



Nurses (Scotland) Act 1951

1951 CHAPTER 55

PART I

GENERAL PROVISIONS AS TO THE GENERAL NURSING COUNCIL FOR SCOTLAND, ETC.

The General Nursing Council for Scotland

1 The General Nursing Council for Scotland

- (1) There shall be a General Nursing Council for Scotland (in this Act referred to as " the Council") constituted in accordance with the provisions contained in the First Schedule to this Act.
- (2) The supplementary provisions contained in the First Schedule to this Act shall have effect with respect to the Council as constituted by this section.

The Register of Nurses

2 The register of nurses

- (1) It shall be the duty of the Council to keep a register of nurses for the sick (in this Act referred to as " the register ") subject to and in accordance with the provisions of this Act.
- (2) The register shall consist of the following parts:—
 - (a) a general part containing the names of all nurses who satisfy the conditions of admission to that part of the register;
 - (b) a supplementary part containing the names of nurses trained in the nursing and care of persons suffering from mental diseases;
 - (c) a supplementary part containing the names of nurses trained in the nursing and care of persons suffering from mental defect;
 - (d) a supplementary part containing the names of nurses trained in the nursing of sick children ;

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- (e) a supplementary part containing the names of nurses trained in the nursing of persons suffering from fever; and
 - (f) such other supplementary part as may be prescribed.
- (3) Where any person satisfies the conditions of admission to any supplementary part of the register, his name may be included in that part of the register notwithstanding that it is also included in the general part.
- (4) A certificate under the seal of the Council duly authenticated in the prescribed manner stating that any person is, or was at any date, or is not, or was not at any date, duly registered shall be evidence in all courts of law of the fact stated in the certificate.
- (5) Any reference in this Act to the register shall, unless the context otherwise requires, be deemed to include a reference to any part of the register, and the expression "registered" shall be construed accordingly.

The Roll of Assistant Nurses

3 The roll of assistant nurses

- (1) It shall be the duty of the Council to keep a roll of assistant nurses (in this Act referred to as "the roll") subject to and in accordance with the provisions of this Act.
- (2) A certificate under the seal of the Council duly authenticated in the prescribed manner stating that any person is, or was at any date, or is not, or was not at any date, duly enrolled shall be evidence in all courts of law of the fact stated in the certificate.

The Assistant Nurses Committee

4 The Assistant Nurses Committee

- (1) There shall be a Committee of the Council, to be called the Assistant Nurses Committee, constituted in accordance with the provisions contained in the Second Schedule to this Act.
- (2) Any matter which wholly or mainly concerns assistant nurses shall stand referred to the Assistant Nurses Committee and any other matter may be referred by the Council to that Committee; and the Committee shall consider the matter and report upon it to the Council, and the Council, before taking any action on the matter, shall, unless in the opinion of the Council the matter is urgent, receive and consider the report of the Committee:

Provided that the following matters, that is to say—

- (a) any question whether any person shall be removed from or restored to the roll, and any matter arising out of any such question; and
- (b) any other matter referred to the Committee in so far as the Council expressly authorise the Committee to deal with it,

shall be finally dealt with by the Committee on behalf of the Council, and the Committee shall make a report to the Council as to the way they have dealt with it.

- (3) The supplementary provisions contained in the Second Schedule to this Act shall have effect with respect to the Assistant Nurses Committee.

The Mental Nurses Committee

5 The Mental Nurses Committee

- (1) There shall be a Committee of the Council, to be called the Mental Nurses Committee, constituted in accordance with the provisions contained in the Third Schedule to this Act.
- (2) The following matters, namely—
 - (a) any matter which wholly or mainly concerns registered mental nurses or registered nurses for mental defectives (other than a question whether a person shall be registered or shall be removed from or restored to the register or a matter arising out of any such question); and
 - (b) any matter relating to the training of persons for admission to the supplementary part of the register containing the names of nurses trained in the nursing and care of persons suffering from mental diseases or to the supplementary part of the register containing the names of nurses trained in the nursing and care of persons suffering from mental defect,

shall stand referred to the Mental Nurses Committee, and any such question as aforesaid or matter arising thereout, and any other matter, may be referred by the Council to that Committee; and the Committee shall consider all such matters and report upon them to the Council, and the Council, before taking any action on any such matter, shall, unless in the opinion of the Council the matter is urgent, receive and consider the report of the Committee:

Provided that any matter which stands referred to the Mental Nurses Committee or is referred to them by the Council shall be finally dealt with by the Committee on behalf of the Council if, and in so far as, the Council expressly authorise the Committee to deal finally with it, and the Committee shall make a report to the Council as to the way they have dealt with it.

