



# Standards in Scotland's Schools etc. Act 2000

2000 asp 6

## *Ending of corporal punishment in schools*

### **16 No justification for corporal punishment**

- (1) Corporal punishment given by, or on the authority of, a member of staff to a pupil—
- (a) for whom school education is provided by an education authority (whether or not at a school);
  - (b) for whom school education is provided, at a school other than a nursery school, by a person other than an education authority; or
  - (c) for whom school education is provided—
    - (i) by a person to whom any payment is made under section 23 of the Education (Scotland) Act 1996 (c.43) (which provides for grants for the education of children under school age); or
    - (ii) at a nursery school, or other establishment, by a person other than an education authority, in pursuance of arrangements entered into under section 35 of this Act,cannot be justified in any proceedings on the ground that it was so given in pursuance of a right exercisable by virtue of having a position as a member of staff.
- (2) Subsection (1) above applies to corporal punishment given at any time and whether or not given at the place where education is provided.
- (3) Subject to subsection (4) below, references in this section to giving corporal punishment are references to doing anything for the purposes of punishing the pupil concerned (whether or not there are other reasons for doing it) which, apart from any justification, would constitute physical assault upon that pupil.
- (4) Corporal punishment shall not be taken to be given to a pupil by virtue of anything done for reasons which include averting—
- (a) an immediate danger of personal injury to; or
  - (b) an immediate danger to the property of,
- any person (including the pupil concerned).

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**Changes to legislation:** *There are currently no known outstanding effects for the Standards in Scotland's Schools etc. Act 2000, Section 16. (See end of Document for details)*

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- (5) In subsection (1) above, “member of staff”, in relation to the pupil concerned, means—
- (a) any person who works as a teacher at the school or other place at which education is provided for the pupil; or
  - (b) any other person who (whether in connection with the provision of education for the pupil or otherwise)—
    - (i) works at that school or place; or
    - (ii) otherwise provides services there (whether or not for payment), and has lawful control or charge of the pupil.
- (6) Section 48A of the 1980 Act (which makes provision with regard to corporal punishment in schools etc.) is repealed.

**Changes to legislation:**

There are currently no known outstanding effects for the Standards in Scotland's Schools etc. Act 2000, Section 16.