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STATUTORY INSTRUMENTS

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**1998 No. 1987**

**EDUCATION, ENGLAND AND WALES**

**The Education (National Curriculum)  
(Attainment Targets and Programmes of Study  
in Physical Education) (England) Order 1998**

<i>Made</i>	- - - -	<i>11th August 1998</i>
<i>Laid before Parliament</i>		<i>11th August 1998</i>
<i>Coming into force</i>	- -	<i>1st September 1998</i>

Whereas, following the referral to it of a proposal by the Secretary of State in accordance with subsection (2) of section 368 of the Education Act 1996<sup>(1)</sup>, the Qualifications and Curriculum Authority (“the Authority”)<sup>(2)</sup> has, in accordance with subsection (3) of that section, given notice thereof to the bodies and persons referred to in that subsection and afforded them a reasonable opportunity of submitting evidence and representations as to the issues arising:

And whereas, in accordance with directions given by the Secretary of State under the said subsection (2), the Authority has submitted its report to the Secretary of State in accordance with subsection (4) of the said section 368;

And whereas the Authority has, after submitting its report to the Secretary of State, arranged for it to be published in accordance with subsection (5) of that section;

And whereas the Secretary of State has published a draft of the Order and sent copies of it to the Authority and all those who were consulted by the Authority, and has allowed a period of not less than one month for the submission of evidence and representations as to the issues arising in accordance with subsection (7) of that section:

Now therefore the Secretary of State for Education and Employment, in exercise of the powers conferred on the Secretary of State by sections 356(2)(a) and (b) and (4) and 568(5) and (6) of the Education Act 1996 hereby makes the following Order in the terms of the said draft:

**Citation, Commencement and Interpretation**

**1.—(1)** This Order may be cited as the Education (National Curriculum) (Attainment Targets and Programmes of Study in Physical Education) (England) Order 1998 and shall come into force on 1st September 1998.

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(1) *c. 56*. Section 368 was amended by paragraph 28 of Schedule 7 to the Education Act 1997 (*c. 44*).

(2) The Qualifications and Curriculum Authority was established by section 21 of the Education Act 1997.

(2) In this Order–

“The Document” means the Document published by Her Majesty’s Stationery Office in January 1995 entitled “Physical Education in the National Curriculum”(3).

(3) This Order applies only to pupils at maintained schools and grant-maintained schools (other than schools established in a hospital) in England.

### **Revocation**

2. The Education (National Curriculum) (Attainment Targets and Programmes of Study in Physical Education) Order 1995(4) is hereby revoked in so far as it applies to schools in England.

### **Specification of attainment targets and programmes of study**

3. It is hereby directed that the provisions relating to attainment targets and programmes of study set out in the Document shall have effect in relation to schools in England for the purpose of specifying attainment targets and programmes of study in relation to physical education subject to the amendments set out in the Schedule.

4. The examples printed in italics in the Document (which serve to illustrate the programmes of study described therein) do not form part of the provision made by this Order.

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(3) ISBN 0 11 270892 7.

(4) S.I.1995/60.

## SCHEDULE

Article 3

### AMENDMENT OF THE DOCUMENT

On page 1, in the passage headed “Access”, for the words:

“The programme of study for each key stage should be taught to the great majority of pupils in the key stage, in ways appropriate to their abilities.”

there shall be substituted

“Schools are required to provide a balanced and broadly-based curriculum, which must include the National Curriculum foundation subject of physical education. In planning their physical education curriculum at Key Stages 1 and 2, schools should have regard to the Programme of Study set out below, and to the desirability of allowing pupils to follow it, in ways appropriate to their abilities. In so doing, schools should give appropriate weight to any prior need to improve the literacy and numeracy skills of pupils and any necessary adjustments to the Programme of Study should be made to allow this. Such adjustments should not, however, be made in respect of Area of Activity 6 (swimming) which should continue to be taught at Key Stage 2 and which should continue to be an optional addition at Key Stage 1.

The Programme of Study for Key Stages 3 and 4 should be taught to the great majority of pupils in those Key Stages, in ways appropriate to their abilities.”

*Andrew Smith*  
Minister of State,

11th August 1998

Department for Education and Employment

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### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides for the attainment targets and programmes of study set out in the documents published by Her Majesty’s Stationery Office entitled “Physical Education in the National Curriculum” (ISBN 0 11 270892 7) to have effect for the purpose of specifying those elements of the National Curriculum for physical education in relation to schools in England, subject to an amendment to the text of the document, in relation to the first and second key stages of a pupil’s compulsory schooling.

The Order, which comes into force on 1st September 1998, supersedes the provisions of the Education (National Curriculum) (Attainment Targets and Programmes of Study in Physical Education) Order 1995.