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STATUTORY INSTRUMENTS

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**1992 No. 155**

**EDUCATION, ENGLAND AND WALES**

**The Education (National Curriculum)  
(Exceptions) Regulations 1992**

<i>Made</i>	- - - -	<i>30th January 1992</i>
<i>Laid before Parliament</i>		<i>31st January 1992</i>
<i>Coming into force</i>	- -	<i>1st August 1992</i>

Whereas the National Curriculum Council, after due consultation, submitted to the Secretary of State and published its report on a proposal to make these Regulations which had referred to it, in accordance with subsections (2) to (4) of section 20 of the Education Reform Act 1988<sup>(1)</sup>;

And whereas the Secretary of State had given notice of the said proposal to the Curriculum Council for Wales and to all other persons with whom consultation appeared to him desirable, in accordance with subsection (2) of section 21 of that Act;

And whereas the Secretary of State, in accordance with subsection (5) of the said section 20, and subsection (3) of the said section 21, duly published a draft of these Regulations and sent copies of them to the said Councils and to each of the persons consulted by them, and allowed a period of not less than one month for the submission of evidence and representations;

And whereas that period has now expired: Now therefore the Secretary of State for Education and Science, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on the Secretary of State by section 17 and section 232(5) of the Education Reform Act 1988 hereby make the following Regulations in the terms of the said draft with modifications<sup>(2)</sup>:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Education (National Curriculum) (Exceptions) Regulations 1992 and shall come into force on 1st August 1992.

(2) In these Regulations—

“the Act” means the Education Reform Act 1988;

“class” in relation to a particular pupil and a particular subject means any teaching group in which the pupil is regularly taught that subject;

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(1) 1988 c. 40.

(2) The modifications are to regulations 3 and 4.

“GCSE” means General Certificate of Secondary Education; a reference to the provisions of the National Curriculum in a foundation subject is to such attainment targets, programmes of study and assessment arrangements as are specified for the time being for the subject in relation to the fourth key stage under section 4(2) of the Act; a reference to the fourth key stage is to the period set out in paragraph (d) of section 3(3) of the Act; and any reference to a numbered regulation is a reference to the regulation bearing that number in these Regulations, any reference in a regulation to a numbered paragraph is to the paragraph of that regulation bearing that number, and any reference in a paragraph to a sub-paragraph is a reference to a sub-paragraph of that paragraph.

### **Exceptions from the provisions of the National Curriculum**

2.—(1) Subject to regulation 3 the National Curriculum in any foundation subject shall not apply in relation to a pupil if the conditions set out in paragraph (2) are satisfied.

(2) The conditions are that—

- (a) the pupil has taken an examination for a relevant qualification in the subject; and
- (b) the examination was taken at any time before the pupil entered the second year of the fourth key stage; and
- (c) all or the majority of the pupils in the pupil’s class took the examination at the same time as the pupil.

(3) A qualification is a relevant qualification in a foundation subject for the purposes of this regulation and regulation 3 if the assessment procedures for the qualification are specified under section 4(2)(c) of the Act as assessment arrangements for the subject, but the qualification referred to in paragraph (4) is not a relevant qualification.

(4) The qualification referred to in paragraph (3) which is not a relevant qualification is any qualification the assessment procedures for which are designed to ascertain the achievements of pupils who—

- (a) have been taught a short programme of study in a foundation subject to which paragraph (5) applies, or
- (b) have not, or are unlikely to have, reached any level of attainment in the attainment targets for the subject specified under section 4(2)(a) of the Act in relation to the fourth key stage by the time they reach the end of that key stage.

(5) This paragraph applies to a foundation subject in relation to which two programmes of study for pupils in the fourth key stage are specified under section 4(2)(b) of the Act, and in paragraph (4) the reference to a short programme of study is to the shorter of the two programmes.

3. The National Curriculum in geography and history shall not apply in relation to a pupil if—

- (a) the conditions specified in paragraph (2) of regulation 2 are satisfied save that the relevant qualification was in either subject; or
- (b) he has taken an examination for a relevant qualification in either subject at or near the end of the fourth key stage in relation to the subject and the examination was taken in any school year preceding the school year in which he would cease to be of compulsory school age.

4.—(1) The provisions of the National Curriculum in a foundation subject specified in column 1 of the Schedule hereto shall not apply in relation to a pupil in the fourth key stage if the conditions set out in paragraph (2) are satisfied.

(2) The conditions are that—

- (a) the pupil has been entered for, or his head teacher intends that he should be entered for, or he has taken an examination for the GCSE in any subject specified opposite the foundation subject in column 2 of the Schedule hereto;
  - (b) the examination will be or (as the case may be) was held in the summer term in the school year referred to in paragraph (3) or (4);
  - (c) all or the majority of the pupil's class have been entered for that examination, or their head teacher intends that they should be so entered, or they have taken that examination; and
  - (d) it is intended that they will take the examination or (as the case may be) they have taken it at the same time as the pupil.
- (4) In the case of science—
- (a) if the examination is for the GCSE in single award science or double award science, the school year is 1992/93; and
  - (b) if the examination is for the GCSE in the three subjects physics, chemistry and biology, the school year is 1992/93 or 1993/94.

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

## SCHEDULE

Regulation 4

(1) <i>Foundation Subject</i>	(2) <i>GCSE Subject</i>
English	English (but not English Literature)
Mathematics	Mathematics
Science	Single award science, double award science, Physics and Chemistry and Biology (all three subjects)
Technology	Business Studies, CDT, Computer Studies, Home Economics
History	History
Geography	Geography
Welsh	Welsh, Welsh (second language—foundation), Welsh (second language—extended)
A Modern Foreign Language specified by an order made under section 3(2) of the Act <sup>(3)</sup>	That language
Physical Education	Physical Education, Dance, Outdoor Education.

**EXPLANATORY NOTE**

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

These regulations prescribe cases in which the National Curriculum is not to apply to pupils. The pupils mainly concerned are likely to be those in the fourth key stage (that is, the last two years of compulsory schooling).

The National Curriculum in a particular subject does not apply to a pupil where he and all or the majority of his class have taken an examination which has been specified as assessment arrangements for the fourth key stage by an order made under section 4(2)(c) of the Education Reform Act 1988, and the examination was taken before the second and final year of the key stage (regulation 2). If the subject was history or geography the National Curriculum in neither subject applies to him (regulation 3).

A pupil is additionally exempted from history and geography in the National Curriculum if he has taken an examination in either subject at the end of the fourth key stage for the subject and did so at any time before the school year in which he ceases to be of compulsory school age (regulation 3).

Finally a pupil is exempted from a foundation subject of the National Curriculum if he is to be, or has been, entered for the GCSE examination for a specified corresponding subject which is to

<sup>(3)</sup> The Order in force when these regulations are made is S.I.1991/2567.

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be held in the summer term of the first school year in which attainment targets and programmes of study are specified for the subject at the fourth key stage (regulation 4 and the Schedule).