



# Education Act 1996

## 1996 CHAPTER 56

### PART V

#### THE CURRICULUM

#### CHAPTER II

##### SECULAR EDUCATION

##### *The National Curriculum: general*

### 353 The National Curriculum.

[<sup>F1</sup>The National Curriculum shall comprise the core and other foundation subjects and specify in relation to each of them—

- (a) the knowledge, skills and understanding which pupils of different abilities and maturities are expected to have by the end of each key stage (referred to in this Part as “attainment targets”),
- (b) the matters, skills and processes which are required to be taught to pupils of different abilities and maturities during each key stage (referred to in this Part as “programmes of study”), and
- (c) the arrangements for assessing pupils in respect of each key stage for the purpose of ascertaining what they have achieved in relation to the attainment targets for that stage (referred to in this Part as “assessment arrangements”).]

#### 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**F1** Ss. 350-369 repealed (1.10.2002 for E., otherwise prosp.)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](#)

*Status: Point in time view as at 01/10/2002.*

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### 354 The core subjects and other foundation subjects.

- [<sup>F2</sup>][<sup>F3</sup>(1) The following are the core subjects–
- (a) mathematics;
  - (b) English;
  - (c) science; and
  - (d) in relation to schools in Wales which are Welsh-speaking schools, Welsh.
- (2) In relation to schools in England, the following are the other foundation subjects–
- (a) technology;
  - (b) physical education;
  - (c) in relation to the first, second and third key stages–
    - (i) history;
    - (ii) geography;
    - (iii) art and design;
    - (iv) music;
  - (d) in relation to the third and fourth key stages–
    - (i) citizenship;
    - (ii) a modern foreign language.
- (3) In relation to schools in Wales, the following are the other foundation subjects–
- (a) physical education;
  - (b) Welsh, if the school is not a Welsh-speaking school;
  - (c) in relation to the first, second and third key stages–
    - (i) history;
    - (ii) geography;
    - (iii) art;
    - (iv) music;
    - (v) technology;
  - (d) in relation to the third key stage, a modern foreign language.
- (4) “Modern foreign language”–
- (a) in relation to schools in England, means a modern foreign language specified in an order of the Secretary of State, or, if the order so provides, any modern foreign language; and
  - [ in relation to schools in Wales, means a modern foreign language specified
- <sup>F4</sup>(b) in an order of the National Assembly for Wales, or if the order so provides, any modern foreign language].
- (5) An order under subsection (4)(a) [<sup>F4</sup>or (b)] may–
- (a) specify circumstances in which a language is not to be treated as a foundation subject;
  - (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 (1) to (5).
- (7) In this section “school” includes part of a school.
- (8) For the purposes of this section a school is Welsh-speaking if more than one half of the following subjects are taught (wholly or partly) in Welsh—

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- (a) religious education, and
- (b) the subjects other than English and Welsh which are foundation subjects in relation to pupils at the school.]

#### Textual Amendments

- F2** 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](#)
- F3** S. 354(1)-(5) substituted (E.) (2.5.2000 in accordance with article 1 of [S.I. 2000/1146](#)) by [S.I. 2000/1146](#), [arts. 1, 2](#)
- F4** S. 354(1)-(5) substituted (E.) (2.5.2000 in accordance with article 1 of [S.I. 2000/1146](#)) by [S.I. 2000/1146](#), [arts. 1, 2](#) and by [S.I. 2000/1882](#), [arts. 2-4](#), [Sch. 2](#) it is provided (20.7.2000) that the said substitution shall have effect in Wales subject to the further amendments set out in art. 3 therein (and duly reflected in the text of this version of s. 354)

### 355 The key stages.

[<sup>F5</sup>(1) The key stages in relation to a pupil are—

- (a) the period beginning with his becoming of compulsory school age 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 11 (“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 12 and ending at the same time as the school year in which the majority of pupils in his class attain the age of 14 (“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 15 and ending with the expiry of 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 Secretary of State may by order—
- (a) amend subsection (1), or
  - (b) 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 mentioned there were substituted such other ages (less than 11 and 12 respectively) as may be specified in the order.
- (3) 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.
- (4) 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—