- (3) The supplementary provisions contained in the Third Schedule to this Act shall have effect with respect to the Mental Nurses Committee.

Provisions as to Rules

6 Rules

- (1) The Council shall make rules for the following purposes:—
 - (a) for regulating the maintenance and publication of the register and the roll;
 - (b) for regulating the conditions of admission to the register and the roll;
 - (c) for regulating the conduct of any examinations which may be prescribed as a condition of admission to the register or the roll, and any matters ancillary to or connected with any such examinations;
 - (d) for regulating the issue of certificates to persons registered or enrolled and making provision with respect to the uniform or badge which may be worn by persons registered or enrolled;
 - (e) for prescribing the causes for which, the conditions under which, and the manner in which, persons may be removed from the register or the roll, the cancellation of the certificates of persons removed from the register or the roll, the procedure for the restoration to the register or the roll of persons who have been removed (therefrom, and the fee to be payable on such restoration; and

- (f) for regulating the issue of certificates by or under the authority of the Council to persons who have undergone the prescribed training (being training carried out in an institution approved by the Council in that behalf) and, if the rules so provide, passed the prescribed examinations in the teaching of nursing.
- (2) Rules made under this section shall contain provisions—
- (a) requiring as a condition of the admission of any person to the register or the roll that such person shall have undergone the prescribed training, and shall possess the prescribed experience, in the nursing of the sick;
 - (b) requiring that the prescribed training shall be carried out in an institution approved by the Council in that behalf, or in the service of the Admiralty, the Army Council, or the Air Council, or in a hospital managed by a Government department;
 - (c) for the reduction by the Council, to such extent as they may think appropriate, of the period of training prescribed under this section as a condition of the admission of any person to the register, in the case of persons enrolled as assistant nurses who have at any time before their admission to the roll undergone training with a view to qualifying for admission to the register but have not so qualified; and
 - (d) for the admission to the register, on payment of such fees (if any) as may be prescribed, of persons who hold certificates issued by institutions which appear to the Council to be satisfactory for the purposes of this provision stating that they completed before the beginning of October, nineteen hundred and twenty-five, a course of training in nursing in the institution and who satisfy the Council that they' are of good character and have adequate knowledge and experience of nursing.
- (3) The Council shall make rules under this section enabling persons registered as nurses or enrolled as assistant nurses in England and Wales or Northern Ireland to obtain admission to the register or the roll, as the case may be.
- (4) With a view to securing a uniform standard of qualification in all parts of the United Kingdom, the Council shall consult with the General Nursing Council for England and Wales and the Joint Nursing and Midwives Council for Northern Ireland before making any rules under this section with respect to the conditions of admission to the register or the roll.

Supplementary Provisions as to Register and Roll

7 Registration of nurses trained abroad

- (1) A person who proves to the satisfaction of the Council that in a country or territory outside the United Kingdom he successfully completed his training either generally as a nurse or as a nurse of some special class in accordance with a scheme of training recognised by the Council as being satisfactory for the purposes of this subsection, that he underwent his training in an institution so recognised and that he is of good character shall, on making an application in the prescribed manner and on payment of such fee, if any, as may be prescribed, be entitled to be registered in the part of the register appearing to the Council to be appropriate to his case.
- (2) If, in the case of a person who proves to the satisfaction of the Council that he successfully completed his training either generally as a nurse or as a nurse of some special class in a country or territory outside the United Kingdom but who is unable

to prove that his training was in accordance with a scheme of training recognised by the Council as being satisfactory for the purposes of the foregoing subsection and that he underwent his training in an institution so recognised, the Council are of opinion that he could properly be registered after undergoing to their satisfaction such further training in the United Kingdom as may be specified by them and passing such examinations, if any, as may be so specified, they may, if they are satisfied that he is of good character, register him if, after undergoing the specified training in the United Kingdom to their satisfaction and passing any specified examinations, he makes, in the prescribed manner, an application in that behalf and pays such fees as may be prescribed.

