



Education Act 2002

2002 CHAPTER 32

PART 7

THE CURRICULUM IN WALES

The National Curriculum for Wales

108 Establishment of the National Curriculum for Wales by order

- (1) The National Assembly for Wales shall so exercise the powers conferred by subsections (2) and (3) as to—
 - (a) establish a complete National Curriculum for Wales for the foundation stage as soon as is reasonably practicable, and
 - (b) revise the National Curriculum for Wales for the foundation stage and the key stages whenever the Assembly considers it necessary or expedient to do so.
- (2) In respect of the foundation stage, the National Assembly for Wales—
 - (a) shall by order specify the areas of learning, and
 - (b) may by order specify in relation to each of those areas—
 - (i) such desirable outcomes,
 - (ii) such educational programmes, and
 - (iii) such assessment arrangements,as the Assembly considers appropriate for that area.
- (3) In respect of the first, second and third key stages and (subject to section 107) the fourth key stage, the National Assembly for Wales 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 the Assembly considers appropriate for that subject.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Education Act 2002. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (4) An order under subsection (2) or (3) may not require—
- (a) the allocation of any particular period or periods of time during the foundation stage or any key stage to the teaching of any educational programme or programme of study or any matter, skill or process forming part of it, or
 - (b) the making in school timetables (or the timetables of any person providing funded nursery education) of provision of any particular kind for the periods to be allocated to such teaching during any such stage.
- (5) An order under subsection (2) or (3) may, instead of containing the provisions to be made, refer to provisions in a document published as 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.
- (6) An order under subsection (2)(b)(iii) may confer or impose such functions on—
- (a) the governing body and head teacher of a maintained school or a maintained nursery school,
 - (b) a person providing funded nursery education under the arrangements mentioned in section 98(2)(b),
 - (c) an early years development and childcare partnership, and
 - (d) a local education authority,
- as appear to the National Assembly for Wales to be required.
- (7) An order under subsection (3)(c) may confer or impose such functions on—
- (a) the governing body and head teacher, and
 - (b) the local education authority,
- as appear to the National Assembly for Wales to be required.
- (8) An order under subsection (2)(b)(iii) or (3)(c) may specify such assessment arrangements as may for the time being be made by a person specified in the order.
- (9) Provision shall be made for determining the extent to which any assessment arrangements, and the implementation of the arrangements, achieve the purpose for which the arrangements are made; and any such provision may be made by or under the order specifying the arrangements or (where the order specifies the person making the arrangements) in the arrangements themselves.
- (10) The duties that may be imposed by virtue of subsection (6) or (7) include, in relation to persons exercising any power in pursuance of provision made by virtue of subsection (9), the duty to permit them—
- (a) to enter premises of the school or, as the case may be, premises on which the funded nursery education is being provided,
 - (b) to observe implementation of the arrangements, and
 - (c) to inspect, and take copies of, documents and other articles.
- (11) An order under subsection (2)(b)(iii) or (3)(c) may authorise the making of such provisions giving full effect to or otherwise supplementing the provisions made by the order (other than provision conferring or imposing functions as mentioned in subsection (6) or (7)) as appear to the National Assembly for Wales to be expedient; and any provisions made under such an order shall, on being published as specified in the order, have effect for the purposes of this Part as if made by the order.

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Annotations:

Modifications etc. (not altering text)

- C1** [S. 108](#) modified (W.) (temp. from 19.12.2002) by [The Education Act 2002 \(Transitional Provisions\) \(Wales\) Regulations 2002 \(S.I. 2002/3184\)](#), [reg. 5\(1\)\(5\)](#)
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Commencement Information

- I1** [S. 108](#) partly in force; [s. 108](#) not in force at Royal Assent, see [s. 216](#); [s. 108\(1\)\(b\)\(3\)-\(5\)\(7\)-\(11\)](#) in force at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Education Act 2002. Any changes that have already been made by the team appear in the content and are referenced with annotations.

