BILLE NA nALTRAÍ, 1984
NURSES BILL, 1984

Mar a ritheadh ag Dáil Éireann
As passed by Dáil Éireann

ARRANGEMENT OF SECTIONS

PART I
PRELIMINARY AND GENERAL

Section
1. Short Title.
2. Interpretation.
3. Commencement.
4. Establishment day.
5. Repeals.

PART II
AN BORD ALTRANAIS

6. Establishment of An Bord Altranais.
7. Dissolution of former Board.
8. Seal of Board.
9. Membership of Board.
10. Appointment of persons to be members of Board.
11. Election of members of the Board.
12. First meeting of the Board.
13. Committees of the Board.
14. Expenses of members of Board and committees.
15. Removal of Board from office.
16. Chief Executive Officer.
17. Other officers and servants of Board.
18. Age limits.
19. Superannuation.

[No. 19*b* of 1984]

Section
20. Membership of either House of Oireachtas or of Assembly of European Communities by officer or servant of Board.

21. Accounts of Board.

22. Power of Board to borrow.

23. Acceptance of gifts by Board.

24. Expenses of Board and Minister.

25. Fees.

26. Rules.

PART III

REGISTRATION

27. The register.

28. Registration in the register of nurses.

29. Correction of register.

30. Registration of persons in ancillary profession.

PART IV

EDUCATION AND TRAINING

31. Rules for courses of training and examinations for candidates for registration in the register of nurses.

32. Rules for courses of training and examinations for nurses.

33. Holding of examinations, etc.

34. Approval by the Board of hospitals and institutions suitable for training purposes.

35. Entry into hospital etc. for training.

36. Miscellaneous functions of Board in relation to education and training.

37. Duty to ensure compliance with minimum standards specified by Council of European Communities.

PART V

FITNESS TO PRACTISE

38. Inquiry by the Fitness to Practise Committee into the conduct of a nurse.

39. Erasure or suspension of registration from register for professional misconduct, unfitness to practise or failure to pay retention fee.

Section

40. Attaching of conditions to retention on register.

41. Powers of Board to advise, admonish, etc.

42. Erasure from register of persons convicted of indictable offences.

43. Continuance of existing inquiry.

44. Application by Board for order suspending registration.

45. Privilege in respect of certain matters.

46. Notification to Minister of name erased or restored and of suspensions imposed and terminated.

47. Restoration to register of name removed or termination of suspension for non-payment of retention fee.

PART VI

MISCELLANEOUS

48. Arrangements with persons to assist Board.

49. Improper use of title of nurse, midwife, etc.

50. Report by Board.

51. General advisory functions of Board.

52. Functions in relation to Directives etc. adopted by Council of European Communities.

53. Assignment to Board of additional functions.

54. References to An Bord Altranais.

55. Regulations.

56. Regulations regarding adaptations.

57. Notice to be given to health board by midwife.

58. Prohibition on attending childbirth.

59. Prosecution of offences.

FIRST SCHEDULE

ENACTMENTS REPEALED

SECOND SCHEDULE

RULES IN RELATION TO MEMBERSHIP AND MEETINGS OF AN BORD ALTRANAIS (THE NURSING BOARD)

Acts Referred to

Finance Act, 1895	58 and 59 Vic. c.16
Health Act, 1970	1970, No. 1
Local Government (Superannuation) Act, 1956	1956, No. 10
Local Government (Superannuation) Act, 1980	1980, No. 8
Medical Practitioners Act, 1978	1978, No. 4
Midwives Act, 1944	1944, No. 10
Nurses Act, 1950	1950, No. 27
Nurses Act, 1961	1961, No. 18
Petty Sessions (Ireland) Act, 1851	1851, c. 93

BILLE NA nALTRAÍ, 1984
NURSES BILL, 1984

BILL

entitled

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A BOARD TO BE KNOWN AS AN BORD ALTRANAIS OR, IN THE ENGLISH LANGUAGE, THE NURSING BOARD WHICH SHALL PROVIDE FOR THE REGISTRATION, CONTROL AND EDUCATION OF NURSES AND TO PROVIDE FOR OTHER MATTERS RELATING TO THE PRACTICE OF NURSING AND THE PERSONS ENGAGED IN SUCH PRACTICE AND TO PROVIDE FOR THE REPEAL OF THE NURSES ACTS, 1950 AND 1961, AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

Preliminary and General

Short Title.

1.—This Act may be cited as the Nurses Act, 1985.

Interpretation.

2.—In this Act—

"the Board" means An Bord Altranais or the Nursing Board established by this Act;

"establishment day" means the day appointed to be the establishment day under *section 4* of this Act;

"Fitness to Practise Committee" means the committee established by the Board under *section 13 (2)* of this Act;

"the former Board" means An Bord Altranais established under the Nurses Act, 1950;

"health board" means a health board established under the Health Act, 1970;

"Member State" means a state, other than the State, which is a member of the European Economic Communities;

"midwife" means a person whose name is entered in the midwives division of the register;

"the Minister" means the Minister for Health;

"nurse" means a woman or a man whose name is entered in the register and includes a midwife and "nursing" includes "midwifery";

"prescribed" means prescribed by rules made by the Board;

"the register" means the register of nurses established under *section 27* of this Act;

"registered medical practitioner" means a person whose name is entered in the General Register of Medical Practitioners established under the Medical Practitioners Act, 1978;

"rules" means rules made under *section 26* of this Act.

Commencement.

3.—This Act shall come into operation on such day or days as may be fixed therefor by order or orders of the Minister either generally or with reference to a particular purpose or provision and different days may be so fixed for different purposes and different provisions of this Act.

Establishment day.

4.—The Minister may by order appoint a day to be the establishment day for the purposes of this Act.

Repeals.

5.—The enactments specified in the *First Schedule* to this Act are hereby repealed.

PART II

An Bord Altranais

Establishment of An Bord Altranais.

6.—(1) There shall, by virtue of this section, be established on the establishment day a body to be known as An Bord Altranais or, in the English language, as the Nursing Board (in this Act referred to as the Board) the general concern of which shall be to promote high standards of professional education and training and professional conduct among nurses, and which shall, in particular, fulfil the functions assigned to it by this Act.

(2) The Board shall be a body corporate with perpetual succession and power to sue and be sued in its corporate name and to acquire, hold and dispose of land.

(3) The Board may, subject to the provisions of this Act, regulate its own procedure.

(4) The *Second Schedule* to this Act shall apply to the Board.

Dissolution of former Board.

7.—(1) The former Board shall, on the establishment day, be dissolved by virtue of this section.

(2) All property, whether real or personal (including choses-in-action), which immediately before the establishment day was vested

in or belonged to or was held in trust or subject to conditions for the former Board, and all rights, powers and privileges relating to or connected with any such property, shall on the establishment day, without any conveyance or assignment but subject where necessary to transfer in the books of any bank, corporation or company, become and be vested in or the property of or held in trust or subject to conditions for (as the case may require) the Board.

