



THE ZANZIBAR NURSES AND MIDWIVES COUNCIL ACT, 2014

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SCHEDULES



ACT No. 5 OF 2014

I ASSENT

(DR ALI MOHAMED SHEIN)
THE PRESIDENT OF ZANZIBAR
AND

THE CHAIRMAN OF THE REVOLUTIONARY COUNCIL

31st December, 2014

AN ACT TO REPEAL THE NURSES AND MIDWIVES
(ESTABLISHMENT OF THE COUNCIL AND REGISTRATION OF
NURSES) ACT, No. 9 OF 1986 AND TO RE-ENACT NEW
LEGISLATION OF ZANZIBAR NURSES AND MIDWIVES COUNCIL
ACT, 2014 AND OTHER MATTERS RELATED THERETO

ENACTED by the House of Representatives of Zanzibar.

PART I

PRELIMINARY PROVISIONS

Short title and
Commencement.

1. This Act shall be cited as the Zanzibar Nurses and Midwives Council Act, 2014 and shall come into operation on such date as the Minister may, by notice published in the Gazette, appoint.

Interpretation.

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

"Approved nursing or midwifery training programme" means a programme or a part of programme approved by the Council under the provisions of this Act, to provide a course leading to the acquisition of a qualifying award for nurses or midwives;

"Clinic" means a health care facility which is mainly used for health consultation and treatment;

"Council" means the Zanzibar Nurses and Midwives Council established under section 3 of this Act;

"Ethical code of conduct" means ethical code of conduct for Nurses and Midwives.



"Full registration" means a registration provided to a Nursing, Midwifery or institution after reaching the required conditions;

"Health facility" means a facility established for the provision of the health care services and includes hospital, health centre, medical and dental clinics, dispensary, pharmacy, medical laboratory, diagnostic centre, radiological unit, maternity and a nursing home;

"Internship" means a prescribed period during which a nurse or a midwife is under supervised placement for the purpose of gaining expected professional competence pending full registration;

"Inspector" means a person who has been appointed and authorized as such under section 8 of this Act;

"License" means a license issued under section 18 of this Act giving the bearer permission to practice as a nurse or midwife in accordance with qualifications obtained to provide nursing or midwifery services including training programme.

"Midwife" means a person who has successfully completed an approved midwifery programme in Zanzibar or in any other country duly recognized by the Council and has acquired the qualification requisite for registration and licensing to practice midwifery;

"Minister" means the Minister for the time being responsible for health services;

"Nurse" means a person who has completed an approved nursing programme recognized by the Council, registered and legally authorized to render services designed to promote health and prevent diseases, conduct research, alleviate the suffering and rehabilitate the needy;

"Nursing home" means a place of residence for people who require constant nursing care operated by a registered and licensed nurse or midwife to provide such services in accordance with the provision of this Act;

"Nursing practice" means assisting individuals or group of persons to maintain optimal health throughout the life process by assessing their health status, establishing nursing diagnosis, planning and implementing a strategy of care to accomplish defined goals and evaluating responses for care and treatment and shall include provision of nursing care, administration, supervision and teaching;

"Nursing services" means services provided by nurses in hospitals, health care settings, nursing homes, nursing clinics, maternity homes and maternity clinics;



"Private maternity home" means a place of residence for delivering private maternity care as lawfully registered;

"Private Midwifery Services" means Private Midwifery Services established for providing reproductive and child health services as lawfully registered;

"Private nursing home" means a private home established to provide restorative, rehabilitative, curative and recuperative nursing care to individuals subject to section 18 of this Act;

"Private nursing service" means non-public services established for assisting individual or group of persons to maintain optimal health throughout the life process by assessing their health status, establishing nursing diagnosis, planning and implementing a strategy of care to accomplish defined and evaluating response of care and treatment;

"Professional Ethics" means Nursing and Midwifery ethics regarding to the values and ethical principles governing nursing practice, conduct, and relationship;

"Professional misconduct" means a conduct which, with regard to the profession of a Nurse or Midwife is improper, disgraceful, dishonorably or unworthy;

"Provisional registration" means a registration provided to a Nurse or Midwife during a period of internship;

"Public officer" means a person who has been elected or appointed by the office and authorized to exercises government functions;

"Public Services" means services which are provided by government to people within its jurisdiction either directly or by financing provisions of service;

"Register" means the Register of Nurses or Midwives established and maintained by the Council under section 14 of this Act;

"Registered Nurse or Midwife" means a Nurse or Midwife registered under section 15 of this Act;

"Registrar" means the Registrar of the Council appointed under section 9 of this Act;

"Supervisor" means a person appointed by the Council under section 13 of this Act.

