



LAWS OF KENYA

NURSES ACT

Chapter 257

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CHAPTER 257

NURSES ACT

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SCHEDULE – INQUIRY BY THE COUNCIL

CHAPTER 257**NURSES ACT**

[Date of assent: 18th May, 1983.]

[Date of commencement: 10th June, 1983.]

An Act of Parliament to make provision for the training, registration, enrolment and licensing of nurses, to regulate their conduct and to ensure their maximum participation in the health care of the community and for connected purposes

[Act No. 2 of 2002, Act No. 27 of 2011.]

PART I – PRELIMINARY**1. Short title**

This Act may be cited as the Nurses Act, 1983.

2. Interpretation

In this Act, unless the context otherwise requires—

“**approved institution**” means an institution for the training of persons seeking registration or enrolment under this Act which has been declared by notice in the *Gazette* to be so approved by the Minister on the recommendation of the Council;

“**Council**” means the Nursing Council of Kenya established by section 3;

“**enrolled**” means entered on a roll;

“**health institution**” means a hospital, nursing home, convalescent home, maternity home, health centre, dispensary or other institution where health or medical services are rendered, either free or on the payment of fees;

“**licence**” means a licence to practise nursing granted under section 17;

“**local supervising authority**” means a local authority or a person appointed by the Minister on the recommendation of the Council to carry out, within such areas as the Minister shall specify, the powers and duties which may be prescribed by regulations made under section 26;

“**medical practitioner**” means a person registered under the Medical Practitioners and Dentists Act (Cap. 253) as a medical practitioner;

“**nurse educator community health nursing**” means a registered nurse who is also a registered midwife and registered community health nurse who holds a teaching diploma or degree in community health approved by the Council;

“**nurse educator general**” means a registered nurse who holds a teaching diploma or degree in general nursing approved by the Council;

“**nurse educator midwifery**” means a registered nurse who is also a registered midwife and who holds a teaching degree or diploma in midwifery approved by the Council;

“**nurse educator psychiatric nursing**” means a registered nurse who is also a registered psychiatric nurse and who holds a teaching diploma or degree in psychiatric nursing approved by the Council;

“**register**” means any of the registers required to be kept under section 12, and “registered” means entered in any of those registers;

“**registered community health nurse**” means a person whose name appears in the register kept by the Registrar under section 12(1)(c);

“**registered nurse**” means a person whose name appears in the register kept by the Registrar under section 12(1)(a);

“**registered psychiatric nurse**” means a person whose name appears in the register kept by the Registrar under section 12(1)(d);

“**Registrar**” means the Registrar of the Council appointed under section 11;

“**retention fee**” means a fee prescribed under section 11(4);

“**roll**” means any of the rolls required to be kept under section 14.

PART II – ADMINISTRATION

3. Establishment of Council

There is hereby established a Council to be known as the Nursing Council of Kenya which shall be a body corporate having perpetual succession and a common seal with power to sue and be sued and to purchase, hold, manage and dispose of land and other property, and to enter into such contracts as it may consider necessary or expedient.

4. Membership of the Council

(1) The Council shall consist of—

- (a) the Director of Medical Services or his representative;
- (b) the Director of Education or his representative;
- (c) the Chief Nursing Officer or his representative;
- (d) the Attorney-General or his representative;
- (e) the following persons appointed by the Minister—
 - (i) one registered midwife, to be elected by registered midwives;
 - (ii) one registered community health nurse, to be elected by registered community health nurses;
 - (iii) one registered psychiatric health nurse, to be elected by registered psychiatric health nurses;
 - (iv) one registered general nurse, elected by registered general nurses;
 - (v) one nurse nominated by the National Nurses Association of Kenya;
 - (vi) one nurse nominated by the Kenya Progressive Nurses Association;

- (vii) one registered nurse educator actively involved in the training of nurses nominated by recognized universities in Kenya;
- (viii) two registered nurses nominated by registered religious organizations providing health services in Kenya;
- (ix) one person with a professional background in human resource management;
- (f) the chief executive officer of the Kenya Medical Training College or his representative.

(2) All nominations and elections under this section shall be in such manner as may be prescribed and all appointments shall be notified in the *Gazette*.

(3) The members of the Council appointed under paragraph (e) of subsection (1) shall hold office for a term of three years and shall be eligible for reappointment in accordance with the procedure set out in that paragraph for one further term.

[Act No. 27 of 2011, s. 2.]

5. Disqualification from office and filling of vacancies

(1) No person shall be qualified for appointment or election as a member of Council if—

- (a) he is an undischarged bankrupt; or
- (b) his name has been and remains removed from the appropriate register or his registration, enrolment or licence has been suspended under section 25(1).

(2) A member of the Council shall vacate his office if he—

- (a) becomes subject to any of the disqualifications referred to in subsection (1); or
- (b) has been absent from more than two consecutive ordinary meetings of the Council without its leave; or
- (c) gives notice in writing to the Council of his desire to resign from office and his resignation is accepted.

(3) Every vacancy caused by the death of a member or by vacation of office under subsection (2) shall, in the case of a member appointed by the Minister, be filled by a person appointed by the Minister, and in every other case, unless the Council otherwise decides, shall be filled by a person appointed by the Council and every person so appointed shall hold office for the residue of the term for which his predecessor was appointed or elected.

6. Appointment of chairman of Council

(1) The Council shall once in each year elect from among its members a chairman and a vice-chairman who shall hold office in that year.

(2) The vice-chairman shall act as chairman whenever the chairman is unable to act and when so acting shall have the powers and discharge the duties of the chairman.

(3) If the chairman and the vice-chairman are both absent from any meeting of the Council, the members present shall elect one of their number present to

preside at the meeting and the person so elected shall, during the absence from that meeting of the chairman and vice-chairman, have all the powers and discharge all the duties of the chairman.

(4) If the chairman or vice-chairman vacates his office before the period of his appointment expires, a new chairman or vice-chairman, as the case may be, shall be elected at the meeting of the Council next following the vacation of office for the unexpired portion of the period for which the chairman or vice-chairman whose seat has become vacant was elected.

7. Meetings of Council

(1) The Council shall be convened by the chairman at least four times in each year.

(2) The chairman may at any time convene a special meeting of the Council and shall do so within fifteen days of a written requisition for the meeting signed by at least four members.

[Act No. 27 of 2011, s. 3.]

8. Quorum

(1) The quorum of the Council shall be seven, at least four of whom shall be members appointed under section 4(1)(e); but no meeting shall be held or continued, notwithstanding that there is a quorum, unless the Registrar or a person deputed by him is present.

(2) The decision of the majority of the members present and voting at any meeting shall constitute the decision of the Council and in the event of an equality of votes the chairman of the meeting shall have a casting in addition to a deliberative vote.

[Act No. 2 of 2002, Act No. 27 of 2011, s. 4.]

