(4) Nothing in the foregoing section shall be construed as implying that the Postmaster General is under any obligation to provide equipment or apparatus for the purpose of affording means of telephonic communication.

48 & 49 Vict. c. 58.

(5) Nothing in the foregoing section shall affect the operation of section two of the Telegraph Act, 1885 (which empowers the Postmaster General to make regulations for the conduct of telegraphic business).

Repeal of ss. 17 and 18 of Telegraph Act, 1868. 31 & 32 Vict. c. 110.

3. Sections seventeen and eighteen of the Telegraph Act, 1868 (which respectively require that telegraphic messages having priority in order of transmission over other messages shall be stamped with the word "priority" by the Secretary of State or a government department and retained for twelve months by the Postmaster General and that payments to the Postmaster General for the transmission of telegraphic messages from one place to another within the United Kingdom, the Channel Islands and the Isle of Man shall be made by means of stamps) are hereby repealed.

Short title, interpretation and extent.

4.—(1) This Act may be cited as the Telephone Act, 1951.

(2) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment.

(3) It is hereby declared that this Act extends to Northern Ireland.

(4) His Majesty may by Order in Council direct that this Act shall extend to the Channel Islands subject to such exceptions, adaptations and modifications, if any, as may be specified in the Order.

(5) This Act shall extend to the Isle of Man.

CHAPTER 53

Midwives Act, 1951

ARRANGEMENT OF SECTIONS

The Central Midwives Board

Section
1. Constitution and functions of the Central Midwives Board.

Provisions relating to the Roll of Midwives and the Certification and Discipline of Midwives

2. The roll of midwives.
3. Removal of midwives from the roll.
4. Power of the Board to make rules as to certification of midwives, &c.
5. Certification of midwives certified in Scotland or Northern Ireland.

Section
6. Certification of midwives trained outside the United Kingdom.
7. Certification not to imply possession of medical qualifications.
8. Penalization of acts falsely implying certification.

Provisions relating to Practice of Midwifery, &c.

9. Prohibition of persons other than certified midwives attending women in childbirth except under medical supervision.
10. Power of Board to prohibit disqualified midwives from attending, in other capacities, women in childbirth.
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16. Notification by practising midwives of change of address.

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17. Local supervision of midwives.

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26. Power of local supervising authorities to aid training of midwives.
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29. Prosecution of offences.
30. Approval of rules.
31. Local supervising authority for purposes of this Act.
32. Meaning of " certified midwife ".
33. Amendment of s. 2 (3) of the Midwives Act, 1936.
34. Repeal and consequential savings.
35. Saving for medical practitioners.
36. Short title, extent and commencement.

SCHEDULES:
First Schedule—Constitution and Procedure of the Central Midwives Board.
Second Schedule—Repeals.

An Act to consolidate certain enactments relating to midwives. [1st August 1951.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

The Central Midwives Board

Constitution and functions of the Central Midwives Board.

1.—(1) There shall be a Board, to be called the Central Midwives Board (in this Act referred to as "the Board") which shall have the duty of issuing, in pursuance of rules in that behalf made under the following provisions of this Act, certificates to women who comply with the rules, and shall have such other duties, and such powers, as are conferred on the Board by those provisions.

(2) Subject to the provisions of any order made under the next following subsection, the provisions of the First Schedule to this Act shall have effect with respect to the constitution and procedure of the Board.

(3) If at any time it appears to the Minister of Health (hereafter in this Act referred to as "the Minister") after consultation with such bodies and persons as appear to him to be concerned, to be expedient so to do, he may by order vary the constitution of the Board or reconstitute the Board.

The power conferred on the Minister by this subsection shall be exercisable by statutory instrument whereof a draft shall be laid before Parliament.

(4) An order under the last foregoing subsection may provide for any incidental or supplementary matters for which it appears to the Minister to be requisite or expedient for the purposes of the order to provide and in particular, but without prejudice to the generality of this subsection, may (so far as provision in that behalf appears to the Minister to be requisite or expedient for the purpose of giving full effect to the order) empower the Board to frame rules with respect to such matters as may be specified in the order.

Provisions relating to the Roll of Midwives and the Certification and Discipline of Midwives

The roll of midwives.

