



# Nurses (Scotland) Act 1951

## 1951 CHAPTER 55

### PART I

GENERAL PROVISIONS AS TO THE GENERAL NURSING COUNCIL FOR SCOTLAND, ETC.

#### *The General Nursing Council for Scotland*

#### **1 The General Nursing Council for Scotland**

- (1) There shall be a General Nursing Council for Scotland (in this Act referred to as " the Council") constituted in accordance with the provisions contained in the First Schedule to this Act.
- (2) The supplementary provisions contained in the First Schedule to this Act shall have effect with respect to the Council as constituted by this section.

#### *The Register of Nurses*

#### **2 The register of nurses**

- (1) It shall be the duty of the Council to keep a register of nurses for the sick (in this Act referred to as " the register ") subject to and in accordance with the provisions of this Act.
- (2) The register shall consist of the following parts:—
  - (a) a general part containing the names of all nurses who satisfy the conditions of admission to that part of the register;
  - (b) a supplementary part containing the names of nurses trained in the nursing and care of persons suffering from mental diseases;
  - (c) a supplementary part containing the names of nurses trained in the nursing and care of persons suffering from mental defect;
  - (d) a supplementary part containing the names of nurses trained in the nursing of sick children ;

- (e) a supplementary part containing the names of nurses trained in the nursing of persons suffering from fever; and
  - (f) such other supplementary part as may be prescribed.
- (3) Where any person satisfies the conditions of admission to any supplementary part of the register, his name may be included in that part of the register notwithstanding that it is also included in the general part.
- (4) A certificate under the seal of the Council duly authenticated in the prescribed manner stating that any person is, or was at any date, or is not, or was not at any date, duly registered shall be evidence in all courts of law of the fact stated in the certificate.
- (5) Any reference in this Act 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.

#### *The Roll of Assistant Nurses*

### **3 The roll of assistant nurses**

- (1) It shall be the duty of the Council to keep a roll of assistant nurses (in this Act referred to as "the roll") subject to and in accordance with the provisions of this Act.
- (2) A certificate under the seal of the Council duly authenticated in the prescribed manner stating that any person is, or was at any date, or is not, or was not at any date, duly enrolled shall be evidence in all courts of law of the fact stated in the certificate.

#### *The Assistant Nurses Committee*

### **4 The Assistant Nurses Committee**

- (1) There shall be a Committee of the Council, to be called the Assistant Nurses Committee, constituted in accordance with the provisions contained in the Second Schedule to this Act.
- (2) Any matter which wholly or mainly concerns assistant nurses shall stand referred to the Assistant Nurses Committee and any other matter may be referred by the Council to that Committee; and the Committee shall consider the matter and report upon it to the Council, and the Council, before taking any action on the matter, shall, unless in the opinion of the Council the matter is urgent, receive and consider the report of the Committee:

Provided that the following matters, that is to say—

- (a) any question whether any person shall be removed from or restored to the roll, and any matter arising out of any such question; and
- (b) any other matter referred to the Committee in so far as the Council expressly authorise the Committee to deal with it,

shall be finally dealt with by the Committee on behalf of the Council, and the Committee shall make a report to the Council as to the way they have dealt with it.

- (3) The supplementary provisions contained in the Second Schedule to this Act shall have effect with respect to the Assistant Nurses Committee.

### *The Mental Nurses Committee*

## **5 The Mental Nurses Committee**

- (1) There shall be a Committee of the Council, to be called the Mental Nurses Committee, constituted in accordance with the provisions contained in the Third Schedule to this Act.
- (2) The following matters, namely—
  - (a) any matter which wholly or mainly concerns registered mental nurses or registered nurses for mental defectives (other than a question whether a person shall be registered or shall be removed from or restored to the register or a matter arising out of any such question); and
  - (b) any matter relating to the training of persons for admission to the supplementary part of the register containing the names of nurses trained in the nursing and care of persons suffering from mental diseases or to the supplementary part of the register containing the names of nurses trained in the nursing and care of persons suffering from mental defect,

shall stand referred to the Mental Nurses Committee, and any such question as aforesaid or matter arising thereout, and any other matter, may be referred by the Council to that Committee ; and the Committee shall consider all such matters and report upon them to the Council, and the Council, before taking any action on any such matter, shall, unless in the opinion of the Council the matter is urgent, receive and consider the report of the Committee:

Provided that any matter which stands referred to the Mental Nurses Committee or is referred to them by the Council shall be finally dealt with by the Committee on behalf of the Council if, and in so far as, the Council expressly authorise the Committee to deal finally with it, and the Committee shall make a report to the Council as to the way they have dealt with it.