(3) All property transferred by this section which immediately before the establishment day was standing in the books of any bank or was registered in the books of any bank, corporation or company in the name of the former Board shall, upon the request of the Board made at any time on or after the establishment day, be transferred in those books by the bank, corporation or company into the name of the Board.

(4) Every chose-in-action transferred by this section may, on or after the establishment day, be sued upon, recovered, or enforced by the Board in its own name and it shall not be necessary for the Board to give notice to the person bound by any such chose-in-action of the transfer effected by this section.

(5) Every debt or other liability (including unliquidated liabilities arising from torts or breaches of contract) which immediately before the establishment day is owing and unpaid and is undischarged by the former Board shall, on the establishment day, become and be the debt or liability of the Board and shall be paid and discharged by and may be recovered from and enforced against the Board accordingly.

(6) Every contract which was entered into and is in force immediately before the establishment day between the former Board and any person shall continue in force on or after the establishment day but it shall be construed and have effect as if the Board were substituted therein for the former Board and shall be enforceable by or against the Board accordingly.

(7) Where immediately before the establishment day, any legal proceedings are pending to which the former Board is a party, the name of the Board shall be substituted for that of the former Board and the proceedings shall not abate by reason of such substitution.

(8) Section 12 of the Finance Act, 1895, shall not apply to the vesting in the Board of the property or rights transferred by this section.

(9) Any contract of service (express or implied) in force immediately before the establishment day between the former Board and any person shall continue in force on or after the establishment day, but shall be construed and have effect as if the name of the Board were substituted therein for the name of the former Board and every such contract shall be enforceable accordingly by or against the Board.

Seal of Board.

8.—(1) The Board shall as soon as may be after its establishment provide itself with a seal.

(2) The seal of the Board shall be authenticated by the signature of the President of the Board or such other member thereof as may be authorised by the Board to act in that behalf and the signature of an officer of the Board authorised by the Board to act in that behalf.

(3) Judicial notice shall be taken of the seal of the Board and every document purporting to be an instrument made by the Board and to

be sealed with the seal (purporting to be authenticated in accordance with this section) of the Board shall be received in evidence and be deemed to be such instrument without further proof unless the contrary is shown.

Membership of Board.

9.—(1) The Board shall consist of 29 members appointed in the following manner, that is to say—

(*a*) five nurses resident in the State and who are engaged in training nurses of whom—

(i) one shall represent nurses who are training nurses in general nursing,

(ii) one shall represent nurses who are training nurses in paediatric nursing,

(iii) one shall represent nurses who are training nurses in psychiatric nursing,

(iv) one shall represent nurses who are training nurses in the care of mentally handicapped persons, and

(v) one shall represent nurses who are training nurses in midwifery,

elected by nurses;

(*b*) five nurses resident in the State and who are engaged in nursing administration of whom—

(i) one shall represent nurses who are engaged in general nursing administration,

(ii) one shall represent nurses who are engaged in the administration of public health nursing,

(iii) one shall represent nurses who are engaged in the administration of psychiatric nursing,

(iv) one shall represent nurses who are engaged in the administration of midwifery, and

(v) one shall represent nurses who are engaged in the administration of nursing of mentally handicapped persons,

elected by nurses;

(*c*) seven nurses resident in the State who are engaged in clinical nursing practice of whom—

(i) two shall represent nurses who are engaged in clinical practice in general nursing,

(ii) two shall represent nurses who are engaged in clinical practice in psychiatric nursing,

(iii) one shall represent nurses who are engaged in clinical practice in midwifery,

(iv) one shall represent nurses who are engaged in clinical practice in public health nursing, and

(v) one shall represent nurses who are engaged in clinical practice in the nursing of mentally handicapped persons,

elected by nurses;

(*d*) twelve persons appointed by the Minister, after consultation with such bodies or organisations as he considers suitable to advise him, of whom—

(i) one shall be a registered medical practitioner engaged in the practice of medicine in a hospital approved of by the Board for the training of general nurses,

(ii) one shall be a registered medical practitioner engaged in the practice of medicine in a hospital approved of by the Board for the training of psychiatric nurses,

(iii) one shall be a registered medical practitioner engaged in the practice of obstetrics in a hospital approved of by the Board for the training of midwives,

(iv) one shall be a person representative of the management of health boards,

(v) one shall be a person representative of the management of hospitals, other than hospitals administered by health boards,

(vi) two shall be persons representative of the Department of Health,

(vii) one shall be a person who is experienced in the field of education,

(viii) one shall be a person representative of third level educational establishments which are involved in the education and training of nurses,

(ix) one shall be a nurse, and

(x) two shall be persons representative of the interest of the general public.

(2) An appointment shall not be made by the Minister pursuant to *paragraph (d) (vii)* or *paragraph (d) (viii)* of *subsection (1)* of this section without the consent of the Minister for Education.

(3) The Minister may, by regulations made after consultation with the Board, vary the provisions of *subsection (1)* of this section.

(4) Whenever the Minister proposes to make regulations pursuant to *subsection (3)* of this section, a draft of the proposed regulations shall be laid before each House of the Oireachtas and the regulations shall not be made until a resolution approving of the draft has been passed by each House.

Appointment of persons to be members of Board.

10.—The Minister shall take all steps necessary to secure the appointment of members to the first Board established after the

commencement of this Act and the Board shall take all steps necessary to secure the appointment of members to any subsequent Board.

Election of members of the Board.

11.—(1) Before the establishment day, in the case of the first election of members to the Board pursuant to this Act, and before the commencement of their term of office in the case of every subsequent election, the members of the Board to be elected in accordance with *section 9 (1) (a), (b)* and *(c)* of this Act, shall be elected by way of an election held in accordance with rules made by the Minister, in the case of the first election, and in accordance with rules made by the Board, with the approval of the Minister, in the case of every subsequent election, and any such rules may, in particular, specify the qualifications to be held by candidates for election to the Board, the persons who shall be entitled to nominate a candidate for election or to vote in an election and may specify a particular class or classes of nurse who shall be entitled to vote for any particular class of nurse.

(2) In the case of the first election to the Board, the returning officer for that election shall be appointed by the Minister, and in the case of every subsequent election, the returning officer for such election shall be appointed by the Board.

First meeting of the Board.

12.—(1) The first meeting of the Board shall be held on a day to be appointed by the Minister and the Minister shall notify the members of the Board of the time and place of such meeting.

(2) The Board shall meet at the time and place appointed by the Minister under this section for its first meeting and shall thereupon enter on its duties under this Act.

Committees of the Board.

13.—(1) The Board may, subject to the subsequent provisions of this section, from time to time establish committees to perform such, if any, functions of the Board as, in the opinion of the Board, may be better or more conveniently performed by a committee, and are assigned to a committee by the Board.

(2) In particular and without prejudice to the generality of *subsection (1)* of this section, the Board shall establish a committee in relation to its functions under *Part V* of this Act.

(3) A committee established under this section, other than the committee referred to in *subsection (2)* of this section may, if the Board thinks fit, include in its membership persons who are not members of the Board.

(4) The chairman of every committee established under this section shall be a member of the Board provided that in the case of the committee referred to in *subsection (2)* of this section the chairman shall be a member of the Board other than the President or the Vice-President of the Board.

