1991 No. 195

HEALTH AND PERSONAL SOCIAL SERVICES

Appointment of Consultants Regulations (Northern Ireland) 1991

Made	*8th May 1991*
Coming into operation . .	*1st June 1991*

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 16(3), 89(1), 106(*b*), 107(6) of and paragraph 12(2) of Schedule 1 to the Health and Personal Social Services (Northern Ireland) Order 1972(**a**) and of every other power enabling it in that behalf and in conjunction with the Department of Finance and Personnel(**b**) hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Appointment of Consultants Regulations (Northern Ireland) 1991 and shall come into operation on 1st June 1991.

Interpretation

2. In these regulations, the following expressions have the respective meanings hereby assigned to them:—

"Board" means a Health and Social Services Board established under Article 16 of the Order;

"General Manager" means the person holding the post or performing the duties of a general manager of a Board;

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

"lay member" means a member who is not a medical or dental practitioner or an officer of a Board;

"member of the staff of the hospital or hospitals concerned" means a member of consultant status of the medical staff or of the dental staff where appropriate of the hospital or hospitals in which the successful applicant is to serve;

"the Order" means the Health and Personal Social Services (Northern Ireland) Order 1972;

"panel" means an Advisory Appointments Panel.

(a) S.I. 1972/1265 (N.I. 14) as amended by S.I. 1986/2229 (N.I. 24), S.I. 1990/247 (N.I. 3) and S.I. 1991/194 (N.I. 1)

(b) Formerly the Department of Finance: *see* S.I. 1982/338 (N.I. 6) Art. 3

Appointments to which the regulations apply

3. These regulations shall apply to any appointment by a Board of—

(*a*) any medical or dental practitioner whether whole-time or part-time to a consultant post;

(*b*) any medical practitioner whether whole-time or part-time to a post of consultant equivalent in public health medicine (hereinafter referred to as a "consultant in public health medicine"); and

(*c*) any medical practitioner whether whole-time or part-time to a post of Director of Public Health(**a**),

other than the appointment of any person in any of the classes specified in regulation 4.

Exempted appointments

4.—(1) The classes referred to in regulation 3 to which these regulations do not apply are:—

(*a*) persons appointed to joint appointment posts;

(*b*) persons who will receive no remuneration for their hospital appointments;

(*c*) persons appointed to the staff of a hospital primarily for the purpose of undertaking research;

(*d*) persons whose employment in a post will be limited in duration to carry out the duties of that post—

(i) until a permanent appointment to it can properly be made; provided that such employment shall not be for a period exceeding twelve months; or

(ii) the duties or continued existence of which are subject to a review as part of a local reorganisation of the health and personal social services; provided that such employment shall not, without the express prior consent of the Department, be for a period exceeding two years;

(*e*) persons who are transferred with the approval of the Department from employment as a consultant by a Board to another such post with that Board or to employment by another Board where the employment of the officer would otherwise be terminated by reason of redundancy;

(*f*) persons whose employment is, with the approval of the Department, transferred from one Board to another Board without any significant alteration in the duties of the post as part of a local reorganisation of the health and personal social service;

(*g*) a person whose last employment with a Board was terminated by reason of—

(**a**) *See* Article 32 of the Health and Personal Social Services (Northern Ireland) Order 1991. S.I. 1991/194 (N.I. 1)

(i) an order of interim suspension of registration under section 42(3)(*b*) of the Medical Act 1983(**a**) or section 32 of the Dentists Act 1984(**b**) in a case which is subsequently disposed of by the Health Committee(**c**) of the General Medical Council or the Health Committee(**d**) of the General Dental Council; or

(ii) a direction under section 37(1)(*a*) or (2) (suspension of registration) of the Medical Act 1983 or section 28(1)(*a*) or (2) of the Dentists Act 1984 or a direction made on appeal from any such direction or an order made under section 38 (immediate suspension of registration) of the Medical Act 1983 or section 30(3) of the Dentists Act 1984—

where the proposed appointment will take effect as soon as possible after the expiry of a period of suspension, pursuant to a direction or order under the said sections 37(1)(*a*) or (2) or 38 of the Medical Act 1983 or sections 28(1)(*a*) or (2) or 30(3) of the Dental Act 1984 not exceeding 12 months or after the earlier disposal by the said Health Committees of the reference to them pursuant to section 1(3) of the Medical Act 1983 or section 2(4) of the Dentists Act 1984 in relation to that person, and where the proposed appointment will be to a post not significantly different from that which that person held immediately before that termination.

(2) In this regulation—

(*a*) ''employment'' includes part-time employment, whether or not the person is also employed by another Board;

(*b*) ''remuneration'' does not include any distinction award or the defrayment of expenses involved in the carrying out of the duties of a hospital appointment.

Constitution of Advisory Appointments Panels

5.—(1) For the purpose of making any appointment to which regulation 3(*a*) applies, a panel shall be constituted by the Agency in accordance with Schedule 1.

(2) For the purpose of making any appointment to which regulation 3(*b*) applies, a panel shall be constituted by the Agency in accordance with Schedule 2.

(3) For the purpose of making any appointment to which regulation 3(*c*) applies, a panel shall be constituted by the Agency in accordance with Schedule 3.

(**a**) 1983 c. 54
(**b**) 1984 c. 24
(**c**) *See* section 1(3) of the Medical Act 1983
(**d**) *See* section 2(4) of the Dentists Act 1984

Advertising of post

6.—(1) Where a Board proposes to make an appointment to a post to which these regulations apply, it shall inform the Agency which shall advertise the post in not less than one publication which is commonly used for similar advertisements relating to the profession concerned, setting out the general duties of the post and shall allow not less than one month for the receipt of applications for the appointment.

(2) Where the post is a whole-time post, the advertisement shall state that applicants who wish to be appointed for less time than is required to carry out the full duties of the post shall be considered if they are unable to undertake whole-time professional work. This requirement may be dispensed with where the advertisement appears in a publication which states that applicants unable to work full or whole-time shall be considered for all whole-time posts advertised.

(3) The Department may if it thinks fit authorise a Board to dispense with the requirements of paragraph (1) in relation to any post or class of post.

Selection by panel

7.—(1) The Agency shall refer to the panel all applications received on or before the closing date specified in the advertisement and may also refer an application received after that date but before the panel has met if it is satisfied that there is reasonable explanation for the delay.

(2) The panel shall—

(*a*) consider all applications so referred to it;

(*b*) select from the applications any applicants whom it considers suitable for the post;

(*c*) interview those applicants so selected; and

(*d*) recommend to the Board in order of preference the names of those applicants whom it considers to be suitable for appointment to the post together with such other comments as it considers appropriate.

(3) Where a Board proposes to make an appointment to a whole-time post but in the opinion of the panel one or more of the applicants would be suitable for appointment for less than whole-time the panel shall recommend to the Board the names of such applicants, together with such other comments as it considers appropriate.

(4) If the panel considers that none of the applicants is suitable for appointment to the post, it shall so inform the Board.

Appointments by Boards

8.—(1) A Board shall not make an appointment to a post to which these regulations apply—

(*a*) except from persons whose names have been submitted to it by a panel under regulation 7;

(*b*) of any person who, in respect of his application for an appointment to which these regulations apply, has canvassed any member of the Board or the panel.