
STATUTORY INSTRUMENTS

1994 No. 2112

EDUCATION, ENGLAND AND WALES

**The Education (National Curriculum)
(Exceptions) Regulations 1994**

<i>Made</i>	- - - -	<i>9th August 1994</i>
<i>Laid before Parliament</i>		<i>10th August 1994</i>
<i>Coming into force</i>	- -	<i>1st September 1994</i>

In exercise of the powers conferred by sections 17 and 232(5) and (6) of the Education Reform Act 1988(1), the Secretary of State for Education hereby makes the following Regulations:

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Education (National Curriculum) (Exceptions) Regulations 1994 and shall come into force on 1st September 1994.

(2) Regulations 3 and 4 of these Regulations apply only in relation to pupils at maintained schools and grant-maintained special schools (other than those established in hospitals) in England.

(3) 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;

“foundation subject” has the meaning given to that expression by section 25(1) of the Act;

“GCSE” means General Certificate of Secondary Education;

“maintained school” has the meaning given to that expression by section 25(1) of the Act;

“school year” has the meaning given to that expression in section 3(6) of the Act(2);

a reference to the provisions of the National Curriculum in a foundation subject is a reference to such attainment targets, programmes of study and assessment arrangements as are specified for the time being for the subject under section 4(2) to the Act; and

a reference to the fourth key stage is to the period set out in paragraph (d) of section 3(3) of the Act.

(1) 1988 c. 40; the provisions of section 20 do not apply to these Regulations by virtue of section 242 of the Education Act 1993 (c. 35).

(2) Section 3(6) was amended by section 240(3) of the Education Act 1993.

Revocation

2. The Education (National Curriculum) (Exceptions) Regulations 1992(3), the Education (National Curriculum) (Exceptions in History and Geography at Key Stage 4) Regulations 1992(4) and the Education (National Curriculum) (Exceptions from Science at Key Stage 4) Regulations 1992(5) are revoked.

Exceptions from the provisions of the National Curriculum

3.—(1) Subject to paragraph (2) below, the provisions of the National Curriculum in a foundation subject other than physical education shall not apply in relation to a pupil if—

- (a) he has taken an examination for the GCSE in a subject specified opposite the foundation subject in the Schedule to these Regulations or, in the case of technology, for the National Curriculum Certificate in Information Technology; and
- (b) all or the majority of the pupils in his class took the examination at the same time as the pupil.

(2) Where the assessment procedures for a qualification mentioned in paragraph (1) above do not cover all the attainment targets specified under section 4(2)(a) of the Act for the foundation subject, only such part of the National Curriculum as relates to the attainment targets covered by those procedures shall be disapplied by virtue of paragraph (1) above.

(3) Without prejudice to paragraph (1) above, the provisions of the National Curriculum in science shall not apply in relation to a pupil if—

- (i) he has undergone the assessment procedures required by one examining body for the GCSE in biology, chemistry and physics;
- (ii) he took the examinations for the GCSE in those subjects during one school term; and
- (iii) all or the majority of the pupils in his class took the examinations at the same time as the pupil.

4.—(1) Subject to paragraph (3) below, the provisions of the National Curriculum in a foundation subject, being technology or a modern foreign language specified in an Order made under section 3(2) of the Act(6), shall not apply in relation to a pupil if the conditions set out in paragraph (2) below are satisfied in respect of that subject.

(2) The conditions are that—

- (a) the pupil has been entered for, or his head teacher intends that he should be entered for, an examination, in the case of a modern foreign language, for the GCSE in that language or, in the case of technology, for the GCSE in a subject specified opposite technology in the Schedule to these Regulations or for the National Curriculum Certificate in Information Technology;
- (b) the examination will be held in or before the first school year in which attainment targets and programmes of study for the foundation subject are specified in relation to the fourth key stage under section 4(2)(a) and (b) of the Act;
- (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; and
- (d) it is intended that they will take the examination at the same time as the pupil.

(3) S.I. 1992/155.

(4) S.I. 1992/156.

(5) S.I. 1992/157.

(6) The current Order is the Education (National Curriculum) (Modern Foreign Languages) Order 1991, S.I. 1991/2567, amended by S.I. 1994/1818.

