



# Education Act 1996

## 1996 CHAPTER 56

### PART X

#### MISCELLANEOUS AND GENERAL

#### CHAPTER II

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

##### Textual Amendments

- F1** Pt. X Ch. II: Chapter heading and cross-heading substituted for Chapter heading (1.9.1998) by virtue of 1997 c. 44, s. 57(1), [Sch. 7 para. 38](#); S.I. 1998/386, art. 2(4), [Sch. 1 Pt. IV](#)

#### [<sup>F2</sup> Corporal punishment]

##### Textual Amendments

- F2** Pt. X Ch. II: Chapter heading and cross-heading substituted for Chapter heading (1.9.1998) by virtue of 1997 c. 44, s. 57(1), [Sch. 7 para. 38](#); S.I. 1998/386, art. 2(4), [Sch. 1 Pt. IV](#)

#### [<sup>F3</sup>548 No right to give corporal punishment.

- (1) Corporal punishment given by, or on the authority of, a member of staff to a child—
- for whom education is provided at any school, or
  - for whom education is provided, otherwise than at school, under any arrangements made by a [<sup>F4</sup>local authority], or
  - for whom [<sup>F5</sup>specified early years education] is provided otherwise than at school,

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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) Subsection (1) applies to corporal punishment so given to a child at any time, whether at the school or other place at which education is provided for the child, or elsewhere.
- (3) The following provisions have effect for the purposes of this section.
- (4) 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.
- (5) 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).
- (6) “Member of staff”, in relation to the child concerned, means—
  - (a) any person who works as a teacher at the school 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 or place, or
    - (ii) otherwise provides his services there (whether or not for payment), and has lawful control or charge of the child.
- (7) “Child” (except in subsection (8)) means a person under the age of 18.
- [<sup>F6</sup>(8) “Specified early years education” means—
  - (a) in relation to England, early years provision as defined by section 20 of the Childcare Act 2006 which is provided under arrangements made by a local authority in England in pursuance of the duty imposed by section 7 of that Act (whether or not the local authority provides the early years provision);
  - (b) in relation to Wales, full-time or part-time education suitable for children who have not attained compulsory school age which is provided—
    - (i) by a [<sup>F4</sup>local authority] in Wales, or
    - (ii) by any other person who is in receipt of financial assistance given by such an authority under arrangements made by them in pursuance of the duty imposed by section 118 of the School Standards and Framework Act 1998.]]

#### Textual Amendments

- F3** S. 548 substituted (1.9.1999) by 1998 c. 31, **ss. 131(1)** (with **ss. 138(9), 144(6)**); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F4** Words in Act substituted (5.5.2010) by **The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010** (S.I. 2010/1158), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F5** Words in s. 548(1)(c) substituted (1.9.2008 for E.) by **Childcare Act 2006 (c. 21), s. 109(2), Sch. 2 para. 27(2)**; S.I. 2008/2261, art. 2 (with Sch. 1)

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**F6** S. 548(8) substituted (1.9.2008 for E.) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), [Sch. 2 para. 27\(3\)](#); [S.I. 2008/2261](#), art. 2 (with [Sch. 1](#))

**F7** ~~549~~ .....

**Textual Amendments**

**F7** S. 549 repealed (1.9.1999) by [1998 c. 31](#), ss. 131(2), 140(1)(3), [Sch. 30 para. 164](#), [Sch.31](#) (with ss. 138(9), 144(6)); [S.I. 1999/2323](#), art. 2(1), [Sch. 1](#)

**F8** ~~550~~ .....

**Textual Amendments**

**F8** S. 550 repealed (1.9.1999) by [1998 c. 31](#), ss. 131(2), 140(1)(3), [Sch. 30 para. 164](#), [Sch.31](#) (with ss. 138(9), 144(6)); [S.I. 1999/2323](#), art. 2(1), [Sch. 1](#)

*[<sup>F9</sup> Power to restrain pupils]*

**Textual Amendments**

**F9** S. 550A and cross-heading inserted (1.9.1998) by [1997 c. 44](#), s. 4 (with s. 57(3)); [S.I. 1998/386](#), art. 2(4), [Sch. 1 Pt. IV](#)

**F10** ~~[<sup>F11</sup> 550A] Power of members of staff to restrain pupils.~~  
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**Textual Amendments**

