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STATUTORY INSTRUMENTS

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**2003 No. 424**

**The Education and Libraries (Northern Ireland) Order 2003**

**PART V**

**MISCELLANEOUS AND SUPPLEMENTARY**

*Miscellaneous*

**Abolition of corporal punishment**

**36.**—(1) Corporal punishment given by, or on the authority of, a member of staff to a child—

- (a) for whom education is provided at any school or institution of further education, or
- (b) for whom education is provided, otherwise than at school, under any arrangements made by a board under Article 86 of the 1998 Order,

cannot be justified in any proceedings on the ground that it was given in pursuance of a right exercisable by the member of staff by virtue of his position as such.

(2) Paragraph (1) applies to corporal punishment so given to a child at any time, whether at the school, institution or other place at which education is provided for the child, or elsewhere.

(3) In this Article any reference to giving corporal punishment to a child is to doing anything for the purpose of punishing that child (whether or not there are other reasons for doing it) which, apart from any justification, would constitute battery.

(4) However, corporal punishment shall not be taken to be given to a child by virtue of anything done for reasons that include averting—

- (a) an immediate danger of personal injury to, or
- (b) an immediate danger to the property of,

any person (including the child himself).

(5) In this Article—

“child” means a person under the age of 18;

“member of staff”, in relation to the child concerned, means—

- (a) any person who works as a teacher at the school, institution or other place at which education is provided for the child, or
- (b) any other person who (whether in connection with the provision of education for the child or otherwise)—
  - (i) works at that school, institution or place, or
  - (ii) otherwise provides his services there (whether or not for payment), and has lawful control or charge of the child.

## Reports and returns

37.—(1) A body to which this paragraph applies shall—

- (a) make such reports and returns; and
- (b) give such information,

to the Department as the Department may reasonably require for the purposes of its functions under any statutory provision.

(2) Paragraph (1) applies to—

- (a) a board;
- (b) the trustees of a school;
- (c) the Board of Governors of a grant-aided school;
- (d) the proprietor of an independent school;
- (e) the Council for Catholic Maintained Schools;
- (f) the Staff Commission; and
- (g) the Northern Ireland Council for the Curriculum, Examinations and Assessment.

(3) A body to which this paragraph applies shall—

- (a) make such reports and returns; and
- (b) give such information,

to a board as the board may reasonably require for the purposes of its functions under any statutory provision.

(4) Paragraph (3) applies to—

- (a) the trustees of a school;
- (b) the Board of Governors of a grant-aided school; and
- (c) the proprietor of an independent school.

(5) A body to which this paragraph applies shall—

- (a) make such reports and returns; and
- (b) give such information,

to the Department of Culture, Arts and Leisure as that Department may reasonably require for the purposes of its functions under any statutory provision.

(6) Paragraph (5) applies to—

- (a) a board; and
- (b) the Staff Commission.

(7) A body to which this paragraph applies shall—

- (a) make such reports and returns; and
- (b) give such information,

to the Department for Employment and Learning as that Department may reasonably require for the purposes of its functions under any statutory provision.

(8) Paragraph (7) applies to—

- (a) a board;
- (b) the managers of a college of education;
- (c) the governing body of a university; and
- (d) the Northern Ireland Council for the Curriculum, Examinations and Assessment.

(9) In Article 21 of the [Further Education \(Northern Ireland\) Order 1997 \(NI 15\)](#) in paragraph (1) (b) (duty of governing body of institution of further education to provide information to a board for the purposes of its functions under the Education Orders) for the words “the Education Orders” there shall be substituted “any statutory provision”.

### **Annual report of boards**

**38.**—(1) A board shall in respect of each financial year prepare a report on the exercise of its functions in that year.

(2) A report shall—

- (a) be published; and
- (b) be laid before the Assembly,

by the board by such date as the Department may direct.

(3) Subject to Article 12(5) (report under this Article to contain annual statement of accounts of board and report thereon), a report under this Article shall contain such information as the Department may direct.

(4) Before giving a direction under this Article, the Department shall consult the other funding departments.