
WELSH STATUTORY INSTRUMENTS

2007 No. 852

The Mental Capacity Act 2005 (Independent Mental Capacity Advocates) (Wales) Regulations 2007

Adult protection cases

9.—(1) This regulation applies where an NHS body or a local authority proposes to take, or proposes to arrange to be taken, protective measures in relation to a person (P) who lacks capacity to agree to one or more of the measures.

(2) Subject to paragraph (4), where an NHS body or a local authority receives notice of an allegation or receives evidence that P—

- (a) is being abused or neglected or has been abused or neglected, or
- (b) is abusing or has abused another person

it may instruct an IMCA if it is satisfied that it would benefit P to be represented and supported.

(3) Where an NHS body or a local authority instructs an IMCA under this regulation it must, in making any decision about protective measures to be taken in relation to P, take into account any information given or submissions made, by the IMCA.

(4) An IMCA may not be instructed under this regulation where an IMCA has been instructed in accordance with sections 37, 38 or 39 of the Act or regulation 8.

(5) “Protective measures” (“Camau Gwarchodol”) includes measures to minimise the risk that any abuse or neglect of P, or abuse by P, will continue and measures taken in pursuance of guidance issued under section 7 of the Local Authority Social Services Act 1970(1).