



Education Act 1996

1996 CHAPTER 56

PART X

MISCELLANEOUS AND GENERAL

CHAPTER II

[^{F1} PUNISHMENT AND RESTRAINT OF PUPILS]

[^{F1} Powers to search pupils]

Textual Amendments

- F1** Ss. 550ZA-550ZD inserted (1.9.2010) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), [ss. 242\(1\), 269\(4\)](#); [S.I. 2010/303](#), art. 6, Sch. 5 (as amended (26.7.2010) by [S.I. 2010/1891](#), art. 2(2) (with art. 3))

550ZA Power of members of staff to search pupils for prohibited items: England

- (1) This section applies where a member of staff of a school in England—
 - (a) has reasonable grounds for suspecting that a pupil at the school may have a prohibited item with him or her or in his or her possessions; and
 - (b) falls within section 550ZB(1).
- (2) The member of staff may search the pupil (“P”) or P’s possessions for that item.
- (3) For the purposes of this section and section 550ZC each of the following is a “prohibited item”—
 - (a) an article to which section 139 of the Criminal Justice Act 1988 applies (knives and blades etc);
 - (b) an offensive weapon, within the meaning of the Prevention of Crime Act 1953;

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- (c) alcohol, within the meaning of section 191 of the Licensing Act 2003;
 - (d) a controlled drug, within the meaning of section 2 of the Misuse of Drugs Act 1971, which section 5(1) of that Act makes it unlawful for P to have in P's possession;
 - (e) a stolen article;
 - [an article that the member of staff reasonably suspects has been, or is likely to be, used—
 - (i) to commit an offence, or
 - (ii) to cause personal injury to, or damage to the property of, any person (including P);]
 - (f) an article of a kind specified in regulations.
 - ^{F2}(ea) [any other item which the school rules identify as an item for which a search may be made.]
- (4) In subsection (3)(e) “stolen”, in relation to an article, has the same meaning as it has by virtue of section 24 of the Theft Act 1968 in the provisions of that Act relating to goods which have been stolen.
- [In subsection (3)(ea)(i), “offence” includes anything that would be an offence but for ^{F4}(4A) the operation of any presumption that a person under a particular age is incapable of committing an offence.
- (4B) In subsection (3)(g), the “school rules” means—
- (a) in the case of a maintained school or a non-maintained special school, rules in force at the school that are made under measures determined and publicised by the head teacher under section 89 of the Education and Inspections Act 2006;
 - (b) in the case of any other school, measures relating to discipline in the school that are determined and publicised in accordance with regulations.
- (4C) In subsection (4B)(a)—
- “maintained school” means—
- (a) a community, foundation or voluntary school,
 - (b) a community or foundation special school,
 - (c) a maintained nursery school, or
 - (d) a pupil referral unit;
- “non-maintained special school” means a school that is approved under section 342.]
- (5) In this section and section 550ZB—
- “member of staff”, in relation to a school, means—
- (a) any teacher who works at the school; and
 - (b) any other person who, with the authority of the head teacher, has lawful control or charge of pupils for whom education is being provided at the school;
- “possessions”, in relation to P, includes any goods over which P has or appears to have control.
- (6) The powers conferred by this section and sections 550ZB and 550ZC are in addition to any powers exercisable by the member of staff in question apart from those sections and are not to be construed as restricting such powers.

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Textual Amendments

- F2** S. 550ZA(3)(ea) inserted (1.4.2012) by Education Act 2011 (c. 21), ss. 2(2)(a), 82(3); S.I. 2012/924, art. 2
- F3** S. 550ZA(3)(g) inserted (1.4.2012) by Education Act 2011 (c. 21), ss. 2(2)(b), 82(3); S.I. 2012/924, art. 2
- F4** Ss. 550ZA(4A)-(4C) inserted (1.4.2012) by Education Act 2011 (c. 21), ss. 2(2)(c), 82(3); S.I. 2012/924, art. 2