"Temporary registration" means a registration provided temporarily to a person who intend to work as a Nurse or Midwife;



PART II ESTABLISHMENT OF THE COUNCIL

Establishment of the Council. 3.-(1) There is hereby established a Government Agency to be known as Zanzibar Nurses and Midwives Council.

(2) The Council shall:

- (a) have perpetual succession and an official Seal;
- (b) in its own name, be capable of suing and being sued;
- (c) subject to the provisions of this Act, be capable of holding, purchasing or otherwise acquiring in any other way any movable or immovable property and disposing of any of its properties.

(3) The Council shall be an agency of the government and shall be under supervision of the Minister.

Composition of the Council.

4.-(1) The Council shall consist of the following members:-

- (a) a Chairperson to be appointed by the President who has an experience and profession in nursing or midwifery for not less than fifteen years;
- (b) the Chief Nursing officer in the Ministry;
- (c) the Assistant Chief Nursing Officer from Pemba;
- (d) the head of School of Nursing from Zanzibar Government training institution;
- (e) a representative from Zanzibar Nurses and Midwives' Association;
- (f) a representative from Midwives' Association;
- (g) the Matron of Zanzibar Referral Government Hospital;
- (h) two representatives from private Hospitals;
- (i) a representative from other health care professions;
- (j) a State Attorney from Attorney General's Office; and
- (k) two members appointed from the community who by their experience can contribute to work with the Council and the development of nursing and midwifery in the country, one shall be a woman.



(2) Members of the Council shall elect one among their members to be the Vice Chairperson who shall preside the meeting in the absence of chairperson.

(3) All members other than ex-officio members shall be appointed by the Minister.

(4) The Council may, whenever necessary, co-opt any person with special knowledge and skills to provide expertise on a particular issue but such a co-opted member shall have no voting right.

(5) A person shall not be appointed as a member of the Council if:

- (a) he has been convicted of a criminal offence which its punishment is a term not less than six months; or
- (b) he has been found infirm of mind or body to perform the duties of a member; or

(6) The provisions of the First Schedule in this Act shall have effect as to the tenure of office of members, the proceedings of the Council and any matter relating to the Council.

Functions of the Council.

5. The functions of the Council are:-

- (a) to make sure that nursing and midwifery practices are provided under good manner;
- (b) to register duly qualified applicant by examination, endorsement, or by fulfilling any other requirements;
- (c) to advise the Minister on matters concerning nursing and midwifery practice;
- (d) to make recommendations on policy matters and prescribe performance procedure;
- (e) to ensure that the register of nurses and midwives are kept, maintained and updated in the prescribed manner;
- (f) to establish standards of proficiency to the different parts of the register;
- (g) to approve nursing and midwifery training programmes and curricula;
- (h) to collaborate with other relevant authorities on matters pertaining to nursing and midwifery education training and practice in approving various standards;



- (i) to issue, renew, replace and cancel nursing and midwifery practicing licenses;
- (j) to approve work plan and the annual budget of the Council;
- (k) to establish and keep under review the standards of conduct, performance and ethics expected from nurses and midwives and give them guidance on these matters as it dees fit;
- (l) to caution, censure, order the suspension from practice, or order the removal or restoration from the register of the name of any registered nurse or midwife for malpractice, negligence or professional misconduct;
- (m) to approve uniforms, badges and any other distinctive identities to be worn by nurses and midwives;
- (n) to prescribe the form of professional oath to be used or administered upon all nurses and midwives on admission and other profession occasions;
- (o) to develop, conduct and regulate nursing and midwifery registration examination, to appoint and to decide upon the places where and the time at which such examinations shall be held;
- (p) to collaborate with institution responsible for controlling private health services to make standards and conditions for establishing private nursing or midwifery services including nursing homes, nursing clinics, maternity homes and maternity clinics;
- (q) prescribe directives for development of curriculum for nursing and midwifery courses and supervise implementation of the directives;
- (r) prescribe and regulate directives of instruction and courses of training for nursing and midwifery;
- (s) deal with the complaints; and
- (t) perform any other function as prescribed under this Act.

Committees of the Council.

6-(1) The Council may, establish Committees for the purpose of ensuring efficient performance of its functions as it deems fit.

(2) The Council shall have the following committees:-

- (a) the Finance Committee;



- (b) the Education and Professional Committee;
- (c) the Ethical and Discipline Committee; and
- (d) the Policy, Planning and Research Committee.

