

DRAFT NURSING AGENCIES (JERSEY) LAW, 197 .

*Lodged au Greffe on 18th March, 1975 by the Public Health
Committee.*



STATES OF JERSEY.

STATES' GREFFE.

NURSING AGENCIES (JERSEY) LAW, 197 .

A LAW to provide for the registration and control of nursing agencies and for matters connected therewith, sanctioned by Order of Her Majesty in Council of the

(Registered on the day of , 197).

STATES OF JERSEY.

The day of , 197 .

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law:—

ARTICLE 1.

INTERPRETATION.

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(1) In this Law, unless the context otherwise requires,—

“nursing agency” means the business (whether or not carried on for gain and whether or not carried on in conjunction with any other business) of supplying persons to act as nurses or midwives but does not include— 10

(a) the business carried on by any 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; or 15

(b) any agency carried on in connexion with any hospital maintained or controlled by the States or any administration thereof, a parochial authority, or such other authority or body as may be prescribed. 20

“certified midwife” means a person authorised to exercise the profession of midwife in the Island under the ‘Loi (1922) sur la santé publique (Sages-femmes)’⁽¹⁾;

“Committee” means the Public Health Committee;

5 “enrolled nurse” means a person enrolled in the roll of nurses maintained in pursuance of subsection (1) of section two of the Nurses Act, 1957;

10 “nurse” means a nurse for the sick and “registered nurse” means a nurse registered in the register of nurses maintained in pursuance of subsection (1) of section two of the Nurses Act, 1957;

“prescribed” means prescribed by Order;

15 “registered medical practitioner” has the same meaning as in the Medical Practitioners (Registration) (Jersey) Law, 1960.⁽²⁾

(2) References in this Law to any other enactment shall be construed as references to that enactment as amended or extended by or under any other enactment.

ARTICLE 2.

20 LICENSING OF AGENCIES.

(1) Subject to the provisions of this Law no person shall carry on a nursing agency on any premises unless he is the holder of a licence from the Committee authorising him so to do on those premises.

25 (2) Subject to the provisions of this Article, if any person who desires to carry on a nursing agency makes an application in that behalf to the Committee in the prescribed form, in the prescribed manner, at the prescribed time and giving the prescribed information, and pays to the Committee such fee as may be prescribed, the Committee shall grant him a licence accordingly, subject, however, to such conditions as it 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.

35 (3) Every licence granted under this Law shall (unless revoked) expire on the thirty-first day of December in the year next following that in which it is granted, but shall be renewable annually on application being made in that behalf to the Committee in the prescribed form at the prescribed time and accompanied by such fee as may be prescribed.

⁽¹⁾ Tomes IV-VI, page 556.

⁽²⁾ Tome 1957-1960, page 493.

(4) An application for a licence or for renewal of a licence may be refused, and any such licence which has been granted may be revoked on any of the following grounds—

- (a) that the applicant or, as the case may be, the holder of the licence is an individual under the age of twenty years or is unsuitable to hold such a licence; 5
- (b) that the premises are unsuitable;
- (c) that the agency has been or is being improperly conducted; or
- (d) that an offence against this Law or Part II of the Nurses Act, 1943, has been committed in connexion with the carrying on of the agency; 10
- (e) that the holder of a licence has not complied with any condition attached thereto.

(5) The Committee shall not refuse an application for registration or renewal of registration under this Law, or cancel any such registration, unless it has given to the applicant or person registered, as the case may be, not less than seven days' notice in writing of its intention to do so and of its reasons for so doing; and every such notice shall contain an intimation that, if within seven days after the receipt of the notice the applicant or person registered informs the Committee in writing that he desires so to do, the Committee, before refusing the application, or cancelling the registration, will afford him an opportunity of being heard in person or by a representative, against such refusal or cancellation. 15
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(6) Any notice required to be given to any person under paragraph (5) of this Article may be given—

- (a) by delivering it to that person; or
- (b) by leaving it at his proper address; or 30
- (c) by registered post; or
- (d) by the recorded delivery service; or
- (e) in the case of a body corporate, by serving it on the secretary or clerk of the body corporate.

