CHAPTER 13

Midwives (Amendment) Act, 1950

ARRANGEMENT OF SECTIONS

The Central Midwives Board and the Central Midwives Board for Scotland

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An Act to amend the law relating to midwives.
[12th July 1950.]

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 and the Central Midwives Board for Scotland

Power of Ministers to revise constitutions of Central Midwives Board and Central Midwives Board for Scotland.

1.—(1) 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 Central Midwives Board or re-constitute that Board.

(2) An order under the foregoing subsection may provide for any incidental or supplementary matters for which it appears to the Minister 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) provide that the power of the Central Midwives Board under section three of the Midwives Act, 1902, to frame rules shall include power to frame rules with respect to such matters as may be specified in the order.

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

(4) Section one of the Midwives Act, 1918 (which provides for the modification of the constitution of the Central Midwives Board in pursuance of a representation in that behalf made by them to the Minister) shall cease to have effect, but this repeal shall not affect any Order in Council under that section which is in force at the passing of this Act and the provisions of any such Order in Council shall have effect as if they were contained in an order under this section.

(5) This section shall apply to Scotland with the substitution, for references to the Minister and the Central Midwives Board, of references respectively to the Secretary of State and the Central Midwives Board for Scotland, with the substitution, for the reference to section three of the Midwives Act, 1902, of a reference to section five of the Midwives (Scotland) Act, 1915, and with the substitution, for the reference to section one of the Midwives Act, 1918, of a reference to section four of the said Act of 1915.

Incorporation of the Boards.

2.—(1) On the passing of this Act the Central Midwives Board shall become a body corporate with perpetual succession, a common seal and power to hold land without licence in mortmain, and the provisions contained in the First Schedule to this Act shall have effect in relation to that Board.

(2) This section and the First Schedule to this Act shall apply to Scotland with the substitution, for references to the Central Midwives Board, of references to the Central Midwives Board for Scotland, and, for the reference to section three of the Midwives Act, 1902, of a reference to section five of the Midwives (Scotland) Act, 1915, and with the omission of the words " without licence in mortmain ".

Certification of Midwives

Certification in England of midwives certified in Scotland or Northern Ireland.

3.—(1) The Central Midwives Board shall, in exercise of the power conferred on them by section three of the Midwives Act, 1902, to frame rules regulating the issue of certificates—

(*a*) after consultation with the Central Midwives Board for Scotland, frame rules enabling women certified under the Midwives (Scotland) Act, 1915, to be certified under the Midwives Act, 1902, 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 Central Midwives Board with the approval of the Minister; and

(*b*) after consultation with the Joint Nursing and Midwives Council for Northern Ireland, frame rules enabling women certified or deemed to have been certified under the Midwives (Ireland) Act, 1918, to be certified under the Midwives Act, 1902, 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) Section ten of the Midwives Act, 1918 (which provides for the certification under the Midwives Act, 1902, of midwives certified in any part of His Majesty's dominions outside England)—

(*a*) shall, as respects women certified under the Midwives (Scotland) Act, 1915, cease to have effect on the date on which rules first made in pursuance of paragraph (*a*) of the foregoing subsection come into operation; and

(*b*) shall, as respects women certified or deemed to have been certified under the Midwives (Ireland) Act, 1918, cease to have effect on the date on which rules first made in pursuance of paragraph (*b*) of that subsection come into operation.

(3) References in this section to the Midwives (Ireland) Act, 1918, shall be construed as references 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 in Scotland of midwives certified in England or Northern Ireland.

