
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^{M1}.

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 05 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) [View outstanding changes](#)*

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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.

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. A1 inserted by [S.I. 2024/535 Sch.](#)
- reg. 49(7)-(9) inserted by [S.I. 2024/535 reg. 2\(2\)\(c\)](#)