

Subsidiary Legislation made as rules under the Midwives Act (1947-05), saved and deemed to have been made under s.36.

Midwives Regulations

(1948.03.24)

		<i>Commencement</i>	24.3.1948
Amending enactments	Relevant current provisions	Commencement date	
Rules of 18.8.1954	rr. 2, 26, 30(1), 31(1)		
Regs of 28.5.1970	rr. 31(2), 32		
LN. 1976/133	Sch.		
1988/003	rr. 25, 27(3), 32		31.3.1988
1997/109	rr. 2, 3, 5(a)(ii)-(iii), 9(1), 9A, 12, 24, 25A, 27(1), Schs.1-3		16.10.1997
2007/020	rr. 2, 3(2)-(3), 5, (b), 6		1.3.2007
Act. 2007-17	r. 4		14.6.2007
LN. 2014/251	r. 25A(1), Sch.4		11.12.2014

Transposing:

Directive 80/155/EEC

Directive 2000/78/EC

Directive 2002/73/EC

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Title.

1. These Regulations may be cited as the Midwives Regulations.

Interpretation.

2. In these Regulations, unless the context otherwise requires,—

“approved training institution” means an institution approved by the Board for the training of pupils, and in relation to either the first or second period of training means an institution approved in respect of that period;

“EEA State” means a State party to the European Economic Area Agreement signed at Oporto on the 2nd May 1992 as adjusted by the Protocol signed at Brussels on the 17th March 1993 and as further adjusted from time to time;

“her” means her or his;

“lecturer” means a person approved by the Board as a lecturer in subjects in which instruction is required by these regulations or the Board;

“midwife” means a person whose name is on the Part VIII of the register;

“practising midwife” means a midwife who attends professionally upon a woman during the antenatal, intranatal and postnatal period or who holds a post for which a midwifery qualification is essential and who notifies her intention to practice to the Board;

“prescribed form” means such form as may be prescribed by the Board from time to time;

“puerperal fever” means any febrile condition in a woman in whom a temperature of 100.4° Fahrenheit (38° Centigrade) or more has occurred within fourteen days after child-birth or miscarriage;

“pupil” means a person whose name is included on the roll kept by the Board of pupils who wish to become midwives;

“she” means she or he;

“register” means the professional register of nurses and midwives kept by the Board under section 28 of the Act, and “registration” shall be construed accordingly;

“roll” means the list of pupils kept in accordance with these rules;

“secretary” means the secretary of the Board;

“teacher” means a person approved by the Board as a teacher of pupils, and the words “a teacher” may be read as referring to two or more such persons.

Fitness of candidates.

3.(1) The Board shall keep a roll of pupils who wish to become midwives.

(2) Notwithstanding anything hereinafter contained and subject to the Equal Opportunities Act 2006, the Board may refuse to enrol as a pupil, or to admit to examination or to the register, or to issue a certificate to, any person whom it considers to be physically, mentally or morally unfit to be a midwife.

(3) The Board may postpone the enrolment of a person as a pupil to the register or her admission to examination, if that person submits any document required by these regulations which has been altered or falsified in any way.

Suspension of regulations.

4. The Board with the consent of the Minister responsible for health may dispense with the requirements of any of these regulations in any case in which it thinks fit.

ENROLMENT OF PUPILS.

Application for enrolment.

5. A person who proposes to become a pupil shall apply, through the approved training institution at which she proposes to take the first period of her training, to the Board, on the prescribed form and in her own handwriting, to have her name entered upon the roll, and shall at the same time produce—

- (a) (i) if her name appears on the general part of the Register of the General Nursing Council for England and Wales, the General Nursing Council for Scotland, the Joint Nursing and Midwives Council for Northern Ireland, the General Nursing Council for Eire, or of any other bodies lawfully succeeding these bodies, by virtue of having passed the examination of one of those bodies or some other examination recognised by the General Nursing Council for England and Wales, and she has had at least three years general training or any equivalent thereto which may from time to time be recognised by the General Nursing Council for England and Wales,

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evidence satisfactory to the Board that she has fulfilled the foregoing requirements;

- (ii) evidence of an appropriate Nursing European diploma obtained in an EEA State in accordance with the provisions of Schedule 9 of the Medical and Health Act 1997 and who satisfies the Board as to his identity and character; or
 - (iii) in any other case, evidence that she has passed five subjects at Ordinary Level in the General Certificate of Secondary Education examinations including English Language and at least one science subject or their equivalent.
- (b) proof that the person is at least 18 years old.
- (c) two certificates from persons of responsible position to the effect that they have known the applicant for a period of at least twelve months immediately prior to the date of her application, and that they are satisfied that she is trustworthy, sober, and of good moral character.

