STATUTORY INSTRUMENTS

# 1972 No. 467 (S.35)

# NATIONAL HEALTH SERVICE, SCOTLAND

## HOSPITAL AND SPECIALIST SERVICES

# The National Health Service (Appointment of Consultants) (Scotland) Regulations 1972

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| *Made - - -* | *22nd March* 1972 |
| *Laid before Parliament* | *29th March* 1972 |
| *Coming into Operation* | *1st April* 1972 |

In exercise of the powers conferred on me by section 14(2) of the National Health Service (Scotland) Act 1947(**a**) as amended by section 9 of the Health Services and Public Health Act 1968(**b**), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

*Citation and Commencement*

**1.** These regulations may be cited as the National Health Service (Appointment of Consultants) (Scotland) Regulations 1972 and shall come into operation on 1st April 1972.

*Interpretation*

**2.**—(1) In these regulations, unless the context otherwise requires—

"area" means an area of a Regional Hospital Board;

"Committee" means Advisory Appointments Committee;

"consultant in the specialty" means a consultant specialising or who has recently specialised in the branch of medicine or dentistry with which the proposed appointment is concerned;

"Board" means a Regional Hospital Board.

(2) The Interpretation Act 1889(**c**) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament and as if these regulations were an Act of Parliament.

*Appointments to which the regulations apply*

**3.**—(1) The provisions of these regulations shall apply with respect to the appointment of any medical or dental officer to a post of consultant on the staff of a hospital providing hospital and specialist services other than the appointment of any person in any of the classes specified in regulation 4.

(2) For the purposes of this regulation "appointment" includes any appointment to a post, whether existing or new, and whether whole-time or part-time.

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(**a**) 1947 c. 27. (**b**) 1968 c. 46.
(**c**) 1889 c. 63.

*Exempted appointments*

**4.**—(1) The classes to which these regulations do not apply are—

(*a*) professors, readers or other members of a medical or dental department of a university who receive no remuneration (other than a distinction award) from the Board for their hospital appointments;

(*b*) persons who are primarily engaged in research which necessitates their appointment to the staff of a hospital and who receives no remuneration (other than a distinction award) for that appointment from the Board;

(*c*) any other person to be appointed to the staff of a hospital who receives no remuneration (other than a distinction award) for that appointment from the Board;

(*d*) persons to be appointed to locum posts or to posts which are, with the approval of the Secretary of State, limited in duration to a period of two years or less;

(*e*) redundant officers whose employment, or whose last employment, by a Board in Scotland or by a Board or a Board of Governors of a teaching hospital in England or Wales is, or was, in a post as consultant.

(2) In this regulation "redundant officers" means persons whose employment has been terminated owing to redundancy or other local change of organisation and whose names have at the discretion of the Secretary of State for Scotland, the Secretary of State for Social Services or the Secretary of State for Wales been notified to Boards as officers to whom this regulation applies; and "employment" includes part-time employment whether or not the officer is also employed by any other Board, but does not include employment in a post where the appointment was expressly limited in duration.

*Advertisement of vacancy*

**5.**—(1) Where a Board propose to make an appointment to a vacancy in a post to which these regulations apply, they shall place an advertisement in not less than two publications circulating throughout the United Kingdom which are commonly used for similar advertisements relating to the profession concerned. Provided that where such advertisement is not reasonably practicable they shall advertise the vacancy in such other publications as they think appropriate.

(2) Any advertisement shall specify the exact nature of the appointment and the closing date for receipt of applications which shall be not less than one month from the date on which the advertisement is to appear.

*National Panel of Specialists*

**6.**—(1) For the purpose of making nominations to the Advisory Appointments Committee constituted under regulation 7 hereof, the Secretary of State shall constitute a National Panel of Specialists consisting of not more than 150 members holding consultant appointments made up as follows:

(*a*) not more than 35 members nominated jointly by the Universities of Glasgow, Aberdeen, Edinburgh and Dundee;

(*b*) not more than 100 members nominated jointly by the Royal College of Physicians of Edinburgh, the Royal College of Surgeons of Edinburgh, the Royal College of Physicians and Surgeons of Glasgow, the Royal College of Obstetricians and Gynaecologists, the Royal College of Pathologists, the Royal College of Psychiatrists, the Faculty of

Anaesthetists and the Faculty of Radiologists and such other members of specialist professional bodies as the Secretary of State may from time to time determine; and

(*c*) not more than 15 members appointed by the Secretary of State.