4.—(1) The Central Midwives Board for Scotland shall, in exercise of the power conferred on them by section five of the Midwives (Scotland) Act, 1915, to frame rules regulating the issue of certificates—

(*a*) after consultation with the Central Midwives Board, frame rules enabling women certified under the Midwives Act, 1902, to be certified under the Midwives (Scotland) Act, 1915, 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 Central Midwives Board for Scotland with the approval of the Secretary of State; and

(*b*) after consultation with the Joint Nursing and Midwives Council for Northern Ireland, frame rules enabling women certified or deemed to have been certified under the Midwives (Ireland) Act, 1918, to be certified under the Midwives (Scotland) Act, 1915, 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) Section eleven of the Midwives (Scotland) Act, 1915 (which provides for the certification under that Act of midwives certified in any part of His Majesty's dominions outside Scotland)—

(*a*) shall, as respects women certified under the Midwives Act, 1902, cease to have effect on the date on which rules first made in pursuance of paragraph (*a*) of the foregoing subsection come into operation; and

(*b*) shall, as respects women certified or deemed to have been certified under the Midwives (Ireland) Act, 1918, cease to have effect on the date on which rules first made in pursuance of paragraph (*b*) of that subsection come into operation.

(3) Subsection (3) of the last foregoing section shall apply for the purpose of the construction of references in this section to the Midwives (Ireland) Act, 1918.

Certification in England or Scotland of midwives trained outside the United Kingdom.

5.—(1) A woman who proves to the satisfaction of the Central Midwives 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 the Midwives Act, 1902.

(2) If, in the case of a woman who proves to the satisfaction of the Central Midwives 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 the Midwives Act, 1902, 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 that 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.

(3) Section ten of the Midwives Act, 1918, shall, as respects women certified elsewhere than in any part of the United Kingdom, cease to have effect on the passing of this Act.

(4) This section shall apply to Scotland with the substitution, for references to the Central Midwives Board, the Minister, the Midwives Act, 1902, and England, of references respectively to the Central Midwives Board for Scotland, the Secretary of State, the Midwives (Scotland) Act, 1915, and Scotland, and with the substitution, for the reference to section ten of the Midwives Act, 1918, of a reference to section eleven of the said Act of 1915.

Miscellaneous amendments

Midwives' uniforms.

6.—(1) The power of the Central Midwives Board under section three of the Midwives Act, 1902, to frame rules shall include power to frame rules with respect to the uniform which may be worn by midwives.

(2) In subsection (1) of section one of the Midwives Act, 1902 (which imposes a penalty on any woman who, not being certified under that Act, takes or uses the name or title of midwife, or any name, title, addition or description or badge implying that she is so certified, or is a person specially qualified to practise midwifery, or is recognised by law as a midwife), for the words "or description or badge" there shall be substituted the words " description, uniform or badge ".

(3) Any agreement made (whether before or after the passing of this Act) between a local health authority or other body or association and a 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 subsection (1) of this section.

(4) This section shall apply to Scotland with the substitution, for the reference to the Central Midwives Board, of a reference to the Central Midwives Board for Scotland, and with the substitution, for references to sections one and three of the Midwives Act, 1902, of references respectively to sections one and five of the Midwives (Scotland) Act, 1915.

Information as to midwives.

7.—(1) A copy of the roll of midwives shall be kept at the office of the Central Midwives Board and shall be open to the inspection of any person without charge during usual business hours.

(2) It shall be the duty of every local supervising authority to supply the secretary of the Central Midwives Board, during the month of February in each year, with the names and addresses of all 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, and the Board shall publish in each year a list of the names supplied to their secretary under this subsection in that year:

Provided that, in relation to the year nineteen hundred and fifty-one, this subsection shall have effect with the substitution, for the reference to twelve months, of a reference to thirteen months.

(3) Paragraph IV of section three of the Midwives Act, 1902, and subsection (1) of section three of the Midwives Act, 1926 (which relate to the publication by the Central Midwives Board of the roll of midwives), and paragraph (5) of section eight of the Midwives Act, 1902 (which requires a local supervising authority to supply the secretary of the Central Midwives Board, in the month of January in each year, with the names and addresses of all midwives who, during the preceding year, have notified the authority of their intention to practise within their area, and to keep a current copy of the roll of midwives accessible at all times for public inspection), are hereby repealed.

