STATUTORY RULES OF NORTHERN IRELAND

2004 No. 62

HEALTH AND PERSONAL SOCIAL SERVICES

The Northern Ireland Medical and Dental Training Agency (Establishment and Constitution) Order (Northern Ireland) 2004

Made - - - - 25th February 2004

Coming into operation 1st April 2004

Whereas the Department of Health, Social Services and Public Safety(**1**) considers that a special body should be established for the purpose of performing the functions referred to in Article 2(1);

Now therefore the Department, in exercise of the powers conferred upon it by Articles 3(1), (2), (4) and (6) of the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990(**2**) and of all other powers enabling it in that behalf, and after consultation, in accordance with Article 3(5) of that order, with such bodies as it recognises as representing officers who in its opinion are likely to be transferred or affected by transfers in pursuance of this order, hereby make the following order:

Citation, commencement and interpretation

1.—(1) This order may be cited as the Northern Ireland Medical and Dental Training Agency (Establishment and Constitution) Order (Northern Ireland) 2004 and shall come into operation on 1st April 2004.

(2) In this order –

"the 1990 order" means the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990;

"the Agency" means the Northern Ireland Medical and Dental Training Agency;

"the chairman" means the chairman of the Agency;

"a member" means a member of the Agency other than the chairman;

"a health and social services body" means –

(a) a Health and Social Services Board;

(b) an HSS Trust;

(c) the Northern Ireland Central Services Agency for the Health and Social Services; or

(**1**) *See* S.I.1999/283 (N.I. 1) Article 3 (6)
(**2**) S.I. 1990/247 (N.I. 3)

(d) a special agency.

"a health service body" means –

(a) a health authority, a special health authority, a Primary Care Trust or an NHS Trust respectively constituted under sections 8, 11, 16A of the National Health Services Act 1977(**3**) and section 5 of the National Health Service and Community Care Act 1990(**4**);

(b) a Health Board, a Special Health Board, the Common Services Agency for the Scottish Health Service or an NHS Trust respectively constituted under sections 2, 10 and 12A of the National Health Service (Scotland) Act 1978(**5**);

(c) a Dental Practice Board or a Scottish Dental Practice Board;

(d) the Public Health Laboratory Service Board; and

(e) the National Radiological Protection Board established by section 1 of the Radiological Protection Act 1970(**6**).

Establishment of the Northern Ireland Medical and Dental Training Agency

2.—(1) The Department hereby establishes a special agency to perform any functions which the Department may under Article 4(1) of the 1990 order direct with respect to the provision of postgraduate education and training for doctors and dentists.

(2) The special agency established under paragraph (1) shall be known as the Northern Ireland Medical and Dental Training Agency.

Constitution of the Agency

3.—(1) The Agency shall consist of a chairman and five members appointed by the Department.

(2) The members of the Agency shall consist of –

(a) One member who is a medical practitioner;

(b) One member who is a dental practitioner;

(c) Three members who are neither a medical practitioner nor a dental practitioner.

Period of appointment

4.—(1) The chairman shall be appointed for a period not exceeding 4 years.

(2) A member shall be appointed for a period not exceeding 4 years.

(3) The period of appointment of the chairman and of a member shall be determined by the Department.

(4) Subject to Article 5 the chairman or a member of the Agency may, on the termination of the period of appointment, be eligible for re-appointment for such further period, not exceeding 4 years, as the Department may in any particular case determine.

(5) The Department may instead of re-appointing the chairman or a member on the termination of their period of appointment, extend their appointment for such further period as may appear reasonable in the particular circumstances but the period by which an appointment is extended must not exceed 4 years.

(**3**) 1977 c. 49 as amended by the Health Authorities Act 1995 (c. 17) and the Health Act 1999 (c. 8)
(**4**) 1990 c. 19 as amended by the Health Authorities Act 1995 and the Health Act 1999
(**5**) 1978 c. 29; section 2 was amended by paragraph 1 of Schedule 7 to the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) and by section 28 of the National Health Service and Community Care Act 1990; section 10 was amended by paragraph 2 of Schedule 6 to the Health Services Act 1980 (c. 53); section 12A was inserted by section 31 of the National Health Service and Community Care Act 1990
(**6**) 1970 c. 46

Disqualification for appointment

5.—(1) The following persons are disqualified for appointment as the chairman or as a member of the Agency –

(a) a person who within 5 years of the day his appointment would otherwise have taken effect, has been convicted whether in the United Kingdom or elsewhere of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine;

(b) a person who has been adjudged bankrupt or has made a composition or arrangement with his creditors;

(c) a person who has been dismissed, otherwise than by reason of redundancy, from any paid employment with a public body, a health service body or a health and social services body;

(d) a person whose appointment as the chairman or a member of any public body, health service body or health and social services body has been terminated on the grounds that –

(i) it was not in the interests of, or conducive to the good management of, that body that he should continue to hold office;

(ii) he has failed without the consent of that body to attend its meetings for a continuous period of 3 months;

(iii) he has failed to declare pecuniary interest or withdraw from the consideration of any matter in respect of which he had a pecuniary interest.

(e) a person who has financial or related interests which prejudice the exercise of his duties;

(f) a person whose registration as a health care professional has been withdrawn or suspended;

(g) a person who is an employee of the Agency;

(h) a person who holds paid employment or office with a trade union which represents the interests of members who are employed by a health and social services body.

(2) A person who is currently a chairman, member, director or employee of a health and social services body is disqualified for appointment as the chairman.

(3) For the purposes of paragraph (1)(a) the date of conviction shall be deemed to be the date on which the ordinary period allowed for making an appeal or application with respect to the conviction expires, or if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of it not being prosecuted.

(4) Where a person is disqualified under paragraph (1)(b) by reason of having been adjudged bankrupt –

(a) if the bankruptcy is annulled on the grounds that he ought not to have been adjudged bankrupt or on the grounds that his debts have been paid in full, the disqualification shall cease on the date of the annulment;

(b) if he is discharged the disqualification shall cease on the date of his discharge.

(5) Where a person is disqualified under paragraph (1)(b) by reason of his having made a composition or arrangement with his creditors, if he pays his debts in full the disqualification shall cease on the date on which the payment is completed and in any other case shall cease on the expiry of five years from the date on which the terms of the deed of composition or arrangement is fulfilled.

(6) For the purposes of paragraph (1)(c) "dismissal" excludes dismissal which was established to be unfair in industrial tribunal proceedings.

(7) Subject to paragraph (8), a person who is disqualified under (1)(c) (dismissed employees), may, after the expiry of a period of not less than two years, apply in writing to the Department to remove the disqualification and the Department may direct that the disqualification shall cease.