STATUTORY INSTRUMENTS

1980 No. 1968 (S. 179)

NURSES, MIDWIVES AND HEALTH VISITORS

The Central Midwives Board for Scotland Rules 1980 Approval Instrument 1980

Made - - - - 12*th December* 1980

Coming into Operation 1*st January* 1981

Whereas the Central Midwives Board for Scotland in exercise of the powers conferred on them by sections 4(9) and 5 of and paragraph 7 of Schedule 1 to the Midwives (Scotland) Act 1951(**a**), and of all other powers enabling them in that behalf, have made the Central Midwives Board for Scotland Rules 1980, (which revoke all earlier Rules made by the Board, other than the Central Midwives Board for Scotland (Election Scheme) Rules 1952(**b**)) and have submitted them to the Secretary of State for approval; and whereas the said Rules have, in terms of section 34(1) of the said Act, been communicated to the Executive Committee of the General Medical Council and no representations have been made by them;

Now therefore in exercise of the powers conferred on him by section 34 of the Midwives (Scotland) Act 1951, and of all other powers enabling him in that behalf; the Secretary of State hereby approves the said Rules in the form set out in the Schedule hereto.

This instrument may be cited as the Central Midwives Board for Scotland Rules 1980 Approval Instrument 1980.

Given under the seal of the Secretary of State for Scotland.

(L.S.)

A. L. Rennie,
Secretary.

Scottish Home and Health Department,
St. Andrew's House,
Edinburgh.
12th December 1980.

(**a**) 1951 c. 54. (**b**) S.I. 1952/1713.

SCHEDULE

THE CENTRAL MIDWIVES BOARD FOR SCOTLAND RULES 1980 MADE BY THE CENTRAL MIDWIVES BOARD FOR SCOTLAND ON 18TH SEPTEMBER 1980 UNDER THE MIDWIVES (SCOTLAND) ACT 1951

The Central Midwives Board for Scotland in exercise of the powers conferred on them by sections 4(9) and 5 of and paragraph 7 of Schedule 1 to the Midwives (Scotland) Act 1951, and of all other powers enabling them in that behalf, hereby make the following Rules:—

PART I

Citation and interpretation

1. These Rules may be cited as the Central Midwives Board for Scotland Rules 1980.

2. In these Rules, unless a contrary intention appears—

(*a*) "approved training school" means a school of midwifery and its associated clinical areas approved by the Board in accordance with the provisions hereinafter contained;

(*b*) "Board" means the Central Midwives Board for Scotland;

(*c*) "certified midwife" means a person whose name is on the roll;

(*d*) "Education Officer" means the Education Officer of the Board;

(*e*) "practising midwife" means a certified midwife who attends professionally upon a woman during pregnancy, labour or the postnatal period, or who holds a post for which a midwifery qualification is essential;

(*f*) "Secretary" means the Secretary of the Board;

(*g*) "student midwife" means a person whose name is on the register of student midwives kept by the Board;

(*h*) "the prescribed form" means such form or forms as may be prescribed by the Board from time to time;

(*i*) "the roll" means the roll of certified midwives kept by the Board under section 3 of the Midwives (Scotland) Act, 1951.

3. The Central Midwives Board for Scotland Rules 1967(**a**) are hereby revoked.

PART II

STANDING ORDERS REGULATING THE PROCEEDINGS OF THE BOARD

Ordinary Meetings

4. The ordinary meetings of the Board shall, unless the Board decide otherwise, be held on the third Thursday of March, June, September and December in each year.

Special Meetings

5. The Secretary shall call a meeting of the Board at any time on being required to do so by the Chairman, or on receiving a requisition in writing for that purpose specifying the business proposed to be transacted at the meeting and signed by three or more members of the Board, which meeting shall be held within fourteen days of receipt of the requisition, provided that no business shall be transacted at the meeting other than that specified in the requisition.

Chairman and Deputy Chairman

6.—(1) The Chairman and Deputy Chairman shall be elected by ballot at the first ordinary meeting of the Board each year and shall hold office until the first ordinary

(**a**) S.I. 1968/694.

meeting in the year following. Should the office of Chairman or Deputy Chairman fall vacant during the year it shall be filled by election at the next ordinary meeting of the Board and the member so elected shall hold office for the remainder of the year for which her predecessor was elected.

(2) In the event of the Chairman and Deputy Chairman not being present at any meeting of the Board the members present shall elect from amongst themselves a person to act as Chairman for that meeting.

Notice of Meetings

7.—(1) Not less than seven days' notice of any meeting shall be given to each member of the Board. Such notice shall specify the agenda and shall be accompanied by the minute of the previous meeting and by any necessary documents relative to the agenda.

(2) No business shall be transacted at any meeting of the Board other than that specified in the agenda unless with the consent of the majority of the members of the Board present.

Quorum

8. Five members of the Board shall constitute a quorum.

Minutes

9. The Secretary shall keep minutes of the proceedings of the Board which shall be submitted to the next ensuing meeting of the Board for approval as a record of the meeting and signed by the Chairman of that meeting.

Voting

10. Every question submitted to the meeting shall be decided on a show of hands by a majority of members present and voting, and, in the case of an equality of votes, the Chairman of the meeting shall have a second or casting vote.

Ruling of Chairman

11. The ruling of the Chairman on all matters within her jurisdiction as a Chairman shall be final and shall not be open to question or discussion.

Committees

12. —(1) There shall be the following Committees of the Board:—

(*a*) a General Purposes Committee

(*b*) an Education Committee

(*c*) an Investigating Committee

(*d*) a Disciplinary Committee.

(2) The Chairman and deputy Chairman shall be *ex officio* members of the General Purposes Committee and the Education Committee.

(3) The General Purposes Committee shall consist of nine members of the Board, including *ex officio* members; and a quorum shall be three.

(4) The Education Committee shall consist of nine members of the Board, including *ex officio* members; and a quorum shall be three.

(5) The Investigating Committee shall consist of the Deputy Chairman of the Board and four other members; and a quorum shall be two, including at least one midwife.

(6) The Disciplinary Committee shall consist of the Chairman of the Board and ten other members, none of whom shall be members of the Investigating Committee; and a quorum shall be four, including at least two midwives and one registered medical practitioner.

(7) The above-mentioned Committees shall be appointed at the first ordinary meeting of the Board each year. Other Committees may be appointed for special purposes from time to time.

(8) Any casual vacancy which occurs on any of these Committees shall be filled by the Board at such meeting of the Board as may be convenient and the person appointed to fill the casual vacancy shall hold office for the remainder of the term of office of the person in whose place she is appointed.

(9) The Chairman of the Board shall be Chairman of the Disciplinary Committee and the Deputy Chairman of the Board shall be Chairman of the Investigating Committee; save as aforesaid, each Committee shall elect its own Chairman. In the absence of the Chairman of any Committee, the Committee shall appoint a chairman to preside at the meeting.

(10) The Secretary shall keep minutes of the proceedings of each Committee which shall be submitted to the Board. The findings of Committees other than the Investigating Committee and the Disciplinary Committee shall require the approval of the Board unless the Board has otherwise directed.

Bills and Claims

13. All bills and claims shall be examined by the Secretary and laid before the Board.

Cheques

14. All cheques for the payment of money shall be signed by a member of the Board and countersigned by the Secretary or an authorised substitute appointed by the Board.

Expenses of Members

15. Members shall be entitled to receive payments in respect of financial loss, travelling expenses and subsistence expenses in accordance with the National Health Service and Area Nurse-Training Committees (Travelling Allowances, etc.) (Scotland) Determination 1979, as amended from time to time.

