Short title and interpretation.

5.—(1) This Act may be cited as the Wills (Soldiers and Sailors) Act, 1918.

(2) For the purposes of section eleven of the Wills Act, 1837, and this Act the expression "soldier" includes a member of the Air Force, and references in this Act to the said section eleven include a reference to that section as explained and extended by this Act.

CHAPTER 59.

An Act to secure the better training of Midwives in Ireland, and to regulate their practice.

[6th February 1918.]

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:

Certification.

1.—(1) From and after the first day of January one thousand nine hundred and nineteen any woman who, not being certified under this Act, shall take or use the name or title of midwife (either alone or in combination with any other word or words), or any name, title, addition, or description implying that she is certified under this Act, 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.

(2) From and after the first day of January one thousand nine hundred and twenty-four no woman shall habitually and for gain attend women in child-birth otherwise than under the direction of a registered medical practitioner unless she be certified under this Act; any woman so acting without being certified under this Act shall be liable on summary conviction to a fine not exceeding ten pounds: Provided that this sub-section shall not apply to registered medical practitioners or to anyone rendering assistance in a case of emergency.

(3) No woman shall be certified under this Act until she has complied with the rules and regulations to be laid down in pursuance of this Act.

(4) No woman certified under this Act shall employ an uncertified person as her substitute.

(5) The certificate under this Act shall not confer upon any woman any right or title to be registered under the Medical Acts or to assume any name, title, or designation implying that she is by law recognised as a medical practitioner, or that she is authorised to grant any medical certificate, or any certificate of death or of still-birth, or to undertake the charge of cases

of abnormality or disease in connection with parturition, but nothing herein contained shall prevent a midwife granting such certificates as may be required by the rules of approved societies or insurance committees in connection with maternity benefit under the National Insurance Acts, 1911 to 1915, or any enactment amending the same.

Provision for existing midwives.

2.—(1) Any woman who, within two years from the commencement of this Act, claims to be certified under this Act shall be so certified—

(*a*) if she holds a certificate in midwifery from the Royal College of Physicians of Ireland;

(*b*) if she holds a certificate in midwifery granted in accordance with this section by any lying-in hospital recognised as a training school for midwives by the Local Government Board, or holds any other certificate in midwifery which may be approved by the Central Midwives Board for Ireland;

(*c*) if she is or has been a permanent midwife of a workhouse or a dispensary district in Ireland;

2 Edw. 7. c. 17. 5 & 6 Geo. 5. c. 91.

(*d*) if she is certified under the Midwives Act, 1902, or the Midwives (Scotland) Act, 1915; or

(*e*) if she satisfies the Central Midwives Board for Ireland that, at the passing of this Act, she had been for at least one year in bonâ fide practice as a midwife and that she bears a good character.

(2) The holding of a certificate from a lying-in hospital recognised by the Local Government Board shall not entitle a woman to be registered under this section unless the certificate was granted on examination, and after a course of training in midwifery in the hospital for at least three months, in the case of a trained medical or surgical nurse, and at least six months in the case of any other woman.

(3) The period within which claims may be made to be certified under this section may be extended by the Central Midwives Board for Ireland in special cases where any woman is able to satisfy them that she had reasonable excuse for having failed to make her claim within that period.

Constitution of the Central Midwives Board for Ireland.

3.—(1) On the passing of this Act the Lord President of the Council shall take steps to secure the formation of a Central Midwives Board for Ireland (hereafter in this Act termed the Board), which shall consist of—

(*a*) three persons to be appointed by the Local Government Board, of whom one shall be a registered medical practitioner and two shall be persons appointed after consultation with the county councils and county borough councils, to represent those bodies respectively on the Central Midwives Board;

(*b*) four registered medical practitioners to be elected by the registered medical practitioners resident in Ireland;

(*c*) four women (in this Act referred to as midwives' representatives) to be appointed by the Local Government Board, of whom three shall be appointed after consultation with recognised nursing associations in Ireland.

(2) On the first day of February, nineteen hundred and twenty-three, and on the first day of February in every fifth year thereafter, all the appointed and elected members of the Board shall go out of office, and their places shall be filled by new elections and new appointments, but a person going out of office may, if otherwise qualified, be re-elected or re-appointed.