(4) This section shall apply to Scotland with the substitution, for references to the Central Midwives Board, of references to

the Central Midwives Board for Scotland, and with the substitution, for subsection (3), of the following subsection:—

"(3) Paragraph (4) of section five of the Midwives (Scotland) Act, 1915, and subsection (1) of section six of the Midwives (Scotland) Act, 1927 (which relate to the publication by the Central Midwives Board for Scotland of the roll of midwives), and paragraph (6) of section sixteen of the Midwives (Scotland) Act, 1915 (which requires a local supervising authority to supply the secretary of the Central Midwives Board for Scotland, in the month of January in each year, with the names and addresses of all midwives who, during the preceding year, have notified the authority of their intention to practise within their area, and to keep a current copy of the roll of midwives accessible at all times for public inspection), are hereby repealed."

(5) This section shall come into operation on the first day of January, nineteen hundred and fifty-one.

Fees for examinations and certificates.

8.—(1) Section five of the Midwives Act, 1902 (whereof the first two provisions, as amended by the Ministry of Health Act, 1919, and subsection (3) of section nine of the Midwives Act, 1936, provide for the payment to the Central Midwives Board by a woman presenting herself for examination or certificate of such fees, not exceeding one guinea in each case, as may be determined by the Board with the approval of the Minister), shall have effect with the substitution, for the words from the beginning to "paid to the Central Midwives Board", of the words "There shall be payable to the Central Midwives 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".

(2) Section thirteen of the Midwives (Scotland) Act, 1915 (whereof the first two provisions, as amended by subsection (3) of section eight of the Maternity Services (Scotland) Act, 1937, provide for the payment to the Central Midwives Board for Scotland by a woman presenting herself for examination or certificate of such fees, not exceeding one guinea in each case, as may be determined by the Board with the approval of the Secretary of State), shall have effect with the substitution, for the words from the beginning to "paid to the Board", of the words "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 Secretary of State".

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

9.—(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 obtaining certificates under the Midwives Act, 1902.

(2) The Minister may authorise a local supervising authority to purchase compulsorily land for the purpose of the provision of such accommodation as aforesaid, and the Acquisition of Land (Authorisation Procedure) Act, 1946 (except section two thereof) 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.

(4) This section shall apply to Scotland with the substitution, for references to the Minister, the Midwives Act, 1902, the Acquisition of Land (Authorisation Procedure) Act, 1946, and the National Health Service Act, 1946, of references respectively to the Secretary of State, the Midwives (Scotland) Act, 1915, the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, and the National Health Service (Scotland) Act, 1947.

Allowances to members of the Boards.

10.—(1) The Central Midwives Board 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 that Board.

(2) This section shall apply to Scotland with the substitution, for references to the Central Midwives Board and the Minister, of references respectively to the Central Midwives Board for Scotland and the Secretary of State.

Members of Parliament not to be remunerated for sitting on either of the Boards.

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 Central Midwives Board or the Central Midwives Board for Scotland; but, in relation to a member of either of those Boards who is a member of the House of Commons, section ten of this Act shall have effect with the omission of references to loss of earnings.

12. A practising midwife shall be exempt from serving on any jury. Exemption of midwives from jury service.

13. The provisions of the Midwives Act, 1936, specified in the first column of the Second Schedule to this Act shall have effect subject to the amendments respectively specified in relation thereto in the second column of that Schedule, being minor amendments consequential on the repeal and re-enactment of section one of that Act and the Nursing Homes Registration Act, 1927. Minor amendments of the Midwives Act, 1936.

Supplementary provisions

14. Any sums received by the Central Midwives Board by way of fees under this Act shall be dealt with by that Board as if they had been received by way of fees under the Midwives Act, 1902, and any sums received by the Central Midwives Board for Scotland by way of fees under this Act shall be dealt with by that Board as if they had been received by way of fees under the Midwives (Scotland) Act, 1915. Application of fees.

