



# Education Act 2002

## 2002 CHAPTER 32

### PART 6

#### THE CURRICULUM IN ENGLAND

##### *The National Curriculum for England*

#### **F1 81 The foundation stage**

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#### **Textual Amendments**

**F1** S. 81 repealed (1.9.2008) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), Sch. 1 para. 8, **Sch. 3 Pt. 1**; S.I. 2008/2261, art. 2 (with Sch. 1)

#### **82 The key stages**

- (1) For the purposes of this Part, the key stages in relation to a pupil are—
- (a) the period beginning at the same time as the school year in which he attains the age of six and ending at the same time as the school year in which the majority of pupils in his class attain the age of seven (“the first key stage”),
  - (b) the period beginning at the same time as the school year in which the majority of pupils in his class attain the age of eight and ending at the same time as the school year in which the majority of pupils in his class attain the age of eleven (“the second key stage”),
  - (c) the period beginning at the same time as the school year in which the majority of pupils in his class attain the age of twelve and ending at the same time as the school year in which the majority of pupils in his class attain the age of fourteen (“the third key stage”), and
  - (d) the period beginning at the same time as the school year in which the majority of pupils in his class attain the age of fifteen and ending at the same time

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as the school year in which the majority of pupils in his class cease to be of compulsory school age (“the fourth key stage”).

- (2) The head teacher of a school may elect, in relation to a particular pupil and a particular subject, that subsection (1) shall have effect as if any reference to the school year in which the majority of pupils in that pupil’s class attain a particular age were a reference to the school year in which that pupil attains that age.
- (3) If at any time, in the case of a pupil of compulsory school age, subsection (1) does not, apart from this subsection, apply to determine the period within which that time falls, that subsection shall have effect as if—
  - (a) in the case of paragraphs (a) to (c), any reference to the school year in which the majority of pupils in that pupil’s class attain a particular age were a reference to the school year in which that pupil attains that age, and
  - (b) in the case of paragraph (d), the period were a period beginning at the same time as the school year in which he attains the age of fifteen and ending when he ceases to be of compulsory school age.
- (4) The Secretary of State may by order—
  - (a) provide that, in relation to any subject specified in the order, subsection (1) shall have effect as if for the ages of seven and eight there specified there were substituted such other ages (less than eleven and twelve respectively) as may be specified in the order, or
  - (b) amend subsections (1) to (3).
- (5) In this section “class”, in relation to a particular pupil and a particular subject, means—
  - (a) the teaching group in which he is regularly taught in that subject, or
  - (b) where there are two or more such groups, such one of them as may be designated by the head teacher of the school.

## **F<sup>2</sup>83 Curriculum requirements for foundation stage**

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### **Textual Amendments**

**F2** S. 83 repealed (1.9.2008) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), Sch. 1 para. 9, [Sch. 3 Pt. 1](#); S.I. 2008/2261, art. 2 (with [Sch. 1](#))

## **84 Curriculum requirements for first, second and third key stages**

- (1) For the first, second and third key stages, the National Curriculum for England shall comprise the core and other foundation subjects specified in subsections (2) and (3), and shall specify attainment targets, programmes of study and assessment arrangements in relation to each of those subjects for each of those stages.
- (2) The following are the core subjects for the first, second and third key stages—
  - (a) mathematics,
  - (b) English, and
  - (c) science.

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- (3) The following are the other foundation subjects for the first, second and third key stages—
- (a) design and technology,
  - (b) information and communication technology,
  - (c) physical education,
  - (d) history,
  - (e) geography,
  - (f) art and design,
  - (g) music, and
  - (h) in relation to the third key stage—
    - (i) citizenship, and
    - (ii) a modern foreign language.
- (4) In this section “modern foreign language” means a modern foreign language specified in an order made by the Secretary of State or, if the order so provides, any modern foreign language.
- (5) An order under subsection (4) may—
- (a) specify circumstances in which a language is not to be treated as a foundation subject, and
  - (b) provide for the determination under the order of any question arising as to whether a particular language is a modern foreign language.
- (6) The Secretary of State may by order amend subsections (2) to (5).

