
WELSH STATUTORY INSTRUMENTS

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

MENTAL CAPACITY, WALES

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

<i>Made</i>	- - - -	<i>13 March 2007</i>
<i>Coming into force</i>		
<i>For the purpose of article 3</i>		<i>1 July 2007</i>
<i>For the purpose of article 4</i>		<i>1 October 2008</i>
<i>For all other purposes</i>		<i>1 October 2007</i>

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 Ddeddf*”) means the Mental Capacity Act 2005.

Commencement

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

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. 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) begins before 1 October 2007; and

Status: This is the original version (as it was originally made).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

(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(2)

13 March 2007

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

EXPLANATORY NOTE

(This note is not part of the Order)

1. This Order commences sections 30 to 41 of the Mental Capacity Act 2005 (c. 9) (“the Act”) in relation to Wales.
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. 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. 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. Article 5 brings sections 35 to 41 into force on 1 October 2007.