

*These notes refer to the Mental Capacity Act 2005  
(c.9) which received Royal Assent on 7 April 2005*

# MENTAL CAPACITY ACT 2005

---

## EXPLANATORY NOTES

### TERRITORIAL APPLICATION: WALES

19. The National Assembly for Wales may make regulations under *section 30* (research) and *section 34* (loss of capacity during research project) and issue guidance under *section 32(3)*. It may also make regulations under *section 35* (appointment of independent mental capacity advocates), *section 36* (functions of independent mental capacity advocates), *section 37* (provision of serious medical treatment by NHS body) and *41* (power to adjust role of independent mental capacity advocate). *Section 68(2)* provides that sections 30 to 41 will come into force by order made by the National Assembly. *Section 43(1)* provides that the National Assembly must be consulted by the Lord Chancellor before a code of practice is prepared or revised.