

CHAPTER 257

NURSES AND MIDWIVES ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

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NURSES (ELECTIONS TO COUNCIL) REGULATIONS, 1985

[L.N. 124/1985.]

Revoked by L.N. 41/2012, r. 18.

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)

PHOTOGRAPH

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 and Midwives

[Subsidiary]

SCHEDULE, FORM I—*continued*

2. If a married woman give former name (i)
 (ii) Husband's initials
3. Name as inscribed on Diploma or Certificate

4. Permanent home address
5. Present Address
 (Notify the Registrar at once of any change of address)
6. Date and place of birth
 (Day) (Month) (Year) (Place)
7. Citizenship Languages spoken
8. State degree of proficiency to read, write, understand and speak English/Kiswahili
9. Present employment and address
10. Academic Education
 (High Schools Only)
- | (a) Name of School | Address | Dates Attended |
|--------------------|---------|---------------------|
| | | From to |
| | | From to |
- (b) Diploma or certificate obtained
11. List courses completed in other educational institutions e.g. University, Commercial Schools, etc.

PROFESSIONAL QUALIFICATIONS

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

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

- (ii) I hereby make application for my name to be entered on the register of Licensed Midwives maintained by the Council.

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

Nurses and Midwives

[Subsidiary]

SCHEDULE, FORM I —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	Name of Registering/Enrolling Authority
.....	From .....	.....
.....	.....	Registration/Enrolment No
.....	To	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	Name of Registering/Enrolling Authority
.....	From .....	.....
.....	.....	Registration/Enrolment No
.....	To	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 and Midwives

[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 (Cap. 257) 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, FORM II—*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 (Cap. 257).

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 and Midwives

[Subsidiary]

SCHEDULE, FORM III—*continued**For official use only*

Date of application

Date received

Date of renewal

Valid until

(Day)

(Month)

(Year)

NURSES (PRIVATE PRACTICE) REGULATIONS, 2009

[L.N. 184/2009]

Revoked by L.N. 73/2013, r. 12.

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

ARRANGEMENT OF REGULATIONS

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2. Interpretation.

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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.
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15. Validity of election.
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SCHEDULES

FIRST SCHEDULE –	QUALIFICATIONS FOR ELECTIONS
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[Subsidiary]

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

[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;

"elected 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.

(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.

(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.

[Subsidiary]**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.

(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.

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;

[Subsidiary]

- (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.

FIRST SCHEDULE

[Regulation 6.]

Qualification of person to be elected

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

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

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

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.

Qualifications of persons entitled to nominate and take part in election

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

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 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. 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, FORM B—*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.

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
--------------------	---------------------------------	---	--

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

NURSES (NURSING COMMODITIES) REGULATIONS, 2012

ARRANGEMENT OF REGULATIONS

PART I - PRELIMINARY

Regulation

1. Citation.
2. Interpretation.

PART II - APPROVAL OF NURSING COMMODITIES

3. Procedure for nomination of members to the Council.
4. Application and issuance of a licence.
5. Complaints on nursing commodities.

PART III - INSPECTIONS

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7. Places authorized officers may enter.
8. Powers of officers.
9. Use of records.
10. Entry of dwelling place.
11. Court to issue warrant.
12. Use of force.
13. Certificate of analysis.
14. Assistance of officers.
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PART IV - MISCELLANEOUS

17. Obstruction.
18. Offences against the Council.
19. General Penalty.
20. Nature of offences.
21. Nature of offences.

SCHEDULES

FIRST SCHEDULE—
SECOND SCHEDULE

NURSING COMMODITIES

NURSES (NURSING COMMODITIES) REGULATIONS, 2012

[L.N. 17/2013.]

PART I – PRELIMINARY**1. Citation**

These Regulations may be cited as the Nurses (Nursing Commodities) Regulations, 2012.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**authorized officer**” means an officer appointed under regulation 6;

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

“**Kenya Standard**” has the meaning assigned to it by section 2 of the Standards Act (Cap. 496);

“**licence**” means a licence issued under regulation 3;

“**nursing commodity**” means a commodity used by a nurse in the practice of nursing and includes any of the commodities specified in the First Schedule.

PART II – APPROVAL OF NURSING COMMODITIES**3. Approval by Council**

(1) Subject to such exemptions as may be specified by the Council, no person shall—

- (a) manufacture or otherwise produce;
- (b) sell or dispose of;
- (c) import or cause to be imported; or
- (d) export or cause to be exported,

any nursing commodity unless the commodity conforms to the relevant Kenya Standard and the person has obtained the prior approval of the Council signified by the grant of a licence as set out in these Regulations.

(2) For the purposes of paragraph (1), a nursing commodity shall be deemed to have been exported when it is placed on a ship, aircraft, train or any other vehicle within Kenya for the purposes of export.

4. Application and issuance of a licence

(1) A person who manufactures, sells, imports or exports any nursing commodity shall apply, to the Council for an appropriate licence or for a renewal of the licence.

(2) The application for a licence under paragraph (1) shall be in Form A set out in the Second Schedule and shall be accompanied with—

- (a) the relevant permit from Kenya Bureau of Standards evidencing compliance with the Kenya Standard;
- (b) certified copies of the certificate of registration or incorporation where the applicant is a firm or company together with a certified list of the partners or directors;
- (c) such fees as the Council may specify;
- (d) such other documentation as the Council may require.

(3) On receiving an application for a licence or for a renewal of a licence the Council may, issue to the applicant the appropriate licence or renew the licence.

(4) If the Council refuses to issue a nursing commodity licence, the Council shall notify the applicant in writing of the reasons for the refusal and give the applicant an opportunity to be heard.

(5) A licence issued under this Regulation shall—

- (a) be in Form B set out in the Second Schedule;
- (b) authorize the licensee to manufacture, sell, import or export any nursing commodity;
- (c) be specific with regard to the nursing commodity and person to whom it is issued;
- (d) be valid for a period of one year or such other period as the Council may determine at the time of granting or renewal;
- (e) contain such other conditions as the Council deems necessary to impose.