9. Functions of Council and annual report

(1) The functions of the Council shall be—

- (a) to establish and improve standards of all branches of the nursing profession in all their aspects and to safeguard the interests of all nurses;
- (b) to establish and improve the standards of professional nursing and of health care within the community;
- (c) with the approval of the Minister, to make provision for the training and instruction for persons seeking registration or enrolment under this Act;
- (d) with the approval of the Minister, to prescribe and regulate syllabuses of instruction and courses of training for persons seeking registration or enrolment under this Act;
- (e) to recommend to the Minister institutions to be approved institutions for training of persons seeking registration or enrolment under this Act;
- (f) with the approval of the Minister, to prescribe and conduct examinations for persons seeking registration or enrolment under this Act;

- (g) to prescribe badges, insignia or uniforms to be worn by persons registered, enrolled or licensed under this Act;
- (h) to have regard to the conduct of persons registered, enrolled or licensed under this Act, and to take such disciplinary measures as may be necessary to maintain a proper standard of conduct among such persons;
- (i) to have regard to the standards of nursing care, qualified staff, nursing commodities, facilities, conditions and environment of health institutions, and to take such disciplinary or appropriate measures as may be necessary to maintain a proper standard of nursing care in health institutions;
- (j) to direct and supervise the compilation and maintenance of registers, rolls and records required to be kept under sections 12, 14 and 16;
- (k) to advise the Minister on matters concerning all aspects of nursing.

(2) The Council shall, before the end of the month of February in each year, cause a report on the work carried out by the Council during the previous year, together with a statement of the accounts for that year, to be supplied to the Minister, and shall cause such further information as may be required by the Minister from time to time to be supplied to him.

[Act No. 27 of 2011, s. 5.]

10. Appointment and powers of committees of Council

(1) The Council shall appoint committees in the following areas—

- (a) human resources and finance;
- (b) registration and licensing;
- (c) education, research and examination;
- (d) discipline, standards and ethics.

(2) The Council may from time to time appoint such other committees as it may deem necessary for the more effective carrying out of its functions under this Act.

(3) Any committee appointed by the Council under subsection (1) or (2) shall consist of such persons as the Council deems necessary.

(4) The Council may prescribe and fix a quorum for each of its committees and may delegate to any committee such of its powers and duties as it deems fit.

(5) Except where the Council has by resolution authorized a committee to manage, regulate, or conclude any matter, no act of a committee shall be binding on the Council until it has been approved by the Council.

(6) A committee appointed under this section shall elect its own chairman and may also elect a vice-chairman.

(7) The Registrar or his deputy shall be the secretary of all committees appointed under this Act.

(8) Any committee other than a standing committee may be dissolved after notice of a motion to that effect by the vote of the majority of the Council.

[Act No. 2 of 2002, Sch., Act No. 27 of 2011, s. 6.]

PART III – REGISTRATION, ENROLMENT AND LICENSING

11. Appointment of Registrar and other officers

(1) The Council shall, with the approval of the Minister, appoint a Registrar who shall be a registered nurse and who shall perform such duties as may be prescribed by this Act or directed by the Council.

(2) The Council may, with the approval of the Minister, appoint such other officers as the work of the Council may require, and those officers shall perform such duties as the Council may direct.

(3) The Registrar shall keep up to date or cause to be kept up to date all registers, rolls and records required to be kept under or for the purposes of this Act, subject to any directions which may from time to time be issued to him by the Council.

(4) A fee, to be known as a retention fee, may be prescribed for payment annually, or at such longer intervals as the Council may deem appropriate, by any person whose name appears on a register or roll as a condition of maintaining his name thereon.

(5) The Registrar and other officers appointed under this section shall be paid such remuneration and allowances as the Council, with the approval of the Minister, may from time to time determine.

12. Registers to be kept

(1) The Registrar shall, under the direction of the Council, compile and keep in his office the following registers—

- (a) a register of nurses;
- (b) a register of midwives;
- (c) a register of community health nurses;
- (d) a register of psychiatric nurses;
- (e) a register of sick children's nurses,

and such other registers as may from time to time be required by the Council with the approval of the Minister.

(2) Subject to the payment of a retention fee, there shall be entered and maintained in the appropriate register the name and address of every person entitled to be registered under this Act together with his professional qualifications and such other particulars as may be prescribed by the Council.

13. Persons entitled to be registered

Except as otherwise provided in this Act or in any regulations made thereunder, every person shall be entitled to registration on the appropriate register who satisfies the Council that he is of good character and has paid the prescribed registration fee, and who—

- (a) has undergone a prescribed course of instruction and has passed the appropriate examination conducted or prescribed by the Council;
or

- (b) has undergone a course of training and passed an examination, elsewhere than in Kenya, which the Council recognizes as equivalent to the training and instruction required in the case of persons trained in Kenya and as equivalent to the qualification by examination required under this Act.

14. Rolls to be kept

(1) The Registrar shall, under the direction of the Council, compile and keep in his office the following rolls—

- (a) a roll of nurses;
- (b) a roll of midwives;
- (c) a roll of community health nurses;
- (d) a roll of psychiatric nurses,

and such other rolls as may from time to time be required by the Council with the approval of the Minister.

(2) Subject to the payment of a retention fee, there shall be entered and maintained on the appropriate roll the name and address of every person entitled to be enrolled under this Act together with his professional qualifications and such other particulars as may be prescribed by the Council.

15. Persons entitled to be enrolled

Except as otherwise provided in this Act or in any regulations made thereunder, every person shall be entitled to enrolment in the appropriate roll who satisfies the Council that he is of good character and has paid the prescribed enrolment fee and who—

- (a) has undergone a prescribed course of instruction and has passed the appropriate examination conducted or prescribed by the Council; or
- (b) has undergone a course of training and passed an examination, elsewhere than in Kenya, which the Council recognizes as equivalent to the qualification by examination required under this Act.

16. Records of licences to be kept

(1) The Registrar shall, under the direction of the Council, compile and keep in his office the following separate records of licences to practise nursing in Kenya—

- (a) a record of nurses licensed to practise general nursing;
- (b) a record of nurses licensed to practise midwifery;
- (c) a record of nurses licensed to practise community health nursing;
- (d) a record of nurses licensed to practise psychiatric nursing;
- (e) a record of nurses licensed to practise sick children's nursing,

and all such other records as may from time to time be required by the Council with the approval of the Minister.

(2) There shall be entered on the appropriate record the name and address of every person licensed under this Act together with his professional qualifications and such other particulars as may be prescribed by the Council.

17. Private practice

(1) No person shall engage in private practice as a nurse unless such person—

- (a) is a citizen of Kenya;
- (b) is registered, enrolled or licensed as a nurse under this Act;
- (c) has served as a nurse for a period of not less than three years under supervision of a senior nurse of not less than seven years standing;
- (d) is a holder of an annual licence known as a practising certificate for that year;
- (e) is a holder of such other qualification as may be prescribed.

(2) Notwithstanding the provisions of subsection (1), a person who is not a citizen of Kenya may be licensed to practise as a nurse if he satisfies the Council that—

- (a) he is of good character;
- (b) he has paid the prescribed fees;
- (c) he has undergone a course of training and passed an examination, elsewhere than in Kenya, which would not qualify him to be registered or enrolled under this Act but which the Council recognizes as sufficient to enable him to practise nursing in Kenya.

