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STATUTORY INSTRUMENTS

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**2006 No. 3474**

**MENTAL CAPACITY, ENGLAND**

**The Mental Capacity Act 2005 (Appropriate Body) (England)  
(Amendment) Regulations 2006**

<i>Made</i>	- - - -	<i>19th December 2006</i>
<i>Laid before Parliament</i>		<i>11th January 2007</i>
<i>Coming into force</i>	- -	<i>31st January 2007</i>

The Secretary of State for Health makes the following Regulations, in exercise of the powers conferred upon her by sections 30(4) and 30(6)(a) of the Mental Capacity Act 2005(a).

**Citation, commencement, interpretation and application**

1.—(1) These Regulations may be cited as the Mental Capacity Act 2005 (Appropriate Body) (England) (Amendment) Regulations 2006 and shall come into force on 31 January 2007.

(2) In these Regulations “the Appropriate Body Regulations” means the Mental Capacity Act 2005 (Appropriate Body)(England) Regulations 2006(b).

(3) These Regulations apply in relation to the carrying out of research in England.

**Amendment of coming into force dates specified in the Appropriate Body Regulations**

2. The Appropriate Body Regulations are amended as follows—

- (a) in regulation 1(1)(a) for ‘1 February 2007’ substitute ‘1 July 2007’, and
- (b) in regulation 1(1)(b) for ‘1 April 2007’ substitute ‘1 October 2007’.

Signed by authority of the Secretary of State for Health

19th December 2006

*Rosie Winterton*  
Minister of State  
Department of Health

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(a) 2005 c.9.  
(b) S.I. 2006/2810.

## 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 amend the Mental Capacity Act 2005 (Appropriate Body)(England) Regulations 2006 (S.I 2006/2810) (“the Appropriate Body Regulations”). Those Regulations 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.

The Appropriate Body Regulations were to come into force on 1 February 2007 for the purpose 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 substitutes in the Appropriate Body Regulations new dates for their coming into force. By virtue of these amending Regulations, the Appropriate Body Regulations will now come into force on 1 July 2007 for the purpose of enabling applications for ethical approval to be made and determined and on 1 October 2007 for all other purposes.

A Regulatory Impact Assessment was prepared for the Mental Capacity Act 2005 and a copy has been placed in the library of each House of Parliament. Copies are published on the Department of Health’s website ([www.dh.gov.uk](http://www.dh.gov.uk)) and can be obtained from Room 604, Wellington House, Waterloo Road, London, SE1 8UG.

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