Age of enrolment.

6. A person shall not be enrolled as a pupil if that person is under the age of 18.

Erasure from roll.

7. The names of all pupils who have been on the roll for five years and have not been admitted to the register shall be erased from the roll. The Board may, however, restore to the roll for such period as it thinks fit, any names so erased.

Unsuitable pupils.

8. A report from the approved training institution shall be made to the Board within six calendar months from the beginning of a pupil's first period of training if the general education of the pupil is inadequate or she is otherwise unsuited to be a midwife. On consideration of such a report the Board may remove the name of the pupil from the roll.

COURSE OF TRAINING.

Training for admission to Part VIII.

9. (1) Training for admission to Part VIII of the register shall comprise—

- (a) in the case of a pupil to whom regulation 5(a)(i) or (ii) applies, all those subjects set out in the training programme contained in Schedule 1 to these Regulations which did not form part of the course of training which the Board recognise pursuant to the said regulation 5(a)(i) or (ii); or
- (b) in the case of a pupil to whom regulation 5(a)(iii) applies, those subjects set out in the training programme contained in Schedule 1 to these Regulations.

Training shall be at an approved training institution in Gibraltar or the United Kingdom and shall be in two periods: (i) a first period which the pupil shall complete before presenting herself for the first examination, and: (ii) a second period which the pupil shall complete before presenting herself for the second examination.

Where training is pursued at an approved training institution in the United Kingdom the pupil shall produce such evidence as shall satisfy the Board that the person concerned has acquired during the total duration of her training—

- (i) adequate knowledge of the sciences on which the activities of midwives are based, particularly obstetrics and gynaecology;
 - (ii) adequate knowledge of the ethics of the profession and the professional legislation;
 - (iii) detailed knowledge of biological functions, anatomy and physiology in the field of obstetrics and of the newly born, and also a knowledge of the relationship between the state of health and the physical and social environment of the human being, and of his behaviour;
 - (iv) adequate clinical experience gained in approved institutions under the supervision of staff qualified in midwifery and obstetrics;
 - (v) adequate understanding of the training of health personnel and experience of working with such personnel.
- (2) All practical instruction shall be carried out under the supervision of a teacher.

Examinations.

9A(1) The examinations referred to in regulation 9 (1) shall be held at the completion of each period, for the purpose of testing the knowledge of the pupils in subjects included in the training programme prescribed by these Regulations and to assess their ability to undertake the work of a practising midwife.

(2) The examinations shall be set by an approved training institution.

Pupil to devote whole time to work.

10. A pupil shall, except during such holidays as may be permitted by the Board, devote the whole of both periods of her training to preparation for her examinations, and must not be engaged on any other work of whatsoever nature.

Beginning of training.

11. A pupil shall not begin her training until she has been notified by the secretary that her name has been entered on the roll, and immediately she begins the first period of training she shall forward to the Board a certificate signed by a teacher as to the date of the beginning of training.

Length of training for a pupil with qualifications referred to in regulation 5(a)(i), (ii) or (iii).

12.(1) In the case of a pupil to whom regulation 5(a)(i) or (ii) applies—

- (a) the course of training shall be adapted to take into account knowledge and experience acquired by her in becoming so qualified and the course so adapted shall extend over a period of not less than eighteen months; and
- (b) the first period of training shall extend over six consecutive calendar months.

(2) In the case of a pupil midwife to whom regulation 5(a)(iii) applies—

- (a) the course of training shall extend over a period of three years; and
- (b) the first period of training shall extend over eighteen consecutive calendar months.

(3) Training undertaken on a part time basis shall—

- (a) be of a standard: and
- (b) extend over a period of time, when taken in its totality;

equal to that required in the case of a training programme undertaken on a full time basis.

Commencement of second period.

13.(1) On beginning her second period of training a pupil shall forward to the Board a certificate, signed by a teacher, giving the name of the approved training institution at which the training will be received and the date of the beginning of training.

