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The following Act was passed by Parliament on 24th November 1999 and assented to by the President on 30th November 1999:—

NURSES AND MIDWIVES ACT 1999

(No. 46 of 1999)

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REPUBLIC OF SINGAPORE

No. 46 of 1999.

I assent.



S R NATHAN,
President.
30th November 1999.

An Act to establish the Singapore Nursing Board, to provide for the registration and enrolment of nurses and the registration of midwives and for matters connected therewith, to repeal the Nurses and Midwives Act (Chapter 209 of the 1985 Revised Edition) and to make consequential amendments to certain other written laws.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART I
PRELIMINARY

Short title and commencement

1.—(1) This Act may be cited as the Nurses and Midwives Act 1999 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

(2) The Minister may appoint different dates for the coming into operation of the different Parts or provisions of this Act.

Interpretation

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

“accredited” means accredited by the Board;

“appointed member” means a member appointed under section 3(2)(d);

“Board” means the Singapore Nursing Board established under section 3;

“certificate of enrolment” means a certificate of enrolment granted under section 17;

“certificate of registration” means a certificate of registration granted under section 17;

“Complaints Committee” means a Complaints Committee appointed under section 37;

“enrolled” means enrolled under section 14, 15 or 16, and “enrol”, “enrolling” and “enrolment” have corresponding meanings;

“enrolled nurse” means a person who is enrolled as an enrolled nurse, and includes a person who is deemed to be enrolled as an enrolled nurse under section 47(2);

“medical practitioner” means a person registered under the Medical Registration Act (Cap. 174);

“member” means a member of the Board;

“practising certificate” means a practising certificate issued by the Board under section 18;

“Register” means the Register of Nurses or Register of Midwives kept under section 13, as the case may be, or both the Register of Nurses and the Register of Midwives;

“registered” means registered under section 14, 15 or 16, and “register”, “registering” and “registration” have corresponding meanings;

“registered midwife” means a person who is registered as a registered midwife, and includes a person who is deemed to be registered as a registered midwife under section 47(3);

“registered nurse” means a person who is registered as a registered nurse, and includes a person who is deemed to be registered as a registered nurse under section 47(1);

“Registrar” means the Registrar of the Board appointed under section 12;

“Roll” means the Roll of Nurses kept under section 13.

PART II

SINGAPORE NURSING BOARD

Establishment and membership of Board

3.—(1) There shall be established a body, to be known as the Singapore Nursing Board, which shall be a body corporate with perpetual succession and a common seal.

(2) The Board shall consist of the following members:

- (a) the Director of Medical Services;
- (b) the Director-General of Education or his representative;
- (c) the Chief Nursing Officer;
- (d) 14 other members to be appointed by the Minister, of whom at least —

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- (i) 9 shall be registered or enrolled nurses with at least 5 years' experience in the practice of nursing; and
 - (ii) 2 shall be registered midwives with at least 5 years' experience in the practice of midwifery.

(3) Only a citizen or permanent resident of Singapore may be appointed as a member.

(4) An appointed member shall hold office for a term of 3 years or such shorter period as the Minister may in any case determine, and shall be eligible for reappointment at the expiration of his term of office.

Removal of appointed member from office

4. The Minister may remove an appointed member from office if he —

- (a) is an undischarged bankrupt;
- (b) has been found guilty in Singapore or elsewhere of professional misconduct;
- (c) has been convicted in Singapore or elsewhere of an offence involving dishonesty, fraud or moral turpitude;
- (d) is unable to satisfactorily carry out the duties of his office due to a mental or physical disability; or
- (e) is absent without leave of the Board from 3 consecutive meetings of the Board or any of its committees.

Vacancy in Board

5.—(1) The office of an appointed member shall become vacant if —

- (a) he dies;
- (b) his term of office expires;
- (c) he resigns by written notice to the Minister;
- (d) he ceases to satisfy the qualifications referred to in section 3 by virtue of which he was eligible for appointment; or

(e) he is removed from office under section 4.

(2) Upon the office of an appointed member becoming vacant, the Minister shall appoint a person to the vacant office, and the person so appointed shall hold office for the remainder of the term for which his predecessor would have held office if the vacancy had not occurred.

(3) The Board may act notwithstanding any vacancy in the Board.

(4) No act done by or by the authority of the Board shall be invalid in consequence of any defect that is afterwards discovered in the appointment of the members or any of them.

Chairman of Board

6.—(1) The Minister shall appoint one of the members as the Chairman of the Board.

(2) The Chairman of the Board shall preside at any meeting of the Board and, in his absence, such member as the members present may elect shall preside at that meeting.

Meetings and quorum

7.—(1) At any meeting of the Board, 7 members shall form a quorum.

(2) Any decision at a meeting of the Board shall be adopted by a simple majority of the votes of the members present and voting and, in the case of an equality of votes, the member presiding at that meeting shall have a casting vote.

(3) Subject to this Act, the Board may regulate its own procedure.

