



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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## Government Notice

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### MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 220

2017

REGULATIONS RELATING TO REGISTRATION OF NURSES, MIDWIVES AND ACCOUCHEUR SPECIALITIES AND ADDITIONAL QUALIFICATIONS, MAINTAINING OF REGISTERS AND RESTORATION OF NAME TO REGISTER: NURSING ACT, 2004

Under section 59 of the Nursing Act, 2004 (Act No. 8 of 2004), read with sections 27 and 33 of that Act, and on the recommendation of the Nursing Council of Namibia, I have -

- (a) made the regulations set out in the Schedule; and
- (b) repealed the regulations published under Government Notice No. 250 of 17 October 2008.

**B. HAUFIKU**  
**MINISTER OF HEALTH AND SOCIAL SERVICES**

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PART 1  
DEFINITIONS

**Definitions**

**1.** In these regulations, a word or an expression to which a meaning has been assigned in the Act bears that meaning and unless the context otherwise indicates -

“additional qualification” means an additional qualification, referred to in section 33(1)(a) of the Act, awarded by an educational institution and prescribed by regulation 8;

“certified” means certified as a true copy of the original by a commissioner of oaths appointed under section 5 or designated under section 6 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963);

“nurse, midwife and accoucheur” means any person registered under the Act as a nurse, a midwife or an accoucheur;

“speciality” means a specialty in nursing or midwifery referred to in section 33(1)(a) of the Act, awarded by and educational institution and prescribed by regulation 4;

“subjects or courses” means a subject or a course as prescribed by regulation 10; and

“the Act” means the Nursing Act, 2004 (Act No. 8 of 2004).

## PART 2 REGISTRATION OF NURSES, MIDWIVES AND ACCOUCHEURS

### **Application for registration as a nurse, midwife or accoucheur**

2. (1) An application for registration as a nurse, a midwife or an accoucheur under section 19 of the Act must be accompanied, in addition to the documents, particulars and payments specified in subsection (2) of that section, by -

- (a) a certified copy of the identity document or valid passport of the applicant; and
- (b) if the qualification on which the applicant relies for registration as a nurse, a midwife or an accoucheur is a qualification referred to in section 23(1)(a) of the Act, the original certificate of registration to practice as a nurse, a midwife or an accoucheur, issued by the relevant registration authority of the country where the applicant obtained the qualification.

(2) If the applicant referred to in paragraph (b) of subregulation (1) is not registered with the registration authority referred to in that paragraph, the applicant must, together with his or her application for registration submit -

- (a) a certificate, issued by the registration authority of the country in which the applicant obtained the qualification referred to in subregulation (1), certifying that the qualification that the applicant holds entitles him or her to be registered as nurse, midwife or an accoucheur in that country; or
- (b) if he or she had been previously registered, a certificate issued by the registration authority of the country in which the person obtained the qualification referred to in subregulation (1), confirming that the applicant has been registered in that country and his or her name has been removed from the register of that registration authority and the grounds for the removal.

(3) The Council may require the applicant contemplated in subregulation (1) to furnish proof of proficiency in the English language in a manner determined by the Council.

### **Additional education, tuition and training**

3. (1) When registering a person conditionally under section 23(2)(a) of the Act the Council must determine the additional education, tuition or training to be undertaken by the person so conditionally registered in order for him or her to qualify for registration as a nurse, a midwife or an accoucheur.

(2) Particulars of the additional education, tuition or training determined by the Council under subregulation (1), must be endorsed on the a certificate of conditional registration issued by the Council, under section 23(2)(b) of the Act, in the name of the person registered conditionally.

### PART 3

#### REGISTRATION OF SPECIALITIES AND ADDITIONAL QUALIFICATIONS

##### **Registrable specialities**

4. (1) The qualifications specified in Annexure A are the specialities prescribed under section 33(1)(a) of the Act that may be registered, subject to compliance with the requirements of these regulations, against the name of a person registered as a nurse, a midwife or an accoucheur under the Act.