(3) For the purpose of subsection (2) of this section, the functions of every committee shall be as prescribed under Third Schedule of this Act.

(4) The committees shall, in the performance of their functions under this section, be answerable to the Council.

(5) The composition, procedures and other terms and restrictions of the committees shall be as may be determined by the Council.

Delegation of Powers and functions of the Council.

7.-(1) The Council may subject to such terms, conditions and restrictions, as it may specify, delegate in writing to any committee or to Registrar of the Council, some of its functions, powers, or duties conferred or imposed to it under this Act.

(2) Delegation made under this section shall not prevent the Council from performing or exercising the function, power or duty delegated.

(3) Notwithstanding the provisions of subsection (1) and (2) of this section, the Council shall not have power to delegate: -

- (a) power to approve the annual budget and supplementary budget; and
- (b) its power to approve or change contents of the training, curriculum and other standards pertaining to nursing and midwifery professions in Zanzibar.

Appointment, Qualification and Power of Inspectors.

8.-(1) For the purpose of this Act, the Council in consultation with the Minister may appoint a nurse, a midwife or a public health officer as an inspector and publish the name in the Gazette.

(2) A person cannot be appointed as an inspector unless he has the following qualifications:-

- (a) be registered nurse or midwife or a public health officer; and
- (b) have an experience of not less than five years.

(3) An inspector appointed under sub section (1) of this section may:-



- (i) at all reasonable time, enter any nursing or midwifery training programme places for the purpose of examination and inspection;
- (ii) temporary suspend any nursing or midwifery training programme found to contravene any provision of this Act;
- (iii) exercise general inspection on all matters regulated under this Act.

(4) After the inspection, the inspector shall submit the report to the Council.

(5) Any person who willfully hinders by whatever means or constrains an inspector or registrar or any officer authorized by the Council not to exercise his power commit an offence.

PART III MANAGEMENT AND STAFF OF THE COUNCIL

Appointment of
the Registrar.

9.-(1) The Minister in consultation with the Council shall appoint a Registrar of the Council who shall be the secretary and Chief Executive Officer of the Council.

(2) The registrar appointed under this section shall be:-

- (a) a full time employee;
- (b) a holder of at least a degree in nursing or midwifery or any other related speciality in nursing or midwifery; and
- (c) a senior nurse or midwife with working experience of not less than ten years.

Functions of the
Registrar.

10.-(1) The functions of the registrar shall to be:-

- (a) register of Nurses and Midwives upon directions of the Council;
- (b) keep and maintain the register of Nurses and Midwives;
- (c) make necessary alterations, corrections and deletion to the register in relation to any entry as may be directed by the Council;
- (d) collaborate with the inspection Committee to inspect and having full access, on behalf of the Council, to all maternity homes, nursing homes, clinics, Nursing training Schools or Institutions;



- (e) record all the minutes and proceedings of the meetings of the Council and its committees and having custody over all records and documents of the Council and its committees;
- (f) ensure proper keeping of books of accounts and assets, preparing annual and supplementary estimates and financial statements;
- (g) implement the decision of the Council;
- (h) prepare work plan and annual budget of the Council; and
- (i) perform any other functions that may be required under this Act or as the Council may direct subject to the provisions of this Act;

Deputy Registrars.

11.-(1) In accordance with Public Service Act, there shall be two Deputy Registrars of the Council, one for Pemba and another one for Unguja.

(2) The Deputy Registrars shall be appointed by the Minister amongst senior registered nurses or midwives.

(3) The Deputy registrars appointed under subsection (2) of this section shall be:-

- (a) full time employees;
- (b) holders of degree in nursing or midwifery or any other related specialities in nursing or midwifery; and
- (c) senior nurses or midwives with working experience of not less than five years.

(4) The deputy registrars shall assist the registrar in the performance of the functions provided under this Act and shall be answerable to the registrar.

Officers and employees of the Council.

12.-(1) The Council shall appoint a number of officers and employees in various categories as may be required in the organizational structure of the Council in accordance with Public Service Act No 2 of 2011.

(2) Officers and employees of the Council shall, in the performance of their functions be answerable to the Registrar.

Appointment and duties of the supervisor.

13.-(1) The Council may, in respect of any District or health institution, appoint a senior registered Nurse or Midwife to be the Supervisor over all Nurses or Midwives in the respective District or health Institution .