(5) Every member of the committee established under *subsection (2)* of this section shall be a member of the Board.

(6) A majority of the members of the committee referred to in *subsection (2)* of this section shall be persons who have been appointed by election to the Board and at least one-third of the members of that committee shall be persons other than persons who have been appointed by election to the Board.

(7) The acts of a committee established under this section shall be subject to confirmation by the Board unless the Board, at any time, dispenses with the necessity for such confirmation.

(8) The Board may, subject to the provisions of this Act, regulate the procedure of committees established under this section, but, subject to any such regulation, committees established under this section may regulate their own procedure.

Expenses of members of Board and committees.

14.—A member of the Board or of any committee established by the Board shall be paid, out of funds at the disposal of the Board, such allowances for travelling and subsistence expenses incurred in respect of his attendance at a meeting of the Board or otherwise in connection with the affairs of the Board as the Minister, with the consent of the Minister for the Public Service, may determine.

Removal of Board from office.

15.—(1) If the Board fails, neglects or refuses to perform any function assigned to it under this Act, the Minister may, by order, direct the Board to discharge that function and for that purpose to do such other matters or things ancillary or incidental thereto as may be specified in the order.

(2) If the Board fails to comply with any direction of the Minister contained in an order made by him under *subsection (1)* of this section, the Minister may, by order, remove from office the members of the Board.

(3) An order made by the Minister under this section may contain such provisions as the Minister considers necessary to enable the functions of the Board to be performed notwithstanding the removal from office of its members, and any such order may, in particular, appoint a person or persons to discharge all or any of the functions of the Board.

(4) The Minister may amend or revoke an order made under this section, including this subsection.

(5) Every order under this section shall be laid before each House of the Oireachtas as soon as may be after it is made, and, if a resolution annulling the order is passed by either House of the Oireachtas within the next twenty-one days on which that House has sat after the order is laid before it, the order shall be annulled accordingly and in case of an order made under *subsection (2)* of this section the members of the Board who had been removed from office by virtue of the order shall be restored to office but without prejudice to the validity of anything previously done by any person or persons appointed to discharge all or any of the functions of the Board under and by virtue of the order.

Chief Executive Officer.

16.—(1) There shall be a chief officer who shall act and be known as the Chief Executive Officer of the Board.

(2) The Chief Executive Officer shall be appointed by the Board and shall hold his office on such terms and conditions and shall perform such duties as the Board, with the consent of the Minister, from time to time determines.

(3) There shall be paid by the Board to its Chief Executive Officer out of funds at its disposal such remuneration and allowances as the Board, with the consent of the Minister, from time to time determines.

(4) The Minister may, whenever and so often as he thinks fit, declare that any power conferred on the Board by this section shall be exercisable only with the consent of the Minister and whenever any such declaration is in force, the said power may be exercisable only with such consent.

Other officers and servants of Board.

17.—(1) In addition to the Chief Executive Officer, there shall be appointed such and so many persons to be officers and servants of the Board as the Board, with the consent of the Minister, from time to time determines.

(2) An officer or servant of the Board shall be appointed by the Chief Executive Officer and shall hold his office or employment on such terms and conditions and shall perform such duties as the Chief Executive Officer from time to time determines.

(3) There shall be paid by the Board to its officers and servants other than the Chief Executive Officer out of funds at its disposal such remuneration and allowances as the Chief Executive Officer, with the consent of the Minister, from time to time determines.

(4) The Minister may, whenever and as often as he thinks fit, declare that any power conferred on the Board or the Chief Executive Officer by this section shall be exercisable only with the consent of the Minister and whenever any such declaration is in force, the said power may, in relation to any office or employment to which the declaration applies, be exercisable only with such consent.

Age limits.

18.—A person who is a permanent officer of the Board shall cease to be a permanent officer on his attaining the age of 65 years.

Superannuation.

19.—The Local Government (Superannuation) Act, 1956, shall apply to the Board and its officers and servants as if it were a local authority, and they were officers and servants of a local authority, and the Local Government (Superannuation) Act, 1980, shall apply to the Board and its officers and servants as if it were a body to which section 2 of that Act applies and they were officers and servants of such a body, but the said two Acts shall apply to the Board subject to any modifications (including modifications to any scheme or regulations made under the said Local Government (Superannuation) Act, 1980, and modifications relating to service reckonable as pensionable service) which may, with the consent of the Minister for the Environment, be determined by the Minister.

Membership of either House of Oireachtas or of Assembly of European Communities by officer or servant of Board.

20.—(1) Where a person who is either an officer or servant of the Board is nominated as a member of Seanad Éireann or as a candidate for election to either House of the Oireachtas or to the Assembly of the European Communities or is appointed to such Assembly, he shall stand seconded from employment by the Board and shall not be paid by, or entitled to receive from the Board any remuneration or allowances—

(*a*) in case he is nominated as a member of Seanad Éireann or is appointed to such Assembly, in respect of the period commencing on such nomination or appointment, as the

case may be, and ending when he ceases to be a member of Seanad Éireann or such Assembly,

(*b*) in case he is nominated as a candidate for election to either such House or to such Assembly, in respect of the period commencing on his nomination and ending when he ceases to be a member of that House or that Assembly, as the case may be, or fails to be elected or withdraws his candidature, as may be appropriate.

(2) A person who is, for the time being, entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a member of the Assembly of the European Communities shall, while he is so entitled or is such a member, be disqualified from becoming an officer or servant of the Board.

(3) Without prejudice to the generality of *subsection (1)* of this section, that subsection shall be construed as prohibiting the reckoning of a period mentioned in *paragraph (a)* or *paragraph (b)* of that subsection as service with the Board for the purpose of any superannuation benefit.

Accounts of Board.

21.—(1) The Board shall keep all proper accounts of all income and expenditure of the Board and of the sources of such income and the subject matter of such expenditure and the Board shall keep all proper accounts of property, assets and liabilities of the Board.

(2) The accounts of the Board shall be audited at least once in every year by an auditor appointed for that purpose by the Minister and the fees of such auditor and the expenses generally of such audit shall be paid by the Board as soon as may be after each such audit.

(3) As soon as may be after each audit under this section, a copy of the accounts of the Board and the auditor's certificate and report thereon shall be given to the Minister.

(4) As soon as may be after each audit under this section, the Board shall cause such accounts and the auditor's certificate and report thereon to be printed, published and put on sale, and immediately after each such publication, a copy of such accounts and such certificate and report thereon as so printed and published shall be laid before each House of the Oireachtas.

Power of Board to borrow.

22.—(1) The Board may, subject to any conditions which may be imposed by the Minister, or in accordance with any directions given by him, borrow money for capital or current purposes.

(2) Any moneys borrowed by the Board pursuant to this section and any interest accruing thereon may be secured on the revenue, funds or property of the Board.

Acceptance of gifts by Board.

23.—(1) The Board may accept gifts of money, land or other property upon such trusts and conditions, if any, as may be specified by the donor.

(2) The Board shall not accept a gift if the conditions attached to the acceptance by the donor are inconsistent with the functions of the Board.

