
 STATUTORY INSTRUMENTS

1990 No. 2583

**NATIONAL HEALTH SERVICE, ENGLAND AND
WALES**
**The National Health Service (Appointment of
Consultants) (Wales) Amendment Regulations 1990**

Made - - - - 13th December 1990

Laid before Parliament 19th December 1990

Coming into force - 9th January 1991

The Secretary of State for Wales, in exercise of powers conferred on him by sections 12(a), 126(1), (4) and (5) and 128(1) of and paragraph 10 of Schedule 5 to the National Health Service Act 1977(a), 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) (Wales) Amendment Regulations 1990 and shall come into force on 9th January 1991.

Amendment of Regulations

2.—(1) The National Health Service (Appointment of Consultants) (Wales) Regulations 1983(b) 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”;
- (b) after the definition of “consultant” there shall be inserted the following definitions—

(a) 1977 c.49; section 12(a) was amended by the Health Services Act 1980 (c.53) (“the 1980 Act”), section 1(7) and Schedule 1, paragraph 32 and was further amended by the National Health Service and Community Care Act 1990 (c.19) (“the 1990 Act”), section 66(2) and Schedule 10; section 126(4) was amended and (5) was inserted by the 1990 Act, section 65(2); paragraph 10 of Schedule 5 was amended by the 1980 Act, section 1(7) and Schedule 1, paragraph 80(3) and was further amended by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), section 14(1) and Schedule 6, paragraph 3 and the Health and Social Security Act 1984 (c.48), section 5(4) and Schedule 3, paragraph 14. See section 128(1) of the National Health Service Act 1977 for the definition of “regulations”.

(b) S.I. 1983/1275.

““general manager” means the person holding the post or performing the duties, in relation to a District Health Authority, of district general manager;

“hospice” means an institution which provides hospital accommodation wholly or mainly for persons resident there who are terminally ill;”;

- (c) for the definition of “Teaching Authority” there shall be substituted the following definition—

““Teaching Authority” for the purpose of regulation 4(1)(e) means a District Health Authority specified in Part I of Schedule 1 to the Regional and District Health Authorities (Membership and Procedure) Regulations 1990(a);”.

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

“(j) 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 paragraphs (a) and (b) there shall be substituted the following paragraphs—

“(a) subject to paragraph (b) where the appointment is to be made by a single District 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 District Health Authority to a post specified in Schedule 1A, in accordance with that Schedule;

(b) where the appointment is to be made by South Glamorgan Health Authority otherwise than to a post specified in Schedule 1A, in accordance with Schedule 2;”.

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

(a) in the title after the words “DISTRICT HEALTH AUTHORITY” there shall be inserted the words “OTHER THAN SOUTH GLAMORGAN HEALTH AUTHORITY”;

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

(c) in paragraph 2(1) the words “of the Authority” shall be deleted;

(d) in paragraph 2(2) for the words “of another Authority” there shall be substituted the words “appointed after consultation with another Authority”;

(e) in paragraph 2(5) for the words “Welsh National School of Medicine, and” there shall be substituted the words “University of Wales College of Medicine, and”;

(f) in paragraph 2(6) for the words “dental appointment.” there shall be substituted the words “dental appointment, and”

(g) after paragraph 2(6) there shall be added the following sub-paragraph—
“(7) one shall be the general manager of the Authority.”

- (6) After Schedule 1 there shall be inserted Schedule 1A set out in the Schedule to these Regulations.

- (7) In Schedule 2 (appointments by a Teaching Authority)—

(a) in the title for the words “A TEACHING” there shall be substituted the words “SOUTH GLAMORGAN HEALTH”;

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

(c) in paragraph 2(1) for the words “Welsh National School of Medicine” there shall be substituted the words “University of Wales College of Medicine”;

(d) in paragraph 2(3) for the words “the Authority and” there shall be substituted the words “the Authority,”;

- (e) in paragraph 2(4) for the words "Welsh National School of Medicine" there shall be substituted the words "University of Wales College of Medicine, and";
- (f) 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 paragraphs 2, 3(b) and 4 for the words "a Teaching" there shall be substituted the words "South Glamorgan Health";
- (b) in paragraph 2, for the word "nine" there shall be substituted the word "ten";
- (c) in paragraph 2(1)(a) for the words "Welsh National School of Medicine" there shall be substituted the words "University of Wales College of Medicine";
- (d) in paragraph 2(1)(b)(ii) for the words "Welsh National School of Medicine and" there shall be substituted the words "University of Wales College of Medicine,";
- (e) in paragraph 2(2) for the words "dental appointment." there shall be substituted the words "dental appointment, and";
- (f) 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) 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 Chief Administrative Medical Officer and Director of Public Health Medicine 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.”;
- (b) 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.”

13th December 1990

David Hunt
Secretary of State for Wales

Regulation 2(6)

SCHEDULE

NEW SCHEDULE 1A TO THE NATIONAL HEALTH SERVICE
(APPOINTMENT OF CONSULTANTS) (WALES) REGULATIONS 1983

"SCHEDULE 1A

APPOINTMENTS BY A DISTRICT HEALTH
AUTHORITY IN SPECIAL CASES

1. In respect of an appointment to the post of Chief Administrative Medical Officer and Director of Public Health Medicine to the 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 and of these two, one shall be appointed after consultation with another Authority,

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

(a) one shall be a member of the clinical staff of the Authority,

(b) one shall be a consultant in public health medicine, not being employed in Wales, appointed after consultation with the appropriate body,

(c) one shall be appointed after consultation with the University of Wales College of Medicine,

(d) two shall be professional members employed within the district of another Authority nominated by the Welsh Medical Committee and of these two, one shall be a consultant in public health medicine, 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 the professional member appointed in accordance with sub-paragraph (2)(a) of paragraph 2 above shall be the Chief Administrative Medical Officer and Director of Public Health Medicine of the Authority.

4.—(1) In respect of a post which is to consist of part-time employment as a consultant in communicable disease control and part-time employment as a consultant in another specialty in a hospital or group of hospitals the Authority shall constitute a Committee in accordance with Schedule 1 but, subject to sub-paragraphs (2) and (3) below, 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) the Chief Administrative Medical Officer and Director of Public Health Medicine of the Authority.

(2) No additional member shall be appointed pursuant to paragraph (a) of sub-paragraph (1) of this paragraph where the member appointed pursuant to sub-paragraph (4) of paragraph 2 of Schedule 1 is appointed after consultation with the Faculty of Public Health Medicine.

(3) No additional member shall be appointed pursuant to paragraph (b) of sub-paragraph (1) of this paragraph where the member appointed pursuant to sub-paragraph (4) of paragraph 2 of Schedule 1 is appointed after consultation with the Royal College of Pathologists or, as the case may be, with the Royal College of Physicians".

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the National Health Service (Appointment of Consultants) (Wales) Regulations 1983 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 1983 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 1983 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 Schedule 1A);
- (d) they provide in a new paragraph 6A which is inserted into Schedule 4 to the 1983 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)(b));
- (e) they provide procedures for the appointment of Chief Administrative Medical Officers and Directors of Public Health Medicine of District Health Authorities and for consultants in public health medicine (new Schedule 1A);
- (f) they provide for making 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 another specialty in a hospital or group of hospitals (new Schedule 1A).