



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.

- (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.