

LAWS OF BRUNEI

CHAPTER 140

NURSES REGISTRATION

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LAWS OF BRUNEI
REVISED EDITION 2016

CHAPTER 140
NURSES REGISTRATION
ARRANGEMENT OF SECTIONS

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NURSES REGISTRATION ACT

An Act to provide for the registration of nurses

Commencement: 1st January 1968

Citation

1. This Act may be cited as the Nurses Registration Act.

Establishment and constitution of Nursing Board

2. (1) For the purposes of this Act, there shall be established a Nursing Board for Brunei Darussalam (in this Act referred to as “the Board”).

(2) The Board shall be constituted in accordance with the provisions contained in regulations made under this Act.

Practising nurses to register

2A. No person shall practise nursing in Brunei Darussalam unless he is registered in the Register.

Registrar of Nurses

2B. The Director of Nursing Services shall be the Registrar of Nurses, who shall be responsible for the maintenance and custody of the Register and for the performance of such other duties in connection therewith as may be necessary.

Register of nurses

3. (1) For the purposes of this Act, there shall be a register of nurses to be known as the Register.

[S 11/2014]

(1A) Subject to and in accordance with this Act, the Register shall be in such form as the Board may determine and the names of all persons included in the Register shall be published annually in the *Gazette*.

[S 11/2014]

(2) The Register shall consist of the following parts —

(a) a part containing the names of all nurses who satisfy the conditions of admission to that part of the Register;

(b) a part containing the names of nurses trained in the nursing and care of persons suffering from mental diseases;

(c) a part containing the names of nurses trained in the nursing of sick children;

(d) a part containing the names of nurses trained in the nursing of persons suffering from tuberculosis or other infectious diseases;

(e) a part containing the names of all hospital assistants; and

(f) any other prescribed part:

Provided that where a person satisfies the Board of conditions of admission to any part of the Register, his name may be included in such part or parts of the Register.

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

(4) Any reference in this Act or any regulations made thereunder to the Register shall, unless the context otherwise requires, be deemed to include a reference to any part of the Register, and the expression “registered” shall be construed accordingly.

[S 11/2014]

Regulations

4. (1) Subject to the provisions of this Act, the Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, may make such regulations for all or any of the following purposes —

[S 11/2014]

(a) to regulate the formation, maintenance and publication of the Register;

(b) to regulate the conditions of admission to the Register;

(ba) to regulate the issue and renewal of practising certificates;

[S 11/2014]

(c) to regulate the conduct of any examinations which may be prescribed as a condition of admission to the Register and any matters ancillary to or connected with any such examinations;

(d) to prescribe the causes for which the conditions under which and the manner in which nurses may be removed from, or refused registration in the Register, and the procedure for the restoration to the Register of nurses who have been removed therefrom;

[S 11/2014]

(e) to prescribe the constitution of the Board and to regulate the summoning of meetings of the Board and the proceedings (including the *quorum*) of the Board;

(f) to enable the Board to constitute committees and to authorise the delegation to committees of any of the powers of the Board and to regulate the proceedings (including the *quorum*) of committees;

(g) to prescribe the fees to be payable;

(h) generally to make provision for any matters regarding which the Minister considers that provision should be made for the purposes of carrying this Act into effect (including provision for the issue of certificates to nurses registered under this Act and with respect to the titles which may be used and the uniforms or badges which may be worn by nurses so registered), and to prescribe anything which under this Act is to be prescribed.

[S 11/2014]

(2) Regulations under this section shall contain provisions —

(a) requiring as a condition of admission of any person to the Register that person shall have undergone the prescribed training, and shall possess the prescribed experience, in the nursing of the sick;

(b) requiring that the prescribed training shall be carried out either in an institution approved by the Board in that behalf or in the service of the Admiralty, the Army Council or the Air Council; and

(c) enabling persons who, within a period of 2 years after the date on which the regulations to be made under the provisions of this paragraph comes into operation, make an application in that behalf (in this Act referred to as “an existing nurse’s application”) to be admitted to the Register on producing evidence, to the satisfaction of the Board, that they are of good character, are of the prescribed age, and are persons who were before the coming into force of the Act *bona fide* engaged in practice as nurses in attendance on the sick under conditions which appear to the Board to be satisfactory for the purposes of this provision and have adequate knowledge and experience of the nursing of the sick.

