



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

45 Appeals about temporary exceptions for individual pupils

- (1) This section applies where—
 - (a) the head teacher of a school makes, varies or revokes a determination relating to a pupil under regulations made under section 42, or
 - (b) a pupil, or a pupil's parent, asks the head teacher of a school to make a determination under those regulations in relation to the pupil, but no determination is made.
- (2) Each of the following may appeal to the governing body of the school—
 - (a) the pupil;
 - (b) the pupil's parent.
- (3) Subsection (2)(a) does not apply if the governing body considers that the pupil in question does not have the capacity to understand what it means to exercise the right conferred by this section.
- (4) If an appeal is made under this section, the governing body may—
 - (a) direct the head teacher, in writing, to take the action that it considers appropriate in respect of the determination referred to in subsection (1)(a) or the request referred to in subsection (1)(b), or

Changes to legislation: Curriculum and Assessment (Wales) Act 2021, Section 45 is up to date with all changes known to be in force on or before 07 May 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) View outstanding changes

- (b) inform the head teacher, in writing, that no such direction will be given.
- (5) The governing body must give written notice of its decision to—
 - (a) the pupil, and
 - (b) the pupil's parent.
- (6) Subsection (5)(a) does not apply if the governing body considers that the pupil in question does not have the capacity to understand the information that would be given.
- (7) The head teacher must comply with a direction given under subsection (4).
- (8) Regulations may make further provision in connection with appeals under this section.

Commencement Information

- I1** S. 45 in force at 1.9.2022 for specified purposes by [S.I. 2022/652, art. 5\(1\)\(2\)\(d\)](#), [Sch.](#)
- I2** S. 45 in force at 1.9.2023 for specified purposes by [S.I. 2022/652, art. 6\(1\)\(2\)\(d\)](#)

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Changes and effects yet to be applied to :

- s. 45 coming into force by [S.I. 2022/652 art. 7\(e\)](#)
- s. 45 coming into force by [S.I. 2022/652 art. 8\(b\)](#)
- s. 45 coming into force by [S.I. 2022/652 art. 9\(b\)](#)