



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2007 Rhif 856 (Cy.79) (C.34)

2007 No. 856 (W.79) (C.34)

**GALLUEDD MEDDYLIOL,
CYMRU**

**MENTAL CAPACITY,
WALES**

**Gorchymyn Deddf Galluedd
Meddyliol 2005 (Cychwyn)
(Cymru) 2007**

**The Mental Capacity Act 2005
(Commencement) (Wales) Order
2007**

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)

(This note is not part of the Order)

1. Mae'r Gorchymyn hwn yn cychwyn adrannau 30 i 41 o Ddeddf Iechyd Meddwl 2005 (p.9) ("y Ddeddf") o ran Cymru.

1. This Order commences sections 30 to 41 of the Mental Capacity Act 2005 (c.9) ("the Act") in relation to Wales.

2. Mae erthygl 2 yn dwyn adrannau 30 i 34 i rym ar 1 Hydref 2007 o ran ymchwil a gaiff ei wneud fel rhan o brosiect a ddechreir ar neu ar ôl 1 Hydref 2007.

2. Article 2 brings sections 30 to 34 of the Act into force on 1 October 2007 in respect of any research carried out as part of a project begun on or after 1 October 2007.

3. Mae erthygl 3 yn dwyn adrannau 30 i 34 i rym ar 1 Gorffennaf 2007 at ddibenion galluogi ceisiadau ar gyfer cymeradwyaeth o ran ymchwil i gael eu gwneud i gorff priodol ac i gael eu pernderfynu ganddo.

3. Article 3 brings sections 30 to 34 into force on 1 July 2007 for the purpose of enabling research applications to be made to, and determined by, an appropriate body.

4. Mae erthygl 4 yn darparu pan fo prosiect ymchwil wedi dechrau cyn 1 Ebrill 2007 ac wedi'i gymeradwyo cyn y dyddiad hwnnw ni fydd adrannau 30 i 34 yn dod i rym tan 1 Hydref 2008.

4. Article 4 provides that where a research project begins before 1 October 2007 and is approved before that date, sections 30 to 34 do not come into force until 1 October 2008.

5. Mae erthygl 5 yn dwyn adrannau 35 i 41 i rym ar 1 Hydref 2007.

5. Article 5 brings sections 35 to 41 into force on 1 October 2007.

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CYMRU****MENTAL CAPACITY,
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Meddyliol 2005 (Cychwyn)
(Cymru) 2007****Mental Capacity Act 2005
(Commencement) (Wales) Order
2007***Wedi'i wneud* 13 Mawrth 2007*Made* 13 March 2007*Yn dod i rym**Coming into force**At ddibenion erthygl 3* 1 Gorffennaf 2007*For the purpose of article 3* 1 July 2007*At ddibenion erthygl 4* 1 Hydref 2008*For the purpose of article 4* 1 October 2008*At bob diben arall* 1 Hydref 2007*For all other purposes* 1 October 2007

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adran 68(2) o Ddeddf Galluedd Meddyliol 2005(1) drwy hyn yn gwneud y Gorchymyn canlynol:

The National Assembly for Wales, in exercise of powers conferred on it by section 68(2) of the Mental Capacity Act 2005(1) makes the following Order:

Enwi a dehongli**Title and interpretation**

1.-(1) Enw'r Gorchymyn hwn yw Gorchymyn Deddf Galluedd Meddyliol 2005 (Cychwyn) (Cymru) 2007.

1.-(1) The title of this Order is the Mental Capacity Act 2005 (Commencement) (Wales) Order 2007.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

(2) This Order applies to Wales.

(3) Yn y Gorchymyn hwn ystyr "y Ddeddf" ("*the Act*") yw Deddf Galluedd Meddyliol 2005.

(3) In this Order "the Act" ("*y Ddeddf*") means the Mental Capacity Act 2005.

Cychwyn**Commencement**

2. Yn ddarostyngedig i erthyglau 3 a 4, daw adrannau 30 i 34 (ymchwil) o'r Ddeddf i rym ar 1 Hydref 2007.

2. Subject to Articles 3 and 4, sections 30 to 34 (research) of the Act come into force on 1 October 2007.

3. Daw adrannau 30 i 34 o'r Ddeddf i rym ar 1 Gorffennaf 2007 at ddibenion galluogi ceisiadau ar gyfer cymeradwyaeth o ran ymchwil i gael eu gwneud i gorff priodol ac i gael eu penderfynu ganddo.

3. Sections 30 to 34 of the Act come into force on 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.

4. Daw adrannau 30 i 34 o'r Ddeddf i rym ar 1 Hydref 2008 o ran unrhyw ymchwil a gaiff ei wneud fel rhan o brosiect ymchwil-

4. Sections 30 to 34 of the Act come into force on 1 October 2008 in respect of any research which is carried out as part of a research project which -

- (a) sydd yn dechrau cyn 1 Hydref 2007; a
- (b) sydd yn cael ei gymeradwyo cyn 1 Hydref 2007 gan bwyllgor a sefydlir i gynghori ar foeseq ymchwil, neu ar faterion sy'n cynnwys moeseg ymchwil mewn perthynas â phobl nad yw'r galluedd ganddynt i gydsynio iddo.

5. Daw adrannau 35 i 41 (gwasanaeth eiriolwr annibynnol galluedd meddyliol) o'r Ddeddf i rym ar 1 Hydref 2007.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(1).

13 Mawrth 2007

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

- (a) begins before 1 October 2007; and
- (b) is approved before 1 October 2007 by a committee established to advise on, or on matters which include, the ethics of research in relation to people who lack capacity to consent to it.

5. Sections 35 to 41 (independent mental capacity advocate service) of the Act come into force on 1 October 2007.

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

13 March 2007

The Presiding Officer of the National Assembly

(1) 1998 p.38.

(1) 1998 c.38.

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