



Education Act 1996

1996 CHAPTER 56

PART X

MISCELLANEOUS AND GENERAL

CHAPTER II

[^{F1} PUNISHMENT AND RESTRAINT OF PUPILS]

[^{F1} Corporal punishment]

[^{F1}548 No right to give corporal punishment.

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

Status: Point in time view as at 01/04/2003. This version of this provision has been superseded.

Changes to legislation: Education Act 1996, Section 548 is up to date with all changes known to be in force on or before 12 August 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)

- (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,
^{F2} ...
- ^{F2}(ii)
- (c) [^{F3}(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

- F1** 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**
- F2** 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**
- F3** 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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