- (3) The supplementary provisions contained in the Third Schedule to this Act shall have effect with respect to the Mental Nurses Committee.

### *Provisions as to Rules*

## **6 Rules**

- (1) The Council shall make rules for the following purposes:—
  - (a) for regulating the maintenance and publication of the register and the roll;
  - (b) for regulating the conditions of admission to the register and the roll;
  - (c) for regulating the conduct of any examinations which may be prescribed as a condition of admission to the register or the roll, and any matters ancillary to or connected with any such examinations;
  - (d) for regulating the issue of certificates to persons registered or enrolled and making provision with respect to the uniform or badge which may be worn by persons registered or enrolled;
  - (e) for prescribing the causes for which, the conditions under which, and the manner in which, persons may be removed from the register or the roll, the cancellation of the certificates of persons removed from the register or the roll, the procedure for the restoration to the register or the roll of persons who have been removed (therefrom, and the fee to be payable on such restoration; and

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- (f) for regulating the issue of certificates by or under the authority of the Council to persons who have undergone the prescribed training (being training carried out in an institution approved by the Council in that behalf) and, if the rules so provide, passed the prescribed examinations in the teaching of nursing.
- (2) Rules made under this section shall contain provisions—
- (a) requiring as a condition of the admission of any person to the register or the roll that such 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 in an institution approved by the Council in that behalf, or in the service of the Admiralty, the Army Council, or the Air Council, or in a hospital managed by a Government department;
  - (c) for the reduction by the Council, to such extent as they may think appropriate, of the period of training prescribed under this section as a condition of the admission of any person to the register, in the case of persons enrolled as assistant nurses who have at any time before their admission to the roll undergone training with a view to qualifying for admission to the register but have not so qualified; and
  - (d) for the admission to the register, on payment of such fees (if any) as may be prescribed, of persons who hold certificates issued by institutions which appear to the Council to be satisfactory for the purposes of this provision stating that they completed before the beginning of October, nineteen hundred and twenty-five, a course of training in nursing in the institution and who satisfy the Council that they' are of good character and have adequate knowledge and experience of nursing.
- (3) The Council shall make rules under this section enabling persons registered as nurses or enrolled as assistant nurses in England and Wales or Northern Ireland to obtain admission to the register or the roll, as the case may be.
- (4) With a view to securing a uniform standard of qualification in all parts of the United Kingdom, the Council shall consult with the General Nursing Council for England and Wales and the Joint Nursing and Midwives Council for Northern Ireland before making any rules under this section with respect to the conditions of admission to the register or the roll.

*Supplementary Provisions as to Register and Roll*

**7 Registration of nurses trained abroad**

- (1) A person who proves to the satisfaction of the Council that in a country or territory outside the United Kingdom he successfully completed his training either generally as a nurse or as a nurse of some special class in accordance with a scheme of training recognised by the Council as being satisfactory for the purposes of this subsection, that he underwent his training in an institution so recognised and that he is of good character shall, on making an application in the prescribed manner and on payment of such fee, if any, as may be prescribed, be entitled to be registered in the part of the register appearing to the Council to be appropriate to his case.
- (2) If, in the case of a person who proves to the satisfaction of the Council that he successfully completed his training either generally as a nurse or as a nurse of some special class in a country or territory outside the United Kingdom but who is unable

to prove that his training was in accordance with a scheme of training recognised by the Council as being satisfactory for the purposes of the foregoing subsection and that he underwent his training in an institution so recognised, the Council are of opinion that he could properly be registered after undergoing to their satisfaction such further training in the United Kingdom as may be specified by them and passing such examinations, if any, as may be so specified, they may, if they are satisfied that he is of good character, register him if, after undergoing the specified training in the United Kingdom to their satisfaction and passing any specified examinations, he makes, in the prescribed manner, an application in that behalf and pays such fees as may be prescribed.

## **8 Information with respect to nurses**

- (1) Copies of the register and the roll shall be kept at the office of the Council and shall be open to the inspection of any person without charge during usual business hours.
- (2) If the Council determine in any year not to publish the register or the roll, it shall be their duty to publish, in such manner as the Secretary of State may direct, lists of persons who have been admitted to, removed from, or restored to, the register or the roll during that year.

## **9 Fees**

- (1) There shall be paid to the Council in respect of every application to be examined or to be registered or enrolled under this Act, and in respect of the retention in any year of the name of any person on the register or the roll, such fees, respectively, as the Council may, with the approval of the Secretary of State, from time to time determine.
- (2) The Council may charge for any certificate or other document issued, or in respect of any services performed by them, such fees as may be prescribed.

