

## CHAPTER 281

### THE MIDWIFERY ACT

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FIRST SCHEDULE.

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## MIDWIFERY

(10th June, 1959.)

7/1958.  
1811989.  
S.I. 3911989.

1. This Act may be cited as the Midwifery Act. **Short title.**

2. In this Act— **Interpretation.**

"the Board" means the Midwives' Board constituted under this Act;

"registered" means registered under this Act and "registered midwife" shall be construed accordingly;

"the register" means the register of midwives directed to be kept under this Act;

"the Secretary" means the person for the time being appointed as Secretary to the Board under section 5.

3. (1) For the purposes of this Act there shall be established a Board to be known as the Midwives' Board which shall consist of— **Constitution of Midwives' Board.**

(a) the chief medical officer who shall be chairman of the Board;

(b) the nursing sister performing the duties of matron of the Holberton Hospital;

(c) the nursing sister, if any, performing the duties of midwifery tutor sister at the Holberton Hospital;

(d) two other members appointed by the Governor-General who shall hold office for such period as the Governor-General may determine.

(2) Each person so appointed shall be either a medical practitioner registered under the Medical Act, or any person entitled to be registered under section 8. **Cap. 269.**

(3) The Governor-General may from time to time remove any member appointed to the Board and appoint another member in his place and may fill any vacancy which may arise by reason of the illness, death or absence from Antigua and Barbuda of any member, or for any other cause.

(4) Any person appointed to be a member of the Board, other than a person in the service of Government, may resign his appointment by letter addressed to the Governor-General.

(5) The appointment, removal or resignation of any member of the Board shall be published in the *Gazette*.

**Meetings of the Board.**

**4.** (1) The Board shall assemble whenever required by the Minister or convened by its chairman or at such time as the Board may fix by rules made under this Act.

(2) In the absence of the chairman at any meeting the members present shall elect a presiding chairman for that meeting.

(3) Three members of the Board shall constitute a quorum. Subject thereto the Board may act notwithstanding any vacancy in its number.

(4) Decisions of the Board may be taken at meetings or, in cases in which the chairman shall so direct, by the recording of the opinions of the members on papers circulated among them:

Provided that where papers are circulated—

(a) the chairman may direct that the papers shall not to be circulated to any member who through illness, interest, absence from Antigua and Barbuda or otherwise is, in the opinion of the chairman, incapacitated from voting on such papers; and

(b) a decision shall not be acted upon unless it is unanimous.

(5) The decisions of the Board at a meeting shall be by the majority of votes:

Provided that, in the event of an equal division of the votes on any question before a meeting of the Board, the

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chairman presiding at that meeting shall have a casting vote in addition to his original vote.

5. The Governor-General may appoint some fit and proper person to be Secretary of the Board who shall perform such duties as the Board may direct. **Secretary to the Board.**

6. (1) The Board shall keep a register of midwives which shall be subject to and in accordance with the provisions of this Act. **Midwives' register.**

(2) The register shall contain the names of all midwives registered under this Act.

(3) The Secretary shall be charged with the custody of the register.

(4) Every entry on the register shall indicate the qualifications by virtue of which registration was granted in addition to the name and address of the person registered.

(5) The names and addresses of all persons included in the register shall be published in the months of January and July in each year in the *Gazette* and in not less than two newspapers published in Antigua and Barbuda.

(6) In any proceedings a copy of the *Gazette* containing the most recent list of names in the register shall be *prima facie* evidence, and a certificate under the hand of the chairman of the Board shall be conclusive evidence that the persons named in the list or certificate are, or are not, registered under this Act.

7. (1) No applicant shall be admitted to the register unless she shall have undergone the prescribed training. **Prescribed training.**

(2) The training of midwives shall be carried out in an institution approved by the Board.

8. (1) The following persons shall be entitled to be registered under this Act upon making application to the Board in the prescribed manner, and upon satisfying the Board as to their identity and good character and upon payment of the fee for registration under this Act. **Qualification for registration.**

(a) any woman who holds a certificate issued by the Board under this Act;

(b) any woman who has passed the first examination of the Central Midwives' Board of England under the rules of that Board; or

(c) any woman who produces a certificate of proficiency in midwifery issued by an institution in Antigua and Barbuda recognized by the Board as competent to carry out the prescribed training and to issue such certificate; or

(d) any woman who produces satisfactory evidence that she has been certified or registered as a midwife in any country outside Antigua and Barbuda in which there is for the time being any law in force for the certification or registration of midwives and the Board is satisfied that the standard of training and examination required in that country is not lower than the standard of training and examination required under this Act:

Provided that when the Board is not so satisfied, such woman shall be required to pass such examination as the Board may direct.

