

**2004 No. 260**

**EDUCATION**

**Education (National Curriculum) (Modern Foreign Languages)  
(England) Order 2004**

<i>Made</i> - - - -	<i>4th February 2004</i>
<i>Laid before Parliament</i>	<i>10th February 2004</i>
<i>Coming into force</i> - -	<i>1st August 2004</i>

In exercise of the powers conferred on him by section 84(4) and (5)(a) of the Education Act 2002(a), the Secretary of State for Education and Skills hereby makes the following Order:

**Citation, commencement, interpretation and application**

1.—(1) This Order may be cited as the Education (National Curriculum) (Modern Foreign Languages) (England) Order 2004 and shall come into force on 1st August 2004.

(2) In this Order—

“the 2002 Act” means the Education Act 2002;

a reference to the third key stage is a reference to the period set out in section 82(1)(c) of the Education Act 2002;

a reference to relevant pupils is a reference to pupils in the third key stage in respect of whom there is a requirement to study a modern foreign language as a foundation subject; and

a reference to an official language of the European Union is to a language specified as an official language of the institutions of the European Union by Article 1 of EEC Council Regulation No.1 of April 15, 1958(b).

(3) This Order applies to maintained schools in England.

**Revocation of Orders**

2. The following Orders are hereby revoked with respect to England —

(a) The Education (National Curriculum) (Modern Foreign Languages) Order 1991(c); and

(b) The Education (National Curriculum) (Modern Foreign Languages) (Amendment) Order 1994(d).

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(a) 2002 c. 32.

(b) O.J. B 017, 06/10/1958 p.0385-0386. Article 1 has been amended by successive Acts of Accession, most recently by those of Austria, Sweden and Finland.

(c) S.I. 1991/2567.

(d) S.I.1994/1818.

### **Modern foreign language as a foundation subject at the third key stage**

3. A language is a modern foreign language for the purpose of section 84(4) of the 2002 Act if

- (a) the language is an official language of the European Union; or
- (b) the language is a modern foreign language taught at a school that also offers relevant pupils the opportunity of studying one or more of the official languages of the European Union for the purposes of the National Curriculum at the third key stage.

4th February 2004

*David Miliband*  
Minister of State  
Department for Education and Skills

#### **EXPLANATORY NOTE**

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

This Order specifies, for England, languages that are “a modern foreign language”, which is one of the foundation subjects for pupils in the third key stage. It replaces the Education (National Curriculum) (Modern Foreign Languages) Order 1991, as amended by The Education (National Curriculum) (Modern Foreign Languages) (Amendment) Order 1994, which are revoked so far as they extend to England.

£3.00

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under the authority and superintendence of Carol Tullo, Controller of Her Majesty's  
Stationery Office and Queen's Printer of Acts of Parliament.

E0139 2/2004 140139T 19585

ISBN 0-11-048628-5



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