2.—(1) It shall be the duty of the Board to keep a roll of certified midwives (hereafter in this Act referred to as "the roll").

(2) The secretary of the Board shall be charged with the custody of the roll.

(3) A copy of the roll shall be kept at the office of the Board and shall be open to the inspection of any person without charge during usual business hours.

(4) Each entry in the roll shall include, with respect to the woman to whom the entry relates, an indication of the manner in which she became entitled to be certified under this Act or the Midwives Act, 1902.

(5) A copy of the roll printed by the authority of the Board or signed by the secretary of the Board shall be evidence that the women specified therein are certified midwives, and the absence of the name of a woman from such a copy shall be evidence that that woman is not a certified midwife.

(6) A certificate under the hand of the secretary of the Board that the name of a woman whose name does not appear in such a copy as aforesaid is included in the roll shall be evidence that that woman is a certified midwife, and a certificate under the hand of the secretary of the Board that the name of a woman whose name appears in the roll has been removed therefrom, and of the date of the removal, shall be evidence of the fact that that woman is not a certified midwife and of the date as from which she ceased to be certified under this Act or the Midwives Act, 1902.

(7) If a person wilfully makes, or causes to be made, a falsification in a matter relating to the roll, he shall be guilty of a misdemeanour and shall, on conviction thereof, be liable to imprisonment for a term not exceeding twelve months.

Removal of midwives from the roll.

3.—(1) The Board may remove from the roll the name of a certified midwife who disobeys any of the rules made under or by virtue of this Act by the Board or who otherwise misconducts herself.

(2) The Board may from time to time, by registered letter addressed to a certified midwife whose name is included in the roll at her address as appearing therein, inquire of her whether she has ceased practice or has changed her residence; and if within a period of six months from the sending of the letter no answer is received thereto the Board may remove her name from the roll.

(3) Where the Board remove the name of a woman from the roll they shall forthwith give notice of that fact to all local supervising authorities concerned.

(4) The Board may restore to the roll the name of a woman removed therefrom, other than the name of a woman removed therefrom under section five of the Midwives Act, 1936.

(5) Where the Board remove the name of a woman from the roll they may cancel her certificate, but may re-issue it if they restore her name to the roll.

(6) A woman who thinks herself aggrieved by a decision of the Board to remove her name from the roll may, within three

months after the notification to her of the decision, appeal therefrom to the High Court and the order of the High Court on an appeal under this subsection shall be final.

(7) A woman whose name is ordered to be removed from the roll under subsection (1) of this section shall, within fourteen days from the making of the order, surrender to the Board her certificate and any badge issued to her in pursuance of rules made under the following provisions of this Act by the Board, and, if she fails so to do, she shall be liable on summary conviction to a fine not exceeding five pounds.

(8) The Board may make rules applying to proceedings before the Board for the removal of the name of a woman from the roll, subject to any necessary modifications, the provisions of Part I of the Arbitration Act, 1950, relating to the summoning, attendance and examination of witnesses, the production of documents, the administration of oaths and the taking of affirmations.

Power of the Board to make rules as to certification of midwives, &c.

4.—(1) The Board shall have power to make rules—

(*a*) regulating the issue by them of certificates and the conditions of admission to the roll, and prescribing the courses of training to be undergone and the examinations to be passed by women as a condition of the issue of certificates to them;

(*b*) regulating, supervising and restricting within due limits the practice of certified midwives;

(*c*) prescribing the conditions under which certified midwives may be suspended from practice and in particular, but without prejudice to the generality of this paragraph, authorising the Board to suspend a certified midwife from practice for such period as they think fit in lieu of removing her name from the roll and to suspend from practice, until the case has been decided and (in the case of an appeal) until the appeal has been decided, a certified midwife accused before the Board of disobeying rules or of other misconduct;

(*d*) requiring certified midwives to attend from time to time, in accordance with the provisions of the rules, a course of instruction approved by the Board;

(*e*) regulating the grant by the Board of diplomas, being diplomas in the teaching of midwifery, to certified midwives presenting themselves for examination for such diplomas; and

(*f*) making provision with respect to the uniform which may be worn by certified midwives and as to the wearing of badges by them.

