



Education Act 2002

2002 CHAPTER 32

PART 7

THE CURRICULUM IN WALES

The National Curriculum for Wales

102 The [^{F1}foundation phase]

For the purposes of this Part, the [^{F1}foundation phase] in relation to a pupil is such period as may be specified in an order made by the [^{F2}Welsh Ministers] .

Textual Amendments

- F1** Words in s. 102 substituted (1.9.2011) by [Education \(Wales\) Measure 2009](#) (nawm 5), **ss. 21(3), 26(3)**; [S.I. 2011/1951](#), art. 2
- F2** Words in s. 102 substituted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009](#) (nawm 1), s. 49(2), [Sch. paras. 12, 13](#); [S.I. 2009/3174](#), art. 2(1)(r)

Modifications etc. (not altering text)

- C1** [S. 102](#) applied (1.8.2014) by [The National Curriculum \(Assessment Arrangements for the Foundation Phase and the Second and Third Key Stages\) \(Wales\) Order 2014](#) (S.I. 2014/1999), arts. 1(1), **2(2)**

Commencement Information

- I1** [S. 102](#) in force at 1.8.2008 by [S.I. 2008/1728](#), art. 3, **Sch. Pt. 1**

103 The key stages

(1) For the purposes of this Part, the key stages in relation to a pupil are—

- ^{F3}(a)
- (b) the period beginning at the same time as the school year in which the majority of pupils in his class attain the age of eight and ending at the same time as

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- the school year in which the majority of pupils in his class attain the age of eleven (“the second key stage”),
- (c) the period beginning at the same time as the school year in which the majority of pupils in his class attain the age of twelve and ending at the same time as the school year in which the majority of pupils in his class attain the age of fourteen (“the third key stage”), and
- (d) the period beginning at the same time as the school year in which the majority of pupils in his class attain the age of fifteen and ending at the same time as the school year in which the majority of pupils in his class cease to be of compulsory school age (“the fourth key stage”).
- (2) The head teacher of a school may elect, in relation to a particular pupil and a particular subject, that subsection (1) shall have effect as if any reference to the school year in which the majority of pupils in that pupil’s class attain a particular age were a reference to the school year in which that pupil attains that age.
- (3) If at any time, in the case of a pupil of compulsory school age, subsection (1) does not, apart from this subsection, apply to determine the period within which that time falls, that subsection shall have effect as if—
- (a) in the case of paragraphs (a) to (c), any reference to the school year in which the majority of pupils in that pupil’s class attain a particular age were a reference to the school year in which that pupil attains that age, and
- (b) in the case of paragraph (d), the period were a period beginning at the same time as the school year in which he attains the age of fifteen and ending when he ceases to be of compulsory school age.
- (4) The [F4 Welsh Ministers] may by order—
- (a) provide that, in relation to any subject specified in the order, subsection (1) shall have effect as if for the ages of seven and eight there specified there were substituted such other ages (less than eleven and twelve respectively) as may be specified in the order, or
- (b) amend subsections (1) to (3).
- (5) In this section “class”, in relation to a particular pupil and a particular subject, means—
- (a) the teaching group in which he is regularly taught in that subject, or
- (b) where there are two or more such groups, such one of them as may be designated by the head teacher of the school.

Textual Amendments

- F3** S. 103(1)(a) omitted (1.9.2011) by virtue of [Education \(Wales\) Measure 2009 \(nawm 5\)](#), **ss. 21(4)**, 26(3); S.I. 2011/1951, art. 2
- F4** Words in s. 103(4) substituted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), Sch. paras. 12, **13**; S.I. 2009/3174, art. 2(1)(r)

Modifications etc. (not altering text)

- C2** S. 103(1)(b)(c) applied (1.8.2014) by [The National Curriculum \(Assessment Arrangements for the Foundation Phase and the Second and Third Key Stages\) \(Wales\) Order 2014 \(S.I. 2014/1999\)](#), arts. 1(1), **2(3)**

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104 Curriculum requirements for [^{F5}foundation phase]

For the foundation stage, the National Curriculum for Wales shall specify areas of learning, and may specify in relation to them—

- (a) the knowledge, skills and understanding which pupils of different abilities and maturities are expected to have by the end of the foundation stage (referred to in this Part as “desirable outcomes”),
- (b) the matters, skills and processes which are required to be taught to pupils of different abilities and maturities during the foundation stage (referred to in this Part as “educational programmes”), and
- (c) assessment arrangements.

