



Education Act 1996

1996 CHAPTER 56

PART X

MISCELLANEOUS AND GENERAL

CHAPTER II

[^{F1} PUNISHMENT AND RESTRAINT OF PUPILS]

[^{F1} Powers to search pupils]

[^{F1} 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;
 - (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;
 - (f) an article that the member of staff reasonably suspects has been, or is likely to be, used—

[^{F2}(ea)

Status: Point in time view as at 01/04/2012.

Changes to legislation: Education Act 1996, Section 550ZA is up to date with all changes known to be in force on or before 02 October 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)

- (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.
- [any other item which the school rules identify as an item for which a search
- ^{F3}(g) 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.]

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))
- 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

Status: Point in time view as at 01/04/2012.

Changes to legislation: Education Act 1996, Section 550ZA is up to date with all changes known to be in force on or before 02 October 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)

- 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

Status:

Point in time view as at 01/04/2012.

Changes to legislation:

Education Act 1996, Section 550ZA is up to date with all changes known to be in force on or before 02 October 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.