### **[<sup>F3</sup>85 Curriculum requirements for fourth key stage**

- (1) For the fourth key stage, the National Curriculum for England shall comprise the core and other foundation subjects and the elements referred to in subsection (5).
- (2) The National Curriculum for England shall specify programmes of study in relation to each of the core and other foundation subjects for the fourth key stage.
- (3) The following are the core subjects for the fourth key stage—
- (a) mathematics,
  - (b) English, and
  - (c) science.
- (4) The following are the other foundation subjects for the fourth key stage—
- (a) information and communication technology,
  - (b) physical education, and
  - (c) citizenship.
- (5) The elements for the fourth key stage referred to in subsection (1) are—
- (a) work-related learning, and
  - (b) in relation to any pupil who so elects, one subject from each of such one or more of the four entitlement areas specified below as the pupil may elect.
- (6) Those entitlement areas are—
- (a) arts, comprising—
    - (i) art and design,

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- (ii) music,
  - (iii) dance,
  - (iv) drama, and
  - (v) media arts,
  - (b) design and technology (comprising only that subject),
  - (c) humanities, comprising—
    - (i) geography, and
    - (ii) history, and
  - (d) modern foreign languages, comprising any modern foreign language specified in an order made by the Secretary of State or, if the order so specifies, any modern foreign language.
- (7) An order under subsection (6)(d) may—
- (a) specify circumstances in which a language is not to be treated as falling within subsection (6)(d), and
  - (b) provide for the determination under the order of any question arising as to whether a particular language is a modern foreign language.
- (8) A pupil in the fourth key stage shall, if he so elects, be entitled to follow a course of study in a subject within each of the four entitlement areas specified in subsection (6); but this entitlement is satisfied where one subject within each of those entitlement areas is made available to him by or on behalf of the school at which he is a registered pupil.
- (9) In the exercise of their functions under this Part by virtue of this section, a local education authority, governing body or head teacher shall have regard to any guidance relating to work-related learning or the entitlement areas which is issued from time to time by the [<sup>F4</sup>Qualifications and Curriculum Development Agency].
- (10) In this section—
- “course of study” means a course of education or training which leads to a qualification approved under section 98 of the Learning and Skills Act 2000 for the purposes of section 96 of that Act;
  - “work-related learning” means planned activity designed to use the context of work to develop knowledge, skills and understanding useful in work, including learning through the experience of work, learning about work and working practices and learning the skills for work.]

#### Textual Amendments

- F3** S. 85 substituted (E.) (15.11.2003) by [Education \(Amendment of the Curriculum Requirements for Fourth Key Stage\) \(England\) Order 2003 \(S.I. 2003/2946\)](#), arts. 1(2), 2 (with art. 3)
- F4** Words in s. 85(9) substituted (1.4.2010) by virtue of [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 12 para. 33**; S.I. 2010/1151, art. 2, Sch. 1 (with art. 21)

#### Modifications etc. (not altering text)

- C1** S. 85 applied by 1989 c. 41, Sch. 2 para. 19(6) (as amended (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), **Sch. 3 para. 72(b)**) (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o) (as amended (15.10.2005) by S.I. 2005/2897, art. 14(3))
- C2** S. 85 modified (temp.) (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 74(4)**, 188(3) (with s. 74(5)); S.I. 2007/935, art. 5(k)

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**C3** S. 85(9) modified (temp.) by 2009 c. 22 Sch. 12 para. 33 (as amended) (30.3.2010) by The Apprenticeships, Skills, Children and Learning Act 2009 (Commencement No. 3 and Transitional and Transitory Provisions) and (Commencement No. 2 (Amendment)) Order 2010 (S.I. 2010/1151), art. 21

## **86 Power to alter or remove requirements for fourth key stage**

The Secretary of State may by order—

- (a) amend any provision of section 85, or
- (b) provide that, while the order remains in force, that section is not to have effect.

