

EXECUTIVE NOTE

The Adults with Incapacity (Ethics Committee) (Scotland) Amendment Regulations 2007 SSI/2007/22

The above instrument was made in exercise of the powers conferred on the Scottish Ministers by section 51 (6) of the Adults with Incapacity (Scotland) Act 2000. The instrument is subject to negative resolution procedure.

Background and Policy Objective

The Adults with Incapacity (Scotland) Act 2000 requires all research involving incapacitated adults to be considered by a Research Ethics Committee (REC) established by Scottish Ministers ie the AWI REC. Regulations establishing the AWI REC in 2002 (“the current AWI Ethics Regulations”) set an upper limit on the number of members at 18. Ministers wish to increase that limit to provide a larger pool of expert and lay members to call upon and to facilitate more frequent meetings of that REC should the workload require it.

The AWI REC also reviews multicentre ethics proposals and is one of two such Multicentre Research Ethics Committees (MREC) approved for this purpose in Scotland. The AWI REC and the other MREC hold joint training sessions, liaise closely on ethical matters and have in the past exchanged members. Following a UK-wide review of research ethics arrangements and structures it has been decided that MRECs are no longer required – in future any REC will be able to give multicentre approval. The AWI REC, however, retains its role in relation to approving research involving incapacitated adults.

In view of the close links between the AWI REC and the other MREC, Ministers wish to utilise the expertise which has been developed and provide greater flexibility in the AWI REC by combining the membership of the two RECs into the AWI REC. The timing is also appropriate for such a change, as both RECs currently have a number of members who will be required to retire in March 2007 (having served two terms of appointment) and have a number of vacancies. By combining the membership the AWI REC would have a maximum possible membership of 30.

An amendment to the current AWI Ethics Regulations is therefore required, increasing the maximum number of members from 18 to 30 and amending the quorum requirements from half the membership being present to seven of the membership being present.

Financial Implications

The MRECs are currently funded by the Scottish Executive Health Department and this will continue to be the position following the merger. The reduction in the overall membership will result in associated financial savings.

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