

CHAPTER 153.

MIDWIVES.

ARRANGEMENT OF SECTIONS.

SECTION.

1. Short title and commencement.
 2. Interpretation.
 3. Establishment of Board.
 4. Appointment of Registrar, etc.
 5. Persons entitled to registration.
 6. Persons entitled to enrolment.
 7. Registration and enrolment.
 8. Certificates.
 9. Rights not conferred by registration or enrolment.
 10. Publication of lists in *Gazette*.
 11. Duties and powers of Board.
 12. Power of Board to prohibit any form of attendance in childbirth on removal from Register or Auxiliary Roll.
 13. Surrender of certificates and badges.
 14. Supervisory Authorities.
 15. Duties of Supervisory Authorities.
 16. Notice of intention to practise and of change of address.
 17. Village maternity assistants may only practise under supervision.
 18. Power of Board to clear Register and Auxiliary Roll.
 19. Fees and expenses of administration.
 20. Appeals.
 21. (1) Penalty for false claim to be a registered midwife.
(2) Penalty for false claim to be an enrolled village maternity assistant.
 22. Penalty for unlawful practice.
 23. Employment of substitutes by registered midwives.
 24. Offences connected with registration or enrolment.
 25. Saving.
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CHAPTER 153.

MIDWIVES.

An Ordinance to amend the law relating to the training, registration and practice of midwives and to regulate the training, enrolment and practice of other persons engaged in midwifery.

19 of 1955.
12 of 1957.

[Sections 1, 2, 3, 4, 5, 6, 11, 14, 15,
19, 24 and 25—

15TH NOVEMBER, 1956.

Remainder—

14TH MAY, 1959.]

1. This Ordinance may be cited as the Midwives Ordinance and shall come into operation on such day as the Governor may by Order appoint: Short title.

Provided that the Governor may, if he considers it necessary or expedient, either by one Order or different Orders, appoint different days for the coming into operation of different provisions hereof.

2. (1) In this Ordinance, unless the context otherwise requires— Interpretation.

“Auxiliary Roll” means the Auxiliary Roll of village maternity assistants kept by the Registrar in terms of section 4;

“Board” means the Midwives’ Board established under section 3;

“Director” means the Director of Medical Services;

“enrolled” with its grammatical variations and cognate expressions means enrolled in the Auxiliary Roll under the provisions of this Ordinance;

“midwife” means a woman who holds any of the qualifications specified in section 5;

“midwifery” means the attendance on a woman for the purpose of delivering her of a child;

“Register” means the Midwives’ Register kept by the Registrar in terms of section 4;

“registered” with its grammatical variations and cognate expressions, except in the expression “registered medical practitioner”, means registered in the Register under the provisions of this Ordinance;

“ Registrar ” means the Registrar of Midwives appointed in terms of section 4;

“ Supervisory Authority ” means a Supervisory Authority appointed by the Board under the provisions of section 14;

“ village maternity assistant ” means a woman enrolled as such.

(2) Every person shall be deemed to practise midwifery within the meaning of this Ordinance who for the sake of gain holds himself or herself out, whether directly or by implication, as practising, or being prepared to practise, midwifery.

Establish-
ment of
Board.

3. (1) For the purposes of this Ordinance there shall be constituted a Midwives' Board consisting of the following persons—

(a) the Director of Medical Services;

(b) one registered medical practitioner to be appointed by the Minister of Health;

(c) one registered medical practitioner to be appointed by the professional association which in the opinion of the Minister of Health represents the majority of medical practitioners registered as such in Sierra Leone;

(d) one Senior Nursing Sister or Sister Tutor, who shall also be a registered midwife, or a registered midwife possessing the Midwife Teacher's Certificate of the Central Midwives' Board of the United Kingdom, to be appointed by the Minister of Health;

(e) one person to be appointed by the Minister of Education;

(f) one registered midwife to be appointed by the Medical Workers' Association;

(g) two other persons registered in the United Kingdom as State Certified Midwives or holding qualifications recognised by the Central Midwives' Board of the United Kingdom, to be appointed by the Minister of Health;

(h) one person to be appointed by the Minister of Internal Affairs.