(2) Examinations prescribed by rules made under paragraph (*a*) of the foregoing subsection shall be held at such times and

places as the Board may determine, and the Board may appoint examiners for the purposes of such examinations and may make rules regulating the conduct of such examinations and the remuneration of examiners appointed for the purposes thereof.

(3) There shall be payable to the Board by a woman in respect of any examination for which she presents herself and in respect of the issue to her of a certificate such fees respectively as may be determined by the Board with the approval of the Minister.

Certification of midwives certified in Scotland or Northern Ireland.

5.—(1) It shall be the duty of the Board, in exercise of the power conferred on them by paragraph (*a*) of subsection (1) of the last foregoing section—

(*a*) after consultation with the Central Midwives Board for Scotland, to make rules enabling women certified under the Midwives (Scotland) Act, 1951, to be certified under this Act on compliance with such conditions, if any, as may be specified in the rules and on payment of such fee, if any, as may be determined by the Board with the approval of the Minister; and

(*b*) after consultation with the Joint Nursing and Midwives Council for Northern Ireland, to make rules enabling women certified or deemed to have been certified under the Midwives (Ireland) Act, 1918, to be certified under this Act on compliance with such conditions, if any, as may be specified in the rules and on payment of such fee, if any, as may be determined as aforesaid.

(2) The reference in paragraph (*b*) of the foregoing subsection to the Midwives (Ireland) Act, 1918, shall be construed as a reference to that Act as it applies to Northern Ireland under the provisions of the Government of Ireland Act, 1920, and subject to any adaptation or amendment made by Order in Council under those provisions or by any Act of the Parliament of Northern Ireland.

Certification of midwives trained outside the United Kingdom.

6.—(1) A woman 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 subsection and that she is of good character shall, on making an application in that behalf and on payment of such fee, if any, as may be determined by the Board with the approval of the Minister, be entitled to be certified under this Act.

(2) If, in the case of a woman who proves to the satisfaction of the Board that she successfully completed her training as a midwife elsewhere than in the United Kingdom but 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 the foregoing subsection, the Board are of opinion

that she can properly be certified under this Act after undergoing to their satisfaction such further training in England as may be specified by them and passing such examinations, if any, as may be so specified, they may, if they are satisfied that she is of good character, certify her under this Act if, after undergoing the specified training in England to their satisfaction and passing any specified examinations, she makes an application in that behalf and pays such fee, if any, as may be determined by the Board with the approval of the Minister.

Certification not to imply possession of medical qualifications.

7. A certificate issued under this Act to a woman shall not confer upon her any right or title to be registered under the Medical Acts or to assume a name, title or designation implying that she is by law recognised as a medical practitioner or that she is authorised to grant a medical certificate or a certificate of death or to undertake the charge of cases of abnormality or disease in connection with parturition.

Penalization of acts falsely implying certification.

8. A woman who, not being a certified midwife, takes or uses the name or title of midwife, either alone or in combination with any other word or words, or any name, title, addition, description, uniform or badge implying that she is a certified midwife or is a person specially qualified to practise midwifery or is recognised by law as a midwife, shall be liable on summary conviction to a fine not exceeding five pounds.

Provisions relating to the Practice of Midwifery, &c.

Prohibition of persons other than certified midwives attending women in childbirth except under medical supervision.

9. If a person, being either a male person or a woman who is not a certified midwife, attends a woman in childbirth otherwise than under the direction and personal supervision of a duly qualified medical practitioner, that person shall, unless he or she satisfies the court that the attention was given in a case of sudden or urgent necessity, be liable on summary conviction to a fine not exceeding ten pounds:

Provided that the provisions of this section shall not apply in the case of a person who, while undergoing training with a view to becoming a duly qualified medical practitioner or certified midwife, attends a woman in childbirth as part of a course of practical instruction in midwifery recognised by the General Medical Council or the Board.

Power of Board to prohibit disqualified midwives from attending, in other capacities, women in childbirth.

10.—(1) Where the Board remove the name of a certified midwife from the roll they may prohibit her from attending women in childbirth in any capacity other than that of midwife.

(2) A woman who thinks herself aggrieved by a decision of the Board to prohibit her as aforesaid may, within three months after the notification to her of the decision, appeal therefrom to the High Court and the order of the High Court on an appeal under this subsection shall be final.