(3) A woman shall not be qualified for appointment as a midwives' representative unless at the time of appointment she is resident in Ireland; and

(*a*) in the case of appointments made on or after the first day of February, nineteen hundred and twenty-three, is a certified midwife; and

(*b*) in the case of appointments made prior to that date possesses a qualification specified in paragraph (*a*), (*b*) or (*d*) of subsection (1) of section two of this Act.

(4) Any vacancy occurring by death or resignation or any cause other than retirement in the ordinary course shall be filled—

(*a*) in the case of an elected registered medical practitioner, by a member co-opted by the remaining members who are elected registered medical practitioners; and

(*b*) in the case of an appointed member, by a member appointed in the like manner by the authority by whom the member whose place is vacant was appointed;

and the person so co-opted or appointed shall hold office until the time when the person in whose place he is co-opted or appointed would have regularly gone out of office, and shall then go out of office.

(5) The elections of elected members and the consultations with bodies to be consulted in connection with the appointment of appointed members shall be conducted and arranged in accordance with regulations to be made by the Local Government Board. The returning officer at the first election of registered medical practitioners shall be the Vice-President of the Local Government Board, or a person nominated by him, and at any subsequent election shall be the Chairman of the Central Midwives Board or a person nominated by him.

The Board may act notwithstanding a vacancy or vacancies in their number.

The Board shall elect a chairman from their own number.

The meetings of the Board shall be held in the city of Dublin, and the members shall be paid in respect of their attendance thereat reasonable expenses on a scale approved by the Privy Council.

Future revision of constitution of the Board.

4.—(1) The Board may at any time represent to the Privy Council that it is expedient to modify the constitution of the Board either by—

(*a*) increasing or diminishing the number of persons appointed by any body or person; or

(*b*) abolishing the power of appointment by any body or person; or

(*c*) conferring on any body or person a power of appointment of one or more persons; or

(*d*) altering the term of office or qualifications of any members.

(2) The Privy Council before considering such representation shall cause it to be laid before both Houses of Parliament.

(3) If either House of Parliament within forty days (exclusive of any period of adjournment for more than one week) next after such representation has been laid before the House presents an address to His Majesty declaring that the representation or any part thereof ought not to be given effect to, no further proceedings shall be taken in respect of the representation or part thereof in regard to which the address has been presented; but if no such address is presented by either House within such forty days as aforesaid, or if an address relating only to some part of such representation be so presented, the Privy Council may, if they think fit, report to His Majesty that it is expedient to give effect to the representation or to any other part thereof as the case may be; and it shall be lawful for His Majesty by Order in Council to give effect to the same, and any Order in Council so made shall have effect as if enacted in this Act.

Duties and powers of the Board.

5. The duties and powers of the Board shall be as follows:—

(1) To frame rules—

(*a*) regulating their own proceedings;

(*b*) regulating the issue of certificates and the conditions of admission to the roll of midwives;

(*c*) regulating the course of training and the conduct of examinations (which shall, so far as possible, be of a practical character) and the remuneration of the examiners;

(*d*) regulating the admission to the roll of women already in practice as midwives at the passing of this Act;

(*e*) regulating, supervising, and restricting within due limits the practice of midwives, and defining the emergencies in which a midwife shall call in a registered medical practitioner to her assistance;

(*f*) defining the conditions under which midwives may be suspended from practice;

(*g*) defining the particulars required to be given in any notice under section eighteen of this Act;

(2) To appoint examiners, one of whom shall be a registered female medical practitioner and none of whom shall be a member of the Board;

(3) To decide upon the places where, and the times when, examinations shall be held;

(4) To publish annually a roll of midwives who have been duly certified under this Act;

(5) To decide upon the removal from the roll of the name of any midwife for disobeying the rules and regulations from time to time laid down under this Act by the Board, or for other misconduct, and also to decide upon the restoration to the roll of the name of any midwife so removed;

(6) To issue and cancel certificates;

and generally to do any other act or duty which may be necessary for the due and proper carrying out of the provisions of this Act.

Rules framed under this section shall be communicated to the General Medical Council, and shall be valid only if approved by the Privy Council; and the Privy Council, before approving any such rules, shall take into consideration any representations which the General Medical Council may make with respect thereto. The General Medical Council may for the purposes of this section act through their executive committee.

Provisions as to suspensions.