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- (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 15 and ending when he ceases to be of compulsory school age.
- (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 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; <sup>F6</sup> . . .
- <sup>F6</sup> . . . ]

#### 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](#)
- F6** S. 355(5); definition of "school year" and the word immediately preceding it repealed (14.6.1997) by 1997 c. 44, s. 57(4), [Sch.8](#); S.I. 1997/1468, [art. 2](#), [Sch. 1 Pt.1](#)

### 356 Establishment of the National Curriculum by order.

- [<sup>F7</sup>(1) The Secretary of State shall so exercise the powers conferred by subsection (2) as to—
- (a) establish a complete National Curriculum as soon as is reasonably practicable (taking first the core subjects and then the other foundation subjects), and
  - (b) revise the National Curriculum whenever he considers it necessary or expedient to do so.
- (2) 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.
- (3) An order made under subsection (2) may not require—
- (a) the allocation of any particular period or periods of time during any key stage to the teaching of any programme of study or any matter, skill or process forming part of it, or
  - (b) the making in school timetables of provision of any particular kind for the periods to be allocated to such teaching during any such stage.
- (4) An order under subsection (2) may, instead of containing the provisions to be made, refer to provisions in a document published [<sup>F8</sup>as 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.
- (5) An order under subsection (2)(c)—
- (a) may confer or impose such functions on—
    - (i) the governing body and the head teacher, and

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- (ii) <sup>F9</sup> . . . on the local education authority,  
as appear to the Secretary of State to be required, and
  - (b) may specify any such assessment arrangements as may for the time being be made by a person specified in the order.
- (6) Provision shall be made for determining the extent to which any assessment arrangements, and the implementation of the arrangements, achieve the purpose for which the arrangements are made; and such provision may be made by or under the order specifying the arrangements or (where the order specifies the person making the arrangements) in the arrangements themselves.
- (7) The duties that may be imposed by virtue of subsection (5)(a) include, in relation to persons exercising any power in pursuance of provision made by virtue of subsection (6), the duty to permit them—
- (a) to enter the premises of the school,
  - (b) to observe the implementation of the arrangements, and
  - (c) to inspect, and take copies of, documents and other articles.
- (8) An order under subsection (2)(c) may authorise the making of such provisions giving full effect to or otherwise supplementing the provisions made by the order (other than provision conferring or imposing functions as mentioned in subsection (5)(a)) as appear to the Secretary of State to be expedient; and any provisions made under such an order shall, on being published [<sup>F8</sup>as specified in the order], have effect for the purposes of this Part as if made by the order.
- (9) The Secretary of State shall, in exercising his power under subsection (2), ensure that the subject of science does not include—
- (a) Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus,
  - (b) any other sexually transmitted disease, or
  - (c) aspects of human sexual behaviour, other than biological aspects.]

#### 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](#)
- F8** Words in s. 356(4)(8) substituted (1.10.1998) by 1998 c. 31, s. 140(1), [Sch. 30 para. 87\(a\)](#) (with ss. 138(9), 144(6)); S.I. 1998/2212, [art. 2](#), [Sch. 1 Pt. I](#)
- F9** Words in s. 356(5)(a)(ii) repealed (1.4.1999) by 1998 c. 31, ss. 140(1)(3), [Sch. 30 para. 87\(b\)](#), [Sch.31](#) (with s. 138(9), 144(6)); S.I. 1999/1016, [art. 2\(1\)](#), [Sch. 1](#)

### 357 Implementation of the National Curriculum in schools.

- [<sup>F10</sup>(1) In relation to any maintained school and any school year—
- (a) the local education authority and the governing body shall exercise their functions with a view to securing, and
  - (b) the head teacher shall secure,
- that the National Curriculum as subsisting at the beginning of that year is implemented.

<sup>F11</sup>(2) . . . . .]

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#### Textual Amendments

- F10** 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**
- F11** S. 357(2) repealed (1.10.1998) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 88, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1998/2212, **art. 2, Sch. 1 Pt.I**

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