



Education Act 2002

2002 CHAPTER 32

PART 7 **E+W**

THE CURRICULUM IN WALES

Preliminary

97 Interpretation of Part 7 **E+W**

In this Part—

“assess” includes examine and test, and related expressions shall be construed accordingly;

“assessment arrangements” means—

- (a) in relation to the foundation stage, the arrangements for assessing pupils in respect of that stage for the purpose of ascertaining what they have achieved in relation to the desirable outcomes; and
- (b) in relation to a key stage, the arrangements for assessing pupils in respect of that stage for the purpose of ascertaining what they have achieved in relation to the attainment targets for that stage;

“attainment targets”, in relation to a key stage, means the knowledge, skills and understanding which pupils of different abilities and maturities are expected to have by the end of that stage;

[^{F1}“course of study” means a course of education or training which leads to a qualification or set of qualifications approved under section 99 of the Learning and Skills Act 2000 for the purposes of section 96 of that Act;]

“desirable outcomes”, in relation to the foundation stage, has the meaning given by section 104;

“the foundation stage” has the meaning given by section 102;

“key stage”, or references to a particular key stage, shall be construed in accordance with section 103;

Status: Point in time view as at 05/05/2010.

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[^{F2}“local curriculum” and “local curricula” are to be construed in accordance with section 116A and, in relation to a pupil's school, “local curriculum” means—

- (a) where the [^{F3}local authority] by which the school is maintained has formed a single local curriculum under section 116A, that local curriculum; or
- (b) where the [^{F3}local authority] by which the school is maintained has formed more than one local curriculum under section 116A, the local curriculum in respect of which the school is designated under section 116C(2);]

“maintained school” means—

- (a) any community, foundation or voluntary school maintained by a [^{F3}local authority] in Wales, or
- (b) except where otherwise stated, any community or foundation special school which is maintained by a [^{F3}local authority] in Wales and is not established in a hospital;

“maintained nursery school” means a nursery school which is maintained by a [^{F3}local authority] in Wales and is not a special school;

[^{F4}“maintained secondary school”, in sections 116A to 116K, means a maintained school which is a secondary school unless it is a community or foundation special school which is maintained by a [^{F3}local authority] in Wales;]

“programmes of study”, in relation to a key stage, means matters, skills and processes which are required to be taught to pupils of different abilities and maturities by the end of that stage;

“pupil” includes a child for whom funded nursery education is provided;

[^{F5}“regulations” means regulations made by the Welsh Ministers;]

[^{F5}“school”, in sections 116E to 116H, in relation to a pupil, means the maintained secondary school of which he or she was a registered pupil when he or she made an election under section 116D(1);]

“school year”, in relation to a school, means the period beginning with the first school term to begin after July and ending with the beginning of the first school term to begin after the following July; and has a corresponding meaning in relation to the provision of funded nursery education otherwise than at a school.

Textual Amendments

- F1** Words in s. 97 inserted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 1(2), 49(2)**; S.I. 2009/3174, art. 2(1)(a)
- F2** Words in s. 97 inserted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 1(3), 49(2)**; S.I. 2009/3174, art. 2(1)(a)
- F3** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**
- F4** Words in s. 97 inserted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 1(4), 49(2)**; S.I. 2009/3174, art. 2(1)(a)
- F5** Words in s. 97 inserted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 1(5), 49(2)**; S.I. 2009/3174, art. 2(1)(a)

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98 Meaning of “nursery education” and related expressions **E+W**

- (1) In this Part “nursery education” means full-time or part-time education suitable for children who have not attained compulsory school age (whether provided at schools or elsewhere).
- (2) For the purposes of this Part, nursery education is “funded nursery education” in relation to a child if—
 - (a) it is provided in a maintained school or a maintained nursery school, or
 - (b) it is provided, by a person other than the governing body of any such school, under arrangements made with that person by a [^{F3}local authority] in Wales in pursuance of the duty imposed on the authority by section 118 of the School Standards and Framework Act 1998 (c. 31) and in consideration of financial assistance provided by the authority under those arrangements.
- (3) For the purposes of this Part, funded nursery education provided in relation to a child otherwise than at a maintained school or maintained nursery school is to be taken to be provided by the person with whom the arrangements referred to in subsection (2) (b) are made by the [^{F3}local authority].

Textual Amendments

- F3** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**

General duties in respect of the curriculum

99 General requirements in relation to curriculum **E+W**

- (1) The curriculum for a maintained school or maintained nursery school satisfies the requirements of this section if it is a balanced and broadly based curriculum which—
 - (a) promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, and
 - (b) prepares pupils at the school for the opportunities, responsibilities and experiences of later life.
- (2) The curriculum for any funded nursery education provided otherwise than at a maintained school or maintained nursery school satisfies the requirements of this section if it is a balanced and broadly based curriculum which—
 - (a) promotes the spiritual, moral, cultural, mental and physical development of the pupils for whom the funded nursery education is provided and of society, and
 - (b) prepares those pupils for the opportunities, responsibilities and experiences of later life.

Modifications etc. (not altering text)

- C1** S. 99(1) modified (temp. from 19.12.2002) by [The Education Act 2002 \(Transitional Provisions\) \(Wales\) Regulations 2002 \(S.I. 2002/3184\)](#), **reg. 5(1)(2)**

Status: Point in time view as at 05/05/2010.

