

1961 No. 1214

NURSES AND MIDWIVES

The Nurses Agencies Regulations, 1961

<i>Made - - - -</i>	<i>27th June, 1961</i>
<i>Laid before Parliament</i>	<i>3rd July, 1961</i>
<i>Coming into Operation</i>	<i>4th July, 1961</i>

The Minister of Health, in exercise of the powers conferred on him by section 7 of the Nurses Agencies Act, 1957(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1. These Regulations may be cited as the Nurses Agencies Regulations, 1961, and shall come into operation on the fourth day of July, 1961.

2.—(1) In these regulations:—

“the Act” means the Nurses Agencies Act, 1957;

“the Minister” means the Minister of Health.

(2) The Interpretation Act, 1889(b), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. A person carrying on an agency for the supply of nurses may, in carrying on the agency, supply in addition to registered nurses, enrolled nurses or certified midwives, persons of the following classes:—

(a) persons on the list maintained under section 5 of the Nurses Act, 1957(c);

(b) persons who hold the certificate of proficiency in mental nursing or the certificate of proficiency in the nursing of mental defectives formerly granted by the Royal Medico-Psychological Association;

(c) persons who hold the tuberculosis nursing certificate granted by the British Tuberculosis Association;

(d) persons who hold the orthopaedic nursing certificate granted by the Central Council for the Care of Cripples or the Joint Examination Board of the British Orthopaedic Association and the said Central Council;

(e) persons who are entitled, under the Nurses Regulations, 1957(d), to use the name or title of “service-trained nurse”;

(f) persons, being persons to whom none of the preceding paragraphs of this regulation applies, of any class prescribed for the purposes of paragraph (d) of subsection (1) of section 27 of the Nurses (Scotland) Act, 1951(e), or of paragraph (d) of subsection (1) of section 7 of the Nurses Act (Northern Ireland), 1946(f).

4.—(1) An application for a licence to carry on an agency for the supply of nurses on any premises in the area of a licensing authority shall be made in writing to the licensing authority in the form set out in the first schedule

(a) 5 & 6 Eliz. 2. c. 16.

(b) 52 & 53 Vict. c. 63.

(c) 5 & 6 Eliz. 2. c. 15.

(d) S.I. 1957/1257 (1957 II, p. 1746). (e) 14 & 15 Geo. 6. c. 55. (f) 1946 c. 15 (N.I.).

to these regulations or in a form substantially to the like effect approved for the time being by the Minister, and shall be accompanied by the fee payable in accordance with these regulations.

(2) An application for a licence in respect of an agency by the holder of a licence in respect of that agency shall be made not less than four weeks before the date on which the current licence is due to expire.

(3) An applicant for a licence shall furnish to the licensing authority such further information as the authority may reasonably require with respect to him or to the agency carried on or proposed to be carried on by him.

(4) The fee payable upon making an application for a licence shall be two guineas in the case of a first application to the licensing authority for a licence and one guinea in the case of a subsequent application by the same person in respect of the same agency :

Provided that where an application is made by reason only that it is proposed to carry on an agency in respect of which a licence is held on different premises in the area of the same licensing authority the fee shall be two shillings and sixpence.

5.—(1) A statement in writing for the purposes of subsection (2) of section 1 of the Act shall be in the form set out in the second schedule to these regulations or in a form substantially to the like effect approved for the time being by the Minister.

(2) A statement for the said purposes shall be delivered in person by the nurse or other person supplied :

Provided that, if it is not reasonably practicable in the circumstances of a particular case for the nurse or other person supplied so to deliver the statement, the statement may be sent by post or other suitable means and in such a case shall—

(a) if sent by other means than post, be delivered ; and

(b) if sent by post be posted at such time as will, in the ordinary course of post, enable it to be delivered,

not later than the end of the day next after that on which the nurse or other person is to report for duty.

6. A person carrying on an agency for the supply of nurses shall keep records showing:—

(a) the full name and address and the age of every nurse or other person who is or is to be supplied by the agency ;

(b) in the case of a registered nurse and of a nurse on the list maintained under section 5 of the Nurses Act, 1957:—

(i) which part or parts of the register or of the said list the nurse is on ;

(ii) whether she is also a midwife or holds the first certificate of the Central Midwives Board ; and

(iii) what additional nursing certificates (if any) are held by the nurse ;

(c) in the case of persons supplied or to be supplied other than registered nurses and nurses on the said list, the nursing or midwifery qualifications possessed by the person ;

(d) the name and professional qualifications of the registered nurse or the registered medical practitioner by or under whose supervision the selection of the person to be supplied for a particular case is made ;

- (e) the names and addresses of all persons to whom nurses or other persons are supplied, the name of the nurse or other person supplied in each case, and the dates between which the nurse or other person was so supplied ;
- (f) in a case where a nurse or other person is required for a private patient, the nature of the illness from which the patient is stated to be suffering ;
- (g) the weekly or monthly fee, charge or other consideration required in each case from the person to whom a nurse or other person is supplied, and the total fee, charge or other consideration required in each case ;
- (h) the total commission or fee and expenses, if any, charged in each case to the nurse or other person supplied, and (except in a case to which the next succeeding paragraph applies) the net amount retained by, or, as the case may be, paid by the agency to, the nurse or other person supplied in each case ;
- (i) where nurses or other persons are directly employed by the agency, the annual salary and emoluments payable to, and conditions of employment of, each such nurse or other person ;
- (j) the terms of the standard agreement between the agency and nurses or other persons supplied or to be supplied by the agency, and particulars of any variation of those terms in any particular case ;
- (k) whether the nurse or other person is a member of any superannuation scheme, and if so of what scheme ;
- (l) particulars of the contents of all statements given for the purposes of subsection (2) of section 1 of the Act ;
- (m) particulars of any complaints made against the agency and of the action taken thereon.