(2) It shall be the duty of every Supervisor in respect of any registered Nurse or Midwife under his Supervision to:-



- (a) exercise general supervision in accordance with the rules made under this Act and report to the Council;
- (b) investigate any charges or complaints against a registered nurse or midwife including malpractice, negligence and misconduct and submit to the Council; and
- (c) report to the Council the name of any registered nurse or midwife convicted of any offence and the nature of the offence committed as soon as possible and submit to the Council, the name of a registered nurse or midwife who has been suspended to practice nursing or midwifery or has died.

PART IV REGISTRATION AND LICENSE

Register of nurses and midwives.

14.-(1) Subject to the provisions of this Act, the Council shall establish, keep and maintain a Register for Nurses and Midwives.

(2) The Register shall contain name, addresses, qualifications and other particulars of all Nurses and Midwives entitled for registration.

(3) The Registrar shall;

- (a) be the custodian of the register ;
- (b) be responsible for the making of entries in the register; and
- (c) update entries of Nurses and Midwives.

Eligibility for registration.

15.-(1) Subject to the provisions of this Act, a person shall be eligible to be registered as a nurse or midwife after fulfilling the requirements as provided in this section.

(2) The requirement for registration under subsection (1) of this section are as follows:

- (a) produce evidence to the satisfaction of the Council that, he:-
 - (i) has successfully completed a course of training as a nurse or midwife, of not less than three years and has been awarded a diploma, degree or above from an institution recognized by the Council; and



(ii) is a person of good conduct.

- (b) has passed the nursing or midwifery examinations conducted by the Council;
- (c) complied with such other additional requirements and evidence relating to acquisition of practical experience in nursing or midwifery as the Council may prescribe.

(3) A person who comes outside the country shall:

- (a) produce evidence to the satisfaction of the Council that he is registered or that he has been and is still entitled to be registered as a nurse or a midwife in a country of his origin;
- (b) produce evidence that he successfully completed a course of training as a nurse or midwife, in a country where he comes from.

(4) Where in the absence of either of the cases referred to in subsection (3) (a) and (b) of this section, the Council shall provide examinations to a person who is seeking registration and the person shall be required to pass such examinations.

Temporary
Registration.

16.-(1) Where an applicant is not ordinarily a resident of Tanzania, satisfies the Council that he has met the requirements of section 15 of this Act and intend to practice in Zanzibar whether in government or private he will be granted a temporary registration.

(2) Any registration issued under this section shall be valid for the period of one year starting from the date of such registration.

Provisional
Registration.

17.-(1) A person who intends to be registered as a nurse or a midwife after completion of the course shall, if he produces evidence satisfactory to the Council that he has been selected for internship in a hospital recognized by the Council for the purposes of this section and that such internship provides the required practical experience, be entitled to be provisionally registered.

(2) A person who obtains a provisional registration shall, upon payment of a prescribed fee, be issued with a certificate of provisional registration.

(3) A provisional registered nurse or midwife shall be deemed to be registered as far as it is necessary, to enable him to be employed for the purpose of this section in a supervised nursing capacity in such hospital recognized by the Council specified in the certificate of provisional registration and to carry out, under supervision in such hospital, any duties and responsibilities of a registered Nurse or a Midwife.



(4) The provisional registration issued under this section shall be valid for the period of one year starting from the date of attachment of such internship.

Licence to practice nursing or Midwifery.

18.-(1) Any Nurse or Midwife who intend to practice shall apply to the Registrar for a licence to practice after the payment of fees prescribed by the Council;

(2) The Registrar shall, in addition to registration , issue the license to a Registered Nurse or Midwife who want to practice Nursing or Midwifery

(3) License under sub-section (2) of this section shall be in the prescribed form and subjected to renewal as may be prescribed by the Council

(4) Any person who contravenes the provisions of this section commits an offence and upon conviction shall be liable for a fine of not less than two million Tanzania shillings,

Application for engagement in nursing or midwifery training programme.

19.-(1) A person or an organization shall not provide nursing or midwifery training programme unless it is approved by the Council.

(2) A person or an organization shall apply to the Council in the prescribed manner for registration and a licence to establish and operate nursing or midwifery training programme.

(3) The Council shall not approve the establishment or operation of nursing or midwifery training programme unless it is satisfied that the standard conditions set out in this Act and its regulations are complied with.

(4) The Council may refuse to approve for registration of private nursing or midwifery training programme if it is not satisfied that the premise meets training place, accommodation, staffing or equipment requirements.

Inspections of nursing or midwifery training programme.

