
STATUTORY INSTRUMENTS

2011 No. 2645

MENTAL CAPACITY, ENGLAND

The Mental Capacity Act 2005 (Appropriate Body) (England) Amendment Regulations 2011

<i>Made</i>	- - - -	<i>3rd November 2011</i>
<i>Laid before Parliament</i>		<i>8th November 2011</i>
<i>Coming into force</i>	- -	<i>1st December 2011</i>

The Secretary of State for Health, makes the following Regulations in exercise of the powers conferred by sections 30(4) and 30(6)(a) of the Mental Capacity Act 2005⁽¹⁾.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Mental Capacity Act 2005 (Appropriate Body) (England) Amendment Regulations 2011 and come into force on 1st December 2011.

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

Amendment of the Mental Capacity Act 2005 (Appropriate Body) (England) Regulations 2006

2.—(1) The Mental Capacity Act 2005 (Appropriate Body) (England) Regulations 2006⁽²⁾ are amended as follows.

(2) In regulation 2 (appropriate bodies), in paragraph (b), after “Secretary of State” insert “in exercise of the powers in section 2 of the National Health Service Act 2006⁽³⁾”.

(1) 2005 c.9.
(2) S.I. 2006/2810, as amended by S.I. 2006/3474.
(3) 2006 c.41.

Status: This is the original version (as it was originally made).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.

3rd November 2011

Paul Burstow
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under section 30(4) of the Mental Capacity Act 2005 and amend the definition of “appropriate body” in the Mental Capacity Act 2005 (Appropriate Bodies)(England) Regulations 2006 (“the 2006 Regulations”) 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.

These Regulations amend regulation 2 of the 2006 Regulations to clarify that in the definition of an appropriate body, a committee recognised by the Secretary of State means a committee recognised by the Secretary of State in exercise of his powers in section 2 of the National Health Service Act 2006.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.