



# Education Act 1996

## 1996 CHAPTER 56

### PART X

#### MISCELLANEOUS AND GENERAL

### CHAPTER II

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

#### [<sup>F1</sup> 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**

#### [<sup>F2</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—
  - (a) for whom education is provided at any school, or
  - (b) for whom education is provided, otherwise than at school, under any arrangements made by a local education authority, or
  - (c) for whom [<sup>F3</sup>specified early years education] is provided otherwise than at school,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.

*Status: Point in time view as at 01/09/2008.*

*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)*

- (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>F4</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 local education 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

- F2** 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
- F3** 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)
- F4** 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)

**Status:** Point in time view as at 01/09/2008.

**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)

**Textual Amendments**

**F5** 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**

**F6** **550** .....

**Textual Amendments**

**F6** 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**

**Status:**

Point in time view as at 01/09/2008.

**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.