

**THE NURSES AND MIDWIVES REGISTRATION
ACT, 1997**

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY PROVISIONS

Section	Title
1.	Short title and Commencement.
2.	Interpretation.

PART II

THE NURSES AND MIDWIVES COUNCIL

3. Establishment and Composition.
4. Registrar.
5. Functions of the Council.

PART III

ADMINISTRATION AND REGISTRATION

6. Register of Nurses and Midwives.
7. Registration and Enrolment.
8. Temporary Registration.
9. Provisional Registration.
10. Forms of Licences.
11. Application for retention of name in the register
12. Appeal against suspension from practice or removal from register.
13. Surrender of certificate on removal of name from the register.
14. Registration not to confer rights of qualified Medical Practitioner.
15. Duties of supervisory Authority.
16. Notice of Intention to practice and change of address.

PART IV

MISCELLANEOUS PROVISIONS

17. Penalty for illegal practice.
18. Penalty for illegal procuring registration through false Statement or document.
19. Penalty for commencing new school of nursing and maternity homes without Councils approval.
20. Notification.
21. Regulations.
22. Repeals.
23. Savings.

- "Licence" means a licence to practice as a Nurse or Midwife in accordance with qualifications obtained;
- "Midwife" means a person who has completed an approved midwifery educational programme duly recognised in the United Republic or in any other country in which it is located has successfully completed the prescribed course of studies in midwifery and has acquired the qualifications requisite for registration of licenced to practice midwifery;
- "Midwifery" means giving care and supervision to a woman during pregnancy, labour and postpartum period and caring for the new born babies and an infants;
- "Minister" means the minister for the time being responsible for health affairs;
- "Nurse" means a person who has completed an approved nursing course programme recognised for the time by the Council, registered and legally authorized to render services designed to promote health and prevent diseases; alleviate the suffering and rehabilitate the needy under this Act;
- "Nursing" means assisting individuals or groups to maintain optimal health throughout the life process by assessing their health status, establishing nursing diagnosis, planning and implementing a strategy of care to accomplish defined goals and evaluating responses to care and treatment;
- "Nurse Specialist" means the Nurse Specialist trained beyond the level of a nurse and authorized to practice as a specialist with expertise in a branch of the nursing field, which includes clinical, teaching, administration, research and consultant roles;
- "Private Nursing" or "Private Maternity Homes" means homes established by registered nurse/midwife to provide restorative, rehabilitative, curative and recuperative nursing care to an individual, a family or the community, by virtue of section 15 of this Act;
- "Private Practice" in relation to a nurse or midwife means to practice as a nurse or midwife other than as an employee of the Government;
- "Qualifying award" means a professional or academic qualification by whatever name called, obtained from a school, college, University or other institution recognized by the Council which is a sufficient guarantee that the holder has an academic knowledge to practice in nursing or midwifery;
- "Register" means the register of nurses and midwives kept by the Council under this Act;
- "Registered" means registered under section 7 of this Act, and the expressions "registered nurse" registered midwife" and "registration" shall be construed accordingly;
- Registrar" means a Registrar to the Council appointed under section 4 of this Act;
- "Roll" means an official document for enlisting names of nurses or midwives kept by the Council in accordance with the provisions of this Act;

THE UNITED REPUBLIC OF TANZANIA



No. 12 OF 1997

I ASSENT,
Benjamin W. Mkapa
 President
 4th April, '97

An Act to make provision for education, training, registration, enrolment and practice of nurses and midwives in their expanded role and scope of their practice and for connected matters.

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Nurses and Midwives Registration Act, 1997, and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Short title
and Com-
mence-
ment

2. In this Act, unless the context otherwise requires—

“Approved Nursing Institution” means an institution or part of an institution approved by the Council under the provision of this Act, providing a course of training leading to acquisition of a qualifying award;

“Board” means a Board constituted in accordance with section 9 of this Act;

“Committee” means a committee established by the Council under section 5(u) of this Act;

“Council” means the Nurses and Midwives Council established under section 3 of this Act;

“Enrolled Nurse or Midwife” means nurses or midwives whose names appear in the roll kept by the Council under this Act;

“Internship” means a prescribed period during which a nurse or a midwife is under test of professional competency of nursing pending full registration;

Interpre-
tation

"Supervisory authority" means a person appointed by the Council under paragraph (e) of subsection (1) of section 5 of this Act to be a supervisory authority over any registered nurses or registered midwives, wherever practising.