20. The registrar in collaboration with the inspectors or any person authorized by the Council may, for purposes of ensuring that the provisions of this Act are complied with, enter upon and inspect any institution providing nursing or midwifery training programme.

PART V DISCIPLINARY PROVISIONS

The Registrar to receive complaints.

21.-(1) The Registrar shall, on behalf of the Council, receive complaints from any person against any nurse, midwife or health facility on malpractice and present such complaints to the Council.

(2)(a) The Council may regard a nurse or midwife as unfit to practice;



- (b) for the purpose of this section, "unfitness to practice" means a person whose fitness to practice is impaired by reason of:-
- (i) professional misconduct;
 - (ii) lack of competence;
 - (iii) a conviction for criminal offence;
 - (iv) his physical or mental health is impaired; or
 - (v) a determination by a recognized Medical Board or any other licensing Body responsible for health Regulations in any other jurisdiction.

(3) For the purpose of subsection (2) of this section, the term "professional misconduct" shall be construed as provided under Second Schedule of this Act, but not limited to professional:-

- (a) contravening a provision of this Act or its regulation;
- (b) failure to abide by terms, conditions or limitations of a license as a registered Nurse or Midwife;
- (c) abusing a client verbally, physically, sexually or emotionally;
- (d) having conflict of interest which affects the client and practitioner relationship;
- (e) influencing a client to change his will, advance health care directives or power of attorney;
- (f) abandoning a client who is in need of attention;
- (g) misappropriating drugs or other property belonging to a client or an employer;
- (h) failure to report the incompetence, negligence or professional misconduct of a colleague whose actions endanger the health of a client;
- (i) failure to exercise discretion in respect of the disclosure of confidential information about the client;
- (j) falsifying record in respect of the observation or treatment of a client;



- (k) failure to maintain the standards of practice and the code of ethics of the profession; and
- (l) any conduct or an act relevant to the performance of services that, having regard to all the circumstances would, reasonably be regarded in the profession as dishonorable, unprofessional or injurious to a client's care.

(4) Every complaint under this section shall be accompanied by a written statement made by a complainant, or any person acting on behalf of complainant or by a person interested in the act or omission giving rise to complaint.

(5) Notwithstanding the provisions of subsection (4) of this section, the Council may, on its own motion initiate any preliminary inquiry on a nurse or midwife if it is satisfied that information received by the Council warrants holding a preliminary inquiry.

Inquiry by
the Council.

22. The conduct of a registered Nurse or Midwife may be the subject of inquiry by the Council if the nurse or midwife is:-

- (a) accused of an offence under this Act;
- (b) accused of criminal offence involving dishonesty or fraud or moral turpitude; or
- (c) alleged to have committed any malpractice, negligence or serious professional misconduct or disobeying any regulation or directive made under this Act.

Disciplinary Powers
of the Council

23.-(1) The Council may, upon receipt of a complaint against a nurse or midwife from the Ethical and Disciplinary Committee and a report from a supervisory authority, temporarily suspend a nurse or midwife from practicing pending the conduct or completion of inquiry.

(2) On completion of inquiry, the Council may suspend, confirm, extend or reduce the temporary suspension.

(3) The Council after due inquiry made in accordance with the provisions of this Act may:-

- (a) order the removal of the name of the nurse or midwife from the register;
- (b) order the suspension from practice of the nurse or midwife for a period that it may deem fit; or



(c) caution, censure or otherwise reprimand the nurse or midwife.

(4) No punishment other than an interim or temporary suspension may be imposed upon a nurse or a midwife or in respect of a nursing or midwifery training programme unless due inquiry is made.

(5) Within seven days after the determination of an inquiry, the Registrar shall communicate the decision of the Council to the parties.

Power to collect evidence.

24. The Council has the power to collect evidence and call for the production of documents for the purpose of inquiry conducted under this Act.

Disobedience of Summons and refusal to give evidence.

25.-(1) A person who, having been served with a summons to attend and give evidence or to produce any document at any inquiry held under the provisions of this Act:

- (a) fails without reasonable cause to obey summons;
- (b) refuses without reasonable cause to answer questions put to him by the Council; or
- (c) willfully interrupts the proceedings of the Council or insults any member of the Council, commits an offence.

(2) Any person giving evidence before the Council shall, in respect of any evidence given by him or any other document produced by him, be entitled to all privileges which he would have been entitled to as a witness before a court of law.

Removal from Register.

26.-(1) The Council may remove from the relevant register any name of any registered person who fails to comply with the provisions of this Act.

(2) Any person who has been removed from the register shall not be employed or practice as a nurse or a midwife.