## **10 Appeal against removal from register or roll**

Any person aggrieved by the removal of his name from the register or the roll may, within three months after the date on which notice is given to him by the Council or by the Assistant Nurses Committee, as the case may be, that his name has been so removed, appeal against the removal to the Court of Session, and on any such appeal the Court of Session may give such directions in the matter as it thinks proper, including directions as to the expenses of the appeal, and the order of the Court of Session shall be final.

## **11 Closing of parts of register**

- (1) If, with respect to any part of the register (other than the general part), the Council at any time make a request in that behalf to the Secretary of State, he may by order direct that, after such a date as may be specified in the order, no person shall be admitted to that part of the register.
- (2) No request under the last foregoing subsection shall be made by the Council with respect to—
  - (a) the supplementary part of the register containing the names of nurses trained in the nursing and care of persons suffering from mental diseases;

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- (b) the supplementary part of the register containing the names of nurses trained in the nursing and care of persons suffering from mental defect; or
- (c) the supplementary part of the register containing the names of nurses trained in the nursing of sick children,

unless the Council are satisfied that means exist whereby members of the public can readily ascertain whether a registered nurse has been trained in the nursing and care of persons suffering from mental diseases or in the nursing and care of persons suffering from mental defect or in the nursing of sick children, as the case may be.

- (3) Where a direction is given under subsection (1) of this section with respect to the supplementary part of the register containing the names of registered mental nurses or with respect to the supplementary part of the register containing the names of registered nurses for mental defectives, the Secretary of State, after consulting the Council, may by the order containing the direction or a subsequent order amend the First and Third Schedules to this Act to such an extent as appears to him requisite or expedient in consequence of the giving of the direction, and where a direction is given under the last mentioned subsection with respect to the supplementary part of the register containing the names of registered sick children's nurses, or with respect to the supplementary part of the register containing the names of registered fever nurses, the Secretary of State, after consulting the Council, may by the order containing the direction or a subsequent order amend the said First Schedule to such an extent as appears to him requisite or expedient in consequence of the giving of the direction.
- (4) Nothing in this section shall affect the power of the Council to remove a person from, or restore a person to, the register.

## **12 Restriction on use of title of registered nurse, nurse and assistant nurse, and penalties for unlawful assumption thereof, for misuse of certificates, for false representation and for falsification**

- (1) Any person who, not being a person duly registered under this Act, takes or uses the name or title of registered nurse, either alone or in combination with any other words or letters, shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, ten pounds, and, in the case of a second or any subsequent offence, fifty pounds.
- (2) Any person who, not being a duly registered nurse or a duly enrolled assistant nurse, takes or uses the name or title of nurse, either alone or in combination with any other words or letters, shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, ten pounds, and, in the case of a second or any subsequent offence, fifty pounds:

Provided that (without prejudice to the provisions of the last foregoing subsection)—

- (a) nothing in this subsection shall prevent a children's nurse from taking or using the name or title of nurse, unless the circumstances in which, or the words or letters in combination with which, the name or title is taken or used are such as to suggest that he is something other than a children's nurse ;
- (b) the Secretary of State may by regulations authorise the use, either generally or by specified classes of persons or in specified circumstances, of specified names or titles containing the word nurse or of the word nurse otherwise qualified in accordance with the regulations ;

- (c) a person shall not be guilty of an offence under this subsection by reason only that, without objection by him, other persons use the word nurse in addressing or referring to him.
- (3) Any person who—
- (a) not being a person duly registered or enrolled, takes or uses any name, title, addition, description, uniform or badge, implying that he is registered or enrolled or is recognised by law as registered or enrolled; or
  - (b) being a person whose name is included in any part of the register, takes or 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 ; or
  - (c) at any time with intent to deceive makes use of any certificate of registration or enrolment issued to him or any other person,
- shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, ten pounds, and, in the case of a second or any subsequent offence, fifty pounds.
- (4) Any person who, knowing that some other person is not registered or enrolled, makes any statement or does any act calculated to suggest that that other person is registered or enrolled shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, ten pounds, and, in the case of a second or any subsequent offence, fifty pounds.
- (5) If any person wilfully makes, or causes to be made, any falsification in any matter relating to the register or the roll, he shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding one hundred pounds.

*Supplementary Provisions as to Council, etc.*

### **13 General provisions as to Council**

- (1) The Council shall be a body corporate by the name of the General Nursing Council for Scotland, with perpetual succession and a common seal, and may sue and be sued by that name, and service on the Council of all legal processes and notices may be effected by service on their registrar.
- (2) The Council may enter into such agreements, acquire such property and do such things, as may in the opinion of the Council be necessary or desirable for the exercise or performance of any of their powers or duties, and may dispose as they think fit of any property acquired by them.
- (3) Any document purporting to be sealed with the seal of the Council, or to be signed in the name of the Council by their registrar or any person authorised by the Council to act in that behalf, shall be receivable in evidence of the particulars stated in that document.