(7) If the Committee, after giving to the applicant or the registered person an opportunity of being heard, decides to refuse the application or to cancel the registration, it shall, if required by the applicant or the registered person, deliver to him, within seven days of the receipt of such requirement, particulars in writing of the reasons for such refusal or cancellation. 35
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(8) Any person aggrieved by such refusal or cancellation, or by any conditions attached to his registration or renewal of registration, may appeal to the Inferior Number of the Royal Court, either in term or in vacation, on the ground that that decision of the Committee was unreasonable having 45

regard to all the circumstances of the case, and the decision of the Inferior Number of the Royal Court shall be final and without further appeal, but without prejudice to the right to refer the matter to the Superior Number of the Royal Court.

5 (9) Where any person appeals against the cancellation of a registration or against a condition attaching to a registration, the cancellation of the registration or, as the case may be, the condition attached, shall not take effect until the appeal has been determined.

10 (10) On the death of the holder of a licence under this Law, the licence shall enure for the benefit of his personal representatives where the Committee is satisfied that the agency is being conducted under the direct supervision of a registered nurse or registered medical practitioner, and
15 references in this Law to the holder of such a licence shall be construed accordingly.

ARTICLE 3.

CONDUCT OF NURSING AGENCIES.

20 (1) A person carrying on a nursing agency shall, in carrying on that agency, only supply—

- (a) registered nurses;
- (b) enrolled nurses;
- (c) certified midwives;
- (d) such other classes of persons as may be prescribed.

25 (2) A person carrying on a nursing agency 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.

30 (3) No person shall carry on a nursing agency unless the selection of the person to be supplied for each particular case is made by or under the supervision of a registered nurse or a registered medical practitioner.

35 (4) A person carrying on a nursing agency shall keep such records in relation thereto as may be prescribed.

ARTICLE 4.

INSPECTION.

40 (1) A registered nurse or other officer duly authorised in that behalf by the Committee may at all reasonable times, on the production, if so required, of evidence of his authority—

- (a) enter the premises specified in any licence or application for a licence under this Law or any premises

which are or are to be used, or which that officer has reasonable cause to believe are or are to be used, for the purposes of or in connexion with a nursing agency; and

- (b) inspect those premises and records kept in connexion with any such agency carried on at those premises. 5

(2) If any person refuses to allow any such officer to enter or inspect any such premises or records as aforesaid, or obstructs any such officer in the execution of his powers under this Article, he shall be guilty of an offence against this Law. 10

ARTICLE 5.

PENALTIES FOR OFFENCES.

(1) Any person who, in carrying on a nursing agency supplies any person in contravention of the provisions of paragraph (1) of Article 3 of this Law, shall be liable to a fine not exceeding fifty pounds. 15

(2) Any person who acts in contravention of paragraph (3) of Article 3 of this Law shall be guilty of an offence and shall be liable to a fine not exceeding fifty pounds and, if the contravention continues after conviction thereof, to a further fine not exceeding five pounds for each day on which the contravention continues. 20

(3) Any person who carries on a nursing agency otherwise than in accordance with the conditions of his licence shall be liable to a fine not exceeding five pounds and, if the contravention continues after conviction thereof, to a further fine not exceeding two pounds for each day on which the contravention continues. 25

(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 Law, which he knows to be false in a material particular, or for purposes connected with this Law 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 30
- (b) for the purpose of obtaining a licence under this Law makes any statement which he knows to be false in a material particular, 35

shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment. 40

(5) Any person who commits an offence against this Law for which no special penalty is provided shall be liable to a fine not exceeding ten pounds.

5 (6) Where the person carrying on a nursing agency is convicted under this Law of an offence in connexion with the carrying on of that agency on any premises, the Court may, in lieu of or in addition to imposing any other penalty, order the revocation of any licence issued under this Law.

10 (7) Where any offence against this Law by a body corporate is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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ARTICLE 6.

ORDERS.

(1) The Committee may make Orders for prescribing anything which under this Law is to be prescribed.

20 (2) The Subordinate Legislation (Jersey) Law, 1960⁽³⁾ shall apply to Orders made under this Law.

ARTICLE 7.

CITATION AND COMMENCEMENT.

(1) This Law may be cited as the Nursing Agencies (Jersey) Law, 197 .

25 (2) This Law shall come into force forthwith for the purpose of making Orders thereunder, and for all other purposes shall come into force on the first day of January, 1976.

⁽³⁾ Tome 1957-1960, page 519.