



Education Act 1996

1996 CHAPTER 56

PART X

MISCELLANEOUS AND GENERAL

CHAPTER II

CORPORAL PUNISHMENT

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;
 - (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

Status: This is the original version (as it was originally enacted).

- (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 under section 479;
 - (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.