
WELSH STATUTORY INSTRUMENTS

2003 No. 2527

The Nurses Agencies (Wales) Regulations 2003

PART I
GENERAL

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 presenno*”) 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⁽²⁾;

⁽¹⁾ 1957 c. 16.

⁽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

“nurses agency provider” (“*darparrydd 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(3);

“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” (“*darparrydd 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.

(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.

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).