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Commencement Information

- I1** S. 99(1) in force at 19.12.2002 by [S.I. 2002/3185](#), art. 4, [Sch. Pt. I](#)
I2 S. 99(2) in force at 1.8.2008 by [S.I. 2008/1728](#), art. 3, [Sch. Pt. 1](#)

100 Duty to implement general requirements **E+W**

- (1) [^{F6}The Welsh Ministers shall exercise their functions] with a view to securing—
 - (a) that the curriculum for every maintained school or maintained nursery school satisfies the requirements of section 99, and
 - (b) that the curriculum for any funded nursery education provided otherwise than at a maintained school or maintained nursery school satisfies the requirements of that section.
- (2) Every [^{F3}local authority] in Wales shall exercise their functions with a view to securing—
 - (a) that the curriculum for every maintained school or maintained nursery school which they maintain satisfies the requirements of section 99, and
 - (b) that the curriculum for any funded nursery education provided, under arrangements made by them, otherwise than at a maintained school or maintained nursery school, satisfies the requirements of section 99.
- (3) The governing body and head teacher of every maintained school or maintained nursery school shall exercise their functions with a view to securing that the curriculum for the school satisfies the requirements of section 99.
- (4) The functions referred to in subsections (1) to (3) include in particular—
 - (a) functions conferred by this Part in relation to the National Curriculum for Wales, ^{F7}...
 - (b) except in relation to maintained nursery schools or the provision of funded nursery education otherwise than at a maintained school or maintained nursery school, functions relating to religious education and religious worship [^{F8}, and]
 - ^{F9}(c) functions conferred by this Part in relation to the local curriculum or curricula for a [^{F3}local authority]'s area.]
- (5) Any person providing funded nursery education under the arrangements mentioned in section 98(2)(b) shall secure that the curriculum for that funded nursery education satisfies the requirements of section 99.
- (6) In exercising any function which may affect the provision of sex education in maintained schools, every [^{F3}local authority] in Wales shall have regard to the guidance issued by the [^{F10}Welsh Ministers] under section 403(1A) of the Education Act 1996 (c. 56).
- (7) Except to the extent provided in subsection (6), nothing in this section shall be taken to impose duties on a [^{F3}local authority] with regard to sex education.
- (8) In exercising any function which may affect the provision in maintained schools of education of a kind required by virtue of an order under section 101(3)(a), a [^{F3}local authority] in Wales or the governing body of a maintained school shall have regard to any guidance from time to time given by the [^{F11}Welsh Ministers].

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Textual Amendments

- F3** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**
- F6** Words in s. 100(1) substituted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), **Sch. para. 14**; [S.I. 2009/3174](#), art. 2(1)(r)
- F7** Word in s. 100(4)(a) omitted (1.1.2010) by virtue of [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 2(2)**, 49(2); [S.I. 2009/3174](#), art. 2(2)(a)
- F8** Word in s. 100(4)(b) inserted (1.1.2010) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 2(2)**, 49(2); [S.I. 2009/3174](#), art. 2(2)(a)
- F9** S. 100(4)(c) inserted (1.1.2010) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 2(3)**, 49(2); [S.I. 2009/3174](#), art. 2(2)(a)
- F10** Words in s. 100(6) substituted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), **Sch. paras. 12, 13**; [S.I. 2009/3174](#), art. 2(1)(r)
- F11** Words in s. 100(8) substituted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), **Sch. paras. 12, 13**; [S.I. 2009/3174](#), art. 2(1)(r)

Modifications etc. (not altering text)

- C2** S. 100 modified (temp. from 19.12.2002) by [The Education Act 2002 \(Transitional Provisions\) \(Wales\) Regulations 2002 \(S.I. 2002/3184\)](#), **reg. 5(1)(3)**
- C3** S. 100(1)(a)(2)(a)(3) modified (temp. from 19.12.2002) by [The Education Act 2002 \(Transitional Provisions\) \(Wales\) Regulations 2002 \(S.I. 2002/3184\)](#), **reg. 5(1)(2)**

Commencement Information

- I3** S. 100(1)(a)(2)(a)(3)(4)(6)-(8) in force at 19.12.2002 by [S.I. 2002/3185](#), art. 4, **Sch. Pt. I**
- I4** S. 100(1)(b)(2)(b)(5) in force at 1.8.2008 by [S.I. 2008/1728](#), art. 3, **Sch. Pt. 1**

101 Basic curriculum for every maintained school in Wales **E+W**

- (1) The curriculum for every maintained school in Wales shall comprise a basic curriculum which includes—
- (a) provision for religious education for all registered pupils at the school (in accordance with such of the provisions of Schedule 19 to the School Standards and Framework Act 1998 (c. 31) as apply in relation to the school),
 - (b) a curriculum for all registered pupils at the school who have attained the age of three but are not over compulsory school age (known as “the National Curriculum for Wales”),
 - [^{F12}(ba) provision for personal and social education for all registered pupils at the school who are of compulsory school age,]
 - [^{F13}(bb) provision for work-related education for all registered pupils at the school [^{F14}during the third and fourth key stages],]
 - (c) in the case of a secondary school, provision for sex education for all registered pupils at the school, ^{F15}...
 - [^{F16}(ca) in the case of a secondary school, provision for education which satisfies the entitlements of registered pupils at the school under section 116E, and]
 - (d) in the case of a special school, provision for sex education for all registered pupils at the school who are provided with secondary education.
- (2) Subsection (1)(a) does not apply—
- (a) in relation to a nursery class in a primary school, or

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- (b) in the case of a maintained special school (provision as to religious education in special schools being made by regulations under section 71(7) of the School Standards and Framework Act 1998 (c. 31)).
- (3) The [^{F17}Welsh Ministers] may by order—
- (a) amend subsection (1) so as to add further requirements (otherwise than in relation to religious education or sex education),
- (b) amend subsection (1)(b)—
- (i) by substituting for the reference to the age of three (or to any age specified there by virtue of this sub-paragraph) a reference to such other age as may be specified in the order, or
- (ii) by substituting for the reference to compulsory school age (or to any age specified there by virtue of this sub-paragraph) a reference to such other age as may be specified in the order, and
- (c) amend any provision included in subsection (1) by virtue of paragraph (a) of this subsection.