(3) Where the assessment procedures for a qualification mentioned in paragraph (2)(a) above do not cover all the attainment targets specified under section 4(2)(a) of the Act for the foundation subject, only such part of the National Curriculum as relates to the attainment targets covered by those procedures shall be disapplied by virtue of paragraph (1) above.

9th August 1994

Eric Forth
Minister of State,
Department for Education

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 3(1)

Foundation Subject	GCSE Subject
English	English
Mathematics	Mathematics
Science	Science: Double Award
	Science: Single Award
Technology	Design and Technology
	Design and Technology and Art (Combined)
	Design and Technology and Automation (Combined)
	Design and Technology and Automotive Engineering (Combined)
	Design and Technology and Building Studies (Combined)
	Design and Technology and the Built Environment (Combined)
	Design and Technology and Business Studies (Combined)
	Design and Technology and Catering (Combined)
	Design and Technology and Child Development (Combined)
	Design and Technology and Construction (Combined)
	Design and Technology and Drama (Combined)
	Design and Technology and Economics (Combined)
	Design and Technology and Electronics (Combined)
	Design and Technology and Fashion (Combined)
	Design and Technology and Food Industries (Combined)

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Foundation Subject	GCSE Subject
	Design and Technology and Health (Combined)
	Design and Technology and Industry (Combined)
	Design and Technology and Music (Combined)
	Design and Technology and Product Design (Combined)
	Design and Technology and Transport (Combined)
	Information Systems
	Information Technology
	Information Technology and Art (Combined)
	Information Technology and Automotive Engineering (Combined)
	Information Technology and Building Studies (Combined)
	Information Technology and Business Studies (Combined)
	Information Technology and Catering (Combined)
	Information Technology and Computer Art (Combined)
	Information Technology and Drama (Combined)
	Information Technology and Economics (Combined)
	Information Technology and Electronics (Combined)
	Information Technology and Fashion (Combined)
	Information Technology and Food Industries (Combined)
	Information Technology and Health (Combined)

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Foundation Subject	GCSE Subject
	Information Technology and Industry (Combined)
	Information Technology and Music (Combined)
	Information Technology and Music Technology (Combined)
	Information Technology and Transport (Combined)
	Technology
	Technology and Art (Combined)
	Technology and Automotive Engineering (Combined)
	Technology and Building Studies (Combined)
	Technology and Business Studies (Combined)
	Technology and Catering (Combined)
	Technology and Construction (Combined)
	Technology and Economics (Combined)
	Technology and Electronics (Combined)
	Technology and Fashion (Combined)
	Technology and Food Industries (Combined)
	Technology and Industry (Combined)
	Technology and Music (Combined)
	Technology and Transport (Combined)

EXPLANATORY NOTE

(This note is not part of the regulations)

These Regulations specify cases in which the National Curriculum is not to apply to pupils at maintained schools (including grant-maintained special schools which are not established in hospitals) in England. They revoke the Education (National Curriculum) (Exceptions) Regulations 1992, the Education (National Curriculum) (Exceptions in History and Geography at Key Stage 4) Regulations 1992 and the Education (National Curriculum) (Exceptions from Science at Key Stage 4) Regulations 1992. 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 for the GCSE in a related subject or for the National Curriculum Certificate in Information Technology (*regulation 3(1) and the Schedule*). Exemption is limited to those attainment targets covered by the qualification (*regulation 3(2)*).

Pupils are additionally exempted from the National Curriculum in science if they and all or the majority of their class have undergone assessment procedures laid down by a single examining body for the GCSE in the three subjects biology, chemistry and physics and have taken the examinations in those subjects during one school term (*regulation 3(3)*).

Pupils are also exempted from the National Curriculum in technology and a modern foreign language where they and all or a majority of their class are to be, or have been, entered for the GCSE examination in a corresponding subject (or for the National Curriculum Certificate in Information Technology) which is to be held in or before the first school year in which attainment targets and programmes of study are specified for the subject at the fourth key stage (*regulation 4*). Exemption is again limited to those attainment targets covered by the qualification (*regulation 4(3)*).