Functions of Board

8. The functions of the Board are —

(a) to approve or reject applications for registration and enrolment of nurses and for registration of midwives;

(b) to issue practising certificates;

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- (c) to accredit —
- (i) courses in Singapore for the purposes of registration and enrolment;
 - (ii) courses in Singapore which provide qualifications in nursing or midwifery in addition to those required for registration and enrolment; and
 - (iii) the institutions in Singapore offering any of these courses;
- (d) to regulate standards for the training and education of registered nurses, enrolled nurses and registered midwives;
- (e) to regulate the standards and scope of practice of registered nurses, enrolled nurses and registered midwives;
- (f) to regulate the professional conduct and ethics of registered nurses, enrolled nurses and registered midwives; and
- (g) generally to do all such acts, matters and things as are necessary or authorised to be carried out under this Act.

Appointment of executive secretary and other employees

9. The Board may appoint an executive secretary and such other employees on such terms as the Board may determine.

Appointment of committees

10.—(1) The Board may appoint one or more committees for any general or special purpose which, in the opinion of the Board, may be better dealt with or managed by a committee.

(2) The Board may delegate to any committee so appointed, with or without restrictions or conditions as the Board thinks fit, any of the powers or functions which may be exercised or performed by the Board.

(3) The number and term of office of the members of a committee and the number of those members necessary to form a quorum shall be fixed by the Board.

(4) A committee may include persons who are not members of the Board.

(5) The Board may continue to exercise any power conferred upon it or perform any function under this Act notwithstanding the delegation of such power or function under this section.

(6) This section does not apply to a Complaints Committee.

Payment of members of Board and of committees

11. There shall be paid to —

(a) the members; and

(b) the members of any committee appointed under section 10 and the members of any Complaints Committee appointed under section 37,

who are not public officers such fees as may, from time to time, be approved by the Minister.

PART III

REGISTRATION AND ENROLMENT

Registrar of Board

12.—(1) The Minister shall appoint a public officer to be the Registrar of the Board.

(2) The Minister may appoint a person to act as Registrar during the absence from Singapore or incapacity from illness or otherwise of the Registrar.

Register and Roll

13.—(1) Registrar shall keep and maintain —

(a) a register to be called the Register of Nurses which shall consist of such parts as the Board may determine;

(b) a roll to be called the Roll of Nurses which shall consist of such parts as the Board may determine; and

(c) a register to be called the Register of Midwives.

(2) The Registrar shall enter in the appropriate part of the Register or Roll, as the case may require, the name of every person who is registered or enrolled, together with such other particulars as the Board may determine.

(3) Every registered nurse, enrolled nurse and registered midwife shall inform the Registrar in writing of any change in his name, working address, residential address, or such of his other particulars as may be prescribed, within 28 days of the change.

(4) Any person who fails to comply with subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(5) A person who makes a report of a change in his residential address under section 8 of the National Registration Act (Cap. 201) shall be deemed to have complied with subsection (3) on the date on which he makes the report.

Registration and enrolment

14.—(1) Subject to sections 15 to 17, a person who satisfies the Board that —

(a) he has successfully completed —

- (i) a course in nursing accredited for the purposes of this subsection in an accredited institution; or
- (ii) a course in nursing outside Singapore which in the opinion of the Board is equivalent to a course referred to in sub-paragraph (i); and

(b) he has fulfilled such other conditions as the Board may specify for his case,

may be registered as a registered nurse.

(2) Subject to sections 15 to 17, a person who satisfies the Board that —

(a) he has successfully completed —

- (i) a course in nursing accredited for the purposes of this subsection in an accredited institution; or

(ii) a course in nursing outside Singapore which in the opinion of the Board is equivalent to a course referred to in sub-paragraph (i); and

(b) he has fulfilled such other conditions as the Board may specify for his case,

may be enrolled as an enrolled nurse.

(3) Subject to sections 15 to 17, a person who satisfies the Board that —

(a) he has successfully completed —

(i) a course in midwifery accredited for the purposes of this subsection in an accredited institution; or

(ii) a course in midwifery outside Singapore which in the opinion of the Board is equivalent to a course referred to in sub-paragraph (i); and

(b) he has fulfilled such other conditions as the Board may specify for his case,

may be registered as a registered midwife.

(4) The registration of a person as a registered nurse or enrolment of a person as an enrolled nurse shall be in that part of the Register of Nurses or Roll which the Board considers appropriate to his case.

Medical examination, induction programme, competency assessment and provisional registration and enrolment

15.—(1) Before registering or enrolling a person under section 14, the Board may require the person to submit himself to a medical examination by a medical practitioner approved by the Board to determine if the person can perform satisfactorily the functions of a registered nurse, an enrolled nurse or a registered midwife, as the case may be, and the Board may refuse to register or enrol him if he fails to submit himself to such an examination.

(2) The medical examination shall be at the person's own expense.

(3) Before registering or enrolling a person under section 14, the Board may require the person to undergo such induction programme

as may be approved by the Board, and the Board may refuse to register or enrol him if he fails to undergo or complete such induction programme.

(4) Before registering or enrolling a person under section 14, the Board may require the person to undergo such competency assessment as may be approved by the Board, and the Board may refuse to register or enrol him if he fails or fails to undergo the assessment.