Textual Amendments

- F12** S. 101(1)(ba) inserted (1.9.2003) by [Basic Curriculum for Wales \(Amendment\) Order 2003 \(S.I. 2003/932\)](#), arts. 1(2), **2(2)**
- F13** S. 101(1)(bb) inserted (1.9.2004) by [The Basic Curriculum for Wales \(Amendment\) Order 2003 \(S.I. 2003/932\)](#), arts. 1(3), **2(3)**
- F14** Words in s. 101(1)(bb) substituted (1.8.2008) by [The School Curriculum in Wales \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1899\)](#), arts. 1, **2**
- F15** Word in s. 101(1)(c) omitted (1.1.2010) by virtue of [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), ss. **3(2)**, 49(2); S.I. 2009/3174, art. 2(2)(b)
- F16** S. 101(1)(ca) inserted (1.1.2010) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), ss. **3(3)**, 49(2); S.I. 2009/3174, art. 2(2)(b)
- F17** Words in s. 101(3) substituted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), Sch. paras. 12, **13**; S.I. 2009/3174, art. 2(1)(r)

Modifications etc. (not altering text)

- C4** S. 101 modified (temp. from 19.12.2002) by [The Education Act 2002 \(Transitional Provisions\) \(Wales\) Regulations 2002 \(S.I. 2002/3184\)](#), reg. **5(1)(4)**
- C5** S. 101(1)(d) applied (23.4.2007) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(Wales\) Regulations 2007 \(S.I. 2007/1069\)](#), reg. **1(1)**, Sch. **1 para. 10**

Commencement Information

- I5** S. 101 partly in force; s. 101 not in force at Royal Assent, see s. 216; s. 101 (except for s. 101(3)(b)) in force at 19.12.2002 by S.I. 2002/3185, art. 4, Sch. Pt. **I**
- I6** S. 101(3)(b) in force at 1.8.2008 by S.I. 2008/1728, art. 3, Sch. Pt. **1**

The National Curriculum for Wales

102 The foundation stage **E+W**

For the purposes of this Part, the foundation stage in relation to a pupil is such period as may be specified in an order made by the [^{F18}Welsh Ministers] .

Status: Point in time view as at 05/05/2010.

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Textual Amendments

F18 Words in s. 102 substituted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. paras. 12, 13](#); [S.I. 2009/3174](#), art. 2(1)(r)

Commencement Information

I7 S. 102 in force at 1.8.2008 by [S.I. 2008/1728](#), art. 3, [Sch. Pt. 1](#)

103 The key stages **E+W**

- (1) For the purposes of this Part, 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 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 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 ^{F19}Welsh Ministers] 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

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- (b) where there are two or more such groups, such one of them as may be designated by the head teacher of the school.

Textual Amendments

F19 Words in s. 103(4) substituted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. paras. 12, 13](#); [S.I. 2009/3174](#), art. 2(1)(r)

104 Curriculum requirements for foundation stage **E+W**

For the foundation stage, the National Curriculum for Wales shall specify areas of learning, and may specify in relation to them—

- (a) the knowledge, skills and understanding which pupils of different abilities and maturities are expected to have by the end of the foundation stage (referred to in this Part as “desirable outcomes”),
- (b) the matters, skills and processes which are required to be taught to pupils of different abilities and maturities during the foundation stage (referred to in this Part as “educational programmes”), and
- (c) assessment arrangements.

Commencement Information

I8 S. 104 in force at 1.8.2008 by [S.I. 2008/1728](#), art. 3, [Sch. Pt. 1](#)

105 Curriculum requirements for first, second and third key stages **E+W**

- (1) For the first, second and third key stages, the National Curriculum for Wales 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 stage.
- (2) The following are the core subjects for the first, second and third key stages—
 - (a) mathematics,
 - (b) English,
 - (c) science, and
 - (d) in relation to Welsh-speaking schools, Welsh.
- (3) The following are the other foundation subjects for the first, second and third key stages—
 - (a) [^{F20}design and] technology,
 - (aa) [^{F21}information and communication technology,]
 - (b) physical education,
 - (c) history,
 - (d) geography,
 - (e) art [^{F22}and design] ,
 - (f) music,
 - (g) Welsh, if the school is not a Welsh-speaking school, and
 - (h) in relation to the third key stage, a modern foreign language.

Status: Point in time view as at 05/05/2010.

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- (4) In this section “modern foreign language” means a modern foreign language specified in an order made by the [^{F23}Welsh Ministers] 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 for the third key stage, 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 [^{F24}Welsh Ministers] may by order amend subsections (2) to (5).
- (7) 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—
 - (a) religious education, and
 - (b) the subjects other than English and Welsh which are foundation subjects in relation to pupils at the school.
- (8) In this section “school” includes part of a school.

Textual Amendments

- F20** Words in s. 105(3)(a) inserted (1.8.2008) by [The School Curriculum in Wales \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1899\)](#), arts. 1, **3(a)**
- F21** S. 105(3)(aa) inserted (1.8.2008) by [The School Curriculum in Wales \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1899\)](#), arts. 1, **3(b)**
- F22** Words in s. 105(3)(e) inserted (1.8.2008) by [The School Curriculum in Wales \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1899\)](#), arts. 1, **3(c)**
- F23** Words in s. 105(4) substituted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), Sch. paras. 12, **13**; S.I. 2009/3174, art. 2(1)(r)
- F24** Words in s. 105(6) substituted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), Sch. paras. 12, **13**; S.I. 2009/3174, art. 2(1)(r)

106 Curriculum requirements for fourth key stage **E+W**

- (1) For the fourth key stage, the National Curriculum for Wales shall comprise the core and other foundation subjects and specify attainment targets, programmes of study and assessment arrangements in relation to each of them.
- (2) The following are the core subjects for the fourth key stage—
 - (a) mathematics,
 - (b) English,
 - (c) science, and
 - (d) in relation to Welsh-speaking schools, Welsh.
- (3) The following are the other foundation subjects for the fourth key stage—
 - (a) physical education, and
 - (b) Welsh, if the school is not a Welsh-speaking school.
- (4) 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—
 - (a) religious education, and

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

(5) In this section “school” includes part of a school.

107 Power to alter or remove requirements for fourth key stage **E+W**

- [^{F25}(1)] The [^{F26}Welsh Ministers] may by order—
- (a) amend any provision of section 106, or
 - (b) provide that, while the order remains in force, that section is not to have effect.
- [^{F27}(2) Such an order may make such amendments of this Act as appear to the Welsh Ministers to be necessary or expedient in connection with the provision made under subsection (1).]

