



# Education Act 2002

## 2002 CHAPTER 32

### PART 6

#### THE CURRICULUM IN ENGLAND

##### *The National Curriculum for England*

#### **87 Establishment of the National Curriculum for England by order**

- (1) The Secretary of State shall so exercise the powers conferred by subsections (2) and (3) as to—
  - (a) establish a complete National Curriculum for England for the foundation stage as soon as is reasonably practicable, and
  - (b) revise the National Curriculum for England for the foundation stage and the key stages whenever he considers it necessary or expedient to do so.
- (2) In respect of the foundation stage, the Secretary of State may by order specify in relation to the areas of learning—
  - (a) such early learning goals,
  - (b) such educational programmes, and
  - (c) such assessment arrangements,as he considers appropriate.
- (3) In respect of the first, second and third key stages and (subject to section 86) the fourth key stage, the Secretary of State 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 he considers appropriate for that subject.
- (4) An order under subsection (2) or (3) may not require—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the allocation of any particular period or periods of time during the foundation stage 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)(c) 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 77(2)(b),
  - (c) an early years development and childcare partnership, and
  - (d) a local education authority,as appear to the Secretary of State 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 local education authority,as appear to the Secretary of State to be required.
- (8) An order under subsection (2)(c) 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
  - (c) to inspect, and take copies of, documents and other articles.
- (11) An order under subsection (2)(c) 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 Secretary of State 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.