### **14 Officers of Council**

- (1) The Council may appoint—
  - (a) with the previous sanction of the Secretary of State, a registrar, who shall act as secretary and treasurer to the Council, and shall be charged, subject to the

instructions of the Council, with the preparation, correction and custody of the register; and

- (b) subject to the consent of the Secretary of State as to numbers, such other officers as the Council consider necessary.

- (2) There shall be paid to the registrar and the other officers of the Council such salaries or remuneration as the Council, with the approval of the Secretary of State, may from time to time determine.

## **15 Allowances to members of Council, Assistant Nurses Committee and Mental Nurses Committee**

The Council may pay to the members thereof and to the members of the Assistant Nurses Committee and to the members of the Mental Nurses Committee sums (to be calculated in accordance with directions to be given by the Secretary of State) in respect of any loss of earnings they would otherwise have made or any additional expenses (including travelling and subsistence expenses) to which they would not otherwise have been subject, being loss or expenses necessarily suffered or incurred by them for the purpose of enabling them to perform duties as members of the Council, or either of the said Committees, as the case may be.

## **16 Expenses of Council**

All expenses incurred by the Council with the approval of the Secretary of State which are attributable to defraying expenditure incurred by regional nurse-training committees shall be defrayed by the Secretary of State out of moneys provided by Parliament, and all other expenses incurred by the Council under this Act shall be defrayed out of fees and contributions received by them under this Act or out of any other sums received by the Council.

## **17 Accounts of Council**

The accounts of the Council shall be made up annually as at such date as the Secretary of State may fix, and shall be audited in such manner, and by such person, as the Secretary of State may from time to time direct, and copies of the accounts and of any report made on the accounts shall, within three months after the date as at which the accounts are made up, be transmitted by the Council to the Secretary of State and to such persons as the Secretary of State may direct.

## **18 Membership of Council, etc., not to involve parliamentary disqualification**

A member of the Council, the Assistant Nurses Committee, the Mental Nurses Committee, a regional nurse-training committee or a sub-committee of a regional nurse-training committee shall not, by reason of his membership, be rendered incapable of being elected, or of sitting and voting, as a member of the House of Commons.



## PART II

### TRAINING OF NURSES

#### 19 Regional nurse-training committees

- (1) The Secretary of State shall, after consulting the Council, by order constitute, in accordance with the provisions contained in the Fourth Schedule to this Act, a regional nurse-training committee for each area as hereinafter defined and any such committee shall exercise, as respects the area for which it has been so constituted, the functions in this Act assigned to it.
- (2) It shall be the duty of a regional nurse-training committee—
  - (a) generally to supervise the training of nurses in accordance with the training rules, and in particular to have regard, as respects persons engaged in such training, to the methods employed by those persons of training nurses;
  - (b) to report to the Council from time to time on the matters referred to in the last foregoing paragraph; and
  - (c) to advise and assist the Council on matters referred to it by the Council which may include matters relating to the approval of institutions for the purposes of the training rules.
- (3) The supplementary provisions contained in the Fourth Schedule to this Act shall have effect with respect to regional nurse-training committees.
- (4) In this section the expression " area " means a hospital area:

Provided that the Secretary of State may by order direct that an area consisting of two or more hospital areas shall be an area for the purposes of this section.

#### 20 Schemes for training of nurses

- (1) Where it appears to it necessary, in order to ensure that full and proper use is made of resources available for the purpose, a regional nurse-training committee may prepare and submit to the Council a scheme for the training of nurses, either by a Board of Management acting on behalf of a Regional Hospital Board, or by any other authority or person engaged in the training of nurses who makes a request in that behalf to the committee, or jointly by any two or more such Boards of Management, authorities or persons.
- (2) Before preparing a scheme under the last foregoing subsection a regional nurse-training committee shall consult any Regional Hospital Board concerned, and shall on or before the day on which the scheme is submitted to the Council serve a copy of the scheme on any such Regional Hospital Board.
- (3) The Council may approve, with or without modifications (which may include additions or exceptions), any scheme submitted to them under subsection (1) of this section:

Provided that where any Regional Hospital Board on whom a copy of the scheme is required by the last foregoing subsection to be served, represents, within two months after such service, that the scheme, so far as it relates to a hospital vested in the Secretary of State and situated in the area of the Board, should not be approved or should be approved subject to such modifications as may be specified in the

representations, the Council shall before approving the scheme give due consideration to the representations.

