

## RULE 17 (4).

In any case in which it is proved to the Council by the certificate of the competent officer of the Court in which the proceedings took place, that the Respondent has been convicted of a felony, or of any misdemeanour, and has been sentenced to a term of imprisonment, and such conviction has not been subsequently quashed on appeal, the Council may forthwith and without further inquiry, remove the nurse from the Register, and require her to surrender her certificate to the Council.

## THE OPINION.

1. This is a difficult point of construction. The expression "sentenced to imprisonment" is defined in section 41 of the Criminal Justice Administration Act, 1914, for the purposes of that Act as including "cases where imprisonment is imposed by a Court . . . either with or without the option of a fine or in respect of the non-payment of any sum of money . . ." but this definition is not, of course, necessarily applicable to the Rules which I am asked to consider. There is no actual statutory form of sentence: forms of convictions will be found in the Schedule to the Summary Jurisdiction Rules of 1915 and 1926: Form 12 is the form of conviction for a penalty with imprisonment in default: it will be noticed that the wording of this is ". . . and it is adjudged that the Defendant . . . do forfeit and pay a fine of . . . and in default of payment it is adjudged that . . . the defendant be imprisoned . . . for the space of . . ." This is in conformity with the scale laid down in the Summary Jurisdiction Act, 1879, Section 5.

2. In considering this paragraph 17 (4) of the Rules, an endeavour must be made to ascertain the intention of the words, bearing in mind that in the constructions of penal enactments care must be taken to construe the language so as not to include cases which do not fall both within the reasonable meaning of its terms and within the spirit and scope of the enactment.

In my opinion, applying these principles, this rule should be construed as being only applicable to a nurse who has been sentenced to imprisonment without the option of a fine and that cases, in which a nurse has served a term of imprisonment in default of or for non-payment of a fine, do not fall within it, although they might properly be dealt with, in suitable cases, under paragraph 17 (5) after enquiry.

I base this opinion on my belief that the apparent intention was to deal in paragraph 17 (4) with nurses whose offences were so heinous as to be considered as only punishable with imprisonment in the first instance especially as the term "misdemeanour" is very wide and embraces all offences, other than felonies, no matter how trivial they may be. See *Pickup v Dental Board* (1928) 2 K.B. 459.

G. D. ROBERTS.

24/11/31.

1, Temple Gardens,  
E.C.4.

**Correspondence, Interviews and Permits.**

The General Purposes Committee reported that the correspondence dealt with in the office between November 2nd and 30th amounted to 7,357 letters received and 18,086 letters despatched, that the interviews number 152, and that 102 permits were issued for the State Uniform.

**The State Uniform.**

On the recommendation of Uniform Committee it was agreed to issue duplicate Permits to fourteen nurses to obtain the State Registered Uniform. The loss of the Permits was reported six months ago.

**The Registration Officer.**

The Chairman reported that the Registration Officer, Miss Ella Mary Thompson, had been appointed a Principal Matron under the London County Council, and that that Council would like her to begin work for it on January 11th.

The Chairman thought she could be liberated if the General Nursing Council were willing, and this was agreed. The Chairman said it only remained to congratulate Miss Thompson on securing the appointment.

**Date of Next Meeting.**

The date of the next meeting was fixed for January 29th and the meeting terminated after the Chairman had announced that the offices would be closed from noon on December 24th till the morning of December 29th.

**GENERAL NURSING COUNCIL FOR SCOTLAND.**

Sir John Lorne MacLeod, G.B.E., LL.D., occupied the chair, and eleven members of the Council were present at a Meeting of the General Nursing Council for Scotland, at 18, Melville Street, Edinburgh, on December 18th, 1931.

Amongst the correspondence dealt with was a letter from the Queen's Institute of District Nursing forwarding a resolution to the effect that the Training of Nurses as at present existing requires consideration and amendment. It was resolved that the Queen's Institute of District Nursing be informed that the matter had been carefully considered by the Council recently following on a Report by a Committee appointed by them.

The Report of the Education and Examination Committee was submitted by Col. Mackintosh, the Convener of the Committee. The recommendations of the Committee in regard to appointment of Examiners to the Panel and other matters were approved and the names of a number of nurses who had passed the Council's Examination and attained the age of 21 were ordered to be placed on the Register.

Authority was given for the deletion from the Register, in terms of the Rules, of Nurses who have failed to pay their Retention Fee, and the Registrar was instructed to obtain estimates for reproducing copies of the Register for sale as in previous years.

**A VERY VALUABLE GIFT.**

We have to acknowledge with delight and gratitude the gift for the British College of Nurses from Miss M. Adelaide Nutting, R.N. and Miss Lavinia L. Dock, R.N., of the four volumes of the First Edition of "A History of Nursing" printed in 1907 by G. P. Putnam's & Sons.

The two authors have added greatly to the value of their gift by the dedications inscribed in their own handwriting in the following words:—

To—

Ethel Gordon Fenwick—maker of history—and to those who have shared her long, valiant, and fruitful labours for nursing, these volumes are gratefully inscribed.

ADELAIDE NUTTING.

To all the pioneers in nursing of our Mother England—from those of the earliest times down to the present day, not even excluding the celebrated Sairey who has given us such wonderful publicity—greeting—and to all of those whose lives and activities have carried forward the banners of equal standing for women under all our laws and all our ways, special greeting and Hail!

LAVINIA L. DOCK.

December, 1931.

These volumes will constitute one of the most valued possessions in the History of Nursing department in the British College of Nurses.

**ROYAL RED CROSS, 2nd Class.**

Superintending Sister Florence Mina d'Exeter, Jordan, Queen Alexandra's Royal Naval Nursing Service.

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