

2012 No. 1109

NATIONAL HEALTH SERVICE, ENGLAND

**The Health Research Authority (Establishment and Constitution)
Amendment Order 2012**

<i>Made</i> - - - -	<i>17th April 2012</i>
<i>Laid before Parliament</i>	<i>23rd April 2012</i>
<i>Coming into force</i> - -	<i>28th May 2012</i>

The Secretary of State for Health makes the following Order in exercise of the powers conferred by sections 28(1), (2), and (4), 272(7) and (8) and 273(1) of the National Health Service Act 2006(a).

Citation and commencement

1. This Order may be cited as the Health Research Authority (Establishment and Constitution) Amendment Order 2012 and comes into force on 28th May 2012.

Amendments of the Health Research Authority (Establishment and Constitution) Order 2011

2.—(1) The Health Research Authority (Establishment and Constitution) Order 2011(b) is amended as follows.

(2) In article 1 (citation, commencement, application and interpretation), in paragraph (3)—

(a) Before the definition of “the Agency”, insert—

““the Act” means the National Health Service Act 2006;”;

(b) for the definition of “Research Ethics Committee”, substitute—

““Research Ethics Committee” means a committee established to advise on the ethics of research in human beings and recognised for that purpose by or on behalf of the Secretary of State in exercise of the powers in section 2 of the Act.”.

(3) In article 3 (functions of the Authority), for paragraph (1) substitute—

“(1) The Authority is to exercise such functions in connection with protecting and promoting the interests of patients and the public in any research for the purposes covered by paragraph 13 of Schedule 1 to the Act, including any research for which other legislation requires review by a Research Ethics Committee recognised by or on behalf of the Secretary of State, by—

(a) facilitating and promoting research;

(a) 2006 c. 41. The powers exercised in making this Order are exercisable by the Secretary of State only in relation to England, by virtue of section 271(1) of the National Health Service Act 2006.

(b) S.I. 2011/2323.

- (b) establishing Research Ethics Committees, and appointing members of Research Ethics Committees; and
- (c) carrying out such other functions; as the Secretary of State may direct.”.

(4) For article 4 (constitution of the Authority), substitute—

“4. The Authority is to consist of—

- (a) a chairman;
- (b) at least two, and no more than three, members who are officers of the Authority, including the chief executive;
- (c) at least two, and no more than three, other members who are not officers of the Authority in addition to the chairman; and
- (d) at any time, not less than five and not more than seven members.”.

Consequential amendment of Regulations

3. The amendments contained in the Schedule have effect.

Signed by the Authority of the Secretary of State for Health.

Earl Howe
Parliamentary Under-Secretary of State,
Department of Health

17th April 2012

SCHEDULE

Article 3

Consequential amendment of Regulations

The National Health Service Trusts (Membership and Procedure) Regulations 1990

1. In regulation 11(5) of the National Health Service Trusts (Membership and Procedure) Regulations 1990(a) (disqualification for appointment of chairman and non-executive directors), after sub-paragraph (i) insert—

“(j) the Health Research Authority.”.

The Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000

2. In Schedule 1 to the Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000(b) (Special Health Authorities of which the chairman and members are not disqualified under regulation 5(1)(e)), before the reference to “National Institute for Health and Clinical Excellence” insert “Health Research Authority;”.

(a) S.I. 1990/2024; regulation 11(5) was inserted by S.I. 1997/2990 and was amended by S.I. 1999/945, 2000/603 and 2434, 2001/2629, 2005/497, 502, 1446, 2529 and 2532, 2006/635 and 2011/2237.

(b) S.I. 2000/89; Schedule 1 was substituted by S.I. 2002/38 and was amended by S.I. 2004/18, 2005/6, 497, 502, 1446, 1781, 2529 and 2532, 2010/425 and 2011/2237.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Health Research Authority (Establishment and Constitution) Order 2011.

Article 2 amends the functions of the Health Research Authority (“the Authority”) and changes the constitution of the Authority to provide that the Authority is to consist of a chair, non-officer members and officer members.

Article 3, and the Schedule, make amendments consequential on the re-constitution of the Authority.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

© Crown copyright 2012

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

STATUTORY INSTRUMENTS

2012 No. 1109

NATIONAL HEALTH SERVICE, ENGLAND

The Health Research Authority (Establishment and Constitution)
Amendment Order 2012

£4.00

E3284 04/2012 123284T 19585

ISBN 978-0-11-152366-7



9 780111 523667