(6) A licence issued under this regulation may—

- (a) be amended at any time on written notice to the holder by the Council, if in its opinion, the amendment is necessary for the purposes of public safety;
- (b) be suspended or revoked by the Council if the holder fails to comply with the conditions contained in the licence or laid down in these Regulations .

(7) The Council may suspend a nursing commodity licence if the Council has reasonable grounds to believe that—

- (a) the licensee has contravened these Regulations or any provision of the Standards Act;
- (b) the licensee has made a false or misleading statement in the application;
- (c) the licensee has failed to comply with the terms and conditions of the licence;
- (d) the licensee has not complied with a request for information or samples made by the day specified in the request, or the information or samples provided are insufficient to enable the Council to determine whether the nursing commodity meets the safety and effectiveness requirements;
- (e) the nursing commodity no longer meets the safety and effectiveness requirements; or
- (f) on the basis of information obtained after the commodity was licensed, the quality management system under which the commodity has been designed, or manufactured, assembled, processed, packaged, refurbished or modified, is inadequate to ensure that the commodity meets its specifications.

(8) The Council shall not suspend a nursing commodity license until—

- (a) the Council has sent the licensee a written notice that sets out the reason for the proposed suspension, any corrective action required to be taken and the time within which it must be taken;
- (b) if corrective action is required, the time set out in the notice has passed without the action having been taken; and
- (c) the licensee has been given an opportunity to be heard in respect of the suspension.

5. Complaints on nursing commodities

(1) Any person may lodge a complaint to the Council in respect of a nursing commodity.

(2) A complaint under paragraph (1) shall be lodged in Form C set out in the Second Schedule and shall be accompanied by any supporting documentation as may be necessary.

(3) Upon receipt of a complaint under paragraph (1), the Council shall investigate the complaint and take any action as authorised in this regulation in relation to the licence granted to the person complained against.

(4) The licensee shall be given an opportunity to be heard during the investigations under this regulation.

PART III – INSPECTIONS

6. Authorised officers

(1) The Minister shall, upon recommendation by Council, appoint for each county, any person or class of persons to be authorised officers for purposes of these Regulations.

(2) The Minister shall issue a certificate of appointment to every person appointed under this regulation.

(3) Notwithstanding the provisions of this regulation, any person upon whom this law vests functions of maintenance of law and order,

shall be deemed to be authorised officers for the purposes of these Regulations.

7. Places authorized officers may enter

(1) For the purposes of ensuring compliance with these Regulations, an authorised officer may, at any reasonable time, enter any place in which the officer believes on reasonable grounds that any person or persons is in any way contravening the provisions of these Regulations.

(2) An authorised officer entering any premises under this regulation shall, if so required, produce for inspection by the person who is or appears to be in charge of the premises the certificate issued to him under regulation 6(2).

8. Powers of officers

In carrying out an inspection in any place pursuant to regulation 7, an authorised officer may—

- (a) examine any nursing commodity or anything referred to in that regulation;
- (b) require any person in such place to produce for inspection, in the manner and form requested by the officer, the nursing commodity or thing;
- (c) open or require any person in the place to open any container or package found in the place that the officer believes on reasonable grounds contains the nursing commodity or thing;
- (d) conduct any test or analysis or take any measurements; or
- (e) require any person found in the place to produce for inspection or copying, any written or electronic information that is relevant to the administration or enforcement of these Regulations.

9. Use of records

In carrying out an inspection in a place, an authorised officer may—

- (a) use or cause to be used any computer system in the place to examine data contained in or available to the computer system that is relevant to the administration or enforcement of these Regulations;
- (b) reproduce the data in the form of a print-out or other intelligible output and take it for examination or copying;
- (c) use or cause to be used any copying equipment in the place to make copies of any data, record or document;
- (d) scrutinize any other record system in use in that place.

10. Entry of dwelling place

An authorised officer may not enter a dwelling place except with the consent of the occupant or under the authority of a warrant issued under regulation 11.

11. Court to issue warrant

(1) Upon an *ex-parte* application, a magistrate or judge of the High Court, may issue a warrant authorising the authorised officer named in the warrant to enter and inspect a

dwelling place, subject to any conditions specified in the warrant, if the magistrate or judge is satisfied by information on oath that—

- (a) the dwelling place is a place referred to in regulation 10;
- (b) entry to the dwelling place is necessary for the administration or enforcement of these Regulations;
- (c) the occupant does not consent to the entry, or that entry has been refused or there are reasonable grounds for believing that it will be refused.

(2) The time of such entry shall be between six o'clock in the forenoon and six o'clock in the afternoon of any day of the week.

12. Use of force

An authorised officer executing the warrant issued under regulation 11 shall not use force unless such officer is accompanied by a police officer and the use of force is specifically authorised in the warrant.

13. Certificate of analysis

An authorised officer who has analyzed or examined any nursing commodity or thing under these Regulations, or a sample of it, shall issue a certificate or report setting out the results of the analysis or examination.

14. Assistance of officers

(1) The owner of a place inspected by an authorised officer under these Regulations or the person in charge of the place and every person found in the place shall—

- (a) provide all reasonable assistance to enable the authorised officer to carry out his duties under these Regulations;
- (b) furnish the authorised officer with such information as the officer reasonably requires for the purpose for which entry into the place has been made.

(2) The inspecting agent in paragraph (1) shall issue the respective inspection completion and certification certificate once satisfied with the inspection.

15. Seizure

(1) During an inspection under these Regulations, an authorised officer may seize any nursing commodity or thing by means of which or in relation to which the officer believes, on reasonable grounds, that these Regulations have been contravened and a full inventory thereof shall be made at the time of such seizure by the officer.

(2) The authorised officer may direct that any nursing commodity or thing seized be kept or stored in the place where it was seized or that it be removed to another place.

(3) Unless authorised by an officer, no person shall remove, alter or interfere in any manner with any nursing commodity or other thing seized.

