



Nurses Agencies Act 1957

1957 CHAPTER 16 5 and 6 Eliz 2

An Act to consolidate certain enactments relating to agencies for the supply of nurses. [21st March 1957]

1 Conduct of agencies for the supply of nurses.

- (1) A person carrying on an agency for the supply of nurses shall, in carrying on that agency, only supply—
 - [^{F1}(a) registered nurses and registered midwives; and]
 - [^{F2}(b)] 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 [^{F3}registered and qualified nurse] or a registered 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.

Textual Amendments

- F1** S. 1(1)(a) substituted for s. 1(1)(a)–(c) by [Nurses, Midwives and Health Visitors Act 1979 \(c. 36\), s. 24\(2\), Sch. 7 para. 8\(a\)](#)
- F2** “b” substituted for “d” by virtue of [Nurses, Midwives and Health Visitors Act 1979 \(c. 36\), s. 24\(2\), Sch. 7 para. 8\(a\)](#)
- F3** Words substituted by [Nurses, Midwives and Health Visitors Act 1979 \(c. 36\), s. 24\(2\), Sch. 7 para. 8\(b\)](#)

Status: Point in time view as at 05/11/1993.

Changes to legislation: There are currently no known outstanding effects for the Nurses Agencies Act 1957 (repealed). (See end of Document for details)

2 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.

In this Act, the expression “licensing authority” means, in relation to the City of London, the Common Council, in relation to [^{F4}a non-metropolitan county or London borough, the council of that county or borough, and in relation to a metropolitan district, the council of that district].

- (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 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 Act ^{F5}. . ., 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 a court of summary jurisdiction, who may make such order as they think just; and the authority shall, if required by him 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 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 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 Act, and every licence granted under 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:

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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 Act, the licence shall enure for the benefit of his personal representatives, and references in this Act to the holder of such a licence shall be construed accordingly.

Textual Amendments

- F4** Words substituted by [Local Government Act 1972 \(c. 70\), Sch. 29 para. 30](#)
F5 Words in s. 2(3)(d) repealed (5.11.1993) by [Statute Law \(Repeals\) Act 1993 \(c. 50\), s. 1\(1\), Sch. 1 Pt. XVI Gp. 1](#)

3 Enforcement.

- (1) It shall be the duty of the licensing authority to enforce the provisions of this Act.
- (2) Any [^{F6}registered and qualified 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 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
 - (b) inspect those premises and 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.

Textual Amendments

- F6** Words substituted by [Nurses, Midwives and Health Visitors Act 1979 \(c. 36\), s. 24\(2\), Sch. 7 para. 9](#)

4 Penalties.

- (1) Any person who carries on an agency for the supply of nurses without compliance with subsection (3) of section one of this Act or without a licence under this Act shall be liable on summary conviction to a fine not exceeding [^{F7}level 3 on the standard scale] 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 [^{F8}level 1 on the standard scale] 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

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section one of this Act, shall be liable on summary conviction to a fine not exceeding [^{F7}level 3 on the standard scale].

(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 Act, which he knows to be false in a material particular, or for purposes connected with 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 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 [^{F7}level 3 on the standard scale] 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 Act for which no special penalty is thereby provided shall be liable on summary conviction to a fine not exceeding [^{F8}level 1 on the standard scale].

(6) Where the person carrying on an agency for the supply of nurses is convicted under 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 Act authorising the carrying on of that agency on those premises.

(7) Where any offence against 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.

Textual Amendments

F7 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

F8 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46**

^{F9}5

Textual Amendments

F9 [S. 5](#) repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**; Act repealed (1.4.2003 for E. and otherwise *prosp.*) by [2000 c. 14](#), **ss. 111(1), 117(2), 122, Sch. 6**; [S.I. 2001/3852](#), **art. 3(8)(c)** (with transitional provisions in **Sch. 1**) (as amended (27.3.2002) by [S.I. 2002/1493](#), **art. 5**; as amended (31.5.2002) by [S.I. 2002/1790](#), **art. 2**; as amended (29.7.2002) by [S.I. 2002/2001](#), **arts. 2(2)(3), 3**; as amended (19.12.2002) by [S.I. 2002/3210](#), **art. 2(2)** (with transitional provisions in **art. 4**))

6 Application of Act and of existing enactments.

(1) The foregoing provisions 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

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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.

^{F10}(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.

Textual Amendments
F10 Words repealed by [Statute Law \(Repeals\) Act 1981 \(c. 19\), s. 1\(1\)](#), [Sch. 1 Pt. XII](#)

7 Regulations.

The Minister shall have power (exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament) to make regulations for prescribing anything which under this Act is to be prescribed.

8 Interpretation.

In this Act the following expressions have the meanings hereby respectively assigned to them, 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 does not include the business carried on by any county or district nursing association or other similar organisation, being an association or organisation established and existing wholly or mainly for the purpose of providing patients with the services of a nurse to visit them in their own homes without herself taking up her residence there;

^{F11}
^{F12}

“the Minister” means [^{F13}the Secretary of State];

“nurse” means a nurse for the sick ^{F14}. . .

Textual Amendments
F11 Definition repealed by [Nurses, Midwives and Health Visitors Act 1979 \(c. 36\), s. 24\(2\)](#), [Sch. 8](#)
F12 Definition repealed by virtue of [Nurses, Midwives and Health Visitors Act 1979 \(c. 36\), s. 24\(2\)](#), [Sch. 8](#)
F13 Words substituted by virtue of [S.I. 1968/1699, arts. 2, 5\(4\)\(a\)](#)
F14 Words repealed by [Nurses, Midwives and Health Visitors Act 1979 \(c. 36\), s. 24\(2\)](#), [Sch. 8](#)

9 Repeal and savings.

^{F15}(1)

^{F16}(2)

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(3) Any document referring to any Act or enactment repealed by this Act shall, unless the context otherwise requires, be construed as referring to this Act or the corresponding enactment therein.

^{F16}(4)

^{F16}(5)

Textual Amendments

F15 S. 9(1), repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. XI**

F16 S. 9(2)(4)(5) repealed (5.11.1993) by Statute Law (Repeals) Act 1993 (c. 50), s. 1(1), **Sch. 1 Pt. XVI**
Gp. 1

10 Short title, extent and commencement.

- (1) This Act may be cited as the Nurses Agencies Act 1957.
- (2) This Act shall not extend to Scotland or Northern Ireland.
- (3) This Act shall come into operation at the expiration of one month beginning with the date of its passing.

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F17 SCHEDULE

Textual Amendments

F17 Sch. repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. XI**

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