(3) A woman who acts in contravention of a prohibition imposed under this section shall be liable on summary conviction to a fine not exceeding ten pounds unless she proves that she acted in a case of emergency.

Prohibition of unqualified persons acting as maternity nurses for gain.

11.—(1) If, on or after the date on which this section is applied to the area of a local supervising authority or to a county district contained therein, a person, being a woman who is neither a certified midwife nor registered in the general part of the register of nurses required to be kept under the Nurses Registration Act, 1919, or a male person, receives any remuneration for attending in that area or district as a nurse on a woman in childbirth or at any time during the ten days immediately after childbirth, that person shall be liable on summary conviction to a fine not exceeding ten pounds:

Provided that the provisions of this subsection shall not apply in the case of—

(*a*) a person who, while undergoing training with a view to becoming a duly qualified medical practitioner or a certified midwife, attends on a woman as aforesaid as part of a course of practical instruction in midwifery recognised by the General Medical Council or the Board; or

(*b*) a person who attends on a woman as aforesaid in a nursing home which is registered under Part VI of the Public Health Act, 1936, or exempt under section one hundred and ninety-two of that Act from the operation of the provisions of that Part of that Act relating to nursing homes, or in any hospital or other premises or institution which is not included in the definition of the expression "nursing home" in subsection (1) of section one hundred and ninety-nine of that Act by virtue of paragraphs (i), (ii) and (iii) thereof; or

(*c*) a woman who, before the first day of January, nineteen hundred and thirty-seven, was certified, by the authorities of a hospital or other institution to which the Minister has by order applied this proviso, to have been trained in obstetric nursing and who has given notice in writing to the authority of the area that she was so certified.

(2) The Minister may by order apply this section to the area of a local supervising authority, or to a county district contained therein, when he is satisfied that that authority has secured, in pursuance of section twenty-three of the National Health Service Act, 1946, the provision of a service, adequate for the needs of the area or district, of certified midwives who are available for attendance as midwives or maternity nurses on women in their own homes.

(3) In the application of subsection (1) of this section to the administrative county of London, for references to Part VI of the Public Health Act, 1936, and sections one hundred and ninety-two and one hundred and ninety-nine of that Act there shall be substituted respectively references to Part XI of the Public Health (London) Act, 1936, and sections two hundred and forty-six and three hundred and four of that Act.

(4) The provisions of this section shall be in addition to, and not in derogation of, the provisions of section nine of this Act.

(5) The powers conferred on the Minister by this section to make orders shall be exercisable by statutory instrument.

Prohibition of certain retired midwives acting as maternity nurses for gain.

12. If a woman whose name was removed from the roll under section five of the Midwives Act, 1936, receives any remuneration for attending as a nurse on a woman in childbirth or at any time during the ten days immediately after childbirth, she shall be liable on summary conviction to a fine not exceeding ten pounds.

Prohibition of employment by midwives of unqualified substitutes.

13. No certified midwife shall employ as her substitute a woman who is not a certified midwife.

Duty of midwives to summon medical assistance in emergencies.

14.—(1) In the event of an emergency a certified midwife shall call in to her assistance a duly qualified medical practitioner having such qualifications (if any) as may be prescribed and shall forthwith report the matter to the local supervising authority stating the nature of the emergency and the name of the medical practitioner called in.

(2) A medical practitioner called in by a certified midwife under the foregoing subsection shall, on submitting to the local supervising authority within three months from the date on which he was so called in, a claim in that behalf stating the nature of the emergency, and subject to such other conditions (if any) as may be prescribed, be entitled to be paid by the authority, in accordance with the prescribed scale, a sufficient fee with due allowance for mileage.

(3) In this section the expression "emergency" means an emergency as defined by rules having effect by virtue of paragraph (*b*) of subsection (1) of section four of this Act, and the expression "prescribed" means prescribed by regulations made by the Minister by statutory instrument.

Notices to be given by Midwives

Notification by midwives of intention to practise.

15.—(1) Every certified midwife shall, before holding herself out as a practising midwife or commencing to practise as a midwife in any area, give notice in writing of her intention so to do to the local supervising authority, and shall give a like notice in the month of January in every year thereafter during which she continues to practise in that area.

