



2016 CHAPTER 18

PART 8

RESEARCH

Transitional cases

Loss of capacity during research project: transitional cases

138.—(1) This section applies where a person who is 16 or over (“P”)—

- (a) consented to take part in a research project begun before the coming into operation of section 132; and
- (b) before the conclusion of the project, loses capacity to consent to continue to take part in it.

(2) Regulations may 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 P.

(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 sections 134 to 137.