(2) A pupil may begin the second period of training after completing the first period and prior to passing the first examination, but if she is not successful at the first examination on the first occasion on which she is entitled to enter for it, any part of the second period of training which she may have completed before passing the first examination shall not be counted towards the period prescribed in regulation 15.

Late commencement of second period.

14. A pupil who does not begin the second period of training within six months of passing the first examination may be required by the Board to receive such further instruction, prior to beginning the second period, as the Board may prescribe.

Curricula for second period.

15. The second period of training shall extend over not less than six consecutive calendar months in all cases and the pupil shall during such period attend such lectures, and perform such nursing and clinical and other work, as the Board shall require.

Notes to be kept during training.

16. During the second period of training, the pupil shall keep detailed records in such form as the Board may from time to time prescribe of all work done and training received. Such records shall be signed by a teacher as the Board may require.

Training interrupted by emergency.

17.(1) If in either the first or second period a pupil's training is interrupted owing to her own illness or other grave emergency, the Board, on application made by the pupil through a teacher may, subject to such conditions as it thinks fit, allow the training taken prior to the interruption to be counted towards the prescribed period of training. Every application must be accompanied by a medical certificate, or other evidence satisfactory to the Board, according to the nature of the emergency.

(2) In case of interruption of training for reason other than illness of the pupil, grave emergency or the holidays permitted by the Board, the training received prior to such interruption shall not be so counted.

CONDUCT OF EXAMINATION.

Time for examination.

18.(1) A pupil shall present herself for the first examination within six months of the date on which she completes her first period of training and shall present herself for the second examination within six months of the date on which she completes her second period of training.

(2) A pupil who does not sit for examination in accordance with this rule may be required by the Board before presenting herself for examination to undergo such further training as the Board may prescribe.

Qualification for examination.

19. A pupil shall not be entitled to be admitted to an examination unless her name is on the roll and unless she produces certificates to the effect that she has undergone the training prescribed in these regulations. Such certificates shall be in the prescribed form and shall be signed by the lecturers and teachers, and countersigned by the Matron or Superintendent of Nurses of the approved training institution, unless such person is the teacher signing the certificates.

Application for examination.

20. A pupil who intends to present herself for either examination must send notice of such intention, and the sum of £1 in payment of the examination fee, to the secretary at least four weeks before the date fixed for the commencement of the examination. The certificates of training required by regulation 19 and in the case of the second examination the records kept by the pupil in compliance with regulation 16 shall be sent to the secretary at the same time or at any subsequent date being not less than seven days before the date fixed for the commencement of the examination. Until such certificates and records have been received and accepted by the secretary a pupil shall not be deemed to have entered for the examination, but the fee shall not be returnable.

Cards of admission to examination.

21.(1) The secretary shall send to each pupil accepted for the first examination, at the address furnished by her for the purpose, a card of admission to the written part of the examination, and shall personally or by deputy hand to each pupil attending the written part of the examination a card of admission to the oral part of the examination. The secretary shall send to each pupil accepted for the second examination at the address furnished by her for the purpose, a card of admission to that examination.

(2) Any pupil presenting herself at either part of the first examination, or at the second examination, without her card of admission will be liable to exclusion.

Cheating.

22. A candidate detected copying from another candidate's paper or from a book or other document may be required to leave the examination room by the person in charge of the examination. Such candidate shall not be allowed to complete the examination and shall be liable to exclusion by the Board from all future examinations.

Failure and re-examination.

23. A pupil who has failed at either examination of the Board and has not succeeded in passing the examination immediately following the one at which she has failed may be called to undergo such further training as the Board may require before again presenting herself for examination.

ISSUE OF CERTIFICATES; ADMISSION TO REGISTER.

First certificate.

24. The name of a candidate successful at the first examination shall be entered on the record maintained by the Board of all pupils who have passed that examination. A certificate, to be known as the first certificate, in the form set out in Schedule 2, shall be awarded to each candidate successful at the first examination whose first period of training has extended over six consecutive calendar months in accordance with the terms of regulation 12. The entry of a pupil's name on such record or the award of such first certificate shall not entitle a pupil to admission to the register or authorise her to hold herself out to be certified under the Act.

Suspension of registration.