15. Any increase attributable to the passing of this Act in the sums which, under Part I or II of the Local Government Act, 1948, are payable out of moneys provided by Parliament shall be defrayed out of moneys so provided. Expenses.

16.—(1) The enactments mentioned in the first and second columns of Part I of the Third Schedule to this Act, being enactments which to the extent specified in the third column of that Part of that Schedule should be repealed in view of the foregoing provisions of this Act, are hereby repealed to the extent so specified. Repeals.

(2) The enactments mentioned in the first and second columns of Part II of the Third Schedule to this Act, being enactments which to the extent specified in the third column of that Part of that Schedule have by lapse of time or otherwise become obsolete or unnecessary and which should be repealed with a view to the consolidation of enactments relating to midwives, are hereby repealed to the extent so specified.

17.—(1) This Act may be cited as the Midwives (Amendment) Act, 1950. Short title, construction, citation and extent.

(2) This Act shall, in its application to England, be construed as one with the Midwives Acts, 1902 to 1936, and, in its application to Scotland, be construed as one with the Midwives (Scotland) Acts, 1915 and 1927.

(3) The Midwives Acts, 1902 to 1936, and this Act may be cited together as the Midwives Acts, 1902 to 1950, and the Midwives (Scotland) Acts, 1915 and 1927, the Maternity Services (Scotland) Act, 1937, and this Act may be cited together as the Midwives (Scotland) Acts, 1915 to 1950.

(4) This Act shall not extend to Northern Ireland.

SCHEDULES

Section 2.

FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE CENTRAL MIDWIVES BOARD

1. The Central Midwives 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.

2. The powers of the Central Midwives Board may be exercised notwithstanding a vacancy in the membership of the Board.

3. The quorum of the Central Midwives Board shall be such as may be prescribed by rules framed by them under section three of the Midwives Act, 1902.

4. The Central Midwives 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.

5. The Central Midwives 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.

6. The seal of the Central Midwives 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.

7. Every document purporting to be a document duly executed or issued either under the seal of the Central Midwives 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 any 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.

SECOND SCHEDULE

Section 13.

MINOR AMENDMENTS OF THE MIDWIVES ACT, 1936

Provisions amended and subject matter thereof	*Amendments*
Subsection (3) of section two (Superannuation rights of certain midwives employed by local supervising authorities in pursuance of the Act).	The first reference to the Midwives Act, 1936, shall be construed as including a reference to section twenty-three of the National Health Service Act, 1946.
Section six ... ... (Prohibition of unqualified persons from acting as maternity nurses for gain).	The references, in paragraph (*b*) of the proviso to subsection (1), to the Nursing Homes Registration Act, 1927, and sections six and ten of that Act shall— (*a*) in the application of that subsection elsewhere than to the administrative county of London, be construed respectively as 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; and (*b*) in the application of that subsection to the administrative county of London, be construed respectively as 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. The reference in subsection (2) to the Midwives Act, 1936, shall be construed as a reference to section twenty-three of the National Health Service Act, 1946.

Section 16.

THIRD SCHEDULE

ENACTMENTS REPEALED

PART I

REPEALS CONSEQUENTIAL ON PROVISIONS OF THIS ACT

Session and Chapter	Short Title	Extent of Repeal
2 Edw. 7. c. 17	The Midwives Act, 1902	In section three, the words from "And generally" to "this Act". In section seven, the words "purporting to be" and (in the second place where they occur) the words "to be".
5 & 6 Geo. 5. c. 91.	The Midwives (Scotland) Act, 1915.	In section three, the words from "the Board may act" to "from their own number" and the words from "and the members shall be paid" to the end of the section. In section five, the words from "and generally" to "this Act". In section fifteen, the words "purporting to be", wherever they occur, and the words "to be" where they occur in the second place in the second paragraph.
8 & 9 Geo. 5. c. 43.	The Midwives Act, 1918	In section three, the words "purporting to be". Section four.
16 & 17 Geo. 5. c. 32.	The Midwives Act, 1926	In section four, the words from "and if any" to "'description'".
17 & 18 Geo. 5. c. 17.	The Midwives (Scotland) Act, 1927.	In section seven, in subsection (1), the words from "and if any" to the end of the subsection.
26 Geo. 5. & 1 Edw. 8. c. 40.	The Midwives Act, 1936	In section nine, subsection (3).
1 Edw. 8. & 1 Geo. 6. c. 30.	The Maternity Services (Scotland) Act, 1937.	In section eight, subsection (3).

