

Jersey Law 21/2002

**HEALTH CARE (REGISTRATION) (AMENDMENT)
(JERSEY) LAW 2002**

A LAW to amend the Health Care (Registration) (Jersey) Law 1995; sanctioned by Order of Her Majesty in Council of the

22nd day of MAY 2002

(Registered on the 14th day of June 2002)

STATES OF JERSEY

The 23rd day of October 2001

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law -

ARTICLE 1

In this Law, “principal Law” means the Health Care (Registration) (Jersey) Law 1995,¹ as amended.²

ARTICLE 2

(1) In Article 1(1) of the principal Law,³ for the definition “material date” there shall be substituted the following definition -

¹ Volume 1994-1995, page 585.

² R & O 8957.

³ Volume 1994-1995, page 588.

Health Care (Registration) (Amendment) (Jersey) Law 2002

“ ‘material date’ in relation to an occupation, means the date that is six months after the date on which it becomes a registrable occupation;”.

(2) In Article 1(1) of the principal Law,⁴ after the definition “medical practitioner” there shall be inserted the following definitions -

“ ‘nurse’ includes a person who practises or holds himself out as a health visitor, but does not include a person who practises or holds himself out only as -

- (a) a dental nurse; or
- (b) a veterinary nurse,

and does not include a person who acts or holds himself out only as a nursery nurse;

‘nursery nurse’ means a person who has the care (not being the health care) of children;”.

ARTICLE 3

After Article 2(2) of the principal Law⁵ there shall be added the following paragraphs -

“(3) Where a person is charged with an offence under paragraph (2), it shall be a defence to prove -

- (a) that he satisfies the requirements of paragraph (1)(a) of Article 3 in respect of the registrable occupation;
- (b) that not later than three months after the material date, he made an application in accordance with this Law for registration to engage in that occupation; and

⁴ Volume 1994-1995, page 588.

⁵ Volume 1994-1995, page 589.

Health Care (Registration) (Amendment) (Jersey) Law 2002

- (c) that his application had not been finally determined at the time to which the charge relates.
- (4) Where a person is charged with an offence under paragraph (2) by reason of engaging in a registrable occupation, it shall be a defence to prove that -
 - (a) he was acting reasonably, in an emergency; or
 - (b) he was undertaking, under the supervision of an appropriate practitioner, a prescribed course of training or any other course of training that is for the time being approved in writing by the Committee.
- (5) In paragraph (4), ‘appropriate practitioner’ means -
 - (a) a person who is registered in respect of the registrable occupation to which the charge relates; or
 - (b) a person of any prescribed class.”.

ARTICLE 4

(1) Article 3 of the principal Law⁶ shall be renumbered as paragraph (1) of that Article.

(2) In Article 3(1)(a) of the principal Law⁶ (as so renumbered), the word “or” shall be deleted.

(3) For sub-paragraphs (b) and (c) of Article 3(1) of the principal Law⁷ (as so renumbered) there shall be substituted the following sub-paragraphs -

“(b) he holds a prescribed qualification;

⁶ Volume 1994-1995, page 589.

⁷ Volume 1994-1995, pages 589 and 590.

Health Care (Registration) (Amendment) (Jersey) Law 2002

(c) he holds any other qualification which the Committee accepts for the purposes of this Article in any particular case; or”.

(4) After Article 3(1) of the principal Law⁸ (as so renumbered) there shall be added the following paragraphs -

“(2) An Order made under this Law for the purposes of paragraph (1)(b) shall not affect -

- (a) the registration of any person who is already registered; or
- (b) any application for registration which is pending when the Order comes into force,

and any such application shall accordingly be dealt with as if the Order had not been made.

(3) Where such an Order has the effect of replacing or revoking a prescribed qualification in respect of a registrable occupation, it must also contain provisions allowing persons who already possess that qualification but have not applied for registration in respect of that registrable occupation before the Order comes into force a reasonable period of time in which to do so, and if any such person so applies his application shall be dealt with as if the Order had not been made.

(4) In this Article, ‘qualification’ includes the entry of one’s name, in any place other than the Island, on a register in respect of any profession which is identical with the registrable occupation for which the qualification is prescribed under this Law.”.

⁸ Volume 1994-1995, page 590.

Health Care (Registration) (Amendment) (Jersey) Law 2002

ARTICLE 5

In Article 6(1)(a) of the principal Law,⁹ before the word “application” there shall be inserted the word “an”.

