



# Education and Inspections Act 2006

## 2006 CHAPTER 40

### PART 3

#### FURTHER PROVISIONS ABOUT MAINTAINED SCHOOLS

##### *School admissions*

#### **47 Objections to admission arrangements**

(1) Section 90 of SSFA 1998 (reference of objections to adjudicator or Secretary of State) is amended as follows.

(2) After subsection (5) insert—

“(5A) Where the adjudicator or the Secretary of State is required by virtue of subsection (3)(a) or (b) or (5)(c) to decide whether to uphold an objection to admission arrangements, he may consider whether it would be appropriate for changes to be made to any aspect of the admission arrangements, whether or not he would be required to do so for the purpose of determining the objection.

(5B) In the case of any objection referred to him under this section, the adjudicator or the Secretary of State (as the case may be) must publish a report containing the following—

- (a) his decision on the objection,
- (b) any decision he has made on whether it would be appropriate for changes to be made to the admission arrangements, whether in the light of his decision on the objection or otherwise,
- (c) if, in relation to a maintained school in England, he considers that any change required ought not to be protected under section 90A for the number of school years prescribed under section 90A(2), that section 90A is not to apply to that change or that the change will be protected only for such lesser number of school years as he may specify, and
- (d) his reasons for the decisions mentioned in paragraphs (a) to (c).

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*Status: This is the original version (as it was originally enacted).*

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- (5C) Where the adjudicator or the Secretary of State (as the case may be) decides that it would be appropriate for changes to be made to the admission arrangements, his decision may specify the modifications that are to be made to the arrangements.”
- (3) Subsections (6) and (7) are omitted.
- (4) For subsection (8) substitute—
- “(8) The decisions of the adjudicator or the Secretary of State mentioned in subsection (5B)(a) and (b) shall, in relation to the admission arrangements in question, be binding on the admission authority and on all persons by whom an objection may be made under subsection (1) or (2); and, if the adjudicator or the Secretary of State has decided that it would be appropriate for changes to be made to the admission arrangements, those arrangements shall forthwith be revised by the admission authority in such a way as to give effect to the decision.”
- (5) In subsection (9)—
- (a) after paragraph (b) insert—
- “(ba) requiring an admission authority for a maintained school in England to provide information which—
- (i) falls within a prescribed description, and
- (ii) is requested by the adjudicator or the Secretary of State for the purposes of his functions under this section;”, and
- (b) in paragraph (c) for “any matters required to be published under subsection (7) are” substitute “a report required to be published under subsection (5B) is”.
- (6) Omit subsection (10) (which has the effect of requiring certain cases to be referred by the adjudicator to the Secretary of State).