financial year**” means the financial year of the Government;

“**Minister**” means the Minister responsible for Health;

“**nurse**” means a person who has completed a programme of basic nursing education and is qualified and authorised in the country of that person to give nursing services for the promotion of health, the prevention of illness and the care of the sick;

“**registered nurse-midwife**” means a person registered both as a nurse and as a midwife.

#### 40. Repeals and savings

*Spent.*<sup>3</sup>

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#### 3. The section provided that

“(1) The following enactments are hereby repealed:

Nurses Ordinance (Cap. 71)

Midwives Ordinance (Cap. 72)

Midwives (Amendment) Ordinance, 1956 (No. 12)

Midwives (Amendment) Act, 1959 (No. 24)

Nurses' and Midwives' (Accra) Schools Decree, 1969 (N.L.C.D. 367).

(2) Notwithstanding the above repeals, the Nurses Regulations, 1971 (L.L. 683) and the Midwives Rules (No. 4 of 1932) shall continue in force as if made under section 39 of this Decree, until modified or revoked.

(3) All registers of nurse, auxiliary nurses and midwives in use immediately before the commencement of this Decree and every document prepared or issued under any enactment repealed by this Decree shall continue in force as if kept, prepared or issued under the corresponding provisions of this decree, until provision is otherwise made under this Decree.”