8 Information with respect to nurses

- (1) Copies of the register and the roll shall be kept at the office of the Council and shall be open to the inspection of any person without charge during usual business hours.
- (2) If the Council determine in any year not to publish the register or the roll, it shall be their duty to publish, in such manner as the Secretary of State may direct, lists of persons who have been admitted to, removed from, or restored to, the register or the roll during that year.

9 Fees

- (1) There shall be paid to the Council in respect of every application to be examined or to be registered or enrolled under this Act, and in respect of the retention in any year of the name of any person on the register or the roll, such fees, respectively, as the Council may, with the approval of the Secretary of State, from time to time determine.
- (2) The Council may charge for any certificate or other document issued, or in respect of any services performed by them, such fees as may be prescribed.

10 Appeal against removal from register or roll

Any person aggrieved by the removal of his name from the register or the roll may, within three months after the date on which notice is given to him by the Council or by the Assistant Nurses Committee, as the case may be, that his name has been so removed, appeal against the removal to the Court of Session, and on any such appeal the Court of Session may give such directions in the matter as it thinks proper, including directions as to the expenses of the appeal, and the order of the Court of Session shall be final.

11 Closing of parts of register

- (1) If, with respect to any part of the register (other than the general part), the Council at any time make a request in that behalf to the Secretary of State, he may by order direct that, after such a date as may be specified in the order, no person shall be admitted to that part of the register.
- (2) No request under the last foregoing subsection shall be made by the Council with respect to—
 - (a) the supplementary part of the register containing the names of nurses trained in the nursing and care of persons suffering from mental diseases;

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- (b) the supplementary part of the register containing the names of nurses trained in the nursing and care of persons suffering from mental defect; or
- (c) the supplementary part of the register containing the names of nurses trained in the nursing of sick children,

unless the Council are satisfied that means exist whereby members of the public can readily ascertain whether a registered nurse has been trained in the nursing and care of persons suffering from mental diseases or in the nursing and care of persons suffering from mental defect or in the nursing of sick children, as the case may be.

- (3) Where a direction is given under subsection (1) of this section with respect to the supplementary part of the register containing the names of registered mental nurses or with respect to the supplementary part of the register containing the names of registered nurses for mental defectives, the Secretary of State, after consulting the Council, may by the order containing the direction or a subsequent order amend the First and Third Schedules to this Act to such an extent as appears to him requisite or expedient in consequence of the giving of the direction, and where a direction is given under the last mentioned subsection with respect to the supplementary part of the register containing the names of registered sick children's nurses, or with respect to the supplementary part of the register containing the names of registered fever nurses, the Secretary of State, after consulting the Council, may by the order containing the direction or a subsequent order amend the said First Schedule to such an extent as appears to him requisite or expedient in consequence of the giving of the direction.
- (4) Nothing in this section shall affect the power of the Council to remove a person from, or restore a person to, the register.

12 Restriction on use of title of registered nurse, nurse and assistant nurse, and penalties for unlawful assumption thereof, for misuse of certificates, for false representation and for falsification

- (1) Any person who, not being a person duly registered under this Act, takes or uses the name or title of registered nurse, either alone or in combination with any other words or letters, shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, ten pounds, and, in the case of a second or any subsequent offence, fifty pounds.
- (2) Any person who, not being a duly registered nurse or a duly enrolled assistant nurse, takes or uses the name or title of nurse, either alone or in combination with any other words or letters, shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, ten pounds, and, in the case of a second or any subsequent offence, fifty pounds:

Provided that (without prejudice to the provisions of the last foregoing subsection)—