Admission to Register of persons trained outside Brunei Darussalam

5. (1) Any person whose name is registered in any part or parts of —

(a) the Register kept by the General Nursing Council for England and Wales;

(b) the Register kept by the General Nursing Council for Scotland;

(c) the Register kept by the Joint Nursing and Midwives Council of Northern Ireland;

(d) the Register kept by the General Nursing Council for Eire; or

(e) the Register kept by the Nursing Board of the Federation of Malaysia or the Republic of Singapore,

and who produces a certificate from the Council or the Board, as the case may be, of any of the territories (as the case may be), certifying that his name is so registered as a nurse, shall, upon —

(i) making an application in the prescribed manner;

(ii) satisfying the Board of his identity and good character;
and

(iii) paying the fee prescribed for ordinary applications,

for registration under the Act, be entitled to be registered in a corresponding manner under this Act.

(2) If any person —

(a) proves to the satisfaction of the Board that he has been trained in any place outside Brunei Darussalam where the standard of training and examination is not lower than the standard of training and examination required under this Act, either as a general nurse or hospital assistant for the sick, or as a nurse or hospital assistant in some special class; and

(b) satisfies the Board of his identity and good character,

the Board may, either after examination or without examination upon payment of a small fee prescribed for registration under this Act, direct that such person shall be registered in the appropriate part or parts of the Register.

Appeal against removal from Register or against refusal to approve institution

6. (1) Any person aggrieved by the removal of his name from, or refusal to enter his name in, the Register may, within 3 months after the date on which notice has been served on him by the Board that his name has been so removed, appeal against the removal to the Minister, and on such appeal the Minister may give such directions in the matter as he thinks proper.

[S 11/2014]

(2) Any person aggrieved by the refusal of the Board to approve any institution for the purpose of the regulations under this Act relating to training may appeal against the refusal to the Minister and the Minister may give such directions therein as he thinks proper and the Board shall comply with any directions so given.

[S 11/2014]

Service of notice

7. Any notice, directed to be served on any person under the provisions of this Act or the regulations made thereunder, shall be deemed to have been served on such person if such notice has been posted by registered post to his address given in the Register, or if such person be not registered, then to the address furnished by him to the Board.

Procedure on appeal

8. (1) Every appeal under section 6 shall be by means of a written petition and such petition, unless otherwise provided, shall be presented

within 14 days of the date of service of the decision of the Board on the person concerned.

(2) With such petition, the Minister may consider any written reply of the Board to such petition.

[S 11/2014]

(3) The decision of the Minister on such petition shall be final.

[S 11/2014]

Offences

[S 11/2014]

9. (1) Every person who —

(a) not being a person duly registered under this Act, practises nursing;

[S 11/2014]

(aa) not being a person duly registered under this Act, takes or uses the title of registered nurse or its equivalent in any other language, either alone or in combination with any words or letters, or uses any name, title, addition, description, uniform or badge implying that he is registered under this Act or is recognised by law as a registered nurse, or uses any title, uniform or badge prescribed for the use of nurses registered under this Act;

[S 11/2014]

(b) being a person whose name is included in any part of the Register, uses any name, title, addition, description, uniform or badge, or otherwise does any act of any kind, implying that his name is included in some other part of the Register in which it is not included; or

(c) with intent to deceive, makes use of any certificate of registration as a nurse issued under this Act to him or to any other person,

shall on conviction by a Court of a Magistrate be liable to a fine of \$3,000 and imprisonment for 12 months.

(2) Every person who wilfully makes or causes to be made any falsification in any matter relating to the Register shall on conviction by a

Court of a Magistrate be liable to a fine of \$6,000 and imprisonment for 12 months.

Employment of person not registered to practise nursing [S 11/2014]

10. (1) No person shall employ or engage a person who is not a person duly registered under this Act to practise nursing.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable on conviction to a fine not exceeding \$10,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$20,000, imprisonment for a term not exceeding 6 months or both.

