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STATUTORY INSTRUMENTS

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**1991 No. 481**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The National Health Service (Remuneration  
and Conditions of Service) Regulations 1991**

<i>Made</i>	- - - -	<i>6th March 1991</i>
<i>Laid before Parliament</i>		<i>11th March 1991</i>
<i>Coming into force</i>	- -	<i>1st April 1991</i>

The Secretary of State for Health, in exercise of powers conferred by paragraph 10(1) of Schedule 5 to the National Health Service Act 1977(1) and of all other powers enabling him in that behalf and after consultation in accordance with paragraph 11(1) of that Schedule with bodies recognised by him as representing persons likely to be affected by these Regulations, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (Remuneration and Conditions of Service) Regulations 1991 and shall come into force on 1st April 1991.

(2) In these Regulations, unless the context otherwise requires—

“the 1977 Act” means the National Health Service Act 1977;

“authority” means a Regional or District Health Authority, a special health authority or a Family Health Services Authority(2);

“conditions of service” does not include remuneration;

“direction” means a direction given by the Secretary of State in exercise of a power conferred by the 1977 Act;

“negotiations” in relation to a class of officer means negotiations taking place within a body recognised by the Secretary of State as being proper for the purposes of negotiating remuneration and conditions of service for that class of officer;

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(1) 1977 c. 49: paragraph 10 was amended by paragraph 3 of Schedule 6 to, the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), by paragraph 14 of Schedule 3 to the Health and Social Security Act 1984 (c. 48) and by paragraph 8 of Schedule 1 to the National Health Service and Community Care Act 1990 (c. 19). See section 128 for the definition of “regulations”.

(2) See section 2 of the National Health Service and Community Care Act 1990 (c. 19).

“officer” means an officer of an authority.

(3) Where a minimum or a maximum remuneration is agreed and approved for a class of officer, or is determined for an officer or a class of officer, references in regulation 2 of these Regulations to an officer’s remuneration being that agreed and approved or that determined are to his remuneration being no less than any minimum remuneration, and no more than any maximum remuneration, applicable to his case.

### **Remuneration of officers**

2. Subject to any directions, remuneration, whether or not paid out of money provided by Parliament—

- (a) of an officer who belongs to a class of officer in respect of which remuneration has been agreed in negotiations and approved by the Secretary of State, shall be the remuneration so agreed and approved;
- (b) of an officer for whom, or for whose class, the Secretary of State has determined remuneration not so agreed and approved, shall be the remuneration so determined.

### **Conditions of service of officers**

3. Subject to any directions, the conditions of service—

- (a) of an officer who belongs to a class of officer in respect of which conditions of service have been agreed in negotiations and approved by the Secretary of State, shall include the conditions so agreed and approved;
- (b) of an officer for whom, or for whose class, the Secretary of State has determined any other conditions of service, shall include the conditions of service so determined, whether or not they also include conditions agreed in negotiations and approved by the Secretary of State.

### **Recognitions, approvals and determinations**

4.—(1) Subject to paragraph 10(1B) of Schedule 5 to the 1977 Act (under which an approval or determination may not specify a date before that on which it is made if that would be to the detriment of the officers to whom it relates) an approval given or a determination made for the purposes of these Regulations shall have effect from the date specified in it.

(2) The Secretary of State may revoke any recognition or approval given, or determination made, by him for the purposes of these Regulations, and accordingly for those purposes a body recognised by, or remuneration or a condition of service approved or determined by, the Secretary of State ceases to be so recognised, approved or determined when the revocation of the recognition, approval or determination takes effect.

### **Revocation**

5. The National Health Service (Remuneration and Conditions of Service) Regulations 1974(3) are hereby revoked.

6th March 1991

*William Waldegrave*  
Secretary of State for Health

## **EXPLANATORY NOTE**

(This Note is not part of the Regulations)

These Regulations supersede and revoke the National Health Service (Remuneration and Conditions of Service) Regulations 1974. These Regulations set out provisions subject to which health authorities established under the National Health Service Act 1977 (“the 1977 Act”) may employ such officers, and at such remuneration, as they choose. Those provisions relate both to remuneration (regulation 2) and to other conditions of service (regulation 3) and are in each case subject to any directions which may be given by the Secretary of State under the 1977 Act.