Textual Amendments

F5 Words in s. 104 substituted (1.9.2011) by [Education \(Wales\) Measure 2009 \(nawm 5\), ss. 21\(5\), 26\(3\); S.I. 2011/1951, art. 2](#)

Commencement Information

I2 S. 104 in force at 1.8.2008 by [S.I. 2008/1728, art. 3, Sch. Pt. 1](#)

105 Curriculum requirements for ^{F6}... second and third key stages

- (1) For the first, second and third key stages, the National Curriculum for Wales shall comprise the core and other foundation subjects specified in subsections (2) and (3) and shall specify attainment targets, programmes of study and assessment arrangements in relation to each of those subjects for each stage.
- (2) The following are the core subjects for the first, second and third key stages—
 - (a) mathematics,
 - (b) English,
 - (c) science, and
 - (d) in relation to Welsh-speaking schools, Welsh.
- (3) The following are the other foundation subjects for the first, second and third key stages—
 - (a) [^{F7}design and] technology,
 - (aa) [^{F8}information and communication technology,]
 - (b) physical education,
 - (c) history,
 - (d) geography,
 - (e) art [^{F9}and design] ,
 - (f) music,
 - (g) Welsh, if the school is not a Welsh-speaking school, and
 - (h) in relation to the third key stage, a modern foreign language.
- (4) In this section “modern foreign language” means a modern foreign language specified in an order made by the [^{F10}Welsh Ministers] or, if the order so provides, any modern foreign language.
- (5) An order under subsection (4) may—

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- (a) specify circumstances in which a language is not to be treated as a foundation subject for the third key stage, and
 - (b) provide for the determination under the order of any question arising as to whether a particular language is a modern foreign language.
- (6) The [F11 Welsh Ministers] may by order amend subsections (2) to (5).
- (7) For the purposes of this section a school is Welsh-speaking if more than one half of the following subjects are taught (wholly or partly) in Welsh—
- (a) religious education, and
 - (b) the subjects other than English and Welsh which are foundation subjects in relation to pupils at the school.
- (8) In this section “school” includes part of a school.

Textual Amendments

- F6** Words in s. 105 omitted (1.9.2011) by virtue of [Education \(Wales\) Measure 2009 \(nawm 5\)](#), **ss. 21(6), 26(3)**; S.I. 2011/1951, art. 2
- F7** Words in s. 105(3)(a) inserted (1.8.2008) by [The School Curriculum in Wales \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1899\)](#), arts. 1, **3(a)**
- F8** S. 105(3)(aa) inserted (1.8.2008) by [The School Curriculum in Wales \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1899\)](#), arts. 1, **3(b)**
- F9** Words in s. 105(3)(e) inserted (1.8.2008) by [The School Curriculum in Wales \(Miscellaneous Amendments\) Order 2008 \(S.I. 2008/1899\)](#), arts. 1, **3(c)**
- F10** Words in s. 105(4) substituted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), Sch. paras. 12, **13**; S.I. 2009/3174, art. 2(1)(r)
- F11** Words in s. 105(6) substituted (7.12.2009) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\)](#), s. 49(2), Sch. paras. 12, **13**; S.I. 2009/3174, art. 2(1)(r)

Modifications etc. (not altering text)

- C3** S. 105(1)-(3) disappplied (1.8.2010 for specified purposes, 1.8.2011 for specified purposes) by [The Education \(Disapplication of the National Curriculum for Wales at Key Stage 1\) \(Wales\) Regulations 2008 \(S.I. 2008/1736\)](#), regs. 1(2), **3**
- C4** S. 105(2) disappplied (1.8.2010 for specified purposes, 1.8.2011 for specified purposes) by [The Education \(Disapplication of the National Curriculum for Wales at Key Stage 1\) \(Wales\) Regulations 2008 \(S.I. 2008/1736\)](#), regs. 1(2), **3**
- C5** S. 105(3) disappplied (1.8.2010 for specified purposes, 1.8.2011 for specified purposes) by [The Education \(Disapplication of the National Curriculum for Wales at Key Stage 1\) \(Wales\) Regulations 2008 \(S.I. 2008/1736\)](#), regs. 1(2), **3**

106 Curriculum requirements for fourth key stage

- (1) For the fourth key stage, the National Curriculum for Wales shall comprise the core and other foundation subjects and specify attainment targets, programmes of study and assessment arrangements in relation to each of them.
- (2) The following are the core subjects for the fourth key stage—
- (a) mathematics,
 - (b) English,
 - (c) science, and
 - (d) in relation to Welsh-speaking schools, Welsh.

