
STATUTORY INSTRUMENTS

2011 No. 2341

NATIONAL HEALTH SERVICE, ENGLAND

The Health Research Authority Regulations 2011

	<i>22nd September</i>
<i>Made</i> - - - -	<i>2011</i>
<i>Laid before Parliament</i>	<i>27th September 2011</i>
<i>Coming into force</i> - -	<i>1st December 2011</i>

The Secretary of State for Health makes the following Regulations in exercise of the powers conferred by sections 29(2) and 272(7) and (8) of, and paragraphs 5 and 13 of Schedule 6 to, the National Health Service Act 2006(1).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Health Research Authority Regulations 2011 and come into force on 1st December 2011.

(2) In these Regulations—

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

“the Authority” means the Health Research Authority established by the Health Research Authority (Establishment and Constitution) Order 2011(2);

“chief officer” means the chief officer of the Authority; and

“member” means a member of the Authority.

Appointment of members

2.—(1) The Secretary of State must appoint the member who is to be the chief officer.

(2) The chief officer must appoint the member who is to be the other officer member of the Authority.

(1) [2006 c.41](#); paragraph 5 was amended by paragraph 11 of Schedule 3 to the Health Act [2009 \(c.21\)](#). The powers exercised in making these Regulations are exercisable by the Secretary of State only in relation to England, by virtue of section 271 of the National Health Service Act 2006.

(2) [S.I. 2011/2323](#).

Appointment of committees and sub-committees

3.—(1) Subject to such directions as may be given by the Secretary of State, the Authority may, and if so directed by the Secretary of State must, appoint committees of the Authority which may consist wholly or partly of members of the Authority or wholly of persons who are not members of the Authority.

(2) A committee appointed under this regulation may, subject to such directions as may be given by the Secretary of State or the Authority, appoint sub-committees which may consist wholly or partly of members of the committee (whether or not they are members of the Authority) or wholly of persons who are not members of the Authority or the committee.

Arrangements for the exercise of functions

4. Subject to such directions as may be given by the Secretary of State, the Authority may make arrangements for the exercise on behalf of the Authority of any of its functions by a committee or sub-committee appointed by virtue of regulation 3 or by an officer of the Authority, in each case subject to such restrictions and conditions as the Authority thinks fit.

Meetings and proceedings

5.—(1) The meetings and proceedings of the Authority are to be conducted in accordance with the rules set out in the Schedule to these Regulations and with standing orders made under paragraph (2).

(2) Subject to those rules, to regulation 6 (disability of members in proceedings on account of pecuniary interest) and to such directions as may be given by the Secretary of State, the Authority must make, and may vary or revoke, standing orders for the regulation of its proceedings and business, including provision for the suspension of all or any of the standing orders.

(3) Subject to such directions as may be given by the Secretary of State, the Authority may make, vary and revoke standing orders relating to the quorum, proceedings and place of meeting of any committee or sub-committee of the Authority.

(4) Subject to standing orders referred to in paragraph (3), the quorum, proceedings and place of meeting of a committee or sub-committee of the Authority is to be such as the committee or sub-committee may determine.

Disability of members in proceedings on account of pecuniary interest

6.—(1) This paragraph applies where a member has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter and is present at any meeting of the Authority at which the contract, proposed contract or other matter is the subject of consideration.

(2) Subject to the following provisions of this regulation, where paragraph (1) applies the member must at the meeting and as soon as practicable after its commencement, disclose the interest and must not take part in the consideration or discussion of the contract, proposed contract or other matter or vote on any question with respect to it.

(3) The Secretary of State may, subject to such conditions as the Secretary of State may think fit to impose, remove any disability imposed by this regulation in any case in which it appears to the Secretary of State to be in the interests of the health service that the disability should be removed.

(4) The Authority may, by standing orders made under regulation 5(2), provide for the exclusion of a member from a meeting of the Authority while any contract, proposed contract or other matter in which the member has a pecuniary interest, direct or indirect, is under consideration.

(5) Any remuneration, compensation or allowances payable to a member by virtue of paragraph 2 of Schedule 6 to the Act (pay and allowances) is not to be treated as a pecuniary interest for the purpose of this regulation.

