



Curriculum and Assessment (Wales) Act 2021

2021 asc 4

PART 2

CURRICULUM IN MAINTAINED SCHOOLS, MAINTAINED NURSERY
SCHOOLS AND FUNDED NON-MAINTAINED NURSERY EDUCATION

CHAPTER 4

CURRICULUM IMPLEMENTATION: EXCEPTIONS

39 Development work and experiments: conditions

- (1) The Welsh Ministers may give a direction under section 38 only if the conditions in this section are met.
- (2) The first condition is that the Welsh Ministers are satisfied that the curriculum that will be implemented for the pupils or children as a result of the direction will—
 - (a) enable each pupil or child to develop in the ways described in the four purposes,
 - (b) secure teaching and learning that offers appropriate progression for each pupil or child,
 - (c) be suitable for each pupil or child's age, ability and aptitude,
 - (d) take account of each pupil's or child's additional learning needs (if any), and
 - (e) secure broad and balanced teaching and learning for each pupil or child.
- (3) The second condition, in the case of a direction relating to a community school, voluntary controlled school, community special school or maintained nursery school, is that the direction is given—
 - (a) on an application made by the governing body with the local authority's agreement,

- (b) on an application made by the local authority with the governing body's agreement, or
 - (c) on a proposal made by the Welsh Ministers with the agreement of the governing body and the local authority.
- (4) The second condition, in the case of a direction relating to a foundation school or voluntary aided school, is that the direction is given—
 - (a) on an application made by the governing body, or
 - (b) with the governing body's agreement.
- (5) The second condition, in the case of a direction relating to funded non-maintained nursery education, is that the direction is given—
 - (a) on an application made by the local authority with the agreement of the provider of the education, or
 - (b) on a proposal made by the Welsh Ministers with the agreement of the local authority and the provider of the education.
- (6) In this section—
 - (a) references to the local authority, in relation to a school, are to the local authority that maintains the school;
 - (b) references to the local authority, in relation to funded non-maintained nursery education, are to the local authority that secures the education.