



# Education Act 1996

## 1996 CHAPTER 56

### PART X

#### MISCELLANEOUS AND GENERAL

#### CHAPTER II

#### [<sup>F1</sup> PUNISHMENT AND RESTRAINT OF PUPILS]

#### *[<sup>F1</sup> Powers to search pupils]*

#### [<sup>F1</sup> 550ZB Power of search under section 550ZA: supplementary

- (1) A person may carry out a search under section 550ZA only if that person—
  - (a) is the head teacher of the school; or
  - (b) has been authorised by the head teacher to carry out the search.
- (2) An authorisation for the purposes of subsection (1)(b) may be given in relation to—
  - (a) searches under section 550ZA generally;
  - (b) a particular search under that section;
  - (c) a particular description of searches under that section.
- (3) Nothing in any enactment, instrument or agreement shall be construed as authorising a head teacher of a school in England to require a person other than a member of the security staff of the school to carry out a search under section 550ZA.
- (4) A search under section 550ZA may be carried out only where—
  - (a) the member of staff and P are on the premises of the school; or
  - (b) they are elsewhere and the member of staff has lawful control or charge of P.
- (5) A person exercising the power in section 550ZA [<sup>F2</sup>to search for an item within section 550ZA(3)(a) to (f)] may use such force as is reasonable in the circumstances for exercising that power.

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: Education Act 1996, Section 550ZB is up to date with all changes known to be in force on or before 18 September 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)*

- (6) A person carrying out a search of P under section 550ZA—
- (a) may not require P to remove any clothing other than outer clothing;
  - (b) must be of the same sex as P<sup>F3</sup>, unless the condition in subsection (6A) is satisfied];
  - (c) may carry out the search only in the presence of another member of staff<sup>F4</sup>, unless the condition in subsection (6A) is satisfied]; and
  - (d) must ensure that the other member of staff is of the same sex as P if it is reasonably practicable to do so.
- [ The condition is satisfied if—
- <sup>F5</sup>(6A) (a) the person carrying out the search reasonably believes that there is a risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency, and
- (b) in the time available it is not reasonably practicable for the search to be carried out by a person of the same sex as P or in the presence of another member of staff (as the case may be).]

(7) P's possessions may not be searched under section 550ZA except in the presence of—

    - (a) P; and
    - (b) another member of staff<sup>F6</sup>, unless the condition in subsection (7A) is satisfied].

[ The condition is satisfied if—

<sup>F7</sup>(7A) (a) the person carrying out the search reasonably believes that there is a risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency, and

    - (b) in the time available it is not reasonably practicable for the search to be carried out in the presence of another member of staff.]

(8) In this section—

“member of the security staff”, in relation to a school, means a member of 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.]

#### 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** Words in s. 550ZB(5) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 2(3)(a)**, 82(3); [S.I. 2012/924](#), **art. 2**
- F3** Words in s. 550ZB(6)(b) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 2(3)(b)(i)**, 82(3); [S.I. 2012/924](#), **art. 2**
- F4** Words in s. 550ZB(6)(c) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 2(3)(b)(ii)**, 82(3); [S.I. 2012/924](#), **art. 2**
- F5** S. 550ZB(6A) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 2(3)(c)**, 82(3); [S.I. 2012/924](#), **art. 2**

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| <b>F6</b> | Words in s. 550ZB(7)(b) inserted (1.4.2012) by <a href="#">Education Act 2011 (c. 21)</a> , <b>ss. 2(3)(d)</b> , 82(3); S.I. 2012/924, art. 2 |
| <b>F7</b> | S. 550ZB(7A) inserted (1.4.2012) by <a href="#">Education Act 2011 (c. 21)</a> , <b>ss. 2(3)(e)</b> , 82(3); S.I. 2012/924, art. 2            |

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