(3) Subsection (1) does not apply to the employment or engagement of —

(a) a medical practitioner;

(b) a person to care for —

(i) the person employing or engaging him; or

(ii) a family member, relative or friend of the person employing or engaging him.

(4) In any proceedings for an offence against this section, it shall be a defence for a defendant to prove that —

(a) he did not know that the person concerned was a person not duly registered under this Act; and

(b) he had exercised due diligence to ascertain if that person was a person duly registered under this Act.

SUBSIDIARY LEGISLATION

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**NURSES REGISTRATION ACT
(CHAPTER 140)**

**NURSES REGISTRATION (NURSING BOARD FOR
BRUNEI) REGULATIONS**

S 23/2002
Amended by
S 91/2006

REVISED EDITION 2016

SUBSIDIARY LEGISLATION

**NURSES REGISTRATION
(NURSING BOARD FOR BRUNEI) REGULATIONS**

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation
 2. Constitution of Board
 3. Membership of Board
 4. Meetings of Board
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SUBSIDIARY LEGISLATION

Regulations made under section 4(1)(e)

NURSES REGISTRATION
(NURSING BOARD FOR BRUNEI) REGULATIONS**Citation**

1. These Regulations may be cited as the Nurses Registration (Nursing Board for Brunei) Regulations.

Constitution of Board

2. The Nursing Board for Brunei is hereby constituted.

Membership of Board

3. (1) The Board shall consist of the following members —

(a) the Director of Nursing Services, who shall be the chairman;

(b) three Principal Nursing Officers;

(c) the Principal of the Pengiran Anak Puteri Rashidah Sa'adatul Bolkiah College of Nursing;

(d) three Senior Nursing Officers;

(e) a nursing officer from the Panaga Health Centre;

[S 91/2006]

(f) a senior administrative officer from the Ministry of Health;

(g) a medical officer;

(h) a former nurse.

(2) The members of the Board shall be appointed by the Minister for such period as he may think fit and shall be eligible for re-appointment.

(3) The Minister shall appoint one of the members of the Board referred to in sub-regulation (1)(d) to be the secretary.

(4) Notice of appointments under sub-regulation (1) shall be published in the *Gazette*.

[Subsidiary]

(5) In this regulation, “Minister” means the Minister of Health.

Meetings of Board

4. (1) In the absence of the chairman from any meeting of the Board, the members present shall elect from amongst themselves a person to be the chairman for that meeting.

(2) Eight members present shall form the *quorum* of a meeting.

(3) Subject to these Regulations, the Board may determine its own procedure.

**NURSES REGISTRATION ACT
(CHAPTER 140)
NURSES REGISTRATION REGULATIONS**

S 12/2014

REVISED EDITION 2016

SUBSIDIARY LEGISLATION

NURSES REGISTRATION REGULATIONS

ARRANGEMENT OF REGULATIONS

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SCHEDULE — FEES

SUBSIDIARY LEGISLATION

Regulations made under section 4

NURSES REGISTRATION REGULATIONS

Commencement: 1st March 2014
[S 12/2014]

Citation

1. These Regulations may be cited as the Nurses Registration Regulations.

Interpretation

2. In these Regulations, unless the context otherwise requires —

“Registrar” means the Registrar of Nurses referred to in section 2B.

Qualifications for registration

3. No person shall be registered in the Register unless —

(a) he holds a certificate to show that he has undergone such training in such institutions as the Board may approve and for such duration as the Board may determine; or

(b) he has passed such examinations as the Board may conduct pursuant to regulation 14.

Application for registration

4. (1) Any person who wishes to be registered in the Register shall apply to the Board in such form and accompanied by such documents and particulars as the Board may determine.

(2) Upon being satisfied with the application and upon payment of the fee prescribed in the Schedule, the Board shall direct the Registrar to enter the name of the applicant in the Register.

Refusal to register

5. (1) The Board shall direct the Registrar not to enter in the Register the name of any applicant who —

(a) has been convicted of any offence which in the opinion of the Board renders him unfit to be registered;

[Subsidiary]

(b) after due inquiry by the Board, has been found by the Board to have been guilty of infamous conduct in any professional respect or otherwise not of good character and reputation; or

(c) in the opinion of the Board, is unable to carry out the duties of a nurse effectively in Brunei Darussalam.

