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STATUTORY INSTRUMENTS

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**2002 No. 3212**

**Nurses Agencies Regulations 2002**

**PART I**  
**GENERAL**

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Nurses Agencies Regulations 2002 and shall come into force on 1st April 2003.

(2) These Regulations apply to nurses agencies in England only.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Care Standards Act 2000;

“agency” means a nurses agency;

“nurse” means a registered nurse, registered midwife or registered health visitor<sup>(1)</sup>;

“NHS trust” has the same meaning as in the National Health Service and Community Care Act 1990<sup>(2)</sup>;

“organisation” means a body corporate or any unincorporated association other than a partnership;

“patient” means a person to whom nursing is provided by a nurse supplied by an agency;

“registered manager”, in relation to an agency, means a person who is registered under Part II of the Act as the manager of that agency;

“registered person”, in relation to an agency, means any person who is the registered provider or the registered manager of that agency;

“registered provider”, in relation to an agency, means a person who is registered under Part II of the Act as the person carrying on that agency;

“responsible individual” shall be construed in accordance with regulation 7;

“service user” means a person to whom an agency—

(a) supplies a nurse who is employed by the agency; or

(b) provides services for the purpose of supplying the service user with a nurse for employment by that service user;

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(1) See the Interpretation Act 1978 (c. 30), Schedule 1. A definition of “registered” in relation to nurses, midwives and health visitors was inserted by the Nurses, Midwives and Health Visitors Act 1979 (c. 36), section 23(4) and Schedule 7, paragraph 30, as substituted by article 54(3) of, and Schedule 5, paragraph 7 to, the Nursing and Midwifery Order 2001 (S.I.2002/253) on a date to be appointed.

(2) 1990 c. 19. See section 5 of that Act as amended by paragraph 69 of Schedule 1 to the Health Authorities Act 1995 (c. 17) and sections 13(1) and 14 of the Health Act 1999 (c. 8).

“service user’s guide” means the written guide produced in accordance with regulation 5;

“statement of purpose” means the written statement compiled in accordance with regulation 4.

(2) In these Regulations, references to the supply of a nurse mean—

- (a) the supply of a nurse who is employed for the purposes of an agency to act for and under the control of another person; and
- (b) the introduction of a nurse by an agency to a service user for employment by that service user.

(3) In the definition of “service user” in paragraphs (1) and (2), the terms “employed” and “employment” include employment under a contract for services.

### **Excepted agencies**

3. For the purposes of the Act, an NHS trust which supplies nurses to work solely for other NHS trusts shall be excepted from being a nurses agency.

### **Statement of purpose**

4.—(1) The registered person shall compile in relation to the agency a written statement (in these Regulations referred to as “the statement of purpose”) which shall consist of a statement as to the matters listed in Schedule 1.

(2) The registered person shall supply a copy of the statement of purpose to the Commission and shall make a copy of it available on request for inspection by every service user and any person acting on behalf of a service user.

(3) Nothing in regulation 20 shall require or authorise the registered person to contravene, or not to comply with—

- (a) any other provision of these Regulations; or
- (b) the conditions for the time being in force in relation to the registration of the registered person under Part II of the Act.

### **Service user’s guide**

5.—(1) The registered person shall prepare a service user’s guide which shall include—

- (a) a summary of the statement of purpose;
- (b) the terms and conditions in respect of the services to be provided to service users, including as to the amount and method of payment of fees;
- (c) a summary of the complaints procedure established in accordance with regulation 18; and
- (d) the address and telephone number of the Commission.

(2) The registered person shall make a copy of the service user’s guide available on request for inspection at the agency premises by every service user and any person acting on behalf of a service user.

### **Review of statement of purpose and service user’s guide**

6. The registered person shall—

- (a) keep under review and, where appropriate, revise the statement of purpose and the service user’s guide; and
- (b) notify the Commission of any material revision within 28 days.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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