(3) A licence issued under subsection (2)—

- (a) shall be for such period and for such purpose as the Council may prescribe;
- (b) may, on its expiry, be renewed for such period, not exceeding one year, as the Council may prescribe.

(4) Where a licence issued under subsection (2) is renewed, details of the renewal shall be entered in the appropriate record.

(5) Where a licence issued under subsection (2) expires and is not renewed within thirty days of expiry, the name of the holder of the licence shall be removed from the appropriate record and the Council may decline further requests for renewal of such a licence or impose a levy on such further requests.

(6) For the purposes of this Act—

- (a) a person shall be deemed to engage in private practice as a nurse if such person—
 - (i) practises on his own account and is entitled to receive, for his own financial benefit, the entire amount of all fees and charges;
 - (ii) practises in partnership with others and is entitled to receive, for his own financial benefit, a share of the fees and charges;

- (b) a person shall not be deemed to engage in private practice as a nurse if such person is employed by—
- (i) the Government or any other public body;
 - (ii) any person or employer where all fees and charges accrue to the person or employer despite the fact of him being employed in his professional capacity as a nurse.

(7) An application for a practising certificate or its renewal shall be made to the Council in the prescribed form and shall be accompanied by such fee as the Council may from time to time determine.

(8) Where an application is made by a person in accordance with subsection (7), the Council shall issue to such person a practising certificate for that year if it is satisfied that the person fulfils the requirements set out in subsection (1) and has paid the fee referred to in subsection (7) of this section.

(9) A practising certificate shall be valid from the date on which it is issued and shall expire on the thirtieth day of December of every year unless its holder ceases to be a registered person under this Act.

(10) Where a practising certificate ceases to be in force in accordance with subsection (7), the person to whom the certificate was issued shall deliver it to the Council within thirty days from the date on which he ceases to be registered.

(11) Any person who contravenes—

- (a) subsection (1) or (2), in addition to being culpable of professional misconduct, commits an offence and is liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding one year, or to both;
- (b) subsection (7) commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings.

[Act No. 27 of 2011, s. 7.]

18. Use of titles

(1) Any person registered or enrolled under this Act may take and use the title appropriate to the register or roll on which his name appears.

(2) Any person licensed under this Act may take and use the title appropriate to the terms of the licence granted to him.

PART IIIA – DISCIPLINARY PROVISIONS

18A. Professional misconduct

(1) A registered nurse shall be culpable of professional misconduct if such nurse—

- (a) allows any person to practise in his name as a registered nurse, unless such person is the holder of a practising certificate and is in partnership with him or employed by him;
- (b) enters, for the purpose of or in the course of practising as a registered nurse, into partnership with a person who does not hold a practising certificate, or secures any professional business through the services of such a person or by means not open to a registered nurse;

- (c) pays or allows or agrees to pay, directly or indirectly, to any person (other than a person who holds a practising certificate, is a retired partner or the legal representative of such a partner), any share, commission or brokerage out of the fees for, or profits of his professional services;
- (d) solicits clients or professional work or advertises professional attainments or services by use of means which contravenes the guidelines published by the Council;
- (e) discloses information acquired in the course of professional engagement to any person other than a client, without the consent of the client, or otherwise than required by law;
- (f) fails to observe and apply professional, technical, ethical or other standards prescribed by the Council as guidelines for practice by registered nurses;
- (g) is guilty of gross negligence in the conduct of his professional duties;
- (h) expresses an opinion on any matter with which he is concerned in a professional capacity without obtaining sufficient information on which to base the opinion;
- (i) fails to keep the funds of a client in a separate banking account or to use any such funds for purposes for which they are intended;
- (j) includes in any statement, return or form to be submitted to the Council any particular knowing it to be false;
- (k) is convicted of a crime under the Anti-Corruption and Economic Crimes Act, 2003 (No. 3 of 2003);
- (l) fails to declare a conflict of interest in relation to any particular matter or acts in a matter notwithstanding the presence of an undisclosed conflict of interest; or
- (m) fails to do any other act which may be prescribed.

(2) For avoidance of doubt, this section applies in equal respects to all categories of nurses whether registered, enrolled or licensed as such under this Act.

18B. Inquiry by the Council

(1) Where the Council, a member of the Council or any member of the public has reason to believe that a registered, enrolled or licensed nurse has committed an act of professional misconduct, the Council may, on its own or through a committee appointed for that purpose, inquire into the matter.

(2) The provisions of the Schedule shall have effect with respect to an inquiry by the Council under this section.

(3) On the completion of an inquiry under this section into the alleged professional misconduct of a registered, enrolled or licensed nurse, the Council may decide that—

- (a) no further action be taken against that nurse;
- (b) the nurse be reprimanded;

- (c) the nurse pays to the Council such fine, not exceeding five hundred thousand shillings, as may be appropriate;
- (d) the nurse undertakes training at his own cost, of such nature and duration and at such institutions as the Council may determine;
- (e) the nurse discharges his professional obligations under any contractual arrangement subject of the alleged misconduct;
- (f) any practising certificate held by the nurse be suspended for such period not exceeding five years as may be appropriate; or
- (g) the nurse be de-registered from the register.

(4) The Council shall as soon as practically possible, inform the registered, enrolled or licensed nurse of the action taken against him under this section.

(5) Any person aggrieved by any decision of the Council on inquiry may, within twenty-eight days from the date of the decision, appeal to the High Court, and in any such appeal the High Court may annul or vary the decision as it thinks fit.

(6) Any person whose name has been removed from a register, roll or record or whose registration, enrolment or licence has been suspended shall forthwith surrender to the Registrar his certificates and badges, and any person who contravenes this subsection commits an offence and is liable to a fine not exceeding fifty thousand shillings.

[Act No. 27 of 2011, s. 8.]

PART IV – MISCELLANEOUS PROVISIONS

19. Offences by person not eligible to be registered, enrolled or licensed

(1) Any person who, not being eligible to be registered, enrolled or licensed under this Act, uses any title appropriate to a person so registered, enrolled or licensed, or holds himself out directly or indirectly as being so registered, enrolled or licensed, or wears any uniform, badge or other distinguishing device prescribed for the use of persons so registered, enrolled or licensed, or any imitation thereof, shall be guilty of an offence and shall be liable to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding two years or to both.

(2) Any person who, not being eligible to be registered, enrolled or licensed under this Act, practises for gain as a nurse, except in an area which the Minister has, by notice in the *Gazette*, determined to be suitable for such practice by persons who are not so registered, enrolled or licensed, or, except in such circumstances as may be specifically laid down in regulations made under this Act, shall be guilty of an offence and shall be liable to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding two years or to both:

Provided that nothing in this section shall prohibit persons employed in the service of the Government or by an approved institution from performing their duties under the supervision of a medical practitioner or of a person registered, enrolled or licensed under this Act.

[Act No. 27 of 2011, s. 9.]

20. Offences by persons eligible to be registered, enrolled or licensed

(1) Any person who, though eligible to be registered, enrolled or licensed under this Act, is not so registered, enrolled or licensed and who practises as a nurse of any of the categories referred to in section 12, 14 or 16, shall be guilty of an offence and liable to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding six months.