Changes and effects yet to be applied to :

- s. 108 words substituted by 2009 nawm 5 s. 21(7)(a)
- s. 108(1)-(3) words substituted by 2009 nawm 1 Sch. para. 12 13
- s. 108(1) words substituted by 2009 nawm 1 Sch. para. 15
- s. 108(1)(a)(2)(6) coming into force by S.I. 2008/1728 art. 3 Sch. Pt. 1
- s. 108(3) word omitted by 2009 nawm 5 s. 21(7)(b)
- s. 108(3) words substituted by 2009 nawm 1 Sch. para. 15
- s. 108(6) words substituted by 2009 nawm 1 Sch. para. 12 13
- s. 108(7) words substituted by 2009 nawm 1 Sch. para. 12 13
- s. 108(11) words substituted by 2009 nawm 1 Sch. para. 12 13
- 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:

- Act Education Acts modified (temp.) by 2006 c. 40 Sch. 6 para. 3(3)
- Act applied by S.I. 2005/397 Sch. 2 para. 2
- Act modified by 2005 c. 18 s. 96(2)
- Act words substituted by S.I. 2010/1158 Sch. 2 para. 11(2)
- Act words substituted by S.I. 2010/1158 Sch. 2 para. 11(3)

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

- s. 2(1A) inserted by 2006 c. 40 Sch. 16 para. 2(2)
- s. 4(1A) inserted by 2006 c. 40 Sch. 16 para. 3(3)
- s. 4(2)(aa) inserted by 2006 c. 40 Sch. 16 para. 3(4)(b)
- s. 14(2)(j) (k) inserted by 2004 c. 31 s. 59(2)
- s. 14(2)(ca) inserted by 2011 c. 21 s. 15(2)(a)
- s. 14(2A) inserted by 2004 c. 31 s. 59(3)
- s. 14(2ZA) inserted by 2005 c. 18 Sch. 14 para. 23(2)
- s. 14(2ZA) word substituted by 2011 c. 21 s. 15(2)(b)
- s. 15(4) added by S.I. 2010/1158 Sch. 2 para. 11(6)
- s. 16(2A) (2B) inserted by 2011 c. 21 s. 15(3)(c)
- s. 19(1A) inserted by 2011 c. 21 s. 38(2)
- s. 19(4A) (4B) inserted by 2011 c. 21 s. 38(4)
- s. 19(9) inserted by 2011 nawm 7 s. 19(2)(b)
- s. 20(4A) inserted by 2011 nawm 7 s. 19(3)(b)
- s. 21(5)-(9) applied (with modifications) by S.I. 2007/2979 Sch. 1 para. 12
- s. 21(5)-(9) inserted by 2006 c. 40 s. 38(1)
- s. 21(9)(a) substituted by 2009 c. 22 s. 194(9)(a)
- s. 21(9)(b) substituted by 2015 anaw 2 Sch. 4 para. 7
- s. 21(10) inserted by 2009 c. 22 s. 194(9)(b)
- s. 21(10) words repealed by S.I. 2010/1158 Sch. 2 para. 11(7) Sch. 3 Pt. 1
- s. 23A inserted by 2006 c. 40 s. 34
- s. 25(1)(za) inserted by 2006 c. 40 Sch. 7 para. 19(a)
- s. 27(1A) inserted by 2010 c. 26 s. 4(1)
- s. 28(4A)-(4C) inserted by 2006 c. 40 s. 38(2)
- s. 28(4C) omitted by 2014 c. 6 s. 88(3)
- s. 28A inserted by 2005 c. 18 s. 105