**F10** S. 550A repealed (1.4.2007 for E.) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 96(a), 188(3), [Sch. 18 Sch. 6](#); [S.I. 2007/935](#), art. 4(a)(d)  
**F11** S. 550A and cross-heading inserted (1.9.1998) by [1997 c. 44](#), s. 4 (with s. 57(3)); [S.I. 1998/386](#), art. 2(4), [Sch. 1 Pt. IV](#)

**F12** ~~[<sup>F12</sup> 550A] Power of members of staff to search pupils for weapons~~

- (1) A member of the staff of a school who has reasonable grounds for suspecting that a pupil at the school may have with him or in his possessions—
- (a) an article to which section 139 of the Criminal Justice Act 1988 applies (knives and blades etc.), or
  - (b) an offensive weapon (within the meaning of the Prevention of Crime Act 1953),
- may search that pupil or his possessions for such articles and weapons.

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- (2) A search under this section may be carried out only where—
- (a) the member of the staff and the pupil are on the premises of the school; or
  - (b) they are elsewhere and the member of the staff has lawful control or charge of the pupil.
- (3) A person may carry out a search under this section only if—
- (a) he is the head teacher of the school; or
  - (b) he has been authorised by the head teacher to carry out the search.
- (4) Nothing in any enactment, instrument or agreement shall be construed as authorising a head teacher of a school to require a person other than a member of the security staff of the school to carry out a search under this section.
- (5) A person who carries out a search of a pupil under this section—
- (a) may not require the pupil to remove any clothing other than outer clothing;
  - (b) must be of the same sex as the pupil; and
  - (c) may carry out the search only in the presence of another member of the staff who is also of the same sex as the pupil.
- (6) A pupil's possessions may not be searched under this section except in his presence and in the presence of another member of the staff.
- (7) If, in the course of a search under this section, the person carrying out the search finds—
- (a) anything which he has reasonable grounds for suspecting falls within subsection (1)(a) or (b), or
  - (b) any other thing which he has reasonable grounds for suspecting is evidence in relation to an offence,
- he may seize and retain it.
- (8) A person who exercises a power under this section may use such force as is reasonable in the circumstances for exercising that power.
- (9) A person who seizes anything under subsection (7) must deliver it to a police constable as soon as reasonably practicable.
- (10) The Police (Property) Act 1897 (disposal of property in the possession of the police) shall apply to property which has come into the possession of a police constable under this section as it applies to property which has come into the possession of the police in the circumstances mentioned in that Act.
- (11) An authorisation for the purposes of subsection (3)(b) may be given either in relation to a particular search or generally in relation to searches under this section or to a particular description of such searches.
- (12) In this section—
- “member of the staff”, in relation to a school, means—
- (a) any teacher who works at the school; and
  - (b) any other person who, with the authority of the head teacher, has lawful control or charge of pupils for whom education is being provided at the school;
- “member of the security staff” means a member of the staff whose work at the school consists wholly or mainly of security-related activities;

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“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;

“possessions”, in relation to a pupil of a school, includes any goods over which he has or appears to have control.

- (13) The powers conferred by this section are in addition to any powers exercisable by the member of the staff in question apart from this section and are not to be construed as restricting such powers.]

**Textual Amendments**

- F12** S. 550AA inserted (E.W.) (31.5.2007 for E.) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), **ss. 45**, **66(2)**; S.I. 2007/858, art. 3(a)

[<sup>F13</sup> Detention]

**Textual Amendments**

- F13** S. 550B and cross-heading inserted (1.9.1998) by [1997 c. 44, s. 5](#) (with s. 57(3)); S.I. 1998/386, art. 2(4), **Sch. 1 Pt. IV**

<sup>F14</sup> ~~S. 550B~~ <sup>F15</sup> **Detention outside school hours lawful despite absence of parental consent.**

**Textual Amendments**

- F14** S. 550B repealed (1.4.2007 for E., 31.10.2010 for W.) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 96(a)**, **188(3)**, **Sch. 18 Sch. 6**; S.I. 2007/935, art. 4(a)(d); S.I. 2010/2543, art. 2(f)(m)
- F15** S. 550B and cross-heading inserted (1.9.1998) by [1997 c. 44, s. 5](#) (with s. 57(3)); S.I. 1998/386, art. 2(4), **Sch. 1 Pt. IV**

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