ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER M90

MIDWIFERY ACT

Showing the Law as at 15 December 2010

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates Act 7/2010, in force 1 November 2010

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MIDWIFERY ACT

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MIDWIFERY ACT

Interpretation

1. In this Act—

"Board" means the Anguilla Midwives Board appointed under the provisions of this Act;

"midwife" means a person registered under the provisions of this Act.

Midwives Board

2. (1) It shall be lawful for the Governor to appoint the Anguilla Midwives Board consisting of 5 persons to carry into effect the provisions of this Act, but the proceedings shall not be invalid on account of any vacancy therein.

(2) One of such persons on the Board shall be a person holding the certificate of the Central Midwives Board of England, or be a midwife registered under this Act.

***Ex officio* members of Board**

3. The Director of Health Services is an *ex officio* member of the Board.

Chairman

4. The Governor may appoint one of the members of the Board to be the chairman, and in default of such an appointment, a quorum of the Board may appoint a chairman.

Quorum

5. The powers and duties vested in and imposed by this Act on the Board may be exercised and performed for all purposes of this Act by the chairman, and any 2 members of the Board who shall be and form a quorum.

Clerk

6. The Governor may appoint some fit and proper person to be clerk to the Board, who shall perform such duties as the Board may direct.

No unregistered person to act as midwife

7. No person shall act as a midwife, whether for fee or reward or otherwise, who is not registered under this Act and any person so acting who is not registered is guilty of an offence under this Act, but there shall be no conviction under this section in any case where it is proved to the satisfaction of the Magistrate that it was impossible to obtain the services of a registered midwife.

Register of midwives

8. The Board shall keep a register in which the names and addresses of all persons entitled to practise as midwives shall be entered.

Registration of midwives

9. A person shall be entitled to be registered as a midwife who—

(a) holds a licence entitling her to practise in Antigua and Barbuda, St. Kitts and Nevis, Montserrat or the British Virgin Islands; or

(b) holds the certificate of the Central Midwives Board of England.

Application for registration

10. Any person desiring to be registered as a midwife under this Act shall lodge an application in writing with the clerk to the Board and the clerk shall forthwith submit such application to the Board.

Consideration of application

11. The Board shall, within 7 days of the receipt of an application by the clerk, consider the same and either enter the name of the applicant on the register or refuse the application.

Certificate of registration

12. The Board shall grant a certificate of registration to all persons registered.

Removal from and restoration to register

13. (1) It shall be lawful for the Governor to cause to be removed from the register the name of any midwife—

(a) who has shown herself to be incompetent or negligent;

(b) who has at any time failed to satisfy any person or persons, appointed by the Board to examine her, that she is capable of discharging the duties of a midwife;

(c) who has been convicted of any serious offence;

(d) who is a woman of bad character; or

(e) who is by reason of age or infirmity or any other cause unfit to discharge the duties of a midwife.

(2) It shall be the duty of every Medical Officer, as soon as he becomes aware that any midwife is unfitted for the discharge of the duties of a midwife, to give notice thereof to the Board, who shall immediately report that fact to the Governor.

(3) For the purposes of paragraph (1)(b), it shall be lawful for the Board from time to time to cause any person or persons to examine registered midwives as to their ability and fitness to discharge the duties of a midwife, and if in the opinion of the Board the result of any such examination of a midwife justifies the removal of her name from the register, the Board shall give written notice to the Governor to that effect and shall in such notice state the reason for their opinion.

(4) For every midwife examined under subsection (3), there shall be paid to each examiner of such midwife from the Consolidated Fund a fee of 60¢.

(Act 7/2010, s. 26 as am. in L.R. 15/12/2010)

(5) The Governor may at any time cause the name of any midwife to be restored to the register after the name of such midwife has been removed from the register.

Removal from register on application

14. The Board shall, upon the application in writing of any person registered under this Act, remove the name of such person from the register.

Pretending to be a midwife an offence

15. Any person who wilfully and falsely pretends that she is a midwife is guilty of an offence.

Failure to attend confinement

16. It shall be an offence on the part of a midwife to fail to attend a confinement, when requested to do so, in the absence of sufficient reason for such failure, but the refusal to pay her fee and charges before she renders service shall not be deemed to be sufficient reason for such failure.

Services of medical practitioner or midwife to be obtained at confinement

17. (1) It shall be the duty of the husband, and where a man and a woman who are unmarried are living together in the same house or room as husband and wife, it shall be the duty of such man to secure the attendance of a duly qualified medical practitioner or registered midwife at the confinement of his wife, or such woman, as the case may be; and the failure on the part of such husband or man to secure such attendance is an offence.

(2) It shall be the duty of an unmarried woman, except where such woman and a man are living together in the same house or room as husband and wife, to secure the attendance of a duly qualified medical practitioner or a registered midwife at her confinement, and the failure on the part of such woman to secure such attendance is an offence.

(3) It shall be a defence to any charge under this section (the burden of proof of which defence shall be upon the person charged) to show that the person charged made every reasonable effort to secure the attendance of a duly qualified medical practitioner or a registered midwife at the confinement.

List of registered midwives to be published

18. There shall be published in the months of January and July in each year in the *Gazette* a list of all persons whose names are registered under this Act. In the case of each person whose name does not appear in a list published as aforesaid, a certificate under the hand of the clerk shall be evidence that such person is registered, which certificate the clerk shall grant on payment of a fee of 24¢.

List of registered midwives to be sent to medical practitioners

19. A list of all persons (with their addresses) registered under this Act shall be sent by the clerk in the month of January and July in each year to every duly qualified medical practitioner within Anguilla and to the Commissioner of Police.

Power to make regulations

20. Subject to the provisions of this Act, the Board may, with the approval of the Governor in Council, make regulations relating to any of the following matters—

(a) regulating its sittings;

(b) medical examinations of applicants for registration;

(c) the duties of midwives;

(d) the duties of midwives appointed to stations, and the supply of drugs and appliances to such;

(e) instruction of station midwives;

(f) fees of midwives appointed to stations and the payment and recovery thereof;

(g) generally for the better carrying into effect the provisions of this Act.

Division of medical districts into midwife stations

21. For the purposes of this Act, the medical districts shall be subdivided into such stations as may be appointed by the Governor in Council.

Appointment and emoluments of midwives

22. (1) It shall be lawful for the Governor to appoint to each station one or more duly qualified persons registered under the provisions of this Act to be midwives of such station.

(2) Such midwives shall be entitled to a salary as follows—

(a) hospital trained midwives at a rate not exceeding $9.60 per month;

(b) midwives, not hospital trained, at a rate not exceeding $4.80 per month.

(3) Midwives shall not be entitled to pensions.

Midwife not to practice beyond station save by permission

23. No midwife shall, without the permission in writing of the Medical Officer, attend any case beyond the limits of, or be absent from her station.

Penalty

24. Every offence under this Act is punishable on summary conviction by a fine of $1,000 or by imprisonment for a period of 2 months.

Citation

25. This Act may be cited as the Midwifery Act, Revised Statutes of Anguilla, Chapter M90.

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