
STATUTORY INSTRUMENTS

2006 No. 3473 (C. 133)

MENTAL CAPACITY, ENGLAND

**The Mental Capacity Act 2005 (Commencement
No.1) (Amendment) Order 2006**

Made - - - - 19th December 2006

The Secretary of State for Health makes this Order in exercise of the powers conferred upon her by section 68(2)(a) and (3) of the Mental Capacity Act 2005(1):

Citation, application and interpretation

1.—(1) This Order may be cited as the Mental Capacity Act 2005 (Commencement No.1) (Amendment) Order 2006.

(2) This Order applies in relation to England.

(3) In this Order “Commencement No.1 Order” means the Mental Capacity Act 2005 (Commencement No.1 Order) 2006(2).

Amendment of coming into force dates specified in Commencement No.1 Order

2. The Commencement No.1 Order is amended as follows —

- (a) in article 2 for “1 April 2007” substitute “1 October 2007”,
- (b) in article 3 for “1 February 2007” substitute “1 July 2007”,
- (c) in article 4 for “1 April 2008” substitute “1 October 2008”,
- (d) in article 4(a) for “1 April 2007” substitute “1 October 2007”, and
- (e) in article 4(b) for “1 April 2007” substitute “1 October 2007”.

Status: This is the original version (as it was originally made).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

Signed by authority of the Secretary of State for Health

19th December 2006

Rosie Winterton
Minister of State
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Mental Capacity Act 2005 (Commencement No.1 Order) 2006 ([S.I. 2006/2814 C.95](#)) under the Mental Capacity Act 2005 ([c.9](#)). That Order brought into force sections 30 to 34 (research).

Article 2 substitutes in Commencement Order No.1 new dates for these provisions to come into force.

By virtue of these amendments sections 30 to 34 of the Act will now come into force on 1 July 2007 for the purpose of enabling applications for ethical approval of research to be made to and determined by an appropriate body. Sections 30 to 34 will now come into force on 1 October 2008 in relation to research projects which have begun before 1 October 2007 and have been ethically approved before that date. Sections 30 to 34 will now come into force on 1 October 2007 in relation to all other research projects, namely those beginning on or after 1 October 2007 or which have begun, but have not been ethically approved, before that date.