Annual Report

16. An Annual Report of the proceedings of the Board, in terms of section 29 of the Midwives (Scotland) Act, 1951, shall be submitted to the Board, and, after approval, shall be presented to the Secretary of State within three months after the termination of each year ending 31st March.

Suspension of Standing Orders

17. These Standing Orders shall not be suspended at any meeting except with the consent of a two-thirds majority of the members of the Board present and voting.

PART III

REGULATING THE COURSE OF TRAINING, THE CONDUCT OF EXAMINATIONS, THE ISSUE OF CERTIFICATES AND BADGES AND THE CONDITIONS OF ADMISSION TO THE ROLL OF MIDWIVES

18. The Board may make transitional arrangements for the training and examination of student midwives who began training under the Rules which were in force immediately prior to these Rules and so far as is necessary for the purpose of such arrangements the earlier dates shall continue in force concurrently with these Rules.

Registration of Student Midwives

19. A student midwife shall produce a certificate of registration in either of the undermentioned parts of the registers of the General Nursing Council for Scotland, or of the General Nursing Council for England and Wales, or of the Northern Ireland Council for Nurses and Midwives, viz:—

(*a*) the general part containing the names of registered general nurses;

(*b*) the supplementary part containing the names of registered sick children's nurses;

or, if she commenced training in Scotland after September 1972, a certificate of registration in either of the undermentioned parts of the register of the General Nursing Council for Scotland, viz:—

(*c*) the supplementary part containing the names of registered mental nurses;

(*d*) the supplementary part containing the names of registered nurses for mental defectives,

or, if she is a national of a Member State of the European Community other than the United Kingdom, a diploma, certificate or other evidence of formal qualifications as a nurse responsible for general care, referred to in Schedule 3A to the Nurses (Scotland) Act 1951.

20. Student midwives normally shall be between the ages of 20 and 50 years.

21. A person proposing to become a student midwife shall, through the approved training school at which she wishes to train, apply to the Board on the appropriate form to have her name entered on the register kept by the Board, and shall at the same time produce—

(1) certificate of registration as specified in Rule 19 above;

(2) birth certificate;

(3) marriage certificate, if applicable.

22. The names of all student midwives who have been on the register of students for three years and have not been admitted to the roll shall be removed from the aforesaid register. The Board may, however, restore to the register for such period as it thinks fit any name so erased.

Course of Training

23. Before admission to the roll a student midwife shall as hereinafter set forth undergo training in an approved school and shall pass the examination of the Board.

24. A student midwife shall not begin her training until she has been notified by the Secretary that her name has been entered on the register of student midwives. Within 14 days of a student midwife commencing training the senior midwife tutor of the approved training school in which the student midwife is to be trained or, in her absence, her deputy, shall forward to the Board a certificate stating the date of the beginning of training.

25. If the student midwife's training is interrupted owing to her illness or other emergency the Board may, on application and on the recommendation of the approved training school allow the training or part thereof taken prior to the interruption to be counted towards the period of training prescribed by the Board. Every such application shall be accompanied by a medical certificate or other evidence satisfactory to the Board, according to the circumstances of the emergency. The time lost, with the exception of up to five working days, must be added to the duration of the period of training.

26. In cases of unauthorised absence the training received prior to such absence shall not be counted towards the prescribed period of training unless the Board decide otherwise. Where the training received prior to the interruption is allowed to count the total time lost must be added to the duration of the period of training.

27. The training shall not be less than 18 months inclusive of annual leave and public holidays or days off in lieu. A student midwife shall be granted such leave and public holidays as are agreed by the Nurses and Midwives Whitley Council.

28. A student midwife shall attend during the period of training a planned course of theoretical instruction and clinical experience in accordance with the syllabus of training approved by the Board from time to time.

29. No person other than a midwife tutor shall give lectures to student midwives unless—

(*a*) he is a registered medical practitioner who holds a post in a grade not lower than registrar and whose practice is wholly devoted to obstetrics and gynaecology, or paediatrics, or anaesthesia; or

(*b*) he holds a recognised qualification or has had experience satisfactory to the senior midwife tutor in the subject of the lecture.

Approval of Training Schools

30. Applications for the approval of schools for the training of student midwives shall be submitted to the Secretary. A school shall not be approved for training unless—

(*a*) the number of confinements dealt with annually is at least 1000;

(*b*) it has prenatal, postnatal and neonatal clinical areas;

(*c*) it has a midwifery teaching staff of at least three, including at least two qualified midwife tutors;

(*d*) it has sufficient qualified midwifery staff to ensure adequate supervision and teaching of student midwives in all clinical areas; and

(*e*) the medical staff includes obstetricians, paediatricians and anaesthetists of consultant status.

provided that the Board may approve any training school which does not satisfy all the foregoing requirements if such action appears to the Board to be desirable in the interests of the training of student midwives.

31. The Board before approving a training school shall (*a*) take into consideration the accommodation and equipment for teaching purposes, the arrangements for providing clinical experience for student midwives, and all other matters having relation to the training of student midwives; (*b*) cause the training school to be inspected by the Education Officer, or by a member designated by the Board, whose report shall be considered in determining the question of approval.

32. Approved training schools shall be subject to inspection from time to time by the Education Officer or by a member designated by the Board.

33. The Board may at any time limit the number of student midwives in training in an approved training school.

34. The Board may at any time terminate the approval of a training school.

Examinations

35. The Board shall hold examinations four times each year in such centres and at such times as the Board shall determine. No student midwife shall present herself for the examination unless on the day of commencement of the examination, she has completed 65 weeks of clinical and theoretical experience. A student midwife who does not present herself for the examination within six months of completing her training may be required by the Board to undergo such further training as the Board may prescribe before being allowed to present herself for examination.

36. A student midwife shall not be entitled to be admitted to an examination unless her name is on the register and she produces a certificate to the effect that she has satisfactorily completed the training approved by the Board. Such certificates shall be in the appropriate form signed by the senior midwife tutor of the approved training school or, in her absence, by her deputy.

37. A student midwife who intends to present herself for examination shall send notice of such intention and such fee as the Board may with the approval of the Secretary of State from time to time determine to the Secretary to be received at least four weeks before the date fixed for the commencement of the examination. The certificate of training required by Rule 36 shall be sent to the Secretary to be received not less than

seven days before the date fixed for the commencement of the examination. Until such certificate has been received by the Secretary a student midwife shall not be deemed to have entered for the examination.

38. If a student midwife who has paid the fee for entry to an examination is prevented by illness or other reason satisfactory to the Board from attending or completing the examination, provided she produces a medical certificate or other satisfactory evidence for non-attendance, she shall not be required to pay a fee for admission to one subsequent examination.

39. The examination shall take the form of written and oral examinations and shall comprise the subjects contained in the syllabus of training approved by the Board.

40. A candidate detected copying from another candidate's paper or from a book or other document shall be required by the invigilator in charge of the examination to leave the examination room and shall not be allowed to complete the examination. The invigilator shall report the circumstances to the Board who, at their discretion, may exclude the candidate from future examinations.

41. A student midwife shall not be allowed to present herself for examination on more than three occasions. A student midwife who has failed the examination at the first attempt shall be required to have completed successfully at least ten weeks' further training in the same school of midwifery consisting of planned theoretical instruction and clinical experience before presenting herself for examination a second time unless prevented from doing so by some reason satisfactory to the Board.

42. Notwithstanding anything contained in the Rules of the Board, the Board shall be under no obligation to admit to the register of student midwives or to examination any person who, in the opinion of the approved training school is considered to be medically unfit to be a midwife, or to place her name upon the roll or to issue to her a certificate of enrolment.