- 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. 29A inserted by [2008 c. 25 s. 154](#)
- s. 29B inserted by [2008 c. 25 s. 157](#)
- s. 30(2A) inserted by [2009 nawm 3 s. 2](#)
- s. 30A inserted by [2005 c. 18 s. 104](#)
- s. 30A repealed by [2011 c. 21 s. 32\(1\)](#)
- s. 32(5)-(10) inserted by [2008 nawm 2 s. 21\(2\)\(c\)](#)
- s. 32(5)-(10) omitted by [2014 anaw 5 Sch. 3 para. 1\(2\)\(c\)](#)
- s. 32A-32C inserted by [2014 anaw 5 s. 42](#)
- s. 37(1)-(7B) applied (with modifications) by [SI 2007/2979 Sch. 1 para. 17B](#) (as inserted) by [S.I. 2012/3158 reg. 3\(2\)](#)
- s. 37(7A) (7B) inserted by [2011 c. 21 s. 47\(2\)](#)
- s. 51A applied (with modifications) by [S.I. 2012/1033 reg. 21](#)
- s. 51A inserted by [2011 c. 21 s. 4\(2\)](#)
- s. 62A applied (with modifications) by [S.I. 2007/2979 Sch. 1 para. 18\(1\)](#)
- s. 62A inserted by [2006 c. 40 Sch. 7 para. 20](#)
- s. 62A(1A)-(1C) inserted by [2009 c. 22 s. 204\(2\)](#)
- s. 62A(4) words inserted by [2009 c. 22 s. 204\(3\)](#)
- s. 76(1) s. 76 renumbered as s. 76(1) by [2009 c. 22 Sch. 12 para. 32\(2\)](#)
- s. 76(1) words repealed by [2009 c. 22 Sch. 12 para. 32\(2\) \(3\) Sch. 16 Pt. 4](#)
- s. 76(2) inserted by [2009 c. 22 Sch. 12 para. 32\(5\)](#)
- s. 84(A4)(4) substituted for s. 84(4) by [S.I. 2013/2093 art. 2\(b\)](#)
- s. 84(3)(ga) inserted by [S.I. 2013/2093 art. 2\(a\)](#)
- s. 85 85A substituted for s. 85 by [2006 c. 40 s. 74\(1\)](#)
- s. 85(4)(a) substituted by [S.I. 2013/2092 art. 3](#)
- s. 85(6) words substituted by [2009 c. 22 Sch. 12 para. 33](#)
- s. 85(9) amended (temp.) by [2009 c. 22 Sch. 12 para. 33](#) (as amended) by [S.I. 2010/1151 art. 21](#)
- s. 85(9) words omitted by [S.I. 2012/2056 art. 2\(b\)](#)
- s. 85(9) words substituted by [2011 c. 21 Sch. 8 para. 12](#)
- s. 85(10) words omitted by [S.I. 2012/2056 art. 2\(c\)](#)
- s. 85A amendment to earlier affecting provision [2006 c. 40 s. 74\(1\)](#) by [2011 c. 21 s. 31\(2\)](#)
- s. 85A amendment to earlier affecting provision [2006 c. 40 s. 74\(1\)](#) by [2011 c. 21 Sch. 8 para. 20\(b\)](#)
- 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. 87(6A) inserted by [2009 c. 22 s. 159\(2\)](#)
- s. 87(7)(c) (d) inserted by [2009 c. 22 Sch. 12 para. 35\(3\)\(b\)](#)
- s. 87(7)(c) omitted by [2011 c. 21 Sch. 8 para. 13](#)
- s. 87(8A) inserted by [2009 c. 22 s. 159\(3\)](#)
- s. 87(11)-(14) substituted for s. 87(11) by [2009 c. 22 Sch. 12 para. 35\(6\)](#)
- s. 87(12A) inserted by [2009 c. 22 s. 159\(4\)](#)
- s. 88(1) s. 88 renumbered as s. 88(1) by [2006 c. 40 s. 74\(3\)](#)
- s. 88(1) s. 88 renumbered as s. 88(1) by [2008 c. 25 s. 156\(1\)](#)
- s. 88(1) words inserted by [2008 c. 25 s. 156\(1\)](#)
- s. 88(1A) inserted by [2008 c. 25 s. 156\(2\)](#)
- s. 88(2)-(7) inserted by [2006 c. 40 s. 74\(3\)](#)
- s. 88(7) repealed by [S.I. 2010/1080 Sch. 1 para. 45 Sch. 2 Pt. 1](#)
- s. 90(5)(b) substituted by [2011 c. 21 Sch. 8 para. 14\(4\)](#)
- s. 90(5A)-(5C) inserted by [2009 c. 22 Sch. 12 para. 36\(4\)](#)
- s. 90(5A) words substituted by [2011 c. 21 Sch. 8 para. 14\(5\)](#)
- s. 90(5B) omitted by [2011 c. 21 Sch. 8 para. 14\(6\)](#)
- s. 90(5C) words substituted by [2011 c. 21 Sch. 8 para. 14\(7\)](#)
- s. 96(3)-(3B) substituted for s. 96(3) by [2009 c. 22 Sch. 12 para. 37\(3\)](#)

