

CARE ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3 - Health

Chapter 2 – Health Research Authority

General functions

Section 110 – The HRA’s functions

691. *Subsection (1)* sets out the HRA’s main functions. These functions relate to the co-ordination and standardisation of practice relating to the regulation of health and social care research, research ethics committees, membership of the United Kingdom Ethics Committee Authority under the Medicines for Human Use Clinical Trials) Regulations 2004 (Clinical Trials Regulations), and the process for approving the processing of confidential patient information for medical research. The functions are set out in detail in sections 109 to 115.
692. *Subsection (2)* sets out the main objective of the HRA when performing its functions to:
- protect participants and potential participants in health and social care research and the general public by encouraging safe and ethical research which conforms to generally accepted ethical standards as described in *subsection (6)*; and
 - promote their interests by facilitating the conduct of research which is safe and ethical. This includes by promoting transparency in research. *Subsection (7)* lists some of the ways in which transparency in research can be promoted, for example, by promoting the publication and dissemination of research findings and conclusions.
693. Therefore, for example, in carrying out its duty to cooperate with other bodies that hold research related functions the HRA would need to act in a way that will ensure that people are protected through safe and ethical standards whilst also facilitating research. This might involve, for example, removing duplication and ensuring proportionate regulation.
694. *Subsection (3)* defines health research as research into matters relating to people’s physical or mental health. The definition does not include health research involving animals that is regulated by the Animals (Scientific Procedures) Act 1986. *Subsection (4)* defines social care research as research into matters relating to personal care or other practical assistance for individuals aged 18 or over who are in need of care or assistance for any of the reasons listed. The definitions of health research and social care research are not restricted to any particular professional group so, for example, they would include nurse-led research. The references to health or social care research in this chapter do not, except where otherwise stated, include research into matters which are within the legislative competence of the devolved legislature (the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly) (*subsection (5)*).

These notes refer to the Care Act 2014 (c.23) which received Royal Assent on 14 May 2014

695. *Subsection (8)* provides a power to amend by order the list of functions in subsection (1) in consequence of functions being given to or taken away from the HRA or amended by other statutory enactments.