(4) Any person from whom any nursing commodity or thing was seized may, within thirty days after the date of seizure, apply to the High Court for an order of restoration, and shall send notice containing the prescribed information to the Minister within the prescribed time and in the prescribed manner.

16. Order for restoration

(1) The High Court may order that the nursing commodity or thing be restored immediately to the applicant if, on hearing the application, the court is satisfied that—

- (a) the applicant is entitled to possession of the nursing commodity or thing seized; and
- (b) the nursing commodity or thing seized is not and will not be required as evidence in any proceedings in respect of an offence under these Regulations.

[Subsidiary]

(2) Where upon hearing an application made under paragraph (1) the court is satisfied that the applicant is entitled to possession of the nursing commodity or thing seized but is not satisfied with respect to the matters mentioned in paragraph (b) of paragraph (1), the court may order that the nursing commodity or thing seized be restored to the applicant on the expiration of one hundred and eighty days from the date of seizure if no proceedings in respect of an offence under these Regulations have been commenced before that time.

PART IV – OFFENCES

17. Obstruction

(1) No person shall obstruct or hinder, or knowingly make a false or misleading statement to an authorised officer who is carrying out duties under these Regulations.

(2) A person who contradicts the provisions of paragraph (1) commits an offence.

18. Offences against the Council

(1) Any person who—

- (a) knowingly provides false information to the Council; or
- (b) does anything calculated to improperly influence the Council or any authorized officer concerning any matter connected with the exercise of any power or the performance of any function of the Council; or
- (c) fails to produce any document or thing in his or her possession or under his or her control lawfully required by the Council to be produced,

commits an offence.

19. General penalty

Any person convicted of an offence under these Regulations for which no other penalty is provided shall be liable to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding one year, or to both.

20. Nature of offences

(1) Where a corporation, registered society or other similar legal entity commits an offence under these Regulations, any director or officer of the corporation, society or legal entity who acquiesced in the offence commits an offence shall, on conviction, be liable to the penalty provided for by these Regulations in respect of the offence committed by the corporation, society or legal entity, whether or not such corporation, society or legal entity has been prosecuted.

(2) In any prosecution for an offence under these Regulations, it shall be sufficient proof of the offence to establish that the offence was committed by an employee or agent of the accused.

(3) Any act done or omitted to be done by an employee in contravention of any of the provisions of these Regulations shall be deemed also to be the act or omission of the employer, and any proceedings for an offence arising out of such act or omission may be taken against both the employer and the employee.

21. Nature of evidence in proceedings

(1) In any prosecution for an offence under these Regulations, a copy of any written or electronic information obtained during an inspection under these Regulations and certified to be a true copy thereof shall be admissible in evidence and shall, in the absence of evidence to the contrary, be proof of its contents.

(2) Subject to this Part, a certificate or report purporting to be signed by an officer stating that the officer analyzed anything to which these Regulations applies and stating the results of the analysis, shall be admissible in evidence in any prosecution for an offence under these Regulations without proof of the signature or official character of the person appearing to have signed the certificate or report.

(3) The certificate or report may not be received in evidence unless the party intending to produce it has, before the trial, given the party against whom it is intended to be produced notice of not less than seven days of that intention together with a copy of the certificate or report.

(4) The party against whom the certificate or report provided for under paragraph (3) is produced may, with leave of the court, require the attendance of the officer for purposes of cross-examination.

(5) In a prosecution for a contravention of these Regulations-

- (a) information on a package indicating that it contains an nursing commodity is, in the absence of evidence to the contrary, proof that the package contains a nursing commodity; and
 - (b) a name or address on a package purporting to be the name or address of the person by whom the nursing commodity was manufactured is, in the absence of evidence to the contrary, proof that it was manufactured by that person.
-

Nurses and Midwives

[Subsidiary]

FIRST SCHEDULE

[Regulation 2]

NURSING COMMODITIES

Restricted purely for use by doctors, nurses and clinical officers in hospitals, clinics, nursing and medical schools.

NON PHARMACEUTICAL COMMODITIES

S/No.	Generic Name	Alternate Names
1	Abdominal cavity drainage tube	Celliac drainage tube
2	Abdominal drain set	
3	Abdominal sponges.	Abdominal pack
4	Airways	Oropharyngeal airways
5	Ambu bags	Bag valve mask
6	Combined anaesthetic and spinal kit	
7	High vacuum extractors	
8	Absorbable haemostat	Surgicel
9	Amniotic fluid swab	
10	Arterial venous fistula catheter	
11	Arteriovenous fistula needle.	
12	Autoclaving tape	Steam indicator tape
13	Bedside Drainage bag	leg bag
14	Blood giving sets	Transfusion sets
15	Blood lines haemodialysis tubing.	
16	Bone marrow needles	Bone marrow aspiration needles
17	Cardio Pulmonary Resuscitation masks	pocket face masks
18	Central venous catheter.	Central venous line
19	Central venous line.	
20	Chest drainage system	thoracostomy drainage system, under water seal drainage system.
21	Chest drainage tubes	thoracostomy tube, intercostal drainage tube, thoracic catheter.
22	Chiba needle.	
23	Circumcision devices	
24	Colostomy bags	Ileostomy
25	Combined anaesthetic kit	
26	Condoms	
27	Dial thermometers	Sundial

Nurses and Midwives

[Subsidiary]