Expenses of Board and Minister.

24.—(1) All expenses incurred by the Board shall be defrayed by the Board out of funds at the disposal of the Board.

(2) Any expenses incurred by the Minister in the administration of this Act shall, to such extent as may be approved by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Fees.

25.—The Board may charge such fees as may, from time to time, be determined by the Board, with the consent of the Minister, for—

(*a*) the registration of a person in the register,

(*b*) the retention of the name of a person in the register,

(*c*) the restoration in the register of the name of any person whose name has been erased or removed pursuant to the provisions of this Act from the register,

(*d*) the giving to any person of a certificate of registration,

(*e*) the registration of any candidate for nurse training in any register maintained by the Board,

(*f*) entry into any examination conducted by the Board,

(*g*) applications to undergo nurse training,

(*h*) any other service which the Board may, from time to time, provide.

Rules.

26.—The Board may, with the approval of the Minister, make rules for the purpose of the operation of this Act and any such rules may, *inter alia,* provide for the establishment, membership, functions and procedures of committees to assist the Board in carrying out its functions under this Act.

PART III

Registration

The register.

27.—(1) The Board shall, in accordance with rules made by the Board, maintain a register of nurses (in this Act referred to as the register) which shall be divided into the divisions specified in such rules and such divisions shall include a division applicable to midwives.

(2) The Board shall as soon as may be after its establishment prepare and establish the register.

(3) Any reference in this Act to the register of nurses shall, unless the context otherwise requires, be deemed to include a reference to any division of the register and "registered" and "registration" shall be construed accordingly.

(4) The Board shall publish the register of nurses or any division or divisions thereof at such times and in such manner as the Minister may direct.

(5) Any change in the name or address of a nurse shall be notified to the Board by the nurse.

(6) The Board shall take such steps as it considers necessary from time to time to ensure that the names and addresses of persons registered in the register are accurate.

(7) Every person whose name is entered on the register shall, as soon as may be after that person's registration has been completed,

be sent by the Board a certificate stating that his name has been entered in the register.

(8) A certificate issued by the Chief Executive Officer that the name of the person to whom the certificate relates is entered in the register shall, without proof of the signature of the person purporting to sign the certificate or that that person was the proper person so to sign, be evidence in any legal proceedings of the matters certified in the certificate, until the contrary is shown.

Registration in the register of nurses.

28. —(1) The Board shall, in accordance with rules, register in the register every person who satisfies the Board that he complies with the prescribed conditions for registration.

(2) The Board may register a person in more than one division of the register if such person applies and satisfies the prescribed conditions for registration in each such division.

(3) Every person whose name, at the date of the establishment of the register, is entered on the register of nurses maintained by the former Board pursuant to the Nurses Act, 1950, shall be registered in the register.

(4) Every person who is a national of a Member State and has been awarded a qualification in nursing in a Member State which, pursuant to the provisions of any Directive adopted by the Council of the European Communities, the State is obliged to recognise, shall, on making an application in the form and manner specified in rules made by the Board, and on payment of such fee as may be so specified, be registered in the register.

(5) Nothing in this section shall operate to prevent the Board from refusing to register the name of any person, who is otherwise entitled to be registered, on the grounds of the unfitness of that person to engage in the practice of nursing.

(6) On making a decision pursuant to *subsection (5)* of this section, the Board shall forthwith send by pre-paid post to the person to whom the decision relates a notice in writing stating the decision, the date thereof and the reasons therefor.

(7) A person to whom a decision under *subsection (5)* of this section relates may, within the period of two months, beginning on the date of the decision, apply to the High Court for cancellation of the decision and, if such person so applies, the High Court, on the hearing of the application, may—

(*a*) declare that it was proper for the Board to make the decision, or

(*b*) cancel the decision and direct the Board to register the name of the person making the application, or

(*c*) cancel the decision and—

(i) direct the Board to make a new decision, or

(ii) give such other directions to the Board as the Court thinks proper.

Correction of register.

29.—(1) For the purpose of keeping the register correct, the Board shall from time to time as occasion demands correct all verbal or clerical errors in such register, remove therefrom all entries therein procured by fraud or misrepresentation, enter in the register every change which comes to its knowledge in the addresses of the persons registered therein, and remove from the register the names of all

persons whose death has either been notified to, or come to the knowledge of, the Board.

(2) Whenever the Board takes any action under *subsection (1)* of this section for the purpose of keeping the register correct, the Board shall forthwith notify the person concerned, or his next of kin, as the case may be, of the actions taken and the reasons therefor.

Registration of persons in ancillary profession.

30.—The Board may, with the consent of the Minister, register in a register maintained for that purpose, the names of persons who are engaged in a profession or calling which is ancillary to nursing, and the provisions of this Act, subject to such modifications as may be specified in rules made by the Board, with the approval of the Minister, shall apply to any such registration.

PART IV

Education and Training

Rules for courses of training and examinations for candidates for registration in the register of nurses.

31.—The Board may, in accordance with rules, provide or make provision for the courses of training and examinations to be taken by candidates for registration in the register of nurses and may prescribe the manner in which and the conditions under which training shall be provided and such rules may, in particular, provide for—

(*a*) the approval by the Board for the purposes of such rules of lecturers and teachers,

(*b*) the conditions of admission to the examinations, and

(*c*) the granting of certificates to persons taking the courses and passing the examinations.

Rules for courses of training and examinations for nurses.

32.—The Board may, in accordance with rules, provide or make provision for courses of training and examinations for nurses, and for the granting to nurses taking such courses and passing such examinations of certificates or diplomas, and may prescribe the manner in which and the conditions under which training shall be provided, and such rules may, in particular, provide for—

(*a*) the approval by the Board for the purposes of such rules of lecturers and teachers,

(*b*) the conditions of admission to the examinations, and

(*c*) the granting of certificates to persons taking the courses and passing the examinations.

Holding of examinations, etc.

33.—(1) The Board may hold the examinations provided for by rules and may, by such rules, regulate the conduct of such examinations.

(2) The examiners (none of whom shall be a member of the Board) at every examination held under this section shall be appointed by the Board, shall hold such qualifications and have such experience in relation to nursing as the Board thinks proper, and shall be remuner-

ated in accordance with a scale fixed by the Board with the approval of the Minister.

Approval by the Board of hospitals and institutions suitable for training purposes.

34.—(1) Where the Board, on application made to it in that behalf, is satisfied that a hospital or institution is suitable for the training of nurses or of candidates for registration in the register of nurses, the Board shall approve of the hospital or institution for such training.

(2) For the purposes of giving effect to the provisions of *subsection (1)* of this section the Board may, by rules, specify conditions of suitability for hospitals and institutions.

(3) Every hospital or institution approved of by the former Board for the purposes of section 53 of the Nurses Act, 1950, shall be deemed, unless the Board determines otherwise, to have been approved of by the Board.

(4) The Board may, with the consent of the Minister, withdraw an approval under this section of a hospital or an institution.

