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WELSH STATUTORY INSTRUMENTS

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**2003 No. 2527**

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

**PART I**  
**GENERAL**

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Nurses Agencies (Wales) Regulations 2003 and come into force on 2nd October 2003.

(2) These Regulations apply to nurses agencies in Wales only.

**Interpretation**

2.—(1) In these Regulations —

“1957 Act” (“*Deddf 1957*”) means the Nurses Agencies Act 1957(1);

“the Act” (“*y Ddeddf*”) means the Care Standards Act 2000;

“agency” (“*asiantaeth*”) means a nurses agency;

“appropriate office” (“*swyddfa briodol*”) means in relation to a nurses agency —

- (a) if an office has been specified under paragraph (4) below for the area in which the nurses agency operates, that office;
- (b) in any other case, any office of the National Assembly;

“authority” (“*awdurdod*”) means, in respect of a person who —

- (a) carries on, or wishes to carry on, an agency for the supply of nurses within the meaning of the 1957 Act; and
- (b) is the holder of a licence which has been granted to that person by a local authority under section 2 of that Act and which authorises the holder to carry on that agency from premises specified in the licence, or has applied for such a licence,

the local authority which for the purposes of that section is the licensing authority in whose area the premises are situated;

“effective date” (“*dyddiad effeithiol*”) means the date with effect from which an existing provider is for the purposes of Part II of the Act to be treated, in accordance with paragraph 1(6) of Schedule 5 to these Regulations, as having applied for and been granted registration in respect of the existing undertaking;

“existing undertaking” (“*ymgymeriad presennol*”) means a person who, immediately before 2nd October 2003 —

- (a) carries on an agency for the supply of nurses within the meaning of the 1957 Act; and

(b) is the holder of a licence which has been granted to that person by a local authority under section 2 of that Act and which authorises the holder to carry on that agency from premises specified in the licence;

“National Assembly” (“*Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“nurse” (“*nyrs*”) means a registered nurse, registered midwife or registered health visitor<sup>(2)</sup>;

“nurses agency provider” (“*darparydd asiantaeth nyrsys*”) means a person who, immediately before 2nd October 2003 —

(a) carries on an agency for the supply of nurses within the meaning of the 1957 Act; and

(b) is the holder of a licence which has been granted to that person by a local authority under section 2 of that Act and which authorises the holder to carry on that agency from premises specified in the licence;

“NHS trust” (“*ymddiriedolaeth GIG*”) has the same meaning as in the National Health Service and Community Care Act 1990<sup>(3)</sup>;

“organisation” (“*corff*”) means a body corporate;

“patient” (“*claf*”) means a person to whom nursing is provided by a nurse supplied by an agency;

“registered manager” (“*rheolwr cofrestredig*”), in relation to an agency, means a person who is registered under Part II of the Act as the manager of that agency;

“registered person” (“*person cofrestredig*”), in relation to an agency, means any person who is the registered provider or the registered manager of that agency;

“registered provider” (“*darparydd cofrestredig*”), in relation to an agency, means a person who is registered under Part II of the Act as the person carrying on that agency;

“responsible individual” (“*unigolyn cyrifol*”) is to be construed in accordance with regulation 7;

“service user” (“*defnyddiwr gwasanaeth*”) means a person to whom an agency —

(a) supplies a nurse who is employed by the agency; or

(b) provides services for the purpose of supplying the service user with a nurse for employment by that service user;

“service user’s guide” (“*arweiniad defnyddiwr gwasanaeth*”) means the written guide produced in accordance with regulation 5;

“statement of purpose” (“*datganiad o ddiben*”) means the written statement compiled in accordance with regulation 4.

(2) In these Regulations, references to the supply of a nurse mean —

(a) the supply of a nurse who is employed for the purposes of an agency to act for and under the control of another person; and

(b) the introduction of a nurse by an agency to a service user for employment by that service user.

(3) In the definition of “service user” in paragraphs (1) and (2), the terms “employed” and “employment” include employment under a contract for services.

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(2) See the Interpretation Act 1978 (c. 30), Schedule 1. A definition of “registered” in relation to nurses, midwives and health visitors was inserted by the Nurses, Midwives and Health Visitors Act 1979 (c. 36), section 23(4) and Schedule 7, paragraph 30, as substituted by article 54(3) of, and Schedule 5, paragraph 7 to, the Nursing and Midwifery Order 2001 (S.I.2002/253), on a date to be appointed.

(3) 1990 c. 19. See section 5 of that Act as amended by paragraph 69 of Schedule 1 to the Health Authorities Act 1995 (c. 17) and sections 13(1) and 14 of the Health Act 1999 (c. 8).

(4) The National Assembly may specify an office controlled by it as the appropriate office in relation to a nurses agency situated in a particular part of Wales.

### **Excepted agencies**

3. For the purposes of the Act, an NHS trust which supplies nurses to work solely for other NHS trusts is excepted from being a nurses agency.

### **Statement of purpose**

4.—(1) The registered person must compile in relation to the agency a written statement (in these Regulations referred to as “the statement of purpose”) which must consist of a statement as to the matters listed in Schedule 1.

(2) The registered person must supply a copy of the statement of purpose to the appropriate office of the National Assembly and must make a copy of it available on request for inspection by every service user and any person acting on behalf of a service user.

(3) Nothing in regulation 20 shall require or authorise the registered person to contravene, or not to comply with —

- (a) any other provision of these Regulations; or
- (b) the conditions for the time being in force in relation to the registration of the registered person under Part II of the Act.

### **Service user’s guide**

5.—(1) The registered person must prepare a service user’s guide which must include —

- (a) a summary of the statement of purpose;
- (b) the terms and conditions in respect of the services to be provided to service users, including as to the amount and method of payment of fees;
- (c) a summary of the complaints procedure established in accordance with regulation 18; and
- (d) the address and telephone number of any specified appropriate office of the National Assembly.

(2) The registered person must make a copy of the service user’s guide available on request for inspection at the agency premises by every service user and any person acting on behalf of a service user.

### **Review of statement of purpose and service user’s guide**

6. The registered person must —

- (a) keep under review and, where appropriate, revise the statement of purpose and the service user’s guide; and
- (b) notify the appropriate office of the National Assembly of any significant revision within 28 days.