(5) Subject to section 17, the Board may provisionally register as a registered nurse or registered midwife, or provisionally enrol as an enrolled nurse —

- (a) a person who has been required under subsection (1) to submit himself to a medical examination;
- (b) a person who has been required under subsection (3) to undergo an induction programme; or
- (c) a person who has been required under subsection (4) to undergo a competency assessment.

(6) The provisional registration of a person as a registered nurse or provisional enrolment of a person as an enrolled nurse shall be in that part of the Register of Nurses or Roll which the Board considers appropriate to his case.

(7) If a person who is provisionally registered or enrolled becomes registered or enrolled under section 14, his registration or enrolment shall date from his provisional registration or enrolment.

Temporary registration and enrolment

16.—(1) Subject to section 17, where a person has fulfilled such conditions as the Board may specify for his case, the Board may temporarily register him as a registered nurse or registered midwife, or temporarily enrol him as an enrolled nurse, in order to enable him —

- (a) to teach, undertake research or study in Singapore;
- (b) to undergo training under a training scheme approved by the Board; or

- (c) to provide voluntary nursing or midwifery service under a volunteer nursing scheme or volunteer midwifery scheme approved by the Board.

(2) The temporary registration of a person as a registered nurse or temporary enrolment of a person as an enrolled nurse shall be in that part of the Register of Nurses or Roll which the Board considers appropriate to his case.

(3) A temporary registration or enrolment —

- (a) shall be for a period not exceeding 2 years; and
- (b) may be renewed for periods not exceeding 12 months at a time.

General provisions for registration and enrolment

17.—(1) Every application for registration or enrolment shall be made in such form, and shall be accompanied by such documents, particulars and fee, as may be prescribed by the Board.

(2) The Board may, in registering or enrolling a person, impose such conditions on him as the Board considers appropriate to his case, and may at any time vary or revoke the conditions or impose new conditions on him.

(3) Without prejudice to the generality of subsection (2), the conditions may include —

- (a) a condition limiting the fields of nursing or midwifery, as the case may be, in which the person may practise; and
- (b) in the case of a person to be registered or enrolled under section 14, a condition that he shall work for a specified period —
 - (i) in a hospital, nursing home, medical clinic, or other organisation, approved by the Board; and
 - (ii) under the supervision of a person, or a person of a particular class, approved by the Board.

(4) Upon the registration or enrolment of a person, the Board shall grant to him a certificate of registration or certificate of enrolment, as the case may be.

(5) The Board may refuse to register or enrol any person who, in the opinion of the Board —

(a) may not be registered or enrolled in accordance with section 14 or 16, as the case may be; or

(b) is not of good reputation and character.

(6) The Board may refuse to register or enrol any person if the Board is satisfied that —

(a) the person had his registration or enrolment as a nurse or his registration as a midwife in any country withdrawn, suspended or cancelled; or

(b) because of a mental or physical disability, he is unable to perform satisfactorily the functions of a registered nurse, an enrolled nurse or a registered midwife, as the case may be.

(7) Where the Board refuses to register or enrol any person, the Board shall, by notice in writing, inform him of such refusal.

(8) A person who is aggrieved by a refusal of the Board to register or enrol him may, within one month of the notice given under subsection (7), appeal to the Minister whose decision shall be final.

Practising certificate

18.—(1) A registered nurse, an enrolled nurse or a registered midwife who desires to obtain a practising certificate shall apply to the Board in such form and manner as the Board may prescribe.

(2) The application referred to in subsection (1) shall be accompanied by the prescribed fee.

(3) A practising certificate shall be valid for such period as the Board may determine.

(4) An application for the renewal of a practising certificate shall be made no later than one month before the expiration of the practising

certificate and shall be made in such form and manner as the Board may prescribe.

(5) A registered nurse, an enrolled nurse or a registered midwife who applies for a practising certificate later than one month before the expiration of the practising certificate shall be liable to pay to the Board such late application fee as the Board may prescribe.

(6) Where a registered nurse, an enrolled nurse or a registered midwife has had his registration or enrolment cancelled or suspended under section 19, any practising certificate issued to him shall be deemed to be cancelled and he shall surrender the certificate to the Board within 14 days of such cancellation or suspension.

(7) Any person who fails to comply with subsection (6) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

Cancellation, etc., of registration or enrolment

19.—(1) The Board may cancel the registration of a registered nurse or registered midwife, or the enrolment of an enrolled nurse, if the Board is satisfied that he —

- (a) has obtained his registration or enrolment fraudulently or by an incorrect statement;
- (b) has contravened or failed to comply with any condition imposed on him under section 17(2) or subsection (2)(b) or (7), or to which he is subject by virtue of section 47(4);
- (c) has had his registration or enrolment as a nurse, or his registration as a midwife, as the case may be, in a country outside Singapore suspended or cancelled;
- (d) has been convicted of an offence in or outside Singapore which in the opinion of the Board renders him unfit to remain on the Register or the Roll;
- (e) has been guilty of any misconduct, or negligence, which in the opinion of the Board renders him unfit to remain on the Register or the Roll;

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- (f) is unable to perform satisfactorily the functions of a registered nurse, an enrolled nurse or a registered midwife, as the case may be, because of a mental or physical disability;
 - (g) has not renewed his practising certificate for a continuous period of not less than the period prescribed for the purposes of this paragraph; or
 - (h) is deceased.

