WELSH STATUTORY INSTRUMENTS

2005 No. 3039 (W.227)

NATIONAL HEALTH SERVICE, WALES

National Health Service (Appointment of Consultants) (Wales) (Amendment) Regulations 2005

Made - - - -	*1 November 2005*
Coming into force - -	*2 November 2005*

The National Assembly for Wales, in exercise of the powers conferred by section 126(4) of, paragraphs 10(1) and 12(b) of Schedule 5 to and paragraphs 6(1)(d), 9(2) and (3) of schedule 5B to, the National Health Service Act 1977 ("the 1977 Act")(**1**) and section 5(7)(f) of, and paragraphs 16(4) and 16(5) of Schedule 2 to, the National Health Service Community Care Act 1990 ("the 1990 Act")(**2**), and after consultation in accordance with paragraph 11(1) of Schedule 5, and paragraph 9(4) of Schedule 5B to, the 1977 Act and paragraph 16(6) of Schedule 2 to the 1990 Act with bodies recognised by it as representing persons likely to be affected, hereby makes the following Regulations:

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the National Health Service (Appointment of Consultants) (Wales) (Amendment) Regulations 2005 which come into force on 2 November 2005.

(2) These Regulations apply in relation to Wales.

(**1**) 1977 (c. 49). Section 126(4) was amended by section 65(2) of the National Health Service and Community Care Act 1990 (c. 19) ("the 1990 Act"), section 65(1) of, and paragraphs 4 and 37 of Schedule 4 to, the Health Act 1999 (c. 8) ("the 1999 Act"), section 67(1) of, and paragraphs 5 and 13 of Part 1 of Schedule 5 to, the Health and Social Care Act 2001 (c. 15) ("the 2001 Act"), and section 6(3)(c) and 37(1) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17) ("the 2002 Act"). Paragraph 10(1) of Schedule 5 was amended by section 14 of, and paragraph 3 of Schedule 6 to, the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), sections 5 and 24 of, and Part I of Schedule 8 to, the Health and Social Security Act 1984 (c. 48), section 2(1) of, and paragraph 60(c) of Schedule 1 to, the Health Authorities Act 1995 (c. 17) ("the 1995 Act"), and sections 6(1)(a) and (b) of the 2001 Act. Paragraph 12(b) of Schedule 5 was amended by section 1 of, and paragraph 9 of Part III of Schedule 1 to, the 1990 Act, sections 2(1) and 5(1) of, and paragraph 60(e) of schedule 1 to, and Schedule 3 to, the 1995 Act, and section 65(1) of, and paragraphs 4, 39(1) and (4)(b) of Schedule 4 to, the 1999 Act. Schedule 5B was inserted by section 6(2) of, and Schedule 4 to the 2002 Act. The functions of the Secretary of State under these provisions are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672, as amended by section 66(5) of the 1999 Act).

(**2**) 1990 (c. 19). Section 5(7) was amended by section 2(1) of, and paragraph 69(d) of Schedule 1 to, the Health Authorities Act 1995 (c. 17). Paragraphs 16(4)-(6) of Schedule 2 were inserted by section 6(3)(b) of the Health and Social Care Act 2001 (c. 15).

(3) In these Regulations, "the principal Regulations" ("*y prif Reoliadau*") means the National Health Service (Appointment of Consultants) (Wales) Regulations 1996(**3**).

Amendment of regulation 2 of the principal Regulations

2.—(1) Regulation 2 of the principal Regulations (interpretation) is amended as follows.

(2) Before the definition of "application" insert the following definition—

""accredited as a consultant" means—

(a) a person whose name is included in the register of specialists maintained by the General Medical Council pursuant to article 8 of the European Specialist Medical Qualifications Order 1995 (the specialist register); or

(b) a person whose name is included in the register of specialists maintained by the General Medical Council pursuant to article 13 of the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003 (the specialist register),

where that person has either been appointed as a consultant by an Armed Services Consultant Appointment Board or appointed to a consultant post with an Authority;".

(3) In the definition of "Authority", after "Special Health Authority," insert "an NHS trust, a Local Health Board".

(4) After the definition of "core members" insert the following definition—

""Defence Medical Services" means the medical services of the air force, army and navy of the United Kingdom, whose function is to provide primary and secondary healthcare to service personnel and entitled civilians;".

(5) In the definition of "lay member" delete "or NHS trust".

(6) The definition of "relevant college" is amended as follows—

(a) after paragraph (e) insert "(ee) the Royal College of Paediatrics and Child Health,";

(b) after paragraph (f) insert "(ff) the Royal College of Physicians and Surgeons of Glasgow,";

(c) in paragraph (g) delete the word "or";

(d) in paragraph (h) after the word "Radiologists," insert the word "or"; and

(e) after paragraph (h) insert "(i) the Royal College of Surgeons of Edinburgh,".

(7) For the definition of "relevant University" substitute the following—

""relevant University" means—

(a) for an appointment to a Local Health Board any University associated with the provision of health services to that Board;

(b) for an appointment to an NHS trust,

(i) in the case where a University is specified in the Establishment Order for the NHS trust in question, that University; or

(ii) in all other cases, any University with a department which teaches the relevant specialty;".

Amendment of regulation 5 of the principal Regulations

3.—(1) Regulation 5 of the principal Regulations (exempt appointments) is amended as follows.

(2) In paragraph (1), sub-paragraph (d), delete "an NHS trust,".

(3) In paragraph (1), sub-paragraph (e)(ii) for "NHS trust" substitute "Authority".

(**3**) S.I. 1996/1313 as amended by S.I. 2003/1250.