

1973 No. 2212 (S.159)
NATIONAL HEALTH SERVICE, SCOTLAND
**The National Health Service (Appointment of Consultants)
(Scotland) Regulations 1973**

<i>Made</i> - - - -	<i>24th December 1973</i>
<i>Laid before Parliament</i>	<i>10th January 1974</i>
<i>Coming into Operation</i>	<i>31st January 1974</i>

In exercise of the powers conferred on me by paragraph 8 of Part I of Schedule 1 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.—(1) These regulations may be cited as the National Health Service (Appointment of Consultants) (Scotland) Regulations 1973 and shall come into operation on 31st January 1974.

(2) Nothing in these regulations shall apply to the making of any appointment which is to take effect before 1st April 1974.

Interpretation

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

“area” means the area of a Health 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 Health Board.

(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 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 Board 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 Board;
 - (b) persons who are primarily engaged in research which necessitates their appointment to the staff of a Board and who receive 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 Board 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, in Scotland, by a 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 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 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, 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) Provided always that the original members so appointed shall comprise those members of the National Panel of Specialists set up under regulation 6(2) of the National Health Service (Appointment of Consultants) (Scotland) Regulations 1972(a), half of whom will 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 retirement from the Panel. After retirement 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) four persons nominated by that Board 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 in the specialty from the members of the National Panel of Specialists constituted in accordance with regulation 6 hereof, at least one of whom shall not be employed by the Board making the appointment; 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

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 applicants in order to select from them the person or persons considered by the Committee 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 the 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.

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

St. Andrew's House,
Edinburgh.
24th December 1973.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide for the appointment of consultants in the National Health Service on the advice of Advisory Appointments Committees after advertisement. They provide for the constitution of these Committees and for the payment of their reasonable expenses.

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