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STATUTORY INSTRUMENTS

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**2004 No. 264**

**EDUCATION, ENGLAND**

**Education (National Curriculum) (Exceptions at Key Stage 4) (England) (Amendment) Regulations 2004**

*Made* - - - - *4th February 2004*  
*Laid before Parliament* *10th February 2004*  
*Coming into force* - - *1st August 2004*

Whereas, following the referral to it of a proposal by the Secretary of State in accordance with subsection (2) of section 96 of the Education Act 2002<sup>(1)</sup>, the Qualifications and Curriculum Authority (“QCA”)<sup>(2)</sup> has, in accordance with subsection (3) of that section, given notice thereof to the bodies and persons referred to in that subsection and given them a reasonable opportunity of submitting evidence and representations as to the issues arising;

And whereas, in accordance with directions given by the Secretary of State under the said subsection (2), the QCA has submitted its report to the Secretary of State in accordance with subsection (4) of the said section 96;

And whereas the QCA has, after submitting its report to the Secretary of State, arranged for it to be published in accordance with subsection (5) of that section;

And whereas the Secretary of State has published a draft of the Regulations and sent copies of them to the QCA and all those who were consulted by the QCA, and has allowed a period of not less than one month for the submission of evidence and representations as to the issues arising in accordance with subsections (6) and (7) of that section;

Now therefore the Secretary of State for Education and Skills, in exercise of the powers conferred on the Secretary of State by sections 91, 96 and 210 of the Education Act 2002, hereby makes without modification the following Regulations:

**Citation, commencement, application and interpretation**

1.—(1) These Regulations may be cited as the Education (National Curriculum) (Exceptions at Key Stage 4) (England) (Amendment) Regulations 2004 and shall come into force on 1st August 2004.

(2) These Regulations apply to maintained schools in England.

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(1) 2002 c. 32

(2) The Qualifications and Curriculum Authority was established by section 21 of the Education Act 1997.

(3) In these Regulations “the 2003 Regulations” means the Education (National Curriculum) (Exceptions at Key Stage 4) (England) Regulations 2003(3).

#### **Amendment of the 2003 Regulations**

2.—(1) Subject to regulation 3, the 2003 Regulations are amended as follows.

(2) In regulation 7—

(a) in paragraph (1) for “in the following circumstances” substitute “where”;

(b) for sub-paragraph (a) of paragraph (1) substitute the following—

“(a) the pupil is participating in an extended work-related learning programme.”;

(c) omit sub-paragraph (b) of paragraph (1);

(d) for paragraph (2) substitute the following—

“(2) The head teacher may determine in the case of a pupil to whom sub-paragraph (a) of paragraph (1) applies that the provisions of the National Curriculum regarding science should not apply to him.”;

(e) omit paragraphs (3) and (4).

(3) In regulation 10 for “programmes of study in modern foreign languages, design and technology or science” substitute the following—

“the programme of study in science”.

#### **Savings**

3. The 2003 Regulations shall continue to apply to a pupil who immediately before the coming into force of these Regulations is in the fourth key stage as if regulation 2 above had not been made.

4th February 2004

*David Miliband*  
Minister of State,  
Department for Education and Skills

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## **EXPLANATORY NOTE**

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

With effect from 1st August 2004, these Regulations amend the Education (National Curriculum) (Exceptions at Key Stage 4) (England) Regulations 2003. These Regulations limit the circumstances in which an exception to the provisions of the National Curriculum may be made for a pupil (*regulation 2*). An exception may only be made in the case of a pupil participating in an extended work-related programme, and only in respect of science.