(2) The period of appointment of the persons referred to in paragraphs (c), (d), (e), (f), (g) and (h) of sub-section (1) of this section shall be three years, but such persons shall be eligible for re-appointment:

Provided that on the inability to act or absence from Sierra Leone of any such person the Minister who appointed such

12 of 1957.

person, or in the case of a person appointed in accordance with paragraph (f) of sub-section (1) the Medical Workers' Association, may appoint temporarily or otherwise, to fill the vacancy caused thereby, any person qualified in the manner respectively indicated by such paragraphs.

(3) The Director shall be President of the Board and shall be the Chairman of all meetings which he attends. In his absence from any meeting the members present at that meeting shall elect a Chairman out of their number for that meeting.

(4) The Board shall meet at such places and times as the President thereof may appoint and at any meeting four members shall form a quorum.

(5) The Board, subject to the provisions of this Ordinance and any rules made under section 11, shall have power to regulate its own procedure.

(6) Every question which comes before the Board at any meeting shall be decided by a majority of the votes of the members present.

(7) In the case of an equality of votes on any question at any such meeting the Chairman shall have a casting vote as well as an original vote in respect of such question.

4. (1) For the purposes of this Ordinance there shall be—

- (a) a Registrar of Midwives;
- (b) a Midwives' Register;
- (c) an Auxiliary Roll of village maternity assistants.

Appointment
of Registrar,
etc.

(2) The Registrar, who shall be the Deputy Director of Medical Services, shall keep the Register and the Auxiliary Roll, making from time to time all necessary alterations and corrections therein, and shall perform such other duties in connection with the Register and the Auxiliary Roll as may be prescribed by rules made under section 11.

(3) (a) The Register shall contain the names of all midwives registered by reason of the provisions of section 5.

(b) The Auxiliary Roll shall contain the names of all village maternity assistants enrolled by reason of the provisions of section 6.

(c) Every entry into the Register shall indicate the qualifications by virtue of which registration is made.

Persons
entitled to
registration.

5. Subject to the provisions of this Ordinance, any woman shall be entitled to be registered as a midwife if—

(a) she holds a valid certificate of competency in midwifery issued by the Board in pursuance of rules made under section 11; or

(b) she holds a diploma or certificate which entitles her to be registered as a State Certified Midwife in the United Kingdom; or

(c) she produces satisfactory evidence that she has been registered as a midwife in the Gambia, Ghana or the Federation of Nigeria in which there is for the time being any law in force for the certification or registration of midwives:

Provided that the standard of training and examination required in that country is, in the opinion of the Board, whose decision thereon shall be final, equal to the standard adopted by the Board; or

(d) she was registered as a midwife by the Director of Medical Services prior to the commencement of this Ordinance.

Persons
entitled to
enrolment.

6. Subject to the provisions of this Ordinance, any woman shall be entitled to be enrolled in the Auxiliary Roll if she holds a valid certificate of competency in general assistant midwifery, issued by the Board in pursuance of rules made under section 11.

Registration
and
enrolment.

7. (1) Any person entitled to be registered or enrolled may apply to the Registrar for registration or enrolment, as the case may be. Every such application shall be made in such manner and shall be accompanied by such documents, photographs and particulars as may be prescribed. Proof of identity shall be furnished in each case to the satisfaction of the Registrar.

(2) Upon compliance with the provisions of sub-section (1), and with any rules relating thereto, and on payment of the prescribed fee, the name of such person shall, subject to the provisions of sub-section (3), be entered in the Register, or on the Auxiliary Roll, as the case may be, by the Registrar upon direction of the Board.

(3) If any person has been or is convicted of any offence which in the opinion of the Board renders such person unfit to be registered or enrolled, the Board may direct the Registrar to refuse to register or enrol such person, or, if such person is already registered or enrolled, to remove the name of such person from the Register or Auxiliary Roll, as the case may be.

