

Jersey Law 32/1995

HEALTH CARE (REGISTRATION) (JERSEY) LAW 1995

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SCHEDULE

HEALTH CARE (REGISTRATION) (JERSEY) LAW 1995

A LAW to make provision for the registration of persons engaged in occupations relating to health care, and for connected purposes, sanctioned by Order of Her Majesty in Council of the

18th day of OCTOBER 1995

(Registered on the 17th day of November 1995)

STATES OF JERSEY

The 14th day of March 1995

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

PART I

PRELIMINARY

ARTICLE 1

Interpretation

(1) In this Law, unless the context otherwise requires –

“applicant” means a person making application for registration under this Law;

“the Committee” means the Public Health Committee;

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“the Court” means the Royal Court;

“material date” means, in relation to a registrable occupation, the date six months after the date on which this Law comes into force in respect of it;

“Medical Officer of Health” means the “Inspecteur Médical” appointed under Article 10 of the “Loi (1934) sur la Santé Publique”¹ or a medical practitioner acting under his direction for the purposes of this Law;

“medical practitioner” means a medical practitioner registered under the Medical Practitioners (Registration) (Jersey) Law 1960;²

“prescribed” means prescribed by Order made by the Committee;

“register” means the register kept under this Law in respect of the registrable occupation in relation to which the word is used, and “registered” and “registration” have corresponding meanings;

“registrable occupation” means an occupation specified in the Schedule to this Law.

(2) A reference in this Law to an Article by number only, and without further identification, is a reference to the Article of that number contained in this Law.

(3) A reference in an Article or other division of this Law to a paragraph, sub-paragraph or clause by number or letter only, and without further identification, is a reference to the paragraph, sub-paragraph or clause of that number or letter contained in the Article or other division of this Law in which the reference occurs.

¹ Tome VII, page 117.

² Tome VIII, page 829, and Volume 1992–1993, pages 267, 268, 269 and 270.

(4) A reference in this Law to an enactment, including an enactment of the United Kingdom, is a reference to that enactment as amended, and includes a reference to that enactment as extended or applied by or under any other enactment, including any other provision of that enactment.

PART II

REGISTRATION

ARTICLE 2

Restriction on engaging in registrable occupation

(1) Subject to such exemptions as may be prescribed, on or after the material date it shall be an offence for any person who is not registered to engage in a registrable occupation or to hold himself out as being entitled to engage in that occupation, or to use or permit to be used in connexion with his business any written words, titles or initials implying that he is registered in respect of that occupation or that he is qualified to engage in that occupation.

(2) A person who acts in contravention of paragraph (1) shall be guilty of an offence and liable to imprisonment for a term not exceeding twelve months or to a fine or both.

ARTICLE 3

Qualifications for registration

Subject to the provisions of this Law, a person shall be entitled to be registered in respect of a registrable occupation if he satisfies the Committee that –

- (a) he was on the material date employed in the Island in that registrable occupation and had been so employed for a period of at least six months immediately preceding the material date; or

- (b) his name is on the register maintained under the Professions Supplementary to Medicine Act 1960 (c.66) of the United Kingdom by the Board established under that Act for the profession which is identical with that registrable occupation; and for the purposes of this subparagraph “profession” means a profession described in that Act or any other profession to which the provisions of that Act are extended in accordance with section 10 thereof; or
- (c) he holds a qualification for the time being accepted for the purposes of this Article by the Committee; or
- (d) he has had training and practical experience in the relevant registrable occupation which the Committee considers are together sufficient to enable him to practise that occupation.

ARTICLE 4

Duration of registration

Every registration shall expire on the thirty-first day of December next following the date on which it takes effect but shall be renewable annually in the manner provided by this Law.

ARTICLE 5

Application for registration

- (1) An application for registration or renewal of registration shall –
- (a) be in the form required from time to time by the Committee;
 - (b) contain or be accompanied by such particulars as the Committee may require;

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- (c) be verified in such manner and to such extent as the Committee may require; and
- (d) be accompanied by such fee as may be prescribed.

