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Changes to legislation: There are currently no known outstanding effects for the Disabled Persons (Services, Consultation and Representation) Act 1986, Section 1. (See end of Document for details)



Disabled Persons (Services, Consultation and Representation) Act 1986

1986 CHAPTER 33

PART I

REPRESENTATION AND ASSESSMENT

PROSPECTIVE

1.— Appointment of authorised representatives of disabled persons.

- (1) In this Act “authorised representative”, in relation to a disabled person, means a person for the time being appointed by or on behalf of that disabled person (in accordance with regulations made under this section) to act as his authorised representative for the purposes of this Act.
- (2) The Secretary of State may by regulations make provision with respect to the appointment of persons to act as the authorised representatives of disabled persons, including provision—
 - (a) for the manner in which the appointment of a person as an authorised representative is to be made; and
 - (b) for any such appointment to be notified to the relevant local authority (as defined in the regulations) if made otherwise than by that authority
- (3) Any such regulations—
 - (a) may provide for the
 - [^{F1}(i) the parent of a disabled person under the age of sixteen, or
 - (ii) any other person who is not a parent of his but who has parental responsibility for him]to appoint himself or some other person as the authorised representative of the disabled person (but shall not permit a person under that age himself to appoint a person as his authorised representative);

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- (a) [^{F2}may provide for—
- (i) any person who has parental responsibilities in relation to a disabled person under the age of sixteen (“parental responsibilities” having the meaning given by section 1(3) of the Children (Scotland) Act 1995); or
 - (ii) any other person who is entitled to act as the disabled person’s legal representative (as defined in section 15(5) of the Children (Scotland) Act 1995),
- to appoint] himself or some other person as the authorised representative of the disabled person (but shall not permit a person under that age himself to appoint a person as his authorised representative);
- (b) may provide for the appointment of a person as the authorised representative of a disabled person who is a child [^{F3}looked after by] a local authority to be made by that authority in such circumstances as may be specified in the regulations;
- (c) may, in accordance with subsection (4), provide for the appointment of a person as the authorised representative of a disabled person to be made by, or under arrangements made by, a local authority in a case where the disabled person appears to the authority to be unable to appoint a person as his authorised representative by reason of any mental or physical incapacity;
- (d) may contain such incidental or supplementary provisions as the Secretary of State thinks fit.
- (4) Regulations under paragraph (c) of subsection (3) may make provision—
- (a) for requiring a local authority, for the purpose of enabling them to determine whether a disabled person is unable to appoint a person as his authorised representative as mentioned in that paragraph, to obtain the opinion of a registered medical practitioner;
 - (b) for authorising a local authority, where they determine that a disabled person is so unable, either—
 - (i) themselves to appoint a person as the disabled person’s authorised representative, or
 - (ii) to make with any voluntary organisation, person or persons approved by them for the purpose such arrangements as they think fit for such an appointment to be made by the organisation, person or persons concerned;
 - (c) for requiring or authorising a local authority, before determining the question specified in paragraph (a), or (as the case may be) before making any appointment of an authorised representative, or any arrangements, in pursuance of paragraph (b), to consult any of the following, namely—
 - (i) a person or persons appointed by them for the purpose, or
 - (ii) a person or persons falling within any class or description specified in the regulations;
 - (d) for requiring a local authority, in such circumstances as may be specified in the regulations, to review the case of a disabled person whose authorised representative has been appointed in pursuance of paragraph (b) (whether by the local authority or under any arrangements made by them) for the purpose of determining whether he is still unable to appoint a person as his authorised representative as mentioned in subsection (3)(c).

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- (5) Subsections (2) to (4) shall apply, with any necessary modifications, in relation to the termination of the appointment of a person as an authorised representative as they apply in relation to the making of such an appointment.
- (6) It is hereby declared that any person exercising under Part II of the 1983 Act or [^{F4}Parts 5, 6 and 7 of the 2003 Act]—
- (a) the functions of the nearest relative of a disabled person, or
 - (b) the functions of the guardian of a disabled person received into guardianship under that Part of that Act,
- may, if appointed as such in accordance with this section, also act as that person's authorised representative.

Textual Amendments

- F1** S. 1(3)(a)(i)(ii) substituted (E.W.) (14.10.1991) for words by Children Act 1989 (c. 41, SIF 20), s. 108(5), **Sch. 13 para. 58(a)** (with s. 108(6), Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F2** Words in s. 1(3)(a) substituted (S.) (1.11.1996) by 1995 c. 36, s. 105(4), **Sch. 4 para. 39(2)(a)** (with s. 103(1)); S.I. 1996/2203, art. 3(3), **Sch.**
- F3** Words in s. 1 (3)(b) substituted (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(5), **Sch. 13 para. 58(b)** (with s. 108(6), Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**; and those same words substituted (S.) (1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 39(2)(b)** (with s. 103(1)); S.I. 1996/3201, **art. 3(7)**
- F4** Words in s. 1(6) substituted (S.) (27.9.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Modification of Enactments) Order 2005 (S.S.I. 2005/465), art. 1, **sch. 1 para. 17(2)**

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