6.—(1) The power of the Board to frame rules defining the conditions under which midwives may be suspended from practice shall include a power of framing rules—

(*a*) authorising the Board to suspend a midwife from practice 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, any midwife accused before the Board of disobeying rules or regulations or of other misconduct;

(*b*) authorising the local supervising authority to suspend from practice until the case has been decided any midwife against whom a prosecution has been taken for a contravention of any of the provisions of this Act.

(2) Where in pursuance of any power conferred by any such rule a midwife has been suspended from practice pending the decision of her case by a court or the Board or on an appeal from the Board and the case is decided in her favour, or where in pursuance of the duty imposed by paragraph (3) of section sixteen of this Act a midwife has been suspended from practice in order to prevent the spread of infection, the Board or the local supervising authority by whom she was suspended may, if they think

fit, pay her such reasonable compensation for loss of practice as under the circumstances may seem just.

Expenses of midwives.

7.—(1) The Board may, if they think fit, pay all or any part of the expenses incurred by any midwife who may be required to appear before them in her own defence, and all forms required to be filled up and returned to the Board shall be supplied by the Board to certified midwives free of charge.

(2) All other forms and books which certified midwives are required to fill up or use shall be supplied to them by the local supervising authority free of charge.

(3) Where any such form is required to be returned by post to the Board or the authority either the form shall be supplied duly stamped or a duly stamped envelope shall be supplied with the form.

Offences by midwives.

8. Where the Board decide upon the removal from the roll of the name of any midwife, they may, in addition, prohibit her from attending women in child-birth in any other capacity, but such decision of the Board shall be subject to the like appeal as their decision to remove her name from the roll, and, if any woman so prohibited acts in contravention of the prohibition, she shall be liable on summary conviction to a fine not exceeding ten pounds.

Return of certificate.

9. Any woman whose name is ordered to be removed from the roll for disobeying rules or regulations, or for other misconduct, shall, within fourteen days from the notification to her of the order, surrender her certificate to the Board, and, if she fails to do so, shall be liable on summary conviction to a fine not exceeding five pounds.

Notification to local supervising authorities of removal of names from roll.

10. Where the name of a woman has been removed from the roll of midwives, the Board shall forthwith give notice of the fact to all local supervising authorities concerned and to the Local Government Board.

Reciprocal treatment of midwives certified in other parts of His Majesty's dominions.

11.—(1) Any woman who produces evidence satisfactory to the Board that she has been trained as a midwife and certified in any other part of His Majesty's dominions in which there is for the time being in force any Act or ordinance for the certification and registration of midwives under a public authority, and which admits to its register midwives certified under this Act on reciprocal terms, shall, on payment of the like fee as is payable in ordinary cases, be entitled to be certified under this Act: Provided that the standard of training and examination required in such other part of His Majesty's dominions is in the opinion of the Board equivalent to the standard adopted by the Board.

(2) If any question arises under this section as to the right of a woman to be certified under this Act, the question shall be determined by the Privy Council.

Appeal from decision of the Board.

12. Any woman thinking herself aggrieved by any decision of the Board removing her name from the roll of midwives may appeal therefrom either to the High Court or to the Local Government Board within three months after the notification of such decision to her; but no further appeal shall be allowed.

Fees and expenses.

13. There shall be payable by every woman presenting herself for examination or certificate such fee as the Board may, with the approval of the Privy Council, from time to time determine, such fee not to exceed the sum of one guinea. All such fees paid by midwives in practice at the passing of this Act and by candidates for examination shall be paid to the Board. The Board shall devote such fees to the payment of expenses connected with the examination and certificate and to the general expenses of the Board. The Board shall, as soon as practicable after the thirty-first day of December in each year, publish a financial statement made up to that date, and showing the receipts and expenditure, including liabilities, of the Board, during the year, which statement shall be certified as correct by an auditor to be appointed annually by the Local Government Board. The Board shall submit a copy of such statement to the Privy Council, and, if the statement shows any balance against the Board and such balance is approved by the Privy Council, whose approval shall be binding and conclusive as to the amount of the balance to be apportioned, the Board may apportion such balance between the local supervising authorities in proportion to the rateable value of their districts. The Board may issue precepts to the local supervising authorities for the amounts so respectively apportioned to them. The local supervising authorities shall within six months after the receipt of such precepts, or such longer period as may be agreed with the Board, pay to the Board the amounts so payable by them respectively.