(5) A hospital or an institution of which the Board has refused to approve may apply to the Minister to direct the Board to approve of it and if the Minister, after consideration of the facts of the case, gives the direction, the Board shall approve of the hospital or institution.

Entry into hospital etc. for training.

35.—(1) The Board may determine the minimum educational requirements necessary for entry for training as a nurse into a hospital or institution approved of by the Board pursuant to *section 34* of this Act.

(2) The Board may, if it so determines, establish a central applications bureau to process applications from persons wishing to undertake training as a nurse.

(3) If the Board establishes, pursuant to *subsection (2)* of this section, a central applications bureau, a hospital or institution approved of by the Board pursuant to *section 34* of this Act shall not, without the consent of the Board, accept for training any person who is not approved of and recommended by the Board.

Miscellaneous functions of Board in relation to education and training.

36.—(1) The Board shall, from time to time as occasion may require but, in any event, not less than once in every five years, satisfy itself as to—

(*a*) the suitability of the education and training for nurses provided by any hospital or institution approved of by the Board pursuant to *section 34* of this Act,

(*b*) the standards of theoretical and practical knowledge required for examinations,

(*c*) the clinical training and experience provided in any training programme organised by a hospital or institution approved of by the Board pursuant to *section 34* of this Act, and

(*d*) the adequacy and suitability of post registration training courses for nurses provided by bodies recognised by the Board for that purpose.

(2) The Board may engage in research into the education and training of nurses, including the formulation of experimental curricula

and the evaluation of existing programmes and examination and assessment procedures.

(3) The Board may maintain statistical records and make such records available for research and planning, including manpower planning purposes.

Duty to ensure compliance with minimum standards specified by Council of European Communities.

37.—The Board shall ensure that the requirements relating to the education and training of nurses or of candidates for registration in the register will satisfy the minimum standards specified in any Directive or Regulation adopted or made by the Council of the European Communities which relates to qualifications required by nurses to secure registration.

PART V

Fitness to Practise

Inquiry by the Fitness to Practise Committee into the conduct of a nurse.

38.—(1) The Board or any person may apply to the Fitness to Practise Committee for an inquiry into the fitness of a nurse to practise nursing on the grounds of—

(*a*) alleged professional misconduct, or

(*b*) alleged unfitness to engage in such practice by reason of physical or mental disability,

and the application shall, subject to the provisions of this Act, be considered by the Fitness to Practise Committee.

(2) Where an application is made under this section and the Fitness to Practise Committee, after consideration of the application, is of opinion that there is not sufficient cause to warrant the holding of an inquiry, it shall so inform the Board and the Board, having considered the matter, may decide that no further action shall be taken in relation to the matter and shall so inform the Committee and the applicant, or it may direct the Committee to hold an inquiry into the matter in accordance with the provisions of this section.

(3) Where an application for an inquiry is made under this section and the Fitness to Practise Committee, after consideration of the application, is either of opinion that there is a *prima facie* case for holding the inquiry or has been given a direction by the Board pursuant to *subsection (2)* of this section to hold the inquiry, the following shall have effect—

(*a*) the Committee shall proceed to hold the inquiry,

(*b*) the Chief Executive Officer, or any other person with the leave of the Fitness to Practise Committee, shall present to the Committee the evidence of alleged professional misconduct or unfitness to practise by reason of physical or mental disability, as the case may be,

(*c*) on completion of the inquiry, the Fitness to Practise Committee shall embody its findings in a report to the Board specifying therein the nature of the application and the

evidence laid before it and any other matters in relation to the nurse which it may think fit to report including its opinion, having regard to the contents of the report, as to—

(i) the alleged professional misconduct of the nurse, or

(ii) the fitness or otherwise of that nurse to engage in the practice of nursing by reason of alleged physical or mental disability,

as the case may be.

(4) When it is proposed to hold an inquiry under *subsection (3)* of this section the person who is the subject of the inquiry shall be given notice in writing by the Chief Executive Officer sent by pre-paid post to the address of that person as stated in the register of the nature of the evidence proposed to be considered at the inquiry and that person and any person representing him shall be given the opportunity of being present at the hearing.

(5) The findings of the Fitness to Practise Committee on any matter referred to it and the decision of the Board on any report made to it by the Fitness to Practise Committee shall not be made public without the consent of the person who has been the subject of the inquiry before the Fitness to Practise Committee unless such person has been found, as a result of such inquiry, to be—

(*a*) guilty of professional misconduct, or

(*b*) unfit to engage in the practice of nursing because of physical or mental disability,

as the case may be.

(6) The Fitness to Practise Committee shall for the purpose of an inquiry held under *subsection (3)* of this section have the powers, rights and privileges vested in the High Court or a judge thereof on the hearing of an action in respect of—

(*a*) the enforcement of the attendance of witnesses and their examination on oath or otherwise, and

(*b*) the compelling of the production of documents,

and a summons signed by the Chairman of the Committee or by such other member of the Committee as may be authorised by the Committee for that purpose may be substituted for and shall be equivalent to any formal procedure capable of being issued in an action for enforcing the attendance of witnesses and compelling the production of documents.

(7) Where—

(*a*) a person on being duly summoned to attend before the Fitness to Practise Committee makes default in attending, or

(*b*) a person, being in attendance as a witness before the Fitness to Practise Committee, refuses to take an oath lawfully required by the Fitness to Practise Committee to be taken, or to produce any document in his power or control lawfully required by the Fitness to Practise Committee to be produced by him or to answer any question to which

the Fitness to Practise Committee may lawfully require an answer, or

(*c*) a person, being in attendance before the Fitness to Practise Committee, does anything which, if the Fitness to Practise Committee were a court of law having power to commit for contempt, would be contempt of court,

such person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.

(8) A witness before the Fitness to Practise Committee shall be entitled to the same immunities and privileges as if he were a witness before the High Court.

Erasure or suspension of registration from register for professional misconduct, unfitness to practise or failure to pay retention fee.

39.—(1) Where a nurse—

(*a*) has been found, by the Fitness to Practise Committee, on the basis of an inquiry and report pursuant to *section 38* of this Act, to be guilty of professional misconduct or to be unfit to engage in the practice of nursing because of physical or mental disability, or

(*b*) has failed to pay a retention fee charged by the Board after the Board had, not less than two months previously by notice in writing sent by pre-paid post to the person, at his address as stated in the register, requested payment of the fee on more than one occasion,

the Board may decide that the name of such person should be erased from the register or that, during a period of specified duration, registration of the person's name in the register should not have effect.

(2) On making a decision under this section, the Board shall forthwith send by pre-paid post to the person to whom the decision relates, at his address as stated in the register, a notice in writing stating the decision, the date thereof and the reasons therefor.