550ZB Power of search under section 550ZA: supplementary

- (1) A person may carry out a search under section 550ZA only if that person—
 - (a) is the head teacher of the school; or
 - (b) has been authorised by the head teacher to carry out the search.
 - (2) An authorisation for the purposes of subsection (1)(b) may be given in relation to—
 - (a) searches under section 550ZA generally;
 - (b) a particular search under that section;
 - (c) a particular description of searches under that section.
 - (3) Nothing in any enactment, instrument or agreement shall be construed as authorising a head teacher of a school in England to require a person other than a member of the security staff of the school to carry out a search under section 550ZA.
 - (4) A search under section 550ZA may be carried out only where—
 - (a) the member of staff and P are on the premises of the school; or
 - (b) they are elsewhere and the member of staff has lawful control or charge of P.
 - (5) A person exercising the power in section 550ZA [^{F5}to search for an item within section 550ZA(3)(a) to (f)] may use such force as is reasonable in the circumstances for exercising that power.
 - (6) A person carrying out a search of P under section 550ZA—
 - (a) may not require P to remove any clothing other than outer clothing;
 - (b) must be of the same sex as P [^{F6}, unless the condition in subsection (6A) is satisfied];
 - (c) may carry out the search only in the presence of another member of staff [^{F7}, unless the condition in subsection (6A) is satisfied]; and
 - (d) must ensure that the other member of staff is of the same sex as P if it is reasonably practicable to do so.
- [The condition is satisfied if—
- ^{F8}(6A)
 - (a) the person carrying out the search reasonably believes that there is a risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency, and
 - (b) in the time available it is not reasonably practicable for the search to be carried out by a person of the same sex as P or in the presence of another member of staff (as the case may be).]
- (7) P's possessions may not be searched under section 550ZA except in the presence of—
 - (a) P; and

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- (b) another member of staff^{F9}, unless the condition in subsection (7A) is satisfied].

[The condition is satisfied if—

- ^{F10}(7A) (a) the person carrying out the search reasonably believes that there is a risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency, and
- (b) in the time available it is not reasonably practicable for the search to be carried out in the presence of another member of staff.]

(8) In this section—

“member of the security staff”, in relation to a school, means a member of staff whose work at the school consists wholly or mainly of security-related activities;

“outer clothing” means—

- (a) any item of clothing that is being worn otherwise than wholly next to the skin or immediately over a garment being worn as underwear; or
- (b) a hat, shoes, boots, gloves or a scarf.

Textual Amendments

- F5** Words in s. 550ZB(5) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 2(3)(a)**, 82(3); S.I. 2012/924, art. 2
- F6** Words in s. 550ZB(6)(b) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 2(3)(b)(i)**, 82(3); S.I. 2012/924, art. 2
- F7** Words in s. 550ZB(6)(c) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 2(3)(b)(ii)**, 82(3); S.I. 2012/924, art. 2
- F8** S. 550ZB(6A) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 2(3)(c)**, 82(3); S.I. 2012/924, art. 2
- F9** Words in s. 550ZB(7)(b) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 2(3)(d)**, 82(3); S.I. 2012/924, art. 2
- F10** S. 550ZB(7A) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 2(3)(e)**, 82(3); S.I. 2012/924, art. 2

550ZC Power to seize items found during search under section 550ZA

- (1) A person carrying out a search under section 550ZA may seize any of the following found in the course of the search—
- (a) anything which that person has reasonable grounds for suspecting is a prohibited item;
- (b) any other thing which that person has reasonable grounds for suspecting is evidence in relation to an offence.
- (2) A person exercising the power in subsection (1) [^{F11}to seize an item within section 550ZA(3)(a) to (f) or anything within subsection (1)(b)] may use such force as is reasonable in the circumstances for exercising that power.
- (3) A person who seizes alcohol under subsection (1) may retain or dispose of the alcohol and its container.
- (4) A person who seizes a controlled drug under subsection (1)—