43. Should it come to the notice of the Board that a student midwife has pled or been found guilty of any offence or crime by any court or has been guilty of conduct which, had she been a certified midwife, would in the opinion of the Board have rendered her liable to disciplinary action under the Rules, the Board may after applying to her Part VI of these Rules *mutatis mutandis* refuse to admit her to the examination or defer her admission, or refuse to place her name on the roll or defer enrolment for such period as the Board may think fit.

44. The scale of remuneration of the examiners shall be such as may from time to time be determined by the Board with the approval of the Secretary of State.

Issue of Certificates and Badges: Admission to the Roll

45. Subject to Rules 42 and 43, a certificate in the form set out in Schedule 1a shall be awarded to each candidate successful in the examination and such candidates shall be admitted to the roll.

46. Subject to the provisions of the Midwives (Scotland) Act 1951, and of these Rules, any person whose name appears on the roll of midwives kept by the Central Midwives Board or by the Northern Ireland Council for Nurses and Midwives shall. on making application in the prescribed form (Form 1) and paying such fee as may be determined by the Board with the approval of the Secretary of State, and on verification by the Board or Council to whose roll she has been admitted to the effect that her name appears on such roll, and that her certificate is in full force and effect, be entitled to be admitted to the roll and shall be awarded a certificate in the form set out in Schedule 1b.

47. As from 23 January 1983 a person who is a national of a Member State of the European Community other than the United Kingdom, who possesses a diploma, certificate or other evidence of formal qualification as a midwife referred to in Article 3

(a) O.J. No. L.33,11.2.1980, p. 3.

of Directive 80/154/EEC(a), shall, provided the Board are satisfied that she is of good character, on application in the prescribed form (Form 2) and paying such fee as may be determined by the Board with the approval of the Secretary of State, and on verification by the competent authority that her diploma, certificate or other evidence of formal qualification is in full force and effect, be entitled to be admitted to the roll and shall be awarded a certificate in the form set out in Schedule 1b.

48. A person who is not a national of a Member State of the European Community, or who before 23 January 1983 is a national of a Member State of the European Community, who proves to the satisfaction of the Board that, elsewhere than in the United Kingdom, she successfully completed her training as a midwife in accordance with a scheme of training recognised by the Board as being satisfactory for the purposes of this Rule, that she is of good character, and that she holds a certificate of midwifery from the appropriate registering authority shall, on making application on the prescribed form (Form 2) and paying such fee as may be determined by the Board with the approval of the Secretary of State, and on verification by the certifying authority that her certificate is in full force and effect, be entitled to be admitted to the roll and shall be awarded a certificate in the form set out in Schedule 1b. If she is unable to prove that her training was in accordance with a scheme of training recognised by the Board as being satisfactory for the purposes of this Rule, the Board may require her to undergo to their satisfaction such further training in Scotland, and pass such examinations, if any, as may be specified by them.

49. The proper designation of a certified midwife is "State Certified Midwife". A certified midwife may, if she so desires, use the initial letters S.C.M. in place of the foregoing designation.

50. The names of all those admitted to the roll shall appear in alphabetical order on the roll. Each entry on the roll shall include the enrolment number, permanent address, date of enrolment and an indication of how the midwife became entitled to be certified under the Midwives (Scotland) Act 1951.

51. A certified midwife, whether practising or not, shall immediately notify the Board of any change of her name or address.

52. Should any person present any certificate required by the Board which is false or falsified in any particular, the Board shall be entitled to exclude her name from the lists in its charge, including the roll, for any period which the Board may deem fit.

53. The Board shall, subject to the following conditions, issue a badge to a certified midwife desirous of wearing one. Such badge shall be of the form and design approved by the Board. The conditions attaching to the issue of the badge shall be as follows:—

(*a*) Application for the badge shall be made to the Secretary on a form which will be supplied on request and shall be accompanied by a remittance for the cost of the badge.

(*b*) The badge shall be engraved with the name of the certified midwife, her number on the roll and the date of her enrolment.

(*c*) A certified midwife to whom a badge has been issued shall not permit the badge so issued to be worn, or displayed, by any other person.

(*d*) The Board shall be under no obligation to issue a duplicate badge to a certified midwife to whom a badge has already been issued.

Refresher Courses

54.—(1) Every certified midwife who has notified the local supervising authority of her intention to practise as such shall attend, at intervals of not more than five years from the time of her first enrolment, a course on instruction approved by the Board.

(2) Any certified midwife who has not notified her intention to practise for a period of five years or more shall, before being eligible to resume practice, attend a course of instruction approved by the Board at an approved training school.

(3) The duration of the courses of instruction referred to in sub-paragraphs (1) and (2) above shall be as determined by the Board.

(4) If a certified midwife refuses or neglects to attend an appropriate course of instruction as required in accordance with sub-paragraph (1) or (2) above the Board may suspend her from practice until she has completed the appropriate course of instruction to its satisfaction.

PART IV

REGULATING THE PRACTICE OF MIDWIVES

55. Whenever a certified midwife intends to practise she shall inform every local supervising authority in whose area she intends to practise, and shall give a like notice in the month of January in every year thereafter in which she continues to practise (Form 3). If she practises as a midwife in the area of any local supervising authority to which she has not already notified her intention to practise she shall within 48 hours of having done so notify the local supervising authority concerned. (Form 4).

56. Where a certified midwife has given notice of her intention to practise in compliance with the preceding Rule and subsequently changes her address, she shall, within three days after such change, give notice of the change to every local supervising authority concerned. If she changes her name, she shall, as soon as possible thereafter, give notice of the change to every local supervising authority concerned.

57. A practising midwife is responsible for the care she gives to her patients during pregnancy, labour and the postnatal period. She shall be expected to practise in co-operation with other members of the maternity services.

58. A practising midwife shall call medical aid for any abnormal condition of the mother during pregnancy, labour or the postnatal period and for any abnormal condition of the baby.

59. A practising midwife shall not administer any controlled drug or medicine unless she is familiar with its dosage, its methods of administration and its contra-indications. She shall observe the requirements of current regulations regarding controlled drugs and medicines.

60. A practising midwife shall not adminster any form of anaesthetic or inhalational analgesic unless it has been approved by the Board and she has been instructed in its use and method of administration.

61. (1) A practising midwife within the employment of the National Health Service shall keep case records as prescribed by her employing authority. She shall on no account destroy any official record.

(2) A practising midwife outwith the employment of the National Health Service shall keep a Register of Cases in the form approved by the Board from time to time. On ceasing to practise a midwife shall transmit official records to the local supervising authority. She shall on no account destroy any official record.

62. The equipment to be carried by a practising midwife working in the community or in private practice shall be specified by the local supervising authority. Minimum requirements are listed in Appendix 1. All equipment shall be properly maintained.

63. A practising midwife shall give the Central Midwives Board for Scotland and the local supervising authority every reasonable facility for the inspection of her methods of practice, her records, her equipment and any premises used for professional purposes.

64. All premises and areas in which midwifery is practised shall be subject to inspection from time to time by the Education Officer or by a member designated by the Board.

65. When engaged to attend a home confinement a practising midwife shall:—

(1) visit the patient without delay, examine her and inspect the facilities for confinement. Where in the midwife's opinion home confinement is inappropriate she shall inform the patient and notify the local supervising authority and the registered general medical practitioner concerned. (Form 5).

(2) advise the patient to seek medical advice as soon as possible and to take advantage of the prenatal services.

(3) visit the patient every two weeks until the thirty-second week and thereafter every week until delivery.

