

EDUCATION AND INSPECTIONS ACT 2006

EXPLANATORY NOTES

COMMENTARY

Part 3: Further Provisions about Maintained Schools

Section 47: Objections to admission arrangements

219. This section, which relates to admission arrangements for maintained schools in England and Wales, modifies section 90 of the 1998 Act. Section 90 makes provision for objections to such admission arrangements to be referred to the adjudicator (in relation to England) and the National Assembly (in relation to Wales). (The functions of the Secretary of State in relation to Wales were transferred to the [National Assembly by the Transfer of Functions Order \(SI 1999/672\)](#)).
220. In relation to England, section 90(3) allows regulations to be made prescribing cases in which the adjudicator must refer objections to the Secretary of State. The Department has no current intention to provide for any objections to be referred to the Secretary of State.
221. *Subsection (2)* inserts new *subsections (5A), (5B) and (5C)* into section 90.
222. *Subsection (5A)* gives the adjudicator or the Secretary of State (in relation to England) or the National Assembly (in relation to Wales) powers to consider any aspect of a school's admission arrangements, on referral of an objection to a school's admission arrangements.
223. *Subsections (5B) and (5C)* set out the requirement for the adjudicator or Secretary of State (in relation to England) or the National Assembly (in relation to Wales) to publish a report in relation to any decision on referred admission arrangements. The report must include the decision on the objection, any decision on whether any changes should be made to the admission arrangements and the reason(s) for the decisions. The report may specify the modifications to be made to the admission arrangements.
224. *Subsection (4)* substitutes a new section 90(8). It provides that the decisions of the adjudicator or Secretary of State (in relation to England) or the National Assembly (in relation to Wales) mentioned in new *subsection (5B)(a) and (b)* are binding on the admission authority and on persons by whom an objection may be made under section 90(1) or 90(2). It also requires any changes required by the adjudicator or Secretary of State (in relation to England) or the National Assembly (in relation to Wales) to be implemented by the admission authority.
225. *Subsection (5)(a)* inserts a new paragraph (ba) after section 90(9)(b). It enables regulations to be made requiring the admission authority of a maintained school in England to provide prescribed information requested by the adjudicator to assist in consideration of an objection referred to him about the school's admission arrangements.

*These notes refer to the Education and Inspections Act 2006
(c.40) which received Royal Assent on 8 November 2006*

226. *Subsection (5)(b)* makes minor amendments to section 90(9) of the 1998 Act to refer to the 'report' required by *subsection (5B)* rather than the 'decision' under the repealed section 90(7).
227. *Subsection (6)* repeals *subsection (10)* of section 90 of the 1998 Act. The effect of this is that the adjudicator is no longer required to refer to the Secretary of State objections concerned with admissions criteria relating to a person's religion or religious denomination.