



Education Act 2002

2002 CHAPTER 32

PART 6

THE CURRICULUM IN ENGLAND

The National Curriculum for England: special cases

90 Development work and experiments

- (1) For the purpose of enabling development work or experiments to be carried out, the Secretary of State may direct in respect of a particular maintained school ^{F1}... that, for such period as may be specified in the direction, the National Curriculum for England—
 - (a) shall not apply, or
 - (b) shall apply with such modifications as may be specified in the direction.
- (2) A direction under subsection (1) may apply either generally or in such cases as may be specified in the direction.
- (3) In the case of a community, voluntary controlled or community special school ^{F2}..., a direction shall not be given under subsection (1) except on an application—
 - (a) by the governing body with the agreement of the [^{F3}local authority], [^{F4} or]
 - (b) by the [^{F3}local authority] with the agreement of the governing body, ^{F5}...
 - ^{F5}(c)
- (4) In the case of a foundation, voluntary aided or foundation special school, a direction shall not be given under subsection (1) except on an application by the governing body^{F6}....
- (5) The Secretary of State may make it a condition of a direction under subsection (1) that any person by whom or with whose agreement the request for the direction was made should, when so directed or at specified intervals, report on any matters specified by the Secretary of State to—
 - (a) the Secretary of State, or

Changes to legislation: Education Act 2002, Section 90 is up to date with all changes known to be in force on or before 07 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

[^{F7}(b) a person designated for the purposes of this subsection by the Secretary of State.]

[^{F8}(5A) If required by the Secretary of State to do so [^{F9}a person designated for the purposes of this subsection by the Secretary of State] shall keep under review development work or experiments carried out following a direction given under subsection (1).

^{F10}(5B)

(5C) A designation under [^{F11}subsection (5)(b) or (5A)] may make different provision for different purposes.]

(6) The Secretary of State may by a direction under this subsection vary or revoke a direction under subsection (1).

Textual Amendments

- F1** Words in s. 90(1) repealed (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), Sch. 1 para. 12(2), **Sch. 3 Pt. 1**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F2** Words in s. 90(3) repealed (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), Sch. 1 para. 12(3), **Sch. 3 Pt. 1**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F3** 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)**
- F4** Word in s. 90(3) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 8 para. 14(2)(a)**; S.I. 2012/924, art. 2
- F5** S. 90(3)(c) and word omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 8 para. 14(2)(b)**; S.I. 2012/924, art. 2
- F6** Words in s. 90(4) omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 8 para. 14(3)**; S.I. 2012/924, art. 2
- F7** S. 90(5)(b) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 8 para. 14(4)**; S.I. 2012/924, art. 2
- F8** S. 90(5A)-(5C) inserted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 36(4)**; S.I. 2010/1151, art. 2, Sch. 1
- F9** Words in s. 90(5A) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 8 para. 14(5)**; S.I. 2012/924, art. 2
- F10** S. 90(5B) omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 8 para. 14(6)**; S.I. 2012/924, art. 2
- F11** Words in s. 90(5C) substituted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 8 para. 14(7)**; S.I. 2012/924, art. 2

Modifications etc. (not altering text)

- C1** S. 90 applied (with modifications) (25.5.2007) by The School Governance (New Schools) (England) Regulations 2007 (S.I. 2007/958), regs. 1, **30**
- C2** S. 90(3) modified (31.3.2004) by The Blackburn with Darwen (Maintained Nursery School Governance) Order 2004 (S.I. 2004/657), arts. 1(1), **3(i)**

Changes to legislation:

Education Act 2002, Section 90 is up to date with all changes known to be in force on or before 07 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.

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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](#)