



Education Act 2002

2002 CHAPTER 32

PART 6

THE CURRICULUM IN ENGLAND

The National Curriculum for England

87 Establishment of the National Curriculum for England by order

[^{F1}(1) The Secretary of State shall so exercise the powers conferred by subsection (3) as to revise the National Curriculum for England whenever he considers it necessary or expedient to do so.]

^{F2}(2)

(3) In respect of the first, second and third key stages and (subject to section 86) the fourth key stage, 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.

(4) An order under subsection ^{F3}... (3) may not require—

- (a) the allocation of any particular period or periods of time during ^{F4}... any key stage to the teaching of any ^{F4}... programme of study or any matter, skill or process forming part of it, or
- (b) the making in school timetables ^{F5}... of provision of any particular kind for the periods to be allocated to such teaching during any such stage.

(5) An order under subsection ^{F6}... (3) may, instead of containing the provisions to be made, refer to provisions in a document [^{F7}published by a person, and in the manner, 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.

Changes to legislation: Education Act 2002, Section 87 is up to date with all changes known to be in force on or before 23 April 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

^{F8}(6)

[^{F9}(6A) Before making an order under subsection (3)(c) the Secretary of State—

- (a) shall consult the Office of Qualifications and Examinations Regulation, and
- (b) may consult such other persons as the Secretary of State considers appropriate.]

(7) An order under subsection (3)(c) may confer or impose such functions on—

- (a) the governing body and head teacher, ^{F10}...
- (b) the [^{F11}local authority],
- [^{F12}(c) ^{F13}... and
- (d) any other person with whom the Secretary of State has made arrangements in connection with the development, implementation or monitoring of assessment arrangements.]

as appear to the Secretary of State to be required.

(8) An order under subsection ^{F14}... (3)(c) may specify such assessment arrangements as may for the time being be made by a person specified in the order.

[^{F15}(8A) An order under subsection (3)(c) which includes provision made by virtue of subsection (8) shall provide that before making or revising the assessment arrangements the person specified in the order—

- (a) shall consult the Office of Qualifications and Examinations Regulation, and
- (b) may consult such other persons as that person considers appropriate.]

^{F16}(9)

(10) [^{F17}The duties that may be imposed by virtue of subsection (7)(a) or (b) include, in relation to persons exercising any function in connection with the moderation or monitoring of assessment arrangements, the duty to permit them—]

- (a) to enter premises of the school ^{F18}...,
- (b) to observe implementation of the arrangements, and
- (c) to inspect, and take copies of, documents and other articles.

[^{F19}(11) An order under subsection (3)(c) may authorise a person specified in the order to make delegated supplementary provisions in relation to such matters as may be specified in the order.

(12) In this section “delegated supplementary provisions” means such provisions (other than provisions conferring or imposing functions as mentioned in subsection (7)(a) or (b)) as appear to the authorised person to be expedient for giving full effect to, or otherwise supplementing, the provisions made by the order.

[^{F20}(12A) An order under subsection (3)(c) which authorises a person to make delegated supplementary provisions shall provide that before making, amending or revoking any such provisions the person so authorised—

- (a) shall consult the Office of Qualifications and Examinations Regulation, and
- (b) may consult such other persons as that person considers appropriate.]

(13) An order under subsection (3)(c) authorising the making of delegated supplementary provisions may provide that such provisions may be made only with the approval of the Secretary of State.

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- (14) Any delegated supplementary provisions shall, on being published as specified in the order under which they are made, have effect for the purposes of this Part as if made by the order.]

