
STATUTORY INSTRUMENTS

1996 No. 433

**NATIONAL HEALTH SERVICE
ENGLAND AND WALES**

WALES

**The National Health Service (Appointment of Consultants)
(Wales) Continuation and Transitional Provisions Order 1996**

<i>Made</i>	- - - -	<i>21st February 1996</i>
<i>Laid before Parliament</i>		<i>4th March 1996</i>
<i>Coming into force</i>	- -	<i>28th March 1996</i>

The Secretary of States for Wales, in exercise of the powers conferred upon him by section 126(4) and (5) of the National Health Service Act 1977(1) and paragraphs 19(1) and (2) and 20(1) of Schedule 2 to the Health Authorities Act 1995(2), and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the National Health Service (Appointment of Consultants) (Wales) Continuation and Transitional Provisions Order 1996 and shall come into force on 28th March 1996.

Interpretation

2. In this Order:—

“the 1995 Act” means the Health Authorities Act 1995;

“existing Health Authority” means a District Health Authority in Wales which ceases to exist as a result of the 1995 Act;

“new Health Authority” means a Health Authority in Wales established under the 1995 Act;

“the 1983 Regulations” means the National Health Service (Appointment of Consultants) (Wales) Regulations 1983(3).

(1) [1977 c. 49](#); section 126(4) is amended by section 65(2) of the National Health Service and Community Care Act 1990 ([c. 19](#)) (“the 1990 Act”). Section 126(5) is added by section 65(2) of the 1990 Act. Section 126(4) and (5) is applicable by virtue of section 6(6) of the Health Authorities Act 1995.

(2) [1995 c. 17](#).

(3) [SI 1983/1275](#); amended by [SI 1990/2583](#).

Regulations continued in force

3. The 1983 Regulations shall continue in force on and after 1st April 1996 subject to the following modifications—

- (a) references to an existing Health Authority shall be construed as references to a new Health Authority;
- (b) references to a general manager in relation to an existing Health Authority shall be construed as references to the chief officer of a new Health Authority;
- (c) references to South Glamorgan Health Authority shall be construed as references to Bro Taf Health Authority⁽⁴⁾.

Appointment of Chief Administrative Medical Officer and Director of Public Health Medicine

4.—(1) If an existing Health Authority takes any action for the selection of a prospective Chief Administrative Medical Officer and Director of Public Health Medicine for appointment by a new Health Authority, the 1983 Regulations shall have effect as if the appointment was to be made by the existing Health Authority but subject to the following modifications—

- (a) in Schedule 1A (appointments by a District Health Authority in special cases), paragraph 2 shall be construed as requiring the appointment, as a ninth member of the Committee, of a registered general medical practitioner who practises in the area for which the new Health Authority concerned is to act unless such a practitioner is appointed in accordance with paragraph 2(2)(c) of that Schedule;
- (b) the requirement in paragraph 2(1) of that Schedule to appoint two lay members to the Committee shall be construed as requiring one of those persons to be the chairman designate of the new Health Authority concerned, and the other person to be appointed after consultation with another existing Health Authority no part of whose area is within the area for which the new Health Authority concerned is to act;
- (c) in paragraph 2(2)(a) of that Schedule, the reference to “the Authority” shall be construed as including a reference to an NHS Trust within the area for which the new Health Authority concerned is to act;
- (d) in paragraph 2(2)(d) of that Schedule, the reference to “another Authority” shall be construed as a reference to an existing Health Authority no part of whose area is within the area for which the new Health Authority concerned is to act;
- (e) in paragraph 2(2) of Schedule 4 (general provisions applying in all cases), the references to “general manager” shall be construed as references to the chief officer designate of the new Health Authority concerned;
- (f) paragraph 5(1) of that Schedule shall be construed as requiring the chairman designate of the new Health Authority concerned to be Chairman of the Committee;
- (g) in paragraph 12 of that Schedule, the meaning of “local authority” shall be construed as including a county or county borough council established under the Local Government (Wales) Act 1994⁽⁵⁾.

(2) Where any such action is taken by an existing Health authority the new Health Authority may, at any time before 1st May 1996, appoint any prospective candidate so selected as if all steps taken by the existing Health Authority had been taken by the new Health Authority.

(4) Bro Taf Health Authority is established on 1st April 1996, see S.I.1996/146.

(5) 1994 c. 19.

21st February 1996

William Hague
Secretary of State for Wales

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

EXPLANATORY NOTE

(This note is not part of the Order)

On 1st April 1996 the new Welsh Health Authorities established under the Health Authorities Act 1995 take over responsibility for the discharge of health functions previously discharged by District Health Authorities and Family Health Service Authorities. This Order continues in force the National Health Service (Appointment of Consultants) (Wales) Regulations 1983 ([SI 1983/1275](#)) so that they apply to the new Welsh Health Authorities (article 3). The 1983 Regulations make provision with respect to the appointment of consultants by Welsh District Health Authorities, in particular, concerning the procedure to be followed.

The Order also makes transitional provision with respect to appointments to the post of Chief Administrative Medical Officer and Director of Public Health Medicine by the new Welsh Health Authorities before 1st May 1996 (article 4). It enables action taken by a Welsh District Health Authority with respect to such an appointment to be treated for the purposes of the 1983 Regulations as action taken by a new Welsh Health Authority.