(4) remain with the patient once labour is established until at least one hour after delivery of the placenta and membranes and as long thereafter as is necessary.

(5) visit the patient twice a day for the first three days following delivery and at least daily thereafter for a minimum period of ten days, or for as long as her expertise is required.

66. If a practising midwife working in the community or in private practice considers that a registered medical practitioner should be called in to attend the patient, or the baby, but the patient refuses to accept this advice, the midwife shall request the patient or her relatives to sign a statement, witnessed if possible, to the effect that she or they accept full responsibility for such refusal. Whether or not such a statement has been signed, the midwife shall report the fact to the local supervising authority for the area in which the patient is presently residing. (Form 6).

67. If a practising midwife working in the community or in private practice is in attendance at the death of a mother or baby, or if she is called in immediately after one of these events, she shall notify the local supervising authority of the death. Such notification shall be sent whether or not a registered medical practitioner was present. (Form 7).

PART V

REGULATING THE AWARD OF THE MIDWIFE CLINICAL TEACHER'S CERTIFICATE AND THE MIDWIFE TEACHER'S DIPLOMA

Midwife Clinical Teacher's Certificate

68. The Board shall grant a Midwife Clinical Teacher's Certificate in the form set out in Schedule 1c to these Rules to any midwife who successfully completes a course of training approved by the Board for that purpose.

69. Before commencing the course of training the midwife shall—

(*a*) be registered on the general part of the register of the General Nursing Council for Scotland, of the General Nursing Council for England and Wales, of the Northern Ireland Council for Nurses and Midwives, or, if she is a national of a Member State of the European Community other than the United Kingdom, hold a diploma, certificate or other evidence of formal qualifications as a nurse responsible for general care, referred to in Schedule 3A to the Nurses (Scotland) Act, 1951;

(*b*) be currently enrolled as a certified midwife;

(*c*) have been a practising midwife for a period of at least two years closely preceding admission to the course and during that period have had experience satisfactory to the Board in all clinical areas of an approved training school; and

(*d*) have successfully completed an advanced midwifery course or other similar course acceptable to the Board.

Notwithstanding what is hereinbefore provided in this Rule, the Board may at their discretion waive compliance with any of the requirements specified in paragraphs (*c*) and (*d*) to such extent as they think fit in any particular case.

70. The grant of a Midwife Clinical Teacher's Certificate shall be indicated by means of a distinguishing mark placed against the entry relating to the holder on the roll. The certificate, which shall be sealed with the seal of the Board, shall be valid only so long as the name of the holder appears on the roll.

71. The Board shall prepare and maintain a list of institutions which are for the time being approved by the Board for the purposes of Rule 68.

72. A certified midwife who is granted the Midwife Clinical Teacher's Certificate is entitled to use the letters "M.C.T." after her name.

Midwife Teacher's Diploma

73. The Board shall grant a Midwife Teacher's Diploma in the form set out in Schedule 1d to these Rules to any midwife who successfully completes a course of training approved by the Board for that purpose.

74. Before commencing the course of training the midwife shall—

(*a*) be registered on the general part of the register of the General Nursing Council for Scotland, of the General Nursing Council for England and Wales, of the Northern Ireland Council for Nurses and Midwives or, if she is a national of a Member State of the European Community other than the United Kingdom, hold a diploma, certificate or other evidence of formal qualifications as a nurse responsible for general care, referred to in Schedule 3A to the Nurses (Scotland) Act 1951;

(*b*) be currently enrolled as a certified midwife;

(*c*) have been a practising midwife for a period of at least three years closely preceding admission to the course and during that period have had experience satisfactory to the Board in all clinical areas of an approved training school, or have successfully completed a course of training on one academic year's duration approved by the Board for the grant of a Midwife Clinical Teacher's Certificate, followed by at least six months in employment as a clinical teacher in an approved training school under the supervision of the senior midwife tutor; and

(*d*) if not already holding a Midwife Clinical Teacher's Certificate, have successfully completed an advanced midwifery course or other similar course acceptable to the Board.

Notwithstanding what is hereinbefore provided in this Rule, the Board may at their discretion waive compliance with any of the requirements specified in paragraphs (*c*) and (*d*) to such an extent as they think fit in any particular case.

75. The grant of a Midwife Teacher's Diploma shall be indicated by means of a distinguishing mark placed against the entry relating to the holder on the roll. The Diploma, which shall be sealed with the seal of the Board, shall be valid only so long as the name of the holder appears on the roll.

76. The Board shall prepare and maintain a list of institutions which are for the time being approved by the Board for the purposes of Rule 73.

77. A certified midwife who is granted the Midwife Teacher's Diploma is entitled to use the letters "M.T.D." after her name.

PART VI

DISCIPLINARY PROCEEDINGS

Interpretation

78. For the purpose of this part of these Rules, the following expressions have the meaning hereby respectively assigned to them except where the context otherwise requires:—

"the Committee" means the Disciplinary Committee;

"complainant" means a body or person by whom a complaint has been made to the Board alleging that a certified midwife has been convicted of an offence or crime, or been guilty of misconduct or alleging that the entry of the name of a certified midwife in the roll has been procured by fraud and who, where the case has been referred to the Committee, wishes to be a party to the proceedings;

"misconduct" means malpractice, negligence, disobeying the Rules made by the Board under its statutory powers, or other misconduct;

"respondent" means any certified midwife who is alleged to be liable to have her name removed from the roll or in respect of whom a question has arisen whether the entry of her name in the roll has been procured by fraud;

"Solicitor" means the solicitor nominated by the Board to act as their solicitor for the time being in proceedings before the Disciplinary Committee.

Suspension pending consideration of case

79. The Committee may suspend from practice any certified midwife accused of misconduct until her case or any appeal has been decided by the Committee.

Case arising from a conviction

80. If the Secretary has reason to believe that a certified midwife, during any period in which her name is on the roll, or during any period in which her name has been excluded from the roll, has pled or been found guilty of any offence or crime by any Court and such finding has not been subsequently quashed on appeal, the Secretary shall lay before the Committee such information relevant to the case as is in his possession.

81. The Committee may hold such finding of guilt to be sufficiently proved by the production of an extract or other certificate by a competent officer of the Court in which proceedings took place, or such other evidence as appears to them satisfactory. It shall, for the purpose of these Rules, be regarded as a finding of guilt if the Court has made a probation order in respect of the respondent.

82. The Committee may, after considering the matter, together with such further information as they deem it proper to obtain, decide to take no action, in which event no further proceedings will be taken. In any other case, before taking any further steps, they shall instruct the Secretary to write to the respondent inviting her to furnish within twenty-one days or such longer period as the Committee may determine any statement or explanation in writing relative to such finding of guilt as she may desire to offer and enquiring whether she wishes to appear before the Committee.

83. On expiry of the said period the Committee shall consider the whole circumstances, including any statement or explanation in writing furnished by the respondent. The Committee may decide that the case is one in which the midwife shall be cited to appear before the Committee. In that event, or if the respondent wishes to appear before the Committee, the case shall be heard in accordance with the procedure set out in Rules 95 to 106. Alternatively, the Committee may proceed forthwith either to reprimand the respondent or to remove the respondent's name from the roll. In that event the decision of the Committee shall be notified immediately to the respondent and in the event of removal she shall be required to surrender forthwith to the Secretary her certificate of enrolment and her badge. In the event of the respondent receiving a reprimand, such reprimand may be taken into account by the Committee when considering any subsequent offence of misconduct which may be committed by the respondent.