## **87 Establishment of the National Curriculum for England by order**

[<sup>F5</sup>(1) The Secretary of State shall so exercise the powers conferred by subsection (3) as to revise the National Curriculum for England whenever he considers it necessary or expedient to do so.]

<sup>F6</sup>(2) .....

(3) In respect of the first, second and third key stages and (subject to section 86) the fourth key stage, the Secretary of State may by order specify in relation to each of the foundation subjects—

- (a) such attainment targets,
- (b) such programmes of study, and
- (c) such assessment arrangements,

as he considers appropriate for that subject.

(4) An order under subsection <sup>F7</sup>... (3) may not require—

- (a) the allocation of any particular period or periods of time during <sup>F8</sup>... any key stage to the teaching of any <sup>F8</sup>... programme of study or any matter, skill or process forming part of it, or
- (b) the making in school timetables <sup>F9</sup>... of provision of any particular kind for the periods to be allocated to such teaching during any such stage.

(5) An order under subsection <sup>F10</sup>... (3) may, instead of containing the provisions to be made, refer to provisions in a document [<sup>F11</sup>published by a person, and in the manner, specified] in the order and direct that those provisions are to have effect or, as the case may be, are to have effect as amended by the order.

<sup>F12</sup>(6) .....

[<sup>F13</sup>(6A) Before making an order under subsection (3)(c) the Secretary of State—

- (a) shall consult the Office of Qualifications and Examinations Regulation, and
- (b) may consult such other persons as the Secretary of State considers appropriate.]

(7) An order under subsection (3)(c) may confer or impose such functions on—

- (a) the governing body and head teacher, <sup>F14</sup>...
- (b) the local education authority,

[<sup>F15</sup>(c) the Qualifications and Curriculum Development Agency, and

- (d) any other person with whom the Secretary of State has made arrangements in connection with the development, implementation or monitoring of assessment arrangements.]

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as appear to the Secretary of State to be required.

- (8) An order under subsection <sup>F16</sup>... (3)(c) may specify such assessment arrangements as may for the time being be made by a person specified in the order.
- [<sup>F17</sup>(8A) An order under subsection (3)(c) which includes provision made by virtue of subsection (8) shall provide that before making or revising the assessment arrangements the person specified in the order—
- (a) shall consult the Office of Qualifications and Examinations Regulation, and
  - (b) may consult such other persons as that person considers appropriate.]
- <sup>F18</sup>(9) .....
- (10) [<sup>F19</sup>The duties that may be imposed by virtue of subsection (7)(a) or (b) include, in relation to persons exercising any function in connection with the moderation or monitoring of assessment arrangements, the duty to permit them—]
- (a) to enter premises of the school <sup>F20</sup>...,
  - (b) to observe implementation of the arrangements, and
  - (c) to inspect, and take copies of, documents and other articles.
- [<sup>F21</sup>(11) An order under subsection (3)(c) may authorise a person specified in the order to make delegated supplementary provisions in relation to such matters as may be specified in the order.
- (12) In this section “delegated supplementary provisions” means such provisions (other than provisions conferring or imposing functions as mentioned in subsection (7)(a) or (b)) as appear to the authorised person to be expedient for giving full effect to, or otherwise supplementing, the provisions made by the order.
- [<sup>F22</sup>(12A) An order under subsection (3)(c) which authorises a person to make delegated supplementary provisions shall provide that before making, amending or revoking any such provisions the person so authorised—
- (a) shall consult the Office of Qualifications and Examinations Regulation, and
  - (b) may consult such other persons as that person considers appropriate.]
- (13) An order under subsection (3)(c) authorising the making of delegated supplementary provisions may provide that such provisions may be made only with the approval of the Secretary of State.
- (14) Any delegated supplementary provisions shall, on being published as specified in the order under which they are made, have effect for the purposes of this Part as if made by the order.]

