
STATUTORY INSTRUMENTS

2009 No. 1585

EDUCATION, ENGLAND

The Education (National Curriculum) (Key Stages 2 and 3 Assessment Arrangements) (England) (Amendment) Order 2009

Made - - - - *28th June 2009*

Coming into force - - *1st September 2009*

The Secretary of State for Children, Schools and Families makes the following Order in exercise of the powers conferred by sections 87(3)(c), (7) and (11) and 210(7) of the Education Act 2002(1).

Citation and commencement

1. This Order may be cited as the Education (National Curriculum) (Key Stages 2 and 3 Assessment Arrangements) (England) (Amendment) Order 2009 and comes into force on 1st September 2009.

Amendment of the Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003

2.—(1) The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003(2) is amended as follows.

(2) In article 5 (NC test assessment)—

(a) in paragraph (2), at the beginning insert “Subject to paragraphs (2A) and (2B),”;

(b) after paragraph (2) insert—

“(2A) This article does not apply to a pupil in respect of mathematics if the pupil’s school has been exempted for the purposes of this article.

(2B) This article applies to a pupil in respect of science only if the pupil’s school has been designated for the purposes of this article”;

(c) in paragraph (4) omit “in all the core subjects”;

(d) after paragraph (5) insert—

(1) 2002 c. 32.
(2) S.I. 2003/1038.

“(6) A school may be exempted for the purposes of this article only if alternative arrangements have been or are to be made by the Secretary of State for the purpose of assessing the level of attainment which its pupils have achieved in mathematics.”.

(3) Renumber article 11 (supplementary powers of the Secretary of State) as paragraph (1) of that article.

(4) In article 11—

(a) for the words from “provisions as to” to the end substitute—

“—

(a) provisions as to NC tests for the purpose mentioned in the definition of such tests in article 3(1);

(b) provisions as to the time when and the manner in which NC tests are to be administered;

(c) provisions exempting or designating schools for the purposes of article 5.”;

(b) at the end insert—

“(2) Any provisions made under this article are to be published by the Authority.”.

Amendment of the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 2003

3.—(1) The Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 2003(**3**) is amended as follows.

(2) Renumber article 12 (supplementary powers of the Secretary of State) as paragraph (1) of that article.

(3) In article 12, at the end insert—

“(2) Any provisions made under this article are to be published by the Authority.”.

28th June 2009

Vernon Coaker
Minister of State
Department for Children, Schools and Families

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003 (“the Key Stage 2 Order”) and the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 2003 (“the Key Stage 3 Order”).

The amendments to article 5 of the Key Stage 2 Order will alter the existing requirement in that Order for schools to administer National Curriculum tests in mathematics and science.

The requirement to administer National Curriculum tests in mathematics to pupils, as amended by the Order, will apply to a school unless it has been exempted. Schools will be exempted by provisions made under article 11 of the Key Stage 2 Order.

The amendments to article 5 of the Key Stage 2 Order provide, though, that a school can be exempted only if the Secretary of State has made or will make alternative arrangements for assessing the level of attainment that its pupils have reached in mathematics.

The requirement to administer National Curriculum tests in science to pupils, as amended by the Order, will apply only in relation to pupils in schools that have been designated for this purpose. Schools will be designated by provisions made under article 11 of the Key Stage 2 Order.

The Order also amends both the Key Stage 2 Order and the Key Stage 3 Order to require the Qualifications and Curriculum Authority to publish any provisions made under article 11 of the Key Stage 2 Order or article 12 of the Key Stage 3 Order.

An impact assessment has not been produced for this instrument. There is no impact on the costs of business, charities or voluntary bodies. The impact on the public sector is minimal.