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STATUTORY INSTRUMENTS

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**2008 No. 3081**

**EDUCATION, ENGLAND**

**The Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) (Amendment) Order 2008**

*Made - - - - 1st December 2008*

*Coming into force in accordance with article 1*

The Secretary of State for Children, Schools and Families makes the following Order in exercise of the powers conferred by section 87(3)(c), (7), (9), (10) and (11) and section 210(7) of the Education Act 2002(1).

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) (Amendment) Order 2008 and comes into force on the day after it is made.

(2) In this Order—

- (a) “NC tests” means National Curriculum tests administered to pupils under article 8 of the 2003 Order for the purposes of assessing the level of attainment which they have achieved in any core subject in the third key stage;
- (b) “the 2003 Order” means the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 2003(2).

**Amendments**

2.—(1) The 2003 Order is amended as follows.

(2) In article 3(1) (interpretation) omit the definitions of “external marking agency”, “NC tests”, “NC assessment timetable” and “record of the results”.

(3) Articles 8 to 10 (external assessment of core subjects etc.) are revoked.

(4) In article 11 (evaluation of assessment arrangements), for “8” substitute “7”.

(5) In article 12 (supplementary powers of the Secretary of State), omit “, including in particular provisions as to NC tests for the purpose mentioned in the definition of such tests in article 3(1) and as to the time when and the manner in which the tests are to be administered”.

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(1) [2002 c. 32](#); subsections (10) and (11) of section 87 have been amended by paragraph 10 of Schedule 1 to the Childcare Act 2006 (c. 21).

(2) [S.I. 2003/1039](#).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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### **Savings**

3.—(1) Despite article 2, the 2003 Order continues to have effect without the amendments made by this Order in relation to any NC tests administered before this Order comes into force for the purposes of enabling investigations to be conducted and records of results to be corrected by the Qualifications and Curriculum Authority under article 10 of the 2003 Order.

1st December 2008

*Sarah McCarthy-Fry*  
Parliamentary Under Secretary of State  
Department for Children, Schools and Families

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## EXPLANATORY NOTE

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

This Order amends the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 2003 (“the 2003 Order”).

Article 2(3) revokes articles 8 to 10 of the 2003 Order which make provision for the administration of externally assessed National Curriculum tests and for monitoring the administration of those tests. The remainder of article 2 makes provision which is consequential on the revocation of articles 8 to 10 of the 2003 Order.

Article 3 makes savings which provide for the 2003 Order to continue to have effect without the amendments made by this Order in relation to any National Curriculum tests administered on any date before this Order comes into force. This is to allow the Qualifications and Curriculum Authority to investigate and where necessary correct the record of results in relation to such tests.