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STATUTORY INSTRUMENTS

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**2002 No. 3212**

**Nurses Agencies Regulations 2002**

**PART II**

**REGISTERED PERSONS**

**Fitness of registered provider**

- 7.—(1) A person shall not carry on an agency unless she is fit to do so.
- (2) A person is not fit to carry on an agency unless the person—
- (a) is an individual, who carries on the agency—
    - (i) otherwise than in partnership with others, and she satisfies the requirements set out in paragraph (3);
    - (ii) in partnership with others, and she and each of her partners satisfies the requirements set out in paragraph (3);
  - (b) is a partnership, and each of the partners satisfies the requirements set out in paragraph (3);
  - (c) is an organisation and—
    - (i) the organisation has given notice to the Commission 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) she is of integrity and good character;
  - (b) she is physically and mentally fit to carry on the agency; and
  - (c) full and satisfactory information is available in relation to her in respect of each of the matters specified in Schedule 2.
- (4) A person shall not carry on an agency if—
- (a) she has been adjudged bankrupt or sequestration of her estate has been awarded and (in either case) she has not been discharged and the bankruptcy order has not been annulled or rescinded; or
  - (b) she has made a composition or arrangement with her creditors and has not been discharged in respect of it.

**Appointment of manager**

- 8.—(1) The registered provider shall 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 a partnership; 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, she shall forthwith give notice to the Commission 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 shall not manage an agency unless she is fit to do so.
- (2) A person is not fit to manage an agency unless—
- (a) 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) she has the qualifications, skills and experience necessary to manage the agency; and
    - (ii) she is physically and mentally fit to do so; and
  - (c) full and satisfactory information is available in relation to her in respect of each of the matters specified in Schedule 2.

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

**10.**—(1) The registered provider and the registered manager shall, 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, she shall undertake;
  - (b) an organisation, it shall ensure that the responsible individual undertakes; or
  - (c) a partnership, it shall ensure that one of the partners undertakes,

from time to time such training as is appropriate to ensure that she has the experience and skills necessary for carrying on the agency.

(3) The registered manager shall undertake from time to time such training as is appropriate to ensure that 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 in England and Wales or elsewhere, she shall forthwith give notice in writing to the Commission of—

- (i) the date and place of the conviction;
- (ii) the offence of which she was convicted; and
- (iii) the penalty imposed on her in respect of the offence.