- s. 96(6A) (6B) inserted by 2009 c. 22 Sch. 12 para. 37(7)
- s. 100(4)(c) inserted by 2009 nawm 1 s. 2(3)
- s. 101(1)(ba)(bb) inserted by S.I. 2003/932 art. 2
- s. 101(1)(ba) inserted by S.I. 2003/932 art. 2(2)
- s. 101(1)(bb) inserted by S.I. 2003/932 art. 2(3)
- s. 101(1)(bb) text amended by S.I. 2008/1899 art. 2
- s. 101(1)(bb) words substituted by S.I. 2008/1899 art. 2
- s. 101(1)(ca) inserted by 2009 nawm 1 s. 3(3)
- s. 105(3)(aa) inserted by S.I. 2008/1899 art. 3(b)
- s. 105(3)(aa) inserted by S.I. 2008/1899 art. 3(b)
- s. 107(1) s. 107 renumbered as s. 107(1) by 2009 nawm 1 s. 19(2)
- s. 107(1) words substituted by 2009 nawm 1 s. 19(2)
- s. 107(2) inserted by 2009 nawm 1 s. 19(3)
- s. 116A and cross-heading inserted by 2009 nawm 1 s. 4
- s. 116B inserted by 2009 nawm 1 s. 5
- s. 116C inserted by 2009 nawm 1 s. 6
- s. 116D inserted by 2009 nawm 1 s. 7
- s. 116E inserted by 2009 nawm 1 s. 8
- s. 116F inserted by 2009 nawm 1 s. 9
- s. 116G inserted by 2009 nawm 1 s. 10
- s. 116H inserted by 2009 nawm 1 s. 11
- s. 116I inserted by 2009 nawm 1 s. 12
- s. 116I(3) (4) substituted for s. 116I(3) by 2014 anaw 1 s. 6(3)
- s. 116J inserted by 2009 nawm 1 s. 13
- s. 116J(5)(b) (c) omitted by 2011 nawm 7 s. 9(3)(b)(ii)
- s. 116J(5)(aa) inserted by 2011 nawm 7 s. 9(3)(b)(i)
- s. 116K inserted by 2009 nawm 1 s. 14
- s. 116K(3) words substituted by 2014 anaw 1 s. 6(4)
- s. 116L inserted by 2009 nawm 1 s. 15
- s. 116M inserted by 2009 nawm 1 s. 16
- s. 116N inserted by 2009 nawm 1 s. 17
- s. 116N(3)(b) words omitted by 2013 anaw 1 Sch. 5 para. 21(6)
- s. 116O inserted by 2009 nawm 1 s. 18
- s. 129(6) inserted by 2006 c. 40 Sch. 3 para. 47(3)
- s. 129(6)(b) words inserted by 2013 anaw 1 Sch. 5 para. 21(7)
- s. 135A-135C and cross-heading inserted by 2011 c. 21 s. 9
- s. 135A(1)(c) words inserted by S.I. 2012/976 Sch. para. 12
- s. 135A(1)(d) words inserted by 2011 c. 21 Sch. 13 para. 13(2)(a)
- s. 135A(2)(k) words substituted by 2011 c. 21 Sch. 13 para. 13(2)(b)
- s. 135A(5) words inserted by 2011 c. 21 Sch. 13 para. 13(2)(c)
- s. 137(2A) inserted by 2007 c. 25 s. 23(2)
- s. 140(4)(5) inserted by 2015 anaw 1 Sch. para. 6
- s. 141A-141E and cross-heading inserted by 2011 c. 21 s. 8(1)
- s. 141A(1)(ba) inserted by 2011 c. 21 Sch. 13 para. 13(3)
- s. 141D(4) words inserted by 2011 c. 21 Sch. 13 para. 13(4)
- s. 141F-141H and cross-heading inserted by 2011 c. 21 s. 13(1)
- s. 141F(15)(b) words inserted by 2015 c. 2 Sch. 11 para. 19(2)(b)
- s. 141F(15)(b) words substituted by 2015 c. 2 Sch. 11 para. 19(2)(a)
- s. 141F(16) inserted by 2015 c. 2 Sch. 11 para. 19(3)
- s. 142(9)(a) words inserted by S.I. 2010/1158 Sch. 2 para. 11(10)(a)
- s. 142(9)(b) words substituted by S.I. 2010/1158 Sch. 2 para. 11(10)(b)
- s. 153(2)(ab) inserted by 2018 anaw 2 Sch. 1 para. 9(2)
- s. 156A inserted by 2008 c. 25 Sch. 1 para. 15
- s. 156AA inserted by S.I. 2012/976 Sch. para. 13
- s. 157(1A) inserted by 2006 c. 21 s. 47(1)
- s. 157(1A) repealed by 2008 c. 25 Sch. 1 para. 16 Sch. 2
- s. 157(2)(b) repealed by 2008 c. 25 Sch. 1 para. 16 Sch. 2
- s. 158(4)(5) inserted by 2018 anaw 2 s. 54(2)