8. (1) Where a person has been registered, the Board shall issue a certificate of registration, and a photograph of such person shall be affixed to the certificate. Certificates.

(2) Where a person has been enrolled, the Board shall issue a certificate of enrolment, and a photograph of such person shall be affixed to the certificate.

9. Neither registration nor enrolment under this Ordinance shall confer upon any woman any right to be registered or licensed under the Medical Practitioners, Dentists and Druggists Ordinance, the Nurses' Ordinance, or any Ordinance which may be enacted to provide for the control of persons engaged in the sale of medicines and poisons, or to assume any name, title or description implying that she is by law authorised to practise medicine or surgery or to grant any medical certificate, or any certificate of death or still-birth, or to undertake the charge of cases of abnormality or diseases in connection with parturition, except as provided by rules made with respect to such cases under section 11. Rights not conferred by registration or enrolment. Cap. 151. Cap. 152.

10. (1) The Registrar shall publish annually in the *Gazette*, as soon as practicable after the first day of January of each year, a list of all women registered and a list of all women enrolled. Publication of lists in *Gazette*.

(2) The publication of such lists shall be *prima facie* evidence that the women named therein are registered or enrolled, as the case may be.

(3) The absence of the name of any woman from such a list shall be *prima facie* evidence that such woman is not registered or enrolled, as the case may be.

(4) A certificate under the hand of the Registrar that the name of a woman appearing in such a list has been removed from the Register or Auxiliary Roll, as the case may be, shall be conclusive evidence of the fact that such woman is not registered or enrolled and of the date upon which that woman ceased to be registered or enrolled, as the case may be.

(5) A certificate under the hand of the Registrar that a woman is not registered or that a woman is not enrolled shall be conclusive evidence of the fact that such woman is not registered or enrolled, as the case may be.

(6) The removal of the name of a woman from and the addition of the name of a woman to the Register or Auxiliary Roll shall be notified in the *Gazette* as soon as practicable.

Duties and
powers of
Board.

11. The duties and powers of the Board shall be to make any rule or do any act or perform any duty which is reasonably necessary for the carrying out of the provisions and purposes of this Ordinance, and, without prejudice to the generality of the powers hereby conferred, the Board may—

(a) make rules prescribing all or any of the following matters—

(i) the proceedings of the Board;

(ii) the functions of a Supervisory Authority appointed under the provisions of section 14;

(iii) the duties of the Registrar;

(iv) the form of the Register and of the Auxiliary Roll and the mode in which they shall be kept;

(v) the manner in which applications for registration and enrolment may be made;

(vi) the fees to be paid in respect of proceedings under, and certificates issued under, this Ordinance or any rule made under this section;

(vii) the procedure to be adopted at inquiries before the Board;

(viii) the issue and form of any certificates, notices and other documents required for carrying out the purposes of this Ordinance;

(ix) the preliminary standard of education, the course of training and the conduct of examination of candidates for registration and enrolment;

(x) the conditions of registration and of enrolment;

(xi) the practice of midwifery both by registered midwives and by enrolled village maternity assistants;

(xii) the issue by the Board of badges, and the wearing of such badges;

(xiii) the conditions under which registered midwives or enrolled village maternity assistants may be suspended from practice;

(xiv) the particulars to be furnished in any notice given under the provisions of section 16;

rules made under this paragraph shall be signed by the President and not less than two other members of the Board, and shall be subject to the approval of the Governor in Council;

(b) appoint examiners and pay them such remuneration as may be approved by the Director;

(c) decide upon the places where, and the times when, examinations shall be held;

(d) caution, censure, suspend, or remove from the Register or Auxiliary Roll, as the case may be, the name of any registered midwife or enrolled village maternity assistant for malpractice, incompetence, negligence, misconduct or habitual drunkenness, or for failing to carry out any duty imposed by any law from time to time in force, or on conviction of a criminal offence, and may also order the restoration to the Register or to the Auxiliary Roll, as the case may be, of the name of any person so suspended or whose name has been so removed, and for any such purpose may hold an inquiry if the Board so thinks fit;

(e) issue, suspend and cancel certificates.

