
WELSH STATUTORY INSTRUMENTS

2021 No. 401

The Additional Learning Needs (Wales) Regulations 2021

PART 4

PARENTS AND YOUNG PEOPLE LACKING CAPACITY

Interpretation of this Part

34. In this Part—

“the relevant time” (“*yr adeg berthnasol*”) has the same meaning as in section 83(3) of the 2018 Act;

“representative” (“*cynrychiolydd*”) means—

- (a) a deputy appointed by the Court of Protection under section 16(2)(b) of the Mental Capacity Act 2005⁽¹⁾ to make decisions on the parent’s or young person’s behalf in relation to matters within Part 2 of the 2018 Act;
- (b) the donee of a lasting power of attorney (within the meaning of section 9 of the Mental Capacity Act 2005) appointed by the parent of a child or by a young person to make decisions on the parent or young person’s behalf in relation to matters within Part 2 of the 2018 Act;
- (c) an attorney in whom an enduring power of attorney (within the meaning of Schedule 4 to the Mental Capacity Act 2005⁽²⁾) created by the parent or young person is vested, where the power of attorney is registered in accordance with paragraphs 4 and 13 of that Schedule or an application for registration of the power of attorney has been made;
- (d) the young person’s parent, where the young person does not have a representative listed in paragraph (a), (b) or (c).

(1) 2005 c. 9.

(2) Relevant amendments to Schedule 4 are made by S.I. 2012/2404, Schedule 2, paragraph 53(1) and (6).