

SCHEDULES

SCHEDULE 7

THE HEALTH RESEARCH AUTHORITY

PART 1

CONSTITUTION

Membership

- 1 (1) The HRA consists of—
 - (a) a chair appointed by the Secretary of State,
 - (b) at least three but no more than four other members appointed by the Secretary of State,
 - (c) a chief executive appointed by the members appointed under paragraphs (a) and (b), and
 - (d) at least two but no more than three other members appointed by the members appointed under paragraphs (a) and (b).
- (2) The members appointed under sub-paragraph (1)(a) and (b)—
 - (a) are not employees of the HRA, and
 - (b) are referred to in this Schedule as the “non-executive members”.
- (3) The members appointed under sub-paragraph (1)(c) and (d)—
 - (a) are employees of the HRA, and
 - (b) are referred to in this Schedule as the “executive members”.
- (4) The number of non-executive members must exceed the number of executive members.

Non-executive members: terms of office

- 2 (1) A person holds office as a non-executive member of the HRA on the terms of that person’s appointment.
- (2) A person may not be appointed as a non-executive member for a period of more than four years.
- (3) A person who ceases to be a non-executive member is eligible for re-appointment.
- (4) A person may resign from office as a non-executive member by giving notice to the Secretary of State.
- (5) The Secretary of State may remove a person from office as a non-executive member on any of the following grounds—
 - (a) incapacity;

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- (b) misbehaviour;
- (c) failure to carry out his or her duties as a non-executive member.

(6) The Secretary of State may suspend a person from office as a non-executive member if it appears to the Secretary of State that there are or may be grounds to remove that person from office under sub-paragraph (5).

Non-executive members: suspension from office

- 3 (1) Having decided to suspend a person under paragraph 2(6), the Secretary of State must give notice of the decision to the person; and the suspension takes effect when the person receives the notice.
- (2) The notice may be—
- (a) delivered in person (in which case the person is taken to receive it when it is delivered), or
 - (b) sent by first class post to the person's last known address (in which case, the person is taken to receive it on the third day after the day on which it is posted).
- (3) The initial period of suspension must not exceed six months.
- (4) The Secretary of State may review the suspension.
- (5) The Secretary of State—
- (a) must review the suspension, if requested in writing by the person to do so, but
 - (b) need not review the suspension less than three months after the beginning of the initial period of suspension.
- (6) Following a review during a period of suspension, the Secretary of State may—
- (a) revoke the suspension, or
 - (b) suspend the person for a period of no more than six months from the expiry of the current period.
- (7) The Secretary of State must revoke the suspension if the Secretary of State—
- (a) decides that there are no grounds to remove the person from office under paragraph 2(5), or
 - (b) decides that there are grounds to do so but nonetheless decides not to do so.
- 4 (1) Where a person is suspended from office as the chair under paragraph 2(6), the Secretary of State may appoint a non-executive member as interim chair to exercise the chair's functions.
- (2) Appointment as interim chair is for a term not exceeding the shorter of—
- (a) the period ending with either—
 - (i) the appointment of a new chair, or
 - (ii) the revocation or expiry of the existing chair's suspension, and
 - (b) the remainder of the interim chair's term as a non-executive member.
- (3) A person who ceases to be the interim chair is eligible for re-appointment.

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Non-executive members: pay

- 5 (1) The HRA must pay its non-executive members such remuneration as the Secretary of State may decide.
- (2) The HRA must pay, or provide for the payment of, such allowances or gratuities as the Secretary of State may decide to a person who is or has been a non-executive member of the HRA.

Employees: terms of office

- 6 (1) Each executive member of the HRA is appointed as an employee of the HRA on such terms as it decides.
- (2) A person may not be appointed as chief executive without the consent of the Secretary of State.
- (3) The HRA may appoint, on such terms as it decides, other persons as employees of the HRA (in addition to those appointed as executive members).

Employees: pay

- 7 (1) The HRA must pay its employees such remuneration as it decides.
- (2) The HRA may pay, or provide for the payment of, such pensions, allowances or gratuities as it decides to or in respect of a person who is or has been an employee of the HRA.
- (3) Before making a decision about pay under this paragraph, the HRA must obtain the approval of the Secretary of State to its policy on the matter.

Committees and sub-committees

- 8 (1) The HRA must appoint a committee for the purpose of giving advice—
- (a) to the HRA in connection with the exercise of the HRA's function under regulation 5(1)(a) of the Health Service (Control of Patient Information) Regulations 2002 (S.I. 2002/1438) (approval for processing confidential patient information);
 - (b) to the Secretary of State in connection with the exercise of the Secretary of State's functions under regulations 2, 3(4) and 5 of those Regulations (processing of confidential patient information);
 - (c) to the Health and Social Care Information Centre in connection with—
 - (i) the exercise by the Centre of functions conferred in regulations under section 251 of the National Health Service Act 2006 (processing of patient information for medical purposes);
 - (ii) any publication or other dissemination by the Centre of information which is in a form which identifies an individual to whom the information relates or enables the identity of such an individual to be ascertained.
- (2) The HRA may appoint other committees and sub-committees.
- (3) The committee appointed under sub-paragraph (1) must consist of persons who are not members or employees of the HRA.

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- (4) Any other committee or sub-committee may consist of or include such persons.
 - (5) The HRA may pay such remuneration and allowances as it decides to a person who is a member of a committee or sub-committee, but is not an employee of the HRA, regardless of whether the person is a non-executive member of the HRA.
- 9 Regulations may provide for the committee appointed under paragraph 8(1) to be required, in giving advice, to have regard to specified factors or matters.

Procedure

- 10 (1) The HRA may regulate its own procedure.
- (2) A vacancy among the members of the HRA, or a defect in the appointment of a member, does not affect the validity of any act of the HRA.

Seal and evidence

- 11 (1) The application of the HRA's seal must be authenticated by the signature of a member of the HRA or a person who has been authorised (whether generally or specifically) for the purpose.
- (2) A document purporting to be duly executed under the HRA's seal or to be signed on its behalf must be received in evidence and, unless the contrary is proved, taken to be so executed or signed.
- (3) But this paragraph does not apply in relation to a document which is, or is to be, signed in accordance with the law of Scotland.

Status of the HRA

- 12 (1) The HRA is not to be regarded as a servant or agent of the Crown, or as enjoying any status, privilege or immunity of the Crown.
- (2) The HRA's property is not to be regarded as property of, or property held on behalf of, the Crown.