



# Education and Inspections Act 2006

## 2006 CHAPTER 40

### PART 3

#### FURTHER PROVISIONS ABOUT MAINTAINED SCHOOLS

##### *School admissions*

### **39 General restriction on selection by ability**

- (1) No admission arrangements for a community, foundation or voluntary school may make provision for selection by ability unless—
  - (a) they make provision for one of the permitted forms of such selection mentioned in section 99(2) of SSFA 1998, or
  - (b) the school is a grammar school.
- (2) For the purposes of subsection (1) a school's admission arrangements make provision for selection by ability if they make provision for all or any of the pupils who are to be admitted to the school in any relevant age group to be so admitted by reference to ability.
- (3) In this section—
  - “ability” means either general ability or ability in any particular subject or subjects;
  - “admission arrangements” has the meaning given by section 88(2) of SSFA 1998;
  - “grammar school” has the meaning given by section 104(7) of SSFA 1998;
  - “relevant age group” has the meaning given by section 142(1) of SSFA 1998.
- (4) In section 99 of SSFA 1998—
  - (a) omit subsection (1) (which is re-enacted as subsection (1) of this section), and
  - (b) in subsection (2) after “are” insert “for the purposes of section 39(1) of the Education and Inspections Act 2006”.