

ORDINANCE

OF THE STATES OF DELIBERATION

ENTITLED

The Nurses, Midwives and Health Visitors Ordinance, 1987

*

[CONSOLIDATED TEXT]

NOTE

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* Recueil d'Ordonnances Tome XXIV, p. 238; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016).

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SCHEDULE

(Made on 26th November, 1987.)

The Nurses, Midwives and Health Visitors Ordinance, 1987

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THE STATES, in pursuance of their Resolution of the 29th day of July, 1987, hereby order: –

False claim as to qualifications.

1. (1) A person who, with intent to deceive (whether by words or in writing or by the assumption of any name or description, or by the wearing of any uniform or badge or by any other kind of conduct) –

- (a) falsely represents herself to possess qualifications in nursing, midwifery or health visiting, or
- (b) falsely represents herself to be authorised to practise as a nurse, midwife or health visitor,

shall be guilty of an offence.

(2) A person who –

- (a) with intent that any person shall be deceived, causes or permits another person to make any representation about herself which, if made by herself with intent to deceive, would be an offence by her under subsection (1) of this section, or
- (b) with intent to deceive, makes with regard to another person any representation which –

- (i) is false to her own knowledge, and
- (ii) if made by the other with that intent would be an offence by the other under subsection (1) of this section,

shall be guilty of an offence.

Authority to practise.

2. A person shall not practise as a registered midwife unless she has been authorised to do so by [the Committee].

NOTE

In section 2, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

Grant and cessation of authority.

3. (1) Any person who applies to [the Committee] to be authorised to practise as aforesaid shall be so authorised if [the Committee] is satisfied that the applicant –

- (a) is duly registered as qualified so to practise in the United Kingdom, and
- (b) is not the subject of a referral to the Professional Conduct Committee or the Health Committee of the Council.

(2) An authorisation under the provisions of this Ordinance shall

cease to be valid on a person so authorised ceasing, for any reason, to be registered as qualified so to practise in the United Kingdom.

NOTE

In section 3, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

RULES RELATING TO THE PRACTICE OF MIDWIVES

Designated officer.

4. (1) [The Committee] shall designate a practising midwife (hereinafter referred to as the "**designated officer**") to exercise general professional supervision over all midwives practising in the Island.

(2) The designated officer shall be a registered midwife and either

(a) shall have had three years experience as a practising midwife not less than one year of which shall have been in the two years immediately preceding the appointment, or

(b) shall be eligible to practise and shall undertake any further midwifery experience as may be required by [the Committee].

(3) The designated officer shall receive such training and preparation for her duties as [the Committee] may deem appropriate.

NOTE

In section 4, the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

Notice of intention to practise.

5. (1) Every registered midwife who intends to practise in the Island shall, subject to subsection (2) below, before commencing to practise as a midwife –

- (a) give notice of her intention to do so to [the Committee],
and
- (b) give like notice by a date in the month of March in every year thereafter during which she continues to practise in the Island,

and the date in the month of March referred to in paragraph (b) above shall be such date as shall be decided by [the Committee] for any year.

(2) Notwithstanding the provisions of subsection (1) above, the notice referred to in that subsection may, in an emergency, be given after the time when she commences to practise provided that it is given within forty-eight hours of that time.

(3) Every notice shall contain such particulars as may be required in the form from time to time prescribed by the Council.

NOTE

In section 5, the words "the Committee" in square brackets, wherever

occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

Attendance by unqualified persons at childbirth.

6. (1) A person other than a registered midwife or a registered medical practitioner shall not attend a woman in childbirth.

(2) Subsection (1) of this section does not apply where the attention is given in a case of sudden or urgent necessity.

(3) A person who contravenes subsection (1) of this section shall be guilty of an offence.

Responsibility and sphere of practice.

7. (1) A practising midwife shall be responsible for providing midwifery care to a mother and baby during the antenatal, intranatal and postnatal periods.

