



**Isle of Man**

*Ellan Vannin*

**AT 3 of 1947**

**NURSES AND MIDWIVES ACT 1947**





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## NURSES AND MIDWIVES ACT 1947

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**Isle of Man***Ellan Vannin*

## NURSES AND MIDWIVES ACT 1947

<i>Received Royal Assent:</i>	<i>11 June 1947</i>
<i>Passed:</i>	<i>5 July 1947</i>
<i>Commenced:</i>	<i>1 April 1948</i>

**AN ACT** to provide for the restriction of the use of the name or title of nurse or midwife, to prohibit unqualified midwives acting as maternity nurses, and to regulate agencies for the supply of nurses for the sick.

**GENERAL NOTE:** The maximum fines in this Act are as increased by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993 s 1*.

**1** to **3** [Repealed]<sup>1</sup>

### **4** Conduct of agencies for supply of nurses

[1943/7]

- (1) A person carrying on an agency for the supply of nurses shall, in carrying on that agency, only supply —
  - (a) registered nurses;
  - (b) [Repealed]<sup>2</sup>
  - (c) registered midwives;<sup>3</sup>
  - (d) such other classes of persons as may be prescribed.
- (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.

## 5 Licensing of agencies

[1943/8]

- (1) No person shall carry on an agency for the supply of nurses on any premises in the Isle of Man unless he is the holder of a licence from the Department authorising him so to do on those premises.<sup>4</sup>
- (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 Isle of Man makes an application in that behalf to the Department in the prescribed form in the prescribed manner at the prescribed time and giving the prescribed information, and pays to the Department such fee as may be prescribed, the Department 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.<sup>5</sup>
- (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 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 Department to grant such a licence, or by the revocation by the Department 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 Department 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.<sup>6</sup>
- (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 the Department unless the holder has been given an opportunity of being heard by the Department.<sup>7</sup>

- (6) The Department shall in each year cause an annual meeting 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.<sup>8</sup>

- (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.

## 6 Enforcement

[1943/9]

Any registered nurse or other officer duly authorised in that behalf by the Department 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 the 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.<sup>9</sup>

## 7 Penalties

[1943/10]

- (1) Any person who carries on an agency for the supply of nurses without compliance with subsection (3) of section four of this Act or without a licence under this Act shall be liable on summary conviction to a fine not exceeding £2,500.<sup>10</sup>
- (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 £500.<sup>11</sup>
- (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 four of this Act, shall be liable on summary conviction to a fine not exceeding £2,500.
- (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 £5,000 or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

- (5) 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.

## 8 Exemptions

[1943/12, 1945/1]

The foregoing provisions of this Act relating to agencies for the supply of nurses shall not apply to —

- (a) any agency for the supply of nurses carried on in connection with any hospital maintained or controlled by the Department, the Department of Health or by any body constituted by special Act of Parliament or Tynwald or incorporated by Royal Charter, or<sup>12</sup>
- (b) any 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 homes without herself taking up residence there or mainly or substantially supported by voluntary subscriptions and providing patients with the services of a nurse whether or not the nurse takes up residence in the patient's house.

## 9 [Repealed]<sup>13</sup>

## 10 Penalties

- (1) [Repealed]<sup>14</sup>
- (2) 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.

## 11 Interpretation

(1) In this Act unless the context otherwise requires the following expressions have the meanings hereby assigned to them respectively: —

“**the 1997 Act**” [Repealed]<sup>15</sup>

“**certified midwife**” [Repealed]

“**registered nurse**” [Repealed]

“**enrolled assistant nurse**” [Repealed]<sup>16</sup>

“**nurse**” means a nurse for the sick, and “**nursing**” shall be construed accordingly.

“**children’s nurse**” means a person whose avocation is that of caring for children.

“**the Board**” [Repealed]<sup>17</sup>

“**the Department**” means the Department of Social Care.<sup>18</sup>

“**register**” [Repealed]<sup>19</sup>

“**registered**”, in relation to a nurse or midwife, has the meaning given by article 2(1) of the Nursing and Midwifery Order 2002.<sup>20</sup>

“**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.

“**Council**” [Repealed]<sup>21</sup>

“**the Council**” [Repealed]<sup>22</sup>

“**Midwives Board**” [Repealed]<sup>23</sup>

“**National Board**” [Repealed]<sup>24</sup>

(2) The Department may make regulations for prescribing anything which under this Act is to be prescribed.<sup>25</sup>

## 12 Short title

This Act may be cited as the Nurses and Midwives Act, 1947.

## 13 Commencement of Act

This Act shall come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys, but shall take effect on such date as the Governor may by order appoint, and different dates may be appointed for different purposes and for different provisions thereof.<sup>26</sup>



## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement

### Table of Renumbered Provisions

Original	Current

### Table of Endnote References

<sup>1</sup> Ss 1 to 3 repealed by SD159/02.

<sup>2</sup> Para (b) repealed by Nurses and Midwives (Amendment) Act 1984 Sch 3.

<sup>3</sup> Para (c) substituted by Nurses and Midwives (Amendment) Act 1984 Sch 1.

<sup>4</sup> Subs (1) amended by Health and Social Security Act 1986 Sch 2.

<sup>5</sup> Subs (2) amended by Health and Social Security Act 1986 Sch 2.

<sup>6</sup> Subs (4) amended by Health and Social Security Act 1986 Sch 2.

<sup>7</sup> Subs (5) amended by Health and Social Security Act 1986 Sch 2.

<sup>8</sup> Subs (6) amended by Health and Social Security Act 1986 Sch 2.

<sup>9</sup> S 6 amended by Health and Social Security Act 1986 Sch 2.

<sup>10</sup> Subs (1) amended by Nurses and Midwives (Amendment) Act 1984 Sch 2.

<sup>11</sup> Subs (2) amended by Nurses and Midwives (Amendment) Act 1984 Sch 2.

<sup>12</sup> Para (a) amended by Nurses and Midwives (Amendment) Act 1984 Sch 2, by Health and Social Security Act 1986 Sch 2 and by SD359/11.

<sup>13</sup> S 9 repealed by SD159/02.

<sup>14</sup> Subs (1) repealed by SD159/02.

<sup>15</sup> Definition of 'the 1997 Act', previously 'the 1979 Act', repealed by SD159/02.

<sup>16</sup> Definitions of 'certified midwife', 'registered nurse' and 'enrolled assistant nurse' repealed by Nurses and Midwives (Amendment) Act 1984 Sch 3.

<sup>17</sup> Definition of 'the Board' repealed by Health and Social Security Act 1986 Sch 2.

<sup>18</sup> Definition of 'the Department' inserted by Health and Social Security Act 1986 Sch 2 and amended by SD359/11.

<sup>19</sup> Definition of 'register' repealed by SD159/02.

<sup>20</sup> Definition of 'registered' substituted by SD159/02.

<sup>21</sup> Definition of 'Council' repealed by Nurses and Midwives (Amendment) Act 1984 Sch 1.

<sup>22</sup> Definition of 'the Council' repealed by SD159/02.

<sup>23</sup> Definition of 'Midwives Board' repealed by Nurses and Midwives (Amendment) Act 1984 Sch 1.

<sup>24</sup> Definition of 'National Board' repealed by SD159/02.

<sup>25</sup> Subs (2) amended by Health and Social Security Act 1986 Sch 2.

<sup>26</sup> ADO (whole Act) 1/4/1948 (GC67/48).