CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2007 Rhif 833 (Cy.71)

GALLUEDD MEDDYLIOL, CYMRU

Rheoliadau Deddf Galluedd Meddyliol 2005 (Corff Priodol) (Cymru) 2007

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau.)

Caiff y Rheoliadau hyn eu gwneud o dan adrannau 30 a 65 o Ddeddf Galluedd Meddyliol 2005 ("y Ddeddf")(p.9) ac maent yn diffinio 'corff priodol' at ddibenion adrannau 30 i 32 o'r Ddeddf honno. Mae adran 30(1) o'r Ddeddf honno'n darparu bod ymchwil penodol a gaiff ei wneud i berson neu mewn perthynas â pherson sydd heb alluedd yn anghyfreithlon oni chaiff ei wneud yn rhan o brosiect a gymeradwywyd gan gorff priodol a'i fod yn bodloni gofynion pellach a bennir yn y Ddeddf.

Mae rheoliad 1 yn darparu byd y Rheoliadau hyn yn gymwys o ran gwneud ymchwil yng Nghymru. Mae'n ychwanegol yn darparu i'r Rheoliadau ddod i rym ar 1 Gorffennaf 2007 at ddibenion galluogi ceisiadau am gymeradwyaeth i ymchwil gael ei wneud a phenderfynu arno o dan y Ddeddf ac i ddod i rym ar 1 Hydref 2007 at bob diben arall.

Mae rheoliad 2 yn diffinio corff priodol fel pwyllgor a sefydlwyd i gynghori ar foeseg ymchwil ymwthiol, neu ar faterion sy'n cynnwys moeseg ymchwil ymwthiol, mewn perthynas â phobl nad yw'r galluedd ganddynt i gydsynio iddo ac a gydnabyddir i'r diben hwnnw gan Gynulliad Cenedlaethol Cymru.

Mae Arfarniad Rheoliadol wedi'i baratoi ar gyfer Deddf Galluedd Meddyliol 2005 a gosodwyd copi ohono yn llyfrgell Cynulliad Cenedlaethol Cymru.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2007 No. 833 (W.71)

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 sections 30 and 65 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 July 2007 for the purposes of enabling applications for approval of research to be made and determined under the Act and on 1 October 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 Appraisal was prepared for the Mental Capacity Act 2005 and a copy has been placed in the library of the National Assembly for Wales.

2007 Rhif 833 (Cy.71)

GALLUEDD MEDDYLIOL, CYMRU

Rheoliadau Deddf Galluedd Meddyliol 2005 (Corff Priodol) (Cymru) 2007

Wedi'u gwneud *13 Mawrth 2007*

Yn dod i rym

At y diben a grybwyllir yn Rheoliad 1(1)(a) *1 Gorffennaf 2007*

At bob diben arall *1 Hydref 2007*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd iddo gan adrannau 30(4), 30(6) a 65(1) o Ddeddf Galluedd Meddyliol 2005(**1**).

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Galluedd Meddyliol 2005 (Corff Priodol) (Cymru) 2007 a deuant i rym-

(a) ar 1 Gorffennaf 2007 at ddibenion galluogi ceisiadau ar gyfer cymeradwyaeth o ran ymchwil i gael eu gwneud i gorff priodol ac i gael eu penderfynu ganddo,

(b) ar 1 Hydref 2007 at bob diben arall.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Cyrff Priodol

2. At ddibenion adrannau 30, 31 a 32 o Ddeddf Galluedd Meddyliol 2005, y corff priodol o ran prosiect ymchwil yw pwyllgor-

(a) a sefydlwyd i gynghori ar foeseg ymchwil ymwthiol neu ar faterion sy'n cynnwys moeseg ymchwil ymwthiol mewn perthynas â phobl nad yw'r galluedd ganddynt i gydsynio iddo; a

(**1**) 2005 p.9.

2007 No. 833 (W.71)

MENTAL CAPACITY, WALES

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

Made *13 March 2007*

Coming into force

For the purpose mentioned in regulation 1(1)(a) *1 July 2007*

For all other purposes *1 October 2007*

The National Assembly for Wales makes the following Regulations, in exercise of the powers conferred upon it by sections 30(4), 30(6) and 65(1) of the Mental Capacity Act 2005(**1**).

Title, 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 July 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 October 2007 for all other purposes.

(2) These Regulations apply in relation to 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 relation to people who lack capacity to consent to it; and

(**1**) 2005 c.9.

(b) a gydnabyddir at y dibenion hynny gan Gynulliad Cenedlaethol Cymru.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**1**).

13 Mawrth 2007

(b) recognised for those purposes by the National Assembly for Wales.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**1**).

13 March 2007

D.Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(**1**) 1998 p.38.

(**1**) 1998 c.38.

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