EXPLANATORY MEMORANDUM TO THE

Education (National Curriculum) (Attainment Targets and Programmes of Study in Science in respect of the First, Second Third and Fourth Key Stages) (England) (No.2) Order 2004

2004 No. 1800

1. This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 This Statutory Instrument replaces Statutory Instrument 2004/1217 which contained an error in that the "Document" to which Statutory Instrument 2004/1217 referred was wrongly described in the Order and the Explanatory Note. This instrument defines the statutory curriculum content for science at Key Stages 1-4.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 Section 87 of the Education Act 2002 gives the Secretary of State power to establish a National Curriculum and to revise it by Order. A document specifying the attainment targets and programmes of study in relation to Science has been drafted and consulted upon as required by s96 of the 2002 Act.

4.2 This Order specifies that the attainment targets and programme of study for Science are as set out in that document; the provisions of the document have effect as though they had been made by the Order , pursuant to s87(5) of the 2002 Act. It replaces the Order made on 27 April 2004 and due to come into force on 1 August 2006 in which the document is incorrectly described.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

David Miliband has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Education (National Curriculum) (Attainment Targets and Programmes of Study in Science in respect of the First, Second Third and

Fourth Key Stages) (England) (No.2) Order are compatible with the Convention rights.

7. Policy background

7.1 This Order replaces Statutory Instrument 2004/1217 to correct an error.

7.2 Statutory Instrument 2004/1217 replaced Statutory Instrument 2000/1600, and brought about a replacement of the associated Document, which the effect of redefining the statutory curriculum for science so that there is a smaller science programme of study at Key Stage 4, and withdrew the arrangements for disapplication of science.

7.3 The aim of the change was to create curriculum flexibility so that young people can pursue their talents and aspirations while maintaining a strong focus on the basics, in line with the Government's strategy document *14-19: opportunity and excellenc*e. The Government does not believe that the existing disapplication arrangements could create the necessary flexibility, which could only be achieved by reducing the size of the compulsory programme of study.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Paul McLeod at the Department for Education and Skills Tel: 0207 925 7395 or e-mail: paul.mcleod@dfes.gsi.gov.uk can answer any queries regarding the instrument.