

The UK Clinical Trial Regulations

Indexed and Consolidated

Incorporating Statutory
Instruments 2004 No. 1031,
2006 No. 1928, 2006 No. 2984,
2008 No. 941



Preface

The UK Clinical Trial Regulations were initially published as a Statutory Instrument (SI) – a UK law-making procedure – as SI 2004 No. 1031 and came into force on 1 May 2004. The Regulations implemented, for the first time in UK law, European Directive 2001/20/EC on the approximation of laws, regulations and administrative provisions of the Member States relating to the implementation of good clinical practice (GCP) in the conduct of clinical trials on medicinal products for human use (often called ‘the Clinical Trials Directive’).

It was necessary to amend the UK Clinical Trial Regulations in 2006, using SI 2006 No. 1928, in order to implement European Directive 2005/28/EC (often called ‘the GCP Directive’). This laid down principles and detailed guidelines for GCP relating to investigational medicinal products for human use, as well as requirements for the authorisation of the manufacturing or importation of such products. Other miscellaneous amendments – including the UK-specific requirement to report serious breaches of the protocol and GCP – were incorporated into the Regulations at this time.

A second amendment to the UK Clinical Trial Regulations was made in 2006 by SI 2006 No. 2984. This created an exception to the general rule that incapacitated adults cannot be included in a clinical trial, and established rules for the inclusion of these individuals.


In 2008, SI 2008 No. 941 further amended the UK Clinical Trial Regulations with respect to the function of ethics committees and trials in minors.

Each time that amendments to the Regulations were published, the SI provided details of how the principal regulation (ie. SI 2004 No. 1031) was to be amended. However, no consolidated version was published.

This book is a reproduction of the UK Clinical Trial Regulations, based on SI 2004 No.1031, and it incorporates the changes specified in the three amending SIs (2006 No. 1928, 2006 No. 2984 and 2008 No. 941) into a single document. Whilst this consolidated version is not official, its intention is to incorporate the text from the official web-based documents (Crown Copyright) word for word. Text has been deleted from SI 2004 No. 1031 as described in the amending SIs, and additions and

replacements have also been incorporated. The changes have been made in coloured text to allow the reader to identify easily – and thus to check – any changes that have been made. It is always wise, however, to use official versions when making decisions.

To help the user of the UK Clinical Trial Regulations even more, I have prepared a unique index that links subjects to the relevant regulation(s).



Professor David Hutchinson
July 2008

Key to index

References are given to the regulation number and the relevant subparts, for example

24(9)(10.2ii) = regulation 24, subsection 9 and subsection 10 (part 2ii)

Schedules are quoted as the schedule number, part of schedule (Pt) and subsection/further subsections, for example

Sch1Pt2(12.3ii) = Schedule 1, Part 2, subsection 12, further subsection 3ii

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The Medicines for Human Use (Clinical Trials) Regulations

Statutory Instrument 2004 No. 1031

Made 31st March 2004

Laid before Parliament 1st April 2004

Coming into force 1st May 2004

Important information

The text contained in the following pages is not an official version. Additions have been made to the Statutory Instrument 2004 No.1031. These were described in the 2006 and 2008 Statutory Instruments amending the regulations and have been inserted using coloured text, as per the key below. Text has also been deleted, but this has not been marked in these pages. Details of deleted text can be found in the relevant Statutory Instruments. Page numbers have been added to the Arrangements of Regulations section; these do not appear in the Statutory Instruments.

The official version of the relevant Statutory Instrument should be checked to confirm accuracy before use.

Guide to changes

Changes in blue

Statutory Instrument 2006 No. 1928

The Medicines for Human Use (Clinical Trials) Amendment Regulations 2006

Made 13th July 2006

Laid before Parliament 20th July 2006

Coming into force 29th August 2006

Changes in pale blue (note: this only appears in Schedule 1)

Statutory Instrument 2006 No. 2984

The Medicines for Human Use (Clinical Trials) Amendment (No.2) Regulations 2006

Made 15th November 2006

Laid before Parliament 21st November 2006

Coming into force 12th December 2006

Changes in blue italics

Statutory Instrument 2008 No. 941

The Medicines for Human Use (Clinical Trials) and Blood Safety and Quality (Amendment) Regulations 2008

