



Mental Capacity Act 2005

2005 CHAPTER 9

PART 1

PERSONS WHO LACK CAPACITY

Research

34 Loss of capacity during research project

- (1) This section applies where a person (“P”)—
 - (a) has consented to take part in a research project begun before the commencement of section 30, but
 - (b) before the conclusion of the project, loses capacity to consent to continue to take part in it.
- (2) The appropriate authority may by regulations provide that, despite P's loss of capacity, research of a prescribed kind may be carried out on, or in relation to, P if—
 - (a) the project satisfies prescribed requirements,
 - (b) any information or material relating to P which is used in the research is of a prescribed description and was obtained before P's loss of capacity, and
 - (c) the person conducting the project takes in relation to P such steps as may be prescribed for the purpose of protecting him.
- (3) The regulations may, in particular,—
 - (a) make provision about when, for the purposes of the regulations, a project is to be treated as having begun;
 - (b) include provision similar to any made by section 31, 32 or 33.

Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Section 34. (See end of Document for details)

Commencement Information

- II** S. 34 wholly in force at 1.10.2008; s. 34 not in force at Royal Assent see s. 68(1)-(3); s. 34 in force for certain purposes at 1.7.2007 and 1.10.2007 and in force at 1.10.2008 in so far as not already in force by S.I. 2006/2814, **arts. 2, 3, 4** (as amended by S.I. 2006/3473, **art. 2**); S.I. 2007/856, **arts. 2, 3, 4**

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