(2) Such notice shall be given to the local supervising authority of the area within which the midwife usually resides or carries on her practice, and the like notice shall be given to every other local supervising authority within whose area she at any time practises or acts as a midwife, within forty-eight hours at the latest after she commences so to practise or act.

(3) Every notice under this section shall contain such particulars as may be required by rules made by the Board to secure the identification of the person giving it.

(4) If a woman omits to give a notice required by this section to be given, or knowingly or wilfully makes or causes or procures any other person to make a false statement in any such notice, she shall be liable, on summary conviction, to a fine not exceeding five pounds.

Notification by practising midwives of change of address.

16. Where a certified midwife has given a notice in compliance with the last foregoing section and subsequently changes her address, she shall, within seven days after the change, give notice of the change to every local supervising authority to which she had previously given notice under that section and, if she omits to do so, shall, on summary conviction, be liable to a fine not exceeding two pounds.

Local Supervision of Midwives

Local supervision of midwives.

17.—(1) It shall be the duty of every local supervising authority—

(*a*) in accordance with such provision in that behalf as is contained in rules having effect by virtue of paragraph (*b*) of subsection (1) of section four of this Act, to exercise general supervision over all certified midwives practising within their area;

(*b*) to investigate any charge of malpractice, negligence or misconduct on the part of a certified midwife practising within their area and, if a prima facie case is established, to report it to the Board;

(*c*) in accordance with such provision in that behalf as is contained in rules having effect by virtue of paragraph (*c*) of subsection (1) of section four of this Act, to suspend a certified midwife from practice if it appears necessary so to do in order to prevent the spread of infection;

(*d*) to report at once to the Board the name of a certified midwife practising within their area who is convicted of an offence;

(*e*) to supply the secretary of the Board, during the month of February in each year, with the names and addresses of all certified midwives who, during the period of twelve months ending with the thirty-first day of January in that year, have notified the authority of their intention to practise within their area;

(*f*) to report at once to the Board the death of a certified midwife or a change in the name or address of a certified midwife in their area; and

(*g*) to provide or arrange for the provision of such courses of instruction for certified midwives practising in their area as may be necessary to enable those midwives to comply with any rules having effect by virtue of paragraph (*d*) of subsection (1) of section four of this Act.

(2) Without prejudice to the generality of paragraph (*c*) of subsection (1) of section four of this Act, a local supervising authority may be authorised by rules made by the Board to suspend from practice, until the case has been decided, a certified midwife against whom the authority have instituted proceedings or a certified midwife on whose part malpractice, negligence or misconduct has been reported by them to the Board.

(3) The Minister may by statutory instrument make regulations prescribing the qualifications of persons appointed under this section by a local supervising authority to exercise supervision over certified midwives within their area, and no person shall be so appointed whose qualifications are not in accordance with the regulations.

Financial and other Provisions for Benefit of Midwives

Compensation to midwives for suspension from practice.

18.—(1) Where a certified midwife has been suspended from practice in order to prevent the spread of infection she shall, if she was not herself in default, be entitled to recover from the local supervising authority such amount by way of compensation for loss of practice as is reasonable in the circumstances of the case.

(2) Where, in pursuance of rules made under paragraph (*c*) of subsection (1) of section four of this Act or subsection (2) of the last foregoing section, a certified midwife has been suspended from practice pending the decision of her case by a court or the Board and the case is decided in her favour, the Board or the local supervising authority by which she was suspended may, if they think fit, pay her such reasonable compensation for loss of practice as under the circumstances may seem just.

Payment of expenses of midwife's defence.

19. The Board may, if they think fit, pay all or any part of the expenses incurred by a certified midwife required to appear before them in her own defence.

Supply of forms, &c. to midwives.

20.—(1) All forms required to be filled up and returned to the Board by certified midwives shall be supplied to them by the Board without charge, and all other forms required to be filled up by certified midwives and all books required to be used by them shall be supplied to them by the local supervising authority without charge.

(2) Where any such form as aforesaid is required to be returned by post to the Board or local supervising authority, the form shall be supplied duly stamped or a duly stamped envelope shall be supplied with the form.

