

BECHUANALAND PROTECTORATE.

No. 15 OF 1945.
(Promulgated 29th June, 1945.)

PROCLAMATION

BY HIS EXCELLENCY THE HIGH COMMISSIONER
Entitled the Bechuanaland Protectorate Nurses and
Midwives Proclamation, 1945.

Whereas it is expedient to provide for the establishment of a Nursing Council for the High Commission Territories and to regulate the exercise of the calling of nurses and midwives in the Bechuanaland Protectorate:

Now therefore under and by virtue of the powers in me vested I do hereby declare, proclaim and make known as follows:—

1. In this Proclamation, unless the context ^{Interpre-} otherwise requires—^{tation.}

“ Council ” means the High Commission Territories Nursing Council established under section two;

“ Director of Medical Services ” ~~means the Director of Medical Services of the High Commission Territories;~~ *Deleted by P4/46*

“ High Commission Territories ” means the Territories of Basutoland, the Bechuanaland Protectorate and Swaziland;

“ nurse ” includes medical and surgical nurse, fever nurse, sick children’s nurse, mental nurse and male nurse;

“ this Proclamation ” includes any regulation made and in force under this Proclamation.

2. On a date to be fixed by the High Commissioner by Notice in the *Gazette* there shall be established a Council to be known as “ The High Commission Territories Nursing Council ” which shall have authority to perform all such acts as are necessary for or incidental to the carrying out of its functions and powers under this Proclamation. ^{Establishment of Nursing Council for the High Commission Territories.}

3. (1) The Council shall consist of the following nine members:— ^{Constitution of Council.}

~~(a) The Director of Medical Services;~~ *CHAIRMAN. Amend. by P4/46.*

(b) one person not registered under this Proclamation or under the Medical, Dental and Pharmacy Proclamations of Basutoland, the Bechuanaland Protectorate or Swaziland, to be appointed by the High Commissioner;

(c) one medical officer in the public service of Basutoland, the Bechuanaland Protectorate or Swaziland, to be appointed by the ~~Director of Medical Services.~~

CHAIRMAN. Amend. by P4/46.

*For amendment re
Chairman see P 4/46.*

(d) one missionary medical practitioner who is in charge of a hospital where the training of nurses is carried out, to be appointed by the ~~Director of Medical Services~~; *Chairman*

(e) one matron or senior nursing sister, to be appointed by the ~~Director of Medical Services~~; *Chairman*

(f) one sister-tutor from a training centre for nurses and midwives situated in one of the High Commission Territories, to be appointed by the ~~Director of Medical Services~~; *Chairman*

(g) one senior African nurse or midwife, to be appointed by the ~~Director of Medical Services~~; *Chairman*

(h) one Director or Superintendent of Education, to be appointed by the High Commissioner;

(i) one nursing member of the South African Nursing Council, to be appointed by that Council.

(2) The High Commissioner shall give notice in the *Gazette* of the appointment of any member of the Council and the date from which his or her membership commences.

(3) The members of the Council who are appointed by the High Commissioner or by the ~~Director of Medical Services~~ or by the South African Nursing Council shall hold office for five years but shall be eligible for re-appointment: Provided that the members of the first Council shall hold office for two years.

(4) The Council may, with the approval of the High Commissioner, co-opt for service upon the Council any person or persons having experience in the various forms of nursing.

4. (1) The Council shall have power—

(a) to keep the registers referred to in sections *twelve* and *thirteen* and to prescribe the form thereof;

(b) to prescribe the qualifications and conditions for admission or re-admission to the registers, including the nature and period of the training required, the examinations to be passed, and the recognition of qualifications obtained outside the High Commission Territories and to prescribe the conditions for removal of names from the registers;

(c) to prescribe curricula, appoint examiners, conduct examinations, and grant certificates;

(d) to approve of schools of nursing or other places where nurses and midwives are trained;

(e) to prescribe the fees payable to Government in respect of admission or re-admission to the registers, of examinations and of the issue of certificates;

(f) to prescribe uniforms, badges or other distinguishing devices for persons or classes of persons registered under this Proclamation, and to require the wearing thereof when on duty;

(g) to reprimand or suspend any person registered under this Proclamation who has been found guilty of improper or disgraceful conduct or to remove his or her name from the register, subject to an appeal to the High Commissioner;

(h) to regulate the holding of and procedure at meetings of the Council;

(i) to appoint such officers as may be necessary, and to prescribe their duties and conditions of service;

(j) to consider any matter affecting the nursing or midwifery profession and make representations or take such other action in connection therewith as the Council deems advisable;

(k) to prescribe the fees and allowances to be paid to members when engaged on the service of the Council;

(l) to make such regulations as may be necessary or expedient for carrying out the objects of, and exercising the powers conferred by, this Proclamation;

(m) generally, to do all such things as are necessary or expedient for the carrying out of the objects of this Proclamation.

(2) Regulations made under this section shall be subject to the approval of the High Commissioner and shall come into operation upon publication in the *Gazette*.

5. (1) A member of the Council may vacate his office if he gives notice in writing to the Council of his desire to resign office and his resignation is accepted.

(2) Every vacancy caused by the death of a member or by his vacation of office under subsection (1) shall be filled by the appointment of another member, and such other member shall hold office for the unexpired portion of the period for which the member whose office has become vacant had been appointed.

