



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 [^{F1}local 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 [^{F1}local 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)—

Changes to legislation: Education and Inspections Act 2006, Section 43 is up to date with all changes known to be in force on or before 19 April 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) View outstanding changes

- (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 [^{F1}local 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 ”.

Textual Amendments

- F1** Words in Pts. 1-7 substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 14(2)**

Commencement Information

- I1** S. 43 in force at 8.1.2007 for E. by [S.I. 2006/3400](#), **art. 2(a)**
- I2** S. 43 in force at 30.6.2008 for W. by [S.I. 2008/1429](#), art. 3(1), **Sch. Pt. 1**

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2006/2990 art. 4 by [S.I. 2008/54 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2007/935 art. 7(n) by [S.I. 2007/1271 art. 4](#)
- specified provision(s) transitional provisions for earlier commencing SI 2007/935 by [S.I. 2007/1271 art. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A inserted by [2010 c. 26 s. 7](#)
- s. 88(A1) inserted by [2015 c. 20 Sch. 16 para. 1\(2\)](#)
- s. 93A inserted by [2009 c. 22 s. 246](#)
- s. 93A(7) words inserted by [S.I. 2016/413 reg. 235](#) (This amendment comes into force on the day that section 93A of the Education and Inspections Act 2006 (c. 40) comes into force. That provision is still prospective)
- s. 162(5A)(aa) inserted by [2010 nawm 1 Sch. 1 para. 20\(a\)](#)