

THE PAKISTAN NURSING COUNCIL ACT, 1973

(XXVI of 1973)

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THE PAKISTAN NURSING COUNCIL ACT, 1973
(XXVI of 1973)

[9th February, 1973]

An
Act

to amend and consolidate the laws relating to registration and training of nurses, midwives and health visitors.

WHEREAS it is expedient to amend and consolidate the laws relating to registration and training of nurses, midwives and health visitors and to provide for matters ancillary thereto;

It is hereby enacted as follows:

1. Short title, extent and commencement.— (1) This Act may be called the Pakistan Nursing Council Act, 1973. (2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context—

a) "Board" means a Provincial Nursing Examination Board constituted under section 11;

b) "Council" means the Pakistan Nursing Council established under section 3;

c) "Member" means a member of the Council;

d) "Prescribed" means prescribed by regulations made under section 26;

e) "Recognized higher qualifications" means a qualification granted by an

institution established and maintained by the Federal Government which is declared to be a recognized higher qualification for the purposes of this Act, and includes a qualification which was, immediately before the commencement of this Act, recognized higher qualification under the Pakistan Nursing Council Act, 1952 (LIX of 1952);

f) "Recognized qualification" means a qualification granted by a Board which is declared to be a recognized qualification for the purposes of this Act and includes—

i) a qualification specified in the schedule; and

ii) a qualification which was, immediately before the commencement of this act, a recognized qualification under the Pakistan Nursing Council Act, 1952 (LIX of 1952);

g) "Register" means the register of nurses, midwives, health visitors and nursing auxiliaries maintained under section 19;

3. Establishment of the council.— (1) The Federal Government shall, as soon as may be, establish a Council to be called the Pakistan Nursing Council, which shall consist of the following members, namely:

Ex-Officio Members

- a)
- b)
- c)
- qd)
- e)

The Director General Health, Government of Pakistan;

The Chief Administrative Officer, by whatever name called, of the Health Services of each Provincial Government;

The Chief Nursing Administrative Officer, by whatever name called, of the Federal Government;

The Chief Nursing Administrator, by whatever name called, of the Armed Forces Nursing Service,

The Superintendent of Nursing Services of each Provincial Government or, if there is no such Superintendent in a Province;, the person holding the corresponding office.

Other Members

- f)
- g)
- h)
- (2)

One nurse from each Province, to be elected by the Provincial Board;

One nurse-midwife from each Province, to be elected by the Provincial Board;

Three members elected by the Pakistan Nurses Federation from amongst its members, one of whom is a nurse, one a nurse-midwife, and one a health;

One member elected by the Medical and Dental Council from amongst its members;

Two members to be elected by the National Assembly from amongst its members;

One lady member of each Provincial Assembly to be elected by the Provincial Assembly from amongst its members;

One health visitor from each Province, to be elected by the Provincial Board;

Two members nominated by the Federal Government, of whom—
i) one shall be an experienced educationist, and

ii) one shall be nursing instructor of an institution maintained by the Government.

The Council established under subsection (1) shall be a body

corporate having perpetual succession and a common seal, with power, among others, to acquire, hold and dispose of property, and shall by its name sue and be

sued.

4. Terms of office of members.— (1) Subject to the provisions of this section, an elected or nominated member shall hold office for a term of 3 years from the date of his election or nomination, as the case may be.

(2) | Anelected or a nominated member may at any time resign his office by writing under his hand addressed to the President of the Council and the seat of such member shall thereupon become vacant.

(3) An elected or a nominated member shall be deemed to have vacated his seat—

a) if he ceases to represent the particular interest which he was elected or nominated to represent or to hold any office or appointment by virtue of which he was qualified to be elected or nominated; or

b) if he is declared by the Council to have been absent without sufficient cause from three consecutive meetings of the Council.

(4) — An elected or a nominated member shall be eligible for re election or re-nomination but not for more than two consecutive terms.