(3) A person to whom a decision under this section relates may, within the period of 21 days, beginning on the date of the decision, apply to the High Court for cancellation of the decision and if such person so applies—

(*a*) The High Court, on the hearing of the application, may—

(i) cancel the decision, or

(ii) declare that it was proper for the Board to make a decision under this section in relation to such person and either (as the Court may consider proper) direct the Board to erase such person's name from the register or direct that during a specified period (beginning not earlier than 7 days after the decision of the Court) registration of the person's name in the register shall not have effect, or

(iii) give such other directions to the Board as the Court thinks proper,

(*b*) if at any time the Board satisfies the High Court that such person has delayed unduly in proceeding with the application, the High Court shall, unless it sees good reason to the contrary, declare that it was proper for the Board to make a decision under this section in relation to such

person and either (as the Court may consider proper) direct the Board to erase the person's name from the register or direct that during a specified period (beginning not earlier than 7 days after the decision of the Court) registration of the person's name in the register shall not have effect,

(*c*) the High Court may direct how the costs of the application are to be borne.

(4) Where a person to whom a decision of the Board under this section relates does not, within the period of 21 days beginning on the date of the decision, apply to the High Court for cancellation of the decision, the Board may apply *ex parte* to the High Court for confirmation of the decision and, if the Board so applies, the High Court, on the hearing of the application shall, unless it sees good reason to the contrary, declare accordingly and either (as the Court may consider proper) direct the Board to erase the name of such person from the register or direct that during a specified period (beginning not earlier than 7 days after the decision of the Court) registration of the person's name in the register shall not have effect.

(5) The decision of the High Court on an application under this section shall be final, save that, by leave of that Court or the Supreme Court, an appeal, by the Board or the person concerned, from the decision shall lie to the Supreme Court on a specified question of law.

(6) (*a*) On erasing the name of a person from the register under this section, the Board shall forthwith send by pre-paid post to such person, at his address as stated in the register, notice in writing of the erasure.

(*b*) Where a direction is given under this section that during a specified period registration of the name of a person in the register shall not have effect, the Board shall, before the commencement of that period, send by pre-paid post to such person, at his address as stated in the register, notice in writing of such direction.

(7) The name of any person which has been erased from the register under this section may at any time be restored to that register by direction of the Board but not otherwise, and when a person's name is so restored to that register, the Board may attach to the restoration such conditions (including the payment of a fee not exceeding the fee which would be payable by such person for registration if he was then being registered for the first time) as the Board thinks fit.

(8) Where the registration of a person in the register has ceased to have effect under this section for a period of specified duration, the Board may, if it so thinks fit, on application made to it by such person, by direction terminate the suspension.

(9) On the hearing of an application under this section, the High Court may, if it thinks proper to do so, admit and have regard to evidence of any person of standing in the nursing profession as to what is professional misconduct.

Attaching of conditions to retention on register.

40.—(1) The Board, following an inquiry and report by the Fitness to Practise Committee pursuant to *section 38* of this Act, may decide to attach such conditions as it thinks fit to the retention in the register of a person whose name is entered in the register.

(2) On making a decision under this section, the Board shall forthwith send by pre-paid post to the person to whom the decision relates, at his address as stated in the register, a notice in writing stating the decision, the date thereof and the reasons therefor.

(3) A person to whom a decision under this section relates may, within the period of 21 days beginning on the date of the decision, apply to the High Court for cancellation of the decision and if he so applies—

(*a*) The High Court, on the hearing of the application, may—

(i) cancel the decision, or

(ii) declare that it was proper for the Board to make a decision under this section in relation to such person and either (as the Court may consider proper) direct the Board to attach such conditions as the Court thinks fit to the retention of the name of such person in the register, or

(iii) give such other directions to the Board as the Court thinks proper,

(*b*) if at any time the Board satisfies the High Court that such person has delayed unduly in proceeding with the application, the High Court shall, unless it sees good reason to the contrary, declare that it was proper for the Board to make a decision under this section in relation to such person and (as the Court may consider proper) direct the Board to attach such conditions as the Court may specify to the retention of the name of such person in the register,

(*c*) the High Court may direct how the costs of the application are to be borne.

(4) Where a person to whom a decision of the Board under this section relates does not within the period of 21 days beginning on the date of the decision, apply to the High Court for cancellation of the decision, the Board may apply *ex parte* to the High Court for confirmation of the decision and, if the Board so applies, the High Court, on the hearing of the application shall, unless it sees good reason to the contrary, declare accordingly and (as the Court may consider proper) direct the Board to attach such conditions as the Court may specify to the retention of the name of such person on the register.

(5) The decision of the High Court on an application under this section shall be final save that, by leave of that Court or the Supreme Court, an appeal by the Board or the person concerned from the decision shall lie to the Supreme Court on a specified question of law.

(6) On attaching conditions under this section to the retention of the name of a person on the register, the Board shall forthwith send by pre-paid post to such person, at his address as stated in the register, notice in writing of the conditions.

(7) The Board may at any time remove in whole or in part the conditions attached to the retention of the name of any person on the register.

Powers of Board to advise, admonish, etc.

41.—(1) The Board, following an inquiry and report by the Fitness to Practise Committee pursuant to *section 38* of this Act into the conduct of a person whose name is entered in the register may, on receipt of the report of the Committee, if it so thinks fit, advise,

admonish or censure such person in relation to his professional conduct.

(2) The powers conferred by *subsection (1)* of this section may be exercised either in addition to or in substitution for any of the powers conferred by *sections 39, 40* and *42* of this Act.

Erasure from register of persons convicted of indictable offences.

42.—(1) Where a nurse is convicted in the State of an offence triable on indictment or is convicted outside the State of an offence consisting of acts or omissions which would constitute an offence triable on indictment if done or made in the State, the Board may decide that the name of such person should be erased from the register.

(2) On making a decision under this section, the Board shall forthwith send by pre-paid post to the person to whom the decision relates, at his address as stated in the register, a notice in writing stating the decision, the date thereof and the reasons therefor.

(3) A person to whom a decision under this section relates may, within the period of twenty-one days, beginning on the date of the decision, apply to the High Court for cancellation of the decision and if such person so applies—

(*a*) the High Court, on the hearing of the application, may—

(i) cancel the decision, or

(ii) confirm the decision and direct the Board to erase the name of such person from the register, or

(iii) give such other directions to the Board as the Court thinks proper,

(*b*) if at any time the Board satisfies the High Court that such person has delayed unduly in proceeding with the application, the High Court shall, unless it sees good reason to the contrary, confirm the decision and direct the Board to erase the name of such person from the register,

(*c*) the High Court may direct how the costs of the application are to be borne.

(4) Where a person to whom a decision of the Board under this section relates does not within the period of twenty-one days, beginning on the date of the decision, apply to the High Court for cancellation of the decision, the Board may apply *ex parte* to the High Court for confirmation of the decision and, if the Board so applies, the High Court, on the hearing of the application, shall, unless it sees good reason to the contrary, confirm the decision and direct the Board to erase the name of such person from the register.

(5) The decision of the High Court on an application under this section shall be final, save that by leave of that Court or the Supreme Court, an appeal, by the Board or the person concerned, from the decision shall lie to the Supreme Court on a specified question of law.

(6) On erasing the name of a person from the register under this section, the Board shall forthwith send by pre-paid post to such person, at his address as stated in the register, notice in writing of the erasure.

