
STATUTORY INSTRUMENTS

1987 No. 461 (N.I. 6)

NORTHERN IRELAND

**The Education (Corporal Punishment)
(Northern Ireland) Order 1987**

Made - - - - 18th March 1987
Laid before Parliament 1st April 1987
Coming into Operation in accordance with Article 1(2)

At the Court at Buckingham Palace, the 18th day of March 1987

Present,

The Queen's Most Excellent Majesty in Council

Whereas this Order is made only for purposes corresponding to those of section 47 of the Education (No. 2) Act 1986:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (as modified by section 47(11) of the said Act of 1986) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1.—(1) This Order may be cited as the Education (Corporal Punishment) (Northern Ireland) Order 1987.

(2) This Order shall come into operation on such day as the Head of the Department of Education may by order appoint.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

Abolition of corporal punishment

3. After Article 49 of the Education and Libraries (Northern Ireland) Order 1986 there shall be inserted the following Article—

“Abolition of corporal punishment

49A.—(1) Where, in any proceedings, it is shown that corporal punishment has been given to a pupil 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) Subject to paragraph (3), references in this Article to giving corporal punishment are references to doing anything for the purposes of punishing the pupil concerned (whether or not there are also other reasons for doing it) which, apart from any justification, would constitute battery.

(3) A person is not to be taken for the purposes of this Article as giving corporal punishment by virtue of anything done for reasons that include averting an immediate danger of personal injury to, or an immediate danger to the property of, any person (including the pupil concerned).

(4) A person does not commit an offence by reason of any conduct relating to a pupil which would, apart from this Article, 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.

(5) In this Article “pupil” means a person for whom education—

- (a) is provided at a grant-aided school; or
- (b) is secured, otherwise than at such a school, by a board; being a person who has not attained the age of eighteen years.

(6) In this Article “member of the staff” means—

- (a) in relation to a person who is a pupil by reason of the provision of education for him at any school, any teacher who works at the school and any other person who has lawful control or charge of the pupil and works there; and
- (b) in relation to a person who is a pupil by reason of the provision of education for him by a board at a place other than a school, any teacher employed by that board who works at that place and any other person employed by that board who has lawful control or charge of the pupil and works there.^{1.}”

G. I. de Deney
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order is made only for the purposes corresponding to those of section 47 of the Education (No. 2) Act 1986 (c. 61).

The Order removes the right of members of the staff of schools in Northern Ireland to administer corporal punishment to pupils whose education is provided at grant-aided schools or is otherwise secured by education and library boards.