Midwives roll.

14. There shall be a roll of midwives containing—

(1) the names of those midwives who have been certified under section two of this Act;

(2) the names of all other midwives who have been certified under this Act.

The entry on the roll shall in every case indicate the conditions in virtue of which the certificate was granted.

Appointment of secretary and supplemental provision as to certificate.

15. The Board shall, with the previous sanction of the Privy Council, appoint a secretary and such other officers as may be required, and every person so appointed shall be paid such salary as the Privy Council may approve, and shall be removable at the pleasure of the Board. The secretary, acting under the instructions of the Board, shall be charged with the preparation, correction, and custody of the roll.

A copy of the roll of midwives purporting to be printed by the authority of the Board or to be signed by the secretary of the Board, or other person authorised by the Board to sign on

his behalf, shall be evidence in all courts that the women therein specified are certified under this Act; and the absence of the name of any woman from such copy shall be evidence until the contrary be made to appear that such woman is not certified under this Act: Provided always that, in the case of any woman whose name does not appear in such copy, a certificate under the hand of the secretary, or other person authorised as aforesaid, of the entry of the name of such woman on the roll shall be evidence that such woman is certified under this Act.

A certificate purporting to be signed by the secretary, or other person authorised as aforesaid, that the name of a woman whose name appears in the roll of midwives has been removed from the roll and of the date of such removal shall be evidence that such woman is not certified under this Act and of the date as from which she ceased to be so certified.

Local supervision of midwives.

16. Every council of a county or county borough shall be the local supervising authority over midwives within the area of the county or county borough. It shall be the duty of the local supervising authority, by themselves, or by their medical officer acting under their instruction—

(1) to exercise general supervision over all midwives practising within their district in accordance with the rules to be laid down under this Act;

(2) to investigate charges of malpractice, negligence, or misconduct, on the part of any midwife practising within their district, and, should a primâ facie case be established, to report the same to the Board;

(3) to suspend any midwife from practice, in accordance with the rules under this Act, if such suspension appears necessary in order to prevent the spread of infection;

(4) to report at once to the Board the name of any midwife practising in their district convicted of an offence under this Act;

(5) to report at once to the Board the death of any midwife or any change in the name and address of any midwife in their district, so that the necessary alteration may be made in the roll;

(6) to supply to the secretary of the Board, during the month of January of each year, the names and addresses of all midwives who during the preceding year have notified their intention to practise within their district, and to keep a current copy of the roll of midwives, accessible at all reasonable times for public inspection;

(7) to give due notice of the effect of the Act, so far as practicable, to persons at the commencement of this Act using the title of midwife, within their district.

The local supervising authority may delegate, with or without any instructions or conditions as they may think fit, any powers

or duties conferred or imposed upon them by or in pursuance of this Act, to a committee appointed by them, and consisting, either wholly or to the extent of two-thirds or more, of members of the authority, and including at least two women.

Powers of entry.

17. For the purpose of exercising the powers of supervision over midwives conferred on local supervising authorities, any officer appointed by such an authority for the purpose may at all reasonable times enter any premises which he has reason to believe to be a lying-in home conducted for profit within the district of the authority, and in which he has reason to believe that a certified midwife is employed or practises, or that a woman not a certified midwife practises in contravention of this Act, and any person who wilfully obstructs any such officer in the performance of his duties, shall, on summary conviction, be liable to a fine not exceeding five pounds.

Notification of practice.

18.—(1) Every woman certified under this Act shall, before holding herself out as a practising midwife or commencing to practise as a midwife in any district, give notice in writing of her intention so to do and of the address at which she resides 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 such district.

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

Every such notice shall contain such particulars as may be required by the rules under this Act to secure the identification of the person giving it; and if any woman omits to give the said notices or any of them, or knowingly or wilfully makes or causes or procures any other person to make any false statement in any such notice, she shall, on summary conviction, be liable to a fine not exceeding five pounds.

(2) Where a woman certified under this Act has given a notice in compliance with subsection (1) of this section and subsequently changes her address, she shall, within three days after such change, give notice of the change to every local supervising authority concerned, and, if she omits to do so, shall, on summary conviction, be liable to a fine not exceeding five pounds.

Penalty for obtaining a certificate by false representation.

