



Education and Inspections Act 2006

2006 CHAPTER 40

PART 3

FURTHER PROVISIONS ABOUT MAINTAINED SCHOOLS

School admissions

46 Restrictions on alteration of admission arrangements

- (1) In section 89 of SSFA 1998 (procedure for determining admission arrangements) after subsection (1) insert—

“(1ZA) This section has effect subject to sections 89D and 90A (restrictions on alteration of admission arrangements in England).”

- (2) After section 89C of SSFA 1998 insert—

“89D Power to restrict alteration of admission arrangements following establishment or expansion

- (1) Subsection (2) applies in relation to a maintained school in England where—
- proposals for the establishment of, or the making of a prescribed alteration to, the school have been published under Part 2 of the Education and Inspections Act 2006 or under section 113A of, or Schedule 7 to, the Learning and Skills Act 2000,
 - in the case of proposals for the making of a prescribed alteration to the school, the proposals are for an increase in the number of pupils that may be admitted to the school or for an enlargement of the premises,
 - the proposals fall to be implemented (with or without modifications), and
 - prescribed conditions are satisfied.
- (2) Regulations may provide that, where this subsection applies in relation to a maintained school—

Status: Point in time view as at 27/02/2007. This version of this provision has been superseded.

Changes to legislation: Education and Inspections Act 2006, Section 46 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) the admission arrangements for the initial period (as defined by subsection (7)) and each of a prescribed number of school years following that period are to be the arrangements which fall to be implemented in accordance with the proposals (or in accordance with the proposals as modified), and
 - (b) those arrangements may not be varied by the admission authority for the school except—
 - (i) to comply with any duty imposed on them by regulations under section 89(1A), or
 - (ii) in accordance with regulations under subsection (5).
- (3) Regulations under subsection (2) may exclude or modify any provision of section 89 (other than section 89(1A)) in its application to cases to which the regulations apply.
- (4) Regulations under subsection (2) may provide that in cases to which the regulations apply the admission arrangements which fall to be implemented in accordance with the proposals (or in accordance with the proposals as modified) are to be treated for the purposes of section 86(5) to (5B) as having been determined by the admission authority under section 89.
- (5) Regulations may prescribe circumstances in which an admission authority may refer to the adjudicator proposals to vary admission arrangements in cases to which regulations under subsection (2) apply.
- (6) Regulations may make provision as to the determination by the adjudicator of any reference made by virtue of subsection (5).
- (7) In this section—
- “initial period” means—
 - (a) in relation to a maintained school which is being established, the period beginning with the day on which the school opens and ending with the beginning of the first school term to begin after the following July;
 - (b) in relation to a maintained school which is increasing the number of pupils that may be admitted to the school or enlarging its premises, the period beginning with the first day on which additional pupils may be admitted or (as the case may be) the enlarged premises are in use and ending with the beginning of the first school term to begin after the following July;
 - “prescribed alteration” means an alteration prescribed for the purposes of section 18 of the Education and Inspections Act 2006.”

(3) After section 90 of SSFA 1998 insert—

“90A Restriction on alteration of admission arrangements following adjudicator's decision

- (1) Where in accordance with section 90(8) the admission authority for a maintained school in England have revised any provisions of admission arrangements for a school year, this section applies except to the extent that the adjudicator or the Secretary of State determined under section 90(5B)(c), in relation to any change required, that this section was not to apply.

Status: Point in time view as at 27/02/2007. This version of this provision has been superseded.

Changes to legislation: Education and Inspections Act 2006, Section 46 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) In this section—
- “the protected provisions” in relation to any admission arrangements, means provisions corresponding to those revised in accordance with section 90(8) or regulations under subsection (6) (as so revised);
- “the required number” means such number as may be prescribed or such lesser number as is specified by the adjudicator or the Secretary of State under section 90(5B)(c) in relation to a particular change.
- (3) The admission authority for the school—
- (a) must incorporate the protected provisions in determining the admission arrangements for each of the required number of school years following the school year in relation to which the revision in accordance with section 90(8) was made, and
- (b) may not vary those arrangements in such a way as to alter the protected provisions.
- (4) Subsection (3) does not apply to the extent that—
- (a) the admission authority are required to determine or vary their admission arrangements in a way which alters the protected provisions in order to comply with any duty imposed on them by regulations under section 89(1A), or
- (b) the arrangements may be determined or varied in a way which alters those provisions in accordance with regulations under subsection (6).
- (5) Regulations may exclude or modify any provision of section 89 (other than section 89(1A)) in its application to cases to which this section applies.
- (6) Regulations may prescribe circumstances in which an admission authority to whom subsection (3) applies may refer to the adjudicator proposals to determine or vary their admission arrangements in a way which alters the protected provisions.
- (7) Regulations may make provision as to the determination by the adjudicator of any reference made by virtue of subsection (6).”

Commencement Information

II S. 46 in force at 27.2.2007 by S.I. 2006/3400, art. 7(c)

Status:

Point in time view as at 27/02/2007. This version of this provision has been superseded.

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