S/No.	Generic Name	Alternate Names
28	Diaphragm	Midriff
29	Disposable anaesthetic filter	Disposable anaesthetic permeate
30	Disposable drainage pump	
31	Disposable injection needles.	
32	Elastogel	
33	Electro Cardiogram graph paper	
34	Electrocardiogram Electrodes	
35	Endotracheal tube connectors	
36	Endotracheal tubes	tracheal t-tube, intubation tube
37	Endotracheal tubes tapes	ET Adhesive Tape, ET tape
38	Enema tubings	
39	Enteral feeding bags	Nasogastric tube bag
40	Epidural needle	
41	Eye pad	
42	Feeding tubes	nasogastric tube
43	Finger dressing net	
44	Flat reels	
45	Flexible catheter mount	intersurgical flexible catheter mount, double swivel plastic disposable mount
46	Folley catheters	urethral catheters
47	Gibbon's catheter	
48	Haemodialysis Dialyzers	
49	Haemodialysis tubings	
50	High pressure vacuum drainage bottle	
51	I.V Flow regulator.	I.V Infusion control, regulator, clinical disposable I.V Regulator
52	Ileostomy bags	
53	Impregnated gauze	
54	Infusion sets	Fluid giving sets
55	Injection Syringes	
56	Inline filters	
57	Intra uterine contraceptive devices.	Endometrial contraceptive device
58	Intraoastal drainage bag	Chest drainage bag
59	Intravenous catheters	central venous catheters
60	Intravenous cannulae	

Nurses and Midwives

[Subsidiary]

S/No.	Generic Name	Alternate Names
61	Invalid air rings	circular Air Rings, Air cushions
62	IV Cannulae dressing	Medical I.v catheters dressing
63	Laryngeal Mask Airways (LMA)	
64	Luer lock	
65	Male external catheter	Condom catheter
66	Manual Vacuum Aspiration Kits	
67	Mouth to mouth face shield	
68	Mucous extractors	
69	Multi way stop cork	
70	Nasal catheters	
71	Nebulizer mouth piece kit	
72	Nebulizing kits	
73	Nelaton catheter	
74	Non woven swabs	
75	Oral vaccine droppers	
76	Oxygen filters	
77	Oxygen masks	
78	Oxygen recovery kit	
79	Oxygen set	
80	Perfusion catheter	
81	Plaster of paris	
82	Polyvinyl chloride anesthetic mask	
83	Polyvinyl chloride transparent wound dressing.	
84	Post partum girdle	
85	Rectal tubes.	
86	Reflux valve	
87	Respiratory exerciser	
88	Safety boxes	Injection safety box
89	Scalp vein needles	
90	Skeleton Traction kit	Bone traction kit
91	Skin grafting blades	
92	Skin staplers	
93	Skin Traction kit	Adhesive, non adhesive skin traction kit
94	Soffratulle	paraffin gauze non medicated

Nurses and Midwives

[Subsidiary]

S/No.	Generic Name	Alternate Names
95	Solusets	
96	Spigots	
97	Spinal needles	
98	Spunlace adhesive tape.	
99	Stent	
100	steri-drape	U-Drape, Patient isolation drapes, Surgical drapes, instrument pouch, C- arm darpe, large towel drape
101	Sterilization Prep Materials	Instrument Sorter/Protector, Sterilization Pouches, Film Sterilization Bags - "Breather Bags", Sterility Maintenance Bags, Sterilization closure bags, Sterilization Wrappers/ Tray Liners, Sterilization Wrappers, Sterilization Pouches, Sterilization Tubing, Breather Tubing, Sterilization Tubing, Sealing Tape
102	Sterilized dressing pad.	Gauze Bandages, Trauma Emergency Sterile Bandage, Dress Outdoor Pads Gauze, Gauze Sponges Pads Sterile
103	Sterilizing tape	Autoclaving tape, sterilization indicator tape
104	Suction catheters	Yankauer Suction Tubes, Kendall Suction Catheters — Tracheal Suction, Bronchial Suction, Red Rubber Suction Catheter, Bard Suction Catheters, Bronchial Suction Catheter Kit,
105	Suction tube	Non-Conductive Suction Tube, Pool Suction Tube, Non-Conductive Connecting Suction Tubes, Suction Irrigator Y Tube, Electrosurgical Coagulation Suction Tube(Stylet)
106	Surgical blades	Scapel, Lancet.
107	Surgical brush	Preoperative Surgical Scrub Brushes, Scrub brush
108	Surgical drains	Surgical Drain Tubes,
109	Surgical tapes	Surgical Drain Tubes, Microfoam Foam Surgical Tape, Durapore Surgical Tape, Micropore Paper, Hypoallergenic Surgical Tape White, zinc oxide strapping.
110	Suture needles	
111	Sutures	Surgical sutures

Nurses and Midwives

[Subsidiary]

S/No.	Generic Name	Alternate Names
112	T connector	Medical T connector
113	Theatre connecting tubes	
114	Tracheostomy masks	
115	Tracheostomy tubes	
116	Transpore Medical tape	Transpore Surgical Tape, Transpore Surgical Tape
117	Trochar catheters	
118	Tubular bandages applicator.	Tubular gauze applicator.
119	Umbilical catheters.	Umbilical venous catheter, Umbilical artery catheter
120	Umbilical Cord clamps	E Z clamp
121	Umbilical tapes	Umbilical Cotton Tape, Disposable Infant Umbilical Cord Care Tape.
122	Umbilicutter cord clamp and cutter	Umbilicutter
123	Urine bags	Urinary bags, Urine drainage leg bag
124	Urine collector.	Urine collection bags
125	Uterus drainage tubes.	Uterine cannulae
126	Vaccine carriers	
127	Vacuum delivery set	Vacuum Extractor Set
128	Vacuum suction unit	
129	Vent catheter	
130	Ventilator tubings	Mechanical ventilator tubing's, Anaesthesia circuit, breathing circuit.
131	Venturi mask.	Fixed concentration mask, venti- mask.
132	Venturi valve kit	Adjustable venturi mask kits
133	Water proof dressing	
134	X-ray detectable pledgets	
135	Y connector	Medical Y connector
	<i>Ward equipment.</i>	
1	Bed lockers	Bedside cabinet
2	Bed pans	
3	Diagnostic sets	
4	Drip stands	Infusion stands
5	Drug cupboard	Medicine cupboard

Nurses and Midwives

[Subsidiary]

