

Cognizance of offences. 7. No Court shall take cognizance of an offence punishable under this Act except upon complaint made by order of the President of the Union, or upon complaint made, with the previous sanction of the President of the Union, by the Burma Medical Council.

Jurisdiction of Magistrates. 8. No Court inferior to that of a Magistrate of the first class shall try any offence punishable under this Act.

THE MIDWIVES AND NURSES ACT.

[BURMA ACT X, 1922.] (1st November, 1922.)

1. * * * *

Definitions.

2. In this Act—

- (a) "prescribed" means prescribed by rules made under this Act ;
- (b) "register" means a register maintained under section 4, and "registered" means registered in accordance with the provisions of that section.

Constitution of Council and term of office of members.

3. (1) There shall be established a Central Midwives and Nurses Council, hereinafter referred to as "the Council," which shall consist of sixteen¹ members, who shall be appointed in the manner following :—

- (a) by virtue of his office, [the Director of Health Services, Burma,]² who shall be the president of the Council ;
- (b) by virtue of office, the Superintendent of the Dufferin Hospital, Rangoon, [the Deputy Director (Public Health), Burma,]² [the Nursing Chief]³ and the Health Officer of the Municipal Corporation of the city of Rangoon ;
- (c) two registered medical practitioners to be nominated by the President of the Union ;
- (d) two registered medical practitioners to be nominated by the Burma Medical Council ;
- (e) two Matrons of Hospitals, to be nominated by the Burma Medical Council ;
- (f) one registered midwife and one registered nurse, to be elected by the registered midwives and nurses, respectively ; and
- ³ (g) three official or unofficial persons, not being of the classes referred to above, who have shown keen interest in the welfare of midwives and nurses, to be nominated by the President of the Union.

(2) The members of the Council, with the exception of the *ex-officio* members, shall hold office for a term of three years.

¹ Substituted by Act LVII, 1949, and subsequently by Act LXVI, 1954.

² Substituted by Act LXVI, 1954.

³ Inserted by Act LVII, 1949, and subsequently substituted by Act LXVI, 1954

(3) Any member who, without leave, fails to attend three consecutive meetings of the Council may be deemed to have resigned.

(4) If the place of a member of the Council becomes vacant before the expiration of his term of office, whether by death, resignation or otherwise, the vacancy shall be filled by appointment in the manner provided by sub-section (1).

(5) Any member ceasing to be a member of the Council shall be eligible for re-appointment.

(6) The powers of the Council may be exercised notwithstanding any vacancy in their number.

4. (1) The Council shall maintain a register of midwives and a register of nurses, and in each such register shall be entered, in two separate parts, the names of all midwives and nurses entitled to registration under clause (a) or clause (b) of sub-section (2), respectively. Registration of midwives and nurses.

(2) The following persons shall be entitled to registration under this Act, namely :—

- (a) midwives and nurses who have undergone the course of training, have passed the examinations, and fulfil the further conditions prescribed, respectively, therefor ;
- (b) midwives and nurses already in practice on the 1st November 1922,¹ and not entitled under clause (a), subject to such conditions and restrictions as may be prescribed, respectively, therefor.

5. Subject to such conditions, and in such manner, as may be prescribed, the Council may remove the name of any midwife or nurse from the register or restore thereto the name of any midwife or nurse which has been so removed. Removal and restoration of names.

6. (1) Any midwife or nurse aggrieved by an order of the Council may, within three months from the date on which notice of such order is given to her, appeal against the order to a Tribunal consisting of three persons selected as follows :— Appeal from Council to Tribunal.

- (a) one to be selected in rotation from a panel of not less than six persons, possessing not less than twelve years' experience as a Magistrate or Judge, to be nominated by the Chief Justice of the High Court ;
 - (b) one to be selected in rotation from a panel of not less than six registered medical practitioners to be elected in the prescribed manner by the Burma Medical Council ; and
 - (c) one midwife or nurse (as the case may be) to be selected from a panel of not less than six registered midwives or nurses, elected in the prescribed manner by such midwives and nurses.
- (2) The order of the Tribunal shall be final.

¹ Date of commencement of this Act.

Appeal to
President
against
refusal by
Council to
approve
training
institution
or person.