7. The Nurses Agencies Regulations, 1945(a), and the Nurses Regulations, 1947(b), are hereby revoked :

Provided that—

- (a) such revocation shall not affect any right, privilege, obligation or liability acquired, accrued or incurred, or anything duly done or suffered, under those regulations ;
- (b) such revocation shall not affect any legal proceedings commenced before the revocation, or the commencement of any proceedings to enforce any such right, privilege, obligation or liability as aforesaid, but any such proceedings may be continued or commenced as if these regulations had not been made ;
- (c) such revocation shall not affect any application made, statement delivered or records kept under the regulations so revoked and every such application, statement and records shall, so far as they could have been made, delivered or kept under these regulations, have effect as if they had been so made, delivered or kept.

(a) S.R. & O. 1945/639 (Rev. XVI, p. 1067: 1945 I, p. 901).

(b) S.R. & O. 1947/145 (Rev. XVI, p. 1065: 1947 I, p. 1524).

FIRST SCHEDULE

FORM OF APPLICATION FOR LICENCE

I (or We) hereby apply to the Council in pursuance of section 2 of the Nurses Agencies Act, 1957, for a licence to carry on an agency for the supply of nurses (as defined in section 8 of that Act), and furnish below particulars in regard to the agency:—

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| <p>1.—(a) Full name of the applicant(s) (Surname(s) in block capitals).</p> <p style="padding-left: 2em;">(b) Private address of the applicant(s).</p> <p style="padding-left: 2em;">(c) (In the case of a woman) Whether married or single.</p> <p style="padding-left: 2em;">(d) Age of applicant(s).</p> <p style="padding-left: 2em;">(e) Professional status (if any) of applicant(s).</p> <p style="padding-left: 2em;">(f) Nationality of applicant(s).</p> <p>2. If the application is made by a company, society, association or other body,</p> <p style="padding-left: 2em;">(a) registered or principal office of company, society, association or body,</p> <p style="padding-left: 2em;">(b) full name and address of each director, trustee or other person concerned in the management of the company, society, association or other body.</p> <p>3. Full name and private address of every person (if any) other than the applicant(s) who is, or is to be, responsible for the management of the agency.</p> <p>4.—(a) Name, style or title under which the agency is carried on.</p> <p style="padding-left: 2em;">(b) Address of agency.</p> <p style="padding-left: 2em;">(c) Brief description of premises including, if any nurses or midwives are accommodated on the premises or on associated premises, particulars of the accommodation provided for them, whether for sleeping or for recreational purposes or for taking meals.</p> <p>5. Name, address and qualifications of registered nurse (including particulars of the part or parts of the register which she is on), or name and address of registered medical practitioner who supervises selection of the person to be supplied in each case.</p> <p>6. Approximate number of persons available, or proposed to be available, for supply by the agency in each of the following categories:—</p> <p style="padding-left: 2em;">(a) nurses on the general part of the register (female).</p> <p style="padding-left: 2em;">(b) nurses on the general part of the register (male).</p> <p style="padding-left: 2em;">(c) nurses on each other part of the register (female), excluding any included in (a).</p> | <p>(a)</p> <p>(b)</p> <p>(c)</p> <p>(d)</p> <p>(e)</p> <p>(f)</p> <p>(a)</p> <p>(b)</p> <p>(a)</p> <p>(b)</p> <p>(a)</p> <p>(b)</p> <p>(c)</p> <p>(a)</p> <p>(b)</p> <p>(c)</p> <p>(a)</p> <p>(b)</p> <p>(c)</p> |
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SECOND SCHEDULE

FORM OF STATEMENT IN WRITING FOR THE PURPOSES OF SECTION 1 (2)
OF THE ACT

Name of agency
Address of agency
Licensing authority

To(Name)(address)

This is to inform you that (Miss) (Mrs.) (Mr.)
(name of person supplied) who has been instructed to report to you on
..... to act as a nurse*/midwife*, is:

(a) a registered nurse on the following part(s) of the register*
(b) an enrolled nurse*
(c) a state certified midwife*
(d) on the following part(s) of the list kept under section 5 of the Nurses
Act, 1957*
(e) qualified as a*

..... (Signature)
..... (Qualifications and position held)
..... (Date)

* Delete as appropriate. If a person supplied falls into category (a) or (d) the part or parts of the register or list which he or she is on must be stated. If the person falls in category (e) his or her nursing or midwifery qualifications must be indicated.

Given under the official seal of the Minister of Health this twenty-seventh day of June, nineteen hundred and sixty-one.

(L.S.)

J. Enoch Powell,
Minister of Health.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations are a consolidation of the Nurses Agencies Regulations, 1945, and the Nurses Regulations, 1947, with minor amendments. These include (a) the addition to the classes of persons which a nursing agency may supply of any class prescribed for the purposes of section 7 (1) (d) of the Nurses Act (Northern Ireland), 1946, and (b) drafting amendments to the prescribed forms, occasioned in part by the coming into operation of the Nurses (Amendment) Act, 1961.

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