6. (1) ~~The Director of Medical Services shall be ex officio chairman of the Council.~~ Chairman and vice-chairman.

substituted by S3 P4/46.

(2) At its first meeting in each calendar year the Council shall elect from among its members a vice-chairman to hold office until the next such election has taken place.

(3) The vice-chairman shall act as chairman whenever the chairman is unable to act and shall, when so acting, have all the powers and discharge all the duties of the chairman.

(4) If the chairman and vice-chairman are absent from any meeting, the members present shall elect one of their number to preside at that meeting and the person so elected shall during the absence from that meeting of the chairman and the vice-chairman exercise all the functions of the chairman.

(5) If a vice-chairman who has been elected by the Council vacates his office before the period thereof has expired, a new vice-chairman shall be elected at the next meeting of the Council for the unexpired portion of the period for which the vice-chairman whose office has become vacant had been elected.

**Meetings of
the Council.**

7. (1) The first meeting of the Council shall be held on a day and at a place to be appointed by the High Commissioner.

(2) Subsequent meetings shall be held at such times and places as the Council may determine: Provided that at least two ordinary meetings of the Council shall be held in every year.

(3) Special meetings may be convened by the chairman of the Council and shall be convened by him upon the requisition in writing of at least three members: Provided that the said requisition shall state clearly the purpose for which the meeting is to be convened.

**Quorum
and
procedure.**

8. (1) Four members, of whom two shall be nurses, shall form a quorum at any meeting of the Council.

(2) The decision of the majority of the members present at any meeting shall constitute the decision of the Council: Provided that in the event of an equality of votes the chairman shall have a casting vote in addition to a deliberative vote.

**Executive
and other
committees.**

9. The Council may appoint from its members an executive committee and such other committees as it may deem expedient, and may delegate to a committee such of its functions as it may from time to time determine, but no decision of a committee to impose a penalty shall be of any force or effect until confirmed by the Council.

10. (1) The Council shall appoint an Executive Nursing Committee for the Bechuanaland Protectorate in consultation with, and subject to the approval of, the Resident Commissioner who shall notify the appointment of such committee in the *Gazette*.

(2) The Executive Nursing Committee for the Bechuanaland Protectorate shall consist of—

(a) the Deputy-Director of Medical Services as Chairman *ex officio*;

(b) one medical practitioner who may be an officer in the public service;

(c) one matron or sister-tutor;

(d) one senior African nurse;

(e) a Superintendent of Education or an administrative officer;

(f) one African nurse elected by nurses registered under section *twelve*;

(g) one pupil nurse or pupil midwife elected by the pupil nurses and midwives registered under section *thirteen*;

(3) The duties of the Executive Nursing Committee for the Bechuanaland Protectorate shall be—

(a) to appoint examiners and to conduct examinations of pupil nurses and midwives;

(b) to report the results of such examinations to the Council and to make recommendations for granting certificates and for the registration of successful candidates;

(c) to report to the Council the names of nurses and midwives entitled to be registered under section *twelve*;

(d) to report to the Council for the purpose of registration under section *thirteen* the names of pupil nurses and midwives who are entered for training at approved training centres in the Bechuanaland Protectorate;

(e) to take such disciplinary action as may be deemed necessary, subject to an appeal to the Council;

(f) to report to the Council and to make recommendations upon any matters affecting the well-being of the nursing profession in the Bechuanaland Protectorate;

(g) to grant local hospital certificates, which will be clearly differentiated from the certificates granted by the Council, for local practice in the Bechuanaland Protectorate to nurses who are not entitled to registration under section *twelve*.

11. The Council shall appoint a registrar who shall be responsible for keeping the registers referred to in sections *twelve* and *thirteen*.

Register of
nurses and
midwives.

12. (1) The Council shall keep a register of nurses and of midwives qualified to be registered under this Proclamation, and shall enter therein the name of every person who has complied with the prescribed conditions.

(2) Every person registered as a nurse or midwife under the provisions of the Medical, Dental and Pharmacy Act, No. 13 of 1923, of the Union of South Africa, shall be deemed to be registered under this Proclamation, and her name shall, without fee, be included in the register referred to in sub-section (1).

(3) Any person registered under this section may use the title "Registered Nurse" or "Registered Midwife", as the case may be.

(4) Any person not registered under this section who makes use of the title "Registered Nurse" or "Registered Midwife", or holds herself out, directly or indirectly, as being so registered, or wears any prescribed uniform, badge or other distinguishing device or any colourable imitation thereof, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds.

(5) Any person who is not registered under this section as a nurse or midwife but who is qualified to be so registered, and who practises for gain as a nurse or midwife, as the case may be, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds.

Register of
pupil nurses
and
midwives.

13. (1) The Council shall also keep a register of pupil nurses and pupil midwives.

(2) Every pupil nurse and pupil midwife on starting training shall be registered with the Council in the prescribed form by the person in charge of the relevant school of nursing or other institution approved under paragraph (d) of sub-section (1) of section four.

(3) The person in charge of the institution concerned shall forthwith notify the Council if any such pupil abandons her training.

Short title.

14. This Proclamation may be cited as the Bechuanaland Protectorate Nurses and Midwives Proclamation, 1945.

GOD SAVE THE KING.

Given under my Hand and Seal at Pretoria this
Twenty-sixth day of June One thousand Nine hundred
and Forty-five.

E. BARING,
High Commissioner.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.