(2) An application for renewal of registration shall be made in the month of December and, if the application is not made in that month, the Committee may direct that the name of the registered person be removed from the register.

ARTICLE 6

Determination of application for registration

(1) Notwithstanding anything contained in Article 3, the Committee may –

- (a) refuse to grant application for registration or renewal of registration if, in its opinion, the applicant –
 - (i) is, or has been, engaged in any activity which is likely to reflect discredit on the registrable occupation in respect of which he seeks registration; or
 - (ii) is otherwise not of good character or reputation; or
- (b) attach conditions to the registration or renewal of registration of any person.

(2) Where the Committee refuses to grant the application, or grants the application subject to conditions, it shall furnish the applicant with a statement in writing of its reasons for so doing.

ARTICLE 7

Mode of registration

(1) Registration shall be effected by the entry in the register kept for the purpose by the Medical Officer of Health of the following –

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- (a) the name of the person registered;
- (b) particulars as to the qualification by virtue of which he is registered;
- (c) his postal address;
- (d) the date of registration; and
- (e) such other particulars as may be prescribed.

(2) Where a registered person changes his address appearing in a register he shall, within one month thereafter, send to the Medical Officer of Health a notice of his new address.

(3) A person who fails to comply with paragraph (2) shall be guilty of an offence and liable to a fine not exceeding level 2 on the standard scale.³

ARTICLE 8

Removal of name from register where registered person has ceased to practise, etc

(1) Where the Medical Officer of Health has reason to believe that a registered person has ceased to practise he may, and if the Committee so directs he shall, send to a registered person by registered post to his address appearing in the register, or to the address of his last known place of abode, an inquiry as to whether or not he wishes to have his name retained in the register.

(2) If no reply is received to that inquiry within six months from the date of posting thereof, or if the letter is not delivered and is returned to the Medical Officer of Health, or if the registered person so requests in reply to the inquiry, the Medical Officer of Health shall remove the name of that person from the register.

³ Volume 1992–1993, page 437.

(3) Notwithstanding anything in paragraphs (1) and (2), if the Medical Officer of Health has reason to believe that a registered person has died he may remove the name of that person from the register.

(4) A person whose name has been removed from the register in pursuance of this Article may apply to the Committee to have his name restored to the register and the Committee may direct that the name of that person shall be restored on payment of the prescribed fee.

ARTICLE 9

Amendment of register

(1) If any particulars appearing in the register in respect of the name, qualifications or address of a person are proved to the satisfaction of the Committee to be, or are to the knowledge of the Committee, erroneous in any respect, the register shall be amended in accordance with any direction given by the Committee.

(2) The provisions of paragraph (1) shall apply notwithstanding that at the time when the entry in the register was made the person was actually possessed of the qualifications particulars whereof appear in the register, or that at that time the entry was otherwise correct.

ARTICLE 10

Power of Court to cancel registration

(1) Subject to paragraph (2), the Court may, on the motion of the Attorney General, order that the registration of any person be cancelled where that person –

- (a) has been convicted, in the Island or elsewhere, of a criminal offence which renders him unfit to be registered;
- (b) has been guilty of infamous conduct in a professional respect;

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- (c) has obtained registration by fraudulent means; or
- (d) has failed to comply with any condition subject to which he was registered.

(2) The Court shall not make an order under paragraph (1) unless the person concerned has been given an opportunity of showing cause why the order should not be made.

(3) The Court may, where it thinks fit to do so, either of its own accord, or on the motion of the Attorney General, or on the application of the person concerned, rescind any order made under this Article.

ARTICLE 11

List of registered persons to be kept

The Medical Officer of Health shall make and keep available for inspection at his office, during business hours, a list of registered persons showing their names and addresses and the qualifications by virtue of which they were registered.

ARTICLE 12

Certificate of registration

(1) Where the Committee registers or renews the registration of any person, the Medical Officer of Health shall issue to the registered person, free of charge, a certificate of registration.

(2) If the holder of a certificate ceases for any reason to be registered the certificate shall thereupon be deemed to be cancelled.