PART 11

THE NURSES AND MIDWIVES COUNCIL

3. There is hereby established a council to be known as the Nurses and Midwives Council which shall consist of the following Council members:-

Establishment and composition of the Council

(1) A Chairperson of the Council who shall be appointed by the Minister from amongst the most senior registered nurses;

(2) Other members to be appointed by the Minister as follows:

- (a) the Chief Nursing Officer,
- (b) a representative from the training section of the Ministry of Health;
- (c) a representative from nursing services
- (d) a representative from Diploma Nursing Training School;
- (e) a representative from the National Nurses Association;
- (f) a representative from Muhimbili University College of Health Sciences, Faculty of Nursing;
- (g) a representative from the Regional Nursing Officers;
- (h) a representative from referral Hospitals;
- (i) a member from any other council allied to this Council;
- (j) a legally qualified person nominated by the Attorney General from amongst persons employed in the Attorney General's Chambers;
- (k) any other member appointed by the Minister as it may deem necessary.

(3) Members of the Council shall not exceed twelve.

(4) A member of the Council appointed under paragraph (j) of subsection (2) of this section shall hold office for the period of three years from the date of his appointment Council after expiration of first term. No member shall be eligible for reappointment for the third term.

(5) On the death, inability to act, resignation or absence from the United Republic for more than six months or absence from three consecutive meetings of the Council without leave from the Chairman or any member, another person shall be appointed to fill in the vacancy and such person shall hold office for unexpired period of office and upon the same terms as the member in whose place he is appointed, or otherwise as the Minister shall think fit and the said appointment to provide.

(6) In absence of the Chairman from any meeting of the Council, members present shall elect one of their number to be the Chairman of the meeting.

(7) half of the total number of the Council at that time shall form a quorum.

(8) The Chairman shall have a casting as well as a deliberative vote.

(9) The powers of the Council may be exercised notwithstanding any vacancy in the membership of the Council.

Registrar

4.-(1) The Minister shall appoint a Registrar to the Council who shall hold office for a period of four years and shall be eligible for reappointment.

(2) The Registrar shall be the Secretary to the Council.

(3) The Registrar shall perform the duties prescribed in relation to his office under this Act, and shall perform such other functions as the Council may specify from time to time.

Function
of the
Council

5.-(1) The functions of the Council shall be as follows:-

- (b) to scrutinize, regulate, approve, monitor and evaluate the implementation of curricular of the nursing education;
- (c) to grant approval of examiners for final examinations, and fix the place where and the times at which such examinations shall be held;
- (d) to moderate, approve and publish results of the final nursing/midwifery examinations;
- (e) to appoint supervisory authorities;
- (f) to publish annually in the official *Gazette* as soon as practicable in the year and on such other occasions as it may deem fit, the names and particulars of nurses and midwives contained in the register and roll;
- (g) to issue and cancel licences,
- (h) to make entry of and amend any particulars thereon and to replace my licence proved to have been lost or destroyed;

- (i) to prescribe badges and any other distinctive multiple identities to be worn by registered or enrolled nurses and midwives;
- (j) to advise the Minister on matters concerning nursing and midwifery and make recommendations on policy matters and give directions and approve performance procedures;
- (k) to order the removal from the register or the roll the name of any nurse or midwife who:-
 - (i) has died;
 - (ii) has been absent from the United Republic for longer than 5 years;
 - (iii) is not practising nursing duties for a period of five years;
 - (iv) removal under subparagraphs (ii) and (iii) above will be eligible for re-registration upon reapplication after undergoing evaluation of her competence by an approved nursing institution and upon payment of the registration fee;
- (1) to caution, censure, order the suspension from practice, or order the removal from the register or roll of the name, of any registered or enrolled nurse or midwife for malpractice, negligence or infamous conduct in any professional respect or for disobeying any regulation or directive made under this Act and to decide upon the termination of any period of suspension and restoration to the register of any name so removed;

Provided that where an order is made under this paragraph suspending from practice or removing from the register or roll the name of any registered or enrolled nurse or midwife shall be notified by the Council in writing by registered post of such order and his right to appeal under section 11 of this Act;
- (m) to provide by means of standing orders or otherwise for regulation of its own proceeding;
- (n) to prescribe the duties of the Registrar to the Council;
- (o) to prescribe standards and conditions for establishing new schools of nursing or midwifery which does not maintain the prescribed standards and conditions;
- (p) to caution, censure and order the suspension or closure of schools of nursing or midwifery which does not maintain the prescribed standards and conditions;
- (q) to keep and maintain a register of schools of nursing/midwifery;
- (r) to establish committees, approve names of proposed committee members and to prescribe their functions;
- (s) to prescribe the form of professional oath/pledge to be used or administered upon all nurses on successful to completion of their training;

(t) to prescribe standards and conditions for establishing nursing homes, maternity homes/maternity clinics; and

(u) to grant licence for establishing private nursing and maternity homes and maternity clinics after inspecting the premises..