19. Any woman who procures or attempts to procure a certificate under this Act by making or producing, or causing to be made or produced, any false and fraudulent declaration, certificate, or representation, either in writing or otherwise, shall be guilty of a misdemeanour, and shall, on conviction thereof, be liable to be imprisoned, with or without hard labour, for any term not exceeding twelve months.

Penalty for wilful falsification of the roll.

20. Any person wilfully making or causing to be made any falsification in any matter relating to the roll of midwives shall be guilty of a misdemeanour, and shall be liable to be imprisoned, with or without hard labour, for any term not exceeding twelve months.

Supervising authority may contribute towards training.

21. Local supervising authorities may, if they think fit, contribute towards the training of midwives within or without their respective areas in such manner and to such extent as may be approved by the Local Government Board.

Medical assistance in case of emergency.

22.—(1) In case of an emergency, as defined in the rules of the Board under this Act, a midwife shall call in to her assistance a registered medical practitioner, and the local supervising authority shall (unless the patient is entitled to medical relief under section nine of the Poor Relief (Ireland) Act, 1851) pay to such medical practitioner a fee according to a scale to be fixed by the Local Government Board.

14 & 15 Vict. c. 68.

(2) It shall be a condition of the payment of such fee that the medical practitioner so called in shall state in his claim to the local supervising authority the nature of the emergency.

(3) The midwife shall report forthwith to the local supervising authority each case of emergency in which she has called in a registered medical practitioner to her assistance, stating the nature of the emergency and the name of the medical practitioner.

(4) The local supervising authority shall have power to recover the fee from the husband or guardian of the patient either in a summary manner or otherwise as a civil debt, unless it be shown to their satisfaction that such husband or guardian is unable by reason of poverty to pay such fee.

(5) No person shall be deprived of any right or privilege or be subjected to any disability or disqualification by reason of the payment of fees by a local supervising authority under this section.

Medical officers of local supervising authorities.

23.—(1) The council of any county may appoint a registered medical practitioner having such qualifications as may be approved by the Local Government Board to be their medical officer for the purposes of this Act, with such remuneration as may be approved by the Local Government Board and may at their discretion dismiss any such medical officer.

(2) In every county borough the medical superintendent officer of health shall be the medical officer of the county borough council for the purposes of this Act, with such additional remuneration as the council may, with the approval of the Local Government Board, determine.

Annual report of local supervising medical officer.

24. The medical officer of every local supervising authority shall report annually to that authority on the administration of the Act within the district of the local authority, and he shall transmit a copy of such report to the Board and to the Local Government Board.

25. The Board shall present to the Privy Council a report of their proceedings during each year within three months of the termination of the year containing such particulars as the Privy Council may direct. Annual report of the Board.

26. Any expenses under this Act payable by the local supervising authority shall be defrayed out of the poor rate. Expenses of local supervising authority.

27. Nothing in this Act respecting midwives shall apply to registered medical practitioners. Act not to apply to medical practitioners.

28. As from the first day of January, nineteen hundred and nineteen, Part VIII. of the Belfast Corporation Act, 1911 (which provides for the certification and enrolment of midwives practising in the city of Belfast) shall be repealed, and any woman who on that day is certified under that Part of that Act shall be certified under section two of this Act if she claims to be so certified before the expiration of the period specified in that section or such extension of that period as may be granted by the Central Midwives Board, and any woman who on the day aforesaid would have been certified under the said Part of the said Act, had not her certificate been temporarily withdrawn, shall, on the expiration of the period of withdrawal, be entitled to be certified under this Act in like manner. Certification of midwives under local Act. 1 & 2 Geo. 5. c. cxc.

29. In this Act, unless the context otherwise requires— Definitions.

The expression "midwife" means a woman who is certified under this Act;

The expression "district" means a county or county borough;

The expression "Local Government Board" means the Local Government Board for Ireland; and

The expression "Privy Council" means the Lords and others for the time being of His Majesty's most Honourable Privy Council.

30. This Act may be cited as the Midwives (Ireland) Act, 1918, and shall apply to Ireland only. It shall, except as otherwise provided by this Act, come into operation on its passing. Short title, extent, and commencement.

CHAPTER 60.

An Act to extend and amend the National Registration Act, 1915. [6th February 1918.]

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:—

1. The Register formed under the National Registration Act, 1915 (hereinafter referred to as the principal Act), shall, Extension of classes of per-