(2) Instead of cancelling the registration or enrolment of a person on any of the grounds referred to in subsection (1)(b) to (f), the Board may, if it considers fit —

- (a) suspend his registration or enrolment for a period of not more than 2 years;
- (b) order that his registration or enrolment be conditional on his compliance with such conditions as may be imposed by the Board;
- (c) censure him; or
- (d) issue to him a letter of advice.

(3) A person whose registration or enrolment is cancelled under subsection (1) or suspended under subsection (2) shall surrender his certificate of registration or certificate of enrolment, as the case may be, to the Board within 14 days of such cancellation or suspension.

(4) Any person who fails to comply with subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(5) Where the registration or enrolment of a person has been suspended under subsection (2), the person shall not be regarded as being registered or enrolled, as the case may be, for the purposes of this Act.

(6) Subject to subsection (7), immediately upon the expiration of the period of suspension, the person's rights and privileges as a registered nurse, an enrolled nurse or a registered midwife, as the case may be, shall be revived and the Board shall return his certificate of registration or certificate of enrolment to him.

(7) Where the registration or enrolment of a person has been suspended under subsection (2) on the ground referred to in subsection (1)(f), the Board may, upon the expiration of the period of suspension, order that his registration or enrolment, as the case may be, be conditional on his compliance with such conditions as may be imposed by the Board.

(8) Where the person in question is both —

- (a) a registered nurse or enrolled nurse; and
- (b) a registered midwife,

the Board may take any action under this section in relation to both his registration as a registered nurse and his registration as a registered midwife, or both his enrolment as an enrolled nurse and his registration as a registered midwife, as the case may be, without having to institute separate proceedings.

Costs

20.—(1) Where the Board is satisfied that a registered nurse, an enrolled nurse or a registered midwife —

- (a) has obtained his registration or enrolment fraudulently or by an incorrect statement;
- (b) has contravened or failed to comply with any condition imposed on him under section 17(2) or 19(2) or (7), or to which he is subject by virtue of section 47(4);
- (c) has been convicted of an offence in or outside Singapore which in the opinion of the Board renders him unfit to remain on the Register or the Roll;
- (d) has been guilty of any misconduct, or negligence, which in the opinion of the Board renders him unfit to remain on the Register or the Roll; or
- (e) is unable to perform satisfactorily the functions of a registered nurse, an enrolled nurse or a registered midwife, as the case may be, because of a mental or physical disability,

the Board may, in addition to any power which the Board may exercise under section 19, order him to pay to the Board such sums as the Board thinks fit in respect of the costs and expenses of the inquiry by the Board.

(2) The High Court shall have jurisdiction to tax the sums ordered to be paid under subsection (1).

(3) The sums ordered to be paid under subsection (1) may be recovered as a debt in any court with competent jurisdiction.

Appeal

21.—(1) Any person who is aggrieved by a decision of the Board under section 19(1) or (2) may, within 3 months of the date of the decision or within such further period as the High Court may allow, appeal to the Court against the decision.

(2) There shall be no appeal from a decision of the High Court.

Conviction final and conclusive

22. The Board in taking action under section 19, and the High Court on appeal from an order of the Board under section 19, shall accept the conviction of a registered nurse, an enrolled nurse or a registered midwife for a criminal offence as final and conclusive.

Application for re-registration or re-enrolment

23.—(1) A person whose registration or enrolment has been cancelled under section 19(1) may apply to the Board to be re-registered or re-enrolled.

(2) The Board may, after considering all relevant circumstances, and upon the compliance by the applicant with all conditions imposed by the Board, if any, and the payment of the prescribed fee, re-register or re-enrol him.

(3) Where the registration or enrolment of a person has been cancelled on any of the grounds referred to in section 19(1)(b) to (e), no application for the re-registration or re-enrolment of that person shall be made to the Board —

- (a) before the expiration of 3 years from the date of the cancellation; or
- (b) more than once in any period of 12 months.

Publication of registered nurses, etc., with practising certificates

24. The Registrar shall, from time to time, prepare and publish in the *Gazette* a list of the names, addresses and qualifications of all registered nurses, enrolled nurses, and registered midwives, who have in force practising certificates.

Certificate of Registrar

25. A certificate purporting to be under the hand of the Registrar to the effect that, at any time or during any period specified in the certificate, any person was or was not a registered nurse, an enrolled nurse or a registered midwife, or had or did not have in force a practising certificate, or as to any entry in the Register or Roll, or the removal from the Register or Roll of any entry shall, in the absence of proof to the contrary, and without further proof of the signature appended to the certificate, be sufficient evidence of the matters specified therein.

PART IV

OFFENCES

False assumption of title of nurse, etc.

