

NURSING IN THE HOUSE OF COMMONS. THE NEW RULES OF THE GENERAL NURSING COUNCIL.

In the House of Commons, at 11 p.m. on March 22nd, Major Barnett moved that an humble Address be presented to His Majesty praying that two new Rules of the General Nursing Council, Rules 9A and 43 (2), may be annulled. We print below the official report (abridged) from the Parliamentary Debates.

MAJOR BARNETT: I beg to move,

"That an humble Address be presented to His Majesty praying that the Rules of the General Nursing Council for England and Wales, laid before Parliament on the 6th day of March, 1922, in pursuance of Section 3 (1) of the Nurses' Registration Act, 1919, and numbered 9a and 43 (2) respectively, may be annulled."

This arises under the Nurses' Registration Act passed at the end of 1919. I want to economise the time of the House as much as possible, and I am going to take a preliminary point of law which, I think, the Minister of Health will admit is fatal to the two Rules to which we are objecting this evening. If the right hon. Gentleman makes that concession, it will not be necessary for me and my friends to discuss the merits of the Rules. The Act of 1919 first set up the General Nursing Council, and the second Clause provided for the registration of the nurses. The third Clause provided that the Council should make Rules for various purposes, including Rules for regulating the conditions of admission to the Register. When these Rules are made by the General Nursing Council they are submitted to the Minister of Health, and if they receive his approval they at once, subject to a memorial presented to His Majesty within 21 days after the Rules are laid on the Table of both Houses of Parliament, have the force of law. No one will deny that it is the province of the General Nursing Council to make Rules with regard to the admission of nurses to the Register. The first Rule to which I am taking exception is Rule 9a, which says:

"Notwithstanding anything in these Rules the Council may accept in place of a certificate a copy of a certificate certified by a Justice of the Peace, a barrister or a solicitor to be a true copy thereof, or where the applicant is a member of any organised body of nurses recognised for this purpose by the Council, a declaration signed by the Secretary or other responsible officer of that body that on the admission of the applicant to membership a certificate or a certified copy thereof was produced and was verified by that body."

I am not going to deal with the merits of that, but I am going to draw the attention of the House to a subsequent Section of the Nurses' Registration Act, Section 6 (3), which provides that,

"In the event of provision being hereafter made for the establishment of a register of nurses in Scotland or Ireland."

there shall be reciprocity, as it is very desirable that nurses registered in one country shall be able

to join the Register in another country. The Sub-section goes on, therefore:

"The Council shall make rules under this Act enabling persons registered as nurses in Scotland or Ireland, as the case may be, to obtain admission to the register of nurses established under this Act."

Now I ask particular attention to these words:

"and with a view to securing a uniform standard of qualification in all parts of the United Kingdom the Council shall, before making any rules under this Act with respect to the conditions of admission to the register, consult with any Nursing Councils which may be established by Parliament for Scotland and Ireland respectively."

That has not been done. These Rules, which now lie on the Table of this House, were not submitted by my right hon. Friend to the General Nursing Council for Scotland, or to the General Nursing Council for Ireland, and that fact, by a fortunate use of the procedure of this House, I was able to elicit from my right hon. Friend the Secretary for Scotland yesterday. . . . As a matter of fact, the General Nursing Council for Scotland has asked that this Rule might be withdrawn.

The MINISTER OF HEALTH (Sir Alfred Mond): When?

MAJOR BARNETT: They asked the General Nursing Council of England in a letter which they wrote to them on the 4th March, and of which I have seen a copy. I am naturally anxious to save the time of the House, and am not arguing the merits of these Rules, though I am prepared to do so; but I should like at this stage, if I may, to ask my right hon. Friend whether, in view of the fact that they are plainly *ultra vires*, and would be so held by any court in the country, he proposes to persist in them? I would ask him to answer that before I sit down.

SIR A. MOND: On a point of Order. If I deal with that point, shall I be able to deal with the full case later?

MR. SPEAKER: The hon. and gallant Member had better move his Motion, so that it may be before the House.

MAJOR BARNETT: I was endeavouring to elicit from my right hon. Friend a reply on the point of law, because a discussion of the merits will obviously take a considerable time. I beg to move.

MR. JAMES WILSON: I beg to second the Motion.

SIR A. MOND: I will deal with the legal point first. This is, of course, the greatest mare's nest that has ever been produced in this House. It is not likely that I should sanction Rules unless I had legal advice as to the competence of the action I was taking and the powers which I had under the Act in question. My legal adviser, in a written opinion, states:

"There is no doubt at all on this point. Section 6 (3) of the Act requires the General Nursing Council, with a view to securing a uniform standard of qualification in all parts of the United Kingdom, to consult with the Scottish and Irish Nursing Councils before making

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