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STATUTORY INSTRUMENTS

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**1989 No. 1825**

**EDUCATION, ENGLAND AND WALES**

**The Education (Abolition of Corporal  
Punishment) (Independent Schools) (Prescribed  
Categories of Persons) Regulations 1989**

*Made* - - - - *5th October 1989*

*Laid before Parliament* *11th October 1989*

*Coming into force* - - *1st November 1989*

In exercise of the powers conferred by section 47(6)(d) and (7) of the Education (No. 2) Act 1986(1), the Secretary of State for Education and Science, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:

1. These Regulations may be cited as the Education (Abolition of Corporal Punishment) (Independent Schools) (Prescribed Categories of Persons) Regulations 1989 and shall come into force on 1st November 1989.

2. In these Regulations –

“local authority”, in relation to England and Wales, means a local authority acting in the discharge of any of their functions under any of the enactments specified in Schedule 1 to the Local Authority Social Services Act 1970(2) (enactments conferring functions assigned to the social services committee) or, so long as an order under section 12 of that Act is in force, the Council of the Isles of Scilly,

“independent school” does not include any independent school which falls within a prescribed class for the purposes of section 47(5)(a)(iii) of the Education (No. 2) Act 1986.

3. The following category of persons is hereby prescribed as a prescribed category of persons for the purposes of section 47(6)(d) of the Education (No. 2) Act 1986, namely any person in respect of whom any of the fees payable in respect of his attendance at an independent school are paid by –

(a) a local authority;

(b) an education authority in Scotland within the meaning of the Education (Scotland) Act 1980(3);

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(1) 1986 c. 61. For the expressio “prescribed” see section 67(3) of the Education (o. 2) Act 1986 and section 114 of the Education Act 1944 (c. 31) ad for the transfer of functions to the Secretary of State see S. I. 1964/490, 1970/1536 and 1978/274.

(2) 1970 c. 42. For “local authority” see sectio 1 as amended by sectio 195(1) of the Local Government Act 1972 (c. 70).

(3) 1980 c. 44. See sectio 135(1).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (c) a Board constituted by Article 3(1) of the Education and Libraries (Northern Ireland) Order 1986<sup>(4)</sup>.

5th October 1989

*John MacGregor*  
Secretary of State for Education and Science

*Peter Walker*  
Secretary of State for Wales

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<sup>(4)</sup> S.I.1986/594 (N.I.3).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations prescribe categories of persons to whom corporal punishment may not be lawfully administered at an independent school in England and Wales, namely –

- (a) any persons whose fees at that school are paid by a local authority exercising their social services functions;
- (b) any person whose fees at that school are paid by an education authority in Scotland;
- (c) any person whose fees at that school are paid by an Education and Library Board in Northern Ireland.

“Independent school” for this purpose does not include an independent school which falls within a prescribed class (where such punishment is abolished by virtue of section 47(5)(a)(iii) of the 1986 Act).