
STATUTORY INSTRUMENTS

1994 No. 2112

**The Education (National Curriculum)
(Exceptions) Regulations 1994**

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Education (National Curriculum) (Exceptions) Regulations 1994 and shall come into force on 1st September 1994.

(2) Regulations 3 and 4 of these Regulations apply only in relation to pupils at maintained schools and grant-maintained special schools (other than those established in hospitals) in England.

(3) In these Regulations—

“the Act” means the Education Reform Act 1988;

“class” in relation to a particular pupil and a particular subject means any teaching group in which the pupil is regularly taught that subject;

“foundation subject” has the meaning given to that expression by section 25(1) of the Act;

“GCSE” means General Certificate of Secondary Education;

“maintained school” has the meaning given to that expression by section 25(1) of the Act;

“school year” has the meaning given to that expression in section 3(6) of the Act⁽¹⁾;

a reference to the provisions of the National Curriculum in a foundation subject is a reference to such attainment targets, programmes of study and assessment arrangements as are specified for the time being for the subject under section 4(2) to the Act; and

a reference to the fourth key stage is to the period set out in paragraph (d) of section 3(3) of the Act.

Revocation

2. The Education (National Curriculum) (Exceptions) Regulations 1992⁽²⁾, the Education (National Curriculum) (Exceptions in History and Geography at Key Stage 4) Regulations 1992⁽³⁾ and the Education (National Curriculum) (Exceptions from Science at Key Stage 4) Regulations 1992⁽⁴⁾ are revoked.

Exceptions from the provisions of the National Curriculum

3.—(1) Subject to paragraph (2) below, the provisions of the National Curriculum in a foundation subject other than physical education shall not apply in relation to a pupil if—

(a) he has taken an examination for the GCSE in a subject specified opposite the foundation subject in the Schedule to these Regulations or, in the case of technology, for the National Curriculum Certificate in Information Technology; and

(1) Section 3(6) was amended by section 240(3) of the Education Act 1993.

(2) S.I. 1992/155.

(3) S.I. 1992/156.

(4) S.I. 1992/157.

(b) all or the majority of the pupils in his class took the examination at the same time as the pupil.

(2) Where the assessment procedures for a qualification mentioned in paragraph (1) above do not cover all the attainment targets specified under section 4(2)(a) of the Act for the foundation subject, only such part of the National Curriculum as relates to the attainment targets covered by those procedures shall be disapplied by virtue of paragraph (1) above.

(3) Without prejudice to paragraph (1) above, the provisions of the National Curriculum in science shall not apply in relation to a pupil if—

- (i) he has undergone the assessment procedures required by one examining body for the GCSE in biology, chemistry and physics;
- (ii) he took the examinations for the GCSE in those subjects during one school term; and
- (iii) all or the majority of the pupils in his class took the examinations at the same time as the pupil.

4.—(1) Subject to paragraph (3) below, the provisions of the National Curriculum in a foundation subject, being technology or a modern foreign language specified in an Order made under section 3(2) of the Act⁽⁵⁾, shall not apply in relation to a pupil if the conditions set out in paragraph (2) below are satisfied in respect of that subject.

(2) The conditions are that—

- (a) the pupil has been entered for, or his head teacher intends that he should be entered for, an examination, in the case of a modern foreign language, for the GCSE in that language or, in the case of technology, for the GCSE in a subject specified opposite technology in the Schedule to these Regulations or for the National Curriculum Certificate in Information Technology;
- (b) the examination will be held in or before the first school year in which attainment targets and programmes of study for the foundation subject are specified in relation to the fourth key stage under section 4(2)(a) and (b) of the Act;
- (c) all or the majority of the pupil's class have been entered for that examination, or their head teacher intends that they should be so entered; and
- (d) it is intended that they will take the examination at the same time as the pupil.

(3) Where the assessment procedures for a qualification mentioned in paragraph (2)(a) above do not cover all the attainment targets specified under section 4(2)(a) of the Act for the foundation subject, only such part of the National Curriculum as relates to the attainment targets covered by those procedures shall be disapplied by virtue of paragraph (1) above.

9th August 1994

Eric Forth
Minister of State,
Department for Education

(5) The current Order is the Education (National Curriculum) (Modern Foreign Languages) Order 1991, S.I. 1991/2567, amended by S.I. 1994/1818.