5. Casual Vacancies.— A casual vacancy in the office of a member shall be filled for the remainder of the term of such member by election or nomination of another person in his place in the same manner in which such member was elected or nominated.

6. Vacancy, etc., not to invalidate proceedings.— No act or proceeding of the Council shall be invalid merely on the grounds of existence of any vacancy in, or any defect in the constitution of, the Council.

7. Meetings of the council. (1) The Council shall, for the purpose of transacting its business, meet at least once every six months at such times and places as the Council may deem fit or as the President of the Council may determine.

(2) | Special meetings may be held at such times and places as the Council may deem fit or as the President of the Council may determine.

(3) A written notice with respect to the time, place and object of any special meeting shall be sent by post by the Secretary to the Council to all the members at least seven days before the day fixed for such meeting.

(4) Unless otherwise prescribed, fourteen members shall form a quorum for the meeting of the Council; and all decisions of the Council shall be made by a majority of the members present and voting.

8. President and vice-president. (1) Unless prevented by circumstances beyond its control, the Council shall, at its first meeting to be presided over by a member elected for the purpose, elect from among its members a President and a Vice-President.

(2) | The President or the Vice-President of the Council shall hold office as such for so long as he continues to be a member.

9. Executive committee— (1) The Council shall constitute an Executive Committee consisting of the President, the Vice-President and seven other persons elected by it from amongst its members and may constitute such other committees

for general or special purposes as the Council may deem necessary for carrying out the purposes of this Act.

(2) | The President and the Vice-President of the Council shall respectively be President and the Vice-President of the Executive Committee.

(3) | The Executive Committee shall exercise and perform such powers and functions as are, or may be, conferred or imposed upon it by or under this Act.

10. Officers and servants of the council.— (1) The Council shall appoint a Registrar of the Council and may appoint a Secretary, a Treasurer and such other officers and servants as it may deem necessary for carrying out the purposes of this Act. Provided that the Council may, if it thinks fit, require the Registrar to perform the functions of Secretary and the Treasurer or any of them.

(2) The Council shall with the previous sanction of the Federal Government, determine the terms and conditions of service and fix the pay and allowances of the officers and servants.

11. Provincial nursing examination board.— (1) The Provincial Government shall constitute a Provincial Nursing Examination Board consisting of such persons as the Provincial Governments may, in consultation with the Federal Government appoint.

(2) The functions of Boards shall be to confer, grant or issue diplomas, licenses, certificates or other documents stating or implying that the holder, grantee or recipient, thereof has acquired a qualification in nursing, midwifery, health visiting, public health nursing or auxiliary nursing and to desiring to obtain such qualifications.

(3) A Board shall conduct its proceedings in such manner as may be prescribed.

12. Recognition of institutions or authority conducting training.— (1) Any institution or authority which conducts any courses of study of training in general nursing, midwifery, health visiting, public health nursing, auxiliary nursing or nursing aide (Naid) may apply to the Council for recognition.

(2) | The Council may, if it is satisfied after such inquiry as it may think fit to make that the institution or authority making an application under sub-section (1) fulfills such requirements as may be prescribed for the purpose, grant the recognition applied for.

13. Reciprocal recognition of qualification.— (1) The Council may, for settling a scheme of reciprocity or recognition of qualifications, enter into negotiations with any authority in a foreign country which, by the law of such country, is entrusted with the maintenance of, or is authorized to maintain, a register of nurses, midwives, or health visitors.

(2) | The Council may, in pursuance of any scheme of reciprocity settled under sub-section (1), by notification in the official Gazette, declare in respect of any qualification or higher qualification granted by any authority in such country that such qualification or such higher qualification, only when granted after the date specified in the notification, shall be a recognized qualification or a recognized higher qualification for the purposes of this Act.