- (a) nothing in this subsection shall prevent a children's nurse from taking or using the name or title of nurse, unless the circumstances in which, or the words or letters in combination with which, the name or title is taken or used are such as to suggest that he is something other than a children's nurse ;
- (b) the Secretary of State may by regulations authorise the use, either generally or by specified classes of persons or in specified circumstances, of specified names or titles containing the word nurse or of the word nurse otherwise qualified in accordance with the regulations ;

- (c) a person shall not be guilty of an offence under this subsection by reason only that, without objection by him, other persons use the word nurse in addressing or referring to him.
- (3) Any person who—
- (a) not being a person duly registered or enrolled, takes or uses any name, title, addition, description, uniform or badge, implying that he is registered or enrolled or is recognised by law as registered or enrolled; or
 - (b) being a person whose name is included in any part of the register, takes or uses any name, title, addition, description, uniform or badge, or otherwise does any act of any kind, implying that his name is included in some other part of the register; or
 - (c) at any time with intent to deceive makes use of any certificate of registration or enrolment issued to him or any other person,
- shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, ten pounds, and, in the case of a second or any subsequent offence, fifty pounds.
- (4) Any person who, knowing that some other person is not registered or enrolled, makes any statement or does any act calculated to suggest that that other person is registered or enrolled shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, ten pounds, and, in the case of a second or any subsequent offence, fifty pounds.
- (5) If any person wilfully makes, or causes to be made, any falsification in any matter relating to the register or the roll, he shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding one hundred pounds.

Supplementary Provisions as to Council, etc.

13 General provisions as to Council

- (1) The Council shall be a body corporate by the name of the General Nursing Council for Scotland, with perpetual succession and a common seal, and may sue and be sued by that name, and service on the Council of all legal processes and notices may be effected by service on their registrar.
- (2) The Council may enter into such agreements, acquire such property and do such things, as may in the opinion of the Council be necessary or desirable for the exercise or performance of any of their powers or duties, and may dispose as they think fit of any property acquired by them.
- (3) Any document purporting to be sealed with the seal of the Council, or to be signed in the name of the Council by their registrar or any person authorised by the Council to act in that behalf, shall be receivable in evidence of the particulars stated in that document.

14 Officers of Council

- (1) The Council may appoint—
 - (a) with the previous sanction of the Secretary of State, a registrar, who shall act as secretary and treasurer to the Council, and shall be charged, subject to the

instructions of the Council, with the preparation, correction and custody of the register; and

- (b) subject to the consent of the Secretary of State as to numbers, such other officers as the Council consider necessary.

- (2) There shall be paid to the registrar and the other officers of the Council such salaries or remuneration as the Council, with the approval of the Secretary of State, may from time to time determine.

15 Allowances to members of Council, Assistant Nurses Committee and Mental Nurses Committee

The Council may pay to the members thereof and to the members of the Assistant Nurses Committee and to the members of the Mental Nurses Committee sums (to be calculated in accordance with directions to be given by the Secretary of State) in respect of any loss of earnings they would otherwise have made or any additional expenses (including travelling and subsistence expenses) to which they would not otherwise have been subject, being loss or expenses necessarily suffered or incurred by them for the purpose of enabling them to perform duties as members of the Council, or either of the said Committees, as the case may be.

16 Expenses of Council

All expenses incurred by the Council with the approval of the Secretary of State which are attributable to defraying expenditure incurred by regional nurse-training committees shall be defrayed by the Secretary of State out of moneys provided by Parliament, and all other expenses incurred by the Council under this Act shall be defrayed out of fees and contributions received by them under this Act or out of any other sums received by the Council.

17 Accounts of Council

The accounts of the Council shall be made up annually as at such date as the Secretary of State may fix, and shall be audited in such manner, and by such person, as the Secretary of State may from time to time direct, and copies of the accounts and of any report made on the accounts shall, within three months after the date as at which the accounts are made up, be transmitted by the Council to the Secretary of State and to such persons as the Secretary of State may direct.

18 Membership of Council, etc., not to involve parliamentary disqualification

A member of the Council, the Assistant Nurses Committee, the Mental Nurses Committee, a regional nurse-training committee or a sub-committee of a regional nurse-training committee shall not, by reason of his membership, be rendered incapable of being elected, or of sitting and voting, as a member of the House of Commons.