



Education Act 1997

1997 CHAPTER 44

PART VIII

MISCELLANEOUS AND GENERAL

Teachers not under contract of employment and persons having access to those under 19

49 Power to make regulations: teachers not under contract of employment and persons having access to those under 19.

(1) Section 218 of the ^{M1}Education Reform Act 1988 (power of Secretary of State to make regulations in respect of schools and further and higher education institutions) shall be amended as follows.

(2) After subsection (6) there shall be inserted—

“(6A) The Secretary of State may by regulations impose requirements on—

- (a) local education authorities,
- (b) the governing bodies of schools or institutions falling within subsection (10) below, or
- (c) the proprietors of independent schools,

for the purpose of prohibiting or restricting, on medical grounds or in cases of misconduct, access to persons who have not attained the age of nineteen years by persons (not falling within subsection (6) above) who provide services falling within subsection (6B).

(6B) Those services are services provided in relation to the school or institution or persons attending it which—

- (a) are provided by whatever means and whether under contract or otherwise, and
- (b) bring the persons providing them regularly into contact with persons who have not attained the age of nineteen years.”

Status: Point in time view as at 01/02/1999. This version of this provision has been superseded.

Changes to legislation: Education Act 1997, Section 49 is up to date with all changes known to be in force on or before 07 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)

(3) In subsection (12) (definition of “school”), after “(6)(d)” there shall be inserted “ or (6A) ”.

(4) After subsection (12) there shall be inserted—

“(13) For the purposes of this section—

- (a) any reference to persons employed as teachers includes a reference to persons engaged to provide their services as teachers otherwise than under contracts of employment; and
- (b) any reference to teachers or other persons employed by local education authorities or by any description of governing bodies or proprietors includes a reference to teachers or other persons engaged to provide their services for such authorities, governing bodies or proprietors (as the case may be) otherwise than under contracts of employment;

and any reference to employment (or further employment) shall be construed accordingly.”

Commencement Information

- II** S. 49 partly in force; s. 49 not in force at Royal Assent see s. 58(3); s. 49(1) in force for certain purposes at 1.10.1997 and s. 49(2)(3) in force at 1.10.1997 by [S.I. 1997/1468](#), [art. 2](#), [Sch. 1 Pt. I](#); s. 49(1) in force for all other purposes at 1.3.1998 and s. 49(4) in force at 1.3.1998 by [S.I. 1998/386](#), [art. 2 Sch. 1 Pt. I](#)

Marginal Citations

- M1** 1988 c. 40.

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