- (4) Subject to the provisions of section twenty-four of this Act, a scheme approved under this section may be varied or revoked by a subsequent scheme so approved, or by the Council.
- (5) An institution in which the training of nurses is carried on in accordance with a scheme for the time being approved under this section shall be deemed to be an approved institution for the purposes of the training rules.

## **21 Research and experimental training of nurses**

- (1) It shall be the duty of a regional nurse-training committee to promote, with a view to securing the improvement of methods of training nurses, research and investigation into matters relating to the training of nurses, and to render to the Council reports of the results of research and investigation promoted by the committee.
- (2) If the Council are of opinion that it would be advantageous that a trial should be made of a scheme of training and examinations to be undergone and passed by persons as a condition of their admission to the register or, as the case may be, the roll, being training and examinations differing from, but appearing to the Council to be no less efficient than, the training and examinations for the time being required by rules made by the Council to be so undergone and passed, they may, with the approval of the Secretary of State, by resolution adopt the scheme for such period as may be specified in the resolution and in relation to such institutions situated in such area for which a regional nurse-training committee is constituted under this Act as may be so specified, being institutions appearing to the Council to be suitable for the purpose of carrying out the scheme therein.
- (3) A scheme of training and examinations adopted by a resolution of the Council under this section shall provide that, during the period for which it is so adopted, persons who undergo to the satisfaction of the Council, in an institution or institutions specified in the resolution adopting the scheme, the training specified in the scheme and who pass the examinations so specified shall, notwithstanding anything in any rules made by the Council, be entitled on making an application in that behalf to be admitted to the register or, as the case may be, the roll, and may contain such incidental and supplementary provisions (including provisions for charging fees in respect of the undergoing of examinations specified in the scheme) as appear to the Council to be requisite or expedient for the purposes of the scheme.
- (4) The period for which a scheme of training and examinations is adopted under this section may from time to time be extended by resolution of the Council for such period as may be specified in the resolution.

## **22 Expenditure on training of nurses**

- (1) Expenditure incurred by a Board of Management in respect of the training of nurses, being expenditure of such description as the Secretary of State may specify for the purpose of this subsection, shall, so far as it is incurred in accordance with estimates approved by the regional nurse-training committee, instead of being defrayed in accordance with section fifty-four of the National Health Service (Scotland) Act, 1947, be defrayed by that committee.

- (2) A regional nurse-training committee may make contributions towards the expenses incurred in training nurses by any authority or person, other than a Board of Management, engaged in training nurses in the area for which the committee is constituted.
- (3) Any question arising under subsection (1) of this section shall be determined by the Secretary of State.

### **23 Expenses of regional nurse-training committees**

All expenses incurred by a regional nurse-training committee with the approval of the Council shall be defrayed by the Council.

### **24 Provisions relating to approval of training institutions**

- (1) If the Council are of opinion that they would be justified in—
  - (a) refusing to approve an institution for the purposes of the training rules, or
  - (b) withdrawing approval given by them for those purposes to an institution, or
  - (c) varying or revoking a scheme for the training of nurses approved under section twenty of this Act,

they shall give to the persons responsible for the management of the institution or, as the case may be, to the persons responsible for the management of any institution which, if the variation or revocation of the scheme takes effect, would cease to be an approved institution for the purposes of the training rules, notice of such opinion and of the grounds on which it was arrived at, and shall not proceed to a final determination of the question whether or not to refuse to approve the institution or to withdraw their approval thereof or to vary or revoke the scheme, as the case may be, until they have afforded those persons an opportunity of making representations in writing to the Council and, if required by such persons, of being heard by the Council.

- (2) The Council shall notify their final determination of any such question as aforesaid to the persons to whom they are required by the last foregoing subsection to give such a notice as is therein mentioned, and any such persons may at any time before the expiry of twenty-eight days from the notification to them of the determination of the Council require the matter to be referred to the decision of two persons or more appointed for the purpose by the Lord President of the Court of Session.
- (3) There shall be paid to any persons appointed under the last foregoing subsection such fees and allowances as the Treasury may determine, and any sums required for the payment of such fees and allowances shall be paid out of moneys provided by Parliament.

### **25 Fees and contributions in respect of training institutions**

- (1) The Council may charge the persons responsible for the management of institutions approved by the Council for the purposes of the training rules and the persons responsible for the management of institutions the approval whereof by the Council for those purposes is sought by them, not being, in either case, institutions vested in the Secretary of State, such fees respectively, by way of contribution towards the expenses incurred in inspecting and approving institutions for those purposes, as may be prescribed.