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- (3) The following are the other foundation subjects for the fourth key stage—
- (a) physical education, and
 - (b) Welsh, if the school is not a Welsh-speaking school.
- (4) For the purposes of this section a school is Welsh-speaking if more than one half of the following subjects are taught (wholly or partly) in Welsh—
- (a) religious education, and
 - (b) the subjects other than English and Welsh which are foundation subjects in relation to pupils at the school.
- (5) In this section “school” includes part of a school.

107 Power to alter or remove requirements for fourth key stage

- [^{F12}(1)] The [^{F13}Welsh Ministers] may by order—
- (a) amend any provision of section 106, or
 - (b) provide that, while the order remains in force, that section is not to have effect.
- [^{F14}(2) Such an order may make such amendments of this Act as appear to the Welsh Ministers to be necessary or expedient in connection with the provision made under subsection (1).]

Textual Amendments

- F12** S. 107(1): s. 107 renumbered as s. 107(1) (1.1.2010) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\), ss. 19\(2\), 49\(2\); S.I. 2009/3174, art. 2\(2\)\(n\)](#)
- F13** Words in s. 107(1) substituted (1.1.2010) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\), ss. 19\(2\), 49\(2\); S.I. 2009/3174, art. 2\(2\)\(n\)](#)
- F14** S. 107(2) inserted (1.1.2010) by [Learning and Skills \(Wales\) Measure 2009 \(nawm 1\), ss. 19\(3\), 49\(2\); S.I. 2009/3174, art. 2\(2\)\(n\)](#)

108 Establishment of the National Curriculum for Wales by order

- (1) The [^{F15}Welsh Ministers] shall so exercise the powers conferred by subsections (2) and (3) as to—
- (a) establish a complete National Curriculum for Wales for the [^{F16}foundation phase] as soon as is reasonably practicable, and
 - (b) revise the National Curriculum for Wales for the [^{F16}foundation phase] and the key stages whenever [^{F17}the Welsh Ministers consider] it necessary or expedient to do so.
- (2) In respect of the [^{F16}foundation phase], the [^{F15}Welsh Ministers]—
- (a) shall by order specify the areas of learning, and
 - (b) may by order specify in relation to each of those areas—
 - (i) such desirable outcomes,
 - (ii) such educational programmes, and
 - (iii) such assessment arrangements,as the Assembly considers appropriate for that area.

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- (3) In respect of the ^{F18}... second and third key stages and (subject to section 107) the fourth key stage, the [^{F15}Welsh Ministers] may by order specify in relation to each of the foundation subjects—
- (a) such attainment targets,
 - (b) such programmes of study, and
 - (c) such assessment arrangements,
- as [^{F19}the Welsh Ministers consider] appropriate for that subject.
- (4) An order under subsection (2) or (3) may not require—
- (a) the allocation of any particular period or periods of time during the [^{F16}foundation phase] or any key stage to the teaching of any educational programme or programme of study or any matter, skill or process forming part of it, or
 - (b) the making in school timetables (or the timetables of any person providing funded nursery education) of provision of any particular kind for the periods to be allocated to such teaching during any such stage.
- (5) An order under subsection (2) or (3) may, instead of containing the provisions to be made, refer to provisions in a document published as specified in the order and direct that those provisions are to have effect or, as the case may be, are to have effect as amended by the order.
- (6) An order under subsection (2)(b)(iii) may confer or impose such functions on—
- (a) the governing body and head teacher of a maintained school or a maintained nursery school,
 - (b) a person providing funded nursery education under the arrangements mentioned in section 98(2)(b),
 - (c) an early years development and childcare partnership, and
 - (d) a [^{F20}local authority],
- as appear to the [^{F21}Welsh Ministers] to be required.
- (7) An order under subsection (3)(c) may confer or impose such functions on—
- (a) the governing body and head teacher, and
 - (b) the [^{F20}local authority],
- as appear to the [^{F22}Welsh Ministers] to be required.
- (8) An order under subsection (2)(b)(iii) or (3)(c) may specify such assessment arrangements as may for the time being be made by a person specified in the order.
- (9) Provision shall be made for determining the extent to which any assessment arrangements, and the implementation of the arrangements, achieve the purpose for which the arrangements are made; and any such provision may be made by or under the order specifying the arrangements or (where the order specifies the person making the arrangements) in the arrangements themselves.
- (10) The duties that may be imposed by virtue of subsection (6) or (7) include, in relation to persons exercising any power in pursuance of provision made by virtue of subsection (9), the duty to permit them—
- (a) to enter premises of the school or, as the case may be, premises on which the funded nursery education is being provided,
 - (b) to observe implementation of the arrangements, and

