



# 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

#### **43 Temporary exceptions for individual pupils and children: supplementary**

- (1) This section makes further provision about regulations made under section 42.
- (2) The regulations must not allow a determination to be made under the regulations on the grounds that a pupil or child has, or may have, additional learning needs (see, instead, section 41).
- (3) The regulations must specify that that the operative period of a determination made under the regulations is either—
  - (a) a fixed period specified in the determination that does not exceed 6 months, or
  - (b) a period that must be brought to an end (in accordance with the regulations) no later than 6 months from its beginning.
- (4) But the regulations may specify a different operative period for a determination if that operative period is to begin—
  - (a) immediately after the end of the operative period of a previous determination, or
  - (b) before the end of a period, specified in the regulations, that begins with the end of the operative period of a previous determination.

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*Changes to legislation: There are currently no known outstanding effects for the*  
*Curriculum and Assessment (Wales) Act 2021, Section 43. (See end of Document for details)*

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- (5) The regulations may enable a person who makes a determination under the regulations—
- (a) to vary the determination, except in relation to its operative period, or
  - (b) to revoke the determination.
- (6) The regulations may specify—
- (a) cases or circumstances in which a determination made under the regulations may be varied or revoked;
  - (b) conditions which must be met before a determination made under the regulations may be varied or revoked.
- (7) In this section, the “operative period” of a determination means the period for which the determination has effect.

**Commencement Information**

**I1** S. 43 in force at 14.6.2022 for specified purposes by S.I. 2022/652, art. 3(a)

**I2** S. 43 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 43.