Case arising from alleged misconduct

84. Where it is brought to the attention of the Board by written information, report, or otherwise, that a midwife during any period in which her name is on the roll, or during any period in which her name has for any reason been excluded from the roll, may have been guilty of misconduct, the Secretary shall:—

(*a*) if the information has been obtained otherwise than from a local supervising authority, notify any local supervising authority which appears to be concerned;

(*b*) if the case in one which the local supervising authority is required to investigate under section 18(1)(*b*) of the Midwives (Scotland) Act 1951, refer it to that authority for investigation in accordance with the provisions of that section;

(*c*) inform the midwife about the complaint and invite her to furnish within twenty-one days or such longer period as the Board may determine, any statement or explanation in writing relative to the complaint as she may desire to offer; and

(*d*) take such steps as he considers necessary to obtain all relevant information pertaining to the matter.

Investigating Committee

85. The Secretary shall in the first instance lay the whole information in his possession before the Investigating Committee.

86. The Investigating Committee may at any stage consult with the Solicitor and instruct him to obtain precognitions of witnesses and any other evidence relating to the allegations against the respondent they consider appropriate.

87. If, after consideration of the whole evidence laid before them, including any statement or explanation in writing furnished by the respondent, the Investigating Committee do not consider that the evidence is sufficient to support charges of misconduct, they shall so report to the Committee, who shall note the position and take no further action. In the event of additional evidence subsequently coming to the knowledge of the Secretary, however, it shall be competent for the Investigating Committee to reopen and reconsider the case.

Reference to Disciplinary Committee

88. If, after consideration of the whole evidence laid before them, including any statement or explanation in writing furnished by the respondent, the Investigating Committee are of the opinion that the evidence may be sufficient to support charges of misconduct, they shall, with the advice of the Solicitor, frame such charges and report to the Committee that they have done so. The Committee shall thereupon instruct the Secretary to send copies of such charges to the respondent and invite her to furnish within twenty-one days, or such longer period as the Committee may determine, any statement or explanation in writing relative to them as she may desire to offer. The Secretary shall, however, inform the respondent that she is not obliged to make any statement if she does not so desire, and that any statement made may be used in evidence. In the event of the Committee subsequently deciding to make any amendment of the charges, the respondent shall be informed of such amendment and be allowed twenty-one days to furnish any further statement or explanation she may desire to offer.

Notice of hearing before Committee

89. On the expiry of the period stated in the immediately preceding rule, the Committee shall consider the case further in the light of any statement or explanation in writing furnished by the respondent and may decide at this stage that the charges shall be dropped in which event the respondent shall be so informed and no further action taken. If the Committee do not so decide, they shall appoint a date upon which they shall meet to hear the charges and instruct the Secretary to send to the respondent a notice in writing informing her of the day, time and place of the meeting of the Committee at which the case will be heard, and requiring her to send or deliver to the Secretary her certificate of enrolment and badge, not later than the date on which the hearing takes place. Such notice shall be sent by recorded delivery post to the address of the respondent contained in the roll, or if the Secretary has reason to believe that that address is not the respondent's present address, then also to any later address which may be known to the Secretary, and shall be posted so as to allow at least twenty-one days to elapse between the date on which the notice is posted and the date fixed for the hearing.

Cases relating to entries in roll alleged to have been procured by fraud

90. In any case where a question arises whether an entry in the roll has been procured by fraud, the Secretary, after making such enquiries as he considers relevant, shall invite

the respondent to furnish within twenty-one days, or such longer period as the Board may determine, any statement or explanation in writing relative to the matter as she may desire to offer.

91. On the expiry of the period stated in the immediately preceding rule, the Secretary shall lay the whole information in his possession before the Committee.

92. The Committee shall consider the whole evidence laid before them, including any statement or explanation in writing furnished by the respondent, and may consult with the Solicitor. If the Committee consider that the entry has not been procured by fraud, they may decide to take no further action in the matter, except that they may, if they are satisfied that the entry has been incorrectly made, cause the entry to be amended. If the Committee are of the opinion that the entry may have been procured by fraud, they shall meet to inquire into the question, and instruct the Secretary to send to the respondent a notice in writing specifying the nature of the fraud alleged, stating the day, time and place at which the Committee will hold an inquiry into the question, inviting her attendance at such inquiry and containing such further information as the nature of the case may require. The provisions of Rule 89 of these Rules shall apply as though such notice were a notice of a hearing by the Committee such as is mentioned in that Rule.

93. A copy of the notice shall be sent to any person who is alleged to have been a party to the fraud alleged and to such other persons (if any) as the Chairman may direct. Any such person may with the leave of the Chairman appear at the inquiry as an additional party thereto.

94. The inquiry shall proceed as though the question were a charge contained in a notice of hearing in a case relating to misconduct and the provisions of Rule 100 of these Rules shall accordingly apply thereto so far as may be.

Procedure at the hearing of the case

95. At the hearing the Committee shall be open to the public provided that, where in the interests of justice the Committee consider that the public should be excluded from proceedings or any part thereof, they may direct that the public be so excluded; but a direction under this Rule shall not apply to the announcement in pursuance of any of these Rules of a determination of the Committee.

96. At the hearing the respondent may be represented or assisted by a friend or adviser, or by counsel or a solicitor, but the Board shall be entitled to require the respondent to notify the Secretary not less than seven days before the meeting if she intends to be represented by counsel or a solicitor or an official of a professional association or a trade union. The complainant may be represented by counsel or a solicitor, or, in the case of a corporate body being the complainant, by a member or officer duly appointed by them for the purpose.

97. The Board may appoint a legal assessor to advise the Committee on questions of law arising at the hearing. An assessor shall be an advocate or solicitor of not less than ten years' standing.

98. The charge shall be read by the Solicitor (or by the Secretary) in the presence of the parties, provided that, if the respondent does not appear but the Committee nevertheless decide to proceed with the case, the charge shall be read in her absence. As soon as the charge has been read the respondent may, if she so desires, object to the charge, or to any part of it, in point of law, and any other party may reply to any such objection; and, if any such objection is upheld, no further proceedings shall be taken on that charge or on that part of the charge.

Proof of conviction

99.—(1) In cases arising out of a complaint or information from which it appears that a certified midwife has been convicted of any offence or crime (referred to in these Rules as cases relating to conviction), the following order of proceedings shall be observed concerning proof of the conviction alleged in the charge:—

(*a*) the complainant, or, if no complainant appears, the Solicitor shall adduce evidence of each conviction and an extract or other certificate by a competent officer of the Court in which the proceedings took place that the respondent was convicted of an offence or crime shall be sufficient for this purpose.

(*b*) if no evidence is adduced concerning any particular conviction, the Chairman of the Committee shall thereupon announce that that conviction has not been proved;

(*c*) If the respondent appears, then the Chairman shall ask her concerning each conviction of which evidence is so adduced whether she admits the conviction; and, if she admits it the Chairman shall thereupon announce that the conviction has been proved.

(2) If, where the respondent appears, she does not admit all the convictions she may then adduce evidence, concerning any conviction which she has not admitted, on the question whether she was convicted as alleged, and may address the Committee on that question.

(3) Where evidence is adduced under the last foregoing paragraph, the complainant, or, where no complainant appears, the Solicitor, may adduce evidence to rebut such evidence.

(4) On the conclusion of proceedings under the last foregoing paragraph, the Committee shall consider every conviction of which evidence has been adduced and shall determine whether or not it has been proved. In the absence of the respondent the Committee shall make their determination on the basis of the evidence submitted. The Chairman shall then announce their determination in such terms as they may approve.

(5) After the Committee have determined that any conviction has been proved, the validity of that conviction shall not be questioned either by the Committee or by any party to the hearing.