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- (2) The Secretary of State may make to the Council, out of moneys provided by Parliament, contributions of such amounts as he may determine towards the expenses of the Council in inspecting and approving for the purposes of the training rules institutions vested in him.

**26 Reports by Council to Secretary of State with respect to training of nurses**

The Council shall annually, at such date as the Secretary of State may direct, make to the Secretary of State a report as to the discharge by them during the preceding year of their functions with respect to the training of nurses, and the Secretary of State shall lay every such report before Parliament.

**PART III**

**AGENCIES FOR THE SUPPLY OF NURSES**

**27 Conduct of agencies for supply of nurses**

- (1) A person carrying on an agency for the supply of nurses shall, in carrying on that agency, only supply—
- (a) registered nurses;
  - (b) enrolled assistant nurses;
  - (c) certified midwives;
  - (d) such other classes of persons as may be prescribed.
- (2) A person carrying on an agency for the supply of nurses shall, at the prescribed time and in the prescribed manner, give to every person to whom he supplies a nurse, midwife or other person a statement in writing in the prescribed form as to the qualifications of the person supplied.
- (3) No person shall carry on an agency for the supply of nurses unless the selection of the person to be supplied for each particular case is made by or under the supervision of a registered nurse or a duly qualified medical practitioner.
- (4) A person carrying on an agency for the supply of nurses shall keep such records in relation thereto as may be prescribed.

**28 Licensing of agencies**

- (1) No person shall carry on an agency for the supply of nurses on any premises in the area of any licensing authority unless he is the holder of a licence from that authority authorising him so to do on those premises.
- (2) Subject to the provisions of this section, if any person who desires to carry on an agency for the supply of nurses in the area of any licensing authority makes an application in that behalf to that authority in the prescribed form, in the prescribed manner, at the prescribed time and giving the prescribed information, and pays to that authority such fee as may be prescribed, the authority shall grant him a licence accordingly, subject, however, to such conditions as they may think fit for securing the proper conduct of the agency, including conditions as to the fees to be charged by

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the person carrying on the agency, whether to the nurses or other persons supplied, or to the persons to whom they are supplied.

- (3) Any such application may be refused, and any such licence which has been granted may be revoked, on any of the following grounds, that is to say—
- (a) that the applicant or, as the case may be, the holder of the licence is an individual under the age of twenty-one years or is unsuitable to hold such a licence;
  - (b) that the premises are unsuitable ;
  - (c) that the agency has been or is being improperly conducted ; or
  - (d) that offences against this Part of this Act have been committed in connection with the carrying on of the agency.
- (4) An applicant for or holder of any such licence who is aggrieved by the refusal of the licensing authority to grant such a licence, or by the revocation by the licensing authority of the licence, or by any conditions attached to the licence, may, within twenty-one days from the receipt by him of notice of the refusal or of the revocation or of the grant of the licence subject to the conditions, appeal to the sheriff within whose jurisdiction the premises are situate, who may make such order as he thinks just; and the authority shall, if required by any such applicant or holder in writing so to do, send or deliver to him within seven days of the receipt of the requirement particulars in writing of the ground for the refusal, the revocation or the attachment of the conditions, as the case may be.
- (5) An application under this Part of this Act for the grant of a licence in respect of an agency in respect of which a licence is in force at the time of the application shall not be refused and a licence under this Part of this Act shall not be revoked by a licensing authority unless the holder has been given an opportunity of being heard by the licensing authority or a committee thereof.
- (6) Every licensing authority shall in each year cause an annual meeting (either of the authority themselves or, if under any powers enabling them in that behalf they have delegated their powers under this section to a committee, of that committee) to be held for the purpose of considering applications for licences under this Part of this Act; and every licence granted under this Part of this Act shall (unless revoked) be valid until the thirty-first day of December in the year next following that in which the licence is granted and no longer:
- Provided that nothing in this subsection shall be construed as preventing the consideration of applications otherwise than at any such annual meeting.
- (7) On the death of the holder of a licence under this Part of this Act, the licence shall enure for the benefit of his personal representatives, and references in this Part of this Act to the holder of such a licence shall be construed accordingly.

## **29 Powers of entry and inspection**

Any registered nurse or other officer duly authorised in that behalf by the licensing authority may at all reasonable times on producing, if so required, some duly authenticated document showing his authority—

- (a) enter the premises specified in any licence or application under this Part of this Act or any premises which are used, or which that officer has reasonable cause to believe are used, for the purposes of or in connection with an agency for the supply of nurses; and

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- (b) inspect those premises and the records kept in connection with any such agency as aforesaid carried on at those premises,  
and no person shall obstruct any such officer in the execution of his duty.

