STATUTORY INSTRUMENTS

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(**a**), 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(**b**) (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(**c**);

(**a**) 1986 c.61. For the expression "prescribed" *see* section 67(3) of the Education (No. 2) Act 1986 and section 114 of the Education Act 1944 (c.31) and for the transfer of functions to the Secretary of State *see* S.I. 1964/490, 1970/1536 and 1978/274. (**b**) 1970 c.42. For "local authority" *see* section 1 as amended by section 195(1) of the Local Government Act 1972 (c.70). (**c**) 1980 c.44. *See* section 135(1).

(c) a Board constituted by Article 3(1) of the Education and Libraries (Northern Ireland) Order 1986(a).

John MacGregor
5th October 1989 Secretary of State for Education and Science

Peter Walker
5th October 1989 Secretary of State for Wales

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).

(a) S.I. 1986/594 (N.I. 3).

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