S/No.	Generic Name	Alternate Names
6	Drug trolley	Medicine trolley/cart
7	Examination coaches	Examination bed
8	Examination lamps	Examination lights
9	Instrument trolley	
10	Laryngoscope sets	
11	Linen trolley	trolley for dirty and clean linen
12	Observation trays	
13	Patella harmer	reflex hammer
14	Patient bed with castors	hospital bed with castors
15	Patient stretchers/side rails	patient transport stretchers, turn away side rails
16	Sphygmomanometers	blood pressure machine
17	Stethoscopes	
18	Baby weighing scales	infant weighing scale, Paediatric weighing scale
19	Cardiac beds	
20	Delivery beds	Birthing beds
21	Fetal monitor	fetal Doppler
22	Fetoscope	
23	Incubators	infant incubator
24	Baby warmers	infant warmers
25	Photobox	phototherapy system, phototherapy stand
26	Photo therapy light	
27	Cots	infant, baby cot
28	Theatre sets	
29	Resuscitators	
30	Wash bowls	
31	Metallic basins	
32	Feeding trays	
33	Padded cross bar for exchange transfusion	
34	Bed blocks	
35	Bed cradles	
36	Catheterization trays	
37	5 litre jerican for ORS	
38	O R S cups	

[Subsidiary]

S/No.	Generic Name	Alternate Names
39	Splints	

PART TWO

• Restricted for use by doctors, nurses and other health professionals in hospitals, clinics, nursing and medical schools.

1	Alcohol pre-injection swabs	Medical swab, cleaning swab, preswab, alcohol pad
2	Bandages skin adhesive	Sticking plaster, elastoplast
3	Clinical thermometers	Medical thermometers
4	Gauze	
5	Identification bands	Bracelet, patient identification band
6	Medical masks	Procedure mask, surgical
7	Merceline tape	
8	Micropore tape	Microporous surgical tape
9	Montgomery straps	
10	Torniquet	
11	Wound dressing plaster	Wound sterilized dressing plaster, wound care plaster, wound adhesive plaster
12	Zig zag cotton wool	Cotton pleat
13	Zinc oxide strapping	Medical surgical strapping, Zinc oxide plaster

PART THREE

None restricted nursing commodities that can be used by in and out of hospitals but the Council is responsible for their use and quality.

1	Bandages	
2	Bin liners	
3	Cotton wool absorbent	
4	Diapers	Pampers
5	Disposable gloves	Medical gloves
6	Ethylene oxide tape	
7	Maternity band	
8	Maternity support belt	
9	Sanitary pads	Maternity pads, sanitary towels
10	Tongue depressors	Wooden/metallic tongue depressors
11	Triangular bandages	
12	Patient uniforms	
13	Hospital linen	

PART FOUR

Miscellaneous

1	Actiswab	Bactiswab
2	Adhesive remover	Skin adhesive remover
3	Alcohol disinfectant detergent	Alcohol based disinfectant
4	Alcohol hand rub	
5	Ice packs	
6	Vaccine carrier	
7	Instrument lubricant	
8	Bicarbonate concentrate	
9	Bone wax	
10	Spray tape remover	
11	Water based lubricant	KY jelly

[Subsidiary]

SECOND SCHEDULE

FORM A

(Regulation 4(2))

APPLICATION FOR LICENCE TO MANUFACTURE/ SELL/IMPORT / EXPORT
NURSING COMMODITY

1. Name of applicant.....

Postal Address.....

Physical Address.....

Tel.....

Fax.....

E-mail

2. Business Registration No*.....

3. Is this a New/Renewal application?

If Renewal, provide Registration No.....

4. Description of nursing commodity—

(i) Brief description of nursing commodity (commodities).....

(ii) Cost of the nursing commodity in KSh.....

5. Do you have manufacturer's certification?

Yes*.....No.....

6. Origin /destination of the nursing commodity—

(i) Point of origin and address.....

(ii) Destination and address.....

(iii) No. of packages.....

(iv) Mode of transportation and storage conditions.....

(v) Precautionary measures during transportation

7. Describe the purpose for which the nursing commodity(s) will be used (e.g. medical,
scientific, industrial, etc.).....

8. Declaration by Applicant:

I hereby declare and certify that the
information given in this application including attachments thereto is true and correct to the
best of my knowledge and belief.

Date.....

Signature:

Designation:.....

Official Stamp:

FORM B
(Regulation 4(5))

LICENCE TO MANUFACTURE/ SELL/IMPORT / EXPORT NURSING COMMODITY

File Ref. No. Licence Ref. No. Serial No.

This Licence/Certificate is Granted to:

Company's Reg. No. of P. O. Box Tel. No.

for the purpose of

at (physical location)

This licence is valid from to

Issued this day of Year

Issuing Officer:

.....

Registrar, Nursing Council of Kenya

Official Stamp

Conditions of Licence:

1.

2.

3.

FORM C
(Regulation 5(2))

Item description as per generic on the package

Name of the manufacturer

Date of manufacture

Date of expiry

Batch number

Country of origin

Date received

Source of goods

Quantity received

Quantity in stock

Type of complaint

Special comments

[Subsidiary]

Suggestions if any

Name of the complainant

Date of the complaint

Telephone of the officer.....

Designation

Email address

Signature

Dated the....., 2012.

**NURSES (ACCREDITATION OF TRAINING
COURSES) REGULATIONS, 2013**

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation.
2. Interpretation.
3. Purpose of accreditation of training courses.
4. Application for accreditation of training course.
5. Inspection team.
6. Accreditation of training course.
7. Register of accredited training course.
8. Publication of register.
9. Revocation or variation of certificate.
10. Evaluation of reports.
11. Offences.

SCHEDULE

NURSES (ACCREDITATION OF TRAINING COURSES) REGULATIONS, 2013

[L.N. 72/2013.]

1. Citation

These Regulations may be cited as the Nurses (Accreditation of Training Courses) Regulations, 2013.

2. Interpretation

In these Regulations, unless the context otherwise requires—

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

“**course standards**” means the standards prescribed under regulation 10;

“**diploma**” means a qualification based on a structured course in a given discipline attained after the full cycle of secondary institution education or its equivalent;

“**inspection team**” means the inspection team appointed under regulation 5;

“**nurse training institution**” means an institution registered or recognized under any law and which offers diploma or other courses for purposes of awarding a nursing qualification;

“**training course**” means a course of study offered by a nurse training institution for purposes of awarding a nursing qualification.

