
STATUTORY INSTRUMENTS

2021 No. 479

EDUCATION, ENGLAND

The Education (National Curriculum) (Key Stages 1 and 2 Assessment Arrangements) (England) (Coronavirus) (Amendment) Order 2021

Made - - - - *19th April 2021*
Coming into force - - *20th April 2021*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 87(3)(c), (7) and (10) and 210(7) of the Education Act 2002(1).

The Secretary of State has consulted the Office of Qualifications and Examinations Regulation and other persons the Secretary of State considered appropriate in accordance with section 87(6A) of that Act(2).

Citation and commencement

1.—(1) This Order may be cited as the Education (National Curriculum) (Key Stages 1 and 2 Assessment Arrangements) (England) (Coronavirus) (Amendment) Order 2021.

(2) The provisions of this Order come into force on 20th April 2021.

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

2.—(1) The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003(3) is amended as follows.

(2) In article 1(4) after “2019-20” insert “or 2020-21”.

(3) In article 1(5) for “the 2019-20 school year is” substitute “the 2019-20 and 2020-21 school years are”.

(1) [2002 c. 32](#). Section 87(7) was amended by paragraphs 35(1) and (3) of Schedule 12 and Part 4 of Schedule 16 to the Apprenticeships, Skills, Children and Learning Act [2009 \(c. 22\)](#); paragraphs 11 and 13 of Schedule 8 to the Education Act [2011 \(c. 21\)](#) and [S.I. 2010/1158](#); Section 87(10) was amended by paragraphs 31, 35(1) and (5) of Schedule 12 to the Apprenticeships, Skills, Children and Learning Act 2009 and paragraph 10(1) and (8) of Schedule 1 and Schedule 3 to the Childcare Act [2006 \(c. 21\)](#).

(2) Section 87(6A) was inserted by section 159(1) and (2) of the Apprenticeships, Skills, Children and Learning Act [2009 \(c. 22\)](#).

(3) [S.I. 2003/1038](#). This order was amended by [S.I. 2009/1585](#), [2010/290](#), [2010/1172](#), [2011/2392](#), [2012/838](#), [2013/1513](#), [2015/9002018/452](#), [2020/436](#) and [2020/844](#); there are other amending instruments but none are relevant.

Amendment of the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004

3.—(1) The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004⁽⁴⁾ is amended as follows.

(2) After article 1(4) insert—

“(4A) Articles 4 to 5, 6 and 6A do not apply in relation to the 2020-21 school year.

(4B) Article 5A does not apply in relation to the summer term of the 2020-21 school year.”

(3) In article 1(5) after “2019-20” insert “or 2020-21”.

(4) In article 1(6) for “the 2019-20 school year is” substitute “the 2019-20 and 2020-21 school years are”.

(5) Article 5A(2)(c) is revoked.

19th April 2021

Nick Gibb
Minister of State
Department for Education

(4) [S.I. 2004/2783](#). This order was amended by [S.I. 2010/1172](#), [2011/3057](#), [2013/1513](#), [2015/900](#), [2020/436](#) and [2020/844](#); there are other amending instruments but none is relevant.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the secondary legislation relating to primary school assessments.

Articles 2 and 3 respectively amend all provisions of the Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003 ([S.I. 2003/1038](#)) (“the 2003 Order”) and of the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004 ([S.I. 2004/2783](#)) (“the 2004 Order”), which place duties or obligations on head teachers, governing bodies and local authorities in relation to the Key Stages 1 and 2 assessments, checks and tests due to take place during the 2020-21 school year, with the exception of the provisions under 5A of the 2004 Order, which are disapplied for the summer term of the 2020-21 school year only.

This has the effect that the Key Stages 1 and 2 assessments, checks, tests and related obligations, which would otherwise have taken place in, or in relation to, the 2020-21 school year (and in the case of the phonics screening check, the summer term of the 2020-21 school year) are no longer legally required.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

An Explanatory Memorandum is published alongside this instrument on www.legislation.gov.uk.