(3) Notwithstanding that a scheme of reciprocity has not been settled under sub-section (1), the Federal Government may, after consultation with the Council, by notification in the official Gazette, declare that a qualification or higher qualification granted by an institution or authority of a foreign country shall, for such period and subject to such conditions, if any, as may be specified in the modification, be a recognized qualification or a recognized higher qualification for the purposes of this Act.

14. Certification of certain persons as possessed of recognized qualification.— (1) Where, upon an application made in this behalf, the Council is satisfied that a person is, by reason of qualifications granted by an institution outside Pakistan and of experience gained in Pakistan possessed of qualifications not inferior to a recognized qualification, it may with the approval of the Federal Government, certify that such person possesses qualifications which entitle him to be regarded as possessing a recognized qualification.

(2) A person in favor of whom a certificate under sub-section (1) has been granted shall be deemed to be possessed of a recognized qualification for the purposes of this Act.

15. Effect of recognition.— (1) Notwithstanding anything contained in any other law for the time being in force.

a) a person possessing a recognized qualification shall be entitled to be enrolled in the register,

b) a person possessing a recognized higher qualification shall be entitled to have such qualification entered as a supplementary qualification in the register; and

c) no person shall, after the commencement of this Act, be entitled—

i) to be enrolled in the register as a nurse, midwife, health visitor, public health nurse or nursing auxiliary unless such person possesses a recognized qualification; or

ii) to have any of his qualifications which is not a recognized higher qualification entered as a supplementary qualification in the register.

16. Institutions to furnish information required by council.— (1) Every institution or authority which conducts any course of study or training for the purpose of preparing candidates for any recognized qualification or recognized higher qualification, or applies for the recognition of any qualifications granted by it, shall furnish to the Council such information as it may, from time to time, require relating to—

a) the course of study and training;

b) examinations conducted during such courses of study and training;

c) the ages at which admissions are allowed to such courses of study and training; and

d) any other matter generally pertinent to the requirements for its recognition.

17. Inspection of institution— (1) The Executive Committee may cause to be inspected by any person nominated by it any Institution or authority which conducts course of study or training for the purpose of preparing candidates for a recognized qualification or a recognized higher qualification and to attend examinations held by such Institution or authority.

(2) |The persons nominated under sub-section (1) shall report to the Executive Committee on the suitability of the Institution or authority for the purposes of training and the adequacy of training imparted therein.

(3) | The Executive Committee shall forward a copy of a report made under sub-section

(2) _ to the Institution or authority concerned for making such observations thereon as it may think fit to make within the period specified by the Committee.

(4) Upon the expiry of the period specified under sub-section (3) the Executive Committee shall, together with the observations, if any, made by any Institution or authority, submit the report to the Council with such recommendations thereon as it may think fit to make.

18. Withdrawal of recognition.— (1) Where, after considering a report submitted under sub section (4) of section 17, the Council is of opinion—

a) that the courses of study or training required to be undergone for obtaining a recognized qualification or recognized higher qualification or conditions for admission to such courses of study or training or the standards of proficiency acquired by the candidates at the examinations held by the Board, are not in conformity with or fall short of the standards required by the regulations, or

b) that an Institution or authority recognized by the Council for the training of Nurses, Midwives, Health Visitors or Nursing Auxiliaries does not satisfy the prescribed requirements as to courses of study and training for obtaining recognized qualifications or recognized higher qualifications the Council shall send a statement to that effect together with a copy of the report submitted by the Executive Committee to the Federal Government

(2) Upon the receipt of a statement under sub section (1), the Federal Government shall forward it with such remarks thereon as it may think fit to make to the Institution or authority concerned for the submission within a specified period of such explanation as the Institution or authority may like to offer.

Upon the expiry of the period specified under sub-section (2), the Federal Government may, after considering the explanation, if any, offered by any Institution or authority, direct the Council to take such steps as may be necessary to ensure compliance by the

(3) Institution or authority with the requirements of this Act and Regulations.