12. (1) Where the Board has decided to remove from the Register or Auxiliary Roll the name of any registered midwife or enrolled village maternity assistant, it may in addition prohibit her from attending women in childbirth in any other capacity, but such decision shall be subject to the like appeal under the same conditions as the decision to remove her name from the Register or from the Auxiliary Roll, and the provisions of section 20 shall apply to any such appeal.

Power of Board to prohibit any form of attendance in childbirth on removal from Register or Auxiliary Roll.

(2) Any woman who contravenes any such prohibition shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding ten pounds, unless she proves that she acted in a case of emergency and that she reported such case forthwith to the President of the Board.

13. Any woman whose name has been ordered to be removed from the Register or Auxiliary Roll shall, within fourteen days of such order, surrender any certificate and any badge issued to her by the Board, and on failure to do so shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding five pounds.

Surrender of certificates and badges.

14. The Board may appoint any person or body of persons to be a Supervisory Authority over any registered midwife or class of registered midwives or over any enrolled village maternity assistant or class of enrolled village maternity assistants or over any person undergoing training under supervision in midwifery, wherever practising, and may cancel any such appointment.

Supervisory Authorities.

Duties of
Supervisory
Authorities.

15. It shall be the duty of every Supervisory Authority in respect of any registered midwife or enrolled village maternity assistant or of any person undergoing training under supervision in midwifery placed under its authority—

(a) to exercise general supervision in accordance with any rules made under section 11;

(b) to investigate any charge made against a registered midwife or enrolled village maternity assistant or person undergoing training under supervision in midwifery, of malpractice, incompetence, negligence, misconduct or habitual drunkenness, and, if a *prima facie* case be established, to make a report to the Board;

(c) to suspend from practice or duty, as the case may be, any registered midwife or enrolled village maternity assistant or person undergoing training under supervision in midwifery in accordance with any rules made under section 11, if such suspension appears necessary in order to prevent the spread of infection;

(d) to report at once to the Board the name of any registered midwife or enrolled village maternity assistant or person undergoing training under supervision in midwifery convicted of a criminal offence.

(2) With the approval of the Board, any Supervisory Authority may delegate in writing, with or without restrictions or conditions, any duty imposed upon it by sub-section (1) to any person or body of persons in any particular place or area.

Notice of
intention to
practise and
of change of
address.

16. (1) Every registered midwife shall, before commencing practice, give notice to the Board of her intention so to do.

(2) If any registered midwife who has been engaged in practice in any place transfers herself to any other place for the purpose of practice there, she shall within seven days after such transfer give notice thereof to the Board.

(3) Every such notice shall contain such particulars as are required by any rule made under section 11.

(4) Every registered midwife who fails to comply with any of the provisions of this section shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding five pounds.

(5) The provisions of this section shall not apply to any person in the service of the Medical Department of the Government of Sierra Leone, or of any statutory Local Authority or Health Authority.

17. (1) No enrolled village maternity assistant may practise midwifery otherwise than in the employment of, and under the supervision of a Supervisory Authority.

Village maternity assistants may only practise under supervision.

(2) Any Supervisory Authority who engages an enrolled village maternity assistant to practise midwifery shall within seven days give written notice to the Board of such engagement.

(3) If any enrolled village maternity assistant ceases to be employed and supervised by a Supervisory Authority, the Supervisory Authority shall give notice to the Board within seven days that such enrolled village maternity assistant has ceased to be so employed or supervised by that Authority.

(4) Every notice required by this section shall contain such particulars as are required by rules made under section 11.

18. The Registrar may upon the direction of the Board from time to time by registered letter addressed to any woman whose name is included in the Register or the Auxiliary Roll at her address as appearing therein, inquire whether she has ceased practice or has changed her residence; and if within a period of six months from the sending of the letter no answer is received thereto, the Board may direct the Registrar to remove the name of that woman from the Register or Auxiliary Roll, as the case may be, and cancel her certificate, but without prejudice to the power of the Board subsequently to direct the restoration of the name to the Register or Auxiliary Roll, as the case may be, and to re-issue the certificate if it appears to the Board to be proper so to do.

