



Education Act 1996

1996 CHAPTER 56

PART X

MISCELLANEOUS AND GENERAL

CHAPTER II

[^{F1} PUNISHMENT AND RESTRAINT OF PUPILS]

Textual Amendments

- F1** Pt. X Ch. II: Chapter heading and cross-heading substituted for Chapter heading (1.9.1998) by virtue of 1997 c. 44, s. 57(1), [Sch. 7 para. 38](#); S.I. 1998/386, art. 2(4), [Sch. 1 Pt. IV](#)

[^{F2} Corporal punishment]

Textual Amendments

- F2** Pt. X Ch. II: Chapter heading and cross-heading substituted for Chapter heading (1.9.1998) by virtue of 1997 c. 44, s. 57(1), [Sch. 7 para. 38](#); S.I. 1998/386, art. 2(4), [Sch. 1 Pt. IV](#)

[^{F3}548 No right to give corporal punishment.

- (1) Corporal punishment given by, or on the authority of, a member of staff to a child—
- for whom education is provided at any school, or
 - for whom education is provided, otherwise than at school, under any arrangements made by a local education authority, or
 - for whom specified nursery education is provided otherwise than at school,
- 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.

Status: Point in time view as at 02/01/2008.

Changes to legislation: Education Act 1996, Chapter II is up to date with all changes known to be in force on or before 28 May 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)

- (2) Subsection (1) applies to corporal punishment so given to a child at any time, whether at the school or other place at which education is provided for the child, or elsewhere.
- (3) The following provisions have effect for the purposes of this section.
- (4) 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.
- (5) 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).
- (6) “Member of staff”, in relation to the child concerned, means—
- (a) any person who works as a teacher at the school 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 or place, or
 - (ii) otherwise provides his services there (whether or not for payment), and has lawful control or charge of the child.
- (7) “Child” (except in subsection (8)) means a person under the age of 18.
- (8) “Specified nursery education” means full-time or part-time education suitable for children who have not attained compulsory school age which is provided—
- (a) by a local education authority; or
 - (b) by any other person—
 - (i) who is (or is to be) in receipt of financial assistance given by such an authority and whose provision of nursery education is taken into account by the authority in formulating proposals for the purposes of section 120(2)(a) of the School Standards and Framework Act 1998,
^{F4} ...
 - ^{F4}(ii)
- ^{F5}(c) [^{F6}(otherwise than as mentioned in paragraph (a) or (b)) in any educational institution which would fall within section 4(1) above (definition of “school”) but for the fact that it provides part-time, rather than full-time, primary education.]]

Textual Amendments

- F3** S. 548 substituted (1.9.1999) by 1998 c. 31, **ss. 131(1)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F4** S. 548(8)(b)(ii) and word repealed (1.4.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4
- F5** S. 548(8)(c) repealed (1.10.2002 for E., 31.3.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2004/912, art. 4, Sch. Pt. 1
- F6** S. 548(8)(c) repealed (1.10.2002 for E., otherwise prosp.) by Education Act 2002 (c. 32), ss. 215, 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**

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F7 549

Textual Amendments

F7 S. 549 repealed (1.9.1999) by 1998 c. 31, ss. 131(2), 140(1)(3), Sch. 30 para. 164, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

F8 550

Textual Amendments

F8 S. 550 repealed (1.9.1999) by 1998 c. 31, ss. 131(2), 140(1)(3), Sch. 30 para. 164, **Sch.31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

[^{F9} Power to restrain pupils]

Textual Amendments

F9 S. 550A and cross-heading inserted (1.9.1998) by 1997 c. 44, s. 4 (with s. 57(3)); S.I. 1998/386, art. 2(4), **Sch. 1 Pt. IV**

F10 ^{F11} **550A** Power of members of staff to restrain pupils.
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Textual Amendments

F10 S. 550A repealed (1.4.2007 for E.) by Education and Inspections Act 2006 (c. 40), ss. 96(a), 188(3), **Sch. 18 Sch. 6**; S.I. 2007/935, art. 4(a)(d)

F11 S. 550A and cross-heading inserted (1.9.1998) by 1997 c. 44, s. 4 (with s. 57(3)); S.I. 1998/386, art. 2(4), **Sch. 1 Pt. IV**

F12 **550A** 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.

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- (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 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.]

Textual Amendments

F12 S. 550AA inserted (E.W.) (31.5.2007 for E.) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), **ss. 45**, **66(2)**; S.I. 2007/858, art. 3(a)

[^{F13} Detention]

Textual Amendments

F13 S. 550B and cross-heading inserted (1.9.1998) by [1997 c. 44](#), **s. 5** (with s. 57(3)); S.I. 1998/386, art. 2(4), **Sch. 1 Pt. IV**

^{F14}^{F15} **[550B] Detention outside school hours lawful despite absence of parental consent.**

Textual Amendments

F14 S. 550B repealed (1.4.2007 for E., 31.10.2010 for W.) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 96(a)**, **188(3)**, **Sch. 18 Sch. 6**; S.I. 2007/935, art. 4(a)(d); S.I. 2010/2543, art. 2(f)(m)

F15 S. 550B and cross-heading inserted (1.9.1998) by [1997 c. 44](#), **s. 5** (with s. 57(3)); S.I. 1998/386, art. 2(4), **Sch. 1 Pt. IV**

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