(4) | Without prejudice to any steps that may be taken by it under sub-section (3) with respect to an Institution or authority, the Council may, by notification in the official Gazette, declare that any qualification granted by such Institution or

authority which is a recognized qualification or a recognized higher qualification

shall, if it is granted after a date specified in the notification, cease to be a recognized qualification or, as the case may be, a recognized higher qualification.

(5) = The Council may, by notification in the official Gazette, declare that any qualification granted outside Pakistan which is a recognized qualification or a recognized higher qualification shall, if it is granted after a date specified in the notification, cease to be a recognized qualification or, as the case may be, a recognized higher qualification.

19. Maintenance of the register— The Council shall, for the purpose of registration of nurses, midwives, health visitors and nursing auxiliaries possessing recognized qualifications or recognized higher qualifications, maintain a register in which shall be entered such particulars relating to the persons registered as may be prescribed.

20. Procedure for registration— (1) Any person possessing a recognized qualification or recognized higher qualification who is not disqualified for registration under section 22 may make an application, accompanied by the prescribed fee, for registration of his name in the register.

(2) |The Council shall, if it is satisfied that the applicant possesses a recognized qualification or recognized higher qualification and is not disqualified for registration under section 22, register the name of the applicant in the register.

(3) No application under sub-section (1) shall be rejected except after giving the applicant an opportunity of being heard.

21. Removal of name from the register.— (1) The Council may, if it is satisfied that a person has, after his registration, become disqualified for such registration, remove the name of such person from the register and thereupon such person shall cease to be so registered, provided that no name shall be so removed except after giving the person affected an opportunity of being heard.

(2) | The Council may, at any time for reasons to be recorded in writing, restore in the register the name of any person which has been removed therefrom under sub-section (1).

22. Disqualification for registration— (1) A person shall be disqualified for registration in the register if he—

a) has been convicted of any offence under this Act or of any other offence which in the opinion of the Council implies a defect of character; or

b) has, at any inquiry held by the Council in which the person was given a reasonable opportunity of being heard, been found guilty of such conduct as is considered regulations derogatory to his profession in accordance with the regulations made under section 26.

23. Prohibition of employment of unregistered nurses, etc.— (1) No hospital, asylum, infirmary, dispensary or lying in hospital maintained or aided by the Federal Government or a Provincial Government or a local authority shall employ therein any person as nurse, midwife, health visitor or nursing auxiliary unless such person—

a) is registered in the register; or

b) is a trainee at an institution recognized for the purpose by the Council and is certified by the head of that Institution to have already received sufficient training to be able to perform his duties safely and satisfactorily.

24. Penalty for certain offenses— (1) A person shall be punishable with imprisonment of either description for a term which may extend to 6 months, or with a fine which may extend to one thousand rupees, or with both,

a) he procures or attempts to procure the registration of his name in the register, or abets the procurement of such registration of any name by making or causing to be made in any manner whatsoever any false or fraudulent statement, representation or declaration; or,

b) he, not being registered in the register, represents that he is so registered, or uses with his name any title or any word or letter representing or calculated to represent that he is so registered; or

c) he practices as a nurse, midwife, health visitor or nursing auxiliary in contravention of any Regulations made under section 26.

25. Annual report.— (1) The Council shall submit to the Federal Government, as soon as possible after the end of every year, a report on the conduct of its affairs during that year.

(2) | The Federal Government may at any time require the Council to furnish it with:

a) a report on any subject with which the Council is concerned;

b) any return, statement, statistics or other information regarding any matter under the control of the Council; or

c) a copy of any document in the charge of the Council and the Council shall comply with every such requisition.

