

Nurses Agencies Act, 1957

5 & 6 ELIZ. 2 CH. 16

ARRANGEMENT OF SECTIONS

Section

1. Conduct of agencies for the supply of nurses.
2. Licensing of agencies.
3. Enforcement.
4. Penalties.
5. Delegation of powers by county council to council of county district.
6. Application of Act and of existing enactments.
7. Regulations.
8. Interpretation.
9. Repeal and savings.
10. Short title, extent and commencement.

SCHEDULE—Enactments repealed.



CHAPTER 16

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

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) A person carrying on an agency for the supply of nurses shall, in carrying on that agency, only supply—

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

Conduct of agencies for the supply of nurses.

(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 registered 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.

2.—(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 the remainder of the administrative county of London, the London County Council, and in relation to any other county or any county borough, the council of that county or borough.

(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 or Part II of the Nurses Act, 1943, 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:

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.

3.—(1) It shall be the duty of the licensing authority to enforce Enforcement. the provisions of this Act.

(2) Any registered 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.

4.—(1) Any person who carries on an agency for the supply Penalties. 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 fifty pounds 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 five pounds 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 section one of this Act, shall be liable on summary conviction to a fine not exceeding fifty pounds.

(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 one hundred pounds 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 ten pounds.

(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.

Delegation of powers by county council to council of county district.

5.—(1) A county council may, on the application of the council of any county district within the county, by agreement delegate to the council of that district, either with or without restrictions or conditions, any of the functions of the county council under the provisions of this Act.

(2) If the council of a county district who have made an application under the preceding subsection are aggrieved by the

refusal of the county council to delegate functions, or by any conditions or restrictions which the county council propose to impose, the council of the county district may make a representation to the Minister, and the Minister, after consultation with the county council, may by order direct the county council to delegate to the council of the county district, either with or without restrictions or conditions, such functions under this Act as the Minister thinks proper, and the county council shall comply with any direction so given.

The Minister may at any time by order revoke an order previously made by him under this subsection.

(3) Where any functions of a county council are delegated under this section to the council of a county district, that council shall, as regards the functions so delegated, be deemed to be the licensing authority.

(4) Any expenses incurred by the council of a county district in the discharge of functions delegated to them under this section shall, up to an amount not exceeding such sums as may be fixed by the county council or on an appeal by the Minister, be repaid to the council of the county district by the county council.

(5) Any fees received under this Act by the council of a county district shall, as the county council may direct, either be paid to that council or be applied in reduction of the sum to be repaid under this section by that council to the council of the county district.

6.—(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 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.

Application of Act and of existing enactments.

(2) The provisions of section eighty-five of the Public Health Acts Amendment Act, 1907, and 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.

7. 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.

Interpretation. 8. 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;

“certified midwife” means a woman who is for the time being certified under the Midwives Act, 1951, and includes a woman who, by virtue of an order made under Defence Regulations, is for the time being deemed for the purposes of subsection (2) of section twenty-three of the National Health Service Act, 1946, to be a certified midwife;

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

“the Minister” means the Minister of Health;

“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.

Repeal and savings.

9.—(1) The enactments mentioned in the first and second columns of the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) Nothing in this Act shall affect any order, regulation or agreement made, licence granted, or other thing done under an enactment repealed by this Act, but any such order, rule, agreement, licence or other thing shall, in so far as, at the commencement of this Act, it is in force and could have been made, granted or done under the corresponding provision of this Act, continue in force and have effect as if it had been so made, granted or done.

(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.

(4) Where an offence, being an offence for the continuance of which a penalty was provided, has been committed under an

enactment repealed by this Act, proceedings may be taken under this Act in respect of the continuance of the offence after the commencement of this Act in the same manner as if the offence had been committed under the corresponding provisions of this Act.

(5) The mention of particular matters in this section shall be without prejudice to the general application of subsection (2) of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

10.—(1) This Act may be cited as the Nurses Agencies Act, 1957.

Short title,
extent and
commence-
ment.

(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.

Section 9.

SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
6 & 7 Geo. 6. c. 17.	The Nurses Act, 1943	Part II and, so far as relating thereto, sections sixteen and twenty. Section twenty-one.
8 & 9 Geo. 6. c. 6.	The Nurses Act, 1945	The whole Act.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Public Health Acts Amendment Act, 1907 ...	7 Edw. 7. c. 53.
Nurses Act, 1943	6 & 7 Geo. 6. c. 17.
Nurses Act, 1945	8 & 9 Geo. 6. c. 6.
National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
Midwives Act, 1951	14 & 15 Geo. 6. c. 53.

PRINTED BY SIR JOHN ROUGHTON SIMPSON, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 8d. net

PRINTED IN GREAT BRITAIN

(38391)