

The Constitution

Medical Research Scotland (the operational name of the Scottish Hospital Endowments Research Trust) is an independent Scottish Charity (No. SC014959), originally constituted under the Hospital Endowments (Scotland) Act 1953 (repealed and re-enacted by the National Health Service (Scotland) Act 1978) to receive and hold endowments, donations and bequests and to make grants from these funds to promote medical research in Scotland. As such it operated as a non-executive departmental body of the UK (latterly the Scottish) Government, responsible to Scottish Ministers, until 2005, when it became fully independent, responsible for managing all its own affairs in accordance with the relevant charity legislation.

Medical Research Scotland is an independent charity constituted in terms of Section 12 and Schedule 7 of the National Health Service (Scotland) Act 1978 (as amended) to receive and hold endowments, donations and bequests and to make grants from these funds to promote medical research in Scotland. It is required by the Health & Medicines Act 1988 to develop and exploit ideas and to exploit intellectual property. The Trust Fund is administered in terms of the Act by a body of Members who receive no fee or remuneration for their services.

Historical Background

After 50 years as a non-departmental public body, responsible (latterly) to the Scottish Executive Health Department, SHERT gained independent status on 1 November, 2005 and the Members decided that, with effect from 1 April 2006, it should operate under the name of Medical Research Scotland.

During the autumn of 2003, Scottish Ministers consulted SHERT grantholders, awarding institutions and other interested parties, seeking their views on the future status of SHERT. Following consideration of the outcome of the consultation, the Scottish Executive Minister for Health agreed that SHERT's public body status should be repealed and that SHERT could become an independent charity. Having originally been established under Act of Parliament, however, this meant that an appropriate opportunity would have to be found to allow the necessary legislative changes to be enacted.

On 7th September 2004, the Scottish Executive published the legislative programme for the 2004-05 session of the Scottish Parliament. Among the proposals in the Health Service (Miscellaneous Provisions) (Scotland) Bill, was listed: "Ending the NDPB status of (the) Scottish Hospital Endowments Research Trust". The Trust Secretaries worked closely with representatives of the Chief Scientist Office to support the drafting of the technical details needed to ensure SHERT's future independence.

The Bill which included provision for changing the status of SHERT was published and introduced in the Scottish Parliament in December 2004 as the "Smoking, Health & Social Care (Scotland) Bill". The Bill was approved by the Scottish Parliament and received Royal Assent in the summer of 2005.

The Members of the newly-independent SHERT subsequently agreed that some changes, including a change of operating name to better reflect the status and work of the charity, were needed. However, they also agreed that there would be no change to the rigour which has always been applied to consideration of the funding applications it receives. SHERT had an impressive track record in supporting Scotland's bright young researchers and groundbreaking research – this continues to be the primary objective of Medical Research Scotland.

Standing Orders & Procedures

In accordance with Schedule 7 Paragraph 3F of the National Health Service (Scotland) Act 1978 as amended, the Members of Medical Research Scotland have agreed **Standing Orders** for the regulation of the charity and are reviewed at least annually to ensure that they continue to reflect good practice and any changes in operation. They were most recently reviewed and updated in August 2008. The Members have also agreed a set of **Procedures**, to supplement to the **Standing Orders**, to be followed in the conduct of all aspects of its business, including with respect to declarations of possible conflicts of interest in applications submitted for funding. These are also reviewed at least annually.

Copies of both documents are available on our website: www.medicalresearchscotland.org.uk/const.htm and a copy is also available on the website.