

**2011 No. 2392**

**EDUCATION, ENGLAND**

**The Education (National Curriculum) (Key Stages 1, 2 and 3 Assessment Arrangements) (England) (Amendment) Order 2011**

*Made* - - - - - *29th September 2011*

*Coming into force* - - - - - *1st October 2011*

The Secretary of State for Education has consulted the Office of Qualifications and Examinations Regulation in accordance with section 87(6A)(a) of the Education Act 2002(a), and has also consulted with such other persons as he considers appropriate in accordance with section 87(6A)(b) of that Act.

The Secretary of State for Education makes the following Order in exercise of the powers conferred by section 87(3)(c) of the Education Act 2002.

**Citation and commencement**

1. This Order may be cited as the Education (National Curriculum) (Key Stages 1, 2 and 3 Assessment Arrangements) (England) (Amendment) Order 2011 and comes into force on 1st October 2011.

**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(b) is amended as follows.

(2) In article 3(1) (interpretation)—

- (a) in the definition of “external marking agency” omit “nominated by the QCDA and”;
- (b) in the definition of “NC assessment timetable” omit “which have been published by the QCDA”;
- (c) omit the definition of “the QCDA”.

(3) In article 5 (NC test assessment)—

- (a) in paragraph (3) for “, determined by the QCDA” to the end substitute “which is to mark the NC tests.”;
- (b) in paragraph (4A)—

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(a) 2002 c.32. Section 87(6A) was inserted by section 159(1) and (2) of the Apprenticeships, Skills, Children and Learning Act 2009 (c.22) (“the 2009 Act”).

(b) S.I. 2003/1038, amended by S.I. 2009/1585, 2010/290, 2010/677. Article 10 of the 2003 Order (evaluation of assessment arrangements) is impliedly revoked by the repeal of the enabling power (section 87(9) of the Education Act 2002) by paragraph 35(4) of Schedule 12 to the 2009 Act.

- (i) in sub-paragraph (b) for “the QCDA to be marked” substitute “the Secretary of State”;
  - (ii) in sub-paragraph (c) for “the QCDA” in each place in which it occurs substitute “the Secretary of State”.
- (4) In article 5A (single level tests in mathematics)—
- (a) in paragraph (8) for “the QCDA to be marked” substitute “the Secretary of State”;
  - (b) in paragraphs (9) to (11) for “the QCDA” in each place in which it occurs substitute “the Secretary of State”.
- (5) In article 6(7)(b) (monitoring of assessment arrangements) for “the QCDA” substitute “the Secretary of State”.
- (6) In article 6A(7)(b) (monitoring of assessment arrangements in relation to single level tests) for “the QCDA” substitute “the Secretary of State”.
- (7) In article 7 (investigation by the QCDA and correction of record of results)—
- (a) for “the QCDA” in each place in which it occurs substitute “the Secretary of State”;
  - (b) in paragraph (1)—
    - (i) for “it” substitute “the Secretary of State”;
    - (ii) for “its” (both occurrences) substitute “the Secretary of State’s”.
- (8) In article 11(2) (publication of supplementary provisions) for “the QCDA” substitute “the Secretary of State”.

**Amendment of the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 2003**

- 3.—(1) The Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 2003(a) is amended as follows.
- (2) In article 3(1) (interpretation)—
- (a) in the definition of “external marking agency” omit “nominated by the Authority and”;
  - (b) omit the definition of “the QCDA”.
- (3) In article 12(2) (publication of supplementary provisions) for “the QCDA” substitute “the Secretary of State”.

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

- 4.—(1) The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004(b) is amended as follows.
- (2) In article 3(1) (interpretation) in the definition of “the Document” omit “published by the QCDA” to the end.
- (3) In article 9 (publication of supplementary provisions) for “the QCDA” substitute “the Secretary of State”.

*Nick Gibb*  
Minister of State  
Department for Education

29th September 2011

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(a) S.I. 2003/1039, amended by S.I. 2008/3081, 2009/1585, 2010/677. Article 11 of the 2003 Order (evaluation of assessment arrangements) is impliedly revoked by the repeal of the enabling power, as noted above.

(b) S.I. 2004/2783, amended by S.I. 2010/677. Article 8 of the 2004 Order (evaluation of assessment arrangements) is impliedly revoked by the repeal of the enabling power, as noted above.

## **EXPLANATORY NOTE**

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

This Order amends three Education (National Curriculum) (Assessment Arrangements) Orders which specify the assessment arrangements for the first, second and third key stages of the National Curriculum for England. The amendments substitute references to the Secretary of State for references to the Qualifications and Curriculum Development Agency (“the QCDA”). The Secretary of State is establishing the Standards and Testing Agency (an executive agency of the Department for Education), which will be taking on some responsibilities of the QCDA from 1st October 2011. The amendments reflect that change. The Secretary of State consulted with the Office of Qualifications and Examinations Regulation and the QCDA before making this Order in accordance with section 87(6A) of the Education Act 2002.

An impact assessment has not been prepared for this instrument as impacts on business, charities, voluntary bodies and the public sector will be minimal.

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STATUTORY INSTRUMENTS

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