
WELSH STATUTORY INSTRUMENTS

2007 No. 833 (W.71)

MENTAL CAPACITY, WALES

The Mental Capacity Act 2005 (Appropriate Body) (Wales) Regulations 2007

Made - - - - 13 March 2007

Coming into force

*For the purpose mentioned
in*

regulation 1(1)(a) 1 July 2007

For all other purposes 1 October 2007

The National Assembly for Wales makes the following Regulations, in exercise of the powers conferred upon it by sections 30(4), 30(6) and 65(1) of the Mental Capacity Act 2005(1).

Title, commencement and application

1.—(1) The title of these Regulations is the Mental Capacity Act 2005 (Appropriate Body) (Wales) Regulations 2007 and they come into force on —

- (a) 1 July 2007 for the purpose of enabling applications for approval in relation to research to be made to, and determined by, an appropriate body,
 - (b) 1 October 2007 for all other purposes.
- (2) These Regulations apply in relation to Wales.

Appropriate Bodies

2. For the purposes of sections 30, 31 and 32 of the Mental Capacity Act 2005, the appropriate body in relation to a research project is a committee—

- (a) established to advise on, or on matters which include the ethics of intrusive research in relation to people who lack capacity to consent to it; and
- (b) recognised for those purposes by the National Assembly for Wales.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2).

13 March 2007

D.Elis-Thomas
The Presiding Officer of the National Assembly

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under sections 30 and 65 of the [Mental Capacity Act 2005](#) (“the Act”) (c.9) and define 'appropriate body' for the purposes of sections 30 to 32 of that Act. Section 30(1) of that Act provides that certain research carried out on or in relation to a person without capacity is unlawful unless it is carried out as part of a project which is approved by an appropriate body and satisfies further requirements specified in the Act.

Regulation 1 provides that these Regulations apply in relation to research carried out in Wales. It further provides for the Regulations to come into force on 1 July 2007 for the purposes of enabling applications for approval of research to be made and determined under the Act and on 1 October 2007 for all other purposes.

Regulation 2 defines an appropriate body as a committee which is established to advise on, or on matters which include, the ethics of intrusive research in relation to people who lack capacity to consent to it and which is recognised for that purpose by the National Assembly for Wales.

A Regulatory Appraisal was prepared for the Mental Capacity Act 2005 and a copy has been placed in the library of the National Assembly for Wales.