(6) Subject to paragraphs (3) and (7), the member shall be treated for the purpose of this regulation as having an indirect pecuniary interest in a contract, proposed contract or other matter if—

- (a) the member, or their nominee, is a director of a company or other body with which the contract was made or is proposed to be made, or which has a direct pecuniary interest in the other matter under consideration; or
- (b) the member is a partner of, or is in the employment of, a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration,

and in the case of two persons living together as a couple (whether married or not) the interest of one is, if known to the other, to be deemed for the purpose of this regulation to be also an interest of the other.

(7) A member is not to be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only—

- (a) of membership of a company or other body, if the member has no beneficial interest in any securities of that company or other body; or
- (b) of an interest in any company, body or person with which the member is connected as mentioned in paragraph (6) which is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in the consideration or discussion of, or voting on, any question with respect to that contract, proposed contract or other matter.

(8) Where a member—

- (a) has an indirect pecuniary interest in a contract, proposed contract or other matter by reason only of a beneficial interest in securities of a company or other body; and
- (b) the total nominal value of those securities does not exceed £5,000 or one-hundredth of the total nominal value of the issued share capital of the company or body, whichever is the lesser; and
- (c) if the share capital is of more than one class, the total nominal value of shares of any one class in which the member has a beneficial interest does not exceed one-hundredth of the total issued share capital of that class,

this regulation does not prohibit the member from taking part in the consideration or discussion of the contract, proposed contract or other matter, or from voting on any question with respect to it but in such circumstances the member must nonetheless disclose the interest.

(9) This regulation applies to a committee or sub-committee as it applies to the Authority and applies to a member of any such committee or sub-committee (whether or not the member is also a member of the Authority) as it applies to a member of the Authority.

(10) In this regulation—

“securities” means—

- (a) shares or debentures, whether or not constituting a charge on the assets of a company or other body, or rights or interests in any share or debenture, or
- (b) rights (whether actual or contingent) in respect of money lent to, or deposited with, any industrial or provident society; and

“shares” means shares in the share capital of a company or other body or the stock of a company or other body.

Reports by the Authority

7. The Authority must make such reports to the Secretary of State in such manner and at such time as the Secretary of State may direct, and must furnish to the Secretary of State such information as the Secretary of State may from time to time require.

Public meeting

8.—(1) Subject to paragraphs (2) and (3), any meeting of the Authority is to be open to the public.

(2) A meeting of a committee or sub-committee of the Authority is not to be open to the public.

(3) The Authority may, by resolution, exclude the public from a meeting (whether during the whole or part of the proceedings) whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution and arising from the nature of that business or of the proceedings.

Signed by authority of the Secretary of State for Health.

22nd September 2011

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

SCHEDULE

Regulation 5(1)

RULES AS TO MEETINGS AND PROCEEDINGS OF THE AUTHORITY

1. The first meeting of the Authority is to be held on such day and at such place as may be fixed by the chief officer, and the chief officer is responsible for convening the meeting.
- 2.—(1) The chief officer may call a meeting of the Authority at any time.
 - (2) Before each meeting of the Authority, a notice of the meeting which—
 - (a) specifies the principal business proposed to be transacted at it; and
 - (b) is signed by the chief officer,
must be delivered to each member, or sent by post to his last known address, at least seven clear days before the day of the meeting.
 - (3) The proceedings of any meeting are not invalidated by a failure to deliver such notice to any member.
3. At any meeting of the Authority the chief officer must preside.
4. Every question at a meeting must be determined by unanimity.
5. No business is to be transacted at any meeting unless both members are present.
- 6.—(1) The minutes of the proceedings of a meeting must be drawn up and must be signed at the next ensuing meeting by the person presiding at that next meeting.
 - (2) The names of the members present at a meeting must be recorded in the minutes.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision concerning the membership and procedure of the Health Research Authority, a Special Health Authority established in England under the National Health Service Act 2006 by the Health Research Authority (Establishment and Constitution) Order 2011.

In particular, these Regulations provide for the appointment of members of the Authority (regulation 2), the appointment of, and exercise of functions by, committees and sub-committees (regulations 3 and 4), the conduct of proceedings (regulation 5 and the Schedule) and disability on account of a pecuniary interest (regulation 6).

Provision is also made for requiring the Authority to furnish reports and certain other information to the Secretary of State (regulation 7) and for requiring the Board meetings of the Authority (but not meetings of its committees or sub-committees) to be open to the public except where the Authority approves a resolution to exclude them for special reasons (regulation 8).

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