



Jersey

HEALTH CARE (REGISTRATION) (JERSEY) LAW 1995

Official Consolidated Version

This is an official version of consolidated legislation compiled and issued under the authority of the Legislation (Jersey) Law 2021.

Showing the law from 1 January 2019 to 14 October 2019



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HEALTH CARE (REGISTRATION) (JERSEY) LAW 1995

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A **LAW** to make provision for the registration of persons engaged in occupations relating to health care, and for connected purposes

Commencement [[see endnotes](#)]

PART 1

PRELIMINARY

1 Interpretation

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

“applicant” means a person making application for registration under this Law;

“Commission” means the Health and Social Care Commission established by Article 35 of the [Regulation of Care \(Jersey\) Law 2014](#);

“Court” means the Royal Court;

“material date” in relation to an occupation, means the date that is 6 months after the date on which it becomes a registrable occupation;

“medical practitioner” means a medical practitioner registered under the [Medical Practitioners \(Registration\) \(Jersey\) Law 1960](#);

“nurse” includes a person who practises or holds himself or herself out as a health visitor, but does not include a person who practises or holds himself or herself out only as –

(a) a dental nurse; or

(b) a veterinary nurse,

and does not include a person who acts or holds himself or herself out only as a nursery nurse;

“nursery nurse” means a person who has the care (not being the health care) of children;

“prescribed” means prescribed by Order made by the Chief Minister;

“register” means the register kept under this Law in respect of the registrable occupation in relation to which the word is used, and “registered” and “registration” have corresponding meanings;

“registrable occupation” means an occupation specified in the Schedule to this Law.²

- (2) A reference in this Law to an enactment, including an enactment of the United Kingdom, is a reference to that enactment as amended, and includes a reference to that enactment as extended or applied by or under any other enactment, including any other provision of that enactment.

PART 2

REGISTRATION

2 Restriction on engaging in registrable occupation

- (1) Subject to such exemptions as may be prescribed, on or after the material date it shall be an offence for any person who is not registered to engage in a registrable occupation or to hold himself or herself out as being entitled to engage in that occupation, or to use or permit to be used in connection with the person's business any written words, titles or initials implying that the person is registered in respect of that occupation or that the person is qualified to engage in that occupation.
- (2) A person who acts in contravention of paragraph (1) shall be guilty of an offence and liable to imprisonment for a term not exceeding 12 months or to a fine or both.
- (3) Where a person is charged with an offence under paragraph (2), it shall be a defence to prove –
- (a) that he or she satisfies the requirements of Article 3(1)(a) in respect of the registrable occupation;
 - (b) that not later than 3 months after the material date, he or she made an application in accordance with this Law for registration to engage in that occupation; and
 - (c) that his or her application had not been finally determined at the time to which the charge relates.³
- (4) Where a person is charged with an offence under paragraph (2) by reason of engaging in a registrable occupation, it shall be a defence to prove that –
- (a) he or she was acting reasonably, in an emergency; or
 - (b) he or she was undertaking, under the supervision of an appropriate practitioner, a prescribed course of training or any other course of training that is for the time being approved in writing by the Commission.⁴
- (5) In paragraph (4), “appropriate practitioner” means –
- (a) a person who is registered in respect of the registrable occupation to which the charge relates; or
 - (b) a person of any prescribed class.⁵

3 Qualifications for registration

- (1) Subject to the provisions of this Law, a person shall be entitled to be registered in respect of a registrable occupation if he or she satisfies the Commission that –
 - (a) he or she was on the material date employed in Jersey in that registrable occupation and had been so employed for a period of at least 6 months immediately preceding the material date;
 - (b) he or she holds a prescribed qualification;
 - (c) he or she holds any other qualification which the Commission accepts for the purposes of this Article in any particular case; or
 - (d) he or she has had training and practical experience in the relevant registrable occupation which the Commission considers are together sufficient to enable him or her to practise that occupation.⁶
- (2) An Order made under this Law for the purposes of paragraph (1)(b) shall not affect –
 - (a) the registration of any person who is already registered; or
 - (b) any application for registration which is pending when the Order comes into force,and any such application shall accordingly be dealt with as if the Order had not been made.⁷
- (3) Where such an Order has the effect of replacing or revoking a prescribed qualification in respect of a registrable occupation, it must also contain provisions allowing persons who already possess that qualification but have not applied for registration in respect of that registrable occupation before the Order comes into force a reasonable period of time in which to do so, and if any such person so applies his or her application shall be dealt with as if the Order had not been made.⁸
- (4) In this Article, “qualification” includes the entry of one’s name, in any place other than Jersey, on a register in respect of any profession which is identical with the registrable occupation for which the qualification is prescribed under this Law.⁹

4 Duration of registration

Every registration shall expire on 31st December next following the date on which it takes effect but shall be renewable annually in the manner provided by this Law.

