Medicines & Healthcare products Regulatory Agency

Accompanying Guidance for MHRA flow chart for clinical investigations in Great Britain under UK MDR (2002)

August 2025

Note	
SCOPE	This guidance document and the flow chart it accompanies apply to general medical devices and active implantable medical devices only. Where the device in question is an in vitro diagnostic device (IVD) being used in a clinical study, separate guidance applies. In determining whether your device is a medical device, active implantable or IVD, please consider MHRA's borderlines guidance resources.
[1]	**Pre-clinical or bench testing** 1. Studies not involving humans are likely to be considered pre-clinical or bench testing and will not fall within the remit of UK MDR (2002) medical device regulations. Example: Retrospective clinical studies and non-interventional software studies – these provide performance data of a medical device using existing data with no safety implications for participants. Could support conformity assessment but may not fit definition of CI if not performed on humans (e.g. software tested using existing patient data, with no patient interaction in the study, and not informing patient management decisions in study) **Studies of this nature do not require notification to MHRA Clinical Investigations team.**

[2]	**Post-Market studies (including PMCF)** UK MDR 2002 Regulations 16 & 29 exempt studies of medical devices and active implantables that are validly UKCA or CE marked and used within their marked indication. As such, for studies of this category which are occurring in Great Britain, no clinical investigation application to MHRA is required (note: some post-market studies in Northern Ireland *do* require notification to MHRA – please see MHRA's Northern Ireland Clinical Investigations Guidance). Post Market Clinical Follow Up (PMCF) studies Part II of the UK MDR 2002, Annexes VIII and X (medical devices) and Part III, Annexes 6 and 7 (active implantable devices) (as modified by Schedule 2A to the UK MDR 2002) require manufacturers to actively update their clinical evaluation with data obtained from post-market surveillance. When a CE/UKCA-marked device is further assessed, for safety or performance within the intended purpose, this may be done as part of the manufacturer's post market clinical follow-up (PMCF) activities. **Studies of this nature do not require notification to MHRA Clinical Investigations. However, please note, the device must be used as per the exact conditions of the CE/UKCA mark.** Where a CE/UKCA-marked device is being used outside of its intended purpose, the study must not be considered as post-market study for that device.
[3]	**Medical Purposes** Under the UK MDR Regulation 2 definition of a medical device, a medical purpose is considered as any of the following: i) diagnosis, prevention, monitoring, treatment or alleviation of disease, ii) diagnosis, monitoring, treatment, alleviation of or compensation for an injury or handicap, iii) investigation, replacement or modification of the anatomy or of a physiological process, or iv) control of conception; Where a device is being used for one or more of the above purposes, 'Yes' should be selected for this decision step. A device will be used for a medical purpose where its mechanism of action achieves one of the above purposes, regardless of whether the

device outputs are subsequently used as part of a clinical pathway. Examples include:

- Comparator studies, where participant data is input into/measured on the device and the outputs are compared against standard of care (e.g. clinician decision making, state of the art UKCA/CE marked devices, etc.) but the outputs are not acted on in any way. In these instances, the device is still considered to have a medical purpose at this decision step.

Software

Please note, there are cases where standalone software, including apps, which appear to have a medical purpose are considered not to fit the definition of a medical device, and are therefore NOT required to be CE or UKCA marked as a medical device and regulated by the MHRA.

In general, the following are unlikely to be considered a medical device:

- Monitors fitness/health/wellbeing – the monitoring of general fitness, general health and general wellbeing is not usually considered to be a medical purpose
- Software is unlikely to be a device if:
    - The software only reproduces a paper document in digital format - it is down to the health care professional to make the decisions based on the data displayed. (However, contrast with where the software provides some form of summarisation, which may be a medical device)
    - the software only follows the path of a procedure/treatment - there are no decisions - may provide information.
    - It offers only lifestyle treatment choices or referral to seek professional advice (e.g. see your GP).

On the other hand, software is most likely to be a device if:

- It is linked to a specific medicine/device (is likely to be an accessory).
- It is intended to influence the actual treatment - dose, size of implant, time or type of treatment, etc.
- It results in a diagnosis or prognosis - provides future risk of disease.

This list is indicative only. Please refer to MHRA's available software guidance, which contains resources to help you determine if your software or app is a medical device with a medical purpose.