(2) The Board may require any applicant for registration under this Act to undergo a medical examination and to furnish a medical certificate of health.

**Application for registration.**

**9.** (1) Any woman desiring to be registered as a midwife under this Act shall lodge an application in writing with the Secretary containing full particulars of her qualification and the Secretary shall forthwith submit such application to the Board.

(2) The Board shall, within fourteen days after the receipt of an application by the Secretary, consider the same and may either grant or refuse the application without assigning any reason for its refusal.

**Certificate of registration and fees.**

**10.** (1) On any application being granted and upon the applicant paying to the Secretary the sum of fifty cents, the name of the applicant shall be entered on the register and the Board shall grant a certificate of registration in the form set out in the First Schedule.

**First Schedule.**

(2) There shall be paid to the Secretary of the Board in respect of every application to be registered under this Act and in respect of the retention in any year of the name of any person on the register, a fee of fifty cents.

(3) Should any person whose name is on the register fail, on or before the fifteenth day of January, to pay the annual fee chargeable for the retention of her name upon the register, the Board shall delete her name from the register.

(4) Any name which has been deleted from the register under subsection (3) shall be replaced on the register upon payment to the Board by the person whose name has been deleted of a fee of one dollar:

Provided that before such name is replaced on the register the Board may demand that the said person shall apply for registration under the provisions of section 8.

(5) The Board may charge for any certificate or other document issued by them, or in respect of any services performed by them, such fees as may be prescribed.

**11.** Registration under this Act shall not confer upon any woman any right to assume any name, title or designation that she is by law authorized to practice medicine or surgery or to grant any medical certificate or any certificate of death or still birth or to undertake any case of abnormality or disease in connection with childbirth.

**Registration not to confer rights of qualified medical practitioner.**

**12.** (1) Every midwife shall, before commencing to practise or holding herself out to practise, give notice of her intention to do so to the Secretary.

**Notice of intention to practise.**

(2) Any midwife who fails to comply with the provisions of subsection (1) shall be guilty of an offence under this Act.

**13.** (1) It shall be the duty of the husband, and where a man and woman who are unmarried are living together in the same house or room as husband and wife it shall be the duty of such man, to secure the attendance of a duly qualified medical practitioner or a registered midwife at the confinement of his wife or such woman, as the case may be, and the failure on the part of such husband or man to secure such attendance shall be an offence under this Act.

**Service of medical practitioner or registered midwife to be obtained at confinement.**

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CAP. 281)

*Midwifery*

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(2) It shall be the duty of an unmarried woman, except where such woman and man are living together in the same house or room as husband and wife, to secure the attendance of a duly qualified medical practitioner or a registered midwife at her confinement, and the failure on the part of such woman to secure such attendance shall be an offence under this Act.

(3) It shall be a defence to any charge under this section (the burden of proof of which defence shall be on the person charged) to show that the person charged made every reasonable effort to secure the attendance of a duly qualified medical practitioner or a registered midwife at the confinement.

Removal from  
the register.

**14.** (1) It shall be lawful for the Board to order to be removed from the register the name of any person registered as a midwife who—

(a) has shown herself to be incompetent or negligent; or

(b) has at any time failed to satisfy any person or persons appointed by the Board to examine her that she is capable of discharging the duties of a midwife; or

(c) has been convicted of any felony, misdemeanour or other serious offence; or

(d) is of bad character; or

(e) is by reason of age or infirmity or any other cause unfit to discharge the duties of midwife.

(2) It shall be the duty of every district medical officer and every medical practitioner as soon as he becomes aware that any registered midwife is unfit to discharge the duties of a midwife to give notice thereof to the Board.

(3) For the purpose of paragraph (b) of subsection (1), it shall be lawful for the Board to appoint any person or persons to examine any registered midwife as to her ability or fitness to discharge the duties of a midwife, and if in the opinion of the Board the result of any such examination justifies the removal of her name from the register, the Board shall order her name to be so removed.

(4) The Board shall, upon the application in writing of any midwife registered under this Act or on the death of any midwife so registered, remove the name of such midwife from the register.

**15.** Any midwife who considers herself aggrieved by the removal of her name from the register may, within such time as may be prescribed, appeal against such removal to a Judge in Chambers, whose decision shall be final.

