STATUTORY INSTRUMENTS

2003 No. 2946

EDUCATION, ENGLAND

Education (Amendment of the Curriculum Requirements for Fourth Key Stage) (England) Order 2003

Made - - - -	*14th November 2003*
Coming into force in accordance with article 1(2)	*15th November 2003*

Whereas a draft of the following Order was laid before Parliament in accordance with section 210(3) of the Education Act 2002 and approved by resolution of each House of Parliament;

Now, therefore, the Secretary of State for Education and Skills, in exercise of the powers conferred on the Secretary of State by sections 86 and 210(7) of the Education Act 2002(**1**), hereby makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Education (Amendment of the Curriculum Requirements for Fourth Key Stage) (England) Order 2003.

(2) This Order shall come into force on the day after the day on which it is made.

(3) This Order applies to England.

Amendment of the Education Act 2002

2. For section 85 of the Education Act 2002 (Curriculum requirements for fourth key stage) there is substituted—

"**Curriculum requirements for fourth key stage**

85.—(1) For the fourth key stage, the National Curriculum for England shall comprise the core and other foundation subjects and the elements referred to in subsection (5).

(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—

(**1**) 2002 c. 32.

(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.

(5) The elements for the fourth key stage referred to in subsection (1) are—

(a) work-related learning, and

(b) in relation to any pupil who so elects, one subject from each of such one or more of the four entitlement areas specified below as the pupil may elect.

(6) Those entitlement areas 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.

(7) An order under subsection (6)(d) may—

(a) specify circumstances in which a language is not to be treated as falling within subsection (6)(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.

(8) A pupil in the fourth key stage shall, if he so elects, be entitled to follow a course of study in a subject within each of the four entitlement areas specified in subsection (6); but this entitlement is satisfied where one subject within each of those entitlement areas is made available to him by or on behalf of the school at which he is a registered pupil.

(9) In the exercise of their functions under this Part by virtue of this section, a local education authority, governing body or head teacher shall have regard to any guidance relating to work-related learning or the entitlement areas which is issued from time to time by the Qualifications and Curriculum Authority.

(10) In this section—

"course of study" means a course of education or training which leads to a qualification approved under section 98 of the Learning and Skills Act 2000 for the purposes of section 96 of that Act;

"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.".

Transitional Provisions

3. This Order shall not affect the National Curriculum requirements for the fourth key stage as they apply to a pupil who immediately before the coming into force of this Order was in the fourth key stage and section 85 of the Education Act 2002 shall continue to apply in relation to that pupil as if this Order had not been made.

David Miliband
Minister of State,
Department for Education and Skills

14th November 2003

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends section 85 of the Education Act 2002 by substituting new provisions in respect of the requirements for the fourth key stage of the National Curriculum for England. This Order applies only to England.

The effect of the Order is to make the following changes to the National Curriculum requirements for the fourth key stage. The Order—

(a) removes "design and technology" and "modern foreign language" from the compulsory foundation subjects;

(b) introduces a requirement for work-related learning within the curriculum;

(c) introduces a new category of entitlement areas, being arts, design and technology, humanities and modern foreign languages;

(d) specifies the subjects falling within each of the entitlement areas;

(e) gives a pupil in the fourth key stage an entitlement to follow one course of study in a subject within each of the entitlement areas;

(f) requires the local education authority, the governing body and the head teacher to have regard to guidance issued by the Qualifications and Curriculum Authority relating to the provision of entitlement subjects and work related learning;

(g) removes the requirement to specify attainment targets and assessment arrangements in relation to each of the core and other foundation subjects.

The Order makes transitional provisions in respect of pupils who at the date of the coming into effect of the Order are already in the fourth key stage.