PART II

REPEALS OF OBSOLETE OR UNNECESSARY ENACTMENTS

Session and Chapter	Short Title	Extent of Repeal
2 Edw. 7. c. 17	The Midwives Act, 1902	In section one, in subsection (3), the words "and regulations." In section three, in paragraph I, sub-paragraph (*d*), and in paragraph V, the words "and regulations."

3RD SCH. —*cont.*

Session and Chapter	Short Title	Extent of Repeal
2 Edw. 7. c. 17 —*cont*	The Midwives Act, 1902 —*cont.*	In section seven, the words " in all courts " and the words " until the contrary be made to appear." In section eight, paragraph (7). In section twelve, the words " with or without hard labour." Section fourteen.
5 & 6 Geo. 5. c. 91.	The Midwives (Scotland) Act, 1915.	In section one, in subsection (3), the words " and regulations " and, in subsection (5), the words " by the rules of approved societies or insurance committees." Section two. In section three, the words from " which shall consist of " to " British Medical Association ", the words " as aforesaid ", and the words from " The meetings of the Board " to " Edinburgh." In section five, in paragraph (1), sub-paragraph (*d*), and in paragraph (5), the words " and regulations." In section six, in subsection (1), in paragraph (*a*), the words " or regulations." In section nine, the words " or regulations." In section fifteen, the words " in all courts " and the words " until the contrary be made to appear." In section sixteen, paragraph (7), and the words " and women shall be eligible to serve on any such committees." In section twenty, the words " with or without hard labour." Section twenty-seven.
8 & 9 Geo. 5. c. 43.	The Midwives Act, 1918	In section six, in subsection (1), in paragraph (*a*), the words " or regulations." In section eight, in subsection (2), the words " or regulations."
26 Geo. 5. & 1 Edw. 8. c. 40.	The Midwives Act, 1936	In section nine, subsection (5).

Table of Statutes referred to in this Act.

Short Title	Session and Chapter
Midwives Act, 1902	2 Edw. 7. c. 17.
Midwives (Scotland) Act, 1915	5 & 6 Geo. 5. c. 91.
Midwives Act, 1918	8 & 9 Geo. 5. c. 43.
Midwives (Ireland) Act, 1918	7 & 8 Geo. 5. c. 59.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Midwives Act, 1926	17 & 18 Geo. 5. c. 17.
Midwives (Scotland) Act, 1927	17 & 18 Geo. 5. c. 17.
Nursing Homes Registration Act, 1927	17 & 18 Geo. 5. c. 38.
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.
Maternity Services (Scotland) Act, 1937	1 Edw. 8. & 1 Geo. 6. c. 30.
Acquisition of Land (Authorisation Procedure) Act, 1946	9 & 10 Geo. 6. c. 49.
National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
National Health Service (Scotland) Act, 1947 ...	10 & 11 Geo. 6. c. 27.
Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947	10 & 11 Geo. 6. c. 42.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.

CHAPTER 14

International Organisations (Immunities and Privileges) Act, 1950

ARRANGEMENT OF SECTIONS

Section
1. Immunities, privileges and capacities of certain international organisations and persons connected therewith.
2. Publication of lists of persons entitled to immunities and privileges under preceding section.
3. Immunities and privileges of judges of, and suitors to, the International Court of Justice.
4. Diplomatic immunities of representatives attending international conferences.
5. Reciprocal treatment.
6. Orders in Council.
7. Repeal and savings.
8. Short title.

SCHEDULE.—Immunities and Privileges.