



# Education Act 1993 (repealed)

## 1993 CHAPTER 35

### PART VI

#### MISCELLANEOUS

##### *Independent schools*

#### **290 Independent schools: employment of teachers etc.**

- (1) At the end of section 71 of the <sup>M1</sup>Education Act 1944 (independent schools: complaints) there is added—
- “(4) If at any time the Secretary of State is satisfied that a person whose employment is prohibited or restricted by virtue of regulations under section 218(6) of the Education Reform Act 1988—
- (a) is employed in a registered or provisionally registered school in contravention of those regulations, or
  - (b) is the proprietor of such a school,
- he may order that the school be struck off the register or, as the case may be, that the Registrar is not to register the school.
- (5) In this section, and in sections 72 and 73 of this Act, “employee” means a person employed in work which brings him regularly into contact with persons who have not attained the age of nineteen years.”
- (2) In sections 71(1)(d) and (2), 72(2)(e), (3) and (4) and 73(3) of that Act, after “teacher” in each place where it occurs there is inserted “ or other employee ”.
- (3) In section 218 of the <sup>M2</sup>Education Reform Act 1988 (school etc. regulations)—
- (a) at the end of subsection (6)(b) “or” is omitted,
  - (b) after subsection (6)(c) there is added “or
  - (d) by the proprietors of independent schools or at such schools as teachers or in any such work” ,and

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- (c) in subsection (12) after “section” there is inserted “ other than in subsection (6) (d) above ”.

**Marginal Citations**

- M1** 1944 c. 31.  
**M2** 1988 c. 40.

**291 Training for unqualified teachers in CTCs or CCTAs.**

In section 218 of the Education Reform Act 1988 (school etc. regulations), after subsection (2) there is inserted—

“(2A) The regulations may impose requirements on persons carrying on city technology colleges or city colleges for the technology of the arts as to the training and teaching experience of persons employed as teachers at such colleges who seek to become (in relation to schools) qualified teachers; and such requirements shall have effect for the purposes of section 105 of this Act as requirements of the agreements under which the colleges are maintained.”

**292 Independent schools that are children’s homes.**

- (1) In section 63 of the <sup>M3</sup>Children Act 1989 (children not to be cared for and accommodated in unregistered children’s homes) for subsection (6) there is substituted—

“(6) An independent school is a children’s home at any time if at that time accommodation is provided for children at the school and either—

- (a) in each year that fell within the period of two years ending at that time accommodation was provided for more than three of the children at the school, or under arrangements made by the proprietor of the school, for more than 295 days in that year, or
- (b) it is intended to provide accommodation for more than three of the children at the school, or under arrangements made by the proprietor of the school, for more than 295 days in any year,

unless the school is approved by the Secretary of State under section 189(1) of the Education Act 1993 (approval of independent schools for children with statements); and in this subsection “year” means a period of twelve months and “proprietor” has the same meaning as in the Education Act 1944.”

- (2) In section 70 of the <sup>M4</sup>Education Act 1944 (registration of independent schools) after subsection (4) there is inserted—

“(4A) Regulations made under subsection (4) above may in particular require the proprietor of a school to furnish the Registrar with such information as is required by the local authority for the purpose of determining whether the school is a children’s home (within the meaning of the Children Act 1989).”

**Marginal Citations**

- M3** 1989 c. 41.

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**M4** 1944 c. 31.

### **293 Corporal punishment.**

- (1) Section 47 of the <sup>M5</sup>Education (No. 2) Act 1986 (corporal punishment) is amended as follows.
- (2) In subsection (1), after “pupil” there is inserted “ to whom this subsection applies ” and after that subsection there is inserted—
  - “(1A) Where, in any proceedings, it is shown that corporal punishment has been given to a pupil by or on the authority of a member of the staff, giving the punishment cannot be justified if the punishment was inhuman or degrading.
  - (1B) In determining whether punishment is inhuman or degrading regard shall be had to all the circumstances of the case, including the reason for giving it, how soon after the event it is given, its nature, the manner and circumstances in which it is given, the persons involved and its mental and physical effects.”
- (3) In subsection (5)—
  - (a) for the words preceding paragraph (a) there is substituted “Subsection (1) above applies to a pupil”, and
  - (b) for “but” there is substituted “ and in this section “pupil” .

#### **Commencement Information**

**II** S. 293 wholly in force at 1.10.1993 see s. 308(3) and S.I. 1993/1975, art. 9, Sch. 1

#### **Marginal Citations**

**M5** 1986 c. 61.

### **294 Corporal punishment: Scotland.**

- (1) Section 48A of the <sup>M6</sup>Education (Scotland) Act 1980 (corporal punishment) is amended as follows.
- (2) In subsection (1), after “pupil” there is inserted “ to whom this subsection applies ” and after that subsection there is inserted—
  - “(1A) Where, in any proceedings, it is shown that corporal punishment has been given to a pupil by or on the authority of a member of the staff, giving the punishment cannot be justified if the punishment was inhuman or degrading.
  - (1B) In determining whether punishment is inhuman or degrading regard shall be had to all the circumstances of the case, including the reason for giving it, how soon after the event it is given, its nature, the manner and circumstances in which it is given, the persons involved and its mental and physical effects.”
- (3) In subsection (5) for the words preceding paragraph (a) there is substituted “In this section “pupil” means a person for whom education is provided at a school or for whom school education is provided by an education authority otherwise than at a school.
- (5A) Subsection (1) above applies to a pupil-”

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(4) In subsection (8)(a) for “(5)(a)(iii)” there is substituted “ (5A)(a)(iii) ”.

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**Extent Information**

**E1** [S. 294](#): Act extends to England and Wales for exception see [s. 308\(4\)\(5\)](#)

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**Commencement Information**

**I2** [S. 294](#) wholly in force at 1.10.1993 see [s. 308\(3\)](#) and [S.I. 1993/1975](#), [art.9](#), [Sch. 1](#)

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**Marginal Citations**

**M6** [1980 c. 44](#).

**Status:**

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**Changes to legislation:**

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