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WELSH STATUTORY INSTRUMENTS

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**2003 No. 2527**

**The Nurses Agencies (Wales) Regulations 2003**

**PART II**

**REGISTERED PERSONS**

**Fitness of registered provider**

- 7.—(1) A person must not carry on an agency unless that person is fit to do so.
- (2) A person is not fit to carry on an agency unless the person —
- (a) is an individual who satisfies the requirements set out in paragraph (3); or
  - (b) is an organisation and —
    - (i) the organisation has given notice to the appropriate office of the National Assembly of the name, address and position in the organisation of an individual (in these Regulations referred to as “the responsible individual”) who is a director, manager, secretary or other officer of the organisation and is responsible for supervising the management of the agency; and
    - (ii) that individual satisfies the requirements set out in paragraph (3).
- (3) The requirements are that —
- (a) the individual is of integrity and good character;
  - (b) the individual is physically and mentally fit to carry on the agency; and
  - (c) full and satisfactory information is available in relation to the individual —
    - (i) except where paragraph (4) applies, in respect of each matter specified in paragraphs 1 to 8 of Schedule 2;
    - (ii) where paragraph (4) applies, in respect of each matter specified in paragraphs 1 and 3 to 9 of Schedule 2.
- (4) This paragraph applies where an individual has applied for a certificate referred to in paragraph 2 of Schedule 2 but the certificate has not been issued.
- (5) A person must not carry on an agency if —
- (a) he or she has been adjudged bankrupt or sequestration of his or her estate has been awarded and (in either case) he or she has not been discharged and the bankruptcy order has not been annulled or rescinded; or
  - (b) he or she has made a composition or arrangement with his or her creditors and has not been discharged in respect of it.

**Appointment of manager**

- 8.—(1) The registered provider must appoint an individual to manage the agency where —
- (a) there is no registered manager in respect of the agency; and

- (b) the registered provider —
  - (i) is an organisation; or
  - (ii) is not a fit person to manage an agency; or
  - (iii) is not, or does not intend to be, in full-time day to day charge of the agency.
- (2) Where the registered provider appoints a person to manage the agency, he or she must forthwith give notice to the appropriate office of the National Assembly of —
  - (a) the name of the person so appointed; and
  - (b) the date on which the appointment is to take effect.

### **Fitness of manager**

- 9.**—(1) A person must not manage an agency unless he or she is fit to do so.
- (2) A person is not fit to manage an agency unless—
- (a) he or she is of integrity and good character;
  - (b) having regard to the size of the agency, its statement of purpose and the number and needs of the service users—
    - (i) he or she has the qualifications, skills and experience necessary to manage the agency; and
    - (ii) he or she is physically and mentally fit to do so; and
  - (c) full and satisfactory information is available in relation to him or her —
    - (i) except where paragraph (3) applies, in respect of each matter specified in paragraphs 1 to 8 of Schedule 2,
    - (ii) where paragraph (3) applies, in respect of each matter specified in paragraphs 1 and 3 to 9 of Schedule 2.
- (3) This paragraph applies where an individual has applied for a certificate referred to in paragraph 2 of Schedule 2 but the certificate has not been issued.

### **Registered person – general requirements and training**

- 10.**—(1) The registered provider and the registered manager must, having regard to the size of the agency, its statement of purpose and the number and needs of the service users, carry on or (as the case may be) manage the agency with sufficient care, competence and skill.
- (2) If the registered provider is —
- (a) an individual, he or she must undertake; or
  - (b) an organisation, it must ensure that the responsible individual undertakes,
- from time to time such training as is appropriate to ensure that he or she has the experience and skills necessary for carrying on the agency.
- (3) The registered manager must undertake from time to time such training as is appropriate to ensure that he or she has the experience and skills necessary for managing the agency.

### **Notification of offences**

- 11.** Where the registered person or the responsible individual is convicted of any criminal offence, whether committed in Wales or elsewhere, he or she must forthwith give notice in writing to the appropriate office of the National Assembly of —
- (i) the date and place of the conviction;

- (ii) the offence of which he or she was convicted; and
- (iii) the penalty imposed in respect of the offence.