(2) Any person who, being registered, enrolled or licensed under this Act—

- (a) wears any uniform, badge or other distinguishing device, or any imitation thereof, prescribed for—
 - (i) any category of persons registered or enrolled;
 - (ii) any particular category of person licensed under this Act when he is not the holder of a licence for such category;
- (b) holds himself out, directly or indirectly, as being—
 - (i) registered in any register or enrolled in any roll under this Act in which his name is not registered or enrolled;
 - (ii) licensed under this Act to do anything which he is not licensed to do;
- (c) uses any name, title or description other than that which he is entitled to use under this Act,

shall be guilty of an offence and liable to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding six months.

[Act No. 27 of 2011, s. 10.]

21. Offences by persons conducting training courses or examinations without authority

(1) Any person, being in charge of any health or other institution which is not approved by the Council as an institution for the training of persons seeking registration or enrolment under this Act, who—

- (a) admits to the institution under his charge any person for the purpose of training in any of the categories of nursing in respect of which provision is made for registration or enrolment under this Act;
- (b) purports to be conducting courses of training or examinations under this Act or regulations made thereunder;
- (c) issues any document, statement, badge, seal or uniform implying that the institution under his charge is approved by the Council as an institution for training of persons seeking registration or enrolment under this Act;
- (d) issues any document, statement, certificate, badge or seal implying that the holder thereof has undergone a course of instruction or passed an examination prescribed by the Council,

shall be guilty of an offence and liable to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding two years or to both.

(2) Any person who purports to conduct examinations on behalf of the Council while not being authorized by the Council so to do shall be guilty of an offence and liable to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding six months.

[Act No. 27 of 2011, s. 11.]

22. Employment of unregistered staff and entry of premises

(1) Any person who employs another person as a nurse to work in a health institution shall, if that other person is not registered, enrolled or licensed under this Act, be guilty of an offence and liable to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding two years or to both.

(2) The Council may authorize any person in writing to enter any health institution to check the status of nurses employed therein or the condition of the premises or the standard of nursing care therein.

(3) Any person who knowingly refuses entry to or obstructs an authorized person in any inspection under subsection (2) shall be guilty of an offence and liable to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding six months.

[Act No. 27 of 2011, s. 12.]

23. Certificates

A certificate under the seal of the Council stating that a person is or was at any date registered, enrolled or licensed under this Act shall be conclusive evidence of the fact stated in the certificate.

24. Falsification of registers, rolls or records

Any person who wilfully makes or causes to be made any false entry in, or falsification of, any register, roll or record kept under this Act, or who procures or attempts to procure himself or any other person to be registered, enrolled or licensed under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration either orally or in writing, shall be guilty of an offence and liable to a fine not exceeding five hundred thousand shillings or imprisonment for a term not exceeding two years or to both.

[Act No. 27 of 2011, s. 13.]

25. Deleted by Act No. 27 of 2011, s. 14.

26. Regulations

The Council may, with the approval of the Minister, make regulations generally for better carrying out of the provisions of this Act and, without prejudice to the foregoing generality, may make regulations to provide for—

- (a) the form and the method of keeping the registers, rolls and records under this Act;
- (b) the conditions of admission to the registers and rolls and of the issue of licences;
- (c) the manner in which the various categories of persons for whom provision is made in this Act for registration or enrolment may be established and their training regulated;
- (d) the conditions under which training schools for persons desirous of obtaining registration or enrolment under this Act may be approved and the courses of training and instruction to be undergone by persons seeking such registration or enrolment;

- (e) the subject matter of training courses and examinations to be conducted by the Council;
- (f) the conditions of admission for entry to training courses and examinations to be conducted by the Council;
- (g) the uniforms, badges and other distinguishing devices which may be worn by persons registered, enrolled and licensed under this Act;
- (h) the standards and conditions of professional practice of persons registered, enrolled or licensed under this Act;
- (i) the fees payable in respect of examinations, registration, enrolment, issue of licences, issue of certificates and badges and in respect of any other matters under this Act;
- (j) the procedure for election of those members of the Council who are required to be elected;
- (k) the summoning of meetings of and the direction of the proceedings of the Council;
- (l) the powers and duties of local supervising authorities, different powers and duties for which may be prescribed for different local supervising authorities;
- (m) the disposal of fees collected, the authorization of such disbursements as may be necessary and the management of any funds within the control of the Council;
- (n) the keeping and opening of new registers, rolls and records and the closing of existing registers, rolls and records or parts thereof.

27. Finance

The Minister may, with the consent of the Treasury, out of moneys provided by Parliament—

- (a) make to the Council such grants as may be necessary to enable it to discharge its functions under this Act;
- (b) make such other payments as may be necessary to give effect to the provisions of this Act;
- (c) pay remuneration, travelling and any other allowances to members of the Board (other than members who are public officers in receipt of a salary).

28. Repeal and savings

(1) The Nurses, Midwives and Health Visitors Act, in this section referred to as the repealed Act, is repealed.

(2) Any person whose name was registered as a nurse, midwife or health visitor under the provisions of the repealed Act, immediately before the coming into operation of this Act, and whose name was not then the subject of an order to be struck off or removed from the register under the repealed Act, shall be entitled to be registered, on payment of the prescribed fee, as a nurse, midwife, psychiatric nurse, community health nurse, or sick children's nurse, as the case maybe, under this Act.

(3) Where any person is registered under this Act in consequence of the provisions of subsection (2), this Act shall apply to him as though he had been first registered under it.

SCHEDULE

[Section 18B, Act No. 27 of 2011, s. 15.]

INQUIRY BY THE COUNCIL

1. Statement of allegation

(1) The Council, member of the Council or member of the public shall prepare, or cause to be prepared, a statement, in such form as may be prescribed, setting out the allegation of professional misconduct to be investigated by the Council.

(2) The Registrar shall transmit to each member of the Council or its committee, and to the person whose conduct is the subject of investigation, a copy of the statement prepared pursuant to subparagraph (1) of this paragraph.

2. Notice of meeting

(1) The Registrar shall give notice of the first date, time and place fixed for the inquiry to the person whose conduct is the subject of investigation.

(2) Every such notice shall, at least fourteen days, before the first date fixed for the inquiry, be delivered to the person whose conduct is the subject of investigation by hand or be sent to him through the post by registered letter addressed to his address last known to the Council.

(3) Where a person whose conduct is the subject of investigation fails to appear either personally or by his advocate at the time and place fixed in the notice served on him, the inquiry may proceed in his absence.

(4) Notice of the adjournment of an inquiry shall be given to the person whose conduct is the subject of investigation in such manner as the Council determines.

3. Right to representation

A person whose conduct is the subject of investigation may appear at the inquiry either personally or by his advocate.

4. Power of Council

(1) For the purpose of the conduct of the inquiry, the Council shall have power to—

- (a) administer oaths;
- (b) summon persons to attend and give evidence;
- (c) order the production of relevant documents, including court judgements; and
- (d) recover in whole or in part the costs of the inquiry not exceeding one hundred thousand shillings from any or all the parties involved in the proceedings.

(2) An oath may be administered by any member of the Council or by the Registrar.

