
STATUTORY INSTRUMENTS

1990 No. 1407

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service (Appointment of
Consultants) Amendment Regulations 1990**

<i>Made</i>	- - - -	<i>12th July 1990</i>
<i>Laid before Parliament</i>		<i>19th July 1990</i>
<i>Coming into force</i>	- -	<i>9th August 1990</i>

The Secretary of State for Health in exercise of powers conferred by paragraph 10 of Schedule 5 to the National Health Service Act 1977(1) and of all other powers enabling him in that behalf, after consultation in accordance with paragraph 11(1) of that Schedule with bodies recognised by him as representing persons likely to be affected, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the National Health Service (Appointment of Consultants) Amendment Regulations 1990 and shall come into force on 9th August 1990.

Amendment of Regulations

2.—(1) The National Health Service (Appointment of Consultants) Regulations 1982(2) shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of “appropriate body” for the words from “the Royal College of Physicians of London” to “Dental Surgery” there shall be substituted the words “the College of Anaesthetists, the College of Ophthalmologists, the Royal College of Physicians of London and its associated Faculties of Public Health Medicine and Occupational Medicine, the Royal College of Surgeons of England and its associated Faculty of Dental Surgery”;

(1) 1977 c. 49; paragraph 10 of Schedule 5 was amended by paragraph 80(3) of Schedule 1 to the Health Services Act 1980 (c. 53) and paragraph 3 of Schedule 6 to the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) and paragraph 14 of Schedule 3 to the Health and Social Security Act 1984 (c. 48). See section 128(1) of the National Health Service Act 1977 for the definition of “regulations”.

(2) S.I.1982/276, as amended by S.I. 1984/994.

- (b) for the definition of “Authority” there shall be substituted the following definition—
- ““Authority” (except in the expression “relevant District Authority”) means a Regional Health Authority, a District Health Authority, the Special Hospitals Service Authority⁽³⁾, a Teaching Authority or two or more such Authorities;”;
- (c) after the definition of “consultant” there shall be inserted the following definitions—
- ““general manager” means the person holding the post or performing the duties—
- (a) in relation to a Regional Health Authority, of regional general manager;
 - (b) in relation to a District Health Authority, of district general manager;
 - (c) in relation to a special hospital under the control of the Special Hospitals Service Authority, of general manager of the hospital;
 - (d) in relation to a Specialist Teaching Hospital Authority, of general manager of that Authority;
- “hospice” means an institution which provides hospital accommodation wholly or mainly for persons resident there who are terminally ill;”;
- (d) for the definition of “relevant University” there shall be substituted the following definition—
- ““relevant University” means—
- (a) for an appointment involving a Specialist Teaching Hospital Authority, the University of London;
 - (b) for an appointment as consultant to provide services to a Regional Health Authority, any University associated with the provision of health services in the region of that Authority;
 - (c) for an appointment involving the Special Hospitals Service Authority, any University with a department which teaches the relevant specialty;
 - (d) for all other cases, the University nominating a member or members to the relevant District Authority;”.

(3) In regulation 4(1) (exempted appointments) after sub-paragraph (k) there shall be added the following sub-paragraph—

“(l) medical practitioners who are employed on the staff of a hospice to provide medical services in the hospice and who are to be appointed to the staff of an Authority and who will receive no remuneration from an Authority in respect of their tenure of their post.”.

(4) In regulation 6 (constitution of committees) for paragraph (a) there shall be substituted the following paragraphs—

“(a) where the appointment is to be made by a single Regional Health Authority otherwise than to a post specified in Schedule 1A, in accordance with Schedule 1;

 - (aa) where the appointment is to be made by a single Regional Health Authority to a post specified in Schedule 1A, in accordance with that Schedule;
 - (ab) where the appointment is to be made by a single District Health Authority, in accordance with Schedule 1B;
 - (ac) where the appointment is to be made by the Special Hospitals Service Authority, in accordance with Schedule 1C;”.

(5) In Schedule 1 (appointments by a Regional Health Authority)—

 - (a) in paragraph 1 for the word “seven” there shall be substituted the word “eight”;

(3) See the Special Hospitals Service Authority (Establishment and Constitution) Order 1989 (S.I. 1989/948).

