ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER N25

NURSES REGISTRATION ACT

Showing the Law as at 15 December 2014

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 5/2013, in force 25 September 2013

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NURSES REGISTRATION ACT

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NURSES REGISTRATION ACT

Interpretation

1. In this Act—

"Council" means the Nursing Council established under section 2;

"Minister" means the Minister with responsibility for health;
(Act 5/2013, s. 2)

"register" means the register referred to in section 3(1) and, unless the context otherwise requires, includes part of the register.

Nursing Council

2. (1) The Nursing Council is established.

(2) Schedule 1 has effect with respect to the constitution and procedures of the Council.

(3) The Governor in Council may, by regulation, amend, revoke or replace Schedule 1.
(Act 5/2013, s. 3)

Register of nurses

3. (1) It shall be the duty of the Council to form and keep a register of nurses subject to and in accordance with the provisions of this Act.

(2) The register shall consist of the following parts—

(a) a general part containing the names of all nurses who satisfy the conditions of admission to that part of the register;

(b) any other prescribed part.

(3) A certificate signed by the Chairperson of the Council stating that any person is, or was at any date, duly registered under this Act is admissible in evidence without proof of the signature of the Chairperson of the Council and, in the absence of evidence to the contrary, is proof of the facts stated in the certificate.

(Act 5/2013, s. 4)

Rules

4. (1) The Minister shall make rules for the following purposes—

(a) for regulating the formation, maintenance and publication of the register;

(b) for regulating the conditions of admission to the register;

(c) for regulating the conduct of any examinations which may be prescribed as a condition of admission to the register, and any matters ancillary to or connected with any such examination;

(d) for prescribing the causes for which, the conditions under which, and the manner in which nurses may be fined, suspended or removed from the register, the procedure for the restoration to the register of nurses who have been removed therefrom, and the fee to be payable on such restoration;

(e) for prescribing offences against the regulations and prescribing a fine not exceeding $10,000 in respect of any one offence;

(f) for prescribing fees of nurses duly registered under this Act and for the payment and recovery thereof;

(g) generally for making provision with respect to any matters with respect to which the Minister thinks that provision should be made for the purpose of carrying this Act into effect (including provision with respect to the issue of certificates to nurses registered under this Act and with respect to the uniform or badge which may be worn by nurses so registered), and for prescribing anything which under this Act is to be prescribed.

(2) Rules under this section shall contain provisions—

(a) requiring as a condition of the admission of any person to the register that that person shall have undergone the prescribed training, and shall possess the prescribed experience; and

(b) requiring that the prescribed training shall be carried out in an institution approved by the Minister in that behalf.

(3) Rules made by the Minister are regulations and shall not take effect until they have been approved by the Governor in Council.

(Act 5/2013, s. 5)

Fees

5. (1) An application made under this Act or the rules shall be accompanied by the fee prescribed in the rules.

(2) All fees paid under this Act are payable to the Comptroller of Inland Revenue and form part of the Consolidated Fund.

(Act 5/2013, s. 7)

Admission to register of persons trained outside Anguilla

6. (1) Any person who proves to the satisfaction of the Council that he or she has been registered generally as a nurse in any state that is a member or associate member of CARICOM, the United Kingdom, or any other part of the Commonwealth, any state of the United States of America or any other jurisdiction approved by Council shall be entitled, on making an application in the prescribed manner and paying such fee, to be registered in a corresponding manner under this Act.

(2) Where there is a reciprocity agreement concerning nurses between Anguilla and any foreign country, any person who proves to the satisfaction of the Council that he or she is registered in such part of the foreign country generally as a nurse , shall be entitled, on making an application in the prescribed manner and paying such fee, to be registered in a corresponding manner under this Act.

(3) For the purposes of this section, "CARICOM" means the Caribbean Community established by the Treaty Establishing the Caribbean Community and Common Market signed at Chaguaramas on 4 July 1973.

(Act 5/2013, s. 8)

Appeal against removal from register or refusal to register

7. Any person aggrieved by the removal of his or her name from the register or by the refusal of the Council to register him or her may, within 3 months after the date on which notice is given to him or her by the Council of such removal or refusal, appeal against the Council's decision to the High Court and such appeal shall be heard by a single judge in chambers who shall give such directions in the matter as he or she may think proper, including a direction as to costs of the appeal and the order of the judge shall be final and conclusive and not subject to an appeal to any other Court.

(Act 5/2013, s. 9)

Penalties for unlawful assumption of title of registered nurse and for falsification of register

8. (1) Any person who—

(a) not being a person duly registered under this Act takes or uses the name or title of registered nurse or registered nursing practitioner, either alone or in combination with any name, title, addition, description, any other words or letters, or any uniform or badge, implying that he or she is registered under this Act, or is recognized by law as a registered nurse;

(b) being a person whose name is included in any part of the register, at any time after the expiration of the period aforesaid takes or uses any name, title, addition, description,

uniform or badge, or otherwise does any act of any kind implying that his or her name is included in some other part of the register; or

(c) at any time with intent to deceive makes use of any certificate of registration as a nurse issued under this Act to him or her or any other person;

is liable on summary conviction to a fine of $10,000 in the case of a first offence and, in the case of a second or any subsequent offence, $20,000 or to be imprisoned for a term of 6 months.

(Act 5/2013, s. 10)

(2) If any person wilfully makes, or causes to be made, any falsification in any matter relating to the register, he or she is guilty of an offence and is liable to a fine of $10,000 or to be imprisoned for a term of 6 months.

Disposal of fines

9. (1) Any sum or sums of money arising from summary conviction shall be paid to the Magistrate, who shall pay the same to the Comptroller of Inland Revenue.