Avoidance of certain agreements so far as precluding wearing of authorised uniform.

21. Any agreement made (whether before or after the passing of this Act) between a local health authority or other body or association and a certified midwife employed by them for the purpose of attending on women in their homes as a midwife or maternity nurse shall be void in so far as it precludes the midwife from wearing a uniform prescribed by virtue of paragraph (*f*) of subsection (1) of section four of this Act.

Exemption of midwives from jury service.

22. A certified midwife shall, if in practice as a midwife, be exempt from serving on a jury.

Accounts, Reports and Expenses of the Central Midwives Board

Accounts of the Board.

23.—(1) As soon as practicable after the thirty-first day of December in each year the Board shall publish a financial statement made up to that date showing the receipts and expenditure and liabilities of the Board during the year, and certified as correct by an approved accountant, and shall submit a copy of the statement to the Minister.

(2) The Board may apportion between the local health authorities, in proportion to their respective populations according to the last published census for the time being, any balance against the Board which is disclosed by any such statement as aforesaid and is approved by the Minister, and may recover from the authorities the amounts apportioned to them respectively.

(3) The approval by the Minister of any such balance as is mentioned in the last foregoing subsection shall, for the purposes of an apportionment under that subsection, be binding and conclusive as to the amount of the balance.

(4) In this section the expression "approved accountant" means a member of the Institute of Chartered Accountants in England and Wales or the Society of Incorporated Accountants and Auditors.

Annual report of the Board.

24. The Board shall make to the Minister an annual report of their proceedings, containing such particulars as the Minister may direct.

Expenses of the Board.

25. All fees received by the Board under this Act or any enactment repealed by this Act shall be applied by them to the payment of expenses connected with the holding of examinations and the issue of certificates under this Act or any such enactment as aforesaid and towards defraying the general expenses of the Board.

Miscellaneous and General

Power of local supervising authorities to aid training of midwives.

26. A local supervising authority may aid the training of midwives, whether within or without their area, and may make grants for that purpose.

Power of local supervising authorities to provide residential accommodation for pupil midwives.

27.—(1) A local supervising authority may provide, or may improve or furnish, residential accommodation for women undergoing in their area courses of training with a view to becoming certified midwives.

(2) The Minister may authorise a local supervising authority to purchase compulsorily land for the purposes of the provision of such accommodation as aforesaid, and the Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply in relation to the compulsory purchase of land under this subsection as if it had been in force immediately before the commencement of that Act.

(3) Expenditure incurred under this section by a local supervising authority shall be deemed for the purposes of section fifty-three of the National Health Service Act, 1946 (which provides for the payment of grants to local health authorities in respect of expenditure incurred by them in carrying out their functions as local health authorities) to be expenditure incurred by the authority in carrying out their functions under that Act as a local health authority.

Annual publication of list of practising midwives.

28. The Board shall publish in each year a list of the names of certified midwives supplied in that year under subsection (1) of section seventeen of this Act by local supervising authorities to the secretary of the Board.

Prosecution of offences.

29.—(1) Any offences under this Act punishable on summary conviction may be prosecuted by the local supervising authority.

(2) The expenses of any such prosecution shall be defrayed by the council of the county or county borough in which the prosecution takes place.

Approval of rules.

30.—(1) Rules made under or by virtue of this Act by the Board shall be of no effect unless they are approved by the Minister, and before approving any rules so made the Minister shall take into consideration any representations with respect thereto made by the Executive Committee of the General Medical Council.

(2) The power conferred on the Minister by the foregoing subsection shall be exercisable by statutory instrument.

Local supervising authority for purposes of this Act.

31. Every local health authority throughout England and Wales shall be the local supervising authority over certified midwives within the area of the said authority.

Meaning of "certified midwife".

32.—(1) In this Act the expression "certified midwife" means a woman who is for the time being certified under this Act.

(2) A woman who, immediately before the commencement of this Act, is certified under the Midwives Act, 1902, shall, so long as her certificate under that Act continues in force, be deemed for all purposes to be certified under this Act.

Amendment of s. 2 (3) of the Midwives Act, 1936.

33. In subsection (3) of section two of the Midwives Act, 1936, the first reference to that Act shall be construed as including a reference to section twenty-three of the National Health Service Act, 1946.

