



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**SRI LANKA NURSES COUNCIL
ACT, No. 19 OF 1988**

[Certified on 22nd June, 1988]

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AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A NURSES COUNCIL TO ADVISE THE GOVERNMENT WITH REGARD TO THE LAYING DOWN OF STANDARDS FOR RECRUITMENT, EDUCATION AND PROFESSIONAL PRACTICE OF NURSES ; TO PROVIDE FOR THE REGISTRATION OF NURSES ; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

1. This Act may be cited as the Sri Lanka Nurses Council Act, No. 19 of 1988, and shall come into operation on such date (hereinafter referred to as the "appointed date") as the Minister may appoint by Order published in the *Gazette*.

Short title
and date of
operation.

PART I

ESTABLISHMENT OF THE SRI LANKA NURSES COUNCIL

2. (1) There shall be established a Council called the Sri Lanka Nurses Council (hereinafter referred to as the "Council").

Establishment
of the Sri
Lanka
Nurses
Council.

(2) The Council shall, by the name assigned to it by subsection (1), be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name and may hold, acquire and dispose of any property, movable or immovable.

(3) The seal of the Council shall not be affixed to any instrument without the authority given in writing by the Secretary of the Council or some other person authorized by the Council, either generally or specially, for that purpose.

3. The Council shall consist of the following members :—

Constitu-
tion of the
Council.

(i) The President of the Council ;

(ii) a registered practising nurse—

(a) who has experience in the practice of nursing for a period of not less than twelve years, of which five years shall be in nursing administration ; and

(b) who has obtained a prescribed post-graduate qualification in nursing administration,

elected by the Special Grade and Grade I nursing officers in the medical service of the Ministry of Health and the Ministry of Teaching Hospitals;

(iii) a registered practising nurse—

(a) who has experience in teaching in, or administration of, a school of nursing for a period of not less than twelve years; and

(b) who has obtained a prescribed post-graduate qualification,

elected by the Special Grade and Grade I nursing officers in nursing education of the Ministry of Health;

(iv) a registered practising nurse—

(a) who has experience in the field of public health nursing for a period of not less than twelve years; and

(b) who has obtained a prescribed post-graduate qualification,

elected by the Special Grade and Grade I nursing officers in the public health service of the Ministry of Health;

(v) a registered practising nurse—

(a) who is employed in the Local Government Service; and

(b) who has experience in the practice of nursing for a period of not less than twelve years; and

(c) who has obtained a prescribed post-graduate qualification,

elected by the nursing officers in the Local Government Service;

(vi) the person who for the time being discharges the duties of the Director General of Health Services;

- (vii) three registered practising nurses nominated by the Minister from among staff nurses in the Department of Health having at least five years experience in the practice of nursing ;
- (viii) a person nominated by the Minister on the recommendation of the Minister in charge of the subject of Finance ;
- (ix) a person nominated by the Minister on the recommendation of the Minister in charge of the subject of Higher Education ;
- (x) a nursing officer nominated by the Minister on the recommendation of the Minister in charge of the subject of Teaching Hospitals ;
- (xi) two persons nominated by the Minister from among persons interested in the welfare of nursing who are not public officers or in receipt of a pension from the Government ;
- (xii) the person who for the time being discharges the duties of the Director Nursing (Medical Services) in the Ministry of Health ;
- (xiii) the person who for the time being discharges the duties of the Director Nursing (Public Health Services) in the Ministry of Health ;
- (xiv) the person who for the time being discharges the duties of the Director Nursing (Education) in the Ministry of Health ;
- (xv) the person who for the time being discharges the duties of the Director Nursing in the Ministry of the Minister in charge of the subject of Teaching Hospitals ;
- (xvi) a registered practising nurse elected by the nursing officers in the Department of Ayurveda ;
- (xvii) a registered practising nurse elected by the nursing officers in the private sector.

4. (1) Every member of the Council, other than an *ex officio* member, shall, unless he vacates office earlier, hold office for a period of five years and be eligible for re-election or renomination.

Tenure of
office of
members.

(2) Where an elected member or a nominated member vacates his office prior to the expiration of his term of office, another member shall be elected or nominated in the same manner as the member vacating office has been elected or nominated under the provisions of section 3.

(3) A member elected or nominated in place of a member who vacates office, shall, unless he earlier vacates office, hold office for the unexpired period of the term of office of the member whom he succeeds.

