

Island of  Guernsey

Ordinance of the States. X

Made 5th April, 1950.
Coming into operation ... 11th April, 1950.

1950

The Midwives Ordinance 1950.

THE STATES, on the representations of the States Board of Health, hereby order:—

1.—(1) Any person, not being a qualified medical practitioner authorised to practise in this Island, who, not being registered as a midwife under this Ordinance, uses the name or title of midwife (either alone or in combination with any other word or words), or any other name, title or description implying that that person is qualified to practise midwifery in this Island, shall be guilty of an offence and shall be liable to a fine not exceeding twenty-five pounds.

(2) Any person, not being either such a medical practitioner or a person registered as a midwife under this Ordinance, who attends a woman in childbirth otherwise than under the direction and personal supervision of such a medical practitioner, shall, unless the attention was given in a case of sudden and urgent need, be guilty of an offence and liable to a fine not exceeding fifty pounds.

(3) Registration under this Ordinance shall not confer on any person the right to assume any name, title or designation implying that that person is by law recognised as a medical practitioner nor the right knowingly to undertake the charge of any case of abnormality or disease in connection with parturition.

(4) A person registered as a midwife under this Ordinance shall not cause any other person to commit an offence under this Ordinance.

(5) Any person registered as a midwife under this Ordinance who, save in a case of sudden and urgent need, attends a woman in childbirth otherwise than in accordance with the condition applicable to that person set out in the register compiled under this Ordinance shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

2. Any person who applies to be registered as a midwife under this Ordinance shall be so registered if that person produces to the Board a certificate entitling that person to practise midwifery in the United Kingdom emanating from an authority recognised by the Board as the appropriate authority. Such registration shall be valid only while that certificate is valid, shall be subject to such conditions as the Board may from time to time impose, and in particular shall be subject to such conditions on that person's practice of midwifery as are from time to time imposed by the authority aforesaid:

PROVIDED that the Board may from time to time ignore or modify any condition imposed by such authority if, and to the extent that, that condition is, in the opinion of the Board, inapplicable to the circumstances of this Island.

3. No person shall administer an anaesthetic in connection with childbirth, save under the direction and personal supervision of such a medical practi

tioner or save in a case of sudden and urgent need, unless such person is registered under this Ordinance as a midwife qualified to administer anaesthetics in connection with childbirth. A person so registered shall not, save under the direction and personal supervision of a medical practitioner as aforesaid or in a case of sudden and urgent need, so administer an anaesthetic save in accordance with any conditions under which such person is so registered as a person so qualified. Any person acting in contravention of the provisions of this section shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

4. Any person, being a person registered as a midwife under this Ordinance, who applies to be registered under this Ordinance as a person qualified to give anaesthetics in connection with childbirth, shall be so registered as so qualified if that person produces to the Board a certificate emanating from an authority recognised by the Board as the appropriate authority entitling her so to administer anaesthetics in the United Kingdom. Such registration as to such qualification shall however be valid only while that certificate is valid, shall be subject to such conditions as the Board may from time to time impose, and in particular shall be subject to such conditions on that person's administration of anaesthetics as are from time to time imposed by the authority aforesaid:

PROVIDED that the Board may ignore or modify any condition imposed by such authority if, and to the extent that, that condition is, in the opinion of the Board, inapplicable to the circumstances of this Island.

5. A register of midwives (hereinafter referred to as "the local register") containing the names and addresses of persons registered as midwives under this

Ordinance, and in every case indicating the conditions under which any person was so registered, and in particular indicating whether, and under what condition (if any), any person so registered is qualified to administer anaesthetics in connection with childbirth, shall be kept and exhibited in the office of the Board and shall be published by the Board in the Gazette Officielle on one occasion in every year in the month of January.

6.—(1) The Medical Officer of Health may, if in his opinion it appears necessary in order to prevent the spread of infection, prohibit any person registered upon the local register from attending any woman in childbirth or from administering anaesthetics in connection with childbirth, or both, for a period of not more than seven days, and such prohibition may be effected by giving notice to such person in any reasonable manner.

(2) Any person who fails to comply with such a prohibition shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

7.—(1) The Board may erase, either temporarily or without any limitation as to time, from the local register the name of any person registered thereon on proof, satisfactory to the Board, of any malpractice, negligence or misconduct on the part of such person, or may, on like proof, impose conditions upon such person's practice of midwifery, including conditions upon such person's giving of anaesthetics or the prohibition thereof.

