
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(1).

(1) 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Status: *This is the original version (as it was originally made).*