(4) Every *ex officio* member of the Council shall hold office as long as he holds the post by virtue of which he has been appointed as a member of the Council.

5. A member of the Council other than an *ex officio* member vacates office if such member—

Vacation
of office
by members.

(a) dies ;

(b) resigns his office by letter addressed to the President or Registrar of the Council ;

(c) is absent, without excuse, sufficient in the opinion of the Council, from three consecutive meetings of the Council ;

(d) being a registered nurse ceases to be a registered nurse as a consequence of the removal of his or her name from the register ;

(e) is declared an insolvent or bankrupt by a competent court ;

(f) is absent from Sri Lanka for a period of one year ; or

(g) being a nominated member, is removed from office under section 6.

Removal of
a member
from office.

6. (1) The Minister may, if he considers it expedient to do so, remove from office any nominated member of the Council without assigning any reason therefor :

Provided, however, that a member nominated on the recommendation of another Minister shall be removed only with the concurrence of that other Minister.

(2) The Council may recommend to the Minister that any nominated member of the Council shall be removed from office if such member has so abused his position as a member of the Council as to render his continuance in office detrimental to the interest of the Council. The Minister may on such recommendations and subject to the procedure hereinafter provided remove such member from office.

(3) Where the Council makes a recommendation to the Minister under the preceding subsection, a written notice shall, at the same time, be served on the member against whom such recommendation is made informing him that a recommendation for his removal has been made to the Minister.

(4) A member of the Council against whom a recommendation has been made under subsection (2) may, within fourteen days of the date on which the notice under subsection (3) is served on him, make representation against the recommendation to the Minister, who shall afford such member an opportunity of being heard before deciding whether or not to exercise his powers under subsection (2).

7. (1) All members of the Council shall have the right to vote.

Voting and election of President &c.

(2) The Council shall elect a President and a Vice-President from among the elected members of the Council and the President shall preside at every meeting of the Council at which he is present.

(3) In the absence of the President, the Vice-President shall preside over a meeting of the Council and if both the President and the Vice-President are absent, the members of the Council attending such meeting shall elect from among the elected members present, a President for the purpose of presiding over such meeting.

8. The quorum of a meeting shall be thirteen.

Quorum.

9. Every question which arises for consideration by the Council shall be decided by a majority of the members present at such meeting and voting and the President of that meeting shall have a casting vote in addition to his own vote.

Proceedings of the Council.

10. The minutes of the proceedings of every meeting of the Council shall be entered in a book to be kept for the purpose and shall be signed by the person presiding at such meeting.

Minutes of proceedings.

PART II

POWERS AND FUNCTIONS OF THE COUNCIL

11. (1) The Council shall have the power to do all such things as are necessary for or conducive or incidental to, the management and administration of the affairs of the Council.

Powers and functions of the Council.

(2) Without prejudice to the generality of the powers conferred by subsection (1) the Council may exercise and discharge the following powers and functions:—

- (a) to register a person, who has obtained a certificate of general nursing issued by the Director-General of Health Services or, a certificate of general nursing issued by a recognized teaching institution in or outside Sri Lanka and approved by the Director-General of Health Services having regard to the curriculum and standard of training at such institution, as a nurse ;
- (b) to charge from qualified nurses such fees as may be prescribed for the registration of their names in the register maintained by the Council ;
- (c) to suspend or remove from or restore to the register the name of a registered nurse or to take such other disciplinary action as may be necessary in accordance with the regulations made in that behalf ;
- (d) to recommend to the Government, the conditions for selection and recruitment of candidates to all courses of studies for nurses ;
- (e) to recommend to the Government, the curricular for all courses of studies for nurses ;
- (f) to recommend to the Government the text books to be used in courses of studies for nurses and to prepare and publish such text books if necessary ;
- (g) to ensure provision of such welfare facilities for nurses as may be decided upon by the Council ;
- (h) to recommend to the Government, such measures as are necessary to ensure the maintenance of proper standards of nursing ;
- (i) to make arrangements with the Director-General of Health Services for the inspection of educational institutions which provide courses of study on nursing ;
- (j) to prescribe a code of ethics regulating the professional conduct of nurses ;
- (k) subject to the provisions of this Act, to appoint, employ and remunerate officers and servants of the Council and to make rules regarding the appointment, promotion, remuneration and disciplinary control of its employees and the grant of leave and other benefits to them.

