



# Education Act 1996

## 1996 CHAPTER 56

### PART V

#### THE CURRICULUM

#### CHAPTER II

#### SECULAR EDUCATION

#### *The National Curriculum: special cases*

#### **362 Development work and experiments.**

- [<sup>F1</sup>(1) For the purpose of enabling development work or experiments to be carried out, the Secretary of State may direct in respect of a particular maintained school that, for such period as may be specified in the direction, the National Curriculum—
- (a) shall not apply, or
  - (b) shall apply with such modifications as may be specified in the direction.
- (2) A direction under subsection (1) may apply either generally or in such cases as may be specified in the direction.
- (3) In the case of [<sup>F2</sup>a community, voluntary controlled or community special school], a direction shall not be given under subsection (1) except on an application—
- (a) by the governing body with the agreement of the local education authority,
  - (b) by the local education authority with the agreement of the governing body, or
  - (c) by the appropriate curriculum authority with the agreement of both the local education authority and the governing body.
- (4) In the case of [<sup>F3</sup>a foundation, voluntary aided or foundation special school], a direction shall not be given under subsection (1) except on an application by the governing body or by the appropriate curriculum authority with the agreement of the governing body.

*Status: Point in time view as at 12/12/2002.*

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- (5) The Secretary of State may make it a condition of a direction under subsection (1) that any person by whom or with whose agreement the request for the direction was made should, when so directed or at specified intervals, report to the Secretary of State on any matters specified by him.
- (6) The Secretary of State may by a direction under this subsection vary or revoke a direction under subsection (1).
- (7) In this section “the appropriate curriculum authority” means—
- (a) in relation to England, [<sup>F4</sup>the Qualifications and Curriculum Authority], and
  - (b) in relation to Wales, [<sup>F4</sup>the Qualifications, Curriculum and Assessment Authority for Wales].]

#### Textual Amendments

- F1** Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**
- F2** Words in s. 362(3) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 89(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F3** Words in s. 362(4) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 89(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F4** Words in s. 362(7)(a)(b) substituted (1.10.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 27(a)(b)**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. III** (subject to savings in art. 4, Sch. 2 Pt. I para. 6)

### 363 Exceptions by regulations.

[<sup>F5</sup>Regulations may provide that the National Curriculum, or such of the provisions of the National Curriculum as may be specified in the regulations—

- (a) shall not apply, or
- (b) shall apply with such modifications as may be specified in the regulations, in such cases or circumstances as may be specified in the regulations.]

#### Textual Amendments

- F5** Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**

### 364 Pupils with statements of special educational needs.

[<sup>F6</sup>The special educational provision for any pupil specified in a statement under section 324 of his special educational needs may include provision—

- (a) excluding the application of the National Curriculum, or
- (b) applying the National Curriculum with such modifications as may be specified in the statement.]

#### Textual Amendments

- F6** Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by Education Act 2002 (c. 32), ss. 215(2), 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**

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### 365 Temporary exceptions for individual pupils.

- [<sup>F7</sup>(1) Regulations may enable the head teacher of a maintained school, in such cases or circumstances and subject to such conditions as may be prescribed, to direct in respect of a registered pupil at the school that, for such period as may be specified in the direction (the “operative period” of the direction), the National Curriculum—
- (a) shall not apply, or
  - (b) shall apply with such modifications as may be specified in the direction.
- (2) The conditions prescribed by the regulations shall, in particular, limit the operative period that may be specified in a direction to a maximum period specified in the regulations.
- (3) Any maximum period specified (whether in relation to directions given under the regulations or in relation to directions given under the regulations in circumstances specified in the regulations) shall be either—
- (a) a fixed period not exceeding six months, or
  - (b) a period determinable (in such manner as may be specified in the regulations) not later than six months from its beginning.
- (4) Any maximum period so specified may, without prejudice to the generality of section 569(4) (which provides that regulations under this Act may make different provision for different cases or circumstances etc.), differ according to whether or not the direction in question is given in respect of a period beginning—
- (a) immediately after the end of the operative period of a previous direction, or
  - (b) within such period after the end of the operative period of a previous direction as may be specified in the regulations.
- (5) The regulations may enable the head teacher of a maintained school, in such cases or circumstances and subject to such conditions as may be prescribed—
- (a) to revoke any direction given by him under the regulations, and
  - (b) to vary such a direction, except so as to extend its operative period.
- (6) Before making any regulations under this section, the Secretary of State shall consult with any persons with whom consultation appears to him to be desirable.]

#### Textual Amendments

**F7** Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#)

### 366 Information concerning directions under section 365.

<sup>F8</sup> .....

#### Textual Amendments

**F8** Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#)

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### 367 Appeals against directions under section 365 etc.

- [<sup>F9</sup>(1) Where a head teacher—
- (a) gives, revokes or varies a direction under regulations made under section 365,
  - (b) refuses to give, revoke or vary such a direction in response to a request made, in such manner and circumstances as may be prescribed by the regulations, by the parent of a registered pupil at the school, or
  - (c) following the making of such a request, fails within such period as may be prescribed by the regulations to give, revoke or vary such a direction in accordance with the request,
- the parent of the pupil concerned may appeal to the governing body.
- (2) On such an appeal, the governing body may—
- (a) confirm the head teacher’s action, or
  - (b) direct the head teacher to take such action authorised by the regulations as they consider appropriate in the circumstances.
- (3) The head teacher shall comply with any directions of the governing body given under subsection (2)(b).
- (4) The governing body shall notify the appellant and the head teacher in writing of their decision on such an appeal.]

#### Textual Amendments

**F9** Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2439, [art. 3](#)

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