
STATUTORY INSTRUMENTS

2003 No. 424

The Education and Libraries (Northern Ireland) Order 2003

PART V

MISCELLANEOUS AND SUPPLEMENTARY

Miscellaneous

Abolition of corporal punishment

36.—(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 institution of further education, or
- (b) for whom education is provided, otherwise than at school, under any arrangements made by [^{F1}the Authority] under Article 86 of the 1998 Order,

[^{F2}(c) for whom education is provided, otherwise than at a school or institution of further education, in pursuance of arrangements made by the Board of Governors of a school under Article 21 of the Education (Northern Ireland) Order 2006,]

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) Paragraph (1) applies to corporal punishment so given to a child at any time, whether at the school, institution or other place at which education is provided for the child, or elsewhere.

(3) In this Article 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.

(4) 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
- (b) an immediate danger to the property of,

any person (including the child himself).

(5) In this Article—

“child” means a person under the age of 18;

“member of staff”, in relation to the child concerned, means—

- (a) any person who works as a teacher at the school, institution 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, institution or place, or
 - (ii) otherwise provides his services there (whether or not for payment),

and has lawful control or charge of the child.

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| F1 | Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), s. 7(2)(c) , Sch. 3 para. 1(1)(a) (with Sch. 2 para. 4(3) , Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b) |
| F2 | Art. 36(1)(c) inserted (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. 46 ; S.R. 2007/197, art. 2(a) |

Changes to legislation:

There are currently no known outstanding effects for the The Education and Libraries (Northern Ireland) Order 2003, Section 36.