(3) Notices, orders and summonses of the Council shall be issued under the hand of the Registrar.

5. Procedure at inquiry

(1) Subject to this Act, during an inquiry—

- (a) the procedure to be followed shall be within the discretion of the Council; and
- (b) the Council shall not be bound by the rules of evidence.

(2) Unless the Council otherwise determines, the proceedings on the inquiry shall be held in camera.

(3) The Registrar shall keep or cause to be kept, a record of the proceedings on the inquiry.

(4) The Registrar may attend meetings of the Council and may with the consent of the person presiding at a meeting take part in the deliberations on any matter arising at the meeting but he shall not be entitled to vote on any such matter.

6. Decision by majority

(1) The decision of the Council on an inquiry shall be that of the majority of the members present and voting for the purpose of making a decision.

(2) For the purposes of making a decision on an inquiry, every member of the Council shall have one vote, and, in the event of an equality of votes, the chairperson shall have a casting vote.

7. Transition

The Council existing at the commencement of this Act shall stand dissolved upon the expiration of six months after the commencement of this Act and a new Council shall be constituted in accordance with the provisions of this Act.

[Act No. 27 of 2011.]

NO. 3 OF 1983

NURSES ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

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NURSES (LICENSING) REGULATIONS

[L.N. 125/1985.]

1. These Regulations may be cited as the Nurses (Licensing) Regulations.
2. An application for the issue of a licence to practise as a nurse shall be submitted to the Registrar in Form I set out in the Schedule and shall be accompanied by—
 - (a) the originals or legible certified photocopies of the applicant’s certificates and testimonials all of which shall be attested against the originals by the Registrar;
 - (b) a curriculum vitae;
 - (c) a clearance certificate from the Kenya Immigration Department;
 - (d) a certificate of good character issued by the employer of the applicant;
 - (e) a fee of eight hundred shillings.
3. Every applicant for the issue of a licence to practise as a nurse shall present herself for interview before two persons nominated by the Council for the purposes of the interview.
4. The Council shall approve all applications for licensing before the licences are issued.
5. A licence issued to practise as a nurse out in the Schedule shall be in Form II set out in the Schedule.
6. (1) A licence issued under these Regulations shall be valid for a period of two years; and on expiry may be renewed for a further period of one year by making an application in Form III set out in the Schedule.
 (2) The fee for the renewal of a licence shall be four hundred shillings.

SCHEDULE

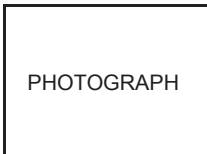
Form I

NURSING COUNCIL OF KENYA

Application for a Licence

(For Nurses Trained Outside Kenya)

(This space is for official use only)



Kenya
Licencing
Numbers

Date of application

Date application received

Credentials returned

.....

Identification

TO BE FILLED IN BY THE APPLICANT

(Please use Block Letters)

1. Full Name

(Surname) (Other Names)

Nurses

[Subsidiary]

SCHEDULE—continued

(iii) I hereby make application for my name to be entered on the register of Licensed Community Health Nurses maintained by the Council.

Training School (Name and Full Address) Exact Dates of Training From To Name of Registering/Enrolling Authority Registration/Enrolment No Date of Registration/Enrolment and Licence No. Last active date

(iv) I hereby make application for my name to be entered on the register of Licensed Psychiatric Nurses/Sick Children's Nurses maintained by the Council.

Training School (Name and Full Address) Exact Dates of Training From To Name of Registering/Enrolling Authority Registration/Enrolment No Date of Registration/Enrolment and Licence No. Last active date

Date Signature of applicant

CERTIFICATE OF GOOD CHARACTER

Mr/Mrs/Miss has been (Name of Applicant)

in our employment from to and I certify that during this period his/her conduct, suitability and reliability have been satisfactory. I further certify that to the best of my knowledge he/she has not been found guilty of professional misconduct or struck off the register or roll and I consider him/her to be a fit and proper person to be admitted to the register of Licensed Nurses.

Dated the , 20

Signed Full name Designation (Address of Employer)

TO BE COMPLETED BY THE NURSES REGISTRATION BOARD

Acting on behalf of the (Nursing Council or Registration Board which granted the original Reg./Enrol.) I hereby certify that (Surname) (Other Names) (Maiden Name if Applicable.) was issued with a certificate of registration/enrolment bearing the date and number and that the certificate was obtained by virtue of having

Nurses

[Subsidiary]

SCHEDULE—continued

completed a prescribed period of training and passed a national registration board examination and was last renewed in

(Province/State)

on Date

Has the Certificate/Licence ever been revoked?

YES NO

If yes, please give reasons

SEAL

Secretary or Registrar

Date

Form II

(r. 5)

LICENCE TO PRACTISE AS A NURSE

Licence Number The seal of the Council is hereunto affixed

It is certified that this day of

....., 20

was admitted to the register of Nurses licensed to practise

Expiry date..... Registrar's signature

..... Date

maintained by the Nursing Council of Kenya on and is entitled to take and use the title licensed as provided under section 16(1) of the

(Chairman's signature)

COUNCIL STAMP AND RENEWAL DETAILS

SEAL

NOTE

- (i) If renewal is required apply three months before the expiry date of the licence.
(ii) It is important to renew your licence otherwise you will be guilty of the offence under section 20(1) of the Nurses Act, 1983 (No. 3 of 1983) which is as follows—
Any person who, though eligible to be registered, enrolled or licensed under this Act, is not so registered, enrolled or licensed and who practises as a nurse of any of the categories referred to in section 12, 14 or 16 shall be guilty of an offence and liable to a fine not exceeding five thousand shillings.

SCHEDULE—continued

Licence number

Name

Note: The licensee is not proficient in the following—

- 1.
- 2.
- 3.
- 4.
- 5.

Chairman's signature

Date

Registrar's signature

Date

Form III

(r. 6)

APPLICATION FOR RENEWAL OF LICENCE

I. TO BE COMPLETED BY THE APPLICANT

I, Full name

(Surname)

(Other Names)

Licence No. Date of issue

hereby make application to renew my licence to practise as a

for a further period of one year as provided for under section 17(3) of the Nurses Act, 1983 (No. 3 of 1983).

Signed

Date

II. TO BE COMPLETED BY PRESENT EMPLOYER

Mr/Mrs/Miss

(Name of Applicant)

has been our employment from to and I certify that during this period his/her conduct, suitability and reliability have been satisfactory. I further certify that to the best of my knowledge he/she has not been found guilty of professional misconduct. I consider him/her to be a fit and proper person to be retained in the Record of Licensed Nurses to practise as a

for a further period of one year.

Date full legal names

Designation

Contact address

Stamp or seal of the institution.