12. The Council may, from time to time, delegate any of its powers, functions or duties to a Committee consisting of not less than five members of the Council and such Committee shall exercise, discharge and perform such powers, functions and duties subject to such conditions as may be imposed by the Council.

Delegation of powers, functions and duties of the Council.

13. Members of the Council may be paid such remuneration for attendance at meetings of the Council as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

Remuneration for attendance at meetings of the Council.

14. The Council shall appoint a Registrar who shall also act as secretary and treasurer of the Council.

Registrar and other officers.

15. (1) Any person aggrieved by an order or decision of the Council or an order or decision of a committee to which any power, duty or function of the Council has been delegated under section 12 may appeal against such order or decision to the Minister and his decision shall be final.

Appeal to the Minister.

(2) The Council and the Registrar shall give all such information as may be required by the Minister for the purpose of deciding and appeal.

16. (1) The Registrar shall, in accordance with the provisions of this Act and regulations made thereunder, keep a register of persons qualified to practise as nurses in Sri Lanka, and whom the Council has decided to register under this Act.

Register to be kept by Registrar.

(2) No person under the age of twenty-one years shall be registered, as a nurse.

(3) No alien shall be registered except with the approval of the President of the Republic on the recommendation of the Minister.

(4) The Registrar shall enter in the register the name of every person who proved his claim to be registered, and shall report the name of every such person to the Council at its next meeting.

(5) No person shall be registered under this Act except on payment of the prescribed fee.

Nurses registered under the Medical Ordinance deemed to be registered under this Act.

Change of qualification.

Registrar to keep register up to date.

Erasure of names from the register.

17. Nurses registered under the Medical Ordinance on the day immediately preceding the appointed date shall be deemed to be registered under this Act with effect from that date and the Registrar shall transfer the names of all such persons to the register kept under this Act.

18. Any person registered under this Act who obtains any degree or qualification other than the degree or qualification on the faith of which he is registered may apply to have such other degree or qualification inserted in the register, in addition to the degree or qualification already entered in the register.

19. (1) The Registrar shall keep the register correct and upto date and shall cancel in the register the name of any person who has died.

(2) The Registrar shall, by and in accordance with the orders of the Council, erase any entry from, or correct any entry in, a register when such entry is proved to the satisfaction of the Council to have been fraudulently or incorrectly made, and shall enter in the register the reason for any such erasure or correction.

20. (1) The Council shall have the power to order the Registrar to erase the name of any person from the register if that person—

- (a) is deprived of any diploma, degree or certificate on the faith of which he or she was registered as a nurse ;
- (b) is convicted of an offence which is punishable with imprisonment and which shows the person to be unfit to practise as a nurse ;
- (c) is of a character, or has been guilty of conduct, unbefitting the profession of a nurse ;
- (d) by reason of negligence or incapacity as a nurse, cannot be safely allowed to continue to practise as such.

(2) Before the Council makes an order to erase the name of any person from the register under subsection (2) of section 19 or under this section a written notice shall be served on such person requiring him to show cause within a specified period, which shall in no case be less than fourteen days from the date on which the notice is served on him, why such an order should not be made, and the Council shall consider the objections, if any, of such person before making its order and shall convey its order to the person concerned in writing.

21. (1) In all proceedings, whether civil or criminal—

Proof of contents of the register.

(a) any extract from or copy of a register certified by the Registrar to be true shall be admitted in evidence without proof, and shall be sufficient *prima facie* evidence of the Contents of the register ;

(b) a certificate by the Registrar that the name of any person is or is not registered in the register or was or was not so registered at the date or during a period certified in the certificate shall be admissible in evidence, and shall be sufficient *prima facie* evidence of the facts stated therein.

(2) For the purpose of this section, no proof need be given, unless the Court otherwise requires, of the signature of the Registrar to any such copy, extract, or certificate, or of his appointment as Registrar.

PART III

FINANCE AND ACCOUNTS

22. (1) The Council shall establish and maintain a Fund called "the Sri Lanka Nurses Fund".

Council's Fund.

(2) There shall be paid into the Fund—

(a) any money received as registration fees under this Act ;

(b) any donations of money and the proceeds of sale of any gifts made to the Council ; and

(c) any income from investments or other receipts.

(3) There shall be paid out of the Fund all sums of money required to defray any expenditure incurred in the Council in the exercise, performance and discharge of its powers, duties and functions.

