

REGULATION OF CARE (AMENDMENT) BILL 2019

Explanatory Memorandum

1. This Bill is promoted by Mrs Sharpe M.L.C.
2. *Clause 1* of the Bill provides for the short title of the resulting Act.
3. *Clause 2* amends the Regulation of Care Act 2013 (the “2013 Act”).
 - 3.1 In subsection (2), section 28(2) of the 2013 Act is amended so as to exclude from the definition of an “independent medical agency”, a business to the extent to which it supplies or introduces medical practitioners to work solely for the DHSC.
 - 3.2 In subsection (3), a similar amendment is made to section 29 of the 2013 Act, so as to exclude from the definition of a “nurses’ agency”, a business which supplies or introduces nurses or registered midwives to work solely for the DHSC.
 - 3.3 In subsection (4), the definition of “medical practitioner” in the Schedule to the 2013 Act is amended and by subsection (5) grammatical corrections to the terms “nurses’ agency” and “nurses’ agencies” are effected throughout the 2013 Act.
4. *Clause 3* amends the meaning of “nurses’ agency” in section 13(1)(a) of the Employment Agencies Act 1975, so as to refer to a body registered under the 2013 Act.
5. The resulting Act is not expected to have any financial or human resource implications.
6. In the opinion of the member moving the Bill its provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001.



Ellan Vannin

REGULATION OF CARE (AMENDMENT) BILL 2019

- 1 **A BILL** to amend the Regulation of Care Act 2013 so as to exempt certain
 2 independent medical agencies and nurses' agencies from the need to register
 3 under that Act; and for connected purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

4 **1 Short title**

5 The short title of this Act is the Regulation of Care (Amendment) Act 2019.

6 **2 Regulation of Care Act 2013 amended**

7 (1) The *Regulation of Care Act 2013* is amended as follows.

8 (2) For section 28(2)(c) and (d) (“Independent medical agency”),
 9 substitute —

10 | “(c) a business mentioned in subsection (1) to the extent to
 11 | which —

12 | (i) its services are provided under the NHS Act by
 13 | medical practitioners; or

14 | (ii) it supplies or introduces medical practitioners to
 15 | work solely for the DHSC; or

16 | (d) a business prescribed not to be an independent medical
 17 | agency.”.

18 (3) For section 29 (“Nurses agency”), substitute —

19 **“29 “Nurses’ agency”**

20 | (1) A **“nurses’ agency”** is an employment agency or employment
 21 | business being (in either case) a business that consists of, or
 22 | includes, supplying or introducing nurses or registered midwives.

- 1 (2) However, an agency or business mentioned in subsection (1) is
2 not a nurses' agency —
3 (a) to the extent to which it supplies or introduces nurses or
4 registered midwives to work solely for the DHSC; or
5 (b) if it is prescribed not to be a nurses' agency.”
- 6 (4) In the Schedule, in the definition of “**medical practitioner**”, for “a fully
7 registered person under the *Medical Act 1985*”, substitute “a registered
8 medical practitioner”.
- 9 (5) Throughout the Act, for —
10 (a) “nurses agency”, substitute “nurses' agency”; and
11 (b) “nurses agencies”, substitute “nurses' agencies”.

12 3 Employment Agencies Act 1975 amended

- 13 (1) The *Employment Agencies Act 1975* is amended as follows.
- 14 (2) For section 13(1)(a) (savings), substitute —
15 (a) a nurses' agency which is registered under the *Regulation of*
16 *Care Act 2013*”;
17

IN THE COUNCIL

REGULATION OF CARE (AMENDMENT) BILL 2019

A **BILL** to amend the Regulation of Care Act 2013 so as to exempt certain independent medical agencies and nurses' agencies from the need to register under that Act; and for connected purposes.

Approved by the Council of Ministers
for introduction in the Legislative
Council.

MRS K. SHARPE M.L.C.

OCTOBER 2019