Nurses

[Subsidiary]

SCHEDULE—*continued*

For official use only

Date of application

Date received

Date of renewal

Valid until

(Day)

(Month)

(Year)

NURSES (PRIVATE PRACTICE) REGULATIONS, 2009

ARRANGEMENT OF REGULATIONS

PART I – PRELIMINARY

Regulation

1. Citation.
2. Interpretation.
3. Application for a practising licence.

PART II – PRIVATE PRACTICE

4. Private practitioners.
5. Terms and conditions of private practice
6. Locum practice licence.
7. Unlicensed nurses.

PART III – PRIVATE PRACTICE PREMISES

8. Production of inspection report.
9. Licence to relate to the premises.
10. Display of licences.

PART IV – MISCELLANEOUS PROVISIONS

11. Licences property of the Council.
 12. Observation of the professional code of conduct.
 13. Employment of an assistant.
 14. Fees.
-

[Subsidiary]

NURSES (PRIVATE PRACTICE) REGULATIONS, 2009

[L.N. 184/2009.]

PART I – PRELIMINARY**1. Citation**

These Regulations may be cited as the Nurses (Private Practice) Regulations, 2009.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**licence**” means any of the class of licences issued under these Regulations;

“**licensee**” means any nurse issued with a valid licence;

“**private clinic**” means any health clinic where private practice is carried out.

3. Application for a practising licence

(1) A registered or enrolled nurse who wishes to practise as a nurse shall apply to the Council for a licence in the prescribed form.

(2) A licence issued under these Regulations shall permit the licensee to—

- (a) render medical or nursing care services in a government health institution;
- (b) render medical or nursing care services in a non-governmental health institution;
- (c) engage in locum practice; or
- (d) engage in full-time private practice in a clinic or a medical centre.

(3) Where an applicant has satisfied the conditions for the issue of any of the above class of licences, the Registrar shall within a period not exceeding fourteen days from the date of receipt of the application, issue the applicant with a licence.

PART II – PRIVATE PRACTICE**4. Private practitioners**

A nurse issued with a licence to engage in private practice under regulation 3(2)(d) shall—

- (a) write and display his name and qualifications in an unostentatious manner and in accordance with the code of professional conduct applicable to nurses:
Provided that a nurse shall not use any word to imply that a private clinic or a medical centre is a hospital or a nursing home;
- (b) keep in his private clinic adequate stock of essential drugs and maintain an accurate record of all drugs to which the Pharmacy and Poisons Act (Cap. 244) applies;
- (c) immediately notify the Medical Officer of Health in his area of practice any notifiable disease which has been treated at his clinic; and
- (d) where death occurs in his clinic, inform the Medical Officer of Health in his area of practice and the Officer Commanding Police Division in that area, without delay.

5. Terms and conditions of private practice

(1) The Council shall specify in every licence, the terms and conditions of the business and practice of a nurse engaged in private practice.

(2) A nurse licenced under these Regulations shall engage in the practice for which he is qualified and which is specified in the licence.

6. Locum practice licence

A nurse who wishes to practise as a locum shall apply for a licence in the prescribed form.

7. Unlicenced nurses

A registered or enrolled nurse who undertakes or offers medical or nursing care services without a valid licence commits professional malpractice.

PART III – PRIVATE PRACTICE PREMISES**8. Production of inspection report**

No nurse shall be issued with a licence to open and operate a private clinic unless he has produced to the satisfaction of the Council, an inspection report in the prescribed form.

9. Licence to relate to the premises

Every private practice licence shall be issued in respect of the premises named therein and shall not be displayed in any other premises without the written permission of the Council.

10. Display of licences

(1) A licensee shall display his licence in a conspicuous place at the premises to which it relates.

(2) A licensee who fails to display his licence in accordance with subregulation (1) commits professional malpractice.

PART IV – MISCELLANEOUS PROVISIONS**11. Licences property of the Council**

(1) All the licences issued by the Council shall be property of the Council.

(2) Any person who, not being a nurse, holds or destroys any licence of the Council or refuses to surrender or produce such a licence, commits an offence.

12. Observation of the professional code of conduct

All nurses shall, at all times, strictly observe the standards of ethics set in the Code of Professional Conduct for Nurses.

13. Employment of an assistant

Subject to these Regulations, a licensee may employ the services of an assistant who has undergone an approved training in nursing from an approved institution to undertake defined duties under the immediate supervision of the licensee.

(2) Where a licensee employs an assistant who does not have any medical training, the licensee shall ensure that the assistant does not undertake any form of medical treatment.

[Subsidiary]

14. Fees

(1) The Council may regulate the fees to be charged for consultations, visits, treatments and referrals in private clinics managed by nurses.

(2) The Council shall investigate and determine complaints relating to fees charged in private clinics by nurses.

**NURSES (NOMINATIONS AND ELECTIONS TO THE COUNCIL)
REGULATIONS, 2012**

ARRANGEMENT OF REGULATIONS

PART I – PRELIMINARY

Regulation

1. Citation.
2. Interpretation.

PART II – NOMINATIONS TO THE COUNCIL

3. Procedure for nomination of members to the Council.
4. Appointment of nominated members.

PART III – ELECTIONS TO THE COUNCIL

5. Appointment of returning officer.
6. Qualification for election.
7. Publication of notice of election.
8. Nomination of candidates.
9. Nomination papers.
10. List of nominated candidates.
11. Conduct of the election.
12. Counting of votes and declaration of elected members.
13. Determination by returning officer.
14. Written notice of results of the election.
15. Validity of election.
16. Appointment of elected members.

PART IV – MISCELLANEOUS

17. Election offences.
18. Revocation of L.N. 124/1985.

SCHEDULES

- FIRST SCHEDULE – QUALIFICATIONS FOR ELECTIONS
SECOND SCHEDULE – FORMS
-

[Subsidiary]

**NURSES (NOMINATIONS AND ELECTIONS TO THE COUNCIL)
REGULATIONS, 2012-09-21**

[L.N. 41/2012.]

PART I – PRELIMINARY

1. Citation

1. These Regulations may be cited as the Nurses (Nominations and Elections to the Council) Regulations, 2012.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**Council**” has the meaning assigned to it by the Act;

“**electd member**” means a member appointed to the Council as a result of an election in accordance with the provisions of section 4(1)(e)(i), (ii), (iii) and (iv) of the Act;

“**election**” means election held under these Regulations for the purpose of electing members in accordance with the provisions of section 4(1)(e)(i), (ii), (iii) and (iv) of the Act;

“**nominated member**” means a member appointed to the Council as a result of a nomination in accordance with the provisions of section 4(1)(e)(v), (vi), (vii) and (viii) of the Act.

PART II – NOMINATIONS TO THE COUNCIL

3. Procedure for nomination of members to the Council

(1) Within three months of a vacancy arising in the Council in respect of a nominated member or at least two months before the date on which a nominated member ceases to hold office upon expiry of the member’s term, each of the organizations specified in section 4(1)(e)(v), (vi), (vii) and (viii) of the Act shall nominate persons for appointment to the Council in accordance with this regulation.

(2) Each of the organizations referred to in section 4(1)(e)(v), (vi) and (vii) of the Act shall, through an open, competitive and transparent process amongst its members, nominate and submit to the Minister, the names of two persons of opposite gender who are qualified for appointment to the Council under section 4 of the Act.

(3) The organizations referred to in section 4(1)(e)(viii) of the Act shall, through an open, competitive and transparent process amongst its members, nominate and submit to the Minister, the names of four persons, half of whom shall be of opposite gender, who are qualified for appointment to the Council under section 4 of the Act.