26.—(1) Any person who —

- (a) not being a qualified nurse, takes or uses the name or title of nurse in any language, either alone or in combination with any other words or letters, or any name, title, addition, description, uniform or badge, implying that he is a qualified nurse or that he is qualified to carry out an act of nursing;
- (b) not being a qualified midwife, takes or uses the name or title of midwife or its equivalent in any language, either alone or in combination with any other words or letters, or

any name, title, addition, description, uniform or badge, implying that he is a qualified midwife or that he is qualified to practise midwifery;

- (c) being a person whose name is included in any part of the Register of Nurses or Roll, takes or uses any name, title, addition or description or otherwise does any act which falsely implies that his name is included in some other part of the Register of Nurses or Roll, as the case may be;
- (d) knowing that some other person is not a qualified nurse and with intent to deceive, makes any statement or does any act calculated to suggest that such other person is a nurse or qualified nurse; or
- (e) knowing that some other person is not a qualified midwife and with intent to deceive, makes any statement or does any act calculated to suggest that such other person is a midwife or qualified midwife,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(2) For the purposes of this section and sections 27, 28 and 29 —

“act of nursing” means an act of nursing in —

- (a) the observation, care and counsel of the ill, injured or infirm;
- (b) the maintenance of health or prevention of illness of others; or
- (c) the supervision or teaching of nursing,

the proper carrying out of which requires skill and knowledge acquired by undergoing an accredited course of nursing or an equivalent course;

“qualified midwife” means a registered midwife who holds a valid practising certificate authorising him to practise midwifery;

“qualified nurse” means a registered or enrolled nurse who holds a valid practising certificate authorising him to practise nursing.

Practice of nursing or midwifery by unqualified person

27.—(1) No person other than a qualified nurse shall carry out any act of nursing for a fee or reward.

(2) No person other than a qualified midwife shall attend a woman at childbirth for a fee or reward.

(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 6 months or to both.

(4) Subsection (1) shall not apply to a person who carries out any act of nursing while undergoing a course in nursing if the act is carried out —

- (a) under the supervision of a registered or enrolled nurse; and
- (b) in an organisation approved by the Board.

(5) Subsection (2) shall not apply to a person who attends a woman at childbirth while undergoing a course in midwifery if such attendance is carried out —

- (a) under the supervision of a registered midwife; and
- (b) in an organisation approved by the Board.

(6) Subsections (1) and (2) shall not apply to —

- (a) a medical practitioner;
- (b) a person rendering assistance in an emergency; or
- (c) a person of a prescribed description or class carrying out such act, or acting in such circumstances, as may be prescribed for his case.

(7) No person shall be entitled to demand, claim, accept, receive, retain or sue for or recover any fee or charge in any court for any act done in contravention of this section.

Employment of unqualified person to practise nursing or midwifery

28.—(1) No person shall employ or engage a person who is not a qualified nurse to carry out any act of nursing.

(2) No person shall employ or engage a person who is not a qualified midwife to attend a woman at childbirth.

(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 6 months or to both.

(4) Subsections (1) and (2) shall not apply to the employment or engagement of —

- (a) a medical practitioner;
- (b) a person to care for —
 - (i) the person employing or engaging him; or
 - (ii) a family member, relative or friend of the person employing or engaging him; or
- (c) a person of a prescribed description or class.

(5) In any proceeding for an offence under this section, it shall be a defence for a defendant to prove that —

- (a) he did not know that the person concerned was not a qualified nurse or qualified midwife, as the case may be; and
- (b) he had exercised due diligence to ascertain if that person was a qualified nurse or qualified midwife, as the case may be.

Nurse's agents

29.—(1) A nurse's agent shall not —

- (a) arrange for a person who is not a qualified nurse to carry out any act of nursing;

- (b) arrange for a person who is not a qualified midwife to attend a woman at childbirth; or
- (c) arrange for a registered nurse, an enrolled nurse or a registered midwife to work in contravention of the conditions of his registration or enrolment.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) In any proceeding for an offence in respect of a contravention of subsection (1)(a) or (b), it shall be a defence for a defendant to prove that —

- (a) he did not know that the person concerned was not a qualified nurse or qualified midwife, as the case may be; and
- (b) he had exercised due diligence to ascertain if that person was a qualified nurse or qualified midwife, as the case may be.

(4) In any proceeding for an offence in respect of a contravention of subsection (1)(c), it shall be a defence for a defendant to prove that —

- (a) he was not aware that the registration or enrolment of the person concerned is subject to the condition which was contravened; and
- (b) he had exercised due diligence to ascertain the conditions to which the registration or enrolment of that person is subject.

(5) For the purposes of subsection (1), “nurse’s agent” means a person who carries on, for a fee or reward, the business of arranging the supply of the services of a nurse or a midwife.

Fraudulent registration, etc.**30.** Any person who —

- (a) procures or attempts to procure registration, enrolment, a certificate of registration, a certificate of enrolment or a practising certificate, by knowingly making or producing or causing to be made or produced any false or fraudulent declaration, certification, application or representation whether in writing or otherwise;
- (b) wilfully makes or causes to be made any false entry in the Register or Roll;
- (c) forges or alters a certificate of registration, a certificate of enrolment or a practising certificate;
- (d) fraudulently or dishonestly uses as genuine a certificate of registration, a certificate of enrolment or a practising certificate which he knows or has reason to believe is forged or altered; or
- (e) buys, sells or fraudulently obtains a certificate of registration, a certificate of enrolment or a practising certificate,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 6 months or to both.