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- (a) must (subject to paragraph (b)) deliver it to a police constable as soon as reasonably practicable; but
 - (b) may dispose of it if the person thinks that there is a good reason to do so.
- (5) A person who seizes a stolen article under subsection (1)—
- (a) must (subject to paragraph (b)) deliver it to a police constable as soon as reasonably practicable; but
 - (b) may return it to its owner (or, if returning it to its owner is not practicable, may retain it or dispose of it) if the person thinks that there is a good reason to do so.
- (6) In determining, for the purposes of subsections (4) and (5), whether there is a good reason to dispose of a controlled drug or to return a stolen article to its owner, retain it or dispose of it, the person must have regard to any guidance issued by the Secretary of State.
- [A person who seizes an item that is a prohibited item by virtue of section 550ZA(3)
- ^{F12}(6A) (ea) (article used in commission of offence or to cause personal injury or damage to property) under subsection (1) must—
- (a) deliver the item to a police constable as soon as reasonably practicable,
 - (b) return the item to its owner,
 - (c) retain the item, or
 - (d) dispose of the item.
- (6B) A person who seizes an item that is a prohibited item by virtue of section 550ZA(3) (g) (item for which search may be made under school rules) under subsection (1) must return it to its owner, retain it or dispose of it.
- (6C) In deciding what to do with an item under subsection (6A) or (6B), the person who seized it must have regard to guidance issued for the purpose of this section by the Secretary of State.
- (6D) Subsections (6E) and (6F) apply to an item that—
- (a) has been seized under subsection (1),
 - (b) is a prohibited item by virtue of section 550ZA(3)(ea) or (g), and
 - (c) is an electronic device.
- (6E) The person who seized the item may examine any data or files on the device, if the person thinks there is a good reason to do so.
- (6F) Following an examination under subsection (6E), if the person has decided to return the item to its owner, retain it or dispose of it, the person may erase any data or files from the device if the person thinks there is a good reason to do so.
- (6G) In determining whether there is a good reason for the purposes of subsection (6E) or (6F), the person must have regard to any guidance issued for the purposes of this section by the Secretary of State.]
- (7) Regulations may prescribe what must or may be done by a person who, under subsection (1), seizes an article of a kind specified in regulations under section 550ZA(3)(f) (or an article which the person has reasonable grounds for suspecting to be such an article).
- (8) A person who, under subsection (1), seizes—

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- (a) an article to which section 139 of the Criminal Justice Act 1988 applies (knives and blades etc);
 - (b) an offensive weapon; or
 - (c) anything which that person has reasonable grounds for suspecting is evidence in relation to an offence;
- must deliver it to a police constable as soon as reasonably practicable.
- (9) Subsection (8)(c) is subject to subsections (3), (4)^[F13], (5) and (6A)] and regulations made under subsection (7).
- (10) In subsections (3) to (8), references to alcohol, a controlled drug, a stolen article, an article to which section 139 of the Criminal Justice Act 1988 applies and an offensive weapon include references to anything which the person has reasonable grounds for suspecting is alcohol, a controlled drug, a stolen article, an article to which section 139 of the Criminal Justice Act 1988 applies or an offensive weapon.

Textual Amendments

- F11** Words in s. 550ZC(2) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 2(4)(a)**, 82(3); S.I. 2012/924, art. 2
- F12** Ss. 550ZC(6A)-(6G) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 2(4)(b)**, 82(3); S.I. 2012/924, art. 2
- F13** Words in s. 550ZC(9) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 2(4)(c)**, 82(3); S.I. 2012/924, art. 2

550ZD Section 550ZC: supplementary

- (1) The Police (Property) Act 1897 (disposal of property in the possession of the police) applies to property which has come into the possession of a police constable under section 550ZC(4)(a), (5)(a)^[F14], (6A)(a)] or (8) as it applies to property which has come into the possession of the police in the circumstances mentioned in that Act.
- (2) Subsection (3) applies where a person—
- (a) seizes, retains or disposes of ^[F15]an item within subsection (2A)] under section 550ZC; and
 - (b) proves that the seizure, retention or disposal was lawful.
- ^[F16](2A) [The items referred to in subsection (2)(a) are—
- (a) alcohol or its container;
 - (b) a controlled drug;
 - (c) a stolen article;
 - (d) an item that is a prohibited item by virtue of section 550ZA(3)(ea) or (g).
- (2B) Subsection (3) also applies where a person—
- (a) erases data or a file from an electronic device under section 550ZC(6F); and
 - (b) proves that the erasure was lawful.]
- (3) That person is not liable in any proceedings in respect of—
- (a) the seizure, retention^[F17], disposal or erasure]; or
 - (b) any damage or loss which arises in consequence of it.

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- (4) Subsections (2)^[F18], (2B)] and (3) do not prevent any person from relying on any defence on which the person is entitled to rely apart from those subsections.
- (5) Regulations under section 550ZC(7) may make provision corresponding to any provision of this section.]