Repeal and consequential savings.

34.—(1) The enactments mentioned in the first and second columns of Part I of the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Part of that Schedule, and the Orders in Council mentioned in the first and second columns of Part II of that Schedule are hereby revoked to the extent specified in the third column of that Part of that Schedule.

(2) Nothing in this Act shall affect any order, regulation, rule, application, specification, claim or apportionment made, prohibition imposed, authority, approval, direction or notice given, or any other thing done under an enactment repealed by this Act, but any such order, regulation, rule, application, specification, claim, apportionment, prohibition, authority, approval, direction, notice or thing shall, if and in so far as it is in force at the commencement of this Act, continue in force, and so far as it could have been made, imposed, given or done under the corresponding provision of this Act, it shall have effect as if it had been made, imposed, given or done under that corresponding provision.

(3) The repeal by this Act of the Midwives Act, 1902, shall not invalidate a certificate issued under that Act to a woman which is in force at the commencement of this Act, and any such certificate shall, for the purposes of this Act, be deemed to have been duly issued thereunder.

(4) Nothing in this Act shall be construed as revoking Regulation thirty-three of the Defence (General) Regulations, 1939 (which provides for granting to certain women temporary exemption from the enactments relating to midwives).

(5) Any document referring to an enactment repealed by this Act shall be construed as referring to the corresponding provision of this Act.

(6) Any person appointed to an office under or by virtue of an enactment repealed by this Act or the Central Midwives Board (Constitution) Order, 1920, shall be deemed to have been appointed to that office under or by virtue of the corresponding provision of this Act.

(7) The roll of midwives kept under the Midwives Act, 1902, shall be deemed part of the roll of certified midwives to be kept under this Act.

(8) The mention of particular matters in this section shall not be taken to affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

Saving for medical practitioners.

35. Nothing in this Act respecting certified midwives shall apply to duly qualified medical practitioners.

Short title, extent and commencement.

36.—(1) This Act may be cited as the Midwives Act, 1951.

(2) This Act shall not extend to Scotland or Northern Ireland.

(3) This Act shall come into force on the first day of September, nineteen hundred and fifty-one.

SCHEDULES

Section 1.

FIRST SCHEDULE

CONSTITUTION AND PROCEDURE OF THE CENTRAL MIDWIVES BOARD

1.—(1) The Board shall consist of fourteen persons, of whom—

(*a*) four (of whom two shall be certified midwives) shall be appointed by the Minister;

(*b*) four shall be duly qualified medical practitioners appointed, as to one each, by the Royal College of Physicians of London, the Royal College of Surgeons of England, the Society of Apothecaries, and the Royal College of Midwives;

(*c*) two shall be certified midwives appointed by the Royal College of Midwives; and

(*d*) four shall be appointed, as to one each, by the Queen's Institute of District Nursing, the County Councils Association, the Association of Municipal Corporations and the Society of Medical Officers of Health.

(2) Of the members of the Board, other than those required by the foregoing sub-paragraph to be certified midwives, not more than one shall be a certified midwife.

2. The members of the Board shall hold office for a term of one year; and a member shall, on the expiration of his term of office, be eligible for re-appointment for a like term.

3. A vacancy occurring, whether by resignation or death, in the place of a member of the Board appointed by the Minister shall be filled by a person appointed by him, and a vacancy so occurring in the place of any other member of the Board shall be filled by a person appointed by the body who appointed that member.

4. The Board shall appoint one of the members thereof to act as chairman of the Board and may appoint another of the members thereof to act as deputy chairman in the absence of the chairman.

5. The Board shall be a body corporate with perpetual succession, a common seal and power to hold land without licence in mortmain.

6. The powers of the Board may be exercised notwithstanding a vacancy in the membership of the Board.

7. The Board may make rules regulating their quorum and proceedings.

8.—(1) The Board shall, with the approval of the Minister, appoint a secretary and such other officers as may be required.

(2) The officers of the Board shall be removable at the pleasure of the Board.

9. The Board may constitute such committees consisting of members of the Board as the Board consider it desirable for the exercise or performance of any of their powers or duties to constitute.

