STATUTORY INSTRUMENTS

1974 No. 858 (S.74)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (Appointment of Consultants) (Scotland) Regulations 1974

Made - - - -	16*th May* 1974
Laid before Parliament	29*th May* 1974
Coming into Operation	19*th June* 1974

In exercise of the powers conferred on me by paragraph 8 of Schedule 3 to the National Health Service (Scotland) Act 1972(a) 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 1974 and shall come into operation on 19th June 1974.

Interpretation

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

"the Act" means the National Health Service (Scotland) Act 1972;

"the Advisory Appointments Sub-Committee" means the sub-committee appointed under regulation 6 of these regulations;

"the Agency" means the Common Services Agency for the Scottish Health Service constituted under section 19 of the Act;

"the Management Committee" means the management committee of the Agency constituted under Schedule 3 to the Act.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of 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 the Agency 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.

(a) 1972 c. 58. (b) 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 Agency;

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

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

(*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, in Scotland, by a Health Board or the Agency or, in England or Wales, by a Regional or Area Health Authority, Area Health Authority (Teaching) or any Board of Governors of a teaching hospital in respect of which an order has been made under Section 15(1) of the National Health Service Reorganisation Act 1973**(a)**, is or was, in a post as consultant;

(*f*) honorary consultants providing a service for the National Health Service although employed by Universities or the Medical Research Council or other similar bodies on transfer of their posts wholly or in part without substantial change of duties to the National Health Service, with the approval of the Secretary of State.

(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 the Agency and Health 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 Health Board or, in England or Wales, by a Regional or Area Health Authority, Area Health Authority (Teaching) or any Board of Governors of a teaching hospital, but does not include employment in a post where the appointment was expressly limited in duration.

Advertisement of vacancy

5.—(1) Where the Management Committee 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.

(a) 1973 c. 32.

Appointment of Advisory Appointments Sub-Committees

6. For the purpose of filling each vacancy in a post to which these regulations apply, the Management Committee shall appoint an Advisory Appointments Sub-Committee, which shall consist of:—

(1) four persons nominated by the Management Committee, one of whom shall be appointed to act as chairman and at least two of whom shall be registered medical or dental practitioners as appropriate;

(2) two consultants from the members of the National Panel of Specialists constituted in accordance with regulation 6 of the National Health Service (Appointment of Consultants) (Scotland) Regulations 1973**(a)**, at least one of whom shall not be employed by the Agency; and

(3) in the case of an appointment involving undergraduate teaching duties, two persons nominated by any university concerned; provided that the university may nominate four persons where the university considers that the appointment carries major teaching responsibilities.

Selection by Committee

7.—(1) The Management Committee shall refer to the Advisory Appointments Sub-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 Advisory Appointments Sub-Committee shall consider all applications so referred to them and may interview suitable applicants in order to select from them the person or persons considered by the Advisory Appointments Sub-Committee to be suitable for the appointment and submit the appropriate name or names to the Management Committee showing the order in which the Advisory Appointments Sub-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 suitablity of the candidate(s) for consultant status.

(3) If the Advisory Appointments Sub-Committee consider that none of the applicants is suitable for the appointment they shall so inform the Management Committee.

Appointment by Management Committee

8. An appointment to a vacancy to which these regulations apply shall be made by the Management Committee or, if the Management Committee so delegate, by a sub-committee, but neither the Management Committee nor a sub-committee thereof to which power to make an appointment has been delegated shall make such an appointment except from persons selected by the Advisory Appointments Sub-Committee appointed under regulation 6.

Travelling and Subsistence Expenses

9. Members of an Advisory Appointments Sub-Committee shall be entitled

(a) S.I. 1973/2212 (1973 III, p. 7813).

to receive such payments in respect of travelling and subsistence expenses as are payable to members of the Management Committee performing an approved duty.

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
16th May 1974.

EXPLANATORY NOTE

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

These Regulations provide for the appointment of consultants in the Common Services Agency for the Scottish Health Service on the advice of an Advisory Appointments Sub-Committee after advertisement.

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