Cap 32

(2) Before the Council decides to caution, censure, suspend or remove a name from the register of roll, it shall make due inquiry and for the purpose of such an inquiry, it shall be deemed to have power of the commissions of inquiry having power to summon witnesses and call for the production of documents in the manner provided under section 12 of the Commissions of Inquiry Ordinance.

(3) At any such inquiry as in subsection (2) above the council shall give to any nurse or midwife against whom malpractice, negligence, misconduct or disobedience is alleged an opportunity to appear before the Council and be heard, and may in its discretion give audience to any other person on behalf of such a nurse or midwife.

PART III

ADMINISTRATION AND REGISTRATION

Cap 32

6.-(1) The register or roll of nurses and midwives to be kept and maintained by the Council shall contain the names, addresses, qualifications and other particulars of all nurses and midwives entitled for registration or enrolment. The Registrar shall be charged with custody of the register or roll and the making of entries therein.

Register
of Nurses
and mid-
wives

7.-(1) Subject to the provisions of this Act and any conditions for admission to the register or any part thereof imposed by regulations made hereunder, any person shall be entitled to be registered or enrolled as a nurse or midwife if-

- (a) she has passed the nursing/midwifery examinations conducted by the Council or;
- (b) she has complied with such additional requirements relating to requisition of practical experience in Nursing or Midwifery as the Minister by rules may prescribe;
- (c) she produces evidence in the satisfaction of the Council that she is licenced and registered or that she has been and is still entitled to be licenced and registered as a nurse or midwife in any country for the time being prescribed in regulations made under this Act or
- (d) she produces evidence to the satisfaction of the Council that she is certified registered as a nurse or midwife in any country which is not for the time being prescribed in regulations made under this Act, but is a country in which there was at the material time in force of law for the certification or registration of nurses or midwives and the Council is satisfied that the standard or training and examination required for such certification or registration in the said country is not inferior to the standard adopted by the Council or;

- (e) she produces evidence to the satisfaction of the Council that:-
- (i) she is a person of good character and;
 - (ii) she has successfully completed a course of training as a nurse of not less than three years or of a midwife for a duration of not less than one year in a country in which there was at the material time no law for the certification or registration of nurses, and the Council is satisfied that the standard of such training is not inferior to the standard adopted by the council.

Provided that if in either of the cases referred to in paragraphs (c) and (d) of this subsection the Council is not so satisfied as therein specified the person seeking registration may be required to pass such examinations as the Council shall direct.

- (2) Any person shall be entitled to be enrolled as a nurse if:-
- (a) she has successfully completed a course of nursing training for a duration of not less than three years at an approved nursing institution;
 - (b) she produces evidence to the satisfaction of the Council that she is certified or enrolled or that she has been and is still entitled to be certified or enrolled as a nurse in any country for the time being prescribed in regulation made under this Act.

8.-(1) Where a person ordinarily resident outside Tanzania satisfies the Council:-

Tempor-
ary re-
gistration

- (a) that she is or intends to be employed in Tanzania in the capacity of registered nurse in a hospital or other institution approved by the Council for the purpose of this section: and
- (b) that she is the holder of a diploma which is recognized for the time being by the Council for the purposes of this section as furnishing a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of nursing;

the Council may, if it thinks fit, give a direction that she shall be registered under this section.

(2) Registration of a person under this section shall continue only while she is in such employment as is mentioned in subsection (1), on its termination she shall cease to be registered under this section.

(3) In case of doubt the decision of the Council as to the termination of a person's employment, shall be conclusive for the purposes of subsection (2).

(4) A person registered under this section, shall in relation to employment as mentioned in paragraph (a) of subsection (1) of this section, and to things done or omitted in the course thereof, be treated as registered under this Act as a fully registered nurse.

Provi-
sional Re-
gistration

9.-(1) The following provisions of this subsection shall apply for the purpose of enabling persons referred to in subsection (1) of section 8 to acquire such practical experience in nursing or midwifery as may be prescribed by rules made under paragraph (b) of subsection (1) of section 8.

(2) Any person who is not entitled to be registered as a nurse by reason only of the fact that he does not have the practical experience prescribed in any rules made under subsection (1) of section 8 shall, if he produces evidence satisfactory to the Registrar that he has been selected employment in a hospital or hospitals approved by the Council for the purposes of this section and that such employment would provide the required practical experience, be entitled to be provisionally registered.