(2) The Board may, if it appears necessary in order to prevent the spread of infection, erase for a period not exceeding three months from the local register the name of any person registered thereon or may impose conditions upon such person's practice of midwifery:

PROVIDED that any person whose name is so erased or whose practice of midwifery is subjected to conditions under the provisions of this subsection may apply to the Board in writing at any time after one month from the date of the said erasure for the restoration of that person's name to the local register or for the removal of any such condition and may make further application at any time after a period of not less than one month from any previous application. On any such application the Board shall reconsider the matter, and, unless the Board is satisfied that, in order to prevent the spread of infection, that person's name should not be restored to the local register or that such condition should continue to be imposed, it shall restore that person's name to the local register or shall remove such condition as the case may be.

(3) Any person aggrieved by the erasure of that person's name from the local register or from the imposition of any condition attached to such registration or from the failure of the Board to accede to an application under this section may within three months from such erasure, imposition of condition or failure to accede, appeal from the decision so to erase or impose such condition or from the failure of the Board to accede as aforesaid, to the Royal Court whose decision shall be final.

On any such appeal the Royal Court may—

- (a) dismiss the appeal, or
- (b) order the restoration of that person's name to the local register subject to any conditions which the Board might have imposed under this section, or

- (c) vary or remove any condition imposed by the Board to the extent as would, but for such appeal, have been within the power of the Board.

(4) If the Board shall have erased any person's name from the local register or shall have imposed any condition in pursuance of this section, such erasure or imposition shall remain valid until the restoration (if any) of that person's name or the removal (if any) or alteration (if any) of that condition by the Royal Court on appeal under this section.

(5) On any erasure or imposition under this section the Board shall notify in writing to the person concerned the fact of, and the reason for, such erasure or imposition.

8. Every person registered on the local register shall, on changing address, within seven days after such change give notice to the Board thereof, together with full particulars of that person's new address, and any such person failing to give such notice shall be guilty of an offence and liable on conviction to a fine not exceeding one pound.

9.—(1) In the case of sudden and urgent need in a case of childbirth, a person registered on the local register shall call in the assistance of a medical practitioner authorised to practise in this Island, and the Board shall pay to such medical practitioner, by way of remuneration for any services performed by him in response to such call and for any services referred to in the next succeeding subsection, a fee calculated in accordance with the provisions of Part I of the Schedule hereto.

(2) It shall be a condition of the payment of a fee to any medical practitioner whose assistance is so called in that he

- (a) shall state to the Board the nature of the emergency; and

- (b) during the fourteen days next following the day on which his assistance is so called in, shall have made such further professional visits to the patient as are necessary:

PROVIDED that the conditions of the last foregoing paragraph need not be fulfilled after such medical practitioner has been notified that the patient has been removed to a hospital under the control of the States Public Assistance Authority or has been transferred to the care of another medical practitioner authorised to practise in this Island; and

- (c) shall have sent to the Board, within three months from the date of the performance of the last of such services, a request in writing for remuneration for those services, giving reasonable particulars thereof.

(3) If a medical practitioner whose assistance is so called in deems it necessary to secure

- (a) the aid of a medical practitioner for the purpose of administering an anaesthetic to the patient, whether on the occurrence of abortion or miscarriage, at parturition or subsequently; or
- (b) the aid referred to in the preceding paragraph and in addition the aid of a further medical practitioner for the purpose of making a Caesarean section;

then, if such aid is given and the condition contained in paragraph (c) of the last foregoing sub-section is complied with, the Board shall pay to the first mentioned medical practitioner, upon his certificate that such aid has been rendered, in addition to the fee

otherwise payable to him under the provisions of this section, a fee of one pound fifteen shillings in respect of each such medical practitioner giving such aid:

PROVIDED that no such additional fee shall be paid save in respect of aid given by a medical practitioner authorised to practise in this Island.

(4) The person calling in such assistance shall report to the Board each case in which such assistance is called in, stating the nature of the emergency, the name of the medical practitioner and the full name and address of the patient.

(5) The Board shall have power to recover the fees so paid or any part thereof from the patient or from the husband or other person liable to maintain the patient or under any liability in respect of the patient's confinement, unless it be shown to the satisfaction of the Board that the patient or her husband or such other person is unable by reason of poverty to pay the fees claimed.

10.—(1) Any person who procures, or attempts to procure, that person's registration, whether with or without condition or qualification, 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 and liable to a fine not exceeding one hundred pounds.

