
STATUTORY INSTRUMENTS

1996 No. 701

**The National Health Service (Appointment
of Consultants) Regulations 1996**

Exempt appointments

- 5.—(1) An appointment is an exempt appointment if the person appointed is—
- (a) to receive no remuneration from an Authority in respect of his tenure of the post, and is—
 - (i) a member of the academic staff of a University,
 - (ii) a consultant who is over the age of 65,
 - (iii) a mental health officer, as defined in the National Health Service Pension Scheme Regulations 1995(1), who is over the age of 60,
 - (iv) a person who is wholly or mainly engaged in research which requires his appointment to the staff of an Authority, or
 - (v) a medical practitioner who has been appointed to a post in a hospice which is equivalent to a consultant post in the health service.
 - (b) an officer of a Teaching Authority and his appointment is to be made principally to enable him to give clinical instruction to students;
 - (c) a person whose employment in a post is to be for an initial period not exceeding six months—
 - (i) pending the appointment of a permanent post holder,
 - (ii) where the permanent holder of that post is unable to carry out his duties by reason of illness or because of other absence, or
 - (iii) where the Authority considers for some other reason that such an appointment is necessary,and in each case in respect of whom any further period of employment in that post is to be for a period not exceeding 6 months and to be subject to prior consultation with the relevant college and to the satisfactory performance of the duties of the post during the initial period;
 - (d) a person whose last employment by an Authority, an NHS trust, a Health Board in Scotland, a District Health Authority or Regional Health Authority was in a post as consultant, the termination of which employment was certified by the Secretary of State to be by reason of redundancy and who is appointed to a consultant post in England within one year of that termination of employment;
 - (e) a person who is transferred from employment as a consultant—
 - (i) by an Authority to another consultant post with that Authority, or
 - (ii) by an NHS trust to a consultant post with an Authority where the employment of the officer would otherwise be terminated by reason of redundancy;

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- (f) a person whose employment is transferred from one Authority to another Authority without any significant alteration in the duties of the post, as part of a local reorganisation of the health service;
 - (g) a person who has been appointed to a post at a university or at the Public Health Laboratory Service Board, and whose appointment to the staff of an Authority will be to a post in which the duties are substantially the same as those performed for that university or that Board.
- (2) In this regulation—
- (a) “employment” includes part-time employment, whether or not the person is also employed by another Authority, and “employed” shall be construed accordingly;
 - (b) “remuneration” does not include any distinction award or any amount paid by the employer towards the defrayment of expenses involved in the carrying out of the duties of the post.