



# Education and Inspections Act 2006

## 2006 CHAPTER 40

### PART 3

#### FURTHER PROVISIONS ABOUT MAINTAINED SCHOOLS

##### *School admissions*

#### 54 Pupil banding

- (1) In section 101 of SSFA 1998 (permitted selection: pupil banding)—
- (a) in subsection (1)—
    - (i) for “subsections (2) to (4)” substitute “subsections (2) and (2A)”, and
    - (ii) after “a maintained school” insert “in England or Wales”,
  - (b) after subsection (1) insert—

“(1A) Subject to subsections (2) and (2A), the admission authority for a maintained school in England may make provision for selection by ability to the extent that the arrangements are designed to secure—

    - (a) that in any year the pupils admitted to the school in any relevant age group are representative of all levels of ability among such one of the following groups as the admission arrangements may specify (“the reference group”)—
      - (i) children who are applicants for admission in that age group to any of two or more schools (including the school in question) in the area of the local education authority,
      - (ii) children in that age group who live in the area of the local education authority, or
      - (iii) children in that age group who live in England, and
    - (b) that no level of ability is substantially over-represented or substantially under-represented by comparison with its representation in the reference group.”,

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*Status: This is the original version (as it was originally enacted).*

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- (c) in subsection (2) for “Subsection (1)” substitute “Subsection (1) or (1A)”,
  - (d) after subsection (2) insert—
    - “(2A) If the admission authority for a maintained school in England is the local education authority, the authority may only introduce such provision for selection by ability as is mentioned in subsection (1) or (1A) with the consent of the governing body of the school.”,
  - (e) in subsection (3), after “maintained school” insert “in Wales”,
  - (f) in subsection (4), for the words from the beginning to “any school” substitute “In the case of a school in Wales, admission arrangements to which subsection (1) applies are not authorised”, and
  - (g) in subsection (5), for “subsection (1)” substitute “subsection (1) or (1A)”.
- (2) In section 102 of SSFA 1998 (permitted selection: aptitude for particular subjects), in subsection (3), for “section 101(1)” substitute “section 101(1) or (1A)”.
- (3) In section 103 of SSFA 1998 (permitted selection: introduction, variation or abandonment of provision for such selection)—
- (a) in subsection (2) for “constitutes a prescribed alteration for the purposes of section 28” substitute “constitutes—
    - (a) in relation to England, a prescribed alteration for the purposes of section 18 of the Education and Inspections Act 2006, and
    - (b) in relation to Wales, a prescribed alteration for the purposes of section 28”, and
  - (b) in subsection (3) —
    - (i) for “section 101(1)” substitute “section 101(1) or (1A)”, and
    - (ii) for “the objectives mentioned in section 101(1)(a) and (b)” substitute “the objectives mentioned in section 101(1)(a) and (b), section 101(1A)(a)(i) and (b), section 101(1A)(a)(ii) and (b) or section 101(1A)(a)(iii) and (b)”.