(2) No direction shall be given under sub-regulation (1) unless the Board has given the applicant a notice in writing of its intention to do so and an opportunity of being heard either personally or by counsel.

(3) A direction under sub-regulation (1) shall not take effect until the expiration of 30 days from the date on which the direction was communicated to the applicant in writing or, where an appeal against the direction has been made under section 6(1), until the appeal has been determined or withdrawn.

Issue of Certificate of Registration

6. (1) Where a person has had his name entered in the Register pursuant to regulation 4(2), the Board shall direct the Registrar to issue to him a Certificate of Registration and a badge, in such form and subject to such conditions as it may determine.

(2) Any condition referred to in sub-regulation (1) shall be endorsed on the Certificate of Registration.

Entry of higher qualifications

7. Any registered nurse who has obtained any higher nursing qualification than the qualification in respect of which he has been registered shall be entitled to have such higher qualification inserted in the Register in substitution for or in addition to the qualification previously registered.

Practising certificate

8. (1) A registered nurse who desires to obtain a practising certificate shall apply to the Board in such form and manner as the Board may determine.

(2) The application referred to in sub-regulation (1) shall be accompanied by the fee prescribed in the Schedule.

(3) A practising certificate shall be valid for such period as the Board may determine.

(4) An application for the renewal of a practising certificate shall be made no later than 30 days before the expiration of the practising certificate and shall be made in such form and manner as the Board may determine.

(5) A registered nurse who applies for a practising certificate later than 30 days before the expiration of the practising certificate shall be liable to pay to the Board such late application fee as may be prescribed in the Schedule.

(6) The Board may refuse —

(a) to issue a practising certificate to a registered nurse; or

(b) to renew the practising certificate of a registered nurse,

if the registered nurse fails to comply with any condition which may be imposed as the Board may determine.

(7) Where a registered nurse has had his name removed from the Register on any of the grounds specified in regulation 11 or suspended under regulation 12, he shall surrender his practising certificate to the Board within 14 days of such removal and his practising certificate shall be cancelled.

(8) Any person who fails to comply with sub-regulation (7) is guilty of an offence and liable on conviction to a fine not exceeding \$500.

Temporary permit to practise

9. (1) Notwithstanding anything to the contrary in these Regulations, the Board may, upon application in writing, issue to any person who is a nurse registered outside Brunei Darussalam, a temporary permit to practise in Brunei Darussalam as a nurse subject to such conditions as the Board may specify in such permit for a period not exceeding one year, and such permit shall not be renewable upon its expiry.

(2) The holder of a temporary permit to practise, while the permit remains in force subject to the conditions therein, shall be considered for the purposes of the Act, to be registered.

(3) The Board may, at any time, cancel any temporary permit to practise issued under sub-regulation (1) without assigning any reason therefor and the permit shall thereupon cease to be in force.

Changes in Register

10. (1) Any change in the name, address and any other particulars of any registered nurse shall be notified by him within 14 days of such change to the Registrar, who shall thereupon amend the Register accordingly.

[Subsidiary]

(2) Where any such change affects any particular that has been printed on a certificate, the certificate shall accompany the notice referred to in sub-regulation (1), to be surrendered to the Board for cancellation and upon payment of the fee prescribed in the Schedule, the Board shall, as soon as practicable, issue a replacement certificate.

(3) In this regulation, “certificate” means a Certificate of Registration and a practising certificate.

Removal of name from Register

11. (1) The Board may direct the Registrar to remove the name of any nurse from the Register if—

(a) he has died;

(b) he has ceased to practise;

(c) in the opinion of the Board, his registration has been obtained by fraud or misrepresentation;

(d) he has been registered through an error as to his qualification for registration;

(e) his qualification for registration has been withdrawn, suspended or cancelled by the authority through which it was acquired or by which it was awarded;

(f) he has been convicted of an offence which in the opinion of the Board renders him unfit to remain in the Register;

(g) he has been found guilty of any misconduct or negligence which in the opinion of the Board renders him unfit to remain in the Register;

(h) he is suffering from ill-health which in the opinion of the Board would render him permanently unfit to perform the functions of a nurse.