Made 31st March 2008

Laid before Parliament 7th April 2008

Coming into force 1st May 2008

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- (9) Where a person is specified in accordance with paragraph (5) or (6) as responsible for carrying out the functions of the sponsor under Part 5, any reference to the sponsor in that Part shall, in relation to the trial, be construed as a reference to that person.
- (10) Any reference to the sponsor in -
- (a) regulations 15 and 28(1),
 - (b) Parts 2 and 6 to 9, and
 - (c) Schedules 1 and 7, and Part 1 of Schedule 3,
- shall, in relation to the trial, include a reference to a person specified in accordance with paragraph (5) or (6).
- (11) A person who is a sponsor of a clinical trial in accordance with this regulation must -
- (a) be established in an EEA State, or
 - (b) have a legal representative who is so established.
- (12) A person who is a sponsor of a clinical trial in accordance with this regulation may delegate any or all of his functions under these Regulations to any person but any such arrangement shall not affect the responsibility of the sponsor.

Sponsor's responsibility for the investigator's brochure

- 3A.** - The sponsor of a clinical trial shall-
- (a) ensure that the investigator's brochure for that trial, and any update of that brochure, presents the information it contains in a concise, simple, objective, balanced and non-promotional form that enables a clinician or potential investigator to understand it and make an unbiased risk-benefit assessment of the appropriateness of the proposed clinical trial; and
 - (b) validate and update the investigator's brochure at least once a year.

United Kingdom Ethics Committees Authority

5. - (1) The body responsible for establishing, recognising and monitoring ethics committees in the United Kingdom in accordance with these Regulations is the United Kingdom Ethics Committees Authority, which is a body consisting of -
- (a) the Secretary of State for Health;
 - (b) the National Assembly for Wales;
 - (c) the Scottish Ministers; and
 - (d) the Department for Health, Social Services and Public Safety for Northern Ireland.
- (2) The functions of the Authority -
- (a) may, by agreement between them, be performed by any one of the Secretary of State for Health, the National Assembly for Wales, the Scottish Ministers and the Department for Health, Social Services and Public Safety for Northern Ireland acting alone, or any two or more of them acting jointly; and
 - (b) may be performed by any one of the Secretary of State for Health, the National Assembly for Wales, the Scottish Ministers and the Department for Health, Social Services and Public Safety for Northern Ireland acting alone solely in relation to a part of the United Kingdom with respect to which the Secretary of State, the Assembly, the Ministers or the Department, as the case may be, have responsibilities.
- (3) In accordance with the preceding provisions of this regulation, in these Regulations "the United Kingdom Ethics Committees Authority" ("the Authority") means any one or more of the Secretary of State for Health, the National Assembly for Wales, the Scottish Ministers and the Department for Health, Social Services and Public Safety for Northern Ireland, and, in the case of anything falling to be done by the Authority, means any one or more of them acting as mentioned in paragraph (2).
- (4) The Authority may appoint such persons as they think necessary for the proper discharge by them of their functions,

and those persons shall be appointed on such terms and conditions (including conditions as to remuneration, benefits, allowances and reimbursement for expenses) as the Authority think fit.

- (5) Arrangements may be made between the Authority and any relevant authority for -
 - (a) any functions of the Authority to be exercised by, or by members of staff of, the relevant authority; or
 - (b) the provision of staff, premises or administrative services by the relevant authority to the Authority.
- (6) Any arrangements under paragraph (5) for the exercise of any functions of the Authority shall not affect the responsibility of the Authority.
- (7) In this regulation, "relevant authority" means any government department, local or public authority or holder of public office.

Establishment of ethics committees

6. - (1) The Authority may establish ethics committees to act -
 - (a) for the entire United Kingdom or for such areas of the United Kingdom; and
 - (b) in relation to such descriptions or classes of clinical trials, as the Authority consider appropriate.
- (2) The Authority may -
 - (a) vary the area for which any committee they have established acts or, as the case may be, the descriptions or classes of clinical trials in relation to which such a committee acts; and
 - (b) abolish any such committee.

