

# SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 3580 of 25 January, 2007

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LEGAL NOTICE NO. 20 OF 2007.

## MEDICAL AND HEALTH ACT 1997

### MIDWIVES (AMENDMENT) REGULATIONS 2007

In exercise of the powers conferred on him by section 36 of the Medical and Health Act 1997, and all other enabling powers, the Minister for the purposes of partly transposing into the law of Gibraltar Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation; Directive 2002/73 of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions; and Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, has made the following Regulations—

#### **Title and commencement.**

1. These Regulations may be cited as the Midwives (Amendment) Regulations 2007 and come into operation on 1 March 2007.

#### **Amendments to the Midwives Regulations.**

2. The Midwives Regulations are amended as follows—

(a) in regulation 2—

(i) in the definition of “EEA State”, after “March 1993” insert “and as further adjusted from time to time”;

(ii) insert, after the definition of “EEA State”—

“ “her” means her or his;”

(iii) insert, after the definition of “pupil”–

“ “she” means she or he;”;

(b) for regulation 3(2) and (3) substitute–

“ (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.”;

(c) in regulation 5,–

(i) substitute for “woman proposing”, “person who proposes”;

(ii) for paragraph (b) substitute–

“ (b) proof that the person is at least 18 years old.”;  
and

(d) for regulation 6, substitute–

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

Dated this 25th day of January, 2007.

E BRITTO,

Minister for Health.

### EXPLANATORY MEMORANDUM

These Regulations amend the Midwives Regulations in order to–

- clarify that the regulations apply to men as well as women and delete the requirement to provide copies of marriage certificates from the Regulations in order to partly transpose Directive 2002/73 of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions and Council Directive 76/207 of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions;
- reduce the lower age restriction to 18 and remove the upper age restriction on enrolling persons as pupil midwives in order to partly transpose Council Directive 2000/78/EC of 27 June 2000 establishing a general framework for equal treatment in employment and occupation; and
- amend the definition of “EEA State” to clarify that the Regulations apply equally to the States which joined the EEA in 2004 and any which join in the future.