(2) In any case where there is an emergency or where a practising midwife detects in the health of a mother and baby a deviation from the norm she shall call to her assistance a registered medical practitioner, and shall forthwith report the matter to [the Committee].

(3) A practising midwife must not, except in an emergency, undertake any treatment which she has not been trained to give either before or after registration as a midwife and which is outside her sphere of practice.

NOTE

In section 7, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016,

section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

Restriction on use of medicine etc.

8. (1) A practising midwife shall not on her own responsibility administer any medicine, including analgesics unless in the course of her training, whether before or after registration as a midwife, she has been thoroughly instructed in its use and is familiar with its dosage and methods of administration or application.

(2) A practising midwife shall not, on her own responsibility, administer an inhalational analgesic by the use of any type of apparatus unless –

- (a) that apparatus is for the time being approved by the Council as suitable for use by a midwife, and
- (b) that the midwife has ensured that the apparatus has been properly maintained.

(3) A practising midwife must not administer any form of pain relief by the use of any type of apparatus or by any other means other than that approved by the Council otherwise than on the instructions of a registered medical practitioner until such methods have been approved by the Council for midwives to undertake on their own responsibility and in accordance with subsection (1) of this section.

Records.

9. (1) A practising midwife shall keep as contemporaneously as is reasonable detailed records of observations, care given and medicine or other forms of pain relief administered by her to all mothers and babies.

(2) The records referred to in subsection (1) above shall be kept in accordance with any directions given by [the Committee].

(3) A midwife must not destroy or arrange for the destruction of official records which have been made whilst she is in professional attendance upon a case (for the purpose of this section called "**official records**"); if she finds it impossible or inconvenient to preserve her official records safely she must transfer them to [the Committee] and details of the transfer must be duly recorded by each party to the transfer.

(4) Immediately before ceasing to practise as a midwife authorised by [the Committee] a midwife shall transfer her official records to [the Committee] and details of the transfer must be duly recorded by each party to the transfer.

NOTE

In section 9, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

Duty to allow inspection, medical examination, and suspension.

10. (1) A practising midwife shall give to the designated officer every reasonable facility to inspect her methods of practice, her records, her equipment and such part of her residence as may be used for professional purposes.

(2) A practising midwife shall, if the designated officer deems it necessary for the prevention of infection, allow herself to be medically examined by a registered medical practitioner.

(3) [The Committee] may suspend a midwife from practice –

(a) if it considers it necessary for the purpose of preventing the spread of infection, whether or not she has

contravened any part of this Ordinance or any of the rules laid down by the Council,

(b) when she has been referred, whether by [the Committee] or otherwise, to the Professional Conduct Committee of the Council,

(c) when she has been referred, whether by [the Committee] or otherwise, to the Health Committee of the Council.

(4) [The Committee] in exercising the power given in subsection (3) above to suspend a midwife from practice shall –

(a) immediately notify the midwife concerned in writing of any decision to suspend her and the reason for such suspension, and

(b) in respect of a suspension authorised by paragraphs (b) and (c) above forthwith report any such suspension and the grounds thereof to the Council.

NOTE

In section 10, the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.

Duty to attend refresher courses.

11. Every midwife who notifies her intention to practise shall attend courses of instruction in accordance with the prevailing rules and regulations of the

Council.

Falsification of authorisation to practise.

12. (1) Any person who procures or attempts to procure, that person's authorisation to practise under this Ordinance by wilfully making or producing or causing to be made or produced, either in writing or otherwise any declaration, certificate or representation which that person knows to be false or fraudulent, shall be guilty of an offence.

(2) Any person who wilfully makes or causes to be made any falsification in any matter relating to authorisation to practise under this Ordinance shall be guilty of an offence.

Penalties.

13. A person guilty of an offence under sections 1(1), 1(2), 6, 12(1) or 12(2) of this Ordinance shall be liable on conviction to a fine not exceeding [level 4 on the uniform scale].

NOTE

In section 13, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

Interpretation.