### **30 Penalties**

- (1) Any person who carries on an agency for the supply of nurses without compliance with subsection (3) of section twenty-seven of this Act or without a licence under this Part of this Act shall be liable on summary conviction to a fine not exceeding fifty pounds and, if he continues so to do after conviction, he shall be guilty of a further offence and shall be liable on summary conviction in respect thereof to a fine not exceeding five pounds for each day on which he so continues so to carry on the agency.
- (2) Any person who carries on an agency for the supply of nurses otherwise than in accordance with the conditions of his licence shall be liable on summary conviction to a fine not exceeding five pounds and, if the contravention in respect of which he was so convicted is continued after the conviction, shall be guilty of a further offence and liable in respect thereof on summary conviction to a fine not exceeding two pounds for each day on which the contravention is so continued.
- (3) Any person carrying on an agency for the supply of nurses who, in carrying on that agency, supplies any person in contravention of the provisions of subsection (1) of section twenty-seven of this Act, shall be liable on summary conviction to a fine not exceeding fifty pounds.
- (4) Any person who—
- (a) makes or causes to be made or knowingly allows to be made any entry in a record required to be kept under this Part of this Act, which he knows to be false in a material particular, or for purposes connected with this Part of this Act produces or furnishes, or causes or knowingly allows to be produced or furnished, any record or information which he knows to be false in a material particular; or
  - (b) for the purpose of obtaining a licence under this Part of this Act makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular,
- shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.
- (5) Any person who commits any contravention of this Part of this Act for which no special penalty is thereby provided shall be liable on summary conviction to a fine not exceeding ten pounds.
- (6) Where the person carrying on an agency for the supply of nurses is convicted under this Part of this Act of an offence committed in the carrying on of that agency on any premises, the court may (in lieu of or in addition to imposing any other penalty) make an order revoking the licence (if any) under this Part of this Act authorising the carrying on of that agency on those premises.
- (7) Where any offence against this Part of this Act by a corporation is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the corporation, he as well as the corporation shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

### **31 Application of this Part of this Act and of existing enactments**

- (1) The foregoing provisions of this Part of this Act shall not apply to any agency for the supply of nurses carried on in connection with any hospital maintained or controlled by a Government department or local authority or combination of local authorities, or by any body constituted by special Act of Parliament or incorporated by Royal Charter.
- (2) Any provisions relating to employment agencies or servants registries contained in any local Act shall not apply to an agency for the supply of nurses, but this subsection shall not be taken as exempting from any such provisions any other business carried on in conjunction with an agency for the supply of nurses.

### **32 Supplemental**

In this Part of this Act the following expressions have the meanings hereby assigned to them respectively, that is to say—

" agency for the supply of nurses " means the business (whether or not carried on for gain and whether or not carried on in conjunction with another business) of supplying persons to act as nurses or of supplying persons to act as nurses and persons to act as midwives, but shall not include the business carried on by any county or district nursing association or other similar organisation, being an association or organisation—

- (a) established and existing wholly or mainly for the purpose of providing patients with the services of a nurse to visit them in their homes without himself taking up residence there ; or
- (b) mainly or substantially supported by voluntary subscriptions and providing patients with the services of a nurse whether or not the nurse takes up residence in the patient's house ;

" certified midwife " means a person certified under the Midwives (Scotland) Act, 1951, and includes any person who, by virtue of an order made under Regulation thirty-three of the Defence (General) Regulations, 1939, is for the time being deemed, for the purposes of subsection (2) of section twenty-three of the National Health Service (Scotland) Act, 1947, to be a certified midwife;

" county " means a county inclusive of any small burgh within the meaning of the Local Government (Scotland) Act, 1947, situate in the county ;

" licensing authority " means—

- (a) in the case of a large burgh within the meaning of the last mentioned Act, the town council; and
- (b) in the case of a county, the county council.

## **PART IV**

### **SUPPLEMENTARY PROVISIONS**

### **33 Procedure as to rules, regulations and orders**

- (1) The Council may make rules generally for making provision with respect to any matters with respect to which the Council think that provision should be made for the purpose of carrying this Act (apart from Part III thereof) into effect and for prescribing anything which by this Act (apart from Part III thereof) is required or authorised to be prescribed.

