



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

42 Temporary exceptions for individual pupils and children

- (1) Regulations may enable the head teacher of a maintained school or maintained nursery school to determine, in cases or circumstances specified in the regulations—
 - (a) that sections 27, 28, 29 and 30, or any of those sections, are to be disapplied in relation to a registered pupil at the school during the period specified in the determination, or
 - (b) that sections 27, 28, 29 and 30, or any of those sections, are to be applied in relation to a registered pupil at the school, during the period specified in the determination, with the modifications specified in the determination.
- (2) Regulations may enable a provider of funded non-maintained nursery education to determine, in cases or circumstances specified in the regulations—
 - (a) that sections 34, 35 and 36, or any of those sections, are to be disapplied, during the period specified in the determination, in relation to a child for whom the education is provided, or
 - (b) that sections 34, 35 and 36, or any of those sections, are to be applied in relation to such a child, during the period specified in the determination, with the modifications specified in the determination.

Changes to legislation: There are currently no known outstanding effects for the
Curriculum and Assessment (Wales) Act 2021, Section 42. (See end of Document for details)

- (3) If regulations are made under this section, they must provide that a person may make a determination under the regulations only if satisfied that the curriculum that will be implemented for the pupil or child as a result of the determination 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 each pupil or child,
 - (c) be suitable for the pupil or child's age, ability and aptitude,
 - (d) take account of the pupil's or child's additional learning needs (if any), and
 - (e) secure broad and balanced teaching and learning for the pupil or child.
- (4) Regulations made under this section may specify further conditions that must be met before a determination may be made under the regulations.

Commencement Information

- I1** S. 42 in force at 14.6.2022 for specified purposes by S.I. 2022/652, art. 3(a)
I2 S. 42 in force at 1.9.2022 in so far as not already in force by S.I. 2022/652, art. 4(b)

Changes to legislation:

There are currently no known outstanding effects for the Curriculum and Assessment (Wales) Act 2021, Section 42.