(3) The Registrar shall maintain a separate register in which she shall enter the names of those persons provisionally registered and on a person becoming registered other than provisionally her name shall be removed from this register.

(4) Persons provisionally registered shall be deemed to be registered as far as is necessary to enable them to be employed for the purpose stated in subsection (2) of this section in a supervised nursing capacity in such hospital or hospitals approved by the Council as may be specified in the certificate or provisional registration and to carry out under supervision in such hospital or hospitals any duties and responsibilities of a registered nurse but not otherwise.

Forms of
Licences

10. Licences of all kinds shall be in a prescribed form and shall be subject to renewal as may be prescribed by the Council from time to time. These include full registration licence, temporarily registration licence, provisional registration licence and the licence of enrolment

Applica-
tion for
retention
of name in
the regis-
ter

11.-(1) Every person registered under the provisions of this Act shall, before the thirty first December every other year, make application to the Council for the retention of his name in the register.

(2) An application made under subsection (1) above shall be accompanied by a prescribed fee.

(3) The Council may strike off from the relevant register any name of any registered person who does not comply with the provisions of subsection (1) of this section;

Appeal
against
suspension
from
practice
or removal
from the
register

12.-(1) Any person who is aggrieved by suspension from practice as a nurse or a midwife or removed his name from the register or roll may within three calendar months from the time of notification to him of such decision appeal to a Board consisting of Minister as Chairman and four other persons appointed by the Minister.

(2) As soon as possible after the determination of the appeal by the Board, the Minister shall serve notice of such determination and the person to whom it is served, may within three months appeal to the High Court against the decision of the Board, in any such appeal the High Court may give final direction in the matter as it thinks proper.

(3) On having any appeal under the provisions of this section, the Board shall have the power in relation to evidence, witnesses and documents as are conferred upon the Council by subsection (2) of section 5 of this Act.

(4) The Board may dismiss or allow any appeal, or alter, vary the decision of the Council or make any order which it may think just.

(5) The Board shall give to any nurse or midwife who appeals an opportunity of appearing before the Council and being heard, and may in its discretion give audience to any other person on behalf of Such nurse or midwife.

13. Any person whose name has been ordered to be removed from the register or roll under the provisions of paragraph (1) of section 5 of this Act shall within three calendar months of notification of such order, which ever is the later, surrender to the Council any certificate issued to him by the Council, and on failure to do so without reasonable cause he shall commit an offence against this Act and shall be, liable on conviction to a fine of not less than one hundred thousand shillings and the Court before which he is convicted shall order that the license be cancelled,

Surrender
of certi-
cate on re-
moval of
name
from the
register

14. Registration under this Act shall not confer upon any person any right to be lincensed or registered under the Medical Practitioners and Dentists' Ordinance or any Act replacing or amending the same, or to assume any name, title or designation implying that she is by law authorized to practice medicine or surgery, or to grant any Medical Certificate or any Certificate of death or stillbirth, or undertake the charge of cases of abnormality or disease in connection with parturition.

Registra-
tion not to
confer
rights of
qualified
Medical
Practi-
tioner
Cap. 409

Provided that nothing in this section which relates to undertaking the charge of cases of abnormality or disease in connection with parturition shall be construed as prohibiting any person from rendering assistance in an emergency when the services of a duly qualified medical practitioner are not available, and Minister from time to time make regulations prescribing other procedures which a nurse or midwife may perform .

15. It shall be the duty of every supervisory authority in respect of any registered or enrolled nurse or midwife under her supervision:-

Duties of
Supervis-
ory Au-
thority

- (a) to exercise general supervision in accordance with any instructions issued by the Council;

- (b) to investigate charges of malpractice, negligence, misconduct or disobedience to regulations, and make a full report to the Council of the facts and circumstances of any such charges.
- (c) temporarily to suspend from practice any registered or enrolled nurse or midwife if such suspension appears to the supervisory authority necessary and report to the Council;

Provided that in the event of such suspension the reasons for and circumstances of such action shall be immediately reported in writing to the Council for final decision, and that such suspension shall not, in first instance, be for a period in excess of twelve weeks;

- (d) to report to the Council the name of any registered nurse or midwife or enrolled nurse or midwife convicted of any offence and conviction has been reported to her, or who has been acquitted of any legal charges against him;
- (e) to submit to the Council, at such prescribed period of time the name of nurses, midwives or enrolled nurses who have absconded, resigned, ceased to practice nursing or died.

