

#### 4. CONSIDERATION OF CLAUSES

##### 4.1. Regulation of Care (Amendment) Bill 2019 – Clauses considered

Mr Ashford to move.

**The Speaker:** We then turn to Item 4.1, Regulation of Care (Amendment) Bill, and I call on Mr Ashford to move.

**Mr Ashford:** Thank you, Mr Speaker.

Firstly, can I start by thanking Hon. Members for their comments and the careful consideration that was given to the Bill at the Second Reading.

Briefly to recap, Mr Speaker, the purpose of this Bill is to make technical amendments to the Regulation of Care Act 2013, which I shall refer to from here on in as ‘the Act’, to ensure that independent medical agencies and nurses agencies supplying or introducing doctors, nurses or midwives to work solely for the Department are exempt from the requirement to register under the Act. As I made clear at Second Reading, it was never the intention of the Act to capture such agencies.

Moving on to the clauses, Mr Speaker, clause 1 gives the short title of the resulting Act of Tynwald.

Mr Speaker, I beg to move that clause 1 do stand part of the Bill.

**The Speaker:** Mrs Corlett.

**Mrs Corlett:** Thank you, Mr Speaker.

I beg to second.

**The Speaker:** I put the question that clause 1 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 2, Mr Ashford.

**Mr Ashford:** Thank you, Mr Speaker.

Clause 2 makes amendments to sections 28 and 29 of the Act, the definition of ‘medical practitioner’ in the schedule of the Act and grammatical corrections to the terms ‘nurses’ agency’ and ‘nurses’ agencies’.

Firstly, regarding the amendments to section 28 of the Act, section 52 of the Act makes it an offence for a person to carry on an independent medical agency unless they are registered with the Department in accordance with the provisions of the Act. Section 28(1) defines independent medical agencies – i.e. businesses that consist of or include the provision of services by medical practitioners. Subsection (2) then provides the exemptions so as to exclude those who would otherwise be captured within the definition. The main amendment being made is to section 28(2)(c), the effect of which is to exclude agencies that supply or introduce medical practitioners to work solely for the Department from the requirement to register in accordance with the Act. A more minor amendment is being made to section 28(2)(d) so that the word ‘establishment’ is being substituted with ‘business’. This is simply to ensure consistency with the rest of that section.

Secondly, as with independent medical agencies, section 52 of the Act also places a requirement on a person carrying on a nurses’ agency to register under the Act. Section 29 defines ‘nurses’ agencies’ as agencies or businesses that fall within the definition of employment agency or employment business under section 12(1) of the Employment Agencies Act and that provide or supply nurses or registered midwives. Subsection (2) then provides the Department

with the *vires* to provide that agencies specified within the regulations do not fall within the definition. Section 29 is to be substituted in its entirety, firstly to provide greater clarity to what constitutes a nurses' agency; and secondly to specifically exclude agencies or businesses that supply or introduce nurses or midwives to work solely for the Department.

Thirdly, clause 2 updates the definition of 'medical practitioner' in the Schedule of the Act. Effectively, the reference to the Medical Act 1985 is being replaced by reference to the Healthcare Professionals Act 2014. It is now the Healthcare Professionals Act 2014 that defines and regulates the medical practitioner profession. The Medical Act 1985 was repealed by the Healthcare Professionals Act 2014.

Lastly, clause 2 makes minor grammatical connections to the terms 'nurses' agency' and 'nurses' agencies' throughout the Act.

Mr Speaker, I beg to move that clause 2 do stand part of the Bill.

**The Speaker:** Mrs Corlett.

**Mrs Corlett:** Thank you, Mr Speaker. I beg to second.

**The Speaker:** I put the question that clause 2 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 3, Mr Ashford

**Mr Ashford:** Thank you, Mr Speaker.

Clause 3 updates section 13(1)(a) of the Employment Agencies Act 1975. It removes reference to the Nurses and Midwives Act 1947, being an Act that was repealed by the Regulation of Care Act 2013, and it replaces it with reference to an agency registered under the Regulation of Care Act 2013.

Mr Speaker, I beg to move that clause 3 do stand part of the Bill.

**The Speaker:** Mrs Corlett.

**Mrs Corlett:** Mr Speaker, I beg to second.

**The Speaker:** I put the question that clause 3 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

That concludes consideration of clauses of the Regulation of Care (Amendment) Bill.