(2) The education, tuition and training provided by an educational institution relating to a speciality prescribed by subregulation (1) must comply with the Act.

##### **Application for registration of speciality and submitting of particulars**

5. An application by a nurse, a midwife or an accoucheur in terms of section 33 of the Act, for the registration of a speciality must be accompanied, in addition to the documents, particulars and payments specified in subsection (3) of that section, by documentary proof that the applicant -

- (a) is registered to practice as a nurse, a midwife or an accoucheur in Namibia or if the applicant is not so registered, that such applicant is the holder of a qualification prescribed under section 18(1) of the Act that entitles him or her to registration as a nurse, a midwife or an accoucheur;
- (b) had practiced subject to subregulation (2), as a nurse, a midwife or an accoucheur for a period of not less than five years before submitting his or her application to the Council; and
- (c) obtained the speciality qualification after the full-time study of a period of not less than three years at a training hospital or other training facility recognised by the Council.

##### **Limitation on practising of specialities**

6. (1) A nurse, midwife or accoucheur registered as a specialist must limit the conduct of his or her practice to the registered speciality.

(2) A nurse, a midwife or an accoucheur may not practise more than one speciality at any point in time.

##### **Examinations, fees and treatment of patients**

7. (1) A nurse, midwife or an accoucheur registered as a specialist nurse, midwife or accoucheur may charge fees for conducting examinations or procedures relating to his or her patients, which examinations or procedures pertain to any other speciality, only if such examination or procedures are recognised by the Council as a generally accepted practice in the speciality for which the specialist nurse, midwife or accoucheur is registered.

(2) The fees chargeable for the conducting of examinations or procedures in accordance with subregulation (1) may not exceed the fees chargeable for corresponding examinations or pro-

cedures conducted by a specialist nurse, midwife or accoucheur practising such other speciality referred to in that subregulation.

(3) The examinations and procedures referred to in subregulation (1) and (2) must be conducted only for the benefit of patients of the specialist nurse, midwife or accoucheur.

(4) A specialist nurse, midwife or accoucheur must restrict his or her practice to the speciality registered in his or her name.

(5) A specialist nurse, midwife or accoucheur may treat any person who consults him or her directly, without a referral by a -

- (a) nurse, midwife or accoucheur not registered as a specialist;
- (b) specialist nurse, midwife or accoucheur;
- (c) dentist; or
- (d) medical practitioner.

(6) A specialist nurse, midwife or accoucheur who is consulted by a patient or who treats a patient must take all reasonable steps to ensure the co-operation of the medical practitioner who normally treats that patient.

#### **Registrable additional qualifications**

8. (1) The qualifications specified in Annexure B are the additional qualifications prescribed under section 33(1)(a) of the Act, which may be registered, subject to compliance with the requirements of these regulations, against the name of a person registered as a nurse, a midwife or an accoucheur under the Act.

(2) The education, tuition and training provided by an educational institution relating to an additional qualifications prescribed by subregulation (1) must comply with the Act.

#### **Requirements for registration of additional qualification**

9. An application in terms of section 33 of the Act for registration as an additional qualification must be accompanied by, in addition to the documents and particulars specified in subsection (3) of that section, a certified copy of the identity document or valid passport of the applicant.

#### **Subjects or courses that may be listed**

10. (1) The subjects and courses specified in Annexure C are the subjects and courses prescribed under section 33(1)(b) of the Act, which may be registered, subject to compliance with the requirements of these regulations, against the name of a person registered as a nurse, a midwife or an accoucheur under the Act.

(2) The education, tuition and training provided by an educational institution relating to a subject or course prescribed by subregulation (1) must comply with the Act.

#### **Requirements for listing of subjects or courses**

11. An application by a nurse, a midwife or an accoucheur in accordance with section 33 of the Act, to have a course or subject prescribed by regulation 9 listed against his or her name, must be accompanied by, in addition to the documents and particulars specified by subsection (3) of that section, a certified copy of the identity document or a valid passport of the applicant.