(4) Upon receipt of the names under subregulation (3), the Minister shall, by notice in the *Gazette*, appoint—

- (a) three persons consisting of one person from each set of two names submitted by the each of the three organizations under subregulation (2); and
- (b) two persons from the four names submitted by the organizations under subregulation (3),

to be members of the Board.

[Subsidiary]

(5) In making the appointments under subregulation (4), the Minister shall ensure that the Council reflects the regional and other diversities of the people of Kenya and that not more than two-thirds of the members are of the same gender.

4. Appointment of nominated members

No person shall be appointed under regulation 3 unless such person—

- (a) is qualified in accordance with the Act; and
- (b) satisfies the requirements of Chapter six of the Constitution.

PART III – ELECTIONS TO THE COUNCIL

5. Appointment of returning officer

(1) The Council shall, within two months of a vacancy arising in the Council or at least four months before the date on which elected members cease to hold office, appoint a person to be the returning officer for the purpose of election of members under section 4(1)(e)(i), (ii), (iii) and (iv) of the Act.

(2) Subject to these Regulations, the returning officer shall—

- (a) not be a member of the Council;
- (b) be responsible for the conduct of the elections.

6. Qualification for election

(1) The qualifications of the various categories of elected members to be elected and the qualifications of persons entitled to nominate and to take part in the election of candidates of each of these categories shall be as specified in the First Schedule.

(2) In order to be eligible for election or to be entitled to nominate for or take part in the election a person shall be required to have the requisite qualifications on the date to be fixed by the returning officer as the last day on which nomination papers shall be received.

7. Publication of notice of election

The returning officer shall fix the last date on which nomination papers shall be received and at least twenty-one days before the date so fixed he shall cause notice of the election to be published in the *Gazette* and in at least two newspapers circulating in Kenya, which notice shall be as nearly as may be to Form A set out in the Second Schedule.

8. Nomination of candidates

Each candidate for election shall be nominated on a separate nomination paper signed by not fewer than three persons having the requisite qualifications for nominating the candidate.

9. Nomination papers

(1) Forms of nomination papers may, on application by post or otherwise, be obtained from the returning officer at the address referred to in subregulation (3) and in making the application it should be clearly stated for what part of the election the nomination form or forms are required.

(2) Every nomination paper shall contain the name, address and registered qualification, and other requisite qualifications, of any of the candidates nominated, and the address and registered qualifications of each of the persons nominating the candidate and shall be as nearly as may be in Form B set out in the Second Schedule.

[Subsidiary]

(3) Every nomination paper shall—

- (a) be accompanied by the declaration in writing in Form C set out in the Second Schedule signed by the person nominated, acknowledging that he consents to be nominated;
- (b) be accompanied by a fee of ten thousand shillings;
- (c) be addressed to the Returning Officer, Nursing Council of Kenya, P.O. Box 20056-00200, Nairobi, and delivered to him before the hour of 4 p.m. on the last day fixed by the returning officer for the receipt of nomination papers.

(4) Any nomination paper which is not received at the address referred to in subregulation (3) before the hour and day specified in that paragraph shall be invalid.

10. List of nominated candidates

As soon as possible after the time fixed for the receipt of nomination papers has expired, the returning officer shall publish at the offices of the Council a list of the duly nominated candidates and shall on the same day send a copy of that list by registered post to each of the candidates.

11. Conduct of the election

(1) The election of elected members of the Council shall be conducted in accordance with the provisions of this regulation.

(2) If the number of duly nominated candidates in respect of any category of elected members does not exceed the number to be elected in that category the returning officer shall forthwith declare those candidates to be duly elected.

(3) If the number of duly nominated candidates in respect of any category of elected members exceeds the number to be elected in that category, the returning officer shall as soon as possible prepare ballot papers and identification envelopes which shall be as nearly as may be to Form D set out in the Second Schedule.

(4) The ballot papers shall contain the names, addresses and registered qualifications of all candidates who have been duly nominated and shall state the last day on which ballot papers may be received and the place to which they are to be returned.

(5) If no nominations are received on the appointed day the returning officer may extend the date for returning the nomination papers by fourteen days.

(6) The returning officer shall, at least twenty-one days before the last day fixed for the receipt of ballot papers, cause a ballot paper to be forwarded by post to each person qualified to vote in the election in accordance with the First Schedule at his registered address, together with an identification envelope.

(7) Votes shall not be cast or accepted except on the ballot papers provided by the returning officers.

(8) Each person qualified to vote in the election shall mark the ballot paper delivered to him with an X against the name or names of the nominated candidate or candidates (not exceeding the number to be elected) for whom he votes and shall place the ballot paper inside the identification envelope, sign the declaration on the envelope, place it inside a covering envelope, and send it by post or otherwise to the returning officer at the address stated therein.

12. Counting of votes and declaration of elected members

(1) The returning officer shall, immediately after the last day fixed for receipt of ballot papers, ascertain the validity of the votes cast by the examination of identification envelope, open the envelope, examine and count the valid votes given for each candidate.

[Subsidiary]

(2) The examination, opening and counting of the votes under subregulation (1) shall be done by the returning officer in the presence of the candidates or their duly nominated representatives, of whom seven days' notice shall have been issued to their last known address, but the absence of a candidate or his representative to whom due notice has been given shall not in any way prevent the returning officer from proceeding with the examination, opening and counting of the votes.

(3) In each of the categories for which the election is held the candidates having the greatest number of votes shall be declared elected by the returning officer.

(4) In the event of equality of votes between two or more candidates the returning officer shall determine by lot which of the candidates whose votes are equal shall be declared elected.

13. Determination by returning officer

Any question arising with regard to the validity of a nomination or ballot paper shall be determined by the returning officer.

14. Written notice of results of the election

The returning officer shall forthwith deliver to every candidate a written notice of the result of the election and shall deliver to the Registrar for onward transmission to the Minister a list of candidates certified by him to have been elected showing the number of votes cast for each candidate.

15. Validity of election

(1) Any candidate unsuccessful at the poll may either personally or by agent appointed in writing, notify the returning officer within fourteen days after the declaration of the result of the elections, that he contests the validity of that part of the election in respect of which he was unsuccessful on the ground of non-compliance with the provisions of these Regulations, or of misdescription or miscount, or of the non-delivery or loss of any document.

(2) If after consideration of the contention disclosed in the notice, the returning officer is satisfied in respect of that part that the election was conducted substantially in accordance with the provisions of these Regulations and that any non-compliance, misdescription, miscount, non-delivery or loss did not affect the result of that part of the election, he may, within fourteen days of receiving the notice, so certify, and in that event he shall forward a copy of his certificate to the unsuccessful candidate, who may, within seven days of receiving that copy, appeal to the Minister.

(3) Where the returning officer does not certify in accordance with subregulation (2), he shall, not later than the fifteenth day after receiving the notice forward a copy thereof to the Minister together with such comments as he thinks fit.

(4) The Minister shall consider any appeal made under subregulation (2) or any notice received under subregulation (3) and his decision as to whether the result of the relevant part of the election was affected, shall be final.

16. Appointment of elected members

(1) Upon receipt of the names under regulation 15, the Minister shall, by notice in the *Gazette*, appoint the persons elected as members of the Council.