25.(1) The Specialist in Community Medicine may suspend a certificate of registration of a midwife for a period not exceeding two months if in his opinion she is liable to spread infection, or if to his knowledge she has contravened any directions approved by the Board for the use of disinfectants or for the employment of proper safeguards against the spread of infection.

(2) The Specialist in Community Medicine shall forthwith inform the Midwives Board of the fact that he has suspended the certificate of registration of any midwife in pursuance of this rule and shall transmit for the information of the Board a statement of the reasons for such suspension.

(3) Any midwife whose certificate of registration is suspended by the Specialist in Community Medicine may appeal to the Board.

CONDUCT AT AND AFTER CONFINEMENT.

Permitted activities of midwives.

25A.(1) Any person who has been registered in Part VIII of the register as a midwife, shall be entitled to pursue the following activities—

- (a) to provide sound family planning information and advice;
- (b) to diagnose pregnancies and monitor normal pregnancies;
- (c) to carry out the examinations necessary for monitoring the development of normal pregnancies;
- (d) to prescribe or advise on examinations necessary for the earliest possible diagnosis of pregnancies which might be at risk;
- (e) to provide a programme for preparation of parenthood and complete preparation for childbirth including advice on hygiene and nutrition;
- (f) to care for and assist the mother during labour and to monitor the condition of the foetus in utero by the appropriate clinical and technical means;
- (g) to conduct spontaneous deliveries including, when required, an episiotomy and, in cases of urgencies, a breech delivery;
- (h) to recognise any warning signs of abnormality in the mother or infant which necessitate referral to a doctor and to assist the latter where appropriate to take necessary emergency measures in the doctor's absence, in particular the manual removal of the placenta followed, where necessary, by a manual examination of the uterus;
- (j) to examine and care for the new-born infant and take all appropriate measures in cases of need and, where necessary, to effect immediate resuscitation;
- (k) to care for and monitor the progress of the mother in the post-natal period and to give all necessary advice to the mother on infant care so as to enable her to ensure the optimum progress of the new-born infant;
- (l) to carry out treatment prescribed by a doctor; and
- (m) to maintain all necessary records.

(2) Without prejudice to subregulation (1) a midwife may supply and administer the medicinal products and appliances listed in the first column of the table in Schedule 4, subject to any condition listed in column 2.

Midwife's appliances.

26. When called to a confinement a midwife shall take with her –

- (a) an appliance for giving vaginal injections, an appliance for giving enemata, a catheter, a pair of scissors, a clinical thermometer and a nail brush;
- (b) an efficient antiseptic for disinfecting the hands, etc.;
- (c) an antiseptic for douching in special cases;
- (d) an antiseptic lubricant for smearing the fingers, catheters, douche nozzles and enema nozzles before they touch the patient;
- (e) a small case, capable of sterilisation, which can contain sterile swabs, and other sterilisable articles.

Case book.

27.(1) Every midwife shall keep a case book in the form set out in Schedule 3.

(2) It shall be the duty of the midwife to make all appropriate entries in the case book without delay, and any failure to make any entry or the wilful making of any incorrect entry shall be deemed an offence against these rules.

(3) A midwife shall preserve her case book and shall produce the same to the General Manager or the Board for inspection whenever called upon to do so.

Attendance on mother.

28. If the midwife has charge of a lying-in case she shall not leave the patient after the commencement of the second stage, and shall stay with the woman until the expulsion of the afterbirth, and as long after as may be necessary. In cases where a doctor has been sent for on account of the labour being abnormal or of there being threatened danger, she shall await his arrival and faithfully carry out his instructions.

Removal of soiled linen etc.

29. The midwife shall remove soiled linen, blood, faeces, urine and the placenta from the neighbourhood of the patient and from the lying-in room as soon as possible after the labour, and in every case before she leaves the patient's house.

Cleansing child's eyes; death of child.

30.(1) As soon as a child's head is born, and if possible before the eyes are opened, its eyelids shall be cleansed.

(2) On the birth of a child which is in danger of death, the midwife shall if reasonably possible inform one of the parents of the child's condition.

(3) In the case of a child being born apparently dead, the midwife shall carry out such methods of resuscitation as have been taught her.

(4) The midwife shall, without delay, call in the aid of a registered medical practitioner for any inflammation of, or discharge from, the eyes, however slight, occurring in an infant delivered by her.