(2) Payment of any administrative fine shall be made to the Comptroller of Inland Revenue.

(Act 5/2013, s. 11)

Citation

10. This Act may be cited as the Nurses Registration Act, Revised Statutes of Anguilla, Chapter N25.

SCHEDULE
(Section 2)

CONSTITUTION AND PROCEDURE OF THE NURSING COUNCIL

CONSTITUTION

Interpretation

1. In this Schedule—

"alternate" means an alternate designated under section 6;

"appointed member" means a member referred to in section 3(1)(c) and includes any person appointed temporarily in place of an appointed member under section 32 of the Interpretation and General Clauses Act or section 3(3) of this Schedule;

"ex officio member" means a member referred to section 3(1)(a) or (b);

"member" means of member of the Council referred to in section 3.

Application of R.S.A. c. I25

2. Except where a contrary intention appears in this Schedule and, without limiting the application of the Interpretation and General Clauses Act, the following provisions of that Act apply to this Schedule—

(a) sections 31 (construction of provisions as to exercise of powers and duties);

(b) section 32 (power to appoint includes power to remove, etc.);

(c) section 37 (effect of vacancy in membership of board, defect of qualification, etc.).

Constitution of Council

3. (1) The Council consists of—

(a) the Medical Board appointed under the Medical Act, R.S.A. c. M65;

(b) the Chief Nursing Officer; and

(c) 1 nurse or nurse practitioner appointed by the Minister in consultation with the Nurses Association for a term not exceeding 2 years.

(2) A person who is a public officer, a minor or a member of the House of Assembly may not be appointed under paragraph (1)(c).

(3) In addition of his or her powers in respect of temporary appointments under section 32 of the Interpretation and General Clauses Act, the Minister may temporarily appoint a person who is qualified to be an appointed member to act in place of an appointed member who has a financial interest in a matter.

Remuneration and expenses of appointed member

4. (1) An appointed member shall be paid such remuneration for performing his or her functions as a member as may be determined by the Minister.

(2) The Minister may reimburse the reasonable expenses of an appointed member incurred in performing his or her functions as a member.

Resignation of appointed member

5. An appointed member may resign by giving written notice to the Minister and a resignation is effective on receipt of the notice by the Minister or the date specified in the notice, whichever is the later.

Designation of alternate members by ex officio members

6. (1) An ex officio member may in writing designate an alternate, who shall be a public officer who has attained the age of 18 years who is in a reporting relationship to the ex officio member.

(2) Subject to this Schedule, an alternate has the powers, duties and rights of the ex officio member who designated him or her.

(3) No member may be the alternate of another member.

(4) No person may be the alternate of more than one member.

(5) An alternate may not designate an alternate.

(6) An alternate may not act in place of the chairperson or deputy chairperson or as interim chairperson.

Financial interest of member or alternate

7. A member or alternate present at a meeting who has a financial interest in a matter shall—

(a) declare his or her interest; and

(b) refrain from influencing, participating in any decision or vote that relates to the matter.

Chairperson, deputy chairperson and interim chairperson

8. (1) The chairperson of the Medical Board is chairperson of the Council.

(2) The Minister shall designate an ex officio member to be deputy chairperson to act when the chairperson is absent or unable to act or when the office of chairperson is absent.

(3) When the chairperson and the deputy chairperson are absent or unable to act or when the office of chairperson or deputy chairperson is vacant, the members and alternates present may designate an ex officio member as interim chairperson to preside at the meeting.

(4) In the event of a tie vote, the chairperson, deputy chairperson or interim chairperson has a second or casting vote.

Quorum

9. A majority of the members or their alternates present and able to vote is a quorum of the Council if the members referred to section 3(1)(b) and (c) or their alternates are present at the meeting.

Decision of the Council

10. A decision of a majority of the members and alternates present and able to vote is a decision of the Council.

PROCEDURES

Frequency, place, day and time of Council meetings

11. (1) The Council shall meet as often as may be necessary to perform its functions expeditiously.

(2) A meeting of the Council shall be held on the days and at the times that the chairperson may determine.

Notice of Council meeting

12. (1) The chairperson shall cause written notice of the place, day, time and agenda of each Council meeting to be given to each member, and to each alternate known to the chairperson to be attending the meeting, not less than 72 hours before the time the meeting is to be held, unless the member or alternate waives notice of the meeting in writing.

(2) Notice shall be given to a member or alternate by—

(a) handing a copy to the member or alternate;

(b) leaving a copy with an adult at the office, residence or place of work of the member or alternate;

(c) emailing or faxing a copy to the member or alternate at the member or alternate's email address or fax number; or

(d) any other means approved by resolution of Council.

Waiver of notice

13. (1) A member or alternate may in writing waive notice of a meeting.

(2) A waiver of notice of a meeting shall be given to the chairperson or secretary.

Decision of chairperson

14. The decision of the chairperson is final on the following matters—

(a) the agenda for a meeting;

(b) the conduct of the meeting;

(c) the procedure for handling motions.

Minutes

15. (1) The Council shall appoint a member to act as secretary.

(2) The secretary shall keep accurate minutes of each Council meeting, including particulars of—

(a) the notice of the meeting given to each member or alternate and any waiver of notice by a member or alternate;

(b) the members or alternates in attendance;

(c) each resolution moved, the number of members or alternates present and voting for and against it or abstaining from voting on it and whether the resolution was passed or defeated; and

(d) any declaration of financial interest in any matter by a member or alternate.

(3) The secretary shall table for approval a copy of the minutes of a meeting at the next meeting of Council.

(Act 5/2013, s. 12)

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