(2) No person shall be appointed under subregulation (1) unless such person—

- (a) is qualified in accordance with the Act; and
- (b) satisfies the requirements of Chapter six of the Constitution.

[Subsidiary]

PART IV – MISCELLANEOUS

17. Election offences

(1) Any person who—

- (a) commits the offence of personation, treating, undue influence or bribery as defined in the Elections Act, 2011 (No. 24 of 2011);
- (b) makes or publishes, before or during any election, for the purpose of promoting or procuring the election of any candidate, any false statement of withdrawal of any other candidate at such election;
- (c) forges, defaces or destroys any nomination paper, or delivers to a returning officer any nomination paper knowing it to be forged;
- (d) interferes with the ballot paper by removing, destroying, concealing or mutilating, or assists in the removal, destruction, concealment or mutilation, of any such material;
- (e) directly or indirectly prints, manufactures or supplies or procures the printing, manufacture or supply of any ballot paper in connection with the election save on the authority of the Council;
- (f) obstructs or hinders the returning officer, candidate or agent in the execution of their lawful duties;
- (g) makes a false statement or furnishes false particulars in any statement which is required under this Act knowing the statement or particulars to be false or without reasonable grounds for believing the same to be true;
- (h) forges, counterfeits, defaces or destroys any ballot paper or the official perforation, stamp or mark on any ballot paper or any campaign or promotional material of an opposing candidate;
- (i) sells or offers for sale any ballot paper to any person, or purchases or offers to purchase any ballot paper from any person;
- (j) without authority destroys, takes, opens, disposes of or otherwise interferes with any election material in use or intended to be used for the purposes of an election;
- (k) without authority prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election;
- (l) votes at any election when not entitled to vote; or
- (m) votes more than once in any election,

commits an offence.

(2) Any person who commits an offence under subregulation (1) shall be liable to a fine not exceeding ten thousand shillings or to imprisonment to a term not exceeding six months or to both such fine and imprisonment.

18. Revocation of L.N. 124/1985

The Nurses (Elections to Council) Regulations, 1985, are hereby revoked.

Nurses

[Subsidiary]

FIRST SCHEDULE

[Regulation 6.]

Qualification of person to be elected

Qualifications of persons entitled to nominate and take part in election

Registered midwife who is also a registered nurse practising the profession as a midwife at the time of election.

Registered midwives (i.e. those persons whose names for the time being appear on the register of midwives).

Registered community health nurse who is also a registered nurse practising the profession as a community health nurse at the time of election.

Registered community health nurses (i.e. those persons whose names for the time being appear on the register of community health nurses).

Registered psychiatric/mental health nurse practising the profession as a psychiatric/mental health nurse at the time of election.

Registered psychiatric/mental health nurses (i.e. those persons whose names for the time being appear on the register of psychiatric/mental health nurses).

Registered general nurses (i.e. nurses registered in the general part of the Register), who is practising the profession as a general nurse at the time of election.

Registered general nurses (i.e. those persons whose names for the time being appear on the register of nurses).

SECOND SCHEDULE

[Regulations 7, 8 and 11.]

Forms

Form A

NOTICE OF ELECTIONS TO THE NURSING COUNCIL OF KENYA

Notice is given that under the provisions of section 4(l)(e) of the Nurses Act, and regulation 7 of these Regulations, an election will be held for the following vacancies in the Council—

- (a) one registered midwife, to be elected by registered midwives;
(b) one registered community health nurse, to be elected by registered community health nurses;
(c) one registered psychiatric/mental health nurse, to be elected by registered psychiatric/mental health nurses;
(d) one registered general nurse, elected by registered general nurses.

Nominations are invited from Kenya Registered Midwives, Kenya Registered Community Health Nurses, Kenya Registered Psychiatric/ Mental Health Nurses and Kenya Registered General Nurses.

The nomination should reach the Returning Officer, c/o The Nursing Council of Kenya, P.O. Box 20056-00200, Nairobi, not later than

Form B

NOMINATION PAPER FOR ELECTION OF REGISTERED NURSES TO THE NURSING COUNCIL OF KENYA

Note.—Only a nurse registered and qualified in the area of speciality in which the candidate to be nominated is seeking election may sign this paper as a nominator.

We, the undersigned being nurses whose names appear on the register of nurses as for the Republic of Kenya hereby nominate(a) of(b) whose registration number is (c) and who is employed at.....(d) where he/she is engaged in(e)

[Subsidiary]

SECOND SCHEDULE—continued

FULL NAME (BLOCK LETTERS)

ADDRESS

REGISTERED QUALIFICATIONS AND NUMBERS

USUAL SIGNATURE

Date

This nomination paper must be signed by not less than three nominators and must be received by the Returning Officer, the Nursing Council of Kenya, P.O. Box 20056-00200, Nairobi, Kenya , not later than 4 p.m. on

- (a) Here insert full name of candidate as given in the register.
- (b) Here insert candidate's address.
- (c) Here insert candidate's registration number.
- (d) Here insert candidate's place of employment and his postal address.
- (e) Here insert candidate's present post.

Form C

(FORM OF DECLARATION TO BE ISSUED WITH NOMINATION PAPERS FOR USE BY NOMINATED CANDIDATE)

ELECTION TO THE NURSING COUNCIL OF KENYA

Date

I, (*) consent to be nominated as a candidate for election as representative of the nurses registered in the (!) to serve on the Nursing Council of Kenya.

I declare that the statement in the nomination paper regarding my qualifications is correct.

Signature Registration Number

Address

(*) Here insert full name, in block letters.

- (!) Here insert "General Part of the Register";
- or "part of the Register for Psychiatric/Mental Health Nurses";
- or "Register of Community Health Nurses";
- or "Register of midwives",
- as the case may be.

This declaration form, which must accompany the nomination paper, must be received by the Returning Officer, not later than

To: The Returning Officer,
Nursing Council of Kenya,
P.O. Box 20056-00200, Nairobi.

Nurses

[Subsidiary]

Form D

BALLOT PAPERS

BALLOT PAPER I
ELECTION OF ONE REGISTERED MIDWIFE NURSE

Electors Mark X	Names of candidates nominated	Present post and address of candidate nominated	Registered qualifications and Number
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BALLOT PAPER II
ELECTION OF ONE REGISTERED COMMUNITY HEALTH NURSE

Electors Mark X	Names of candidate nominated	Present post and address of candidate nominated	Registered qualifications and Number
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BALLOT PAPER III
ELECTION OF ONE REGISTERED PSYCHIATRIC/MENTAL HEALTH NURSE

Electors Mark X	Names of candidates nominated	Present post and address of candidate nominated	Registered qualifications and Number
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BALLOT PAPER IV
ELECTION OF TWO REGISTERED GENERAL NURSES

Electors Mark X	Names of candidate nominated	Present post and address of candidate nominated	Registered qualifications and Number
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IDENTIFICATION ENVELOPE

I, the undersigned, declare that I am the person to whom the enclosed ballot paper is addressed as above; that I am registered on the part of the register, and that I have not marked any other ballot paper in this part of the election.

.....
Signature
