
STATUTORY INSTRUMENTS

2011 No. 2323

**The Health Research Authority
(Establishment and Constitution) Order 2011**

Citation, commencement, application and interpretation

1.—(1) This Order may be cited as the Health Research Authority (Establishment and Constitution) Order 2011 and comes into force on 1st December 2011.

(2) This Order applies in relation to England only.

(3) In this Order—

“the Agency” means the National Patient Safety Agency⁽¹⁾;

“the Authority” means the Health Research Authority established by article 2 of this Order;

“Research Ethics Committee” means a group of people appointed to assess whether research proposals relating to the health service conform to recognised ethical standards;

“transfer date” means 1st December 2011.

Establishment of the Authority

2. There is established a Special Health Authority which is to be known as the Health Research Authority.

Functions of the Authority

3.—(1) The Authority is to exercise—

(a) such functions in connection with—

(i) the facilitation and promotion of research;

(ii) the establishment of Research Ethics Committees, and the appointment and indemnification of members of Research Ethics Committees; and

(b) such other functions;

as the Secretary of State may direct⁽²⁾.

(2) The Authority must exercise those functions subject to, and in accordance with, any directions given to it by the Secretary of State⁽³⁾.

Constitution of the Authority

4. The membership of the Authority is to consist of two officers of the Authority, one of whom is to be the chief officer.

(1) Established by [S.I. 2001/1743](#), as amended by [S.I. 2003/1077](#) and [S.I. 2005/504](#).

(2) See in particular section 7 of the National Health Service Act 2006.

(3) See in particular section 8 of the National Health Service Act 2006.

Transfer of officers from the Agency to the Authority

- 5.—(1) This paragraph applies in relation to any person who—
- (a) immediately before the transfer date is employed by the Agency; and
 - (b) has been notified in writing by the Agency by 30th November 2011 that they are to be transferred to the Authority.
- (2) Any person to whom paragraph (1) applies is, on the transfer date, to be transferred to the employment of the Authority.
- (3) The contract of employment of a person whose employment has transferred to the Authority under paragraph (2)—
- (a) is not terminated by the transfer; and
 - (b) has effect from the transfer date as if originally made between that person and the Authority.
- (4) Without prejudice to paragraph (3)—
- (a) all the rights, powers, duties and liabilities of the Agency, under or in connection with its contract of employment with a person transferred under paragraph (2), are to transfer to the Authority on the transfer date; and
 - (b) anything done before the transfer date by or in relation to the Agency, in respect of that person or that person’s contract of employment, is deemed to have been done by or in relation to the Authority.
- (5) Paragraphs (2) to (4) do not have effect to transfer the contract of employment of a person to whom this article applies, or any rights, powers, duties and liabilities under, or in connection with, that contract, if, before the transfer date, that person has objected to the transfer to the Authority and has informed the Agency of that objection.
- (6) Where a person to whom this article applies has objected to the transfer of that person’s contract of employment as described in paragraph (5), that contract of employment is to terminate immediately before the date on which it would otherwise have transferred to the Authority.
- (7) A person whose contract of employment is terminated in accordance with paragraph (6) is not to be treated, for any purpose, as having been dismissed by the Agency.
- (8) This article is without prejudice to any right of a person whose employment is transferred to the Authority to terminate that person’s contract of employment if a substantial change is made to that person’s detriment in that person’s working conditions.
- (9) No right mentioned in paragraph (8) is to arise by reason only that, under this article, the identity of the person’s employer changes unless that person shows that, in all the circumstances, the change is a significant change and is to that person’s detriment.

Transfer of property

6. The property of the Agency listed in the Schedule to this Order is to be transferred to the Authority on the transfer date.

Signed by authority of the Secretary of State for Health.

22nd September 2011

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