
WELSH STATUTORY INSTRUMENTS

2003 No. 2527

The Nurses Agencies (Wales) Regulations 2003

PART III

CONDUCT OF NURSES AGENCIES

CHAPTER 4

NOTICES TO BE GIVEN TO THE NATIONAL ASSEMBLY

Notice of absence

22.—(1) Where —

- (a) the registered provider, being an individual in full-time day to day charge of the agency; or
- (b) the registered manager,

proposes to be absent from the agency for a continuous period of 28 days or more, the registered person must give notice in writing to the appropriate office of the National Assembly of the proposed absence.

(2) Except in the case of an emergency, the notice referred to in paragraph (1) must be given no later than one month before the proposed absence commences or within such shorter period as may be agreed with the appropriate office of the National Assembly and the notice must specify —

- (a) the length or expected length of the absence;
- (b) the reason for the absence;
- (c) the arrangements which have been made for running the agency during that absence;
- (d) the name, address and qualifications of the person who will be responsible for the agency during that absence; and
- (e) in the case of the absence of the registered manager, the arrangements that have been, or are proposed to be, made for appointing another person to manage the agency during that absence, including the proposed date by which the appointment is to be made.

(3) Where the absence arises as a result of an emergency, the registered person must give notice of the absence within one week of its occurrence specifying the matters set out in paragraph (2)(a) to (e).

(4) Where —

- (a) the registered provider, being an individual in full-time day to day charge of the agency; or
- (b) the registered manager,

has been absent from the agency for a continuous period of 28 days or more, and the appropriate office of the National Assembly has not been given notice of the absence, the registered person must, without delay, give notice in writing to the appropriate office of the National Assembly of the absence, specifying the matters set out in paragraph (2)(a) to (e).

(5) The registered person must notify the appropriate office of the National Assembly of the return to duty of the registered provider or (as the case may be) the registered manager not later than 7 days after the date of return.

Notice of changes

23. The registered person must give notice in writing to the appropriate office of the National Assembly as soon as it is practicable to do so if any of the following events takes place or is proposed to take place —

- (a) a person other than the registered person carries on or manages the agency;
- (b) a person ceases to carry on or manage the agency;
- (c) where the registered person is an individual, that individual changes name;
- (d) where the registered provider is an organisation —
 - (i) the name or address of the organisation is changed;
 - (ii) there is any change of director, manager, secretary or other similar officer of the organisation;
 - (iii) there is any change in the identity of the responsible individual;
- (e) where the registered provider is an individual, a trustee in bankruptcy is appointed;
- (f) where the registered provider is a company, a receiver, manager, liquidator or provisional liquidator is appointed;
- (g) where a registered provider is in a partnership whose business includes carrying on a nurses agency, a receiver or manager is, or is likely to be, appointed in respect of the partnership; or
- (h) the registered provider acquires additional premises for the purposes of the agency.

Appointment of liquidators etc.

24.—(1) Any person to whom paragraph (2) applies must —

- (a) forthwith notify the appropriate office of the National Assembly of his or her appointment indicating the reasons for it;
- (b) appoint a manager to take full-time day to day charge of the agency in any case where there is no registered manager; and
- (c) not more than 28 days after appointment, notify the appropriate office of the National Assembly of the intended future operation of the agency.

(2) This paragraph applies to any person appointed as —

- (a) the receiver or manager of the property of a company which is a registered provider in respect of an agency;
- (b) the liquidator or provisional liquidator of a company which is the registered provider in respect of an agency;
- (c) the receiver or manager of the property of a partnership whose business includes carrying on an agency;
- (d) the trustee in bankruptcy of a registered provider in respect of an agency.

Death of registered person

25.—(1) If more than one person is registered in respect of an agency, and a registered person dies, the surviving registered person must without delay notify the appropriate office of the National Assembly of the death in writing.

(2) If only one person is registered in respect of an agency, and that person dies, his or her personal representatives must notify the appropriate office of the National Assembly in writing —

(a) without delay of the death; and

(b) within 28 days of their intentions regarding the future running of the agency.

(3) The personal representatives of the deceased registered provider may carry on the agency without being registered in respect of it —

(a) for a period not exceeding 28 days; and

(b) for any further period as may be determined in accordance with paragraph (4).

(4) The National Assembly may extend the period specified in paragraph (3)(a) by such further period, not exceeding one year, as the National Assembly determines, and must notify any such determination to the personal representatives in writing.

(5) The personal representatives must appoint a person to take full-time day to day charge of the agency during any period in which, in accordance with paragraph (3), they carry on the agency without being registered in respect of it.