3. Purpose of accreditation of training courses

The Council shall undertake the accreditation of training courses so as to—

- (a) establish accreditation standards with the aim of fostering continuing improvement within the training courses;
- (b) provide for an evaluation process that is efficient and cost-effective for institutions involved in the training of nurses;
- (c) regulate the training courses while at the same time acknowledging and respecting the autonomy of the nurse training institutions ;
- (d) require persons seeking registration or enrolment under the Act to undergo a professional examination prior to registration or enrolment;
- (e) provide for continuous evaluation as a means of assessing whether the training courses consistently fulfil their goals; and
- (f) ensure co-operation with other institutions involved in overseeing the training of nurses so as to minimize duplication of activities.

4. Application for accreditation of training course

(1) Any nurse training institution offering a training course for the purpose of preparing persons to be awarded with certificates, diploma or degree in nursing may apply to the Council for accreditation of that training course in accordance with these Regulations.

(2) The application referred to in paragraph (1) shall be in Form A set out in the Schedule and shall be submitted together with—

- (a) a detailed statement in accordance with paragraph (3);
- (b) the relevant documentary evidence relating to the matters set out in paragraph (3);
- (c) such fees as the Council may from time to time specify.

(3) The statement referred to in paragraph (1) shall in detail outline the—

- (a) vision, mission, philosophy, aims and objects for which the institution is established;

- (b) particulars of incorporation or registration of the institution under any law;
- (c) form of governance through which the academic and administrative affairs of the institution shall be conducted;
- (d) curriculum of training courses offered by the institution including the—
 - (i) mechanism for curriculum design and development;
 - (ii) evaluation and assessment;
 - (iii) quality assurance mechanism;
- (e) student support services including guidance and counselling, student records and feedback mechanism;
- (f) list and academic qualifications of all members of staff on or expected to be on full-time employment with the institution;
- (g) list of the total number of students enrolled in each training course offered at the institution which list shall also specify the number of residential students;
- (h) size and quality of the library, information communication technology and equipment which have been developed for each course offered at institution;
- (i) financial resources available for the exclusive use of the institution, including the primary sources of funding and the existing budget, certified by an accountant qualified to practise as such under the Accountants Act but who is not an employee or a sponsor of the applicant; and
- (j) type, number and size of the physical facilities including buildings and land available for the exclusive use of the institution.

5. Inspection team

(1) Upon receipt of the application referred to in regulation 4, the Council shall appoint an inspection team which shall—

- (a) conduct a site visit to inquire into and ascertain the veracity of the particulars submitted under regulation 4;
- (b) inquire into the general academic, administrative and social affairs of the institution;
- (c) make such other investigations relevant to the accreditation process as it may deem necessary.

(2) The inspection team shall submit a factual and evaluative report of its findings under paragraph (1) to the Discipline, Standards and Ethics Committee within three months of the date of its appointment.

(3) Upon receipt of the report under paragraph (2), the Discipline, Standards and Ethics Committee shall consider the report, the application and all documentation relevant to the application and may suggest amendments to be made by the institution before the application is submitted to the Council for consideration.

6. Accreditation of training course

(1) Where; after full deliberation on the merits for accreditation of a training course, the Council is satisfied that—

- (a) the training course meet the course standards; and
- (b) the training institution has adequate human, physical, financial and other resources to carry out the training course;

the Council shall issue a certificate of accreditation of the training course in Form B set out in the Schedule upon such terms and conditions as it may deem necessary.

(2) A certificate of accreditation issued under paragraph (1) shall be valid for a period of five years from the date of issue.

[Subsidiary]

(3) Where the Council declines to issue a certificate of accreditation, it shall inform the institution of the conditions the institution needs to fulfil in order to qualify for issuance of the certificate and may grant a provisional accreditation to the nurse training institution for a period not exceeding two years so as to allow for correction of deficiencies identified.

(4) Where the training course sought to be approved is new in the market, the Council shall, in addition to the requirements of paragraph (1), be satisfied that the nurse training institution has—

- (a) provided to the Council sufficient statistical data to support the need for the new training course in Kenya;
- (b) identified the faculty to be employed at least three months prior to admission of the students;
- (c) identified clinical resources for the training course including a main teaching hospital and any other health facilities affiliated to the training institution which shall be used for provision of additional clinical or practical experiences if need arises;
- (d) provided a joint master rotation plan in areas where there are shared clinical resources between training institutions;
- (e) prepared a curriculum in line with the prescribed Nursing Council of Kenya syllabus based on sound educational concepts and detailed course description, identification of theoretical and clinical or practical hours, clinical objectives and placements.

(5) Where the applicant for accreditation is a new training institution, the Council may, upon compliance with regulations 5 and 6(1), grant initial accreditation for a period necessary to evaluate the ability of the institution to attain and maintain all the standards and regulations set for the training course.

7. Register of accredited training courses

(1) The Council shall maintain a register of the institutions whose training courses have been accredited under these Regulations.

(2) The register maintained under paragraph (1) shall contain the—

- (a) name, postal, website and physical address of the institution;
- (b) type and terms and conditions upon which a certificate of accreditation was granted; and
- (c) such other information that the Council may deem necessary.

(3) The name of the institution whose training courses have been accredited shall be entered in the register maintained under paragraph (2) and such institution shall be deemed registered with the Council as an institution offering accredited training courses.

8. Publication of register

The Council shall, once in a year, cause the particulars of the training courses and institutions accredited under this Regulations to be published in the *Gazette* and at least two newspapers of nationwide circulation.