10. The Board—

(*a*) may pay to the members thereof sums (to be calculated in accordance with directions to be given by the Minister) in respect of any loss of earnings they would otherwise have made or any additional expenses (including travelling and subsistence expenses) to which they would not otherwise have been subject, being loss or expenses necessarily suffered or incurred by them for the purpose of enabling them to perform duties as members of the Board;

(*b*) shall pay to the officers thereof such salaries as may be approved by the Minister.

11. No person shall be disqualified for being elected to, or sitting or voting as a member of, the House of Commons by reason of being a member of the Board; but, in relation to a member of the Board who is a member of the House of Commons, sub-paragraph (*a*) of the last foregoing paragraph shall have effect with the omission of references to loss of earnings.

12. The Board may enter into such agreements, acquire such property and do such things as may, in the opinion of the Board, be necessary or desirable for the exercise or performance of any of their powers or duties, and may dispose as they think fit of any property acquired by them.

1ST SCH. —*cont.*

13. The seal of the Board shall be authenticated by the signature of the chairman of the Board or some other member of the Board authorised by the Board to act in that behalf, and of the secretary of the Board or some other person authorised by the Board so to act.

14. Every document purporting to be a document duly executed or issued either under the seal of the Board authenticated in the manner provided by this Schedule or on behalf of the Board, or purporting to be signed by the secretary of the Board or a person authorised to act in that behalf, shall, until the contrary is proved, be deemed to be a document so executed or issued, or so signed, as the case may be.

Section 34.

SECOND SCHEDULE

REPEALS

PART I

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
2 Edw. 7. c. 17	The Midwives Act, 1902.	The whole Act.
8 & 9 Geo. 5. c. 43.	The Midwives Act, 1918.	The whole Act.
9 & 10 Geo. 5. c. 21.	The Ministry of Health Act, 1919.	In section three, in subsection (1), paragraph (*e*).
16 & 17 Geo. 5. c. 32.	The Midwives Act, 1926.	The whole Act.
26 Geo. 5 & 1 Edw. 8. c. 40.	The Midwives Act, 1936.	In section five, subsections (8) and (9). Sections six to ten. In section eleven, subsection (2). The Second Schedule.
9 & 10 Geo. 6. c. 81.	The National Health Service Act, 1946.	In section twenty-three, subsections (1) and (3).
12, 13 & 14 Geo. 6. c. 93.	The National Health Service (Amendment) Act, 1949.	In section twenty-nine, subsection (2). In the First Schedule, the fourth paragraph.
14 Geo. 6. c. 13	The Midwives (Amendment) Act, 1950.	The whole Act.

2ND SCH. —*cont.*

PART II

ORDERS IN COUNCIL REVOKED

Year and Number	Short Title	Extent of Revocation
S.R. & O. 1920, No. 2410.	The Central Midwives Board (Constitution) Order, 1920.	The whole Order.
S.R. & O. 1921, No. 765.	The Central Midwives Board (Term of Office) Order, 1921.	The whole Order.
S.I. 1948, No. 2.	The Statutory Instruments (Confirmatory Powers) Order, 1947.	In the Schedule, the entries relating to the Midwives Act, 1902.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Midwives Act, 1902	2 Edw. 7. c. 17.
Midwives (Ireland) Act, 1918	7 & 8 Geo. 5. c. 59.
Nurses Registration Act, 1919	9 & 10 Geo. 5. c. 94.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Midwives Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 40.
Public Health Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 49.
Public Health (London) Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 50.
Acquisition of Land (Authorisation Procedure) Act, 1946	9 & 10 Geo. 6. c. 49.
National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
Arbitration Act, 1950	14 Geo. 6. c. 27.
Midwives (Scotland) Act, 1951	14 & 15 Geo. 6. c. 54.

CHAPTER 54

Midwives (Scotland) Act, 1951

ARRANGEMENT OF SECTIONS

The Central Midwives Board for Scotland

Section
1. Constitution and functions of the Central Midwives Board for Scotland.

Provisions relating to the Certification of Midwives, the Roll of Certified Midwives and the Discipline of Midwives

2. Certification of Midwives.
3. The roll of certified midwives.
4. Removal of midwives from the roll.
5. Power of the Board to make rules as to certification of midwives, etc.