5 Application for registration

- (1) An application for registration or renewal of registration shall –
 - (a) be in the form required from time to time by the Commission;
 - (b) contain or be accompanied by such particulars as the Commission may require;
 - (c) be verified in such manner and to such extent as the Commission may require; and
 - (d) be accompanied by such fee as may be prescribed.¹⁰

- (2) An application for renewal of registration shall be made in the month of December and, if the application is not made in that month, the Commission may direct that the name of the registered person be removed from the register.¹¹

6 Determination of application for registration

- (1) Notwithstanding anything contained in Article 3, the Commission may –
- (a) refuse to grant an application for registration or renewal of registration if, in its opinion, the applicant –
 - (i) is, or has been, engaged in any activity which is likely to reflect discredit on the registrable occupation in respect of which the applicant seeks registration, or
 - (ii) is otherwise not of good character or reputation; or
 - (b) attach conditions to the registration or renewal of registration of any person.¹²
- (2) Where the Commissioner refuses to grant the application, or grants the application subject to conditions, it shall furnish the applicant with a statement in writing of the Commission's reasons for so doing.¹³

7 Mode of registration

- (1) Registration shall be effected by the entry in the register kept for the purpose by the Commission of the following –
- (a) the name of the person registered;
 - (b) particulars as to the qualification by virtue of which the person is registered;
 - (c) the person's postal address;
 - (d) the date of registration; and
 - (e) such other particulars as may be prescribed.¹⁴
- (2) Where a registered person changes his or her address appearing in a register the person shall, within one month thereafter, send to the Commission a notice of his or her new address.¹⁵
- (3) A person who fails to comply with paragraph (2) shall be guilty of an offence and liable to a fine not exceeding level 2 on the standard scale.

8 Removal of name from register where registered person has ceased to practise, etc.

- (1) Where the Commission has reason to believe that a registered person has ceased to practise the Commission may send to the registered person by registered post to the person's address appearing in the register, or to the person's last known place of abode, an inquiry as to whether or not the person wishes to have his or her name retained in the register.¹⁶
- (2) If no reply is received to that inquiry within 6 months from the date of posting thereof, or if the letter is not delivered and is returned to the Commission, or if the

registered person so requests in reply to the inquiry, the Commission shall remove the name of that person from the register.¹⁷

- (3) Notwithstanding anything in paragraphs (1) and (2), if the Commission has reason to believe that a registered person has died the Commission may remove the name of that person from the register.¹⁸
- (4) A person whose name has been removed from the register in pursuance of this Article may apply to the Commission to have his or her name restored to the register and the Commission may direct that the name of that person shall be restored on payment of the prescribed fee.¹⁹

9 Amendment of register

- (1) If any particulars appearing in the register in respect of the name, qualifications or address of a person are proved to the satisfaction of the Commission to be, or are to the knowledge of the Commission, erroneous in any respect, the register shall be amended in accordance with any direction given by the Commission.²⁰
- (2) The provisions of paragraph (1) shall apply notwithstanding that at the time when the entry in the register was made the person was actually possessed of the qualifications particulars whereof appear in the register, or that at that time the entry was otherwise correct.

10 Power of Court to cancel registration

- (1) Subject to paragraph (2), the Court may, on the motion of the Attorney General, order that the registration of any person be cancelled where that person –
 - (a) has been convicted, in Jersey or elsewhere, of a criminal offence which renders the person unfit to be registered;
 - (b) has been guilty of infamous conduct in a professional respect;
 - (c) has obtained registration by fraudulent means; or
 - (d) has failed to comply with any condition subject to which the person was registered.
- (2) The Court shall not make an order under paragraph (1) unless the person concerned has been given an opportunity of showing cause why the order should not be made.
- (3) The Court may, where it thinks fit to do so, either of its own accord, or on the motion of the Attorney General, or on the application of the person concerned, rescind any order made under this Article.

11 List of registered persons to be kept

The Commission shall make and keep available for inspection at the Commission's office, during business hours, a list of registered persons showing their names and addresses and the qualifications by virtue of which they were registered.²¹

12 Certificate of registration

- (1) Where the Commission registers or renews the registration of any person it shall issue to the registered person, free of charge, a certificate of registration.²²
- (2) If the holder of a certificate ceases for any reason to be registered the certificate shall thereupon be deemed to be cancelled.

