STATUTORY INSTRUMENTS

1961 No. 1219 (S. 73)

NURSES AND MIDWIVES

The Nurses Agencies (Scotland) Regulations, 1961

Made - - - -	*28th June*, 1961
Laid before Parliament	*4th July*, 1961
Coming into Operation	*5th July*, 1961

In exercise of the powers conferred on me by section 27 and sub-section (4) of section 33 of the Nurses (Scotland) Act, 1951(a) as amended by the Nurses (Amendment) Act, 1961(b), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1.—(1) These regulations may be cited as the Nurses Agencies (Scotland) Regulations, 1961, and shall come into operation on the 5th day of July, 1961.

(2) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them—

"the Act" means the Nurses (Scotland) Act, 1951 as amended by the Nurses (Amendment) Act, 1961;

"licensing authority" has the meaning assigned to it by section 32 of the Act.

(3) The Interpretation Act, 1889(c), shall apply to the interpretation of these regulations as it applies to an Act of Parliament.

2. A person carrying on an agency for the supply of nurses may, in carrying on the agency, supply persons of the following classes in addition to registered nurses, enrolled nurses and certified midwives:—

(*a*) persons who hold the certificate of proficiency in mental nursing or the certificate of proficiency in the nursing of mental defectives granted by the Royal Medico-Psychological Association;

(*b*) persons who hold the tuberculosis nursing certificate granted by the British Tuberculosis Association;

(*c*) persons who hold the orthopaedic nursing certificate granted by the Central Council for the Care of Cripples or the Joint Examination Board of the British Orthopaedic Association and the said Central Council;

(*d*) persons who are entitled, under the Nurses (Scotland) Regulations, 1959(d), to use the name or title "service-trained nurse";

(a) 14 & 15 Geo. 6. c. 55. (b) 9 & 10 Eliz. 2. c. 14. (c) 52 & 53 Vict. c. 63.
(d) S.I. 1959/1321 (1959 II, p. 1971).

(*e*) persons, being persons to whom none of the preceding paragraphs of this regulation applies, of any class prescribed for the purpose of paragraph (*d*) of sub-section (1) of section 1 of the Nurses Agencies Act, 1957(a).

3.—(1) An application for a licence to carry on an agency for the supply of nurses on any premises in the area of a licensing authority shall be made in writing to the licensing authority in the form set out in the First Schedule to these regulations or in a form substantially to the like effect approved for the time being by the Secretary of State, and shall be accompanied by the fee payable in accordance with these regulations.

(2) An application for a licence in respect of an agency by the holder of a licence in respect of that agency shall be made not less than four weeks before the date on which the current licence is due to expire.

(3) An applicant for a licence shall furnish to the licensing authority such further information as the authority may reasonably require with respect to him or to the agency carried on or proposed to be carried on by him.

(4) The fee payable upon making an application for a licence shall be two guineas in the case of a first application to the licensing authority for a licence and one guinea in the case of a subsequent application by the same person in respect of the same agency:

Provided that where an application is made by reason only that it is proposed to carry on an agency in respect of which a licence is held on different premises in the area of the same licensing authority the fee shall be two shillings and sixpence.

4.—(1) A statement in writing for the purposes of sub-section (2) of section 27 of the Act shall be in the form set out in the Second Schedule to these regulations or in a form substantially to the like effect approved for the time being by the Secretary of State.

(2) A statement for the said purposes shall be delivered in person by the nurse or other person supplied:

Provided that, if it is not reasonably practicable in the circumstances of a particular case for the nurse or other person supplied so to deliver the statement, the statement may be sent by post or other suitable means and in such a case shall—

(*a*) if sent by other means than post, be delivered and

(*b*) if sent by post be posted at such time as will, in the ordinary course of post, enable it to be delivered

not later than the end of the day next after that on which the nurse or other person is to report for duty.

5. A person carrying on an agency for the supply of nurses shall keep records showing

(*a*) the full name and address and the date of birth of every nurse or other person who is, or is to be, supplied by the agency;

(*b*) in the case of a registered nurse:—

(i) which part or parts of the register the nurse is on;

(ii) whether she is also a midwife or holds the first certificate of the Central Midwives Board for Scotland; and

(iii) what additional nursing certificates (if any) are held by the nurse;

(a) 5 & 6 Eliz. 2. c. 16.

(*c*) in the case of persons supplied or to be supplied other than registered nurses, the nursing or midwifery qualifications possessed by the person;

(*d*) the name and professional qualifications of the registered nurse or the registered medical practitioner by or under whose supervision the selection of the person to be supplied for a particular case is made;

(*e*) the names and addresses of all persons to whom nurses or other persons are supplied, the name of the nurse or other person supplied in each case, and the dates between which the nurse or other person was so supplied;

(*f*) the weekly or monthly fee, charge or other consideration required in each case from the person to whom a nurse or other person is supplied, and the total fee, charge or other consideration required in each case;

(*g*) the total commission or fee and expenses, if any, charged in each case to the nurse or other person supplied, and (except in a case to which the next succeeding sub-paragraph applies) the net amount retained by, or, as the case may be, paid by the agency to, the nurse or other person supplied in each case;

(*h*) where nurses or other persons are directly employed by the agency, the annual salary and emoluments payable to, and conditions of employment of, each nurse or other person;

(*i*) the terms of the standard agreement between the agency and nurses or other persons supplied or to be supplied by the agency, and particulars of any variation of those terms in any particular case;

(*j*) whether the nurse or other person is a member of any superannuation scheme, and if so of what scheme;

(*k*) particulars of the contents of all statements given for the purposes of subsection (2) of section 27 of the Act; and

(*l*) particulars of any complaints made against the agency and of the action taken thereon.

