



Jersey

**NURSING AGENCIES (JERSEY)  
LAW 1978**

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Jersey

## NURSING AGENCIES (JERSEY) LAW 1978

### Arrangement

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Jersey

## NURSING AGENCIES (JERSEY) LAW 1978<sup>1</sup>

A LAW to provide for the registration and control of nursing agencies and for matters connected therewith

Commencement [[see endnotes](#)]

### 1 Interpretation

In this Law, unless the context otherwise requires, –

“certified midwife” means a person authorized to exercise the profession of midwife in Jersey under the Loi (1922) sur la santé publique (Sage-femmes);<sup>2</sup>

“enrolled nurse” means a person enrolled in the roll of nurses maintained in pursuance of section 2(1) of the Nurses Act 1957 of the United Kingdom;

“Minister” means the Minister for Health and Social Services;

“nurse” means a nurse for the sick and “registered nurse” means a nurse registered in the register of nurses maintained in pursuance of section 2(1) of the Nurses Act 1957 of the United Kingdom;

“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 –

- (a) the business carried on by any district nursing association or other similar organization, being an association or organization 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 taking up residence there; or
- (b) any agency carried on in connection 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;

“prescribed” means prescribed by Order;

“registered medical practitioner” has the same meaning as in the Medical Practitioners (Registration) (Jersey) Law 1960.<sup>3</sup>

## **2 Licensing of agencies**

- (1) Subject to the provisions of this Law no person shall carry on a nursing agency on any premises unless he or she is the holder of a licence from the Minister authorizing him or her so to do on those premises.
- (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 Minister in the prescribed form, in the prescribed manner, at the prescribed time and giving the prescribed information, and pays to the Minister such fee as may be prescribed, the Minister shall grant him or her a licence accordingly, subject, however, to such conditions as the Minister 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.
- (3) Every licence granted under this Law shall (unless revoked) expire on the 31st 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 Minister in the prescribed form at the prescribed time and accompanied by such fee as may be prescribed.
- (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 20 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 an offence against this Law or the Nurses Agencies Act 1957 of the United Kingdom, or any enactment repealed by that Act has been committed in connection with the carrying on of the agency;
  - (e) that the holder of a licence has not complied with any condition attached thereto.
- (5) The Minister shall not refuse an application for registration or renewal of registration under this Law, or cancel any such registration, unless he or she has given to the applicant or person registered, as the case may be, not less than 7 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 7 days after the receipt of the notice the applicant or person registered informs the Minister in writing that he or she desires so to do, the Minister, before refusing the application, or cancelling the registration, will afford him or her an opportunity of being heard in person or by a representative, against such refusal or cancellation.
- (6) Any notice required to be given to any person under paragraph (5) may be given –
  - (a) by delivering it to that person;

- (b) by leaving it at his or her proper address;
  - (c) by registered post;
  - (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 Minister, after giving to the applicant or the registered person an opportunity of being heard, decides to refuse the application or to cancel the registration, the Minister shall, if required by the applicant or the registered person, deliver to him or her, within 7 days of the receipt of such requirement, particulars in writing of the reasons for such refusal or cancellation.
- (8) Any person aggrieved by such refusal or cancellation, or by any conditions attached to his or her 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 Minister was unreasonable having 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.
- (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) On the death of the holder of a licence under this Law, the licence shall ensure for the benefit of his or her personal representatives where the Minister is satisfied that the agency is being conducted under the direct supervision of a registered nurse or registered medical practitioner, and references in this Law to the holder of such a licence shall be construed accordingly.

### **3 Conduct of nursing agencies**

- (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.
- (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 or she 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 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.

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

#### **4 Inspection**

- (1) A registered nurse or other officer duly authorized in that behalf by the Minister may at all reasonable times, on the production, if so required, of evidence of his or her 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 connection with a nursing agency; and
  - (b) inspect those premises and records kept in connection with any such agency carried on at those premises.
- (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 or her powers under this Article, he or she shall be guilty of an offence against this Law.

#### **5 Penalties for offences**

- (1) Any person who, in carrying on a nursing agency supplies any person in contravention of the provisions of Article 3(1), shall be liable to a fine.<sup>4</sup>
- (2) Any person who acts in contravention of Article 3(3) shall be guilty of an offence and shall be liable to a fine.<sup>5</sup>
- (3) Any person who carries on a nursing agency otherwise than in accordance with the conditions of his or her licence shall be liable to a fine of level 3 on the standard scale.<sup>6</sup>
- (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 or she 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 or she knows to be false in a material particular; or
  - (b) for the purpose of obtaining a licence under this Law makes any statement which he or she knows to be false in a material particular,
- shall be liable to imprisonment for a term of 3 months and to a fine.<sup>7</sup>
- (5) Any person who commits an offence against this Law for which no special penalty is provided shall be liable to a fine of level 2 on the standard scale.<sup>8</sup>
- (6) Where the person carrying on a nursing agency is convicted under this Law of an offence in connection 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.

- (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 or she, 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.

## **6 Orders**

- (1) The Minister may make Orders for prescribing anything which under this Law is to be prescribed.
- (2) The Subordinate Legislation (Jersey) Law 1960<sup>9</sup> shall apply to Orders made under this Law.

## **7 Citation**

This Law may be cited as the Nursing Agencies (Jersey) Law 1978.

**ENDNOTES****Table of Legislation History**

<b>Legislation</b>	<b>Year and No</b>	<b>Commencement</b>
Nursing Agencies (Jersey) Law 1978	L.7/1978	4 August 1978 for the purpose of making Orders and 1 January 1979 for all other purposes
States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005	R&O.45/2005	9 December 2005
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	L.1/2016	20 September 2016 (R&O.98/2016)

**Table of Renumbered Provisions**

<b>Original</b>	<b>Current</b>
1(1)	1
1(2)	spent, omitted from this revised edition
7(1)	7
(2)	spent, omitted from this revised edition

**Table of Endnote References**

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- <sup>1</sup> *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*
- <sup>2</sup> *chapter 20.850*
- <sup>3</sup> *chapter 20.600*
- <sup>4</sup> *Article 5(1) amended by L.1/2016*
- <sup>5</sup> *Article 5(2) amended by L.1/2016*
- <sup>6</sup> *Article 5(3) amended by L.1/2016*
- <sup>7</sup> *Article 5(4) amended by L.1/2016*
- <sup>8</sup> *Article 5(5) amended by L.1/2016*
- <sup>9</sup> *chapter 15.720*