
DRAFT STATUTORY INSTRUMENTS

2007 No.

MENTAL CAPACITY, ENGLAND

The Mental Capacity Act 2005 (Loss of Capacity
during Research Project) (England) Regulations 2007

Made - - - - - 2007

Coming into force

for the purpose

mentioned in

regulation 1(1)(a)

1st July 2007

for all other purposes

1st October 2007

THE MENTAL CAPACITY ACT 2005 (LOSS OF CAPACITY
DURING RESEARCH PROJECT) (ENGLAND) REGULATIONS 2007

1. Citation, commencement, territorial application and interpretation
2. Application
3. Research which may be carried out despite a participant's loss of capacity
Signature

SCHEDULE 1 — Requirements which the project must satisfy

1. A protocol approved by an appropriate body and having effect...
2. The appropriate body is satisfied that there are reasonable arrangements...

SCHEDULE 2 — Steps which the person conducting the project must take

1. R must take reasonable steps to identify a person who—...
2. If R is unable to identify such a person he...
3. R must provide the person identified under paragraph 1, or...
4. If, at any time, the person consulted advises R that...
5. The fact that a person is the donee of a...
6. R must ensure that nothing is done in relation to...
7. The interests of P must be assumed to outweigh those...
8. If P indicates (in any way) that he wishes the...
9. The research in relation to P must be discontinued without...
10. R must conduct the research in accordance with the provision...

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:
The Mental Capacity Act 2005 (Loss of Capacity during Research Project) (England) Regulations 2007 No. 679

Explanatory Note