(2) No direction shall be given under sub-regulation (1) other than by virtue of paragraph (a), unless the Board has given the nurse a notice in writing of its intention to do so and an opportunity of being heard either personally or by counsel.

(3) A direction under sub-regulation (1), other than by virtue of paragraph (a), shall not take effect until the expiration of 14 days from the date on which the direction was communicated to the nurse in writing or, where an appeal against the direction has been made under section 6(1), until the appeal has been determined or withdrawn.

(4) Any direction under sub-regulation (1) has the effect of cancelling the Certificate of Registration from the date the direction takes effect.

(5) Any person whose name is directed to be removed from the Register under sub-regulation (1) shall, within 14 days of the giving of the direction, surrender to the Board the Certificate of Registration, and if he fails to do so, is guilty of an offence and liable on conviction to a fine of not exceeding \$500.

Suspension of registration

12. The Board may, instead of giving a direction to the Registrar to remove the name of a nurse from the Register under regulation 11(1), suspend the registration of that nurse for a period not exceeding 12 months and an endorsement shall accordingly be made by the Registrar against the name of that nurse in the Register.

Restoration of name to Register

13. The Board may restore to the Register the name of any nurse removed therefrom, other than under regulation 11(1)(a), (c) and (d), subject to such conditions as the Board may determine, upon application in such form and on payment of the fee prescribed in the Schedule.

Examinations

14. The Board may conduct such examinations as it thinks necessary to enable persons to be qualified to be registered.

Replacement of lost or defaced certificate or badge

15. (1) Where it is proved to the satisfaction of the Board that a certificate or a badge has been lost, destroyed or so mutilated or defaced as to be illegible, the Board may, on receipt of an application in such form as it may determine and on payment of the fee prescribed in the Schedule, issue a replacement certificate or a replacement badge, as the case may be, to the applicant, and the replacement certificate so issued shall have the same effect as the original.

(2) If at any time after the issue of a replacement certificate or a replacement badge, as the case may be, the original certificate or the original badge is found, the person to whom the original certificate or the original badge was issued shall return the original certificate or original badge to the Board immediately.

(3) In this regulation, “certificate” means a Certificate of Registration and a practising certificate.

Fees

16. The fees specified in the Schedule shall be paid in respect of the matters to which they relate.

SCHEDULE

(Regulations 4(2), 8(2), 8(5), 10(2), 13, 15(1) and 16)

FEES

Registration fee	\$75
Practising certificate	\$25 per year
Fee for late renewal of practising certificate:	
(a) 30 days or more	\$10
(b) 60 days or more	\$12 and \$2 for every subsequent day during which the default continues
Replacement of Certificate of Registration	\$25
Replacement of practising certificate	\$25
Replacement badge	\$25
Certificate of verification of registration for purposes of registration outside Brunei Darussalam	\$20
Letter of good standing	\$50

**NURSES REGISTRATION ACT
(CHAPTER 140)
NURSES REGISTRATION (COMMITTEES)
REGULATIONS**

S 13/2014

REVISED EDITION 2016

SUBSIDIARY LEGISLATION

NURSES REGISTRATION (COMMITTEES) REGULATIONS

ARRANGEMENT OF REGULATIONS

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 2. Interpretation
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 4. Duties of committees
 5. Number and term of office of members
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SUBSIDIARY LEGISLATION

Regulations made under section 4(1)(f)

NURSES REGISTRATION (COMMITTEES) REGULATIONS

Commencement: 1st March 2014
[S 13 /2014]

Citation

1. These Regulations may be cited as the Nurses Registration (Committees) Regulations.

Interpretation

2. In these Regulations, “committee” means any committee constituted under regulation 3.

Power to constitute committees

3. The Board may constitute such number of committees for any general or special purpose which, in the opinion of the Board, may be better dealt with or managed by the committees.

Duties of committees

4. A committee shall —

(a) perform such duties as the Board may direct; and

(b) subject to any directions of the Board, regulate its own proceedings.

Number and term of office of members

5. The number and term of office of the members of any committee and the number of those members necessary to form a *quorum* shall be determined by the Board.

