1984 No. 279

HEALTH AND PERSONAL SOCIAL SERVICES

(Appointment of Specialists) Regulations (Northern Ireland) 1984

Made . . . . . *7th August 1984*

Coming into operation . . . *3rd September 1984*

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 106, 107 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 Specialists) Regulations (Northern Ireland) 1984 and shall come into operation on

Interpretation

2. In these regulations unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:

"Department" means the Department of Health and Social Services;

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

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

"lay member" means a member who is not a registered medical or dental practitioner or an officer of a Health and Social Services 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;

Appointments to which the regulations apply

3. These regulations shall apply to appointments by Boards of—

(*a*) any medical or dental officer whether whole-time or part-time to the post of consultant or associate specialist; and

(*b*) any medical officer whether whole-time or part-time to a post of consultant equivalent in community medicine (hereinafter referred to as a "community physician")

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

(**a**) S.I. 1972, No. 1265 (N.I. 14)
(**b**) Formerly the Department of Finance: *see* S.I. 1982/338 (N.I. 6) Art. 3

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 appointed to the post of Chief Administrative Medical Officer;

(*e*) 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 12 months; or

(ii) the duties of or continued existence of which are subject to a review as part of a local reorganisation of the health service: Provided that such employment shall not, without the express prior consent of the Department, be for a period exceeding 2 years;

(*f*) 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;

(*g*) 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 service;

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

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

(ii) a direction under section 37(1)(*a*) or (2) (Suspension of registration) of that Act or a direction made on appeal from any such direction or an order made under section 38 (immediate suspension of registration) of that Act—

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 not exceeding 12 months or after the earlier disposal by the said Health Committee of the reference to it pursuant to section 1(3) of the said Act 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 and ''employed'' shall be construed accordingly;

(*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.

(**a**) 1983 c. 54

(**b**) *See* Section 1(3) of the Medical Act 1983

(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.

Advertising of vacancy

6.—(1) Where a Board proposes to make an appointment to which these regulations apply, it shall inform the Agency which shall advertise such vacancy in not less than 2 publications which are 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 such an advertisement is in respect of a whole-time post, the advertisement shall include a statement to the effect that applicants for appointment for less time than is required to carry out the full duties of the post will be considered if they are unable to undertake whole-time professional work, unless that advertisement appears in a publication which states the effect of this paragraph as it applies to the advertisement.

(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 consider all applications so referred to them, shall select from the applicants any persons whom they consider suitable for the appointment and shall submit to the Board the selected name or names they decide to recommend in order of preference together with such comments or recommendations as they consider appropriate.

(3) The panel shall not submit the name of any person under paragraph (2) without having interviewed him.

(4) 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 they shall submit to the Board the names of such applicants and may add such comments as they consider appropriate.

(5) If the panel consider that none of the applicants is suitable for the appointment, they shall so inform the Board.

Appointments by Boards

8.—(1) A Board shall not make an appointment to a vacancy 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 has canvassed, in respect of his application for an appointment to which these regulations apply, any member of the Board, the panel or the Agency.

(2) In any case where a Board has been informed as provided for by Regulation 7(4), it may appoint for less than whole-time employment one or more of the persons named as suitable for such employment.

(3) Where a Board decides not to make an appointment from persons named by the panel or where a Board is informed pursuant to regulation 7(5) that none of the applicants is suitable, the panel shall be discharged and these regulations shall apply to any further proposal by the Board to make an appointment to the relevant post as they applied to the original proposal.