Textual Amendments

- F25** S. 107(1): s. 107 renumbered as s. 107(1) (1.1.2010) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 19(2)**, 49(2); S.I. 2009/3174, art. 2(2)(n)
- F26** Words in s. 107(1) substituted (1.1.2010) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 19(2)**, 49(2); S.I. 2009/3174, art. 2(2)(n)
- F27** S. 107(2) inserted (1.1.2010) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 19(3)**, 49(2); S.I. 2009/3174, art. 2(2)(n)

108 Establishment of the National Curriculum for Wales by order **E+W**

- (1) The [^{F28}Welsh Ministers] shall so exercise the powers conferred by subsections (2) and (3) as to—
- (a) establish a complete National Curriculum for Wales for the foundation stage as soon as is reasonably practicable, and
 - (b) revise the National Curriculum for Wales for the foundation stage and the key stages whenever [^{F29}the Welsh Ministers consider] it necessary or expedient to do so.
- (2) In respect of the foundation stage, the [^{F28}Welsh Ministers]—
- (a) shall by order specify the areas of learning, and
 - (b) may by order specify in relation to each of those areas—
 - (i) such desirable outcomes,
 - (ii) such educational programmes, and
 - (iii) such assessment arrangements,
 as the Assembly considers appropriate for that area.
- (3) In respect of the first, second and third key stages and (subject to section 107) the fourth key stage, the [^{F28}Welsh Ministers] 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 [^{F30}the Welsh Ministers consider] appropriate for that subject.
- (4) An order under subsection (2) or (3) may not require—

Status: Point in time view as at 05/05/2010.

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- (a) the allocation of any particular period or periods of time during the foundation stage or any key stage to the teaching of any educational programme or programme of study or any matter, skill or process forming part of it, or
 - (b) the making in school timetables (or the timetables of any person providing funded nursery education) of provision of any particular kind for the periods to be allocated to such teaching during any such stage.
- (5) An order under subsection (2) or (3) may, instead of containing the provisions to be made, refer to provisions in a document published 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.
- (6) An order under subsection (2)(b)(iii) may confer or impose such functions on—
 - (a) the governing body and head teacher of a maintained school or a maintained nursery school,
 - (b) a person providing funded nursery education under the arrangements mentioned in section 98(2)(b),
 - (c) an early years development and childcare partnership, and
 - (d) a [^{F3}local authority],as appear to the [^{F31}Welsh Ministers] to be required.
- (7) An order under subsection (3)(c) may confer or impose such functions on—
 - (a) the governing body and head teacher, and
 - (b) the [^{F3}local authority],as appear to the [^{F32}Welsh Ministers] to be required.
- (8) An order under subsection (2)(b)(iii) or (3)(c) may specify such assessment arrangements as may for the time being be made by a person specified in the order.
- (9) 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 any 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.
- (10) The duties that may be imposed by virtue of subsection (6) or (7) include, in relation to persons exercising any power in pursuance of provision made by virtue of subsection (9), the duty to permit them—
 - (a) to enter premises of the school or, as the case may be, premises on which the funded nursery education is being provided,
 - (b) to observe implementation of the arrangements, and
 - (c) to inspect, and take copies of, documents and other articles.
- (11) An order under subsection (2)(b)(iii) or (3)(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 (6) or (7)) as appear to the [^{F33}Welsh Ministers] to be expedient; and any provisions made under such an order shall, on being published as specified in the order, have effect for the purposes of this Part as if made by the order.

Status: Point in time view as at 05/05/2010.

Changes to legislation: Education Act 2002, Part 7 is up to date with all changes known to be in force on or before 27 June 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)

Textual Amendments

- F3** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**
- F28** Words in s. 108(1)-(3) substituted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), **Sch. paras. 12, 13**; S.I. 2009/3174, art. 2(1)(r)
- F29** Words in s. 108(1) substituted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), **Sch. para. 15**; S.I. 2009/3174, art. 2(1)(r)
- F30** Words in s. 108(3) substituted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), **Sch. para. 15**; S.I. 2009/3174, art. 2(1)(r)
- F31** Words in s. 108(6) substituted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), **Sch. paras. 12, 13**; S.I. 2009/3174, art. 2(1)(r)
- F32** Words in s. 108(7) substituted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), **Sch. paras. 12, 13**; S.I. 2009/3174, art. 2(1)(r)
- F33** Words in s. 108(11) substituted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), **Sch. paras. 12, 13**; S.I. 2009/3174, art. 2(1)(r)

Modifications etc. (not altering text)

- C6** S. 108 modified (W.) (temp. from 19.12.2002) by [The Education Act 2002 \(Transitional Provisions\) \(Wales\) Regulations 2002 \(S.I. 2002/3184\)](#), **reg. 5(1)(5)**

Commencement Information

- I9** S. 108(1)(b)(3)-(5)(7)-(11) in force at 19.12.2002 by [S.I. 2002/3185](#), art. 4, **Sch. Pt. I**
- I10** S. 108(1)(a)(2)(6) in force at 1.8.2008 by [S.I. 2008/1728](#), art. 3, **Sch. Pt. 1**

109 Implementation of the National Curriculum for Wales in schools **E+W**

In relation to any maintained school and any school year—

- (a) the [^{F3}local 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 for Wales as subsisting at the beginning of that year is implemented.

Textual Amendments

- F3** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**

110 Implementation in respect of nursery schools etc. **E+W**

(1) In relation to any maintained nursery school and any school year—

- (a) the [^{F3}local 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 for Wales as subsisting at the beginning of that year (so far as it relates to the foundation stage) is implemented.

Status: Point in time view as at 05/05/2010.

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- (2) In relation to any school year, any person providing funded nursery education under the arrangements mentioned in section 98(2)(b) shall secure that the National Curriculum for Wales as subsisting at the beginning of that year is implemented (so far as it relates to the foundation stage) in respect of the pupils for whom the funded nursery education is provided.
- (3) The [^{F3}local authority] with whom the arrangements mentioned in section 98(2)(b) are made and the early years development and childcare partnership for the area of the authority shall exercise their respective functions with a view to securing that any person (other than the governing body of a maintained school or maintained nursery school) who provides funded nursery education complies with the obligation imposed by subsection (2).