PART V**NURSE SPECIALISTS****Interpretation of this Part****31.** In this Part —

“nurse specialist” means a person who is registered under section 32 as a nurse specialist;

“nurse specialist certificate” means a nurse specialist certificate issued under section 32;

“Nurse Specialist Register” means the Nurse Specialist Register kept under section 32.

Registration of nurse specialists, etc.

32.—(1) The Registrar shall keep and maintain a register to be called the Nurse Specialist Register which shall consist of such parts as the Board may determine.

(2) A registered nurse who —

- (a) holds such qualification, or has gained such special knowledge, in a specialised branch of nursing as may be approved by the Board;
- (b) has such experience in that branch of nursing as may be required by the Board; and
- (c) has fulfilled such further conditions as may be specified by the Board,

may apply to the Board to be registered as a nurse specialist.

(3) Upon the approval of an application referred to in subsection (2), the Board shall —

- (a) register the applicant as a nurse specialist in such part of the Nurse Specialist Register as the Board considers appropriate to his case; and
- (b) issue to him a nurse specialist certificate.

(4) The Board may, with the approval of the Minister, make regulations —

- (a) to provide for the form of the Nurse Specialist Register and the manner in which it shall be kept;
- (b) to regulate the alteration or correction of the Nurse Specialist Register;
- (c) to provide for matters relating to the registration of persons as nurse specialists;
- (d) to prescribe circumstances by which such registration may be cancelled, and to regulate the cancellation and restoration of such registration;

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- (e) to provide for appeals by persons against a refusal of the Board to register them as nurse specialists or the cancellation of their registrations;
 - (f) to regulate the issue of nurse specialist certificates and to prescribe the circumstances for their cancellation;
 - (g) to prescribe the fees payable in respect of —
 - (i) an application for registration as a nurse specialist; and
 - (ii) a restoration of such registration; and
 - (h) to regulate the practice and conduct of nurse specialists, including the use of titles and qualifications.

Publication of list of nurse specialists

33. The Registrar shall, from time to time, prepare and publish in the *Gazette* a list of the names, addresses and qualifications of all nurse specialists.

Certificate of Registrar

34. A certificate purporting to be under the hand of the Registrar to the effect that, at any time or during any period specified in the certificate, any person was or was not a nurse specialist, or had or did not have in force a nurse specialist certificate, or as to any entry in the Nurse Specialist Register, or the removal from the Nurse Specialist Register of any entry shall, in the absence of proof to the contrary, and without further proof of the signature appended to the certificate, be sufficient evidence of the matters specified therein.

False assumption of title of nurse specialist, etc.

- 35.** Any person who —
- (a) not being a nurse specialist, takes or uses the name or title of nurse specialist in any language, either alone or in combination with any other words or letters, or any name, title, addition, description, uniform or badge, implying that he is a nurse specialist;

- (b) knowing that some other person is not a nurse specialist and with intent to deceive, makes any statement or does any act calculated to suggest that such other person is a nurse specialist,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

PART VI

MISCELLANEOUS

Inspectors

36.—(1) The Board may appoint one or more public officers as inspectors to investigate the commission of an offence under this Act or any regulations made thereunder.

(2) In any case relating to the commission of an offence under this Act or any regulations made thereunder, an inspector shall have the power to do all or any of the following:

- (a) to require any person who the inspector has reason to believe has any article, document or information relevant to the carrying out of the provisions of this Act or the regulations made thereunder, to produce any such article or document, or give such information, and to retain such article or document, or make copies of such document;
- (b) to examine orally any person supposed to be acquainted with the facts and circumstances relevant to the carrying out of the provisions of this Act or the regulations made thereunder, and to reduce into writing the answer given or statement made by that person who shall be bound to state truly the facts and circumstances with which he is acquainted, and the statement made by that person shall be read over to him and shall, after correction, be signed by him;
- (c) to require by order in writing the attendance before him of any person who, from information given or otherwise, appears to be acquainted with facts and circumstances

relevant to the carrying out of the provisions of this Act or the regulations made thereunder.

(3) An inspector may apply to a Magistrate for a search warrant if the inspector has reasonable cause to believe that evidence of the commission of an offence under this Act or any regulations made thereunder can be found therein; and the Magistrate may, if satisfied that there are reasonable grounds for doing so, issue the warrant.

(4) A search warrant issued under subsection (3) authorises the inspector to whom it is directed to enter and search the premises referred to in the warrant and to seize any thing found on the premises which he reasonably believes is evidence of the commission of an offence under this Act or any regulations made thereunder.