26. Power to make regulations.— (1) The Council may, with the previous sanction of the Federal Government, make Regulations for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such Regulations may provide for—

a) the management of the property of the Council and the maintenance and audit of its accounts;

b) the manner in which the elections of the President, Vice-President and members shall be conducted;

c) the summoning and holding of the meetings of the Council or of a Board, the conduct of business thereat and the number of members necessary to constitute a quorum;

d) prescribing the functions of the Executive Committee, the summoning and holding of meetings thereof, the times and places at which such meetings shall be held, and the number of members necessary to

constitute a quorum;

e)

f)

l)

m)

prescribing the powers and duties of the President and the Vice-President;

prescribing the terms and conditions of service and the powers and duties of the officers and servants of the Council;

prescribing the standard courses of training for nurses, midwives, health visitors and nursing auxiliaries, courses of training for teachers of nurses, midwives, health visitors and nursing auxiliaries, and courses of training in nursing administration;

prescribing the conditions for admission to courses of training as aforesaid;

prescribing the standards of examination and other requirements to be satisfied for declaration of any qualification as recognized qualification or recognized higher qualification;

regulating the practice of nurses, midwives, health visitors and nursing auxiliaries and for prohibiting persons not registered in the register from so practicing;

prescribing fees to be charged for registration or for any other purpose of the Act;

prescribing fees for recognition of any Institution or authority; and any other matter which is to be or may be prescribed.

27. Repeal and saving.— (1) The Pakistan Nursing Council Act, 1952 (IIX of 1952), hereinafter referred to as the said Act, and the West Pakistan Nursing Services Ordinance, 1959 (W.P. Ordinance No. L of 1959) are hereby repealed.

(2)

Notwithstanding the repeal of the said Act and without prejudice to

section 24 of the General Clauses Act, 1987 (X of 1987);

a)

c)

qd)

the Pakistan Nursing Council constituted under the said Act and functioning immediately before the commencement of this Act shall, until the establishment of the Council under this Act, discharge the

functions of and be deemed to be, the Council established under this Act;

any scheme of reciprocity settled under the said Act and subsisting immediately before the commencement of this Act shall continue in force and be deemed to be a scheme of reciprocity settled under this Act;

any register of nurses, midwives, health visitors and nursing auxiliaries which was maintained immediately before the commencement of this Act under the said Act and the persons registered in such register shall be deemed to be the register maintained and persons registered therein under this Act;

any qualification entered as a supplementary qualification in any register under the said Act shall be deemed to be the supplementary qualification entered in the register under this Act, notwithstanding that such qualification is not a recognized higher qualification;

e)

f)

h)

(3)

any regulation or bye-law made under the said Act and in force immediately before the commencement of this Act shall be deemed to be and continue in force as, a regulation made under this Act;

any officer or other employee of the Pakistan Nursing Council appointed under the said Act shall be deemed to be an officer or employee appointed by the Council under this Act;

all assets, rights, powers, authorities and privileges and all property, movable and immovable, and all interest therein and all debts, liabilities and obligations of the Pakistan Nursing Council constituted under the said Act and subsisting immediately before the commencement of this Act shall stand transferred to and be deemed to be assets, rights, powers, authorities, privilege, property and interest of the Council established under this Act; and

anything done or any action taken or any proceeding commenced under any of the provisions of the said Act shall continue in force and be deemed to have been done, taken or commenced under the corresponding provision of this Act.

All assets, rights, powers, authorities and privileges and all property,

movable or immovable, and all interests therein and all debts, liabilities and obligation of the Nursing Services Council of West Pakistan constituted under the West Pakistan Nursing Services Ordinance, 1959 (W.P. Ordinance, No. L of 1959) and subsisting immediately before the commencement of this Act shall stand transferred to and be deemed to be the assets, rights, powers, authorities, privileges, of Baluchistan, the North-West Frontier, the Punjab and Sindh to such extent and in such manner as the Federal Government may direct.

THE SCHEDULE

[see section 2(f)] RECOGNIZED QUALIFICATION A. General Nursing

Certificate or Diplomas in Nursing, Midwifery and Health Visiting, Naids and Dais granted by a Provincial Nursing Board.

B. Post-Graduate Nursing

Post-Graduate Certificates or Diplomas in Nursing issued by an _ Institution established and maintained by the Federal Government or a Provincial Government.