Textual Amendments

- F3** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**

Commencement Information

- I11** S. 110 in force at 1.8.2008 by [S.I. 2008/1728](#), **art. 3, Sch. Pt. 1**

The National Curriculum for Wales: special cases

111 Development work and experiments **E+W**

- (1) For the purpose of enabling development work or experiments to be carried out, the [^{F34}Welsh Ministers] may direct in respect of a particular maintained school or maintained nursery school that, for such period as may be specified in the direction, the National Curriculum for Wales—
 - (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 a community, voluntary controlled or community special school or a maintained nursery school, a direction shall not be given under subsection (1) except ^{F35}...—
 - (a) [^{F36}on an application] by the governing body with the agreement of the [^{F3}local authority],
 - (b) [^{F37}on an application] by the [^{F3}local authority] with the agreement of the governing body, or
 - (c) [^{F38}on a proposal by the [^{F39}Welsh Ministers] with] the agreement of both the [^{F3}local authority] and the governing body.
- (4) In the case of 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 ^{F40}... with the agreement of the governing body.
- (5) The [^{F41}Welsh Ministers] 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

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was made should, when so directed or at specified intervals, report to [^{F42}the Welsh Ministers] on any matters [^{F43}specified by them].

- (6) The [^{F44}Welsh Ministers] may by a direction under this subsection vary or revoke a direction under subsection (1).

Textual Amendments

- F3** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **art. 1, Sch. 2 para. 11(2)**
- F34** Words in s. 111(1) substituted (7.12.2009) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), **Sch. paras. 12, 13**; S.I. 2009/3174, art. 2(1)(r)
- F35** Words in s. 111(3) omitted (1.4.2006) by virtue of The Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), **Sch. 1 para. 32(a)(i)** (with art. 7)
- F36** Words in s. 111(3)(a) inserted (1.4.2006) by The Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), **Sch. 1 para. 32(a)(ii)** (with art. 7)
- F37** Words in s. 111(3)(b) inserted (1.4.2006) by The Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), **Sch. 1 para. 32(a)(ii)** (with art. 7)
- F38** Words in s. 111(3)(c) substituted (1.4.2006) by The Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), **Sch. 1 para. 32(a)(iii)** (with art. 7)
- F39** Words in s. 111(3) substituted (7.12.2009) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), **Sch. paras. 12, 13**; S.I. 2009/3174, art. 2(1)(r)
- F40** Words in s. 111(4) omitted (1.4.2006) by virtue of The Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), **Sch. 1 para. 32(b)** (with art. 7)
- F41** Words in s. 111(5) substituted (7.12.2009) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), **Sch. paras. 12, 13**; S.I. 2009/3174, art. 2(1)(r)
- F42** Words in s. 111(5) substituted (7.12.2009) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), **Sch. para. 16**; S.I. 2009/3174, art. 2(1)(r)
- F43** Words in s. 111(5) substituted (7.12.2009) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), **Sch. para. 17**; S.I. 2009/3174, art. 2(1)(r)
- F44** Words in s. 111(6) substituted (7.12.2009) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), **Sch. paras. 12, 13**; S.I. 2009/3174, art. 2(1)(r)

Modifications etc. (not altering text)

- C7** S. 111(1) modified (W.) (temp. from 19.12.2002) by The Education Act 2002 (Transitional Provisions) (Wales) Regulations 2002 (S.I. 2002/3184), **reg. 5(1)(2)**
- C8** S. 111(3) modified (W.) (temp. from 19.12.2002) by The Education Act 2002 (Transitional Provisions) (Wales) Regulations 2002 (S.I. 2002/3184), **reg. 5(1)(2)**

112 Exceptions by regulations **E+W**

Regulations may provide that the National Curriculum for Wales, or such of the provisions of the National Curriculum for Wales 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,

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in such cases or circumstances as may be specified in the regulations.

113 Pupils with statements of special educational needs **E+W**

The special educational provision for any pupil specified in a statement under section 324 of the Education Act 1996 (c. 56) of his special educational needs may include provision—

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

114 Temporary exceptions for individual pupils **E+W**

- (1) Regulations may enable the head teacher of a maintained school or maintained nursery 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 for Wales—
 - (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 210(7) (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 or maintained nursery 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 [^{F45}Welsh Ministers] shall consult with any persons with whom consultation [^{F46}appears to them] to be desirable.

Status: Point in time view as at 05/05/2010.

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Textual Amendments

- F45** Words in s. 114(6) substituted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. paras. 12, 13](#); S.I. 2009/3174, art. 2(1)(r)
- F46** Words in s. 114(6) substituted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), [Sch. para. 18](#); S.I. 2009/3174, art. 2(1)(r)

Modifications etc. (not altering text)

- C9** S. 114(1)(5) modified (W.) (temp. from 19.12.2002) by [The Education Act 2002 \(Transitional Provisions\) \(Wales\) Regulations 2002 \(S.I. 2002/3184\)](#), [reg. 5\(1\)\(2\)](#)

115 Information concerning directions under section 114 **E+W**

- (1) Where a head teacher gives or varies a direction under regulations made under section 114, he shall, in such manner as may be prescribed, give the information mentioned in subsection (2)—
 - (a) to the governing body, and
 - (b) to the [^{F3}local authority] by whom the school is maintained,
 and shall take such steps as may be prescribed to give that information also to a parent of the pupil concerned.
- (2) That information is—
 - (a) the fact that he has taken the action in question, its effect and his reasons for taking it,
 - (b) the provision that is being or is to be made for the pupil's education during the operative period of the direction, and
 - (c) either a description of the manner in which he proposes to secure the full implementation of the National Curriculum for Wales in relation to the pupil after the end of that period, or an indication that he has the opinion mentioned in subsection (3).
- (3) That opinion is that the pupil has or probably has special educational needs by virtue of which the responsible authority would be required to determine the special educational provision that should be made for him (whether initially or on a review of any statement of his special educational needs which the authority are for the time being required under section 324 of the Education Act 1996 (c. 56) to maintain).
- (4) Where—
 - (a) the head teacher of a maintained school or maintained nursery school includes an indication of any such opinion in information given under subsection (1), and
 - (b) the [^{F3}local authority] by whom the school is maintained are not the responsible authority in relation to the pupil in question,
 the head teacher shall also give that information, in such manner as may be prescribed, to the responsible authority.
- (5) Where the responsible authority receive information given to them under subsection (1) or (4) which includes an indication that the head teacher has the opinion mentioned in subsection (3), they shall consider whether any action on their part is required in the case of the pupil concerned under section 323 of the Education Act 1996 (c. 56) (assessment of special educational needs).

Status: Point in time view as at 05/05/2010.

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- (6) In this section “the responsible authority”, in relation to a pupil, means the [^{F3}local authority] responsible for him for the purposes of Part 4 of the Education Act 1996.

