



Education and Inspections Act 2006

2006 CHAPTER 40

PART 7

DISCIPLINE, BEHAVIOUR AND EXCLUSION

CHAPTER 1

SCHOOL DISCIPLINE

Confiscation from pupils

94 Defence where confiscation lawful

- (1) This section applies where, as a disciplinary penalty—
 - (a) an item which a pupil has with him or in his possessions is seized, and
 - (b) the item is retained for any period or is disposed of.
- (2) A person who seizes, retains or disposes of the item is not liable in any proceedings in respect of—
 - (a) the seizure, retention or disposal (as the case may be), or
 - (b) any damage or loss which arises in consequence of it,if he proves that the seizure, retention or disposal (as the case may be) was lawful (whether or not by virtue of section 91).
- (3) Nothing in this section applies where an item is seized under section [F1550ZC or] 550AA of EA 1996 (provision as to what is to be done with such an item being made by that section).
- (4) This section is not to be construed as preventing any person relying on any defence on which he is entitled to rely apart from this section.

Changes to legislation: Education and Inspections Act 2006, Cross Heading: Confiscation from pupils is up to date with all changes known to be in force on or before 15 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](#)

Textual Amendments

- F1** Words in s. 94(3) inserted (1.9.2010) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), [ss. 242\(3\)](#), 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))
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Commencement Information

- I1** S. 94 in force at 1.4.2007 for E. by [S.I. 2007/935](#), [art. 4\(a\)](#)
I2 [S. 94](#) in force at 31.10.2010 for W. by [S.I. 2010/2543](#), [art. 2\(e\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2006/2990 art. 4 by [S.I. 2008/54 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2007/935 art. 7(n) by [S.I. 2007/1271 art. 4](#)
- specified provision(s) transitional provisions for earlier commencing SI 2007/935 by [S.I. 2007/1271 art. 5](#)

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

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

- s. 11A inserted by [2010 c. 26 s. 7](#)
- s. 88(A1) inserted by [2015 c. 20 Sch. 16 para. 1\(2\)](#)
- s. 93A inserted by [2009 c. 22 s. 246](#)
- s. 93A(7) words inserted by [S.I. 2016/413 reg. 235](#) (This amendment comes into force on the day that section 93A of the Education and Inspections Act 2006 (c. 40) comes into force. That provision is still prospective)
- s. 162(5A)(aa) inserted by [2010 nawm 1 Sch. 1 para. 20\(a\)](#)