STATUTORY RULES OF NORTHERN IRELAND

1998 No. 426

HEALTH AND PERSONAL SOCIAL SERVICES

Appointment of Consultants (Special Agencies) Regulations (Northern Ireland) 1998

Made - - - - 4th December 1998

Coming into operation 1st January 1999

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 89(1), 106(*b*) and 107(6) of the Health and Personal Social Services (Northern Ireland) Order 1972(**1**) and Article 3(7) and paragraphs 3(6) and 6(2) of the Schedule to the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990(**2**) and of every other power enabling it in that behalf and in conjunction with the Department of Finance and Personnel hereby makes the following Regulations:–

Citation and commencement

1. These Regulations may be cited as the Appointment of Consultants (Special Agencies) Regulations (Northern Ireland) 1998 and shall come into operation on 1st January 1999.

Interpretation

2. In these Regulations–

"application" means an application for an appointment to which these Regulations apply;

"chief officer" means the person holding the post or performing the duties of a Chief Executive of a special agency;

"Committee" means an Advisory Appointments Committee constituted pursuant to regulation 7;

"consultant", in relation to a relevant specialty, means–

(a) a consultant specialising or who has recently specialised in the relevant specialty; or

(b) where such a specialty has not yet been established, a consultant specialising or who has recently specialised in a specialty which is closely related to the relevant specialty;

"hospice" means an institution which provides hospital accommodation wholly or mainly for persons resident there who are terminally ill;

(**1**) S.I.1972/1265 (N.I. 14)—relevant amending instruments are S.I. 1990/247 (N.I. 3) and S.I. 1991/194 (N.I. 1)
(**2**) S.I. 1990/247 (N.I. 3) as amended by S.I. 1991/194 (N.I. 1)

"joint appointment posts" means full-time posts involving both teaching and hospital duties to which persons are appointed jointly by a special agency and the Queen's University of Belfast;

"lay member" means a member who is not–

(a) an employee of any Health and Social Services Board or any Health and Social Services Trust or special agency; or

(b) except when he is also Chairman of the special agency, a medical or dental practitioner;

"professional member" in relation to a proposed appointment means–

(a) in the case of an appointment to a medical specialty, a medical practitioner; or

(b) in the case of an appointment to a dental speciality, a dental practitioner;

"relevant specialty", in relation to a proposed appointment, means the branch of medicine or dentistry in which the appointment is to be made.

Appointments to which the Regulations apply

3.—(1) Subject to paragraph (2) these Regulations shall apply to any appointment by a special agency of any medical or dental practitioner whether whole-time or part-time to a consultant post.

(2) These Regulations do not apply to the appointment of any person in any of the classes specified in regulation 5.

Registration of applicants

4. No person may be appointed to a consultant post on the staff of a special agency unless–

(a) he is either a registered medical practitioner or a registered dental practitioner; and

(b) in the case of an appointment of a registered medical practitioner, his name is included in the Specialist Register kept by the General Medical Council in accordance with Article 8(1) of the European Specialist Medical Qualifications Order 1995(**3**).

Appointments to which the Regulations do not apply

5.—(1) The appointments referred to in regulation 3(2) to which these Regulations do not apply are those for which the person appointed is–

(a) appointed to a joint appointment post;

(b) to receive no remuneration from the special agency in respect of his tenure of the post and who is–

(i) a member of the academic staff of a university;

(ii) wholly or mainly engaged in research which requires his appointment to the staff of a special agency; or

(iii) a medical practitioner who has been appointed to a post in a hospice which is equivalent to a consultant post in the health service;

(c) a person whose appointment in a post is to be for an initial period not exceeding six months–

(i) pending the appointment of a permanent postholder;

(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

(**3**) S.I. 1995/3208

(iii) where a special agency 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 six months and to be subject to prior consultation with the Specialty Adviser of the relevant Specialist Advisory Committee of the Northern Ireland Council for Postgraduate Medical and Dental Education and to the satisfactory performance of the duties of the post during the initial period;

(d) transferred from employment as a consultant–

(i) by a special agency to another consultant post with that special agency; or

(ii) by a Health and Social Services Trust or Health and Social Services Board to a consultant post with a special agency;

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

(e) a person whose employment is transferred from one special agency to another special agency without any significant alteration in the duties of the post as part of a local reorganisation of the health and personal social services.

(2) In this regulation–

(a) "employment" includes part-time employment, whether or not the person is also employed by another special agency, Health and Social Services Trust or Health and Social Services Board 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 required by the appointment.

Advertising of post

6.—(1) Subject to paragraphs (2) and (5), where a special agency proposes to make an appointment to which these Regulations apply, it shall arrange for an advertisement in one or more publications circulating throughout the United Kingdom which are commonly used for similar advertisements relating to the profession concerned.

(2) Where, in the opinion of the special agency, compliance with the foregoing provisions of this regulation is not reasonably practicable the special agency shall arrange for such advertisement to appear in such other publication as it deems appropriate.

(3) The advertisement shall set out the general duties of the post and the closing date for the receipt of applications.

(4) Where the advertisement is in respect of a whole-time post, the advertisement shall include a statement to the effect that applicants for appointment to a part-time post will be considered.

(5) The Department may, if it thinks fit, authorise a special agency to dispense with the requirements of paragraph (1) in relation to an appointment to any class of post.

Constitution of Advisory Appointments Committees

7. In relation to any appointment to which these Regulations apply a committee (to be called an Advisory Appointments Committee) shall be constituted by a special agency for the purpose of making any appointment to which regulation 3(1) applies, in accordance with Schedule 1 and Schedule 2 shall have effect with respect to the proceedings of that Committee.