**1986 No. 338**

## NURSING HOMES AND NURSING AGENCIES

### The Nursing Agencies Regulations (Northern Ireland) 1986

*Made* . . . . . *18th November 1986*

*Coming into operation* . . . *1st January 1987*

The Department of Health and Social Services in exercise of the powers conferred on it by section 18(1) of the Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971(**a**) and of every other power enabling it in that behalf hereby makes the following regulations:

*Citation, commencement and interpretation*

**1.**—(1) These Regulations may be cited as the Nursing Agencies Regulations (Northern Ireland) 1986 and shall come into operation on 1st January 1987.

(2) In these Regulations:

"the Act" means the Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971.

"the Licence" means a licence issued under Section 12(2) of the Act.

"the Register" means the Register of qualified nurses, midwives and health visitors prepared and maintained by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting under section 10(1) of the Nurses, Midwives and Health Visitors Act 1979(**b**).

*Supply of Nurses, Midwives and Health Visitors*

**2.** A person carrying on a nursing agency shall supply persons whose names are contained on part or parts of the Register.

*Licences*

**3.**—(1) An application for a licence shall be made in writing to the Department in the form set out in the First Schedule and shall be accompanied by the fee payable as set out in Regulation 4.

(2) An application for a licence by the holder of a licence in respect of the same premises shall be made not less than 4 weeks before the date on which the current licence is due to expire.

*Fees*

**4.**—(1) The fee payable in the case of a first application to the Department for a licence shall be thirty pounds.

(2) The fee payable in the case of an application by a holder of a licence in respect of the same premises shall be fifteen pounds.

(3) The fee payable in the case of an application by a holder of a licence in respect of the same premises to carry on that nursing agency in different or additional premises shall be five pounds.

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(**a**) 1971 c. 32 (N.I.)
(**b**) 1979 c. 36

*Statements*

**5.**—(1) A statement in writing for the purposes of subsection (2) of section 11 of the Act shall be in the form set out in the Second Schedule.

(2) The Statement shall be delivered in person by the person supplied on the day that person is to report for duty.

Provided that, if it is not reasonably practicable for the person supplied so to deliver the statement, the statement may be sent by post or other suitable means and in such 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 person supplied is to report for duty.

*Records*

**6.** A person carrying on a nursing agency shall keep records showing:—

(*a*) the full name (including maiden name, if appropriate), address and the date of birth of every person who is supplied by the nursing agency;

(i) the part or parts of the Register in which that person's name is included;

(ii) the Registration number of that person;

(iii) additional nursing qualifications (if any) held by that person;

(iv) in the case of a midwife, verification of the intention to practise provided by that person to the Health and Social Services Board established under Article 16 of The Health and Personal Social Services (Northern Ireland) Order 1972(**a**);

(*b*) in the case of a person supplied having trained outside the United Kingdom particulars of the assessment of that person's knowledge of English;

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

(*d*) the name and address of any persons to whom a person is supplied, the name of the person supplied in each case, the date on which the person is supplied, and the duration of the period of supply;

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

(*f*) the total commission or fee and expenses, if any, charged in each case to the 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 nursing agency to, the person supplied in each case;

(*g*) where a person supplied is employed by the nursing agency, the annual salary and emoluments payable to, and conditions of employment of, that person;

(*h*) the terms of the standard agreement between the nursing agency and the person supplied by that agency, and particulars of any variation of those terms in any particular case;

(*i*) whether the person supplied is a member of any superannuation scheme, and if so what scheme;

(**a**) S.I. 1972/1265 (N.I. 14)

(*j*) particulars of the contents of all statements given for the purposes of subsection (2) of section 11 of the Act; and

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

*Revocation*

**7.** The Nurses Agencies Regulations (Northern Ireland) 1950(**a**) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on the 18th day of November 1986.

(L.S.) *P. Simpson*
Assistant Secretary

(**a**) S.R. & O. (N.I.) 1950 No. 18 (p. 533)