(7) The name of any person which has been erased from the register under this section may at any time be restored to the register by

direction of the Board but not otherwise, and when a person's name is so restored to the register, the Board may attach to the restoration such conditions (including the payment of a fee not exceeding the fee which would be payable by such person if he was then being registered for the first time) as the Board thinks fit.

Continuance of existing inquiry.

43.—Where the former Board has decided to hold, or has appointed any member or members of that Board to hold, an inquiry pursuant to the Nurses Act, 1950, and that inquiry has not been completed before the commencement of this Act, the inquiry shall be discontinued and shall be recommenced by the Fitness to Practise Committee as if this Act had been in force at the time at which such decision was taken or such member or members were appointed and the provisions of this Part of this Act shall apply to any inquiry discontinued and recommenced pursuant to this section.

Application by Board for order suspending registration.

44.—(1) Whenever the Board is satisfied that it is in the public interest so to do, the Board may apply to the High Court for an order in relation to any person registered in the register that, during the period specified in the order, registration of that person's name in the register shall not have effect.

(2) An application under this section may be made in a summary manner and shall be heard otherwise than in public.

(3) The High Court may make, in any application under this section, such interim or interlocutory order (if any) as it considers appropriate.

Privilege in respect of certain matters.

45.—Proceedings under *section 38* of this Act, proceedings of or communications to or by the Board pursuant to *sections 39, 40, 41* and *42* of this Act, reports made by the Fitness to Practise Committee to the Board under this Part of this Act and any other communications between the Committee and the Board made in the exercise or performance of the powers, duties or functions of the Committee or the Board, as the case may be, shall in any action for defamation, be absolutely privileged.

Notification to Minister of name erased or restored and of suspensions imposed and terminated.

46.—The Board shall notify the Minister, and, in the case of a person the name of whose employer is known to the Board, such employer, on the occasion of—

(*a*) the erasure of the name of a person from the register,

(*b*) the restoration of the name of a person to the register,

(*c*) the suspension of the name of a person from the register,

(*d*) the termination of a period of suspension from the register, or

(*e*) the attachment of conditions to the retention of the name of a person on the register,

of the erasure, restoration, suspension, termination of suspension or attachment of conditions, as the case may be.

Restoration to register of name removed or termination of suspension for non-payment of retention fee.

47.—(1) The Board shall, on the payment of a special fee to the Board by any person whose name was erased or whose registration was suspended pursuant to *section 39 (1) (b)* of this Act from the register for non-payment of a retention fee (and for no other reason)

restore the person's name to the register or terminate the suspension, as the case may be.

(2) In this section "special fee" means a fee of such amount as may be fixed from time to time by the Board with the consent of the Minister.

PART VI

MISCELLANEOUS

Arrangements with persons to assist Board.

48.—The Board may make and carry out arrangements with any person or body to assist the Board or any of its committees in the proper discharge of any of its functions.

Improper use of title of nurse, midwife, etc.

49.—(1) Any person who—

(*a*) not being a person registered in the register of nurses, takes or uses the name or title of nurse or midwife, either alone or in combination with any other words or letters or any name, title or description, implying that the person is registered in the register, or

(*b*) being a person whose name is included in any division of the register, takes or uses any name, title or description, or otherwise does any act of any kind, implying that the person is registered in any other division of the register in which the person's name is not included, or

(*c*) with intent to deceive, makes use of any certificate issued under this Act to such person or to any other person, or

(*d*) makes, or causes to be made, any false declaration or misrepresentation for the purpose of obtaining registration under this Act or who aids or abets in the making of any such false declaration or misrepresentation,

shall be guilty of an offence under this section and shall be liable on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding twelve months or, at the discretion of the court, to both such fine and such imprisonment.

(2) Notwithstanding the provisions of section 10 (4) of the Petty Sessions (Ireland) Act, 1851, proceedings for an offence under this section may be instituted at any time within two years from the commission of the offence.

Report by Board.

50.—The Board shall as soon as may be after the end of each year prepare and publish a report of its proceedings under this Act during the preceding year.

General advisory functions of Board.

51.—(1) It shall be a function of the Board to advise the Minister, either at the request of the Minister or on its own initiative, on all matters relating to the functions assigned to the Board under this Act.

(2) It shall be a function of the Board to give guidance to the nursing profession generally on all matters relating to ethical conduct and behaviour.

(3) It shall be a function of the Board to advise the public on all matters of general interest relating to the functions of the Board.

Functions in relation to Directives etc. adopted by Council of European Communities.

52.—The Board shall carry out such functions as may be assigned to it from time to time by the Minister in relation to the implementation of any Directive or Regulation adopted or made by the Council of the European Communities relating to the practice of nursing and the persons engaged in such practice.

Assignment to Board of additional functions.

53.—(1) The Board shall carry out such functions, other than the functions assigned to it by this Act, as may be assigned to it from time to time by the Minister by order in relation to nursing education and training or other matters relating to the practice of nursing and the persons engaged in such practice.

(2) The Minister may amend or revoke an order made under this section, including this subsection.

(3) Every order made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either House of the Oireachtas within the next twenty-one days on which that House has sat after the order is laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

References to An Bord Altranais.

54.—Every reference to An Bord Altranais contained in any enactment or in any statutory instrument shall be construed as a reference to the Board.

Regulations.

55.—(1) The Minister may make regulations for the purpose of giving effect to any of the provisions of this Act.

(2) Every regulation, other than a regulation made under *section 9 (3)* of this Act, shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either House of the Oireachtas within the next twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Regulations regarding adaptations.

56.— The Minister may by regulations make in respect of any statute, order or regulation in force at the passing of this Act and relating to any matter or thing dealt with or affected by this Act, any adaptations or modifications which appear to him to be necessary to enable such statute, order or regulation to have effect in conformity with this Act.

Notice to be given to health board by midwife.

57.—(1) Where a midwife, who is not employed by a health board, or by a hospital authority providing maternity services or by a maternity home authority, is practising or proposes to practise midwifery, he shall notify the health board, or health boards, as the case may be, in whose functional area he practises or intends practising of such practice or proposal to practise.

(2) It shall be the duty of a health board in whose functional area a midwife of the type referred to in *subsection (1)* of this section is practising or proposes to practise to exercise, in accordance with regulations made by the Minister, general supervision and control over such midwife.

Prohibition on attending childbirth.

58.—(1) No person shall attend a woman in childbirth unless such person is—

(*a*) a midwife, or

(*b*) a registered medical practitioner, or

(*c*) undergoing training to be a registered medical practitioner or a midwife and gives such attention as part of a course of professional training, or

(*d*) undergoing experience and training in obstetrics and gives such attention as part of a course of professional training,

unless such attention is given, otherwise than for reward, in any case of sudden or urgent necessity where neither a midwife nor a registered medical practitioner is immediately available.

(2) Any person who acts in contravention of *subsection (1)* of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.

Prosecution of offences.

59.—Every offence under this Act may be prosecuted by the Board.

FIRST SCHEDULE

Section 5.

Enactments Repealed

Number and year (1)	Short Title (2)
No. 10 of 1944	Midwives Act, 1944
No. 27 of 1950	Nurses Act, 1950
No. 18 of 1961	Nurses Act, 1961

SECOND SCHEDULE

Section 6.