**Appeal against removal from the register.**

**16.** Any midwife whose name has been ordered to be removed from the register under the provisions of this Act shall within fourteen days of the notice of such order being served upon her surrender to the Secretary the certificate of registration issued to her by the Board, and failure to do so shall be an offence under this Act.

**Surrender of certificate on removal from the register.**

**17.** (1) When the Board has decided to remove from the register the name of any midwife, it may in addition prohibit her from attending women in childbirth in any other capacity, but such decision shall be subject to the like appeal as the decision to remove her name from the register.

**Prohibition against practice of any form of midwifery on removal from the register.**

(2) Any person who contravenes any prohibition as aforesaid shall be guilty of an offence under this Act.

**18.** (1) The Cabinet may by order divide Antigua and Barbuda into midwives' districts, and such order shall define the limits of every such district.

**Midwives' districts.**

(2) Until otherwise provided by the Cabinet the midwives' districts shall be those shown in the Second Schedule.

**Second Schedule.**

(3) The Governor-General may appoint such number of registered midwives as shall be deemed fit to each such district, and they shall receive salary as may be provided out of the general revenue of Antigua and Barbuda.

(4) Every midwife so appointed shall reside within the limits of her district and except in an emergency, shall not attend a case beyond the limits of her district without the permission of a supervisory authority.



Supervision of  
midwives.

**19.** It shall be lawful for the Board to appoint any fit and proper person to be a supervisory authority over any registered midwife, or class of registered midwives, and it shall be the duty of every person so appointed—

(a) to exercise supervision in accordance with any rules made under this Act;

(b) to investigate charges of malpractice or negligence, and, should a *prima facie* case be established, to make a report to the Board;

(c) to suspend from practice any registered midwife if such suspension appears necessary in order to prevent the spread of infection, and to report immediately such suspension to the Board;

(d) to report at once to the Board the name of any registered midwife convicted of any offence; and

(e) as soon as she becomes aware that any registered midwife is unfit to discharge the duties of a midwife, to give notice thereof to the Board.

Duties of  
midwives  
employed in the  
Government  
service.

**20.** The duties of every midwife who is employed in the Government service shall be—

(a) to attend all cases of labour or threatened miscarriage or abortion within her district who have sent for her assistance;

(b) to report immediately to the medical officer of the district all cases within her district which require his assistance;

(c) to act as sick nurse in all cases when required by the district medical officer to do so;

(d) to attend the medical officer of the district on his periodical visits to her district and to report to him all cases which she has attended since his last visit;

(e) to keep a general supervision over the children within her district and to report to the district medical officer all cases of illness occurring among them; and

(f) to keep at her residence all such medicines and appliances as the chief medical officer may deem necessary to supply her with.

**21.** A midwife shall not in any emergency refuse assistance in default of prepayment, but shall be entitled subsequently to demand and recover from the person to whom her services have been rendered compensation in accordance with the scale of fees for the time being in force.

**Payment of midwives.**

**22.** Every person who—

**Unlawful assumption of title of registered midwife.**

(a) not being a midwife registered under this Act, uses the title of midwife either alone or in combination with other words or letters, or uses any name, title, addition, description, uniform or badge implying that she is registered under this Act or is recognized by law as a registered midwife or uses any title, uniform or badge prescribed for the use of midwives registered under this Act; or

(b) with intent to deceive makes use of any certificate of registration issued under this Act to her or to any other person,

shall be guilty of an offence under this Act.

**23.** (1) No person shall habitually or for gain attend women in childbirth unless such person is either—

**Practising as a midwife without registration.**

(a) a duly qualified medical practitioner; or

(b) registered as a midwife under this Act.

(2) Any person contravening these provisions shall be guilty of an offence under this Act and shall be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a period not exceeding six months:

Provided that nothing in subsection (1) shall apply to a person rendering assistance in a case where the services of a duly qualified medical practitioner or registered midwife are not readily available.

**24.** Any person who—

**Offences connected with certification.**

(a) procures or attempts to procure registration or a certificate of registration by making, producing or causing to be made or produced any false or fraudulent declaration, in writing or otherwise; or

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(b) wilfully makes or causes to be made any falsification in any matter relative to the register, shall be guilty of an offence under this Act and shall be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a period not exceeding six months.

**Registration fees to be paid into revenue.**

**25.** All fees received by the Secretary shall be forthwith paid into the general revenue of Antigua and Barbuda.

**Penalty.**

**26.** Every offence under this Act for which no penalty is specifically provided by this Act shall be punishable on summary conviction by a fine not exceeding five hundred dollars or by imprisonment for a period not exceeding three months.