(2) Of the original members so nominated and appointed one half shall retire on 31st March 1974, and the remainder on 31st March 1976; thereafter members shall serve for a period of four years. Any casual vacancy occurring shall be filled in the same manner as applied at the appointment or nomination of the member vacating office. Except in special circumstances approved by the Secretary of State a member retiring from the Panel shall not be eligible for reappointment until after the lapse of two years from the date of his retiral from the Panel. After retiral from a consultant post in the National Health Service a member of the Panel may complete his term of office unless during this period he attains the age of 70 years, at which age he shall automatically retire.

(3) The Secretary of State shall appoint a Secretary who shall be a registered medical practitioner.

*Constitution of Advisory Appointments Committees*

**7.** For the purpose of filling each vacancy in a post to which these regulations apply, the Board making the appointment shall constitute an Advisory Appointments Committee, which shall consist of:—

(1) two persons nominated by that Board;

(2) two persons nominated by any Board of Management concerned; provided that where more than one Board of Management is concerned the Boards of Management shall jointly nominate those two persons;

(3) two consultants in the specialty nominated from among their own number by the members of the National Panel of Specialists constituted in accordance with regulation 6 hereof, at least one of whom shall be from outwith the area; and

(4) in the case of an appointment involving undergraduate teaching duties, six persons nominated by any university concerned; provided that the Board and the university with which the provision of hospital and specialist services in the area is associated may agree that certain appointments carry such limited teaching responsibility as not to justify this representation, in which case the university concerned shall nominate two persons only.

*Selection by Committee*

**8.**—(1) The Board shall refer to the Committee all applications received on or before the closing date specified in the advertisement and may also refer an application received after that date if they are satisfied that there is a reasonable explanation for the lateness.

(2) The Committee shall consider all applications so referred to them and may interview suitable persons in order to select from the applicants the person or persons considered by them to be suitable for the appointment and submit the appropriate name or names to the Board showing the order in which the Committee consider them to be most suitable, together with comments which shall include the views of the members nominated from the National Panel of Specialists on the suitability of the candidate(s) for consultant status.

(3) If the Committee consider that none of the applicants is suitable for the appointment they shall so inform the Board.

*Appointment by Board*

**9.** An appointment to a vacancy to which these regulations apply shall be made by the Board or, if the Board so delegate, by the appropriate committee of the Board. Neither a Board nor a committee of a Board to which power to make an appointment has been delegated shall make such an appointment except from persons selected by a Committee constituted under regulation 7.

*Travelling and subsistence expenses*

**10.** Members of a Committee shall be entitled to receive from the Board such payments in respect of travelling and subsistence expenses as are payable to members of the Board performing an approved duty.

*Revocation of Regulations*

**11.** The National Health Service (Appointment of Medical and Dental Officers) (Scotland) Regulations 1948(**a**) and the National Health Service (Appointment of Medical and Dental Officers) (Scotland) Amendment Regulations 1964(**b**), 1968(**c**) and 1969(**d**) are hereby revoked.

Provided that those regulations shall continue to have effect in relation to any appointment which has been advertised before the coming into operation of these regulations.

*Gordon Campbell,*
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.

22nd March 1972.

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## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations consolidate, with amendments, the Regulations in force under section 14 of the National Health Service (Scotland) Act 1947 which provide for the appointment of consultants in the National Health Service.

The main changes are:—

(1) the scope of the Regulations has been clarified; they now apply only to the appointment of consultants;

(2) arrangements for appointment to the National Panel of Specialists are more flexible and ensure a periodical turnover in membership of the Panel;

(3) consultants who become redundant are excluded from the scope of the Regulations.

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(**a**) S.I. 1948/1390 (Rev. XV, p. 854: 1948 I, p. 2311).
(**b**) S.I. 1964/1454 (1964 III, p. 3382). (**c**) S.I. 1968/225 (1968 I, p. 737).
(**d**) S.I. 1969/257 (1969 I, p. 648).

SI 1972/467
ISBN 0-11-020467-0

