

NATIONAL ASSEMBLY FOR WALES

S T A T U T O R Y I N S T R U M E N T S

2006 No. (W.)

MENTAL CAPACITY, WALES

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

EXPLANATORY NOTE

(This note is not part of the Order)

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

2. Article 3 provides that where a research project has begun before 1 April 2007 and was approved before that date then sections 30 to 34 do not come into force until 1 April 2008.

2006 No. (W.)

MENTAL CAPACITY, WALES

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

Made 2007

Coming into force 1 April 2007

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:

Title and interpretation

- 1.—(1) The title of this Order is the Mental Capacity Act 2005 (Commencement) (Wales) Order 2007.
- (2) This Order applies to Wales.
- (3) In this Order “the Act” (“*y Deddf*”) means the Mental Capacity Act 2005.

Commencement

2. Subject to Articles 3, sections 30 to 41 of the Mental Capacity Act 2005 come into force on 1 April 2007.
3. Sections 30 to 34 of the Act come into force on 1 April 2008 in respect of any research which is carried out as part of a research project which —
 - (a) began before 1 April 2007; and
 - (b) was approved before 1 April 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.

(1) 2005 c.9.

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

Date

Dafydd Elis Thomas

The Presiding Officer of the National Assembly

(1) 1998 c.38.