**Recognition of specialities, additional qualifications and subjects or courses obtained in and outside Namibia**

**12.** (1) The Council may recognise, for the purpose of registration or listing, specialities, additional qualifications, subjects or courses obtained in and outside Namibia, if -

- (a) the educational institution at which that person obtained that speciality, additional qualification, subject or course complies with the Act;
- (b) the registration authority responsible for the registration of a person to practise as a nurse, a midwife or an accoucheur in the country in which that person obtained the qualification, recognises that speciality, additional qualification, subject or course for registration or listing; and
- (c) that speciality, additional qualification, subject or course obtained in and outside Namibia, complies with the other requirements determined by the Council.

(2) A speciality, additional qualification, subject or course not listed by the Council but found, by resolution of the Council, to be of a standard of professional education equivalent to the qualification prescribed in terms of section 33(5) may be regarded as listed by the Council.

**PART 4****REGISTERS AND RESTORATION OF NAME TO REGISTER****Register of nurses, midwives and accoucheurs**

**13.** The register of nurses, midwives or accoucheurs established and kept in accordance with subsection (2) of section 25 of the Act, must contain, in addition to the particulars specified by subsection (3) of that section, particulars of -

- (a) the specialities, additional qualifications registered and the subjects or courses listed, against the name of the nurses, midwives or accoucheurs in accordance with subsection (4) of section 33 of the Act; and
- (b) any change in any of the particulars recorded in the register.

**Restoration of name to register**

**14.** An application by any person in accordance with section 27(2) of the Act for the restoration of his or her name to a register, must be accompanied by -

- (a) the original registration certificate issued under section 20(4)(b) of the Act or if for any reason the original certificate cannot be submitted, proof to the satisfaction of the Council that the applicant had been so registered; and
- (b) a certified copy of the identity document or valid passport of the applicant.

**PART 5****GENERAL****Language of forms and documents**

**15.** (1) Any form or document required to be submitted to the Council or to the Registrar in terms of these regulations must be in the English language.

(2) Any form or document referred to in subregulation (1), that is not in the English language must be accompanied by a sworn translation, of the form or document in the English language, acceptable to the Council.

#### ANNEXURE A

##### **Registrable Specialities (Regulation 4)**

The following qualifications may be registered as specialities to a Masters Degree in Nursing Science:

- (a) community health;
- (b) dermato-venereology;
- (c) gerontology;
- (d) mental health;
- (e) psychiatry;
- (f) midwifery ;
- (g) neonatology;
- (h) nephrology;
- (i) occupational health;
- (j) oncology;
- (k) ophthalmology;
- (l) orthopaedics;
- (m) paediatrics;
- (n) trauma and emergency care;
- (o) intensive care; or
- (p) critical care.

#### ANNEXURE B

##### **Registrable Additional Qualifications (Regulation 8)**

The following qualifications may be registered as additional to a post graduate diploma in Nursing Science;

- (a) clinical instruction;
- (b) critical care;
- (c) intensive care;

- (d) trauma and emergency care;
- (e) health promotion, clinical diagnosis and treatment;
- (e) health service management;
- (f) nursing management;
- (g) nursing education;
- (h) anaesthesiology;
- (i) community health;
- (j) dermato-venereology;
- (k) gerontology;
- (l) midwifery;
- (m) neonatology;
- (n) nephrology;
- (o) oncology;
- (p) ophthalmology;
- (q) orthopaedics;
- (r) paediatrics;
- (s) psychiatry;
- (t) mental health;
- (u) occupational health; or
- (v) operating room.

#### ANNEXURE C

##### **Subjects or Courses that may be listed (Regulation 10)**

The following subjects or courses may be listed, are subjects or a course in:

- (a) Emergency Care;
- (b) Operating Room;
- (c) Advanced Nursing Skills (Wound Care);
- (d) Pharmacotherapy;



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- (e) Clinical Instruction;
  - (f) Voluntary Medical Male Circumcision; or
  - (g) Phlebotomy.
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