#### Textual Amendments

- F5** S. 87(1) substituted (1.9.2008) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), **Sch. 1 para. 10(2)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F6** S. 87(2) repealed (1.9.2008) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), Sch. 1 para. 10(3), **Sch. 3 Pt. 1**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F7** Words in s. 87(4) repealed (1.9.2008) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), Sch. 1 para. 10(4)(a), **Sch. 3 Pt. 1**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F8** Words in s. 87(4)(a) repealed (1.9.2008) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), Sch. 1 para. 10(4)(b), **Sch. 3 Pt. 1**; S.I. 2008/2261, art. 2 (with Sch. 1)

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- F9** Words in s. 87(4)(b) repealed (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), Sch. 1 para. 10(4) (c), **Sch. 3 Pt. 1**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F10** Words in s. 87(5) repealed (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), Sch. 1 para. 10(5), **Sch. 3 Pt. 1**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F11** Words in s. 87(5) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 35(2)**; S.I. 2010/1151, art. 2, Sch. 1
- F12** S. 87(6) repealed (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), Sch. 1 para. 10(6), **Sch. 3 Pt. 1**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F13** S. 87(6A) inserted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), **ss. 159(2)**, 269(4); S.I. 2010/1151, art. 2, Sch. 1 (with arts. 5-20)
- F14** Word in s. 87(7)(a) repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 12 para. 35(3)(a), **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1
- F15** S. 87(7)(c)(d) inserted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 35(3)(b)**; S.I. 2010/1151, art. 2, Sch. 1
- F16** Words in s. 87(8) repealed (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), Sch. 1 para. 10(7), **Sch. 3 Pt. 1**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F17** S. 87(8A) inserted (1.4.2010 for specified purposes) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), **ss. 159(3)**, 269(4); S.I. 2010/1151, art. 2, Sch. 1 (with arts. 5-20)
- F18** S. 87(9) repealed (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), Sch. 12 para. 35(4), **Sch. 16 Pt. 4**; S.I. 2010/1151, art. 2, Sch. 1
- F19** Words in s. 87(10) substituted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 35(5)**; S.I. 2010/1151, art. 2, Sch. 1
- F20** Words in s. 87(10)(a) repealed (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), Sch. 1 para. 10(8) (b), **Sch. 3 Pt. 1**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F21** S. 87(11)-(14) substituted for s. 87(11) (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 35(6)**; S.I. 2010/1151, art. 2, Sch. 1
- F22** S. 87(12A) inserted (1.4.2010 for specified purposes) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), **ss. 159(4)**, 269(4); S.I. 2010/1151, art. 2, Sch. 1 (with arts. 5-20)

## 88 Implementation of the National Curriculum for England in schools

- [<sup>F23</sup>(1)] In relation to any maintained school and any school year—
- the local education authority and the governing body shall exercise their functions with a view to securing, and
  - the head teacher shall secure,
- that the National Curriculum for England as subsisting at the beginning of that year is implemented.

[<sup>F24</sup>This subsection does not apply in relation to assessment arrangements.]

- [<sup>F25</sup>(1A)] In relation to any maintained school—
- the local education authority and the governing body must exercise their functions with a view to securing, and
  - the head teacher must secure,
- that the assessment arrangements specified for the time being in the National Curriculum for England are implemented.]

### Textual Amendments

- F23** S. 88(1): s. 88 renumbered as s. 88(1) (26.11.2008) by Education and Skills Act 2008 (c. 25), **ss. 156(1)**, 173(1)(b)

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- F24** Words in s. 88(1) inserted (26.11.2008) by Education and Skills Act 2008 (c. 25), ss. 156(1), 173(1)(b)  
**F25** S. 88(1A) inserted (26.11.2008) by Education and Skills Act 2008 (c. 25), ss. 156(2), 173(1)(b)

**F26** **89**    **Implementation in respect of nursery schools etc.**

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**Textual Amendments**

- F26** S. 89 repealed (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), Sch. 1 para. 11, Sch. 3 Pt. 1; S.I. 2008/2261, art. 2 (with Sch. 1)



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