Cases of puerperal fever or other infections.

31.(1) A midwife or nurse in attendance on a patient suffering from puerperal fever or a foul-smelling vaginal discharge or any other illness supposed or suspected to be infectious, shall call in the aid of a registered medical practitioner and shall not visit or attend any other patient, but shall continue in attendance on the infected patient.

(2) Whenever a midwife or nurse is or has been in attendance on a patient suffering from puerperal fever, foul-smelling vaginal discharge or any other illness supposed or suspected to be infectious, the following rules as to disinfection shall in each instance be strictly complied with to the satisfaction of the Specialist in Community Medicine—

- (a) All washable clothing shall be steeped in water (to which a little soda has been added) and then boiled. All gloves shall be boiled.
- (b) All other clothing shall be disinfected at the Government Disinfecting Station. The disinfection will be carried out free of cost on application to the Chief Environmental Health Officer.
- (c) The nurse's bag, and all other instruments and nail-brush shall be brought to the Chief Environmental Health Officer for disinfection. This shall be carried out free of cost by the Chief Environmental Health Officer.

- (d) A complete bath shall be taken by the midwife or nurse, soap being freely used. The hair shall be carefully washed, the nails of the hands cut short and the hands scrubbed and afterwards immersed for five minutes in a suitable disinfectant solution, which shall be provided free of cost on application to the Specialist in Community Medicine.

(3) When the above rules have been strictly complied with a certificate shall be given on personal application to the Director. Without this certificate no midwife or nurse shall resume work.

Notification of deaths and stillbirths.

32.(1) In all cases in which death of the mother or of the child occurs before the arrival of a registered medical practitioner the midwife shall, as soon as possible after the death, notify the same to the Specialist in Community Medicine.

(2) In all cases where a registered medical practitioner is not in attendance the midwife shall, as soon as possible after the occurrence of a stillbirth, notify the same to the Specialist in Community Medicine.

Penalty.

33. Any person who wilfully or negligently contravenes any of the provisions of regulations 26 to 32 inclusive is guilty of an offence and is liable on summary conviction to a fine of £25.

DISCIPLINARY PROCEEDINGS.

Preliminary investigation of complaint by Board.

34. When information is furnished to the Board that any registered midwife is alleged to have been guilty of malpractice, negligence, misconduct or contravention of the Act, or any rule made thereunder regulating the practice of midwives, the Board shall cause such investigations to be made as may in its opinion be necessary in order that it may decide whether there is a prima facie case for an inquiry to be held by the Board.

Notice to midwife when inquiry is to be held.

35. If the Board is of opinion that there is a prima facie case for such inquiry in relation to any midwife, the secretary of the Board shall notify the midwife of the time when and the place where the inquiry is to be held, and shall supply to the midwife a concise statement of the matters alleged against her.

Conduct of case against midwife.

36. At the hearing of the inquiry before the Board the case against the midwife shall be conducted by the barrister or solicitor representing the complainant or, if there be no complainant or the complainant be not so represented, by a barrister or solicitor appointed for the purpose by the Board.

Midwife may be represented.

37. The midwife in respect of whom the inquiry is held may if she so desires be represented thereat by a barrister or solicitor.

Member of Board not to conduct case.

38. The case for or against a midwife at the inquiry shall not be conducted by a barrister or solicitor who is a member of the Board.

Inquiry may be private or public.

39. The inquiry shall be held in public or in private, or partly in public and partly in private, as the Board in its discretion may think fit:

Provided that the midwife may require the inquiry to be held in public.

Order of proceedings.

40. The order of procedure at the inquiry shall be as follows:—

- (i) the barrister or solicitor conducting the case against the midwife shall state that case and produce evidence in support thereof;
- (ii) the midwife or, if she is represented, the barrister or solicitor representing her, shall then state her case and produce her evidence in support thereof and thereafter may address the Board;
- (iii) the barrister or solicitor conducting the case against the midwife may then, if the midwife has produced evidence but not otherwise, address the Board;
- (iv) when the hearing is concluded the Board shall consider its decision and inform the midwife thereof.

Evidence.

41.(1) Evidence produced to the Board at an inquiry may be by oral statement or by written deposition or statement.

(2) Each witness may be examined, cross-examined and re-examined.

SCHEDULE 1.

