

---

STATUTORY INSTRUMENTS

---

**2014 No. 1530**

**The Special Educational Needs and Disability Regulations 2014**

**PART 6**

Parents and young people lacking capacity

**Where a child's parent lacks capacity**

- 63.** In a case where a child's parent lacks capacity at the relevant time references in—
- (a) Part 3 of the Act, and
  - (b) these regulations, except the references in regulation 6(1)(b)(iv) and paragraph 15(b) of Schedule 2,

to a child's parent or the parent of a detained person who is a child are to be read as references to a representative of the parent.

**Where a young person lacks capacity**

- 64.—**(1) In a case where a young person lacks capacity at the relevant time—
- (a) references to a young person in the provisions of Part 3 of the Act listed in Part 1 of Schedule 3 are to be read as references to both the young person and the alternative person;
  - (b) references to a young person or a detained person who is a young person in the provisions of Part 3 of the Act listed in Part 2 of Schedule 3 are to be read as references to the alternative person instead of the young person; and
  - (c) references to a young person in these regulations listed in Part 3 of Schedule 3 are to be read as references to both the young person and the alternative person; and
  - (d) references to a young person in these regulations listed in Part 4 of Schedule 3 are to be read as references to the alternative person instead of the young person.
- (2) For the purposes of this regulation, “the alternative person” means—
- (a) a representative of the young person;
  - (b) the young person's parent, where the young person does not have a representative;
  - (c) a representative of the young person's parent, where the young person's parent also lacks capacity at the relevant time and the young person does not have a representative.

**Mental Capacity Act 2005**

**65.** Regulations 63 and 64 have effect in spite of section 27(1)(g) of the Mental Capacity Act 2005<sup>M1</sup>.

**Status:** Point in time view as at 01/09/2014.

**Changes to legislation:** The Special Educational Needs and Disability Regulations 2014, PART 6 is up to date with all changes known to be in force on or before 15 May 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)

**Marginal Citations**

- M1** [2005 c.9](#) Section 27(1)(g) does not permit decisions on discharging parental responsibilities in matters not relating to a child's property to be made on a person's behalf.

**Status:**

Point in time view as at 01/09/2014.

**Changes to legislation:**

The Special Educational Needs and Disability Regulations 2014, PART 6 is up to date with all changes known to be in force on or before 15 May 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.