Textual Amendments

- F14** Words in s. 550ZD(1) inserted (1.4.2012) by Education Act 2011 (c. 21), ss. 2(5)(a), 82(3); S.I. 2012/924, art. 2
- F15** Words in s. 550ZD(2)(a) substituted (1.4.2012) by Education Act 2011 (c. 21), ss. 2(5)(b), 82(3); S.I. 2012/924, art. 2
- F16** S. 550ZD(2A)(2B) inserted (1.4.2012) by Education Act 2011 (c. 21), ss. 2(5)(c), 82(3); S.I. 2012/924, art. 2
- F17** Words in s. 550ZD(3)(a) substituted (1.4.2012) by Education Act 2011 (c. 21), ss. 2(5)(d), 82(3); S.I. 2012/924, art. 2
- F18** Word in s. 550ZD(4) inserted (1.4.2012) by Education Act 2011 (c. 21), ss. 2(5)(e), 82(3); S.I. 2012/924, art. 2

[^{F19}550A Power of members of staff to search pupils for weapons [^{F20}: Wales]

- (1) A member of the staff of a school [^{F21}in Wales] who has reasonable grounds for suspecting that a pupil at the school may have with him or in his possessions—
 - (a) an article to which section 139 of the Criminal Justice Act 1988 applies (knives and blades etc.), or
 - (b) an offensive weapon (within the meaning of the Prevention of Crime Act 1953),may search that pupil or his possessions for such articles and weapons.
- (2) A search under this section may be carried out only where—
 - (a) the member of the staff and the pupil are on the premises of the school; or
 - (b) they are elsewhere and the member of the staff has lawful control or charge of the pupil.
- (3) A person may carry out a search under this section only if—
 - (a) he is the head teacher of the school; or
 - (b) he has been authorised by the head teacher to carry out the search.
- (4) Nothing in any enactment, instrument or agreement shall be construed as authorising a head teacher of a school [^{F22}in Wales] to require a person other than a member of the security staff of the school to carry out a search under this section.
- (5) A person who carries out a search of a pupil under this section—
 - (a) may not require the pupil to remove any clothing other than outer clothing;
 - (b) must be of the same sex as the pupil; and
 - (c) may carry out the search only in the presence of another member of the staff who is also of the same sex as the pupil.
- (6) A pupil's possessions may not be searched under this section except in his presence and in the presence of another member of the staff.

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- (7) If, in the course of a search under this section, the person carrying out the search finds—
- (a) anything which he has reasonable grounds for suspecting falls within subsection (1)(a) or (b), or
 - (b) any other thing which he has reasonable grounds for suspecting is evidence in relation to an offence,
- he may seize and retain it.
- (8) A person who exercises a power under this section may use such force as is reasonable in the circumstances for exercising that power.
- (9) A person who seizes anything under subsection (7) must deliver it to a police constable as soon as reasonably practicable.
- (10) The Police (Property) Act 1897 (disposal of property in the possession of the police) shall apply to property which has come into the possession of a police constable under this section as it applies to property which has come into the possession of the police in the circumstances mentioned in that Act.
- (11) An authorisation for the purposes of subsection (3)(b) may be given either in relation to a particular search or generally in relation to searches under this section or to a particular description of such searches.
- (12) In this section—
- “member of the staff”, in relation to a school, means—
- (a) any teacher who works at the school; and
 - (b) any other person who, with the authority of the head teacher, has lawful control or charge of pupils for whom education is being provided at the school;
- “member of the security staff” means a member of the staff whose work at the school consists wholly or mainly of security-related activities;
- “outer clothing” means—
- (a) any item of clothing that is being worn otherwise than wholly next to the skin or immediately over a garment being worn as underwear; or
 - (b) a hat, shoes, boots, gloves or a scarf;
- “possessions”, in relation to a pupil of a school, includes any goods over which he has or appears to have control.
- (13) The powers conferred by this section are in addition to any powers exercisable by the member of the staff in question apart from this section and are not to be construed as restricting such powers.]

Textual Amendments

- F19** S. 550AA inserted (31.5.2007 for E., 31.10.2010 for W.) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss. 45, 66\(2\)](#); [S.I. 2007/858, art. 3\(a\)](#); [S.I. 2010/2426, art. 2](#)
- F20** Word in s. 550AA title inserted (1.9.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), [ss. 243\(2\)](#), 269(4); [S.I. 2010/303, art. 6, Sch. 5](#) (as amended (26.7.2010) by [S.I. 2010/1891, art. 2\(2\)](#) (with art. 3))
- F21** Words in s. 550AA(1) inserted (1.9.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), [ss. 243\(3\)](#), 269(4); [S.I. 2010/303, art. 6, Sch. 5](#) (as amended (26.7.2010) by [S.I. 2010/1891, art. 2\(2\)](#) (with art. 3))

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F22 Words in s. 550AA(4) inserted (1.9.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 243(3), 269(4); S.I. 2010/303, art. 6, Sch. 5 (as amended (26.7.2010) by S.I. 2010/1891, art. 2(2) (with art. 3))

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