
WELSH STATUTORY INSTRUMENTS

2000 No. 1882 (W.129)

EDUCATION, WALES

The Foundation Subject (Amendment) (Wales) Order 2000

Made - - - - *13th July 2000*

Coming into force - - *20th July 2000*

The requirements set out in Schedule 1 have been fulfilled.

In exercise of the powers conferred on the Secretary of State by section 354(6) of the Education Act 1996⁽¹⁾ and now vested in the National Assembly for Wales⁽²⁾, the National Assembly for Wales makes the following Order a draft of which was laid before, and approved by a resolution of, the National Assembly:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Foundation Subject (Amendment) (Wales) Order 2000 and shall come into force on 20th July 2000.

(2) In this Order —

“the Act” (“*y Ddeddf*”) means the Education Act 1996;

“the Authority” (“*yr Awdurdod*”) means the Qualifications, Curriculum and Assessment Authority for Wales⁽³⁾; and

“the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales.

Amendment

2. The amendments to sections 354 and 580 of the Act as set out in the Foundation Subject (Amendment) (England) Order 2000⁽⁴⁾ shall, except to such extent as they are expressed to have effect only in England, have effect in Wales subject to the further amendments set out in article 3 of this Order.

3. The further amendments referred to in article 2 are as follows —

(1) 1996 c. 56.

(2) The functions of the Secretary of State under section 354(6) were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).

(3) The Qualifications, Curriculum and Assessment Authority for Wales was established by section 14(1)(b) of the Education Reform Act 1988 (c. 40), continued in existence by section 360 of the Education Act 1996 and given its current name by section 27(1) of the Education Act 1997.

(4) S.I. 2000/1146.

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- (a) in the substituted subsection (4), for paragraph (b) substitute –
 - “(b) in relation to schools in Wales, means a modern foreign language specified in an order of the National Assembly for Wales or, if the order so provides, any modern foreign language.”, and
- (b) in the substituted subsection (5) after “(4)(a)” insert “or (b)”.

4. The text of section 354(1) to (5) of the Act as amended by the Order referred to in article 2 and as further amended by this Order, is set out in Schedule 2 to this Order.

Signed on behalf of the National Assembly under section 66(1) of the Government of Wales Act 1998(5)

13th July 2000

Dafydd Elis Thomas
The Presiding Officer of the National Assembly

SCHEDULE 1

Requirements under section 368 of the Education Act 1996(6)

Section 368(2)

The Secretary of State referred a proposal to the Authority and gave directions as to the time within which the Authority were to report(7).

Section 368(3)

The Authority gave notice of the proposal to the bodies and persons referred to in section 368(3) of the Education Act 1996 and gave them a reasonable opportunity of submitting evidence and representations as to the issues arising.

Section 368(5)

The Authority submitted its report to the National Assembly for Wales.

Section 368(5)

The Authority arranged for the report to be published.

Section 368(6) and (7)

A draft of the Order and of the associated document was published and a period of one month allowed for the submission of evidence and representations as to the issues arising.

Section 368(6) and (7)

A copy of the draft Order and associated document was sent to the Authority and to each of the persons consulted by the Authority and a period of one month was allowed for the submission of evidence and representations as to the issues arising.

SCHEDULE 2

ARTICLE 4

Text of section 354(1) to (5) of the Act as amended

“(1) The following are the core subjects —

- (a) mathematics;
- (b) English;
- (c) science; and
- (d) in relation to schools in Wales which are Welsh-speaking schools, Welsh.

(2) In relation to schools in England, the following are the other foundation subjects —

- (a) technology;
- (b) physical education;
- (c) in relation to the first, second and third key stages —
 - (i) history;
 - (ii) geography;
 - (iii) art and design;

(6) 1996 c. 56. Section 368 is amended by paragraph 28 of Schedule 7 to the Education Act 1997 (c. 44). The functions of the Secretary of State under section 368 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(7) Under section 23(3) of the Government of Wales Act 1998 (c. 38) anything done by the Secretary of State in connection with functions formerly vested in him may be continued by the National Assembly and has effect as if done by the National Assembly.

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- (iv) music;
 - (d) in relation to the third and fourth key stages —
 - (i) citizenship;
 - (ii) a modern foreign language.
 - (3) In relation to schools in Wales, the following are the other foundation subjects —
 - (a) physical education;
 - (b) Welsh, if the school is not a Welsh-speaking school;
 - (c) in relation to the first, second and third key stages —
 - (i) history;
 - (ii) geography;
 - (iii) art;
 - (iv) music;
 - (v) technology;
 - (d) in relation to the third key stage, a modern foreign language.
 - (4) “Modern foreign language” —
 - (a) in relation to schools in England, means a modern foreign language specified in an order of the Secretary of State, or, if the order so provides, any modern foreign language; and
 - (b) in relation to schools in Wales, means a modern foreign language specified in an order of the National Assembly for Wales, or, if the order so provides, any modern foreign language.
 - (5) An order under subsection (4)(a) or (b) may —
 - (a) specify circumstances in which a language is not to be treated as a foundation subject;
 - (b) provide for the determination under the order of any question arising as to whether a particular language is a modern foreign language.”.
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EXPLANATORY NOTE

(This note is not part of the Order)

Section 354 of the Education Act 1996 lists the subjects which are foundation subjects for the purposes of the National Curriculum. For pupils at Key Stage 3 (broadly Years 7-9), one of the foundation subjects listed in the section is a modern foreign language specified in an Order of the National Assembly. This Order amends section 354 so that modern foreign languages need no longer be specified in an Order under that section. Instead, the Order may provide that any modern foreign language is to constitute a modern foreign language for the purposes of the National Curriculum.

An Order under the section as amended may also —

- (a) specify circumstances in which a language is not to be treated as a foundation subject; and
- (b) provide a mechanism for deciding any question arising as to whether a particular language is a modern foreign language.

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The text of section 354(1) to (5) as amended is set out in Schedule 2 to the Order.