



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

41 Pupils and children with additional learning needs

- (1) The additional learning provision described in an individual development plan prepared or maintained by a local authority under Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2) may include provision—
 - (a) that disapplies sections 27, 28, 29 and 30, or any of those sections, in relation to a pupil;
 - (b) that applies sections 27, 28, 29 and 30, or any of those sections, in relation to a pupil with the modifications specified in the plan;
 - (c) that disapplies sections 34, 35 and 36, or any of those sections, in relation to a child;
 - (d) that applies sections 34, 35 and 36, or any of those sections, in relation to a child with the modifications specified in the plan.
- (2) The special educational provision specified in an EHC plan under section 37 of the Children and Families Act 2014 (c. 6) (education, health and care plans) may include provision—
 - (a) that disapplies sections 27, 28, 29 and 30, or any of those sections, in relation to a pupil;

Changes to legislation: Curriculum and Assessment (Wales) Act 2021, Section 41 is up to date with all changes known to be in force on or before 24 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) that applies sections 27, 28, 29 and 30, or any of those sections, in relation to a pupil with the modifications specified in the plan;
 - (c) that disapplies sections 34, 35 and 36, or any of those sections, in relation to a child;
 - (d) that applies sections 34, 35 and 36, or any of those sections, in relation to a child with the modifications specified in the plan.
- (3) But an individual development plan or EHC plan may include provision referred to in subsection (1) or (2) only if the local authority is satisfied that the curriculum that will be implemented for the child as a result of the disapplication or modification will—
- (a) enable the pupil or child to develop in the ways described in the four purposes,
 - (b) secure teaching and learning that offers appropriate progression for the pupil or child,
 - (c) be suitable for the pupil or child's age, ability and aptitude, and
 - (d) secure broad and balanced teaching and learning for the pupil or child.
- (4) Regulations may specify further conditions that must be satisfied before an individual development plan or EHC plan may include provision referred to in subsection (1) or (2).
- (5) In this section, the reference to the local authority is to the local authority that prepares or maintains the individual development plan or that secures the preparation, amendment or replacement of the EHC plan.

Commencement Information

- I1** S. 41 in force at 1.9.2022 for specified purposes by S.I. 2022/652, art. 5(1)(2)(c), Sch.
I2 S. 41 in force at 1.9.2023 for specified purposes by S.I. 2022/652, art. 6(1)(2)(c)

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Changes and effects yet to be applied to :

- s. 41 coming into force by [S.I. 2022/652 art. 7\(c\)](#)
- s. 41 coming into force by [S.I. 2022/652 art. 8\(a\)](#)
- s. 41 coming into force by [S.I. 2022/652 art. 9\(a\)](#)