(2) Any person who wilfully makes or causes to be made any falsification in any matter relating to registration under this Ordinance shall be guilty of an offence and shall, on conviction thereof, be liable to a fine not exceeding one hundred pounds.

11. Any person who acts in contravention of or fails to comply with the provisions of this Ordinance shall, except where otherwise provided, be liable to a fine not exceeding five pounds.

12. It shall be the duty of the Board to perform any act or duty necessary for the proper carrying out of the provisions of this Ordinance.

13. In this Ordinance—

“Medical Officer of Health” includes, in relation to the Island of Alderney, the person for the time being exercising the functions of Medical Officer of Health in Alderney;

“The Board” means the States Board of Health;

“This Island” means the Islands of Guernsey, Alderney, Herm and Jethou.

14. There are hereby repealed—

(1) The Midwives Provisional Ordinances, 1936 to 1948, and

(2) The Midwives (Administration of Anaesthetics) (Provisional) Ordinance, 1947.

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

16. This Ordinance shall come into force on the 15th day of April, 1950.

SCHEDULE.

PART I.

SCALE OF FEES FOR MEDICAL PRACTITIONERS CALLED IN BY MIDWIVES. s.g.

(i) Fee for all attendances of a medical practitioner during the period from the commencement of labour until the child is born, whether or not operative assistance is involved, including subsequent visits to mother or child during the first fourteen days inclusive of the

day of birth, and including also a post-natal examination in or about the sixth week after the birth, except where owing to circumstances beyond his control the practitioner cannot undertake such examination, £4 14s. 6d.

(ii) Fee for all or any of the following, namely, version in labour, removal of adherent or retained placenta, exploration of the uterus, treatment of post-partum haemorrhage or any operative emergency arising directly from parturition, including subsequent visits during the first fourteen days inclusive of the day of birth, and including also a post-natal examination in or about the sixth week after the birth, except where owing to circumstances beyond his control the practitioner cannot undertake such examination, £4 14s. 6d. A fee shall not be payable under this paragraph when a fee under paragraph (i) hereof is payable.

(iii) Fee for a single attendance only, either during the period from the commencement of labour until the child is born (whether or not operative assistance is involved) or for any of the purposes mentioned in paragraph (ii) hereof, £2 12s. 6d. A fee shall not be payable under this paragraph when a fee under paragraph (i) or paragraph (ii) hereof is payable.

(iv) Fee for either of the following, namely (a) suturing the perineum, or (b) resuscitation of baby, £3 3s. od.: provided that where only one attendance is made a fee of £2 12s. 6d. shall be payable in lieu of the said fee of £3 3s. od. A fee shall not be payable under this paragraph when a fee under paragraphs (i) to (iii) hereof is payable.

(v) Fee for induction of labour whether or not more than one visit is involved, £2 12s. 6d. A fee shall not be payable under this paragraph when a fee under paragraphs (i) to (iv) hereof is payable.

an abortion, miscarriage, or a case of threatened abor-

(vi) Fee for attendance at, or in connection with,

tion or ante-partum haemorrhage after the 28th week of pregnancy, including all visits in respect of such attendance during the fourteen days from and including the first visit, £4 4s. od. : provided that where only one attendance is made a fee of £2 12s. 6d. shall be paid in lieu of the said fee of £4 4s. od.

(vii) Fee for visits to mother or child not included under paragraphs (i) to (vi) hereof:—

Day (9 a.m. to 8 p.m.)	First visit	12s. 6d.
	Subsequent visit	10s. 6d.

Night (8 p.m. to 9 a.m.)	£1 1s. od.
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(viii) Fee for attendance on mother or child at the medical practitioner's residence or surgery, not being services included under paragraphs (i) to (vi) hereof 5s. od.

(ix) The appropriate fee as prescribed above shall be increased by the amount of any reasonable expenses necessarily incurred by the practitioner in supplying any of the drugs or preparations specified in Part II of this Schedule where such a drug or preparation is essential for the proper treatment of the mother or her child.

PART II.

LIST OF DRUGS AND PREPARATIONS.

Carbon Dioxide.
 Ergometrine.
 Lobeline.
 Liver extract and injections of liver.
 Methylamphetamine.
 Oxygen.
 Penicillin preparations.
 Pethidine.
 Sex hormones.
 Sulphonamide preparations.
 Vasopressin.
 Vitamin B₁ complex.
 Vitamin K.

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