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- (c) to inspect, and take copies of, documents and other articles.
- (11) An order under subsection (2)(b)(iii) or (3)(c) may authorise the making of such provisions giving full effect to or otherwise supplementing the provisions made by the order (other than provision conferring or imposing functions as mentioned in subsection (6) or (7)) as appear to the [F23 Welsh Ministers] to be expedient; and any provisions made under such an order shall, on being published as specified in the order, have effect for the purposes of this Part as if made by the order.

Textual Amendments

- F15** Words in s. 108(1)-(3) substituted (7.12.2009) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), Sch. paras. 12, 13; S.I. 2009/3174, art. 2(1)(r)
- F16** Words in s. 108 substituted (1.9.2011) by Education (Wales) Measure 2009 (nawm 5), ss. 21(7)(a), 26(3); S.I. 2011/1951, art. 2
- F17** Words in s. 108(1) substituted (7.12.2009) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), Sch. para. 15; S.I. 2009/3174, art. 2(1)(r)
- F18** Word in s. 108(3) omitted (1.9.2011) by virtue of Education (Wales) Measure 2009 (nawm 5), ss. 21(7)(b), 26(3); S.I. 2011/1951, art. 2
- F19** Words in s. 108(3) substituted (7.12.2009) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), Sch. para. 15; S.I. 2009/3174, art. 2(1)(r)
- F20** 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)
- F21** Words in s. 108(6) substituted (7.12.2009) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), Sch. paras. 12, 13; S.I. 2009/3174, art. 2(1)(r)
- F22** Words in s. 108(7) substituted (7.12.2009) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), Sch. paras. 12, 13; S.I. 2009/3174, art. 2(1)(r)
- F23** Words in s. 108(11) substituted (7.12.2009) by Learning and Skills (Wales) Measure 2009 (nawm 1), s. 49(2), Sch. paras. 12, 13; S.I. 2009/3174, art. 2(1)(r)

Modifications etc. (not altering text)

- C6** S. 108 modified (W.) (temp. from 19.12.2002) by The Education Act 2002 (Transitional Provisions) (Wales) Regulations 2002 (S.I. 2002/3184), reg. 5(1)(5)

Commencement Information

- I3** S. 108(1)(b)(3)-(5)(7)-(11) in force at 19.12.2002 by S.I. 2002/3185, art. 4, Sch. Pt. I
- I4** S. 108(1)(a)(2)(6) in force at 1.8.2008 by S.I. 2008/1728, art. 3, Sch. Pt. 1

109 Implementation of the National Curriculum for Wales in schools

In relation to any maintained school and any school year—

- (a) the [F20 local authority] and the governing body shall exercise their functions with a view to securing, and
- (b) the head teacher shall secure,
- that the National Curriculum for Wales as subsisting at the beginning of that year is implemented.

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Textual Amendments

F20 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)**

110 Implementation in respect of nursery schools etc.

- (1) In relation to any maintained nursery school and any school year—
- (a) the [^{F20}local authority] and the governing body shall exercise their functions with a view to securing, and
 - (b) the head teacher shall secure,
- that the National Curriculum for Wales as subsisting at the beginning of that year (so far as it relates to the [^{F24}foundation phase]) is implemented.
- (2) In relation to any school year, any person providing funded nursery education under the arrangements mentioned in section 98(2)(b) shall secure that the National Curriculum for Wales as subsisting at the beginning of that year is implemented (so far as it relates to the [^{F24}foundation phase]) in respect of the pupils for whom the funded nursery education is provided.
- (3) The [^{F20}local authority] with whom the arrangements mentioned in section 98(2)(b) are made and the early years development and childcare partnership for the area of the authority shall exercise their respective functions with a view to securing that any person (other than the governing body of a maintained school or maintained nursery school) who provides funded nursery education complies with the obligation imposed by subsection (2).

Textual Amendments

F20 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)**

F24 Words in s. 110 substituted (1.9.2011) by [Education \(Wales\) Measure 2009 \(nawm 5\)](#), **ss. 21(8), 26(3)**; [S.I. 2011/1951](#), **art. 2**

Commencement Information

I5 S. 110 in force at 1.8.2008 by [S.I. 2008/1728](#), **art. 3, Sch. Pt. 1**

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