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- (2) At least thirty days before any rules are made under this Act, notice of the proposal to make the rules, and of the place where copies of the draft rules may be obtained, shall be published by the Council in the Edinburgh Gazette and in such other manner as the Council think best adapted for ensuring publicity:

Provided that this subsection shall not apply to rules made by the Council under paragraph (d) of subsection (2) of section six, section seven, or subsection (1) of section twenty-five of, or under paragraph 4 of the First Schedule or paragraph 2 of the Third Schedule to, this Act.

- (3) Rules made by the Council under this Act shall not come into operation unless and until they are approved by the Secretary of State.
- (4) The Secretary of State may make regulations prescribing anything which is required to be prescribed under Part III of this Act.
- (5) The power to approve rules conferred on the Secretary of State by subsection (3) of this section and any power to make an order or regulations conferred on him by this Act shall be exercisable by statutory instrument.
- (6) A statutory instrument by which the power to approve rules conferred on the Secretary of State by subsection (3) of this section is exercised and a statutory instrument containing a regulation or an order made under the provisions of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Any power to make an order conferred on the Secretary of State by this Act shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to revoke or vary the order.

### 34 Interpretation

In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively:—

" chief male nurse " means a male nurse in charge of the male nurses employed in a mental hospital;

" children's nurse " means a person whose avocation is that of caring for children ;

" the Council " has the meaning assigned to it by subsection (1) of section one of this Act;

" education authority " has the same meaning as in the Education (Scotland) Act, 1946;

" hospital " has the same meaning as in the National Health Service (Scotland) Act, 1947;

" hospital area " means an area for which a Regional Hospital Board is for the time being constituted under subsection (1) of section eleven of the National Health Service (Scotland) Act, 1947 ;

" mental hospital " means a mental hospital for the purposes of the Lunacy (Scotland) Acts, 1857 to 1913;

" nurse " means a nurse for the sick and " nursing " shall be construed accordingly;



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" prescribed " means, except when it occurs in Part III of this Act, prescribed by rules made by the Council under this Act, and in the said Part III means prescribed by regulations made by the Secretary of State ;

" regional nurse-training committee " means a committee constituted by an order of the Secretary of State under subsection (1) of section nineteen of this Act;

" the register " means the register of nurses kept under section two of this Act, and " register ", " registered " and " registration " shall be construed accordingly ;

" registered fever nurse " means a nurse whose name is included in the supplementary part of the register containing the names of nurses trained in the nursing of persons suffering from fever ;

" registered nurse for mental defectives " means a nurse whose name is included in the supplementary part of the register containing the names of nurses trained in the nursing and care of persons suffering from mental defect;

" registered mental nurse " means a nurse whose name is included in the supplementary part of the register containing the names of nurses trained in the nursing and care of persons suffering from mental diseases ;

" registered sick children's nurse " means a nurse whose name is included in the supplementary part of the register containing the names of nurses trained in the nursing of sick children ;

" the roll " means the roll of assistant nurses kept under section three of this Act, and " enrol," " enrolled " and " enrolment " shall be construed accordingly ;

" the training rules " means rules relating to training made by the Council under section six of this Act.

### **35 Repeals and savings**

- (1) The enactments mentioned in the first and second columns of the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (2) Nothing in this Act shall affect any order, regulation, scheme, rule, specification or determination made, licence granted, resolution passed, direction, certificate or approval given, application made or granted, notice served or given, date fixed or any other thing done under an enactment repealed by this Act, but any such order, regulation, scheme, rule, specification, determination, licence, resolution, direction, certificate, approval, application, notice, date or thing shall, if in force at the passing of this Act, continue in force, and so far as it could have been made, granted, passed, given, served, fixed or done under the corresponding provision of this Act, it shall have effect as if it had been made, granted, passed, given, served, fixed or done under that corresponding provision and, in the case of an approval, had been given for the purposes of that provision.
- (3) Any document referring to an enactment repealed by this Act shall be construed as referring to the corresponding provision of this Act.
- (4) Any person holding office or acting or serving under or by virtue of an enactment repealed by this Act shall continue to hold his office or to act or serve as if he had been appointed or authorised under or by virtue of the corresponding provision of this Act.

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*Status: This is the original version (as it was originally enacted).*

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- (5) The register of nurses kept under the Nurses Registration (Scotland) Act, 1919, and the roll of assistant nurses kept under the Nurses (Scotland) Act, 1943, shall be deemed the register of nurses and the roll of assistant nurses respectively to be kept under this Act.
- (6) The mention of particular matters in this section shall not be taken to affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

### **36 Short title, extent and commencement**

- (1) This Act may be cited as the Nurses (Scotland) Act, 1951.
- (2) This Act shall apply to Scotland only. .
- (3) This Act shall come into force on the first day of September, nineteen hundred and fifty-one.