



Mental Capacity Act 2005

2005 CHAPTER 9

PART 1

PERSONS WHO LACK CAPACITY

Research

30 Research

- (1) Intrusive research carried out on, or in relation to, a person who lacks capacity to consent to it is unlawful unless it is carried out—
 - (a) as part of a research project which is for the time being approved by the appropriate body for the purposes of this Act in accordance with section 31, and
 - (b) in accordance with sections 32 and 33.
- (2) Research is intrusive if it is of a kind that would be unlawful if it was carried out—
 - (a) on or in relation to a person who had capacity to consent to it, but
 - (b) without his consent.
- (3) A clinical trial which is subject to the provisions of clinical trials regulations is not to be treated as research for the purposes of this section.
- (4) “Appropriate body”, in relation to a research project, means the person, committee or other body specified in regulations made by the appropriate authority as the appropriate body in relation to a project of the kind in question.
- (5) “Clinical trials regulations” means—
 - (a) the Medicines for Human Use (Clinical Trials) Regulations 2004 (S.I. 2004/1031) and any other regulations replacing those regulations or amending them, and
 - (b) any other regulations relating to clinical trials and designated by the Secretary of State as clinical trials regulations for the purposes of this section.

Status: Point in time view as at 01/04/2008. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Section 30. (See end of Document for details)

- (6) In this section, section 32 and section 34, “appropriate authority” means—
- (a) in relation to the carrying out of research in England, the Secretary of State, and
 - (b) in relation to the carrying out of research in Wales, the National Assembly for Wales.

Commencement Information

- II** S. 30 wholly in force at 1.10.2008; s. 30 not in force at Royal Assent see s. 68(1)-(3); s. 30 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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