- (b) at the end of paragraph 2(3), for the words “of the Authority.” there shall be substituted the words “of the Authority, and”;
 - (c) after paragraph 2(3) there shall be added the following sub-paragraph—
 - “(4) subject to the provisions of paragraph 3 below one shall be the general manager of the relevant District Authority,”;
 - (d) in paragraph 3(a) after the words “each such Authority,” there shall be inserted the words “and the general manager referred to in paragraph 2(4), who shall be the general manager of one of the relevant District Authorities, or, alternatively may appoint the regional general manager”; and for the words “seven members” there shall be substituted the words “eight members”.
- (6) After Schedule 1 there shall be inserted Schedules 1A, 1B and 1C set out in the Schedule to these Regulations.
- (7) In Schedule 2 (appointments by a Teaching Authority)—
- (a) in paragraph 1 for the word “seven” there shall be substituted the word “eight”;
 - (b) in paragraph 2(4), at the end, for the words “relevant University.” there shall be substituted the words “relevant University, and”;
 - (c) after paragraph 2(4) there shall be added the following sub-paragraph—
 - “(5) one shall be the general manager of the Authority.”.
- (8) In Schedule 3 (appointments by authorities acting together)—
- (a) in paragraph 2, for the words “and a Teaching Authority they shall appoint a Committee of nine members” there shall be substituted the words “, a District Health Authority, the Special Hospitals Service Authority or a Teaching Authority, or any combination of those Authorities, they shall appoint a Committee of ten members”;
 - (b) in paragraph 2(1)(b)(i) for the words “or by the Teaching Authority” there shall be substituted the words “or the district of the District Health Authority or by any other appointing Authority”;
 - (c) for paragraph 2(2) there shall be substituted the following sub-paragraph—
 - “(2) one professional member shall be appointed by each Authority, being a member of the clinical staff of that Authority; and”;
 - (d) after paragraph 2(2) there shall be added the following sub-paragraph—
 - “(3) one shall be the general manager of one of the Authorities concerned in making the appointment, as those Authorities acting jointly may agree and in default of agreement, the general manager of the Authority for which the appointee will carry out the greater part of his duties.”.
- (9) In Schedule 4 (general provisions applying in all cases)—
- (a) in paragraph 1(e) after the words “a relevant District Authority” there shall be inserted the words “or in more than one hospital of either the Special Hospitals Service Authority or of a Specialist Teaching Hospital Authority”; after the words “in that district” there shall be inserted the words “or those hospitals”; and after the words “Schedule 1,” there shall be inserted the words “2(2)(d) of Schedule 1C.”;
 - (b) in paragraph 1(iv) after the words “District Authority” there shall be inserted the words “or authority managing those hospitals”;
 - (c) for paragraph 2 there shall be substituted the following paragraph—

“2.—(1) Subject to sub-paragraph (2) below, where an appointed member is unwilling or unable to perform his functions another person may be appointed in the same manner to be a member in his place.

(2) Where the person who is unwilling or unable to perform his functions is either the Director of Public Health⁽⁴⁾ or the general manager of the Authority then—

(a) in place of the Director a consultant in public health medicine only may be appointed, and

(b) in place of the general manager a senior officer of the Authority may be appointed, but such an appointment shall only be made with the consent of the Chairman of the Committee after he has sought the views of the members of the Committee.”;

(d) after paragraph 6 there shall be inserted the following paragraph—

“6A.—(1) In respect of any appointment where the Authorities act jointly, the general manager, or in his place a senior officer of each Authority so acting, shall be entitled to attend the meeting of the Committee, even where not appointed as a member under paragraph 2(3) of Schedule 3.

(2) A person attending the meeting by virtue of this paragraph only shall be entitled to participate in the discussions of the Committee at the invitation of the Chairman of the Committee but may not vote in the proceedings of the Committee.”.

Signed by authority of the Secretary of State for Health

12th July 1990

Virginia Bottomley
Minister of State,
Department of Health

(4) See Cm 289, p. 28.

SCHEDULE

Regulation 2(6)

NEW SCHEDULES 1A, 1B AND 1C TO THE NATIONAL HEALTH SERVICE (APPOINTMENT OF CONSULTANTS) REGULATIONS 1982

“SCHEDULE 1A

APPOINTMENTS BY A REGIONAL HEALTH AUTHORITY IN SPECIAL CASES

1. In respect of an appointment to the post of Regional Director of Public Health to the Authority⁽⁵⁾, the Authority shall constitute a Committee of eight members.