Power of Board to clear Register and Auxiliary Roll.

19. (1) All fees paid under the provisions of any rule made under section 11 shall be paid into, and form part of, the general revenue of Sierra Leone.

Fees and expenses of administration.

(2) No member of the Board nor any person employed by or acting on behalf of the Board shall do any act of any kind in respect of any matter with regard to which a fee is payable under the provisions of any rule made under section 11, until such fee is paid:

Provided that no fee for any matter provided for by this Ordinance or by any rule made under section 11 shall be payable by any person in the service of the Medical Department of the Government of Sierra Leone.

(3) The expenses connected with or related to the carrying out of the provisions and purposes of this Ordinance shall be paid out of the general revenue of Sierra Leone.

Appeals.

20. Any woman aggrieved by a decision of the Board removing her name from the Register or Auxiliary Roll or refusing to enter her name in the Register or the Auxiliary Roll, as the case may be, may, within one month of the date of notification to her by the Registrar of such decision, but not otherwise, appeal, in accordance with rules made by the Chief Justice, to the Supreme Court, upon which the necessary jurisdiction is hereby exclusively conferred. The decision of the Supreme Court shall be final.

Penalty for false claim to be a registered midwife.

21. (1) Any woman who, not being a registered midwife, takes or uses the title of registered midwife or any name, title, description or badge implying that she is registered or is recognised by law as a duly registered midwife, shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment with or without hard labour, for a period not exceeding six months, or to both such fine and imprisonment.

Penalty for false claim to be an enrolled village maternity assistant.

(2) Any person who, not being an enrolled village maternity assistant, takes any name, title, description, or badge implying that she is enrolled or is recognised by law as an enrolled person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pounds or to imprisonment with or without hard labour, for a period not exceeding six months, or to both such fine and imprisonment.

(3) Any person not being a registered medical practitioner, nor a registered midwife, nor an enrolled village maternity assistant acting under the supervision of a Supervisory Authority, nor a person undergoing training under supervision in midwifery in accordance with rules made under section 11, who does any act implying that he or she is a person specially qualified to practise midwifery shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a period not exceeding six months, or to both such fine and imprisonment.

Penalty for unlawful practice.

22. (1) No person other than—

(a) a registered medical practitioner; or

(b) a registered midwife; or

(c) an enrolled village maternity assistant employed and supervised by a Supervisory Authority in accordance with this Ordinance; or

(d) a person undergoing training under supervision in midwifery in accordance with rules made under section 11; shall practise midwifery within the limits of any town or place specified and defined in the Schedule, and any person who contravenes the provisions of this sub-section shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a period not exceeding six months, or to both such fine and imprisonment.

(2) The Governor in Council may, by Order, add any town or place to the Schedule or delete any town or place therefrom. Every such Order which adds any town or place to the Schedule shall define the limits of such town or place.

23. Any registered midwife who employs an unregistered person as her substitute shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a period not exceeding six months, or to both such fine and imprisonment.

Employment of substitutes by registered midwives.

24. Any person who—

(a) procures or attempts to procure registration or enrolment or a certificate by making, producing or causing to be made or produced any false or fraudulent declaration in writing or otherwise, or who aids and abets such person therein; or

(b) wilfully makes or causes to be made any false entry in the Register or Auxiliary Roll;

shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding fifty pounds, or to imprisonment, with or without hard labour, for a period not exceeding one year, or to both such imprisonment and fine.

Offences connected with registration or enrolment.

25. The provisions, restrictions and prohibitions in this Ordinance contained shall not apply to attendance on a woman in childbirth by any person serving in or employed by the naval, military or air forces of the Crown, where such attendance is part of the official duties of such person.

Saving.

SCHEDULE.

Section 22.

The City of Freetown as delimited in section 5 of the Freetown Municipality Ordinance.

Cap. 65.