13 Penalty for fraudulently obtaining registration

Any person who wilfully procures or attempts to procure himself or herself or any other person to be registered by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either orally or in writing, shall be guilty of an offence and liable to imprisonment for a term not exceeding 12 months or to a fine or both.

14 Appeals

- (1) An applicant who is aggrieved by the decision of the Commission –
 - (a) to refuse to grant the applicant's application for registration or renewal of registration; or
 - (b) to register the applicant subject to conditions,may appeal to the Court within 28 days after the date of the notification of the decision of the Commission in the matter, on the ground that the decision of the Commission was unreasonable having regard to all the circumstances of the case.²³
- (2) Unless the Court so orders, the lodging of an appeal shall not operate to stay the effect of a decision pending the determination of the appeal.²⁴
- (3) On hearing the appeal, the Court may confirm, reverse or vary the decision against which the appeal is brought.²⁵

PART 3**MISCELLANEOUS****15 Production of documents**

- (1) The Commission may require the production of such documents as the Commission thinks necessary in order to ensure that the provisions of this Law are being complied with.²⁶
- (2) The power to require production of documents under paragraph (1) does not include power to require production of the records of a patient unless –
 - (a) the consent of the patient in writing to their production; or
 - (b) an Order of the Court authorizing their production,has previously been obtained in respect thereof.

- (3) A person who obstructs or impedes the Commission in the execution of its duties shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.²⁷

16 Fees and expenses

All fees received under this Law shall form part of the annual income of the States and all expenses incurred under or in the administration of this Law shall be defrayed out of the annual income of the States.

17 Regulations and Orders

- (1) The States may by Regulations amend the list of registrable occupations specified in the Schedule to this Law.
- (2) The Chief Minister may make Orders generally for carrying this Law into effect and in particular but without prejudice to the generality of the foregoing for prescribing any matter which may be prescribed by this Law.²⁸
- (3) An Order made under this Law may –
- (a) exempt any person or class of persons from all or any of the provisions of this Law;
 - (b) make different provisions in relation to different cases or circumstances;
 - (c) contain such incidental provisions as the Chief Minister may consider to be necessary or expedient.²⁹
- (4) The [Subordinate Legislation \(Jersey\) Law 1960](#) shall apply to Orders made under this Law.

18 Saving provisions

- (1) Subject to paragraph (2), nothing in this Law shall affect or derogate from the following Laws –
- (a) ³⁰
 - (b) [Pharmacists and Pharmacy Technicians \(Registration\) \(Jersey\) Law 2010](#);
 - (c) [Medical Practitioners \(Registration\) \(Jersey\) Law 1960](#);
 - (d) [Dentistry \(Jersey\) Law 2015](#);
 - (e) [Opticians \(Registration\) \(Jersey\) Law 1962](#),
- insofar as those Laws make provision with respect to the carrying on of a profession or occupation or the registration of persons.³¹
- (2) A registered person who, in the course of the registrable occupation in respect of which he or she is registered, does only things which are usually done by a person engaging in that occupation, does not thereby contravene Article 2 of the [Medical Practitioners \(Registration\) \(Jersey\) Law 1960](#).

19 Citation

This Law may be cited as the Health Care (Registration) (Jersey) Law 1995.

SCHEDULE³²

(Article 1(1))

REGISTRABLE OCCUPATIONS

Ambulance paramedic
Art therapist
Biomedical scientist
Chiropodist
Chiropractor
Clinical psychologist
Clinical scientist
Dietitian
Midwife
Midwife prescribing practitioner
Nurse
Nurse prescribing practitioner
Occupational therapist
Operating department practitioner
Orthoptist
Osteopath
Physiotherapist
Podiatrist
Psychotherapist
Radiographer
Registered nurse: first level
Registered nurse: second level
Social worker
Specialist community public health nurse
Specialist community public health nurse prescribing practitioner
Speech and language therapist