2. All the members shall be appointed by the Authority and of those members—

(1) two shall be lay members,

(2) five shall be professional members and of those five—

(a) one shall be appointed after consultation with the relevant University, and

(b) two shall be consultants in the relevant specialty, not being employed within the region of the Authority, and of these two, one shall be appointed after consultation with the appropriate body, and

(3) one shall be the general manager of the Authority.

3. In respect of an appointment to the post of consultant in public health medicine to the Authority, the Authority shall constitute a Committee in accordance with paragraphs 1 and 2 above with the additional requirement that one of the professional members shall be the Regional Director of Public Health of the Authority.

4.—(1) In respect of a whole-time post which is to consist of part-time employment as a consultant in communicable disease control and part-time employment as a consultant in a hospital or group of hospitals the Authority shall constitute a Committee in accordance with Schedule 1 but with the following additional members—

(a) one person appointed after consultation with the Faculty of Public Health Medicine;

(b) one person appointed after consultation with—

(i) the Royal College of Pathologists, or

(ii) where the Authority considers that, for exceptional reasons, consultation with that college is inappropriate, the Royal College of Physicians; and

(c) subject to sub-paragraph (2) below, the Director of Public Health of the District Health Authority for the district in which the applicant will be required to carry out the duties as consultant in communicable disease control.

(2) Where the duties of consultant in communicable disease control are to be carried out in more than one district the relevant Director for the purposes of sub-paragraph (1)(c) above is the Director of Public Health of the district in which the greater part of those duties will be carried out.

(5) See Cm 289, p. 34.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1B

APPOINTMENTS BY A DISTRICT HEALTH AUTHORITY

1. In respect of an appointment to the post of Director of Public Health to a District Health Authority, the Authority shall constitute a Committee of eight members.
2. All the members shall be appointed by the Authority and of those members—
 - (1) two shall be lay members,
 - (2) five shall be professional members and of those five—
 - (a) one shall be appointed after consultation with the relevant University,
 - (b) two shall be consultants in the relevant specialty, and of these two, one shall be appointed after consultation with the appropriate body, and
 - (3) one shall be the general manager of the Authority.
3. In respect of any other appointment by a District Health Authority to which these Regulations apply, the Authority shall constitute a Committee in accordance with paragraphs 1 and 2 above with the additional requirement that one of the professional members shall be the Director of Public Health of the Authority.

SCHEDULE 1C

APPOINTMENTS BY THE SPECIAL HOSPITALS SERVICE AUTHORITY

1. The Authority shall constitute a Committee of eight members.
2. All the members shall be appointed by the Authority and of those members—
 - (1) one shall be a lay member,
 - (2) four shall be professional members and of those four—
 - (a) one shall be appointed after consultation with the relevant University,
 - (b) one shall be appointed after consultation with the appropriate body,
 - (c) one shall be the person holding the post or performing the duties of medical director of the special hospital to which the appointment is to be made,
 - (d) one shall be a member of the clinical staff of the Authority, and
 - (3) one shall be the general manager.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the National Health Service (Appointment of Consultants) Regulations 1982 which prescribe procedures relating to the appointment of consultants.

These Regulations in addition to making some minor and consequential amendments make the following changes of substance:

- (a) they amend definitions in regulation 2(1) of the 1982 Regulations and also insert new definitions therein (regulation 2(2));
- (b) they add a further class of appointment to the exempted appointments specified in regulation 4(1) of the 1982 Regulations (regulation 2(3));
- (c) they add or include, as the case may be, general managers as members of Advisory Appointments Committees (regulations 2(5), 2(7), 2(8) and new Schedules 1A, 1B and 1C);
- (d) they provide in a new paragraph 6A which is inserted into Schedule 4 to the 1982 Regulations (general provisions applying in all cases) for specified officers of Authorities acting jointly to be entitled to attend at and to participate to a specified extent in the meeting of the Advisory Appointments Committee (regulation 2(9)(d));
- (e) they provide for the appointment of Regional Directors of Public Health, for Directors of Public Health of District Health Authorities and for consultants in public health medicine (new Schedules 1A and 1B);
- (f) they provide for making whole-time appointments in which the duties of the post are to consist of duties partly as a consultant in communicable disease control and partly as a consultant in a hospital or group of hospitals (new Schedule 1B);
- (g) they provide for appointments by the Special Hospitals Service Authority (new Schedule 1C).