
STATUTORY INSTRUMENTS

1998 No. 1759

Education (Northern Ireland) Order 1998

PART II

DISCIPLINE

Detention of pupil outside school hours

5.—(1) Where a pupil to whom this Article applies is required on disciplinary grounds to spend a period of time in detention at his school after the end of any school session, his detention shall not be rendered unlawful by virtue of the absence of his parent's consent to it if the conditions set out in paragraph (3) are satisfied.

(2) This Article applies to any pupil who—

- (a) is [^{F1}a registered pupil at] a grant-aided school; and
- (b) has not attained the age of 18.

(3) The conditions referred to in paragraph (1) are as follows—

- (a) the principal of the school must have previously determined, and have—
 - (i) generally made known within the school; and
 - (ii) taken steps to bring to the attention of the parent of every person who is for the time being a pupil there,

that the detention of pupils after the end of a school session is one of the measures that may be taken with a view to regulating the conduct of pupils;

- (b) the detention must be imposed by the principal or by another teacher at the school specifically or generally authorised by him for the purpose;
- (c) the detention must be reasonable in all the circumstances; and
- (d) the pupil's parent must have been given at least 24 hours' notice in writing that the detention was due to take place.

(4) In determining for the purpose of paragraph (3)(c) whether a pupil's detention is reasonable, the following matters in particular shall be taken into account—

- (a) whether the detention constitutes a proportionate punishment in the circumstances of the case; and
- (b) any special circumstances relevant to its imposition on the pupil which are known to the person imposing it (or of which he ought reasonably to be aware) including in particular—
 - (i) the pupil's age;
 - (ii) any special educational needs he may have;
 - (iii) any religious requirements affecting him; and
 - (iv) where arrangements have to be made for him to travel from the school to his home, whether suitable alternative arrangements can reasonably be made by his parent.

Changes to legislation: Education (Northern Ireland) Order 1998, Section 5 is up to date with all changes known to be in force on or before 11 April 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) View outstanding changes

(5) Without prejudice to section^{F2} 24] of the Interpretation Act (Northern Ireland) 1954 (which provides for the methods by which documents may be served) notice under this Article may be given to a pupil's parent by any other effective method.

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| F1 | Words in art. 5(2)(a) substituted (23.3.2007) by Education (Northern Ireland) Order 2006 (S.I. 2006/1915 (N.I. 11)), arts. 1(4)(c), 44(1), Sch. 2 para. 39; S.R. 2007/197, art. 2(a) |
| F2 | 2003 NI 12 |

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Order words substituted by [2014 c. 12 \(N.I.\) Sch. 3 para. 1\(1\)\(b\)](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 89A inserted by [2022 c. 45 s. 5](#)