- s. 162A 162B inserted by 2005 c. 18 Sch. 8 para. 2
- s. 162A repealed by 2008 c. 25 Sch. 1 para. 18 Sch. 2
- s. 162A(4) repealed by 2006 c. 40 Sch. 14 para. 73(2) Sch. 18 Pt. 5
- s. 162A(5) words substituted by 2006 c. 40 Sch. 14 para. 73(3)
- s. 162B repealed by 2008 c. 25 Sch. 1 para. 18 Sch. 2
- s. 162B(8) repealed by 2006 c. 40 Sch. 14 para. 74 Sch. 18 Pt. 5
- s. 163(5) words repealed by 2008 c. 25 Sch. 1 para. 19(c) Sch. 2
- s. 164(12) words repealed by 2008 c. 25 Sch. 1 para. 20 Sch. 2
- s. 167A-167D and cross-heading inserted by 2006 c. 40 s. 169
- s. 167A(6)(a) repealed by 2008 c. 25 Sch. 1 para. 22(a) Sch. 2
- s. 167A(6)(b) words repealed by 2008 c. 25 Sch. 1 para. 22(b) Sch. 2
- s. 167B(1) words substituted by S.I. 2008/2833 Sch. 3 para. 196
- s. 167C amendment to earlier affecting provision 2008 c. 25 Sch. 1 para. 23 by 2011 c. 21 Sch. 2 para. 20(b)
- s. 167C 167D substituted by 2008 c. 25 Sch. 1 para. 23
- s. 167C words substituted by 2009 c. 26 s. 81(2)s. 81(3)(k)
- s. 167C words substituted by 2009 c. 26 s. 81(4)(a)
- s. 167C words substituted by S.I. 2012/3006 art. 13(1)art. 13(2)(e)
- s. 168A-168C inserted by 2006 c. 40 s. 172(2)
- s. 183(1)(a)(aa) substituted for s. 183(1)(a) and word by S.I. 2010/1080 Sch. 1 para. 48(a)
- s. 183(1)(aa) omitted by 2011 c. 21 Sch. 16 para. 19
- s. 183(1)(aa) word omitted by 2015 c. 20 Sch. 14 para. 46(b)
- s. 203(1A) inserted by 2011 c. 21 Sch. 13 para. 13(5)(a)
- s. 208A inserted by 2009 c. 22 Sch. 6 para. 55
- s. 208A omitted by 2011 c. 21 Sch. 16 para. 20
- s. 210(6A) (6B) inserted by 2008 nawm 2 s. 21(3)(b)
- s. 210(6A) word substituted by 2014 anaw 5 Sch. 3 para. 1(6)
- s. 210(6A) words inserted by 2009 nawm 1 s. 20(2)(a)
- s. 210(6A) words inserted by 2009 nawm 1 s. 20(2)(b)
- s. 210(6A) words inserted by 2009 nawm 1 s. 20(2)(c)
- s. 210(6A) words inserted by 2009 c. 22 Sch. 6 para. 56
- s. 210(6A) words omitted by 2011 c. 21 Sch. 16 para. 21
- s. 210(6AB) inserted by 2009 nawm 1 s. 20(3)
- s. 210A inserted by 2008 c. 25 Sch. 1 para. 79
- Sch. 1 para. 5(1A) (1B) inserted by 2011 nawm 7 s. 19(7)
- Sch. 1 para. 3(2A) (2B) inserted by 2010 c. 26 s. 6(2)
- Sch. 1 para. 5(2)(a)(iv) and words inserted by 2010 c. 32 Sch. 2 para. 15
- Sch. 1 para. 5(1A) (1B) inserted by 2011 c. 21 s. 39
- Sch. 1 para. 5(2)(b)(i)-(iii) substituted by 2013 anaw 1 Sch. 5 para. 21(11)
- Sch. 1 para. 5(2)(a)(i) words repealed by S.I. 2010/1080 Sch. 1 para. 49 Sch. 2 Pt. 1
- Sch. 2 para. 11 inserted by 2009 c. 22 s. 237(7)
- Sch. 11A inserted by 2011 c. 21 s. 8(2)
- Sch. 11A para. 2(4) words substituted by S.I. 2012/3006 art. 13(1)art. 13(2)(e)
- Sch. 11B inserted by 2011 c. 21 Sch. 4
- Sch. 11B para. 7(2)(a)(ii) words substituted by S.I. 2012/1809 Sch. Pt. 1
- Sch. 21 para. 113(c)(d)(g) coming into force by S.I. 2003/2961 art. 5 Sch. Pt. 2
- Sch. 21 para. 113(b)(f) coming into force by S.I. 2005/2910 art. 4 Sch.