(5) Any person who —

- (a) intentionally offers any resistance to or wilfully delays an inspector in the exercise of any power under subsection (2) or in pursuance of a search warrant issued under subsection (3); or
- (b) fails to comply with any requisition or order of an inspector under subsection (2),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

Complaints Committees

37.—(1) The Board may appoint one or more committees, to be known as Complaints Committees, to investigate any complaint or information in respect of any of the following matters:

- (a) the conviction of a registered nurse, enrolled nurse or registered midwife of an offence which renders him unfit to remain on the Register or Roll;
- (b) any misconduct, or negligence, of a registered nurse, enrolled nurse or registered midwife which renders him unfit to remain on the Register or Roll;

(c) the physical or mental fitness of a registered nurse, enrolled nurse or registered midwife to perform his functions.

(2) A Complaints Committee shall comprise such number of members as the Board may determine, and the members may include members of the Board.

(3) The Board shall appoint a member of a Complaints Committee as the Chairman of the Complaints Committee.

(4) The Board may at any time revoke the appointment of any Complaints Committee or remove any member of a Complaints Committee or fill any vacancy in the Complaints Committee.

(5) Subject to any regulations made under section 44, a Complaints Committee shall have the power to regulate its own procedure.

(6) A Complaints Committee shall, within 3 months from the date a complaint or matter is referred to it or such further period as the Board may grant, complete its investigation on the complaint or matter and report its findings and recommendation to the Board.

(7) A member of the Board who is a member of a Complaints Committee investigating any complaint or matter against a registered nurse, enrolled nurse or registered midwife shall not take part in any deliberation by the Board under section 19.

Powers of Complaints Committees to require attendance of witnesses, etc.

38.—(1) For the purposes of its investigation, a Complaints Committee may —

(a) require any person to produce any book, document, paper or other record which may be related to the subject-matter of the investigation; and

(b) require any person to attend at a specified time and place and give evidence or produce any such book, document, paper or record.

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- (2) Any person who without lawful excuse —
- (a) refuses or fails to comply with any requirement of the Complaints Committee under subsection (1); or
 - (b) refuses to answer or gives a false answer to any question put to him by a member of the Complaints Committee,
- shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Legal assessor and medical assessor

39.—(1) For the purposes of advising the Board and the Complaints Committees in any proceedings before any of them, the Board may appoint a legal assessor who shall be an advocate and solicitor of not less than 10 years standing.

(2) The legal assessor shall not participate or sit in any deliberations of the Board or a Complaints Committee unless invited to do so, and his participation shall be limited only to questions of law arising from the proceedings.

(3) The Board may appoint a medical assessor to assist the Board and the Complaints Committees in proceedings before any of them.

(4) The Board may pay to the legal assessor and medical assessor, as part of the expenses of the Board, such remuneration as the Board may determine.

Service of documents

40. Any notice, order or document required or authorised to be served or given under this Act or any regulations made thereunder shall be deemed to be sufficiently served or given —

- (a) by delivering a copy thereof personally or by leaving it with some adult person at the last known place of residence or business of the person on whom it is to be served or given; or
- (b) by sending it by registered post addressed to the person on whom it is to be served or given at his last known place of residence or business.

Where Board member is in public service

41. A member of the Board shall not be disqualified from being a member of a Complaints Committee, or from taking part in the deliberations of the Board for the purposes of taking action under section 19, by reason only that he, or the person who made the complaint or gave the information leading to the proceeding in question, is in the public service.

Funds of Board

42.—(1) All fees and other moneys payable under this Act or any regulations made thereunder shall be paid to the Board and any fee or other moneys not paid may be recovered by the Board as a debt due to the Board.

(2) All moneys received by the Board or the Registrar shall be paid into the funds of the Board.

(3) The costs and expenses of and incidental to the performance of the functions of the Board, a Complaints Committee and any committee appointed under section 10 shall be paid by the Board out of its funds.

(4) The Minister may pay into the funds of the Board such sum of money out of moneys provided by Parliament as the Minister may determine.

(5) The Board shall keep full and proper accounts of all moneys received and expended by it and the accounts shall be audited by an auditor or auditors approved by the Minister.

No action against Board in absence of bad faith

43. No action or proceeding shall lie against the Board, any committee appointed by the Board, a Complaints Committee, or any member or employee of the Board, committee or Complaints Committee for any act or thing done under this Act unless it is proved that the act or thing was done in bad faith or with malice.

Power of Board to make regulations

44.—(1) The Board may, with the approval of the Minister, make such regulations as may be necessary or expedient to give effect to the provisions and purposes of this Act and for the due administration thereof.

(2) Without prejudice to the generality of subsection (1), such regulations may —

- (a) provide for the duties of the Registrar;
- (b) provide for the forms of the Register and Roll and the mode in which they shall be kept;
- (c) regulate the alteration or correction of the Register and Roll;
- (d) regulate the renewal of registration under section 16(3);
- (e) regulate the issue of practising certificates;
- (f) regulate the procedure by which the Board takes action under section 19;
- (g) regulate the procedure of any committee appointed by the Board or of a Complaints Committee;
- (h) regulate the cancellation of registrations and enrolments, and the restoration of registrations and enrolments which are cancelled;
- (i) provide for matters relating to the accreditation of courses in nursing and in midwifery and of institutions providing such courses;
- (j) regulate the practice and conduct of registered nurses, enrolled nurses and registered midwives, including the use of titles and qualifications;
- (k) prescribe the forms and fees for the purposes of this Act;
- (l) provide that any person who contravenes any regulation shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000; and

- (*m*) prescribe such other matters as are necessary or authorised to be prescribed under this Act.

