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WELSH STATUTORY INSTRUMENTS

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**2021 No. 401**

**The Additional Learning Needs (Wales) Regulations 2021**

**PART 4**

**PARENTS AND YOUNG PEOPLE LACKING CAPACITY**

**When a young person lacks capacity**

**37.**—(1) When a young person lacks capacity at the relevant time, references to a young person in the provisions of the 2018 Act listed below are to be read as references to the representative of the young person—

- (a) section 11(3)(c) in the second place it occurs;
- (b) section 11(4) in the second place it occurs;
- (c) section 12(2)(b) in the second place it occurs;
- (d) section 13(2)(d) in the second place it occurs;
- (e) section 13(3) in the second place it occurs;
- (f) section 14(3) in the second place it occurs;
- (g) section 20(3)(a) and (b);
- (h) section 22(1)(a) and (2)(a);
- (i) section 23(8) in the second place it occurs;
- (j) section 23(10) and (11)(a);
- (k) section 26(1)(b) in the first place it occurs;
- (l) section 27(1)(b) in the first place it occurs;
- (m) section 27(4);
- (n) section 28(2)(a), (4), (5) and (7);
- (o) section 31(7)(a), (8) and (9);
- (p) section 32(1)(a);
- (q) section 32(1)(b) in the first place it occurs;
- (r) section 32(3).

(2) When a young person lacks capacity at the relevant time, the references to young people in section 9(3)(a) and to students in section 9(5) of the 2018 Act respectively are to be read as including both the young person and the representative of the young person.

(3) When a young person lacks capacity at the relevant time, references to a young person in the regulations below are to be read as references to the representative of the young person—

- (a) regulation 10(2), (3) and (5);
- (b) regulation 14(3) and (4);
- (c) regulation 22(5)(a).

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**Changes to legislation:** There are currently no known outstanding effects for the The Additional Learning Needs (Wales) Regulations 2021, Section 37. (See end of Document for details)

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**Commencement Information**

**II** [Reg. 37](#) in force at 1.9.2021, see [reg. 1\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Additional Learning Needs (Wales) Regulations 2021, Section 37.