

**THE NURSES ACT, 1983****No. 3 of 1983***Date of Assent: 18th May, 1983**Date of Commencement: By Notice***ARRANGEMENT OF SECTIONS***Section***PART I—PRELIMINARY**

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**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**

ENACTED by the Parliament of Kenya as follows:—

PART I—PRELIMINARY

Short title  
and commence-  
ment.

1. This Act may be cited as the Nurses Act, 1983, and shall come into operation on such day as the Minister may, by notice in the Gazette, appoint.

Interpretation.

2. 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 and 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 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. 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

Establishment  
of Council.

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.

Membership  
of Council.

4. (1) The Council shall consist of—

(a) the Director of Medical Services or a person deputed by him in writing for the purposes of this Act;

(b) the Chief Nursing Officer or a person deputed by him in writing for the purposes of this Act;

(c) the following persons appointed by the Minister—

(i) one person nominated by the Minister for the time being responsible for higher education;

(ii) two persons representing religious organizations providing health services in Kenya;

(iii) four persons nominated in the case of the first Council established under this Act, by the members of the Council established under the Nurses, Midwives and Health Visitors Act (now repealed), and, in the case of a subsequent Council nominated by the members of the outgoing Council established under this Act;

(iv) one registered and one enrolled nurse nominated by the National Nurses Association of Kenya;

(d) three registered nurses who are practising their profession as nurses at the time of election, one of whom shall be a nurse educator general and actively engaged in teaching general nursing, to be elected by those persons whose names for the time being appear on the register of nurses;

(e) three registered midwives who are also registered nurses practising their profession as midwives at the time of election, one of whom shall be a nurse educator midwifery and actively engaged in teaching midwifery at the time of election, to be elected by those persons whose names for the time being appear on the register of midwives;

(f) three registered community health nurses who are also registered nurses and registered midwives practising their profession as community nurses at the time

of election, one of whom shall be a nurse educator community health nursing and actively engaged in teaching community health at the time of election, to be elected by those persons whose names for the time being appear on the register of community health nurses;

- (g) two registered psychiatric nurses who are practising their profession as psychiatric nurses at the time of election, one of whom shall be a nurse educator psychiatric nursing and actively engaged in teaching psychiatric nursing at the time of election, to be elected by those persons whose names for the time being appear on the register of psychiatric nurses.

(2) All appointments and elections under this section shall be notified in the Gazette.

(3) The members of the Council appointed or elected under paragraphs (c), (d), (e), (f) and (g) of subsection (1) shall hold office for a period of three years and shall then retire but shall be eligible for reappointment or re-election.

(4) If, when nominations or elections are called for, no persons or an insufficient number of persons as required under subsection (1) are nominated for appointment or election to the Council, as the case may be, the Minister may appoint such persons to be members of the Council as may be necessary.

5. (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

Disqualification  
from office  
and filling of  
vacancies.

(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.

Appointment  
of chairman  
of Council.

6. (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.

Meetings of  
Council.

7. (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 six members.

Quorum.

8. (1) The quorum of the Council shall be fourteen, of whom at least seven shall be elected members; 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.

9. (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, facilities, conditions and environment of health institutions, and to take such disciplinary or appropriate measures as may be necessary to maintain proper standard of nursing care in health institutions;

Functions of Council and annual report.

- (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.

Appointment  
and powers of  
committees of  
Council.

10. (1) The Council shall appoint—

- (a) a Finance Standing Committee;
- (b) a General Purposes Standing Committee;
- (c) an Investigations Standing Committee; and
- (d) a Registration Standing Committee.

(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.



## PART III—REGISTRATION, ENROLMENT AND LICENSING

11. (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.

Appointment of Registrar and other officers.

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

Registers to be kept.

- (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.

Persons  
entitled to  
be registered.

**13.** 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 had 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.

Rolls to be  
kept.

**14.** (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.

Persons  
entitled to  
be enrolled.

**15.** 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. (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—

Record of  
licences to  
be kept.

- (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 practice 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. (1) Except as otherwise provided in this Act or in any regulations made thereunder, a person may be licensed to practise as a nurse if he satisfies the Council that he is of good character, has paid the prescribed fees, and 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 practice nursing in Kenya.

Licences.

(2) A licence to practice as a nurse shall be for such period, not exceeding two years, and for such purpose, the Council in each particular case may prescribe.

(3) On expiry a licence may be renewed for such further period, not exceeding one year, and for such purpose, as the Council shall, in any particular case prescribe.

(4) Where a licence granted under this section is renewed, details of the renewal shall be entered in the appropriate record.

(5) Where a licence expires and is not renewed, the name of the holder of the licence shall be removed from the appropriate record.

Use of titles.

**18.** (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 IV—MISCELLANEOUS PROVISIONS

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

**19.** (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 ten thousand shillings or to imprisonment for a term not exceeding twelve months 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 ten thousand shillings or to imprisonment for a term not exceeding twelve months 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.

20. (1) Any person who, though eligible to be registered, enrolled or licensed under this Act, is not so registered, enrolled or licensed and who practices 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.

Offence by persons eligible to be registered, enrolled or licensed.

(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 five thousand shillings.

21. (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—

Offences by persons conducting training courses or examinations without authority.

(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 ten thousand shillings or to imprisonment for a term not exceeding twelve months 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 five thousand shillings.

Employment of unregistered staff and entry of premises.

22. (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 ten thousand shillings or to imprisonment for a term not exceeding twelve months 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 five thousand shillings.

Certificates.

23. 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.

Falsification of registers, rolls or records.

24. 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 ten thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

25. (1) If the Council is satisfied in respect of any person registered, enrolled or licensed under this Act, that such person, whether before or after he became registered, enrolled or licensed—

Disciplinary  
powers of  
Council.

- (a) has been convicted of an offence punishable by imprisonment, the commission of which in the opinion of the Council has dishonoured him in the public estimation; or
- (b) has been guilty of negligence or malpractice in respect of his calling; or
- (c) has been guilty of impropriety or misconduct, whether in respect of his calling or not,

it may cause that person's name to be removed from the appropriate register, roll or record or suspend his registration, enrolment or licence for a period not exceeding twelve months:

Provided that the Council may cause the name of a person which has been removed from a register, roll or record to be restored to the appropriate register, roll or record.

(2) Upon any inquiry held by the Council under subsection (1), the person whose conduct is being inquired into shall be afforded an opportunity of being heard either in person or by an advocate.

(3) For the purpose of proceedings at any inquiry held by the Council, the Council may administer oaths and may, subject to any regulations made under section 26, enforce the attendance of persons as witnesses and the production of books and documents.

(4) 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 fails to do so shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

(5) Any person aggrieved by any decision of the Council 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.

**Regulations.**

**26.** (1) The Council, with the approval of the Minister, may 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 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. The Minister may, with the consent of the Treasury, out of moneys provided by Parliament— Finance.

- (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. (1) The Nurses, Midwives and Health Visitors Act, in this section referred to as the repealed Act, is repealed. Repeal and savings.  
Cap. 257.

(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 may be, 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.