
WELSH STATUTORY INSTRUMENTS

2021 No. 401

The Additional Learning Needs (Wales) Regulations 2021

PART 4

PARENTS AND YOUNG PEOPLE LACKING CAPACITY

When a detained person who is a young person lacks capacity

38. When a detained person who is a young person lacks capacity at the relevant time, the references in the provisions below are to be read as references to a representative of that young person—

- (a) the reference to the detained person in the third place it occurs in section 40(4) of the 2018 Act;
- (b) the reference to a detained person in the first place it occurs in section 40(5)(b) of the 2018 Act;
- (c) the references in sections 41(2)(a) and 42(4) of the 2018 Act to a detained person who is a young person;
- (d) the reference to a detained person in the first place it occurs in section 42(6) of the 2018 Act;
- (e) the reference to a young person in the second place it occurs in regulation 18(4)(b);
- (f) the reference to a detained person in the first place it occurs in regulation 18(6).

Commencement Information

II Reg. 38 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 38.