Proof of the facts in cases of alleged misconduct

100.—(1) In cases arising out of a complaint or information from which it appears that a question arises whether a certified midwife has been guilty of misconduct the following order of proceedings shall be observed as respects proof of the charge or charges:—

(*a*) if the respondent appears the Chairman of the Committee shall ask her whether she admits the facts alleged in the charge or charges:

(*b*) if the respondent does not appear and has not admitted by letter the facts alleged in the charge or charges, of if she appears and does not admit all the facts alleged, the complainant (if any appears) or the Solicitor or the Board's representative shall open the case and adduce evidence of the facts alleged; the respondent or her representative shall be entitled to cross-examine any witnesses adduce against her;

(*c*) if no evidence is adduced concerning any particular charge on which there has been no admission of the facts alleged, the Committee, subject to their right in such a case to order the adjournment of the hearing, shall record and the Chairman shall announce a finding that the respondent is not guilty of misconduct in respect of the matters to which that charge relates.

(2) Where the respondent appears the following further order of proceedings shall be observed:—

(*a*) at the close of the case against her the respondent or her friend or adviser may, if she so desires, make either or both of the following submissions relating to any charge concerning which evidence has been adduced, namely—

(i) that no sufficient evidence has been adduced upon which the Committee could find that the facts alleged in that charge have been proved;

(ii) that the facts alleged in the charge are not such as to constitute misconduct;

and where such a submission is made, any other party may reply thereto;

(*b*) if a submission is made under the last foregoing sub-paragraph, the Committee shall consider and determine whether it should be upheld, and if the Committee determine to uphold it they shall record and the Chairman shall announce their finding that, in relation to the matters to which the charge relates, the respondent is not guilty of misconduct;

(*c*) the respondent, or her representative may adduce evidence in answer to any charge concerning which evidence has been adduced and, whether such evidence is adduced or not, she or her representative may address the Committee.

(*d*) the complainant (if any appears) or the Solicitor or the Board's representative shall be entitled to cross-examine any witnesses called for the respondent;

(*e*) at the close of the case for the respondent, the complainant (if any appears) or the Solicitor or the Board's representative may, with the leave of the Committee, adduce evidence to rebut any evidence adduced by the respondent; and if he does so the respondent or her representative may make a further address to the Committee limited to the rebutting evidence;

(*f*) if there is adduced on behalf of the respondent evidence other than that of the respondent herself, and other than evidence as to the character of the respondent, the complainant (if any appears) or the Solicitor, or the Board's representative may address the Committee by way of reply to the respondent's case.

(3) On the conclusion of the aforesaid proceedings, the Committee shall consider and determine as respects each charge which remains outstanding which, if any, of the facts alleged in the charge have been proved to their satisfaction.

(4) If under the last foregoing paragraph the Committee determine as respects any charge, either that none of the facts alleged in the charge has been proved to their satisfaction, or that such facts as have been so proved would be insufficient to support a finding of misconduct, the Committee shall record a finding that the respondent is not guilty of misconduct in respect of the matters to which that charge relates and the Chairman shall announce the finding of the Committee.

Procedure upon proof of conviction or of the facts in cases of alleged misconduct

101.—(1) Where in a case relating to conviction the Committee have found that a conviction has been proved the Chairman shall invite the complainant, or the Solicitor, or the Board's representative, to address the Committee, and to adduce evidence as to the circumstances leading up to the conviction, and as to the previous history of the respondent. The Chairman shall then invite the respondent or her representative to address the Committee by way of mitigation and the respondent may adduce evidence as aforesaid, and as to character.

(2) Where in a case of alleged misconduct, the Committee have found that the facts or any of them alleged in any charge have been proved to their satisfaction (and have not on those facts recorded a finding of not guilty) the Committee shall forthwith consider and determine whether in relation to the facts found proved as aforesaid the respondent is guilty of misconduct. If they determine that she is not guilty of misconduct in relation to all or any of such facts they shall record a finding to that effect and the Chairman shall announce it. If they determine that she is guilty of misconduct in relation to all or any of such facts, the Chairman shall invite the complainant, or the Solicitor or the Board's representative to address the Committee and to adduce evidence as to circumstances leading up to the facts in question and as to the previous history of the respondent. The Chairman shall then invite the respondent or her representative to address the Committee by way of mitigation and the respondent may adduce evidence as aforesaid, and as to character.

102. In any case in which the respondent has not admitted the charges and does not attend the hearing either personally or by a representative, the Committee may proceed to investigate and determine the charges in her absence. The Committee may take into consideration any written statement, explanation or plea in mitigation which may have been furnished by the respondent.

103. On the conclusion of proceedings the Committee shall consider and decide whether they should postpone judgment. If the Committee decide to postpone judgment:

(1) the Committee may request the local supervising authority to report to the Committee on the respondent's conduct during a specified period and the judgment of the Committee shall stand postponed until the Committee shall have considered the report; or

(2) the Committee may postpone judgment until the repsondent produces evidence of full rehabilitation following medical treatment.

The Chairman shall announce the decision of the Committee.

104. If the Committee decide not to postpone judgment, they shall determine what penalty to impose in relation to any conviction which has been proved or to any charge on which the respondent has been found guilty of misconduct.

Range of Penalties

105. In determining the penalty to be imposed, the following options, or combinations of options as appropriate, shall be available to the Committee:—

(*a*) note the respondent's offence in the Board's records;

(*b*) admonish the respondent orally;

(*c*) reprimand the respondent in writing;

(*d*) suspend the respondent from practising as a midwife until she has completed to the satisfaction of the Board such period of further training in an approved training school, or of supervised practice in such school, or both, as the Committee may prescribe.

(*e*) direct that the respondent's name be removed from the roll and her certificate cancelled.

(*f*) in an exceptional case take such other action as the Committee may, in the circumstances, consider to be appropriate.

106. The Chairman shall announce the decision of the Committee which shall be conveyed by the Secretary in writing by recorded delivery post to the midwife and to all local supervising authorities concerned. In the case of the removal of the respondent's name from the roll, the Secretary shall retain the respondent's certificate of enrolment and badge, if any, shall delete her name from the roll and inform all local supervising authorities. Where the respondent's name has been removed from the roll and the respondent has failed to deliver her certificate and badge, if any, to the Secretary prior to or during the proceedings for removal, the Secretary shall, on notifying her of the Committee's decision, request her to deliver the said certificate and badge, and warn her of her liability to proceedings if she fails to comply with that request.

Entry in roll procured by fraud

107. In a case where the Committee determine that an entry in the roll has been proved to their satisfaction to have been procured by fraud, they shall make an order in writing, under the hand of the Chairman, that the entry, having been proved to the satisfaction of the Committee to have been procured by fraud, shall be removed from the roll; and the Chairman shall announce the determination in such terms as the Committee may approve.

Procedure upon postponement of judgment

108. —(1) If the Committee decide to postpone judgment, the following shall be the procedure:—

(*a*) the Secretary shall, not later than six weeks before the day fixed for the resumption of the proceedings, send to the respondent a notice which shall:

(i) specify the day, time and place of the resumed hearing and invite her to attend;

(ii) invite the respondent to furnish the Secretary, not less than three weeks before the day fixed for resumption of the proceedings, the names and addresses of at least two suitable persons with knowledge of the facts found against her from whom the Committee would be able to seek information in confidence as to the conduct of the respondent since the adjourned hearing; and

(iii) invite the respondent to send to the Secretary any statement, whether made by the respondent or some other person, concerning the conduct of the respondent since the adjourned hearing or concerning any material facts which have arisen since the adjournment.