Surrender of certificate on removal of name from Register.

27.-(1) Any person whose name has been ordered to be removed from Register under the provisions of this Act shall, within thirty days of the notification to her of such order or the dismissal of any appeal against such order, in accordance with law whichever is the later, surrender to the Council any certificate issued to her by the Council.

(2) Any person who fails to comply with subsection (1) of this section, commits an offence and shall, on conviction be liable to a fine not less than two hundred thousand Tanzania shillings or imprisonment for a term not exceeding six months and the court shall order that certificate be cancelled.



Appeal against suspension from practice or removal from register.

28. Any person, who considers herself aggrieved by any order or decision of the Council, may appeal to the Minister against that decision.

Restoration of name after removal.

29. The Council may, on application of the person whose name has been removed from the Register, after the expiration of a prescribed period, restore the name of such person upon payment of a prescribed fee and fulfillment of other prescribed conditions.

Condition for restoration of the name to the Register.

30.-(1) A Council shall restore the name of a person in register to enable him practice if he fulfills the following conditions:

- (a) has been suspended practice for a period of two years and his application be heard by the Council and proved for the fitness to practice nursing or midwifery;
- (b) proved that is not guilty of the offence suspected to committed; and
- (c) proved innocent after complying to the condition imposed by the Council.

(2) Notwithstanding subsection (1) of this section, the Council may impose other conditions for restorations to be fulfilled after the determination of the nature of the offense or misconduct of an applicant.

PART VI FINANCIAL PROVISIONS

Funds of the Council.

31.-(1) The funds and resources of the Council shall consist of:-

- (a) money approved by the House of Representatives for the purpose of the Council;
- (b) grants, gifts and donations bequeathed as the Council receives from any person or organization; and
- (c) fees paid for services rendered by the Council and fines charged in accordance with the provisions of this Act or Regulations made under this Act.

(2) The funds and resources of the Council shall be applied for the purpose for which the Council is established and in accordance with the directives of the Council.



- Estimates.** **32.**-(1) The Council shall, within six months before the end of each financial year, prepare and submit to the Minister for his approval, estimates of its income and expenditure for the ensuing year.
- (2) Expenditure shall not be made out of the funds of the Council unless that expenditure is within the budget approved by the Council.
- Accounts and audit.** **33.**-(1) The Council shall keep proper books of accounts and shall approve the annual financial report of accounts for the preceding financial year not later than three months after the following year.
- (2) The annual accounts of the Council shall be audited by the Controller and Auditor General or a person authorized by him.
- (3) The Council shall within three months after the end of each financial year submit to the Minister:-
- (a) an annual financial report that contains:-
- (i) financial statements;
- (ii) a report on the operations of the Council; and
- (iii) any other information that the Minister may, prior to the completion of the annual report or otherwise supplementary thereto, direct in writing.
- (4) The controller and Auditor General shall audit the accounts of the Council in accordance with the Public Finance Act and other related laws governing Public finance.
- Payment of fees.** **34.**-(1) Subject to the provisions of this Act, fees shall be charged for every registration including temporary registrations, provisional registration, full registration or approval of a nursing or midwifery training programme for the issuance of Licenses or permits.
- (2) All fee prescribed under subsection (1) of this section, shall be paid to the Registrar.



PART VII OFFENCES AND PENALTIES

- Illegal practice.** **35.(1)** Any person who:-
- (a) practices Nursing or Midwifery without a registration and a valid license;
 - (b) has been suspended from practice as a Nurse or Midwife by an order of the Council, habitually or for gain practices as a Nurse or Midwife; or
 - (c) disobeys any order or directive of the Council;
- commits an offence and shall, upon conviction, be liable to a fine not less than one million shillings or to imprisonment for a term not exceeding one year or both.
- (2) Where a person is convicted of an offence under sub section (1) of this section, the court may order any instruments or appliances used by or belonging to or found in the possession of the person convicted, to be forfeited, confiscated or otherwise disposed off.
- False statement or document.** **36.** Any person who:-
- (a) Procures or attempts to procure registration or a License by making or causing to be made or producing any false or fraudulent statement or documents;
 - (b) deliberately makes or causes to be made any falsification in any matter relating to the register; or
 - (c) assists or aids that person therein;
- commits an offence and shall, upon conviction, be liable to a fine not less than two million shillings or to imprisonment for a term of two years or to both.
- Commencing Nursing or Midwifery programme.** **37.** Any person or institution commencing a nursing or midwifery training school or purporting to train any cadre of Nurse or Midwives without approval of the Council, commits an offence and shall, upon conviction, be liable to a fine not less than three million shillings or not more than five million shillings or to imprisonment for a term not exceeding three years or to both.
- Impersonation and misrepresentation.** **38.** Any person who impersonates, misrepresents, falsely assumes and uses names titles and uniforms of registered Nurse or Midwife, commits an offence and shall, upon conviction, be liable to a fine not less than one hundred thousand shillings or to imprisonment for a term not exceeding one year or to both, fine and imprisonment.



