



# 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,

*Status: Point in time view as at 01/09/2023.*

**Changes to legislation:** *Curriculum and Assessment (Wales) Act 2021, Section 39 is up to date with all changes known to be in force on or before 14 July 2024. 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)*

- (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.

#### **Commencement Information**

- I1** [S. 39](#) in force at 1.9.2022 for specified purposes by [S.I. 2022/652, art. 5\(1\)\(2\)\(c\)](#), [Sch.](#)
- I2** [S. 39](#) in force at 1.9.2023 for specified purposes by [S.I. 2022/652, art. 6\(1\)\(2\)\(c\)](#)

**Status:**

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