

---

STATUTORY INSTRUMENTS

---

**2020 No. 436**

**EDUCATION, ENGLAND**

**The Education (National Curriculum) (Key Stages 1 and 2 Assessment Arrangements) (England) (Coronavirus) (Amendment) Order 2020**

*Made* - - - - *17th April 2020*  
*Coming into force* - - *20th April 2020*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 87(3)(c), (7) and (10) and 210(7) of the Education Act 2002(1).

The Secretary of State has consulted the Office of Qualifications and Examinations Regulation and other persons the Secretary of State considered appropriate in accordance with section 87(6A)(2).

**Citation and commencement**

1.—(1) This order may be cited as the Education (National Curriculum) (Key Stages 1 and 2 Assessment Arrangements) (England) (Coronavirus) (Amendment) Order 2020.

(2) The provisions of this order come into force on 20th April 2020.

**Amendment of the Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003**

2.—(1) The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003(3) is amended as follows.

(2) In article 1(2), after “Order” insert “subject to paragraphs (4) and (5)”.

(3) After article 1(3) insert—

“(4) Articles 4 to 6 of this order do not apply in relation to the 2019-20 school year.

(5) In calculating the period of four years referred to in article 5B(3), the 2019-20 school year is to be disregarded.”.

---

(1) [2002 c. 32](#). Section 87(7) was amended by paragraph 35 (1) and (3) of Schedule 12 and Part 4 of Schedule 16 to the Apprenticeships, Skills, Children and Learning Act [2009 \(c. 22\)](#); paragraphs 11 and 13 of Schedule 8 to the Education Act [2011 \(c. 21\)](#) and [S.I. 2010/1158](#).

(2) Section 87(6A) was inserted by section 159(1) and (2) of the Apprenticeships, Skills, Children and Learning Act [2009 \(c. 22\)](#).

(3) [S.I. 2003/1038](#). This order was amended by [S.I. 2009/1585](#), [2010/290](#), [2010/1172](#), [2011/2392](#), [2012/838](#), [2013/1513](#), [2015/900](#) and [2018/452](#); there are other amending instruments but none is relevant.

**Amendment of the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004**

3.—(1) The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004<sup>(4)</sup> is amended as follows.

(2) In article 1(2), after “Order” insert “subject to paragraphs (4) to (6).”.

(3) After article 1(3) insert—

“(4) Articles 4 to 6A of this order do not apply in relation to the 2019-20 school year.

(5) In applying article 6(2)(b), where the preceding school year is the 2019-20 school year, that school year should be disregarded and the moderating authority should have regard to the results of the moderation that took place in the 2018-19 school year.

(6) In calculating the period of four years referred to in article 6(3)(b), the 2019-20 school year is to be disregarded.”.

17th April 2020

*Nick Gibb*  
Minister of State  
Department for Education

---

(4) *S.I. 2004/2783*. This order was amended by *S.I. 2010/1172, 2011/3057, 2013/1513, 2015/900*; there are other amending instruments but none is relevant.

---

## EXPLANATORY NOTE

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

This Order makes amendments to the secondary legislation relating to primary school assessments. Articles 2 and 3 respectively disapply all those provisions of the Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003 and of the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004 which place duties or obligations on head teachers, governing bodies and local authorities in relation to the Key Stages 1 and 2 assessments, checks and tests due to take place in school year 2019-20.

This has the effect that the Key Stages 1 and 2 assessments, checks and tests (and related obligations) which would otherwise have taken place in, or in relation to, academic year 2019-20 are no longer legally required.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.