



# Education Act 2002

## 2002 CHAPTER 32

### PART 6

#### THE CURRICULUM IN ENGLAND

##### *The National Curriculum for England*

#### **[<sup>F2</sup>85    <sup>F1</sup>Curriculum requirements for fourth key stage**

- (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—
  - (a) mathematics,
  - (b) English, and
  - (c) science.
- (4) The following are the other foundation subjects for the fourth key stage—
  - [<sup>F3</sup>(a) computing,]
  - (b) physical education, and
  - (c) citizenship.
- (5) The elements for the fourth key stage referred to in subsection (1) are—
  - <sup>F4</sup>(a) .....
  - (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,

---

*Changes to legislation: Education Act 2002, Section 85 is up to date with all changes known to be in force on or before 11 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*

---

- (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 [<sup>F5</sup>local authority], governing body or head teacher shall have regard to any guidance relating to <sup>F6</sup>... the entitlement areas which is issued from time to time by the [<sup>F7</sup>Secretary of State].
- (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;
- <sup>F8</sup> ...]

#### Textual Amendments

- F1** S. 85 amendment to earlier affecting provision 2006 c. 40 s. 74(1) (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 8 para. 20(a)**; S.I. 2012/924, art. 2
- F2** S. 85 substituted (E.) (15.11.2003) by [Education \(Amendment of the Curriculum Requirements for Fourth Key Stage\) \(England\) Order 2003 \(S.I. 2003/2946\)](#), arts. 1(2), **2** (with art. 3)
- F3** S. 85(4)(a) substituted (1.9.2014) by [The Education \(Amendment of the Curriculum Requirements\) \(England\) Order 2013 \(S.I. 2013/2092\)](#), arts. 1, **3**
- F4** S. 85(5)(a) omitted (1.9.2012) by virtue of [The Education \(Amendment of the Curriculum Requirements for Fourth Key Stage\) \(England\) Order 2012 \(S.I. 2012/2056\)](#), arts. 1, **2(a)**
- F5** 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)**
- F6** Words in s. 85(9) omitted (1.9.2012) by virtue of [The Education \(Amendment of the Curriculum Requirements for Fourth Key Stage\) \(England\) Order 2012 \(S.I. 2012/2056\)](#), arts. 1, **2(b)**
- F7** Words in s. 85(9) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 8 para. 12**; S.I. 2012/924, art. 2

---

**Changes to legislation:** Education Act 2002, Section 85 is up to date with all changes known to be in force on or before 11 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** Words in s. 85(10) omitted (1.9.2012) by virtue of [The Education \(Amendment of the Curriculum Requirements for Fourth Key Stage\) \(England\) Order 2012 \(S.I. 2012/2056\)](#), arts. 1, **2(c)**

**Modifications etc. (not altering text)**

- C1** S. 85 applied by 1989 c. 41, Sch. 2 para. 19(6) (as amended (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), **Sch. 3 para. 72(b)** (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o) (as amended (15.10.2005) by S.I. 2005/2897, art. 14(3)))
- C2** S. 85 modified (temp.) (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 74(4)**, 188(3) (with s. 74(5)); S.I. 2007/935, art. 5(k)
- C3** S. 85(9) modified (temp.) by 2009 c. 22 Sch. 12 para. 33 (as amended) (30.3.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Commencement No. 3 and Transitional and Transitory Provisions\) and \(Commencement No. 2 \(Amendment\)\) Order 2010 \(S.I. 2010/1151\)](#), art. 21

**Changes to legislation:**

Education Act 2002, Section 85 is up to date with all changes known to be in force on or before 11 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.

[View outstanding changes](#)

**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](#)