ARTICLE 13

Penalty for fraudulently obtaining registration

Any person who wilfully procures or attempts to procure himself or any other person to be registered by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either orally or in writing, shall be guilty of an offence and liable to imprisonment for a term not exceeding twelve months or to a fine or both.

ARTICLE 14

Appeals

An applicant who is aggrieved by the decision of the Committee

-
- (a) to refuse to grant his application for registration or renewal of registration; or
 - (b) to register him subject to conditions,

may appeal to the Court within 28 days after the date of the notification of the decision of the Committee in the matter, on the ground that the decision of the Committee was unreasonable having regard to all the circumstances of the case.

PART III

MISCELLANEOUS

ARTICLE 15

Production of documents

(1) The Medical Officer of Health or a person authorized in that behalf by the Committee may require the production of such

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documents as he thinks necessary in order to ensure that the provisions of this Law are being complied with.

(2) The power to require production of documents under paragraph (1) does not include power to require production of the records of a patient unless –

- (a) the consent of the patient in writing to their production; or
- (b) an order of the Court authorizing their production,

has previously been obtained in respect thereof.

(3) If a person obstructs or impedes the Medical Officer of Health or a person authorized under paragraph (1) in the execution of his duties he shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.⁴

ARTICLE 16

Fees and expenses

All fees received under this Law shall form part of the annual income of the States and all expenses incurred under or in the administration of this Law shall be defrayed out of the annual income of the States.

ARTICLE 17

Regulations and Orders

(1) The States may by Regulations amend the list of registrable occupations specified in the Schedule to this Law.

(2) The Committee may make Orders generally for carrying this Law into effect and in particular but without prejudice to the

⁴ Volume 1992-1993, page 437.

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generality of the foregoing for prescribing any matter which may be prescribed by this Law.

- (3) An Order made under this Law may –
- (a) exempt any person or class or persons from all or any of the provisions of this Law;
 - (b) make different provisions in relation to different cases or circumstances;
 - (c) contain such incidental provisions as the Committee may consider to be necessary or expedient.

(4) The Subordinate Legislation (Jersey) Law 1960⁵ shall apply to Orders made under this Law.

ARTICLE 18

Saving provisions

(1) Subject to paragraph (2), nothing in this Law shall affect or derogate from the following Laws –

- (a) “Loi (1922) sur la santé publique (Sages-femmes)”;⁶
- (b) “Loi (1939) sur l’exercice de la Médecine et la Chirurgie Vétérinaires dans cette Ile”;⁷
- (c) Pharmacy, Poisons and Medicines (Jersey) Laws 1952 to 1974;⁸
- (d) Medical Practitioners (Registration) (Jersey) Law 1960;⁹

⁵ Tome VIII, page 849.

⁶ Tomes IV–VI, page 556.

⁷ Tome VII, page 293.

⁸ Volume 1973–1974, page 411.

⁹ Tome VII, page 117.

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(e) Dentists (Registration) (Jersey) Law 1961;¹⁰

(f) Opticians (Registration) (Jersey) Law 1962;¹¹

insofar as those Laws make provision with respect to the carrying on of a profession or occupation or the registration of persons.

(2) A registered person who, in the course of the registrable occupation in respect of which he is registered, does only things which are usually done by a person engaging in that occupation, does not thereby contravene Article 2 of the Medical Practitioners (Registration) (Jersey) Law 1960.

ARTICLE 19

Short title and commencement

(1) This Law may be cited as the Health Care (Registration) (Jersey) Law 1995.

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

G.H.C. COPPOCK

Greffier of the States.

¹⁰ Volume 1961–1962, page 135, Volume 1982–1983, pages 143 and 144, and Volume 1992–1993, pages 243, 244 and 245.

¹¹ Volume 1961–1962, page 601.

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SCHEDULE

(Article 1(1))

Registrable occupations

Chiropodist

Clinical psychologist

Dietitian

Medical laboratory technician

Occupational therapist

Orthoptist

Physiotherapist

Psychotherapist

Radiographer

Speech therapist