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	◦Projet No (where applicable)
Health Care (Registration) (Jersey) Law 1995	L.32/1995	1 July 1996 (R&O.8922)	
Health Care (Registration) (Jersey) Regulations 1996	R&O.8957	1 August 1996	
Health Care (Registration) (Amendment) (Jersey) Law 2002	L.21/2002	1 August 2003 (R&O.63/2003) except – 1 July 2005, Articles 2(2), 7, 8(4) and (5) and 10(3) and (4) (R&O.32/2005)	P.145/2001
Health Care (Registration) (No. 2) (Jersey) Regulations 2005	R&O.33/2005	1 July 2005	P.46/2005
States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005	R&O.45/2005	9 December 2005	P.59/2005
Health Care (Registration) (Jersey) Regulations 2006	R&O.93/2006	28 September 2006	P.91/2006
Health Care (Registration) (No. 3) (Jersey) Regulations 2007	R&O.109/2007	19 September 2007	P.83/2007
Pharmacists and Pharmacy Technicians (Registration) (Jersey) Law 2010	L.6/2010	16 May 2010	P.209/2009
Health Care (Registration) (No. 4) (Jersey) Regulations 2012	R&O.118/2012	30 October 2012	P.84/2012
Dentistry (Jersey) Law 2015	L.17/2015	24 February 2016 (R&O.22/2016)	P.89/2015
Regulation of Care (Transfer of Functions) (Jersey) Regulations 2018	R&O.120/2018	1 January 2019	P.128/2018
States of Jersey (Transfer of Functions – Regulation of Care) (Jersey) Order 2018	R&O.141/2018	1 January 2019	

◦Projets available at www.statesassembly.gov.je

Table of Renumbered Provisions

Original	Current
PART I	PART 1
1(2), (3)	spent, omitted from this revised edition
1(4)	1(2)
PART II	PART 2
PART III	PART 3
18(1)(b)	spent, omitted from this revised edition
18(1) (c), (d), (e), (f)	18(1) (b), (c), (d), (e)
19(2)	spent, omitted from this revised edition

Table of Endnote References

- ¹ *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- ² *Article 1(1)* amended by L.21/2002, R&O.120/2018, R&O.141/2018
- ³ *Article 2(3)* inserted by L.21/2002
- ⁴ *Article 2(4)* inserted by L.21/2002, amended by R&O.120/2018
- ⁵ *Article 2(5)* inserted by L.21/2002
- ⁶ *Article 3(1)* amended by L.21/2002, R&O.120/2018
- ⁷ *Article 3(2)* inserted by L.21/2002
- ⁸ *Article 3(3)* inserted by L.21/2002
- ⁹ *Article 3(4)* inserted by L.21/2002
- ¹⁰ *Article 5(1)* amended by R&O.120/2018
- ¹¹ *Article 5(2)* amended by R&O.120/2018
- ¹² *Article 6(1)* amended by L.21/2002, R&O.120/2018
- ¹³ *Article 6(2)* amended by R&O.120/2018
- ¹⁴ *Article 7(1)* amended by R&O.120/2018
- ¹⁵ *Article 7(2)* amended by R&O.120/2018
- ¹⁶ *Article 8(1)* substituted by R&O.120/2018
- ¹⁷ *Article 8(2)* amended by R&O.120/2018
- ¹⁸ *Article 8(3)* amended by R&O.120/2018
- ¹⁹ *Article 8(4)* amended by R&O.120/2018
- ²⁰ *Article 9(1)* amended by R&O.120/2018
- ²¹ *Article 11* amended by R&O.120/2018
- ²² *Article 12(1)* substituted by R&O.120/2018
- ²³ *Article 14(1)* amended by L.21/2002, R&O.120/2018
- ²⁴ *Article 14(2)* inserted by L.21/2002
- ²⁵ *Article 14(3)* inserted by L.21/2002
- ²⁶ *Article 15(1)* substituted by R&O.120/2018
- ²⁷ *Article 15(3)* substituted by R&O.120/2018
- ²⁸ *Article 17(2)* amended by R&O.141/2018
- ²⁹ *Article 17(3)* amended by R&O.141/2018
- ³⁰ *Article 18(1)(a)* repealed by L.21/2002, of which Article 10(3) and (4) provide -

(3) *On the commencement of Articles 7, 8(4) and 9 of this Law, every person who immediately before their commencement was enrolled as a midwife under the “Loi (1922) sur la Santé Publique (Sage-femmes)” shall be a registered midwife under the principal Law (as amended by this Law), subject to the other provisions of the principal Law (as so amended) relating to registered persons.*

(4) *Any matter that is pending under the “Loi (1922) sur la Santé Publique (Sages-femmes)” immediately before the commencement of Articles 7, 8(4) and 9 of this Law shall, after their commencement, be treated and dealt with in accordance with the provisions of the principal Law (as amended by this Law).*

³¹ Article 18(1)

³² Schedule

amended by L.6/2010, L.17/2015

amended by R&O.8957, L.21/2002, R&O.93/2006, R&O.109/2007, R&O.118/2012