Textual Amendments

F3 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**

Modifications etc. (not altering text)

C10 S. 115(4)(a) modified (W.) (temp. from 19.12.2002) by [The Education Act 2002 \(Transitional Provisions\) \(Wales\) Regulations 2002 \(S.I. 2002/3184\)](#), **reg. 5(1)(2)**

116 Appeals against directions under section 114 etc. **E+W**

- (1) Where a head teacher—
- gives, revokes or varies a direction under regulations made under section 114,
 - 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
 - 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—
- confirm the head teacher’s action, or
 - 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.

[^{F47}The local curricula

Textual Amendments

F47 S. 116A and cross-heading inserted (7.12.2009 for specified purposes, 1.1.2010 in so far as not already in force) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 4, 49(2)**; S.I. 2009/3174, **art. 2(1)(b)(2)(c)**

116A Formation of local curricula for pupils in Key Stage 4 **E+W**

- (1) Each [^{F3}local authority] in Wales must form for its area one or more local curricula for pupils in the fourth key stage.
- (2) A local curriculum must consist of suitable courses of study each of which—
- falls within a category in subsection (3) (the “learning domains”); and

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- (b) is from time to time selected by a [F3]local authority] to form part of that local curriculum.
- (3) The learning domains are—
- (a) mathematics, science and technology;
 - (b) business, administration and law;
 - (c) services for people;
 - (d) arts, media, culture and languages;
 - (e) humanities, social sciences and preparation for life and work.
- (4) Subject to any regulations made under subsection (5), a [F3]local authority] may form a local curriculum as it sees fit.
- (5) Regulations may make provision as to the formation of a local curriculum, including in particular provision—
- (a) requiring a minimum number of courses of study to be included within—
 - (i) a local curriculum; or
 - (ii) a particular learning domain of a local curriculum;
 - (b) specifying—
 - (i) a minimum proportion of vocational courses of study (as compared with other courses of study) that must be included within a local curriculum; or
 - (ii) a minimum number of vocational courses of study that must be included within a local curriculum;
 - (c) preventing during a specified period any alteration to the contents of a local curriculum.
- (6) For the purposes of this section—
- (a) a course of study is suitable if it is designated as suitable for inclusion in local curricula by direction given by the Welsh Ministers;
 - (b) a vocational course of study is a course of study designated as such by direction given by the Welsh Ministers;
 - (c) a course of study falls within a particular learning domain if a direction of the Welsh Ministers so provides.
- (7) Regulations under subsection (5) may make different provision in relation to local curricula formed by different [F48]local authorities].]

Textual Amendments

F3 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**

F48 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(3)**

[F49]116B Local curricula: Welsh language **E+W**

- (1) Each [F3]local authority] must exercise their functions in relation to local curricula so as to promote access to and availability of courses of study which are taught through the medium of the Welsh language.

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- (2) In the discharge of its duty under subsection (1), a [^{F3}local authority] must have regard to any guidance given by the Welsh Ministers.
- (3) Guidance under subsection (2) may be given to a particular authority, or to authorities of a particular class or to authorities generally.
- (4) Within two months of the end of each academic year, a [^{F3}local authority] must, in accordance with any instructions given by the Welsh Ministers, provide the Welsh Ministers with a report which—
 - (a) describes the courses of study included within local curricula established by the authority for that academic year which were to be taught through the medium of Welsh;
 - (b) describes how many pupils elected to follow such courses under section 116D and how many pupils were entitled to follow such courses under section 116E;
 - (c) explains what the authority plans to do in academic years following that to which the report relates so that registered pupils of schools maintained by the authority are given the opportunity to follow local curricula courses of study which are taught through the medium of Welsh.
- (5) For the purposes of subsection (4), “academic year” means the period of 12 months beginning on 1 September.]

Textual Amendments

- F3** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**
- F49** S. 116B inserted (1.1.2010) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 5, 49(2)**; S.I. 2009/3174, **art. 2(2)(d)** (with art. 3)

[^{F50}116C Authorities with more than one local curriculum **E+W**

- (1) This section applies where a [^{F3}local authority] forms more than one local curriculum under section 116A.
- (2) In relation to each local curriculum, the [^{F3}local authority] must designate the maintained secondary schools whose registered pupils are to be entitled to elect under section 116D to follow courses of study included within the curriculum.]

Textual Amendments

- F3** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**
- F50** S. 116C inserted (1.1.2010) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 6, 49(2)**; S.I. 2009/3174, **art. 2(2)(e)**

[^{F51}116D Pupils' choices of local curriculum courses **E+W**

- (1) A registered pupil of a maintained secondary school has the right to elect to follow, during the fourth key stage, a course or courses of study included within the local curriculum for the pupil's school. But this is subject to regulations made under subsection (2).

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- (2) Regulations may make provision as to the making of elections under this section, including in particular provision—
- (a) specifying the maximum number of courses of study of a particular type that a pupil has the right to elect to follow;
 - (b) identifying points to be allotted to courses of study and preventing a pupil from having the right to elect to follow a combination of courses of study if their aggregate points exceed a specified amount;
 - (c) as to the period during which elections are to be made.]

Textual Amendments

F51 S. 116D inserted (7.12.2009 for specified purposes, 1.1.2010 in so far as not already in force) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 7, 49(2)**; S.I. 2009/3174, **art. 2(1)(c)(2)(f)**

[^{F52} 116E Pupils' local curriculum entitlements **E+W**

- (1) During the fourth key stage, a pupil who has made an election under section 116D(1) is entitled to follow the elected course of study unless—
- (a) the pupil ceases to be a registered pupil of the school at which he or she was registered when he or she elected under section 116D(1) to follow the course of study; or
 - (b) before the beginning of the fourth key stage, the head teacher of the pupil's school has decided under section 116F that the pupil is not entitled to follow the course of study.
- (2) Where a pupil is entitled to follow a course of study, it is for the head teacher of the pupil's school to decide upon which date during the fourth key stage the course is to begin.]