Textual Amendments

- F1** S. 87(1) substituted (1.9.2008) by [Childcare Act 2006 \(c. 21\), s. 109\(2\), Sch. 1 para. 10\(2\)](#); S.I. 2008/2261, art. 2 (with Sch. 1)
- F2** S. 87(2) repealed (1.9.2008) by [Childcare Act 2006 \(c. 21\), s. 109\(2\), Sch. 1 para. 10\(3\), Sch. 3 Pt. 1](#); S.I. 2008/2261, art. 2 (with Sch. 1)
- F3** Words in s. 87(4) repealed (1.9.2008) by [Childcare Act 2006 \(c. 21\), s. 109\(2\), Sch. 1 para. 10\(4\)\(a\), Sch. 3 Pt. 1](#); S.I. 2008/2261, art. 2 (with Sch. 1)
- F4** Words in s. 87(4)(a) repealed (1.9.2008) by [Childcare Act 2006 \(c. 21\), s. 109\(2\), Sch. 1 para. 10\(4\)\(b\), Sch. 3 Pt. 1](#); S.I. 2008/2261, art. 2 (with Sch. 1)
- F5** Words in s. 87(4)(b) repealed (1.9.2008) by [Childcare Act 2006 \(c. 21\), s. 109\(2\), Sch. 1 para. 10\(4\)\(c\), Sch. 3 Pt. 1](#); S.I. 2008/2261, art. 2 (with Sch. 1)
- F6** Words in s. 87(5) repealed (1.9.2008) by [Childcare Act 2006 \(c. 21\), s. 109\(2\), Sch. 1 para. 10\(5\), Sch. 3 Pt. 1](#); S.I. 2008/2261, art. 2 (with Sch. 1)
- F7** Words in s. 87(5) substituted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\), s. 269\(4\), Sch. 12 para. 35\(2\)](#); S.I. 2010/1151, art. 2, Sch. 1
- F8** S. 87(6) repealed (1.9.2008) by [Childcare Act 2006 \(c. 21\), s. 109\(2\), Sch. 1 para. 10\(6\), Sch. 3 Pt. 1](#); S.I. 2008/2261, art. 2 (with Sch. 1)
- F9** S. 87(6A) inserted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\), ss. 159\(2\), 269\(4\)](#); S.I. 2010/1151, art. 2, Sch. 1 (with arts. 5-20)
- F10** Word in s. 87(7)(a) repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\), s. 269\(4\), Sch. 12 para. 35\(3\)\(a\), Sch. 16 Pt. 4](#); S.I. 2010/1151, art. 2, Sch. 1
- F11** 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\(2\)](#)
- F12** S. 87(7)(c)(d) inserted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\), s. 269\(4\), Sch. 12 para. 35\(3\)\(b\)](#); S.I. 2010/1151, art. 2, Sch. 1
- F13** S. 87(7)(c) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\), s. 82\(3\), Sch. 8 para. 13](#); S.I. 2012/924, art. 2
- F14** Words in s. 87(8) repealed (1.9.2008) by [Childcare Act 2006 \(c. 21\), s. 109\(2\), Sch. 1 para. 10\(7\), Sch. 3 Pt. 1](#); S.I. 2008/2261, art. 2 (with Sch. 1)
- F15** S. 87(8A) inserted (1.4.2010 for specified purposes) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\), ss. 159\(3\), 269\(4\)](#); S.I. 2010/1151, art. 2, Sch. 1 (with arts. 5-20)
- F16** S. 87(9) repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\), s. 269\(4\), Sch. 12 para. 35\(4\), Sch. 16 Pt. 4](#); S.I. 2010/1151, art. 2, Sch. 1
- F17** Words in s. 87(10) substituted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\), s. 269\(4\), Sch. 12 para. 35\(5\)](#); S.I. 2010/1151, art. 2, Sch. 1
- F18** Words in s. 87(10)(a) repealed (1.9.2008) by [Childcare Act 2006 \(c. 21\), s. 109\(2\), Sch. 1 para. 10\(8\)\(b\), Sch. 3 Pt. 1](#); S.I. 2008/2261, art. 2 (with Sch. 1)
- F19** S. 87(11)-(14) substituted for s. 87(11) (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\), s. 269\(4\), Sch. 12 para. 35\(6\)](#); S.I. 2010/1151, art. 2, Sch. 1
- F20** S. 87(12A) inserted (1.4.2010 for specified purposes) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\), ss. 159\(4\), 269\(4\)](#); S.I. 2010/1151, art. 2, Sch. 1 (with arts. 5-20)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1 by [S.I. 2004/571 Sch.](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1A and 2 by [S.I. 2005/2570 art. 2](#)

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. 27(1A) inserted by [2010 c. 26 s. 4\(1\)](#)
- s. 29(2A)-(2D) inserted by [2009 c. 22 s. 260\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)
- s. 29B inserted by [2008 c. 25 s. 157](#)
- s. 8585A substituted for s. 85 by [2006 c. 40 s. 74\(1\)](#)
- s. 85A amendment to earlier affecting provision 2006 c. 40 s. 74(1) by [2011 c. 21 s. 31\(2\)](#)
- s. 85A(5) words substituted by [2009 c. 22 Sch. 12 para. 34](#)
- s. 86(1) s. 86 renumbered as s. 86(1) by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 86(2) inserted by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 88(2)-(7) inserted by [2006 c. 40 s. 74\(3\)](#)
- s. 88(7) repealed by [S.I. 2010/1080 Sch. 1 para. 45Sch. 2 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 88(2)-(7) by 2006 c. 40, s 74(3) was repealed without ever being brought into force.)
- s. 142(9)(b) words substituted by [S.I. 2010/1158 Sch. 2 para. 11\(10\)\(b\)](#)
- s. 210A inserted by [2008 c. 25 Sch. 1 para. 79](#)