PART VII

REPEAL, TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS

Interpretation of this Part

45. In this Part —

- “appointed day” means the date of commencement of this Act;
- “previous Board” means the Singapore Nursing Board established under section 3 of the repealed Act;
- “previous Regulations” means the Nurses and Midwives Regulations (Cap. 209, Rg 1);
- “register of midwives” means the register of midwives maintained in pursuance of the repealed Act;
- “register of nurses” means the register of nurses maintained in pursuance of the repealed Act;
- “repealed Act” means the Nurses and Midwives Act (Cap. 209) repealed by section 46;
- “roll of nurses” means the roll of nurses maintained in pursuance of the repealed Act.

Repeal

46. The Nurses and Midwives Act (Cap. 209) is repealed.

Persons registered and enrolled under repealed Act

47.—(1) Every person who is a registered nurse under the repealed Act immediately before the appointed day shall —

- (*a*) if he was admitted to the register of nurses by virtue of regulation 10 of the previous Regulations, be deemed to be registered under section 16 as a registered nurse for such period as may be determined by the Board; or

(b) in any other case, be deemed to be registered under section 14 as a registered nurse.

(2) Every person who is an enrolled nurse under the repealed Act immediately before the appointed day shall —

(a) if he was admitted to the roll of nurses by virtue of regulation 10 of the previous Regulations, be deemed to be enrolled under section 16 as an enrolled nurse for such period as may be determined by the Board; or

(b) in any other case, be deemed to be enrolled under section 14 as an enrolled nurse.

(3) Every person who is a registered midwife under the repealed Act immediately before the appointed day shall —

(a) if he was admitted to the register of midwives by virtue of regulation 10 of the previous Regulations, be deemed to be registered as a registered midwife under section 16 for such period as may be determined by the Board; or

(b) in any other case, be deemed to be registered under section 14 as a registered midwife.

(4) Where the registration or enrolment of a person under the repealed Act is subject to any condition, the deemed registration or enrolment of that person under subsection (1), (2) or (3), as the case may be, shall, unless the Board otherwise decides, be subject to the same condition.

(5) The Registrar shall —

(a) transfer to such part of the Register of Nurses as the Board considers appropriate the name, address, qualifications and other particulars of a person referred to in subsection (1) which appear in the register of nurses;

(b) transfer to such part of the Roll as the Board considers appropriate the name, address, qualifications and other particulars of a person referred to in subsection (2) which appear in the roll of nurses; and

(c) transfer to the Register of Midwives the name, address, qualifications and other particulars of a person referred to in subsection (3) which appear in the register of midwives.

(6) The Registrar may, in carrying out the transfer under subsection (5), omit the particulars of any person known to the Registrar to be deceased.

(7) Section 23 shall apply, with the necessary modifications, to any person whose name was removed from the register of nurses, the roll of nurses or the register of midwives.

Saving of certificates

48. Any certificate granted under regulation 11 of the previous Regulations to a person upon his registration or enrolment under the repealed Act shall be deemed to be a certificate of registration or certificate of enrolment, as the case may be.

Pending disciplinary proceedings

49.—(1) This Act and the regulations made thereunder shall not apply to any proceedings of a disciplinary nature commenced before the appointed day, and the repealed Act and the previous Regulations shall continue to apply to those proceedings.

(2) For the purposes of subsection (1), the previous Board shall continue to exist to complete its hearing of those proceedings and make such order or decision as it could have made under the repealed Act and the previous Regulations.

(3) Any order or decision made by the previous Board under subsection (2) shall be treated as an order or decision of the Board and have the same force and effect as if it had been made by the Board under section 19.

Further transitional provisions

50. The Minister may by regulations make such further transitional provisions as he may consider necessary or expedient.

Consequential amendments to other written laws

51. The provisions of the written laws specified in the first column of the Schedule are amended in the manner set out in the second column thereof.

THE SCHEDULE

<i>First column</i>	<i>Second column</i>
(1) Infectious Diseases Act (Chapter 137, 1985 Ed.)	Delete the definition of “nurse” in section 2 and substitute the following definition: ““nurse” means a registered nurse or enrolled nurse within the meaning of the Nurses and Midwives Act 1999;”.
(2) Medicines Act (Chapter 176, 1985 Ed.)	(a) Delete the definition of “midwife” in section 2(1) and substitute the following definition: ““midwife” means a registered midwife within the meaning of the Nurses and Midwives Act 1999;”. (b) Delete the definition of “nurse” in section 2(1) and substitute the following definition: ““nurse” means a registered nurse or enrolled nurse within the meaning of the Nurses and Midwives Act 1999;”.
(3) Registration of Births and Deaths Act (Chapter 267, 1985 Ed.)	(a) Delete the words “midwife registered under the Nurses and Midwives Act” in the 4th and 5th lines of section 14(a) and substitute the words “registered midwife within the meaning of the Nurses and Midwives Act 1999”. (b) Delete the marginal reference “Cap. 209.” in section 14(a).