14. In this Ordinance, unless the context otherwise requires –

- (a) the following expressions have the meanings hereby respectively assigned to them, that is to say –

"[the Committee]" means the States [Committee for Health & Social Care],

"the Council" means the United Kingdom Central Council for Nursing, Midwifery and Health Visiting,

"emergency" means in the context of section 7(2), any illness of the mother or baby or any abnormality becoming apparent in the mother or baby during the antenatal, intranatal and postnatal periods,

"this Island" means the Islands of Guernsey, Alderney, Herm and Jethou,

"medical practitioner" means a person authorised to practise in this Island as a medical practitioner according to the law for the time being in force,

"mother and baby" means a woman and her baby whether before or after birth and a reference to **"mother and baby"** shall be a reference to the woman and her unborn baby during the antenatal and intranatal periods and to the mother and her baby during the period from the birth of the baby to the end of the postnatal period and **"mother"** and **"baby"** shall be construed accordingly,

"patient" in relation to a practising midwife means a mother or baby to whom she is rendering professional services as a midwife,

"postnatal period" means a period of not less than ten and not more than twenty-eight days after the end of labour, during which the continued attendance of a midwife on the

mother and baby is requisite,

"practising midwife" means a midwife who attends professionally upon a woman during the antenatal, intranatal and/or postnatal period, or who holds a post for which a midwifery qualification is essential and who has been authorised to practice under the provisions of section 3 of this Ordinance,

"registered midwife" means a midwife who is registered as qualified to practise as a midwife by the Council.

(b) words importing the feminine gender include the masculine.

NOTES

In section 14, the words, first, "the Committee" and, second, "Committee for Health & Social Care" in square brackets in the definition of the expression "the Committee" in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 6 and section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016.²

The functions, rights and liabilities of the Health and Social Services Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Health & Social Care and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 5, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.³

Repeals and Amendment.

15. (1) The Ordinances set out in the first column of Part I of the Schedule to this Ordinance are repealed to the extent set out in the second column of that Schedule.

(2) The Ordinance set out in the first column of Part II of the Schedule to this Ordinance is amended to the extent set out in the second column of that Schedule.

Extent.

16. This Ordinance shall apply to the Islands of Guernsey, Alderney, Herm and Jethou.

NOTE

The Ordinance was made and came into operation on 26th November, 1987.

SCHEDULE

Section 15

PART I

The Midwives Ordinance, 1950 ^a .	The whole Ordinance.
The Midwives (Amendment) Ordinance, 1955 ^b .	The whole Ordinance.
The Midwives (Amendment) Ordinance, 1968 ^c .	The whole Ordinance.
The Nurses (Use of Title) Ordinance, 1973 ^d .	The whole Ordinance.

PART II

The Doctors, Dentists and Pharmacists Ordinance, 1987 ^e .	In section 4(2) the words beginning with the word "midwife" to the end of the said sub-section are repealed and the words "practising midwife as defined in the Nurses, Midwives and Health Visitors Ordinance, 1987" substituted therefor.
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¹ The Ordinance was previously modified, in part, by the Emergency Powers (Coronavirus) (Temporary Registration of Health Professionals) (Bailiwick of

- ^a Ordinances Tome X, p. 68.
^b Ordinances Tome XI, p. 178.
^c Ordinances Tome XV, p. 385.
^d Ordinances Tome XIX, p. 126.
^e Ordinances No. XVII of 1987.

Guernsey) Regulations, 2020, regulation 1(g), Schedule, paragraph 7, with effect from 2nd April, 2020; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) Regulations, 2020, regulation 19(f), Schedule 1, paragraph 7, with effect from 16th April, 2020; the Emergency Powers (Coronavirus) (General Provision) (Bailiwick of Guernsey) (No. 2) Regulations, 2020, regulation 19(f), Schedule 1, paragraph 6, with effect from 15th May, 2020.

² The words "Committee for Health & Social Care" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 4, with effect from 6th May, 2004.

³ The functions, rights and liabilities of the Health and Social Services Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Board of Health and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 4, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.