- Provisions regarding proceedings of the Council.
39. Any person who contravenes section 25 of this Act commits an offence and shall, upon conviction, be liable to a fine not less than three hundred thousand shillings or to imprisonment for a term not exceeding six months or both such fine and imprisonment.
- Employing a person not registered or licensed.
40. A person who employs any person to practice nursing or midwifery as a registered Nurse or Midwife, who is not registered or licensed, commits an offence and shall, upon conviction, be liable to a fine not less than one million shillings or to imprisonment for a period not exceeding six months or to both, fine and imprisonment.
- Assisting or aiding commission of offence.
41. Any person who assists or aids another person to commit any offence under this Act commits an offence and shall, upon conviction, be liable to a fine not less than five hundred thousand shillings or to imprisonment for a term not exceeding three years or to both, fine and imprisonment.
- Penalty for hindering or constrain an inspection.
42. Any person who willfully hinders by whatever means or constrain an inspector or registrar or any officer authorized by the Council to do an inspection or to exercise his power commits an offence and shall, upon conviction, be liable to a fine not less than five hundred thousand shillings or to imprisonment for a term not exceeding three years or to both, fine and imprisonment.
- Publications.
- 43.-(1) A person who publishes or in any other manner bring to the notice of the public or cause or permit to be published any false or misleading advertisement of any kind of nursing services or midwife and nursing trainings commits an offence and shall, upon conviction, be liable to a fine of not less than five hundred thousand shillings or imprisonment for a period not exceeding six months.
- (2) A person who publishes or advertising a nursing or midwifery services commits an offence and shall, upon conviction, be liable to a fine of not less than five hundred thousand shillings or imprisonment for a period not exceeding six months or both.
- General penalty.
44. A person who, commits an offence under this Act for which no specific penalty is provided shall, upon conviction, be liable to a fine not less than three hundred thousand shillings or imprisonment for a term not less than six months or both, fine and imprisonment.

PART VIII MISCELLANEOUS PROVISIONS

- Notification.
45. Any notification required to be given or issued by Council to any person shall be sufficiently given if sent by registered post, fax or email to the person at his last known address or his last address as contained in the register, and the time of receipt shall be deemed unless the contrary is shown, to be the time at which such notification would have arrived in the ordinary course of post to such address.



- (k) prescribe the fees to be collected under this Act;
- (l) prescribe the form of certificate, and any particulars to be contained therein;
- (m) prescribe the procedure to be followed by the Council in any inquiry under this Act;
- (n) regulate, prescribing for any matter or thing which is required or permitted to be regulated in connection with private nursing training programme; and
- (o) prescribe any other matter which is to be or may be prescribed under this Act.

Repeals.

49.-(1) The Nurses and Midwives Act No. 9 of 1986 is hereby repealed.

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

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



FIRST SCHEDULE

[(Made under section 4 (6)]

PROVISIONS RELATING TO THE COUNCIL

Chairperson of the Council.	<p>1. The chairperson of the Council shall hold his office for a period of four years from the date of his appointment and may be eligible for re-appointment.</p>
Tenure for Appointment.	<p>2.-(1) The Council shall exist for a period of three years.</p> <p>(2) In the case of a member who is a member of holding some other office, he shall cease to be a member upon his ceasing to hold that other office.</p> <p>(3) A member appointed may at any time resign his office by notice in writing to the appointing authority.</p> <p>(4) Notwithstanding the foregoing provisions, the appointing authority may at any time revoke an appointment of a member.</p> <p>(5) Where any vacancy occurs in the membership of the Council by any reason of any member thereof or otherwise, the appointing authority may appoint another person to fill that vacancy and the person so appointed shall hold office for the remaining period of office of the member in his place is appointed.</p>
Meetings of the Council.	<p>3.-(1) The Council shall ordinarily meet for the transaction of its business at the times and places determined by it, but it shall meet once every three months.</p> <p>(2) The Chairman or in his absence the Vice Chairman, shall preside at every meeting of the Council and in the absence of both of them, the members present shall appoint one of the member to preside over the meeting.</p>
Notice of meeting.	<p>4. The secretary to the Council shall give each member adequate notice of place of every meeting and a time of two weeks prior the meeting.</p>
Quorum	<p>5. The quorum at any meeting of the Council shall be more than half of the total number of members of the Council.</p>
Decision of Council	<p>6. The matter proposed at the meeting of the Council shall be decided by a majority of the votes of the member present and voting and in the event of an equality of votes, the person presiding shall have a casting vote in addition to his normal or deliberative vote.</p>
Minutes of the Meetings.	<p>7.-(1) The Council shall cause to be recorded and kept minutes of all business conducted or transacted at its meetings and the minutes of each meeting of the Council shall be read and confirmed or amended and being signed at the next meeting.</p>