Textual Amendments

F52 S. 116E inserted (1.1.2010) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 8, 49(2)**; S.I. 2009/3174, **art. 2(2)(g)**

[^{F53} 116F Head teacher's decision as to entitlement **E+W**

- (1) If the head teacher of a pupil's school is satisfied that any of the grounds in subsection (2) apply, the head teacher may decide that the pupil is not entitled to follow a course of study which the pupil has elected to follow under section 116D(1).
- (2) The grounds referred to in subsection (1) are that—
- (a) as a result of the pupil's level of educational attainment, the course of study is not suitable for him or her;
 - (b) as a result of other elections made by the pupil under section 116D(1), it is not reasonably practicable for him or her to follow the course of study;
 - (c) the amount of time likely to be spent travelling to the place at which the course of study is likely to be delivered would be detrimental to the pupil's education;
 - (d) disproportionate expenditure would be incurred if the pupil were to follow the course of study;

Status: Point in time view as at 05/05/2010.

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- (e) the pupil's or another person's health or safety would be placed unacceptably at risk if the pupil were to follow the course of study.
- (3) Regulations may make provision connected with the making of decisions under subsection (1), including in particular provision—
- (a) as to the time or date by which decisions are to be made;
 - (b) as to the procedure to be followed in connection with the making of decisions;
 - (c) for appeals against decisions to be made to the governing body of a pupil's school or another person specified in the regulations;
 - (d) as to the time or date by which appeals are to be determined;
 - (e) as to the procedure to be followed in connection with the determination of an appeal.
- (4) A head teacher and governing body or other person charged with determining appeals under regulations made under subsection (3) must have regard to any guidance given from time to time by the Welsh Ministers as to the exercise of their functions under this section.
- (5) The Welsh Ministers may by order—
- (a) amend or omit any paragraph of subsection (2);
 - (b) add additional paragraphs to that subsection;
 - (c) amend or omit such additional paragraphs.]

Textual Amendments

F53 S. 116F inserted (7.12.2009 for specified purposes, 1.1.2010 in so far as not already in force) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\), ss. 9, 49\(2\)](#); S.I. 2009/3174, art. 2(1)(d)(2)(h)

[^{F54} **116G** Delivery of local curriculum entitlements **E+W**]

Where a pupil is entitled to follow a course of study under section 116E(1), the governing body of the pupil's school must ensure that during the fourth key stage the course is made available to the pupil by or on behalf of the governing body.]

Textual Amendments

F54 S. 116G inserted (1.1.2010) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\), ss. 10, 49\(2\)](#); S.I. 2009/3174, art. 2(2)(i)

[^{F55} **116H** Head teacher's decision to remove entitlement **E+W**]

- (1) If the head teacher of a pupil's school is satisfied that any of the grounds in subsection (2) apply, the head teacher may decide that a pupil is no longer entitled to follow a course of study that the pupil was entitled to follow under section 116E.
- (2) The grounds referred to in subsection (1) are that—
- (a) the pupil's or another person's health or safety would be placed unacceptably at risk if the pupil were to continue to follow the course of study;
 - (b) disproportionate expenditure would be incurred if the pupil were to continue to follow the course of study.

Status: Point in time view as at 05/05/2010.

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- (3) Regulations may make provision connected with the making of decisions under subsection (1) including in particular provision—
- (a) as to the procedure to be followed in connection with the making of decisions;
 - (b) for appeals against decisions to be made to the governing body of a pupil's school or another person specified in the regulations;
 - (c) as to the effect of a decision pending determination of an appeal;
 - (d) as to the procedure to be followed in connection with the determination of an appeal.
- (4) A head teacher and governing body or other person charged with determining appeals under regulations made under subsection (3) must have regard to any guidance given from time to time by the Welsh Ministers as to the exercise of their functions under this section.
- (5) The Welsh Ministers may by order—
- (a) amend or omit any paragraph of subsection (2);
 - (b) add additional paragraphs to that subsection;
 - (c) amend or omit such additional paragraphs.]

Textual Amendments

F55 S. 116H inserted (7.12.2009 for specified purposes, 1.1.2010 in so far as not already in force) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 11**, 49(2); S.I. 2009/3174, art. 2(1)(e)(2)(j)

[^{F56}116I Planning the local curriculum **E+W**

- (1) The following persons must assist a [^{F3}local authority] in planning the local curriculum or curricula for its area—
- (a) the governing body and head teacher of any maintained secondary school maintained by the authority;
 - (b) the governing body and principal or other head of an institution within the further education sector in the authority's area.
- (2) In subsection (1), “planning the local curriculum or curricula” means the process by which a [^{F3}local authority] decides under section 116A which courses of study to include in the local curriculum or curricula for its area.
- (3) The persons mentioned in subsection (1) must—
- (a) have regard to any guidance given from time to time; and
 - (b) comply with any directions given,
- by the Welsh Ministers as to the exercise of their functions under that subsection.]

Textual Amendments

F3 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1**, **Sch. 2 para. 11(2)**

F56 S. 116I inserted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 12**, 49(2); S.I. 2009/3174, art. 2(1)(f)

Status: Point in time view as at 05/05/2010.

Changes to legislation: Education Act 2002, Part 7 is up to date with all changes known to be in force on or before 27 June 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)

[^{F57}116J Delivery of local curriculum entitlements: joint-working E+W

- (1) The objective of this section is to maximise the availability of courses of study included in a local curriculum formed under section 116A.
- (2) In relation to the local curriculum or curricula for the area of a [^{F3}local authority], the persons mentioned in subsection (4) must take all reasonable steps in order to achieve the objective of this section.
- (3) The duty under subsection (2) includes, but is not limited to, a duty to seek to enter into cooperation arrangements where, having considered whether it would further the objective of this section to do so, the persons mentioned in subsection (4) have concluded that entering into such arrangements would further that objective.
- (4) The persons are—
 - (a) the [^{F3}local authority];
 - (b) the governing body of a secondary school maintained by the authority; and
 - (c) the governing body of an institution within the further education sector which is situated within the area of the authority.
- (5) In this section and section 116K “co-operation arrangements” means—
 - (a) arrangements under which any person provides, on behalf of the governing body of a maintained secondary school, a course of study included within the relevant local curriculum for the school;
 - (b) arrangements made under regulations under section 26 (collaboration between schools); and
 - (c) arrangements made under regulations under section 166 of the Education and Inspections Act 2006 (collaboration arrangements: maintained schools and further education bodies).
- (6) For the purposes of this section, in relation to a maintained secondary school, “relevant local curriculum” means—
 - (a) where the [^{F3}local authority] by which the school is maintained has formed a single local curriculum for its area, that curriculum; or
 - (b) where the [^{F3}local authority] by which the school is maintained has formed more than one local curriculum for its area, the curriculum in respect of which the school is designated under section 116C(2).]