Notice of
Intention
to practice
and
change of
address

16.-(a) Every registered nurse, registered midwife before commencing to engage in private practice shall give notice in writing of her intention to do so to the Registrar.

(b) When any registered nurse or midwife, who has been engaged in private practice in one place removed to another place for the purpose of there engaging in private practice shall within one month after such removal give notice in writing thereof to the Registrar.

(c) Every notice under paragraph (a) or paragraph (b) shall contain such particulars as may be prescribed by the Council.

(d) Every registered nurse or midwife as the case may be shall maintain a register as prescribed of all cases which she attends and shall register available for inspection by the Council or a Supervisory Authority as and when required.

(e) Any registered nurse or midwife who fails to comply with any of the provisions of this section shall commit an offence under this Act and shall be liable on conviction to a fine not exceeding two hundred thousand shillings or closure of premises or both such fine and closure.

PART IV

MISCELLANEOUS PROVISIONS

17.-(1) Subject as hereinafter in this section provided any person who: - Penalty
for illegal
practice

- (a) not being registered as a nurse or midwife; or
- (b) having been suspended from practice as a nurse or midwife by an order of the Council, habitually or for gain practices as a nurse or midwife attends women shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(2) When a person is convicted of an offence under this section, the court may order any drugs, poison, medicines, needles, syringes or surgical, medical, dental or diagnostic instruments or appliances used by or belonging to or found in possession of a person convicted to be forfeited, destroyed or otherwise desposed off.

18. Any person who:-

- (a) procures or attempt to procure registration or enrolment or a License by making or casting to be made or produces any false or fraudulent statement or document;
- (b) deliberately makes or causes to be made any falsification in any matter relating to the register or roll and;
- (c) assists or aids that person therein, shall be guilty of an offence and shall be convicted to a fine not exceeding three hundred thousand shillings or three years imprisonment or both such fine and imprisonment.

Penalty
for illegal
procuring
registra-
tion
through
false
statement
or docu-
ment

19. Any person(s) or institution(s) commencing such new school without the approval of the Council shall commit an offence and upon conviction shall be liable to a fine of not less than one million shillings or imprisonment not exceeding five years or to both such fine and imprisonment.

Penalty
for Com-
mencing
new
School of
Nursing
and
Maternity
homes
without
Councils
approval

20. Any notification required to be given by Council to any person shall be sufficiently given if sent by registered post to that person at her last known address or her last address as contained in the register, and the time of receipt shall be deemed unless the contrary is shown, to be the time at which such notification Would have arrived in the ordinary course of post to such address.

Notifica-
tion

Regula-
tions

21. The Minister after obtaining the advice of the Council, may make regulations, not inconsistent with this Act, for all or any of the following purposes:-

- (a) to prescribe the form of the register or roll of nurses and midwives, the part into which the same is to be divided and any particulars to be entered therein;
- (b) to regulate the manner in which applications for registration or enrolment as it nurse, midwife shall be made;
- (c) to prescribe Countries having qualifications for the licensure of Nurses or Midwives recognized by the Council
- (d) to impose conditions with regard to the admission to the register or roll or any part thereof nurses or midwives;
- (c) to regulate the practice of registered nurses, midwives, or enrolled nurses;
- (f) to prescribe the manner of which nurses or midwives may be suspended from practice and the way such names of Such nurses or midwives may be removed from the register or roll and the procedure for termination or Suspension and restoration to the register or roll for the nurses of the nurses or midwives removed therefrom;
- (g) to prescribe the form of Licence and any particulars to be contained therein;
- (h) to impose conditions with regard to the issue of license to nurses and midwives;
- (i) to prescribe modifications to the titles to be used by registered nurses. midwives and enrolled nurses;
- (j) to prescribe the particulars required to be given in any notification or notice given or issued under this Act,
- (k) to prescribe the fees to be collected under this Act,
- (l) to prescribe any forms to be used under this Act,
- (m) to prescribe any further matter which is to be or may be prescribed under this Act; and
- (n) to make regulations generally for the better carrying out of the purpose and provisions of this Act.

22. The Nurses and Midwives ordinance is hereby repealed.

Repeals
ord. 1952
No. 63

23.—(1) Notwithstanding the repeal made under section 22 above, anything done or any action taken or purported to have been done under the repealed Ordinance shall in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

Savings

(2) All subsidiary legislation made or issued under the repealed ordinance which are in force on the commencement of this Act shall be deemed to have been made, given or issued under or in pursuance of the provisions of this Act and shall remain in force until revoked or rescinded by subsidiary legislation made or issued under this Act.

Passed in the National Assembly on the 7th February, 1997.


Clerk of the National Assembly