6. The Nurses Agencies (Scotland) Regulations, 1945 and 1947(a), are hereby revoked, and references in any other regulations to the regulations so revoked or to any provision thereof shall be construed as references to these regulations or to the corresponding provisions thereof, as the case may be.

Dated this 28th day of June, 1961.

John S. Maclay,
One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

(a) S.R. & O. 1945/654 (Rev. XVI, p. 1087: 1945 I, p. 910) and S.R. & O. 1947/389, reg. 3 (Rev. XVI, p. 1086; 1947 I, p. 1526).

FIRST SCHEDULE

FORM OF APPLICATION FOR LICENCE

I (or We) hereby apply to the Council in pursuance of section 28 of the Nurses (Scotland) Act, 1951, for a licence to carry on an agency for the supply of nurses (as defined in section 32 of that Act), and furnish below particulars in regard to the agency:—

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1. (*a*) Full name of the applicant(s) (Surname(s) in block capitals). (*a*)
   (*b*) Private address of applicant(s). (*b*)
   (*c*) (In the case of a woman) Whether married or single. (*c*)
   (*d*) Age of applicant(s). (*d*)
   (*e*) Professional status (if any) of applicant(s). (*e*)
   (*f*) Nationality of applicant(s). (*f*)
2. If the application is made by a company, society, association or other body:
   (*a*) registered or principal office of company, society, association or body, (*a*)
   (*b*) full name and address of each director, trustee or other person concerned in the management of the company, society, association or other body. (*b*)
3. Full name and private address of every person (if any) other than the applicant(s) who is, or is to be responsible for the management of the agency.
4. (*a*) Name, style or title under which the agency is carried on. (*a*)
   (*b*) Address of agency. (*b*)
   (*c*) Brief description of premises including, if any nurses or midwives are accommodated on the premises or on associated premises, particulars of the accommodation provided for them, whether for sleeping or for recreational purposes or for taking meals. (*c*)
5. Name, address and qualifications of registered nurse (including particulars of the part or parts of the register which she is on), or name and address of registered medical practitioner who supervises selection of the person to be supplied in each case.
6. Approximate number of persons available, or proposed to be available, for supply by the agency in each of the following categories:—
   (*a*) nurses on the part of the register containing the names of general trained female nurses, (*a*)

(*b*) nurses on the part of the register containing the names of general trained male nurses, (*b*)

(*c*) nurses on each supplementary part of the register (female), excluding any included in (*a*), (*c*)

(*d*) nurses on each supplementary part of the register (male), excluding any included in (*b*), (*d*)

(*e*) enrolled nurses (females), (*e*)

(*f*) enrolled nurses (male), (*f*)

(*g*) certified midwives, (*g*)

(*h*) other persons in each of the classes specified in regulation 2 of these regulations (female), (*h*)

(*i*) other persons in each of those classes (male), (*i*)

7. Number, if any, of persons referred to in each of the categories in paragraph 6 who will be resident on the premises or on associated premises.

8. Fees, charges and any other consideration charged, or proposed to be charged, for supply of nurses in each of the categories referred to in paragraph 6 to—

(*a*) private patients; (*a*)

(*b*) hospitals; (*b*)

(*c*) nursing homes; (*c*)

(*d*) other institutions (e.g. poor law institutions, school sanatoria). (*d*)

9. Fees or commission charged to, and the other terms of engagement, if any, of each of the categories referred to in paragraph 6.

10. Name and address of any other agency for the supply of nurses in which the applicant, or applicant company, society, association, or body, or any director or trustee thereof, is interested, and the nature and extent of the interest therein.

11. Name and address of any agency for the supply of nurses with which applicant, or any director or other person directly or indirectly responsible for the management of the applicant company, society, association, or body, has previously been connected.

12. Full particulars of any previous application by the applicant, or by a person whose name is given in paragraph 2, for a licence which has been refused by any licensing authority.

I (or We) declare that the above particulars are true in every respect.

Date 19

Signature or Signatures.

SECOND SCHEDULE

FORM OF STATEMENT IN WRITING FOR THE PURPOSES OF SECTION 27 (2) OF THE ACT

Name of agency .....

Address of agency .....

Licensing authority .....

To ..... (Name) ..... (address)

This is to inform you that (Miss) (Mrs.) (Mr.) ..... (name of person supplied), who has been instructed to report to you on..... ..... to act as a nurse*/midwife* is:

(*a*) a State registered nurse on the following part(s) of the register* ....

(*b*) an enrolled nurse*

(*c*) a State certified midwife*

(*d*) qualified as a .....*

..... (Signature)

..... (Qualifications and position held)

..... (Date)

* Delete as appropriate. If a person supplied falls in category (*a*) the part or parts of the register which he or she is on must be stated. If the person falls in category (*d*) his or her nursing or midwifery qualifications must be indicated.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations consolidate, with amendments necessary to bring them up-to-date, the Nurses Agencies (Scotland) Regulations, 1945 and 1947. In particular, they take account of the provisions of the Nurses (Amendment) Act, 1961, which remove the word " assistant " from the title " enrolled assistant nurse ".