



Education and Inspections Act 2006

2006 CHAPTER 40

PART 3

FURTHER PROVISIONS ABOUT MAINTAINED SCHOOLS

School admissions

43 Duty of governing body to implement decisions relating to admissions

(1) In section 88 of SSFA 1998 (admission authorities and admission arrangements), after subsection (1) insert—

“(1A) Where the admission authority for a community or voluntary controlled school is the local education authority, it is the duty of the governing body to implement any decision relating to the admission of pupils to the school which is taken by or on behalf of the admission authority.

(1B) Subsection (1A) does not affect—

- (a) any right of appeal which the governing body may have by virtue of arrangements made in pursuance of section 95(2) (appeals in relation to children to whom section 87(2) applies, other than looked after children in England),
- (b) any right to refer the matter to the adjudicator which the governing body may have by virtue of section 95A(3) (references to the adjudicator in relation to looked after children in England to whom section 87(2) applies), or
- (c) the application of section 101(2A) or section 109(2).”

(2) In section 86(2) of SSFA 1998 (duty to comply with parental preference) for “a local education authority and the governing body of a maintained school” substitute “the admission authority for a maintained school”.

(3) In section 89C of SSFA 1998 (co-ordinated schemes for admission arrangements)—

Status: This is the original version (as it was originally enacted).

- (a) in subsection (3) for “by virtue of this section” substitute “by virtue of section 89B”, and
 - (b) after subsection (3) insert—
 - “(3A) Where any decision as to whether a child is to be granted or refused admission to a maintained school is (by virtue of regulations under subsection (3)) made by the local education authority although they are not the admission authority, the governing body of the school must implement the decision.”
- (4) In section 94(1) of SSFA 1998 (responsibility of local authority to make appeal arrangements) in paragraph (b) for the words from the beginning to “the authority” substitute “in a case where the governing body of a community or voluntary controlled school maintained by the authority are the admission authority”.