Rules in relation to membership and meetings of An Bord Altranais (The Nursing Board)

Tenure of Office

1. Subject to the provisions of this Schedule in relation to the filling of casual vacancies, every member of the Board shall hold office, unless he sooner dies, resigns or becomes disqualified, for a period of five years.

2. No person shall hold office as a member of the Board for more than two consecutive terms of five years.

Resignation and Termination of Membership

3. The Minister may at any time terminate the appointment of a member of the Board who was appointed by him.

4. A member of the Board may resign his membership by giving notice in writing signed by him to the Board, but the resignation shall not become effective until the meeting of the Board next held after receipt of the notice of resignation.

5. The membership of the Board of a person appointed by election shall terminate on his ceasing to be a nurse.

Casual Vacancies

6. (*a*) Whenever a casual vacancy occurs among the members of the Board other than those appointed by election, the Board shall forthwith notify the Minister who, following consultation with such body or organisation as he considers suitable to advise him shall, as soon as is convenient, appoint a person to fill such vacancy and any person so appointed shall serve as a member of the Board for such period as is unexpired of the term of office of the person whom he replaces.

(*b*) Whenever a casual vacancy occurs among the members of the Board appointed by election, the Board shall co-opt a person who would, pursuant to the provisions of this Act, be eligible for election to fill such vacancy and any person so co-opted shall serve as a member of the Board for such period as is unexpired of the term of office of the person whom he replaces.

Quorum

7. The quorum for a meeting of the Board shall be nine; provided that, in the case of a meeting of the Board where the matter of the erasure of the name of a nurse from the register, or any division thereof, is on the agenda, the quorum shall be twelve.

Meetings

8. The Board shall hold at least four meetings in every year and may hold such other meetings as may be necessary for the performance of its duties.

President and Vice-President

9. (1) The Board shall, from time to time, elect one of its members to be President of the Board and another of its members to be Vice-President of the Board.

(2) A President and Vice-President of the Board, as the case may be, shall each hold office as such for such term as may be specified by the Board at the time of his appointment unless—

(*a*) he ceases to be, or becomes disqualified from being, a member of the Board,

(*b*) he resigns the office of President or Vice-President, as the case may be, and his resignation becomes effective under this paragraph,

(*c*) the Board by a resolution, for which not less than two-thirds of the members of the Board vote, and of the intention to propose which not less than seven days notice is given to every member of the Board, terminates his appointment as President or Vice-President.

(3) A President or Vice-President of the Board may at any time resign his office by giving notice in writing signed by him to the Board, but the resignation shall not become effective until the meeting of the Board next held after the receipt by the Board of the notice of resignation.

(4) Whenever, at an election of the President or Vice-President of the Board, there is an equality of votes for two or more persons, it shall be determined by lot which of those persons shall be President or Vice-President as the case may be.

Proceedings at Meetings

10. The proceedings of the Board shall not be invalidated by any vacancy or vacancies among its members or by any defect in the appointments to the Board or in the qualifications of any member thereof.

11. The President, or in his absence, the Vice-President of the Board may, on his own initiative, or, shall, when he is requested so to do by a requisition signed by not less than ten members of the Board, convene a meeting of the Board.

12. (1) If the President, or in his absence the Vice-President, of the Board refuses to convene a meeting of the Board after a requisition for that purpose signed by not less than ten members of the Board has been presented to him, any five members of the Board may forthwith convene a meeting of the Board.

(2) If the President, or in his absence the Vice-President, of the Board, without so refusing, does not, within seven days after the presentation of a requisition for that purpose signed by not less than ten members of the Board, convene a meeting of the Board, any five members of the Board may, on the expiration of those seven days, convene a meeting of the Board.

13. At least three clear days before every meeting of the Board, notice, signed by the President or Vice-President of the Board, as the case may be, or, if the meeting is convened by members of the Board, by such members, of the time and place of the meeting shall be sent to every member of the Board: if the meeting is convened by members of the Board, the notice convening the meeting shall specify the business to be transacted thereat.

14. At a meeting of the Board—

(*a*) the President of the Board shall, if he is present, be the chairman,

(*b*) if and so long as the President of the Board is not present, or if the office of President is vacant, the Vice-President of the Board shall, if he is present, be the chairman,

(*c*) if and so long as the President of the Board is not present or the office of President is vacant and the Vice-President of the Board is not present or the office of Vice-President is vacant, the members of the Board who are present shall elect one of their number to be chairman of that meeting.

15. Minutes of the proceedings of all meetings of the Board shall be drawn up and entered in a book kept for that purpose and such minutes shall be signed by the chairman of the next ensuing meeting.

16. The names of all members present at a meeting of the Board shall be recorded in the minutes of the proceedings of the meeting.

17. Subject to *Articles 7* and *9 (4)* of this Schedule, all acts of the Board and all questions coming or arising before the Board may be done and decided by a majority of such members of the Board as are present and vote in relation to the act or matter at a meeting of the Board duly convened according to law.

18. In the case of equality of votes on any question arising at a meeting of the Board (other than the election of the President or the Vice-President) the chairman of that meeting shall have a second or casting vote.

19. Save as is otherwise provided by any enactment, including this Act, the Board may make standing orders for the regulation of its proceedings, and may amend or revoke such standing orders.

BILLE NA nALTRAÍ, 1984

BILLE

dá ngairtear

Acht do dhéanamh socrú chun Bord a bhunú dá ngairfear an Bord Altranais nó, i mBéarla, *The Nursing Board* lena ndéanfar socrú le haghaidh clárú, rialú agus oideachas altraí agus do dhéanamh socrú i dtaobh nithe eile a bhaineann le cleachtadh na haltrachta agus leis na daoine a bhíonn ag gabháil don chleachtadh sin agus do dhéanamh socrú chun Achtanna na nAltraí, 1950 agus 1961, a aisghairm, agus do dhéanamh socrú i dtaobh nithe eile a bhaineann leis na nithe réamhráite.

An tAire Sláinte a thíolaic

Ritheadh ag Dáil Éireann,
22 *Bealtaine,* 1985

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais, Teach Sun Alliance, Sráid Theach Laighean, Baile Átha Cliath 2, nó trí aon díoltóir leabhar.

Clóbhuailte ag Cahill Printers Limited.

£1.25

Wt. 152425/F/5. 1,125. 5/85. Cahill. (6597). G.16.

NURSES BILL, 1984

BILL

entitled

An Act to provide for the establishment of a Board to be known as An Bord Altranais or, in the English language, the Nursing Board which shall provide for the registration, control and education of nurses and to provide for other matters relating to the practice of nursing and the persons engaged in such practice and to provide for the repeal of the Nurses Acts, 1950 and 1961, and to provide for other matters connected with the matters aforesaid.

Presented by the Minister for Health

Passed by Dáil Éireann,
22*nd May,* 1985

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE

To be purchased through any bookseller, or directly from the Government Publications Sale Office, Sun Alliance House, Molesworth Street, Dublin 2.

Printed by Cahill Printers Limited.

£1.25