(2) Any minute signed or purporting to have been signed by the person presiding at the meeting of the Council shall in absence of proof of error be deemed to be a correct record of the meeting whose minutes they purport to be.

Invalidity of act or proceedings.

8. Act or Proceeding of the Council shall not be invalid by reason only of any vacancy among its members or defect in the appointment of any of them.

Orders and Directions.

9. All orders, direction, notices or other document made or issued on behalf of the Council shall be signed by:-

- (a) the Chairperson of the Council or on his absence the vice chairperson;
- (b) Registrar; or
- (c) any person acting on that behalf.



SECOND SCHEDULE
[Made under section 21(3)]

PROFESSIONAL MISCONDUCTS

A nurse or midwife shall abide with the following conducts and contravention of, going against any of the these conduct amounts to Professional Misconduct:-

A nurse or midwife :-

- (a) shall provide information to the patient in such a way that they can make their decision in nursing interventions or treatment;
- (b) is obliged not to inflict harm intentionally;
- (c) must observe the principle of non-maleficence which requires the practitioners not to harm patients intentionally;
- (d) shall give fair treatment to all patients without discrimination and exploitation;
- (e) must tell the truth as an ethical and moral requirement;
- (f) shall ensure that information is accessible only to those entitled to;
- (g) must observe faithfulness to duties, accuracy, loyalty; and
- (h) must be polite and having patience to clients especially patients.



THIRD SCHEDULE

[Made under section 6 (3)]

THE FUNCTIONS OF THE COMMITTEES

Subject to the provision of this Act, the Committees shall have the following functions:-

- (a) The Finance Committee shall:-
 - (i) advise Council on financial affairs;
 - (ii) recommend fiscal policies including by-laws related to financial matters of the Council; and
 - (iii) to supervise the benefits of Nurses and Midwives.

- (b) The Educational and Professional Committee shall:-
 - (i) advise Council on matters related to trainings and educational advancement in Nursing and Midwifery;
 - (ii) establish minimum practice standards;
 - (iii) evaluate Nursing and Midwifery education programs to meet the Council requirements;
 - (iv) maintain statistical records related to attrition form programmes and collect and present such records for the purposes of manpower planning;
 - (v) provide guidance to the profession related to educational issues and support continuing professional development of Nursing and Midwifery through publications, seminars and conferences; and
 - (vi) prescribe and conduct examinations for registration and licence.

- (c) The Ethical and Discipline Committee shall:-
 - (i) advise Council on matters related to ethics and discipline in Nursing and Midwifery profession;
 - (ii) screen all matters related to public complaints or information the Council receives through reports;



- (iii) hold hearings in cases in which nurse or midwife has been referred to the committee because of the nature of the alleged professional misconduct or incompetence;
- (iv) hear evidence regarding each case and decides whether to dismiss the allegations or find that the member has committed professional misconduct or is incompetent;
- (v) if the member is found guilty, the committee orders an appropriate penalty, the most severe being revocation of one's certificate of registration;
- (vi) depending on the matter under review, considers the results of inquiry on complaints or misconduct investigation, and may accept a resolution proposed by the nurse with complainant; or forward complaints to the Council for inquiry and decision after making the preliminary inquiry.

(d) The Policy, Planning and Research Committee shall:

- (i) advise Council on all matters related to research in Nursing or Midwifery;
- (ii) advise the Council on development and implementation of research policies and procedure; and
- (iii) facilitate research development activities by providing workshops, training, seminars, and other mechanisms to improve the expertise in research methods.

Passed by the House of Representatives of Zanzibar on 22nd October, 2014.

**YAHYA KHAMIS HAMAD
CLERK
HOUSE OF REPRESENTATIVES,
ZANZIBAR.**