9. Revocation or variation of certificate

(1) The Council may, on application by an institution or of its own motion revoke or vary the terms of a certificate of accreditation granted under these Regulations if it is of the opinion that—

- (a) the institution has failed to comply with directions for variation of terms;
- (b) the institution is in breach of the terms and conditions upon which the certificate of accreditation was issued;
- (c) the institution is no longer offering the accredited training courses for which the certificate was issued;
- (d) the institution has ceased being a nursing training institution;

- (e) such changes have occurred which if they were in existence at the time of application for the certificate of accreditation, the certificate would not have been granted; or
- (f) the revocation or variation is in the interest of nursing education in Kenya.

(2) The Council shall not revoke a certificate of accreditation unless it has issued a notice to the institution and the institution has, within twelve months from the date of the notice, failed to comply with the conditions set out in the notice.

(3) Where the Council revokes a certificate of accreditation, it shall issue a notice of the revocation to the affected institution and shall cause the notice to be published in the Gazette.

(4) A certificate of accreditation issued under these Regulations shall be deemed revoked on the date of publication of the notice under paragraph (3) but such revocation shall not—

- (a) affect the validity of training courses and academic awards granted by the institution before the date of revocation; or
- (b) affect the study of students admitted to the training courses before the date of revocation.

10. Evaluation of reports

(1) Every nurse training institution issued with a certificate of accreditation shall prepare and submit to the Council—

- (a) an annual report of its activities during the year; and
- (b) a detailed self-evaluation report every three years of the steps it has taken towards the achievement of the aims and objects for which it was established.

(2) The Council may conduct periodic investigations and evaluations of training courses accredited under these Regulations so as to ascertain their continued compliance with the accredited standards.

(3) The Council shall deliberate on the reports submitted under paragraph (1) or the results of the investigations carried out under paragraph (2) and make any comments or give any instructions for action to be taken by the nurse training institution and such comments or instructions shall specify whether or not the course standards are being complied with.

11. Offences

(1) A person or nurse training institution which advertises or in any other manner passes off the institution as an institution offering accredited training courses if a certificate of accreditation has not been granted to such an institution, or after such certificate has been revoked in accordance with these Regulations, commits an offence and is liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two years.

(2) A person who, without the written consent of the Council, uses the name of the Council in furtherance of or in connection with any advertisement for any trade, business, calling or profession, commits an offence and is liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

[Subsidiary]

SCHEDULE

FORM A

(Rule 4)

APPLICATION FOR ACCREDITATION OF A TRAINING COURSE

1. Name of institution
2. Postal and Physical Address
3. Telephone Mobile
4. (a) Date of incorporation or registration
(attach copy of certificate of incorporation)
- (b) Name and designation of chief administrator
- (c) Governing body
- (d) principle or proposed academic focus or discipline
- (e) Principle research focus
5. Number and type of training courses (i.e. degrees) certificates, diplomas,
(a)
(b)
(c)
5. Training course to be considered for Purposes of accreditation —
(a) name of the training course
.....
(b) minimum admission qualification
(c) number of students enrolled in the training course
7. Envisaged benefits of accreditation of training course for education in Kenya generally

I hereby apply for accreditation of the training course here in before mentioned

Dated at..... this day of

Name.....

Designation

Signature

Full postal address

FORM B

(Rule 6)

THE NURSES AND MIDWIVES ACT

Cap. 257)

CERTIFICATE OF ACCREDITATION OF A TRAINING COURSE

This is to certify that the training course referred to as
offered by
situated at
of Postal Address
is a training course that has met the academic excellence set by the Nursing Council
of Kenya.

NURSES (PRIVATE PRACTICE) REGULATIONS, 2013

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation.
2. Interpretation.
3. Application for practising certificate.
4. Failure to submit documents or information.
5. Grant of practising certificate.
6. Practising certificate terms and conditions.
7. Notification of change of particulars.
8. Approvals from other authorities.
9. Display of practising certificate.
10. Employment of an assistant.
11. Fees.
12. Revocation of L.N. 184/2009.

SCHEDULE

NURSES (PRIVATE PRACTICE) REGULATIONS, 2013

[L.N. 73/2013]

1. Citation

These Regulations may be cited as the Nurses (Private Practice) Regulations, 2013.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“**Code of Ethics**” means the Code of Professional Conduct for Nurses as may from time to time be issued or specified by the Council;

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

“**practising certificate**” means a practising certificate issued under section 17(8) of the Act.

3. Application for practising certificate

(1) A person who wishes to engage in private practice as a nurse shall apply to the Council for a practising certificate in accordance with section 17(7) of the Act.

(2) An application for a grant or renewal of practising certificate shall in Form A specified in the Schedule.

(3) An application for a grant or renewal of a practising certificate under paragraph (2) shall be accompanied by—

- (a) a non refundable fee of six thousand shillings where the applicant is a citizen;
- (b) a non refundable fee of one hundred thousand shillings where the applicant is a non citizen;
- (c) a detailed inspection report of where the applicant intends to carry out the practice containing such matters as may be specified by the Council including a description of the premises, its physical address, telephone number, facsimile number and e-mail address;
- (d) such other information that the Council may require.

(4) Where the nurse intends to practise under a business name or a limited liability company, the application under this regulation shall be accompanied by a certified copy and search of the business name or certificate of incorporation and other documentation clearly specifying the controlling interest which the applicant has in such a firm or company.

4. Failure to submit documents or information

(1) Where an applicant fails to submit all documents or information required under these Regulations, the Council shall reject the application and inform the applicant, in writing, of the rejection within twenty one days after the date of receipt of the application.

(2) Where the Council rejects an application due to incomplete or insufficient information, the rejection shall not, bar the applicant from re-submitting the application.

(3) The Council shall treat the re-submitted application as a new application.

(4) The Council may authorize the Registrar to act on its behalf for purposes of this regulation.

5. Grant of practising certificate

(1) The Council shall, if it is satisfied that the applicant has complied with the requirements under the Act and these Regulations, issue a practising certificate to the applicant in accordance with section 17(8) of the Act within thirty days of the date of receipt of the application.

(2) A practising certificate issued under these Regulations shall be in Form B set out in the Schedule.