(*b*) a copy of the notice and any statement sent in accordance with the provisions of paragraph (*a*), sub-paragraph (iii) hereof, shall be sent to the complainant, if any, and he may in turn, if he so desires, send to the Secretary a statement, whether made by himself or not, concerning any matter relating to the conduct of the respondent since the previous hearing.

(*c*) at the meeting at which the proceedings are resumed the Chairman of the Committee shall first invite the Solicitor to recall, for the information of the Committee, the position in which the case stands; and

(i) the Committee may hear representations by or on behalf of the respondent, or the complainant to whom a notice has been sent under paragraph (*b*) of this rule;

(ii) the Committee may receive further oral or documentary evidence in relation to the case, or to the conduct of the respondent since the previous hearing; and

(iii) the Chairman shall invite the respondent or her representative to address the Committee by way of mitigation.

(*d*) the Committee shall then consider and determine whether they should further postpone their judgment on the charge on which their judgment was previously postponed; and if the Committee determine further to postpone judgment, the judgment of the Committee shall stand postponed for such period as the Committee may decide; and the Chairman shall announce the decision of the Committee. The provisions of this rule shall apply to any case in which judgment is further postponed.

(*e*) if the Committee determine that judgment shall not be further postponed Rule 104 of these Rules shall apply.

(2) At any resumed proceedings any new charge alleged against the respondent shall first be dealt with in accordance with the foregoing rules and if the Committee determine not to postpone judgment in respect of any such new charge the Committee may apply Rule 104 of these Rules simultaneously to the new charge and the charge in respect of which they had postponed judgment.

(3) Nothing in the last foregoing paragraph shall prevent the Committee from receiving evidence at any resumed proceedings of any conviction recorded against the respondent which has not been made the subject of a charge under these Rules.

(4) The validity of any resumed proceedings shall not be called into question by reason only that members of the Committee who were present at any former meeting were not present at the resumed meeting, or that members present at the resumed meeting were not present at any former meeting.

Notification of decision to other statutory bodies

109. In the event of the removal of the name of a midwife from the roll under this part of these Rules, notification of the fact shall forthwith be sent by the Secretary to the Central Midwives Board and the Northern Ireland Council for Nurses and Midwives. If the midwife is also a nurse registered or enrolled in Scotland or in England and Wales notification shall also be sent to the General Nursing Council for Scotland or to the General Nursing Council for England and Wales as appropriate.

Finding of misconduct by another statutory midwifery body

110. Where any certified midwife is also enrolled by the Central Midwives Board or the Northern Ireland Council for Nurses and Midwives and has been found guilty by one or more of these bodies of any charge inferring misconduct the Board shall treat such finding of guilt in the same manner as a finding of guilt of an offence by any court and the provisions of Rules 80 to 83 hereof, shall *mutatis mutandis* apply thereto. The findings of these bodies shall be sufficiently proved by the production of a certificate from their Secretary specifying the charges and the findings thereon.

Restoration of name to the roll

111.—(1) Where the name of a certified midwife has been removed from the roll for disciplinary reasons, any application for its restoration to the roll shall be made in writing addressed to the Secretary and signed by the applicant stating the grounds on which the application is made.

(2) The application shall contain the names and addresses of two or more persons personally acquainted with the applicant and with knowledge of the facts found against her who are able and willing to identify the applicant and give evidence as to her conduct and the nature of her employment since the date of the removal of her name and, where practicable, before that date.

(3) The Committee may, if they think fit, make enquiries of the persons named in the application in which case they shall not be obliged to disclose such information to the applicant. The Committee may require the applicant to submit the names and addresses of further persons able and willing to give evidence on such matters as the Committee may desire and may require the applicant to verify by an affidavit any statement made in her application or any further statement which they may think necessary.

(4) The procedure of the Committee in considering the application shall be such as they may determine but providing the application is not vexatious they shall not reject it without affording the applicant an opportunity to appear before the Committee and to address the Committee herself or by her friend or adviser.

112. After consideration of the application and of the evidence furnished in support of it the Committee shall reach their decision and the Secretary shall communicate it to the applicant by recorded delivery post. Where the Committee have decided that the applicant's name shall be restored to the roll they shall direct the Secretary, upon payment of such fee as may from time to time be determined by the Board with the approval of the Secretary of State, to restore the applicant's name to the roll and issue a new certificate to her.

Notification of restoration to other statutory bodies

113. In the event of the restoration of the name of a midwife to the roll under this part of these Rules, notification of the fact shall forthwith be sent by the Secretary to the Central Midwives Board and the Northern Ireland Council for Nurses and Midwives. Notification shall also be sent to all local supervising authorities. If the midwife is also a nurse registered or enrolled in Scotland or in England and Wales notification shall also be sent to the General Nursing Council for Scotland or to the General Nursing Council for England and Wales as appropriate.

Restoration of name to the roll of other statutory midwifery bodies

114. In the event of notice being received by the Board from the Central Midwives Board and/or the Northern Ireland Council for Nurses and Midwives that they have restored to their roll the name of a midwife whose name they had removed from their roll, if the Secretary shall find that the name of such midwife was removed from the roll, it shall be the duty of the Secretary to lay the matter before the Committee. The Committee shall then consider the matter and if necessary make enquiries and may, if they think fit, having regard to all the circumstances and at their discretion, restore the name of such midwife to the roll, if she applies under and conforms to such of the provisions of this part of these Rules as the Committee shall require. Unless the Committee decide to restore the name of an applicant without a hearing they shall afford to her, if she wishes, an opportunity of appearing before the Committee to

address the Committee herself or by her friend or adviser. In the event of the Committee restoring the name of a midwife to the roll under this rule, the Secretary shall forthwith notify the fact of such restoration to the Central Midwives Board and the Northern Ireland Council for Nurses and Midwives. Notification shall also be sent to all local supervising authorities. If the midwife is also a nurse registered or enrolled in Scotland or in England and Wales notification shall also be sent to the General Nursing Council for Scotland or to the General Nursing Council for England and Wales as appropriate.

PART VII

TRANSITIONAL PROVISION

115.—(1) Until 31st August 1981, the period of training mentioned in Rule 27 shall be 47 weeks exclusive of annual leave.

(2) Until 31st August 1981, the excepted period for time lost owing to illness or other emergency mentioned in Rule 25 shall be three working days.

(3) Until 31st August 1981, the period of clinical and theoretical experience mentioned in Rule 35 shall be 45 weeks.

Made by the Central Midwives Board for Scotland this eighteenth day of September 1980.

Mary M. Turner, *Chairman*
J. E. Tinkler, *Secretary*
Central Midwives Board for Scotland

24 Dublin Street,
Edinburgh, EH1 3PU.

SCHEDULE 1

CERTIFICATES ISSUED BY THE BOARD

a. *Certificate of Enrolment by Examination*

CENTRAL MIDWIVES BOARD FOR SCOTLAND

No..... Date of enrolment.....

This is to certify that

.....

having passed the examination of the Central Midwives Board for Scotland, was on the above-mentioned date admitted to the roll of midwives maintained by the Board in terms of the Midwives (Scotland) Act 1951, and is entitled to practise as a midwife in accordance with the provisions of the said Act and subject to the rules made under it, and to use the title of "State Certified Midwife".

Chairman of the Board

Seal

Secretary

b. *Certificate of Enrolment by Reciprocity*

CENTRAL MIDWIVES BOARD FOR SCOTLAND

No..... Date of enrolment.....

This is to certify that

.....

by virtue of holding a certificate granted by.....