**Power to make rules.**

**27.** (1) Subject to the provisions of this Act, the Board shall have power to make rules with respect to—

- (a) regulating its own proceedings;
- (b) the formation, maintenance and publication of the register;
- (c) prescribing the course of training and regulating the conduct of examinations for midwives, and any matters ancillary to or connected with any such examinations including the examiners;
- (d) the issue and prescribing of the form of certificates to midwives and with respect to the titles which may be used and the uniforms or badges which may be worn by registered midwives;
- (e) regulating the practice of midwifery and the fees payable to registered midwives;
- (f) defining the conditions under which registered midwives may be suspended from practice;
- (g) anything which is considered necessary for the purpose of carrying this Act into effect; and
- (h) anything which under this Act is to be prescribed.

(2) All such rules shall be signed by the chairman and submitted to the Cabinet for approval, and if so approved shall be published in the **Gazette** and thereupon shall have the force and effect of law.

**28.** Provision may be made by rules of court for regulating appeals to a Judge under this Act, and such rules shall provide for—

**Rules of court for regulating appeals.**

(a) limiting the time within which an appeal may be brought and the determination of any appeal under this Act;

(b) requiring notice of any such appeal to be given to the Board; and

(c) the manner in which the Board may appear and be heard on any appeal.

**29.** Notwithstanding the provisions of subsection (1) **Saving.** of section 8 any midwife who has been licensed under the provisions of the Medical and Poor Relief Ordinance 1899, and whose licence thereunder has not been cancelled at the date of the commencement of this Act, shall be entitled to be registered under this Act if she satisfies the Board that she is competent, and her certificate or licence shall be deemed to have been granted under the provisions of this Act:

Provided that any midwife who has been licensed under the provisions of the Medical and Poor Relief Ordinance, 1899, and whose registration or licence thereunder has not been cancelled at the date of the commencement of this Act, may continue to practise until the date of publication of the register of midwives provided for under section 6.

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FIRST SCHEDULE

S. 10(1)

MIDWIVES' BOARD

Antigua and Barbuda

This is to certify that .....  
of ..... having satisfied the  
Board that she is duly qualified has been admitted to the register  
of midwives pursuant to the Midwifery Act, and is authorized  
to practise as a midwife within Antigua and Barbuda.

By Order of the Board.

*Secretary*

SECOND SCHEDULE

S. 18(2)

MIDWIVES' DISTRICTS

District  
No.

Localities

1. Jennings, Cedar Hall, Green Hill, Ebenezer.
2. Bolans, Roses, Hermitage, Blubber Valley, Orange Valley,  
Dark Valley, Ffry's Estate.
3. Sawcolts, Folly's Hill, John Hughes, Wallings.
4. Seaview Farm, Simon's Village.
5. Swetes, Buckleys, Matthews, Tyrells.
6. Bethesda, Christian Hill, Delaps, Morris Looby's, Little  
Duers, Blakes.
7. Newfield, Lavington, Long Lane, Ffry's, Collins, Lyons,  
Gaynor's St. Phillips.
8. Johnson's Point, Urlings, Crabbe Hill.
9. Old Road, Green Hill, Grace Bay Hill, Fairfield.
10. All Saints.
11. Liberta, Table Hill Gordon.
12. English Harbour, Falmouth, Cobbs Cross.
13. Cedar Grove.
14. Blizzards, Barnes Hill, Powells, Cassada Garden.
15. Grays Farm, Golden Grove, Creek Side, Nut Grove, Ottos  
Pasture.
16. Pigotts, Paynter's, Fitches Creek, Weirs, Blackman's,  
Donovans.
17. St. John's (i) North side of High Street and area north  
to Villa area.

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District No.	Localities
18.	St. John's (ii) South side of High Street and area south to Ottos.
19.	Green Bay, Five Islands, Cooke's Hill, Grays Hill, Grays, Kentish Village, Yeptons.
20.	Willikies, Rooms, Syne Estate, Comfort Hall.
21.	Seatons, Elliotts, Carr's Estate, Glanvilles.
22.	Parham Village, Parham New Works, Gilbert's, Cottons.
23.	Pares Village, Betty's Hope, Diamonds.
24.	Freetown, Montpelier.
25.	Potters Village, Jeffrey's Village, Factory Road, Tomlinsons Estate Road.
26.	St. Johnston's Village, Clare Hall, Parham Road.
27.	Freeman's Village, Willis Freeman's, Belleview, Jonas.
28.	Barbuda.
29.	Bendals, Belvedere, Hamiltons, Brecknocks, Body Ponds, Green Castle.

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