Regulation 9 (1)

TRAINING PROGRAMME

The training programme leading to ultimate registration in midwifery shall consist of the following two Parts –

Part A. Theoretical and technical instruction.

1. General Subjects

- (1) Basic anatomy and physiology;
- (2) Basic pathology;
- (3) Basic bacteriology, virology and parasitology;
- (4) Basic biophysics, biochemistry and radiology;
- (5) Paediatrics with particular reference to new-born infants;
- (6) Hygiene, health education, preventive medicine, early diagnosis of diseases;
- (7) Nutrition and dietetics with particular reference to women, new-born and young babies;
- (8) Basic sociology and socio-medical questions;
- (9) Basic pharmacology;
- (10) Psychology;
- (11) Principles and methods of teaching;
- (12) Health and social legislation and health organisation;
- (13) Professional ethics and professional legislation;
- (14) Sex education and family planning;
- (15) Legal protection of mother and infant.

2. Subjects specific to the activities of midwives

- (1) Anatomy and physiology;
- (2) Embryology and development of the foetus;
- (3) Pregnancy, childbirth and puerperium;
- (4) Gynaecological and obstetrical pathology;
- (5) Preparation for childbirth and parenthood including psychological aspects;
- (6) Preparation for delivery including knowledge and use of technical equipment in obstetrics;
- (7) Analgesia, anaesthesia and resuscitation;
- (8) physiology and pathology of the newborn infant;
- (9) Care and supervision of the newborn infant;
- (10) Psychological and social factors.

Part B. Practical and Clinical Training

Practical and clinical training this training is to be dispensed under appropriate supervision–

- (1) Advising of pregnant women, involving at least 100 pre-natal examinations;
- (2) Supervision and care of at least 40 women in labour;
- (3) The student should personally carry out at least 40 deliveries; where this number cannot be reached owing to the lack of available women in labour, it may be reduced to a minimum of 30, provided that the student participates actively in 20 further deliveries;
- (4) Active participation with breech deliveries. Where this is not possible because of lack of breech deliveries practice, it may be in a simulated situation;
- (5) Performance of episiotomy and initiation into suturing. Initiation shall include theoretical instruction and clinical practice. The practice of suturing includes suturing of the wound following an episiotomy and a simple perineal laceration.

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This may be in a simulated situation, if absolutely necessary;

- (6) Supervision and care of 40 women at risk in pregnancy, or labour or post-natal period;
- (7) Supervision and care (including examination) of at least 100 post-natal women and healthy new-born infants;
- (8) Observation and care of the new-born requiring special care including those born pre-term, post-term, underweight or ill;
- (9) Care of women with pathological conditions in the fields of gynaecology and obstetrics;
- (10) Initiation into care in the field of medicine and surgery. Initiation shall include theoretical instruction and clinical practice.

SCHEDULE 2.

FORM OF FIRST CERTIFICATE.

Regulation 24.

NURSES AND MIDWIVES REGISTRATION BOARD.

Date

We hereby certify that _____ has completed the first period of training prescribed for pupil-midwives and has passed the First Examination of the Nurses and Midwives Registration Board.

Chairman.

Secretary.

NOTICE.

This Certificate does not entitle the pupil whose name is inscribed hereon to admission to the Register of Nurses and Midwives or authorise her to hold herself out as registered under the Medical and Health Act.

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SCHEDULE 3.

FORM OF CASE BOOK.

Regulation 27.

Number of case:
Date of engagement to attend:
Name and address:
Number of previous labours and miscarriages:
Age:
Date and hour of midwife's arrival:
Presentation:
Duration of 1st, 2nd and 3rd stages of labour:
Complications (if any) during or after labour:
Sex of infant: Born living or dead:
Full time or premature: Number of months:
If and when doctor called: Name of doctor:
Date of midwife's visit:
Condition of mother then:
Condition of child then:
Remarks: *

** If any drugs have been administered state here their nature and dose, and the time and purpose of their administration.*

SCHEDULE 4.

MEDICINAL PRODUCTS

Column 1	Column 2
All items on the General Sale List	The supply or administration of the medicinal products listed opposite shall be only in the course of their professional practice.
Medicinal products that are not on the General Sale List or a Prescription Only Medicine, and which may only be supplied by a registered pharmacist.	The supply or administration of the medicinal products listed opposite shall be only in the course of their professional practice.