STATUTORY RULES OF NORTHERN IRELAND

2013 No. 114

HEALTH AND PERSONAL SOCIAL SERVICES

Appointment of Consultants (Amendment) Regulations (Northern Ireland) 2013

Made - - - -	*23rd April 2013*
Coming into operation	*21st May 2013*

The Department of Health, Social Services and Public Safety, in conjunction with the Department of Finance and Personnel(**1**), makes the following Regulations in exercise of the powers conferred by Articles 89(1), 106(b) and 107(6) of the Health and Personal Social Services (Northern Ireland) Order 1972(**2**), Articles 10(6)(f) and 33(2) of the Health and Personal Social Services (Northern Ireland) Order 1991(**3**) and Section 7(2) and 12(2) of, and paragraph 13(2) of Schedule 1, and paragraph 13(2) of Schedule 2 to, the Health and Social Care (Reform) Act (Northern Ireland) 2009(**4**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Appointment of Consultants (Amendment) Regulations (Northern Ireland) 2013 and shall come into operation on 21st May 2013.

(2) In these Regulations "the principal Regulations" means the Appointment of Consultants Regulations (Northern Ireland) 1996(**5**).

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, in relation to a person, that the person's name is included in the Specialist Register kept by the General Medical Council pursuant to section 34D of the Medical Act 1983(**6**) 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) After the definition of "application" insert the following definition—

(**1**) Formerly the Department of Finance: see S.I. 1982/338 (N.I.6) Art.3
(**2**) S.I. 1972/1265 (N.I. 14) as amended by S.I. 1986/2229 (N.I. 24) and S.I. 1991/194 (N.I. 1)
(**3**) S.I. 1991/194(N.I. 1)
(**4**) 2009 c.1(N.I.)
(**5**) S.R.1996 No.62
(**6**) 1983 c.54; section 34D was inserted by paragraph 10 of Schedule 1 to S.I. 2010/234

""Authority" means the Regional Board, the Regional Agency or a Health and Social Care Trust;".

(4) Omit the definition of "Board".

(5) In the definition of "Chief Officer" for "a Board" substitute "an Authority".

(6) After the definition of "Chief Officer" 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;".

(7) After the definition of "consultant" insert the following definition—

""clinical academic posts" means posts involving both academic and clinical duties to which persons are appointed by the Queen's University of Belfast as the substantive employer and an Authority as the honorary employer;".

(8) Omit the definition of "joint appointment posts".

(9) For the definition of "lay member" substitute—

""lay member" means a person who is not—

(a) an employee of any Authority; or

(b) except when he is also Chairman of the Authority, a medical practitioner or a dental practitioner;".

Amendment of regulation 3 of the principal Regulations

3. In paragraph (1) of regulation 3 (Appointments to which the Regulations apply)—

(a) for "a Board" substitute "an Authority"; and

(b) for sub-paragraph (c) substitute—

"(c) any medical practitioner whether whole-time or part-time to a post of Director of Public Health for Northern Ireland(**7**).".

Amendment of regulation 4 of the principal Regulations

4. In regulation 4 (Registration of applicants)—

(a) for "a Board" substitute "an Authority";

(b) in sub-paragraph (a) omit "registered" each time it occurs; and

(c) for sub-paragraph (b) substitute—

"(b) in the case of an appointment of a medical practitioner, their name is included in the Specialist Register kept by the General Medical Council pursuant to section 34D of the Medical Act 1983.".

Amendment of regulation 5 of the principal Regulations

5. In regulation 5 (Appointments to which the Regulations do not apply)—

(a) for "Board" wherever it occurs substitute "Authority";

(b) for paragraph (1)(a) substitute—

"(a) appointed to a clinical academic post;";

(**7**) See Article 32(1) of S.I. 1991/194(N.I.1) as substituted by paragraph 3 (11) of Schedule 6 to 2009 c.1 (N.I.)

(c) in paragraph (1)(c) for "Northern Ireland Council for Postgraduate Medical and Dental Education" substitute "Northern Ireland Medical and Dental Training Agency(**8**)";

(d) for paragraph (1)(d) substitute—

"(d) transferred from employment as a consultant—

(i) by an Authority to another consultant post with that Authority; or

(ii) by an Authority to a consultant post with another Authority;

where the employment of the officer would otherwise be terminated by reason of redundancy;"

(e) after paragraph (1)(e) insert—

"(f) a person who has been accredited as a consultant and has been appointed to a consultant post in the Defence Medical Services, and whose appointment to the staff of an Authority will be to a post in which the duties and location of the post are substantially the same as the duties and location of the post previously held in the Defence Medical Services;

(g) a person whose last employment by an Authority was in post as a consultant, the termination of which employment was by reason of retirement and who is appointed to a consultant post in the same Authority without any significant alteration in the duties of the post.".

Amendment of regulation 6 of the principal Regulations

6. In regulation 6 (Advertising of post)—

(a) for "a Board" wherever it occurs substitute "an Authority";

(b) at the end of paragraph (1) insert ", and for these purposes only one of the publications may be solely in electronic form.".

Amendment of regulations 7 to 9 of the principal Regulations

7. In regulation 7 (Constitution of Advisory Appointments Committees), 8 (Selection of Committee) and 9 (Appointments by Boards) for "Board" wherever it occurs substitute "Authority".

Amendment of Schedule 1 to the principal Regulations

8.—(1) Schedule 1 to the principal Regulations (Constitution of an Advisory Appointments Committee, Consultant Committee) is amended as follows.

(2) For "Board" wherever it occurs substitute "Authority".

(3) In paragraph 2—

(a) in line 1 for "six" substitute "the following";

(b) for sub-paragraph (a) substitute—

"(a) one shall be a lay member;";

(c) for sub-paragraph (d) substitute—

"(d) one shall be the chief officer of the employing authority;";

(d) for sub-paragraph (e) substitute—

"(e) one shall be a consultant specialising in the branch of medicine or dentistry concerned practising outside the area of the Authority."

(**8**) S.R.2004 No.62