Textual Amendments

- F3** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**
- F57** S. 116J inserted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 13, 49(2)**; S.I. 2009/3174, **art. 2(1)(g)**

[^{F58}116K Joint-working: guidance and directions E+W

- (1) A [^{F3}local authority], a governing body of a maintained secondary school and the governing body of an institution within the further education sector in Wales must have regard to any guidance given from time to time by the Welsh Ministers as to the discharge of their duties under section 116J.

Status: Point in time view as at 05/05/2010.

Changes to legislation: Education Act 2002, Part 7 is up to date with all changes known to be in force on or before 27 June 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)

- (2) Guidance given under subsection (1) may relate to the content of co-operation arrangements.
- (3) The persons mentioned in subsection (1) must comply with any direction given by the Welsh Ministers as to the entering into of co-operation arrangements.
- (4) A direction under subsection (3)—
 - (a) may require persons to enter into specified arrangements;
 - (b) may specify the terms upon which arrangements are to be entered into (whether generally or in respect of specified arrangements);
 - (c) in the case of a direction to enter into specified arrangements with a person who is not mentioned in subsection (1), must not be given unless that person consents to the direction.]

Textual Amendments

- F3** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1, Sch. 2 para. 11(2)**
- F58** S. 116K inserted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 14, 49(2)**; S.I. 2009/3174, **art. 2(1)(h)**

[^{F59}116L Power to amend learning domains **E+W**

The Welsh Ministers may by order—

- (a) amend or omit any paragraph of subsection (3) of section 116A;
- (b) add additional paragraphs to that subsection;
- (c) amend or omit such additional paragraphs.]

Textual Amendments

- F59** S. 116L inserted (1.1.2010) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 15, 49(2)**; S.I. 2009/3174, **art. 2(2)(k)**

[^{F60}116M Application of local curriculum provisions to children who are not registered pupils **E+W**

- (1) Regulations may apply the provisions of sections 116A to 116K and the provisions of any regulations made under section 46 of the Learning and Skills (Wales) Measure 2009 in respect of a person falling within subsection (3).
- (2) The regulations may apply those provisions with such modifications as appear to the Welsh Ministers to be necessary or expedient.
- (3) A person falls within this subsection if he or she—
 - (a) is of compulsory school age;
 - (b) is not a registered pupil of a maintained school; and
 - (c) receives all, or the majority of, his or her education at, or under arrangements made by the governing body of, an institution within the further education sector in Wales.]

Status: Point in time view as at 05/05/2010.

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Textual Amendments

F60 S. 116M inserted (1.1.2010) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 16**, 49(2); S.I. 2009/3174, art. 2(2)(l)

[^{F61}116N] **Application of local curriculum provisions to children who are registered pupils of special schools** **E+W**

- (1) Regulations may apply the provisions of sections 116A to 116K and the provisions of any regulations made under section 46 of the Learning and Skills (Wales) Measure 2009 in respect of a person falling within subsection (3).
- (2) The regulations may apply those provisions with such modifications as appear to the Welsh Ministers to be necessary or expedient.
- (3) A person falls within this subsection if he or she—
 - (a) is of compulsory school age; and
 - (b) is a registered pupil of a community or foundation special school which is maintained by a [^{F3}local authority] in Wales and is not established in a hospital.]

Textual Amendments

F3 Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **art. 1**, **Sch. 2 para. 11(2)**

F61 S. 116N inserted (1.1.2010) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 17**, 49(2); S.I. 2009/3174, art. 2(2)(m)

[^{F62}116O] **Local curriculum: directions** **E+W**

Any direction given by the Welsh Ministers under sections 116A(6), 116I(3) and 116K(3) may be varied or revoked by a further direction.]

Textual Amendments

F62 S. 116O inserted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), **ss. 18**, 49(2); S.I. 2009/3174, art. 2(1)(i)

Supplementary provisions

117 **Procedure for making certain orders and regulations** **E+W**

Where [^{F63}the Welsh Ministers propose] to make—

- (a) an order under section 103(4), 105(6), 108(2)(a) or (b)(i) or (ii) or (3)(a) or (b), or
- (b) regulations under section 112,

[^{F64}the Welsh Ministers] shall make such arrangements for consultation about the proposals as [^{F65}the Welsh Ministers consider] appropriate.

Status: Point in time view as at 05/05/2010.

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Textual Amendments

- F63** Words in s. 117 substituted (7.12.2009) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), **Sch. para. 19(a)**; S.I. 2009/3174, art. 2(1)(r)
- F64** Words in s. 117 substituted (7.12.2009) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), **Sch. para. 19(b)**; S.I. 2009/3174, art. 2(1)(r)
- F65** Words in s. 117 substituted (7.12.2009) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), **Sch. para. 19(c)**; S.I. 2009/3174, art. 2(1)(r)

118 Programmes of research etc in relation to Wales **E+W**

The [^{F66}Welsh Ministers] may incur expenses in connection with the commissioning by [^{F67}the Welsh Ministers] of such work, including programmes of research, development and dissemination, as [^{F68}they may require] to be carried out for the purpose of facilitating the discharge of any of [^{F69}the Welsh Ministers'] functions under sections 102 to 108.

Textual Amendments

- F66** Words in s. 118 substituted (7.12.2009) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), **Sch. paras. 12, 13**; S.I. 2009/3174, art. 2(1)(r)
- F67** Words in s. 118 substituted (7.12.2009) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), **Sch. para. 16**; S.I. 2009/3174, art. 2(1)(r)
- F68** Words in s. 118 substituted (7.12.2009) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), **Sch. para. 20(a)**; S.I. 2009/3174, art. 2(1)(r)
- F69** Words in s. 118 substituted (7.12.2009) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), **Sch. para. 20(b)**; S.I. 2009/3174, art. 2(1)(r)

Status:

Point in time view as at 05/05/2010.

Changes to legislation:

Education Act 2002, Part 7 is up to date with all changes known to be in force on or before 27 June 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.