



Education and Inspections Act 2006

2006 CHAPTER 40

PART 5 **E+W**

CURRICULUM AND ENTITLEMENTS

74 Curriculum requirements for the fourth key stage **E+W**

(1) For section 85 of EA 2002 (curriculum requirements for fourth key stage) substitute—

“85 Curriculum requirements for the fourth key stage

- (1) For the fourth key stage, the National Curriculum for England shall comprise—
 - (a) the core and other foundation subjects,
 - (b) work-related learning, and
 - (c) in relation to any pupil, such other courses of study as are necessary to satisfy the entitlements conferred on him by subsection (5) and section 85A.
- (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.

Changes to legislation: Education and Inspections Act 2006, Section 74 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (5) A pupil in the fourth key stage is entitled, if he so elects, to follow a course of study in science which leads to such qualification or set of qualifications as the governing body may choose from among those—
- (a) approved under section 98 of the Learning and Skills Act 2000 for the purposes of section 96 of that Act, and
 - (b) specified by the Secretary of State by order for the purposes of this subsection.
- (6) In the exercise of their functions under this Part so far as those functions relate by virtue of this section to work-related learning a [^{F1}local authority], governing body or head teacher shall have regard to any guidance issued from time to time by the [^{F2}Secretary of State].
- (7) In this section “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.

85A Entitlement areas for the fourth key stage

- (1) A pupil in the fourth key stage is also entitled to [^{F3}follow a course of study in a subject within each of such one or more of the four entitlement areas specified in subsection (2) as the pupil may choose.]
- (2) The entitlement areas referred to in subsection [^{F4}(1)] are—
- (a) arts, comprising—
 - (i) art and design,
 - (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.
- (3) An order under subsection (2)(d) may—
- (a) specify circumstances in which a language is not to be treated as falling within subsection (2)(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.
- (4) The entitlement conferred on a pupil by this section is to be taken to be satisfied [^{F5}if a course of study in a subject within each of the entitlement areas specified in subsection (2) is made available to the pupil by or on behalf of the school at which the pupil is a registered pupil.]

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- (5) In the exercise of their functions by virtue of this Part in relation to courses of study falling within subsection [F6 (1)], a [F1 local authority], governing body or head teacher shall have regard to any guidance issued from time to time by the Secretary of State F7....
- (6) In this section “course of study” means[F8 a course of education or training which leads to such qualification as the governing body may choose from among those approved under section 98 of the Learning and Skills Act 2000 for the purposes of section 96 of that Act.”]
- (2) In section 86 of EA 2002 (power to alter or remove requirements for fourth key stage)
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- (a) in paragraph (a), for “section 85,” substitute “ sections 85 and 85A, ”,
- (b) in paragraph (b), for “that section is” substitute “ those sections are ”, and
- (c) renumber the section as so amended as subsection (1) of the section and at the end insert—
- “(2) An order under this section may make such amendments of this Act as appear to the Secretary of State to be necessary or expedient in connection with the provision made by virtue of subsection (1).”
- F9(3)
- (4) Until the commencement of subsection (1), section 85 of EA 2002 has effect with the following modifications—
- (a) in subsection (1) after “other foundation subjects” insert “ , the entitlement conferred by subsection (3A) ”, and
- (b) after subsection (3) insert—
- “(3A) A pupil in the fourth key stage is entitled, if he so elects, to follow a course of study in science which leads to such qualification or set of qualifications as the governing body may choose from among those—
- (a) approved under section 98 of the Learning and Skills Act 2000 for the purposes of section 96 of that Act, and
- (b) specified by the Secretary of State by order for the purposes of this subsection.”
- (5) Any order made (by virtue of subsection (4) of this section) under section 85(3A) of EA 2002 before the commencement of subsection (1) of this section is to have effect from that commencement as if made under subsection (5) of section 85 (as substituted by subsection (1)).

Textual Amendments

- F1** Words in Pts. 1-7 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. 14(2)**
- F2** Words in s. 74(1) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 8 para. 20(a)**; [S.I. 2012/924](#), art. 2
- F3** Words in s. 74(1) substituted (15.1.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 31(2)(a)**, 82(2)(b)
- F4** Word in s. 74(1) substituted (15.1.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 31(2)(b)**, 82(2)(b)
- F5** Words in s. 74(1) substituted (15.1.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 31(2)(c)**, 82(2)(b)
- F6** Word in s. 74(1) substituted (15.1.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 31(2)(d)**, 82(2)(b)

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- F7** Words in s. 74(1) omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 8 para. 20(b)**; S.I. 2012/924, art. 2
- F8** Words in s. 74(1) substituted (15.1.2012) by Education Act 2011 (c. 21), **ss. 31(2)(e)**, 82(2)(b)
- F9** S. 74(3) omitted (15.1.2012) by virtue of Education Act 2011 (c. 21), **ss. 31(3)**, 82(2)(b)

Commencement Information

- I1** S. 74(4) in force at 1.4.2007 by S.I. 2007/935, **art. 5(k)**

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2006/2990 art. 4 by [S.I. 2008/54 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2007/935 art. 7(n) by [S.I. 2007/1271 art. 4](#)
- specified provision(s) transitional provisions for earlier commencing SI 2007/935 by [S.I. 2007/1271 art. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A inserted by [2010 c. 26 s. 7](#)
- s. 88(A1) inserted by [2015 c. 20 Sch. 16 para. 1\(2\)](#)
- s. 93A inserted by [2009 c. 22 s. 246](#)
- s. 93A(7) words inserted by [S.I. 2016/413 reg. 235](#) (This amendment comes into force on the day that section 93A of the Education and Inspections Act 2006 (c. 40) comes into force. That provision is still prospective)
- s. 162(5A)(aa) inserted by [2010 nawm 1 Sch. 1 para. 20\(a\)](#)