Recognition of ethics committees

7. - (1) Subject to paragraph (3), the Authority may, by a notice in writing, recognise a committee as an ethics committee for the purposes of these Regulations if -
 - (a) an application in relation to that committee has been made in accordance with paragraph (2); and

- (5) An application for an ethics committee opinion in relation to a clinical trial involving medicinal products for gene therapy, other than a trial falling within paragraph (4), shall be made to the Gene Therapy Advisory Committee.
- (6) An application shall be -
 - (a) in writing;
 - (b) signed by the chief investigator making the application; and
 - (c) accompanied by the particulars and documents specified in Part 1 of Schedule 3.
- (7) The application and any accompanying material shall be supplied in the English language.
- (8) For the purposes of this regulation, a chief investigator is professionally based at the hospital, health centre, surgery or other establishment or facility at or from which he primarily conducts his professional practice.

Ethics committee opinion

- 15.** - (1) *Except as provided for in paragraph (4A) (which removes the requirement on the Gene Therapy Advisory Committee to give an opinion) and subject to paragraphs (3) and (4) (which suspend and disapply time limits respectively), an ethics committee shall give an opinion in relation to the clinical trial to which a valid application relates within the specified period beginning with the date of receipt of the valid application.*
- (2) Where following receipt of a valid application it appears to the committee that further information is required in order to give an opinion on a trial, the committee may, within the specified period and before giving its opinion, send a notice in writing to the applicant requesting that he furnishes the committee with that information.
 - (3) Where the committee sends a request in accordance with paragraph (2), the specified period shall be suspended pending receipt of the information requested.

[31] 2000 asp. 4; see S.S.I. 2002/190.

- (3A) *An ethics committee may give a favourable opinion subject to conditions specified in writing in relation to a clinical trial.*
- (3B) *If an ethics committee gives a favourable opinion subject to conditions, the ethics committee is to be treated as having given a favourable opinion in relation to the clinical trial only if the specified conditions are satisfied.*
- (4) *If the clinical trial involves a medicinal product for xenogenic cell therapy, the time limits referred to in paragraphs (1) to (3) shall not apply and the ethics committee may give an opinion in relation to that trial or send a notice under paragraph (2) at any time after receipt of the valid application.*
- (4A) *Where a notification under paragraph (4B) is received by the Authority-*
- (a) *the Gene Therapy Advisory Committee shall not give an opinion in relation to the clinical trial to which the application subject to that notification relates;*
 - (b) *the Authority shall direct that the application be considered by another ethics committee specified in the direction;*
 - (c) *the Gene Therapy Advisory Committee shall send the application to the ethics committee specified in the direction immediately following the direction being given; and*
 - (d) *the ethics committee specified in the direction shall, subject to the application being valid, give an opinion in relation to the clinical trial to which that application relates within the specified period beginning with the date of the Gene Therapy Advisory Committee's receipt of the application.*
- (4B) *The Chairman, vice-chairman or alternate vice-chairman of the Gene Therapy Advisory Committee may notify the Authority (instead of giving an opinion) within the specified period beginning with the date of the Committee's receipt of an application that the clinical trial to which that application relates does not merit an opinion from the Gene Therapy Advisory Committee.*

SCHEDULE 10
Regulation 54
CONSEQUENTIAL AND OTHER AMENDMENTS OF
ENACTMENTS
PART 1
ACTS OF PARLIAMENT

The Act

1. - (1) Section 3 of the Act (general functions of the Medicines Commission)[55] is amended as follows -
 - (2) In subsection (1), for the words from “advice” to “products, where” substitute -
“ advice on matters -
 - (a) relating to the execution of this Act,
 - (b) relating to the exercise of any power conferred by this Act,
 - (c) relating to the execution of the Clinical Trials Regulations,
 - (d) relating to the exercise of any power conferred by those regulations, or
 - (e) otherwise relating to medicinal products,where.”
 - (3) In subsection (2), after “by or under this Act” insert “or the Clinical Trials Regulations”.
 - (4) For subsection (2)(d) substitute -
“ (d) to advise the licensing authority in cases where the authority -
 - (i) are required by the provisions of Part II of this Act, or by the provisions of the Clinical Trial Regulations, to consult the Commission with respect to any matter arising under those provisions; or

[55] Section 3 has effect as if any reference to the Act included a reference to the Medicines for Human Use (Marketing Authorisations Etc) Regulations 1994 (S.I. 1994/3144) (“the 1994 Regulations”); see regulation 9(1) of the 1994 Regulations.