

**NATIONAL ASSEMBLY FOR WALES**

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

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**2007 No. (W. )**

**MENTAL CAPACITY, WALES**

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

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made under section 30(4) 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 February 2007 for the purposes of enabling applications for ethical approval of research to be made and determined under the Act and on 1 April 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 Impact Assessment was prepared for the Mental Capacity Act 2005 and a copy has been placed in the library of the National Assembly for Wales.

**2007 No. (W.)**

**MENTAL CAPACITY, WALES**

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

*Made* 2007

*Coming into force  
for the purpose mentioned in  
regulation 1(1)(a) 1 February  
2007*

*for all other purposes 1 April 2007*

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

**Citation, 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 February 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 April 2007 for all other purposes.

(2) These Regulations apply in relation to the carrying out of research in 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

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(1) 2005 c.9.

relation to people who lack capacity to consent to it; and

- (b) recognised for those purposes by or on behalf of the the National Assembly for Wales or the Secretary of State.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>(1)</sup>.

Date

The Presiding Officer of the National Assembly

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<sup>(1)</sup> 1998 c.38.