ARTICLE 6

(1) Article 14 of the principal Law¹⁰ shall be renumbered as paragraph (1) of that Article.

(2) After Article 14(1) of the principal Law¹⁰ (as so renumbered) there shall be added the following paragraphs -

“(2) Unless the Court so orders, the lodging of an appeal shall not operate to stay the effect of a decision pending the determination of the appeal.

(3) On hearing the appeal, the Court may confirm, reverse or vary the decision against which the appeal is brought.”.

ARTICLE 7

Article 18(1)(a) of the principal Law¹¹ shall be deleted.

ARTICLE 8

(1) In the Schedule to the principal Law,¹² before the entry “Chiroprapist” there shall be inserted the entry “Ambulance paramedic”.

(2) In the Schedule to the principal Law¹² -

(a) after the entry “Ambulance paramedic” (as so inserted) there shall be inserted the entry “Biomedical scientist”;

⁹ Volume 1994-1995, page 591.

¹⁰ Volume 1994-1995, page 595.

¹¹ Volume 1994-1995, page 597.

¹² Volume 1994-1995, page 599 and R & O 8957.

Health Care (Registration) (Amendment) (Jersey) Law 2002

(b) the entry “Medical laboratory technician” shall be deleted.

(3) In the Schedule to the principal Law,¹² after the entry “Clinical psychologist” there shall be inserted the entry “Clinical scientist”.

(4) In the Schedule to the principal Law,¹³ after the entry “Dietitian” there shall be inserted the entry “Midwife”.

(5) In the Schedule to the principal Law,¹³ after the entry “Midwife” (as so inserted) there shall be inserted the entry “Nurse”.

(6) In the Schedule to the principal Law,¹³ for the entry “Speech therapist” there shall be substituted the entry “Speech and language therapist”.

ARTICLE 9

(1) The “Loi (1922) sur la Santé Publique (Sages-femmes)”¹⁴ shall be repealed.

(2) The Regulations for the guidance of midwives, made by the Public Health Committee on the sixteenth day of March 1923 and approved by the States on the seventh day of April 1923 under Article 12 of that Loi, shall be revoked.

ARTICLE 10

(1) This Article shall apply notwithstanding any other provision in the principal Law (as amended by this Law).

(2) On the commencement of Article 4 of this Law, every person who immediately before the commencement of that Article was a registered person (other than a registered medical laboratory technician) by reason of having satisfied the requirement in Article 3(b) of the principal Law¹⁵ shall continue to be so registered, subject to the other

¹³ Volume 1994-1995, page 599 and R & O 8957.

¹⁴ Tomes IV-VI, page 556.

¹⁵ Volume 1994-1995, page 589.

Health Care (Registration) (Amendment) (Jersey) Law 2002

provisions of the principal Law (as amended by this Law) relating to registered persons.

(3) On the commencement of Articles 7, 8(4) and 9 of this Law, every person who immediately before their commencement was enrolled as a midwife under the “Loi (1922) sur la Santé Publique (Sage-femmes)”¹⁶ shall be a registered midwife under the principal Law (as amended by this Law), subject to the other provisions of the principal Law (as so amended) relating to registered persons.

(4) Any matter that is pending under the “Loi (1922) sur la Santé Publique (Sages-femmes)”¹⁶ immediately before the commencement of Articles 7, 8(4) and 9 of this Law shall, after their commencement, be treated and dealt with in accordance with the provisions of the principal Law (as amended by this Law).

(5) On the commencement of Article 8(2) of this Law, every person who immediately before the commencement of that Article was registered under the principal Law as a medical laboratory technician shall be a registered biomedical scientist under the principal Law (as amended by this Law), subject to the other provisions of the principal Law (as so amended) relating to registered persons.

(6) Any application for registration as a medical laboratory technician that is pending under the principal Law immediately before the commencement of Article 8(2) of this Law shall, after the commencement of that Article, be treated and dealt with as an application for registration as a biomedical scientist under the principal Law (as amended by this Law).

ARTICLE 11

(1) This Law may be cited as the Health Care (Registration) (Amendment) (Jersey) Law 2002.

(2) This Law shall come into force on such day as the States may by Act appoint and different days may be appointed for different provisions or different purposes of this Law.

¹⁶ Tomes IV-VI, page 556.

Health Care (Registration) (Amendment) (Jersey) Law 2002

C.M. NEWCOMBE

Greffier of the States.