



# Violent Crime Reduction Act 2006

## 2006 CHAPTER 38

### PART 2

#### WEAPONS ETC.

##### *Knives, etc.*

#### 45 Power of members of staff to search school pupils for weapons

After section 550A of the Education Act 1996 (c. 56) insert—

##### **“550AA Power of members of staff to search pupils for weapons**

- (1) A member of the staff of a school 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.

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*Changes to legislation: There are currently no known outstanding effects for the Violent Crime Reduction Act 2006, Section 45. (See end of Document for details)*

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- (4) Nothing in any enactment, instrument or agreement shall be construed as authorising a head teacher of a school 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.
- (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;

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“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.”

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**Commencement Information**

**I1** S. 45 in force for E. at 31.5.2007 by S.I. 2007/858, art. 3(a)

**I2** S. 45 in force at 31.10.2010 for W. by S.I. 2010/2426, art. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Violent Crime Reduction Act 2006, Section 45.