Disabilities
of unregis-
tered
person.

7. Any person aggrieved by the refusal of the Council to approve any institution or person for the purpose of the rules under this Act relating to training may appeal against the refusal to the President of the Union, and the President of the Union shall give such directions as he thinks proper, and the Council shall comply with any directions so given.

8. (1) Except with the special sanction of the President of the Union, no midwife or nurse shall be competent to hold any appointment in any dispensary, hospital, asylum, infirmary or lying-in hospital, which is supported partially or entirely by public funds or contributions, or by the funds or contributions of any public company, unless such midwife or nurse is registered under this Act.

(2) Within the limits of any area to which the President of the Union may, by notification, extend this sub-section and on the expiry of a period of one year and six months from the date of such notification, no person who is not a registered midwife shall practise as a midwife or practise midwifery :

Provided that this sub-section shall not apply to—

- (a) any medical practitioner registered under the Burma Medical Act;
- (b) any person rendering assistance in any case of emergency.

Rules by
Council.

9. (1) The Council may make rules generally for carrying out the purposes of this Act, and in particular—

- (a) for regulating the issue of certificates, the maintenance of the register and the conditions of admission thereto ;
- (b) for regulating the course of training, the recognition of institutions or persons authorized to train midwives and nurses and the conduct of examinations ;
- (c) for regulating elections of members of the Council and of the panels referred to in section 6 ;
- (d) for regulating, supervising and restricting within due limits the practice of registered midwives and nurses ;
- (e) for prescribing the causes for which, the conditions under which, and the manner in which, midwives or nurses may be suspended or excluded from the register, and the procedure for the restoration to the register of midwives and nurses who have been removed therefrom ;
- (f) for regulating the publication of the names of registered midwives and nurses and their residences ;
- (g) for prescribing the rates of fees to be charged for examinations and registrations ;
- (h) for regulating the summoning of meetings of the Council and its proceedings ;
- (i) for regulating the expenditure of the Council and providing for the audit thereof ;
- (j) for appointing one or more supervisors of the work of such registered midwives.

(2) No rule made by the Council shall come into force until it has been confirmed by the President of the Union.

(3) Every such rule shall, when so confirmed, be published in the Gazette.

(4) The President of the Union may, by notification, cancel or modify any such rule.

10. All fees levied under this Act and all other moneys received by the Council shall be applied for the purposes of this Act and in accordance with such rules as the President of the Union may make in this behalf. Disposal of fees.

11. The President of the Union shall make rules— Rules by President.

- (a) regulating the constitution and procedure of the Tribunal constituted under section 6, sub-section (1) ;
- (b) prescribing the fees to be levied by such Tribunal for the costs of the appeal ; and
- (c) determining the manner in which fees levied under this Act and all other moneys received by the Council shall be applied.

12. Any person who—

- (a) dishonestly makes use of any certificate of registration issued under the provisions of this Act to him or to any other person; or
- (b) procures or attempts to procure registration under the provisions of this Act by making or producing or causing to be made or produced any false or fraudulent declaration, certificate or representation, whether in writing or otherwise ; or
- (c) wilfully makes or causes to be made any false representation in any matter relating to the register or the certificates issued under the provisions of this Act ; or
- (d) contravenes the provisions of sub-section (2) of section 8 ;

Penalty for dishonest use of certificate, procuring registration by false means and falsification of register or certificate.

shall, on conviction by a Magistrate of the first class, be liable to fine not exceeding two hundred and fifty rupees, or to rigorous imprisonment for any term not exceeding six months, or both.

13. Any person who, not being a registered midwife or registered nurse, takes or uses the name or title of registered midwife or registered nurse, or uses any name or title, description, uniform or badge, or sign-board, implying that such person is a registered midwife or registered nurse, as the case may be, shall, on conviction by a Magistrate of the first class, be liable to fine not exceeding one hundred rupees, or to imprisonment for a term not exceeding one month, or both. Penalty for posing as registered midwife or nurse by a person who is not such.

14. Nothing in this Act respecting midwives or nurses shall apply to medical practitioners possessing qualifications entitling them to registration under the Burma Medical Act. Act not to apply to medical practitioners.