Non-exhaustive list of guidance provided here:

- MHRA Software flowchart (publishing.service.gov.uk)
- Digital mental health technology: qualification and classification

[4]	**Research Tools** <u>Is the device being used for a medical purpose?</u> It is MHRA's general opinion that a device being used on humans for research purposes could be a research tool. Whether the regulations apply to a device will depend on the intention of the outputs as foreseen by the device manufacturer. Consideration must also be given to the aims, objectives and endpoints of the planned study. Where the aims and outputs of the study **only** produce generalisable knowledge, the study is likely to be a research tool. Examples include: • Studies using a device which aim to produce a better understanding about a particular aspect of the human body. Where considering if a device is being used for a medical or research purpose, both the action of the device and the aims and outputs of the study must be considered. Where a device is being used for a research purpose, no explicit or implicit claims to a medical purpose should be made by the study documentation. For example, the study information should not imply that a participant's pathological diagnosis will be updated, or that their disease state will be improved, by participation in the study. Studies explicitly or implicitly making these claims are studies of devices being used for a medical purpose, per [3]. Further, no actions are to be taken in the study which might equate to the device having a medical purpose (e.g. where the participant population has a particular disease state, and research questions relate to learning about that state **but** interventions are applied that lessen or change the participant's disease state or symptoms. In practice, this is treating or monitoring the disease, and this is a medical purpose.) MHRA recommend that manufacturers contact the MHRA Clinical Investigations team is guidance is needed on whether the regulations will apply before undertaking a study of this nature. Contact details are found at the end of this document.
[5]	**Studies undertaken to assess the safety and efficacy of the device** If the study is being undertaken to assess one or more of the following points, the study will be considered a clinical investigation.

	- The clinical performance of the device - The effectiveness of the device - The safety of the device Where a study is explicitly or implicitly evaluating one of the above points, then it will be considered a 'clinical investigation' for the purposes of this flow chart. However, studies investigating e.g. only the usability of a device are not examining the clinical performance, safety or effectiveness and will not require notification to MHRA. **CTIMPs using a device off-label** Note: MHRA consider that where there is a *Clinical Trial of an Investigational Medicinal Product* ('CTIMP'), and a medical device is being used off-label in this study, this will also be a clinical investigation of a medical device. Generally (but not always) this occurs when studies investigating a medicinal product use a device off-label in delivery of said MP. In these instances, the sponsor/manufacturer should have the required data to demonstrate that the device is safe and performant when used for its planned use in the clinical trial. Endpoints relating to the safety & performance of the device will be required. For guidance on whether your study is a CTIMP, please see MHRA's CTIMP algorithm.
[6]	**In-house manufacture of medical devices in Great Britain** (also known as Health Institution Exemption) This section of the document will be updated in due course.
[7]	**Notification to MHRA Clinical Investigations not required** If you reach this outcome, a notification and application to MHRA Clinical Investigations under *UK MDR 2002* Regulation 16 / 29 is not required for your study **at this point in time**. If, subsequent to commencing a study without notification in line with this guidance, a sponsor chooses to make changes / amendments / modifications to the device or study, the device and study should be reconsidered within the context of this flow chart and guidance. Modifications to studies which alter the pathway within this flow chart or guidance may subsequently result in the study falling within the remit of Regulation 16 or 29 and requiring notification to MHRA.

	Please also be aware that while *UK MDR 2002* Regulation 16 / 29 may not apply to your study, other regulations pertaining to facilities or patient care will continue to apply. Study sponsors and investigators must consider where their legal responsibility lies with respect to the use of the device in the planned study.
[8]	**Clinical Investigation** **If you reach this decision step, your device / study is a clinical investigation and requiring notification to MHRA Clinical Investigations.** • Applications are submitted electronically using the Integrated Research Application System (IRAS). • A list of the required documents can be found in MHRA's *Clinical investigations of medical devices – compiling a submission to MHRA*. • Guidance on MHRA's review process can be found in *Clinical investigations of medical devices – guidance for manufacturers*. For links to the above reference documents, as well as further guidance on clinical investigations, please visit MHRA's main guidance page for clinical investigations: https://www.gov.uk/guidance/notify-mhra-about-a-clinical-investigation-for-a-medical-device
	Please note: this is general guidance only. If you need further assistance in determining the correct regulatory route, please provide an annotated copy of the flow chart showing and explaining your decision pathway to info@mhra.gov.uk with the title '[Company Name] – Is a Clinical Investigation required?'. When contacting MHRA, please provide details of: - Who has manufactured the device - Who is conducting the proposed study - What the intended purpose of the device is - What the intended purpose of the proposed study is - Whether any medical application is foreseen for the device - Please provide a copy of the study protocol where possible Once received, the MHRA Clinical Investigations team will reply to you to confirm.

Version	Published	Changes
V1.0	August 2025	New explanatory document published alongside version 2 of GB flow chart.