(4) The Council shall be responsible for the administration of the Fund.

23. (1) The Council shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all the transactions of the Council.

Accounts of the Council.

(2) The Council shall cause its accounts to be audited by an approved auditor.

(3) The financial year of the Council shall be the year commencing on the first day of January.

**Annual
report.**

24. (1) After the end of each financial year and before the thirty-first of March in each succeeding year, the Council shall prepare a report giving a true and accurate account of its activities, and of its income and expenditure during that financial year.

Penalties.

25. (1) Any person who—

- (a) not being a person duly registered under this Act, uses the title "Registered Nurse" or its equivalent in any other language, either alone, or in combination with any other word or letter or uses any name, title, addition, description, uniform or badge implying that he or she is registered under this Act or is recognized by law as a registered nurse or uses any title, uniform or badge prescribed for use of nurses registered under this Act ; or
- (b) with intent to deceive, make use of any certificate of registration as a nurse issued under this Act to him or her or to any other person,

shall be guilty of an offence and shall be liable on conviction after summary trial before a Magistrate to a fine, not exceeding, in the case of a first offence, one thousand rupees, and in the case of a second or any subsequent offence, five thousand rupees.

(2) Any person who wilfully makes or causes to be made any falsification in any matter relating to the register shall be guilty of an offence and shall be liable on conviction after summary trial before a Magistrate to a fine not exceeding five thousand rupees or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(3) Any person who employs another person as nurse to work in a medical institution shall, if that other person is not registered, under the Act, be guilty of an offence and shall be liable on conviction after a summary trial before a Magistrate to a fine not exceeding five thousand rupees or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(4) Any person who, not being a registered nurse, practises nursing for gain shall be guilty of an offence and shall be liable on conviction after a summary trial before a Magistrate to a fine not exceeding five thousand rupees or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(5) Nothing in subsections (3) or (4) shall apply for a period of five years from the appointed date, to—

(a) Any person who employs a person who is not a registered nurse, as a nurse to work in a nursing home registered under the Nursing Homes (Regulation) Act; or

(b) Any person, who not being a registered nurse, practises nursing for gain in a nursing home registered under the Nursing Homes (Regulation) Act.

26. (1) The Minister may make regulations in respect of matters required by this Act to be prescribed or in respect of which regulations are authorized to be made and in particular in respect of all or any of the following matters:—

Regulations.

(a) the form and method of keeping the register of persons qualified to practise as nurses in Sri Lanka;

(b) the form of the application to register as a nurse;

(c) the uniform, badge and other distinguishing devices which may be worn by persons registered under this Act;

(d) the fees payable in respect of registration and alteration of the register;

(e) the disciplinary procedure.

(2) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified therein.

(3) Every regulation made by the Minister shall, as soon as convenient after its publication in the *Gazette*, be brought before Parliament for approval. Every regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval but without prejudice to the validity of anything previously done thereunder.

(4) Notification of the date on which every regulation shall be deemed to be rescinded shall be published in the *Gazette*.

Repeal.

27. (1) Part IX of the Medical Ordinance (Chapter 105) is hereby repealed.

(2) Notwithstanding the repeal of the aforesaid Part all the regulations made by the Minister under that Part and in force on the appointed date shall be deemed to be regulations made under this Act and may accordingly be amended, added to, or rescinded by regulations made under this Act.

Council to be a Scheduled institution under the Bribery Act.

28. The Council shall be deemed to be a Scheduled institution within the meaning of the Bribery Act and the provisions of that Act shall be construed accordingly.

Interpretation.

29. In this Act unless the context otherwise requires—
“approved auditor” means—

(a) an individual who, being a member of the Institute of Chartered Accountants of Sri Lanka, or of any other Institute established by law, possesses a certificate to practise as an accountant issued by the Council of such Institute; or

(b) a firm of accountants each of the resident partners of which, being a member of the Institute of Chartered Accountants of Sri Lanka or of any other Institute established by law, possesses a certificate to practise as an accountant issued by the Council of such Institute;

“Ceylon Medical Council” means the Ceylon Medical Council constituted under the Medical Ordinance (Chapter 105);

“*ex officio* member” means any person who is a member of the Council under the provisions of paragraphs (xii), (xiii), (xiv), (xv) and (xvi) of section 3;

“prescribed” means prescribed by regulation made under this Act.