



Education Act 1996

1996 CHAPTER 56

PART X

MISCELLANEOUS AND GENERAL

CHAPTER II

[^{F1} PUNISHMENT AND RESTRAINT OF PUPILS]

[^{F1} Corporal punishment]

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**

548 No right to give corporal punishment.

- (1) Where, in any proceedings, it is shown that corporal punishment has been given to any pupil to whom this subsection applies by or on the authority of a member of the staff, giving the punishment cannot be justified on the ground that it was done in pursuance of a right exercisable by the member of the staff by virtue of his position as such.
- (2) Where, in any proceedings, it is shown that corporal punishment has been given to any pupil by or on the authority of a member of the staff, giving the punishment cannot be justified if it was inhuman or degrading.
- (3) Subsection (1) applies to—
 - (a) any pupil for whom education is provided—
 - (i) at a school maintained by a local education authority,
 - (ii) at a special school not so maintained, or
 - (iii) at a grant-maintained school;

Status: Point in time view as at 01/09/1998.

Changes to legislation: Education Act 1996, Cross Heading: Corporal punishment is up to date with all changes known to be in force on or before 02 June 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)

- (b) any pupil for whom education is provided at an independent school—
 - (i) which is maintained or assisted by a Minister of the Crown (including a school of which a government department is a proprietor) or is assisted by a local education authority, and
 - (ii) which falls within a prescribed class;
 - (c) any pupil for whom education is provided by a local education authority otherwise than at a school; and
 - (d) any pupil who is an assisted person for the purposes of this paragraph and for whom education is provided at an independent school not falling within paragraph (b) above.
- (4) A pupil is an assisted person for the purposes of subsection (3)(d) if—
- (a) he holds an assisted place under the scheme operated by the Secretary of State [F²provided under section 2(1) of the Education (Schools) Act 1997];
 - (b) any of the fees or expenses payable in respect of his attendance at school are paid by—
 - (i) the Secretary of State under section 491, or
 - (ii) a local education authority under section 517, or
 - (iii) the funding authority or a local education authority under paragraph 9 or 10 of Schedule 4;
 - (c) any of the fees payable in respect of his attendance at school are paid by a local education authority under section 518; or
 - (d) he falls within a prescribed category of persons.
- (5) The Secretary of State may prescribe, for the purposes of subsection (4)(d), one or more categories of persons who appear to him to be persons in respect of whom any fees are paid out of public funds.
- (6) A person does not commit an offence by reason of any conduct relating to a pupil which would, apart from this section, be justified on the ground that it is done in pursuance of a right exercisable by a member of the staff by virtue of his position as such.

Textual Amendments

F2 Words in s. 548(4)(a) substituted (1.9.1997) by 1997 c. 59, ss. 6(1), 7(3) (with s. 1(3))

549 Interpretation of section 548.

- (1) Subject to subsection (2), references in section 548 to giving corporal punishment are to doing anything for the purpose of punishing the pupil concerned (whether or not there are also other reasons for doing it) which, apart from any justification, would constitute battery.
- (2) A person is not to be taken for the purposes of section 548 as giving corporal punishment by virtue of anything done for reasons that include averting an immediate danger of personal injury to, or an immediate danger to the property of, any person (including the pupil concerned).
- (3) In determining for the purposes of section 548(2) whether punishment is inhuman or degrading regard shall be had to all the circumstances of the case, including the

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reason for giving it, how soon after the event it is given, its nature, the manner and circumstances in which it is given, the persons involved and its mental and physical effects.

- (4) In section 548 “member of the staff” means—
- (a) in relation to a person who is a pupil by reason of the provision of education for him at a school, any teacher who works at the school and any other person who has lawful control or charge of the pupil and works there; and
 - (b) in relation to a person who is a pupil by reason of the provision of education for him by a local education authority at a place other than a school, any teacher employed by the authority who works at that place and any other person employed by the authority who has lawful control or charge of the pupil and works there.
- (5) In section 548 and this section “pupil” does not include any person who has attained the age of 18.

550 No avoidance of section 548 by refusing admission to school etc.

A person shall not be debarred from receiving education (whether by refusing him admission to a school, suspending his attendance or otherwise) by reason of the fact that any provision of section 548 applies in relation to him or, if he were admitted, might so apply.

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