.....

was on the above-mentioned date admitted to the roll of midwives maintained by the Board in terms of the Midwives (Scotland) Act 1951, and is entitled to practise as a midwife in accordance with the provisions of the said Act and subject to the rules made under it, and to use the title of "State Certified Midwife".

Chairman of the Board

Seal

Secretary

c. *Midwife Clinical Teacher's Certificate*

CENTRAL MIDWIVES BOARD FOR SCOTLAND

No..... Date of award.....

This is to certify that

.....

having successfully completed a course of training approved by the Central Midwives Board for Scotland for that purpose was on the above-mentioned date awarded the Midwife Clinical Teacher's Certificate and is entitled to use the title of "Midwife Clinical Teacher". This certificate is valid only so long as the name of the holder appears on the roll of midwives maintained by the Board in terms of the Midwives (Scotland) Act 1951.

Chairman of the Board

Seal

Secretary

d. *Midwife Teacher's Diploma*

CENTRAL MIDWIVES BOARD FOR SCOTLAND

No..... Date of award.....

This is to certify that

.....

having successfully completed a course of training approved by the Central Midwives Board for Scotland for that purpose was on the above-mentioned date awarded the Midwife Teacher's Diploma and is entitled to use the title of "Midwife Teacher". This certificate is valid only so long as the name of the holder appears on the roll of midwives maintained by the Board in terms of the Midwives (Scotland) Act 1951.

Chairman of the Board

Seal

Secretary

Form 1. *Application to be certified under section 6 of the Midwives (Scotland) Act 1951 by virtue of having completed training as a midwife in England or Wales or in Northern Ireland.*

CENTRAL MIDWIVES BOARD FOR SCOTLAND

I hereby apply to be enrolled under section 6 of the Midwives (Scotland) Act 1951 by virtue of holding a certificate of enrolment as a midwife No.....
dated..... issued by the .....
Name in full (Block capitals) .....
.....
(If married, maiden name) .....
Date of birth .....
Permanent address .....
.....
Date and place of last employment as a midwife.
Date..... Place .....
Date, length and place of last refresher course attended.
Date..... Length of course .....weeks
Place .....
I enclose the prescribed fee.

Signed .....
Date .....

Form 2. *Application to be certified under section 7 of the Midwives (Scotland) Act 1951 by virtue of having completed training as a midwife elsewhere than in the United Kingdom.*

CENTRAL MIDWIVES BOARD FOR SCOTLAND

I hereby apply to be certified under section 7 of the Midwives (Scotland) Act 1951 by virtue of holding a certificate of enrolment or registration as a midwife No.....
dated .....
issued by the .....
Name in full (Block capitals) .....
.....
(If married, maiden name) .....
Date of birth .....
Permanent address .....
.....
Date and place of last employment as a midwife.
Date..... Place .....
I enclose the prescribed fee.

Signed .....
Date .....

CERTIFICATE OF GOOD CHARACTER

The above-named applicant has been known to me for at least three years and during that time she has been of good character.

Dated this.....day of .....19.....
Signed .....
Address .....
.....
.....

Authority for signing .....

Form 3. *Notification of Intention to Practise*

(This notice to be sent before commencing practice and if in continuous practice in the month of January in each year).

To the .....Health Board in its capacity as local supervising authority under the Midwives (Scotland) Act 1951.

I .....
(Full name in block capitals)

of (address) .....
.....

practising at (place of employment).....
.....

holding a certificate of the Central Midwives Board for Scotland

No..... dated .....

hereby give notice of my intention to practise as a midwife within your area during the year commencing 1st January 19.....

Date, length and place of last refresher course attended.

Date..... Length of course.....

Place .....

Signed .....

Date .....

Form 4. *Notification of Having Practised.*

(This notice to be given within 48 hours of having practised in the area of any local supervising authority to which the midwife has not already notified her intention to practise.)

To the .....Health Board in its capacity as local supervising authority under the Midwives (Scotland) Act 1951.

I .....
(Full name in block capitals)

of (address) .....
.....

holding a certificate of the Central Midwives Board for Scotland No .....

dated..... hereby give notice that on the .....day of

..... 19..... I practised as a midwife at (address) .....

.....

Explanation of circumstances .....

.....

.....

Signed .....

Date .....

Form 5. *Notification of Inappropriateness of Home Confinement*

Rule 65(1)

To the .....Health Board
in its capacity as local supervising authority under the Midwives (Scotland) Act 1951.

I, ...
(Full name in block capitals)
notify that I have been engaged to attend
Patient's name .....
Address .....
.....
and in my opinion home confinement is inappropriate for the following reasons:—
.....
.....

Signed .....
Employed at .....
.....
Date .....

Form 6. *Notification of Patient's Failure to Follow Advice*

Rule 66

To the .....Health Board
in its capacity as local supervising authority under the Midwives (Scotland) Act 1951.

I, ...
(Full name in block capitals)
notify that on (date) .....19..... while in attendance on
Patient's name .....
Address .....
.....
I advised that a registered medical practitioner should be called in but the patient has refused to accept my advice.
Reasons for advising medical attendance.....
.....

Signed .....
Employed at .....
.....
Date .....

Form 7. *Notification of Death of Mother or Baby.*

Rule 67

To the .....Health Board
in its capacity as local supervising authority under the Midwives (Scotland) Act 1951.

I, ...
(Full name in block capitals)
notify that at (time)..... on (date) .....
the following death occurred *before/*after the arrival of the registered medical practitioner
Name of deceased .....
Address.....
.....
Age .....
Date of delivery (if applicable).....

Signed .....
Employed at .....
Date .....

* Delete the word not applicable.

APPENDIX I

EQUIPMENT

Equipment to be supplied for the use of community midwives must include the following items. Midwives in private practice must ensure that these items are available as minimum requirements.

Sphygmomanometer and binaural stethoscope
Equipment for urine analysis
Fetal stethoscope

FOR DELIVERY:

Delivery pack
Oxytocic preparations
Clinical thermometers (one low reading for baby)
Syringes and needles

FOR POSTNATAL VISITS

Clinical thermometers (one low reading for baby)
Suture removal pack
Oxytocic preparations
Syringes and needles.

EXPLANATORY NOTE

(This Note is not part of the Instrument.)

The rules approved by this Instrument consolidate and amend the Central Midwives Board for Scotland Rules 1967. The Central Midwives Board for Scotland (Election Scheme) Rules 1952 are not affected.

The principal changes made in the new rules are:—

(*a*) the committee structure of the Board has been changed;

(*b*) enrolled nurses are no longer accepted for training as midwives;

(*c*) the length of training for registered nurses has been increased from twelve to eighteen months;

(*d*) details of the theoretical instruction and clinical experience are no longer set out in the rules;

(*e*) candidates are not allowed more than three attempts at the examination;

(*f*) the approval of lecturers and teachers has been dispensed with;

(*g*) the rules regulating the practice of midwives have been updated and simplified;

(*h*) the rules regulating the award of the Midwife Clinical Teacher's Certificate and the Midwife Teacher's Certificate have been amended;

(*i*) the code of disciplinary proceedings has been radically revised, the following being the principal changes:—

(i) disciplinary proceeding are delegated to two new committees—the Investigating Committee and the Disciplinary Committee—which have non-overlapping membership;

(ii) convictions other than under the Midwives (Scotland) Act 1951 can now be taken into account;

(iii) provision is made for the Board to appoint a legal assessor;

(iv) the respondent has a right to be heard at all important stages in the procedure, including application for restoration;

(*j*) the number of forms appended to the rules has been reduced.

SI 1980/1968
ISBN 0-11-007968-X