6. Practising certificate terms and conditions

(1) The Council may specify the terms and conditions under which a practising certificate is issued consistent with the provisions of the Act and these Regulations.

(2) A nurse issued with a practising certificate under these Regulations shall—

- (a) only engage in the practise for which the nurse is qualified as specified in the practising certificate;
- (b) engage in locum practice or in full-time private practice in a clinic or medical centre;
- (c) display the practising certificate in a conspicuous place at the premises to which it relates;
- (d) at all times observe the standards of ethics set out in the Code of Ethics;
- (e) write and display his or her name and qualifications in an unostentatious manner and in accordance with the code of professional conduct applicable to nurses that a nurse shall not use any word to imply that a private clinic or a medical centre is a hospital;
- (f) 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;
- (g) immediately notify the Medical Officer of Health in his area of practice any notifiable disease which has been treated at his clinic; and
- (h) 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.

(3) A practising certificate issued to a non citizen nurse shall be valid for a period of two years or the period of which the period for which the purpose of the certificate is issued whichever is the earlier and may be renewed for a further period of one year in accordance with section 17(3) of the Act.

7. Notification of change of particulars

A nurse issued with a practising certificate under these Regulations shall notify and seek the approval of the Council for any —

- (a) proposed change of the name, contact address or other particulars filed with the Council at least thirty days before effecting such change; and
- (b) proposed change in ownership, control or proportion of shareholding of the firm or company, at least thirty days before the change is effected.

8. Approvals from other authorities

Notwithstanding that a practising certificate has been issued by the Council under these Regulations, the holder of a practising certificate shall bear the responsibility of obtaining the approvals of other relevant Government agencies that may be required for the provision of the nursing services including for the premises, or maintenance thereof.

9. Display of practising certificate

(1) A practising certificate issued under these Regulations 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.

(2) A nurse who fails to display the practising certificate in accordance with paragraph (1) commits professional malpractice.

10. Employment of an assistant

(1) Subject to these Regulations, a nurse to whom a practising certificate has been issued, may employ the services of an assistant who has undergone an approved training

[Subsidiary]

in nursing from an approved institution to undertake defined duties under the immediate supervision of the licensed nurse.

(2) Where a nurse to whom a practising certificate has been issued employs an assistant who does not have any medical training, the licensed nurse shall ensure that the assistant does not undertake any form of medical treatment.

11. Fees

(1) The Council shall specify the fees to be charged for consultations, visits, treatments and referrals in private clinics managed by a nurse to whom a practising certificate has been issued under these Regulations.

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

12. Revocation of L.N. 184/2009

The Nurses (Private Practice) Regulations, 2009 are revoked.

SCHEDULE

FORM A

Rule 3

APPLICATION FOR PRACTISING CERTIFICATE

The Registrar

Nursing Council of Kenya

P. O. Box 20056-00200,

NAIROBI.

PART I

Surname (Mr /Mrs / Miss/ Ms/ Dr./Prof)

(BLOCK LETTERS)

Other Names

(BLOCK LETTERS)

2. Postal Address

3. Email Address

4. Nurse's Registration Number Date of Registration

(Enclose copies of verified certificate)

5. I enclose a cash /cheque for KSh. in payment of the prescribed practising certificate fee which I understand is not refundable.

6. Work experience

I certify that, I have experience in the following areas (Please List and attach evidence and testimonials)

7. CPD CREDIT HOURS (where applicable)

I have attended various programmes organized by the Nursing Council of Kenya as shown here below and acquired the requisite CPD Credit Hours:

[illegible]

8. State the names and addresses of two (2) referees who are able to vouch for your professional ability and general character. Both referees must be registered nurses (in good standing) and with at least 7 years practising experience . Persons named here must not be related to the applicant by birth

Name	Reg. No	Contact Address
.	.	.
.	.	.
.	.	.
.	.	.
.	.	.

[Subsidiary]

PART II

10. I here by apply for the grant of a Practising certificate under the provisions of section 17 (7) of the Nurses and Midwives Act (Cap. 257). The details of my intended practice are as provided below:

11. Name and Style of practice.....

(Attach certificate of incorporation or firm name)

12. Main Address at which practice will be located:

Physical location.....

Town /District.

Mail Address.

Telefax No.

Email Address

13. Branch Offices (Where applicable)

Physical location.....Town /County

14. Names and contacts of existing partners, their Registration and

Practising Certificate numbers

Name	Registration No.	Practising Cert. No.	Residential Status
		.	.
.			
			.
.	.	.	.
.		.	.

15. State whether the Practice will be - Full time or Part time

16. Will the firm provide other related professional services apart from nursing services? Yes ☐ No ☐ If the answer is yes, list the other services planned to be offered

18. Declaration

(a) I hereby solemnly declare that the foregoing information is true to the best of my knowledge. I acknowledge that any statement contained anywhere in this application which is known to me to be false shall invalidate this application and any decision reached thereon by the Council.

(b) I further commit to fulfil any requirements set by the Nursing Council relating to Professional Standards, Continuous Professional Development (CPD), and any other professional pronouncement that are in force or may be introduced in the future.

Applicant's signature.....Date.....

FOR OFFICIAL USE ONLY

Application No.....	Date Received.....
Date Acknowledge.....	Receipt No..... Date.....
Approved/Rejected Min No	Deferred Min. No
Certificate Dispatch	Gazette Notice No.....
Chairman.....	Certificate Acknowledged.....
Registrar's Signature.....	Register.....
Date.....	Date.....

FORM B

Rule 5

THE NURSES AND MIDWIVES ACT

(Cap. 257)

PRACTISING CERTIFICATE

FOR THE YEAR.....

Practising Certificate No.

Description of Nursing Services to be offered

This practising certificate is granted toof.....

in respect of premises situate at..... Council of Kenya

This practising certificate is granted subject to the provisions of the Nurses and Midwives Act

(Cap. 257) and such conditions as may be specified by the Council in writing.

This practising expire on

Date of issue

Registrar.....

Dated the 18th February , 2013.