



2016 CHAPTER 18

PART 8

RESEARCH

Approved research projects

Section 135: exception for urgent treatment

136.—(1) This section applies if—

- (a) section 135 applies;
- (b) treatment is being, or is about to be, provided for P as a matter of urgency; and
- (c) R considers that, having regard to the nature of the research and the particular circumstances of the case—
 - (i) it is also necessary to take action for the purposes of the research as a matter of urgency; but
 - (ii) it is not practicable to consult under section 135.

(2) R may take the action if—

- (a) R has the agreement of a medical practitioner who is not involved in the organisation or conduct of the research project; or
- (b) where it is not practicable in the time available to obtain that agreement, R acts in accordance with a procedure approved by the appropriate body at the time when the research project was approved under section 134.

(3) But R may not continue to act in reliance on subsection (2) if R has reasonable grounds for believing that it is no longer necessary to take the action as a matter of urgency.

Changes to legislation: *Mental Capacity Act (Northern Ireland) 2016, Section 136 is up to date with all changes known to be in force on or before 21 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

- II** [S. 136](#) in operation at 1.10.2019 for specified purposes by [S.R. 2019/163](#), art. 2(1), **Sch. Pt. 1** (with [art. 3](#)) (as amended by S.R. 2019/190, art. 2)

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[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 285(2)(a)-(c) substituted for s. 285(2)(a)(b) by [2022 c. 18 \(N.I.\) Sch. 3 para. 77\(b\)](#)