



# Education and Inspections Act 2006

## 2006 CHAPTER 40

### PART 7

#### DISCIPLINE, BEHAVIOUR AND EXCLUSION

### CHAPTER 2

#### PARENTAL RESPONSIBILITIES AND EXCLUDED PUPILS

#### *Excluded pupils*

#### **108 Removal of excluded pupils to designated premises**

- (1) Section 16 of the Crime and Disorder Act 1998 (c. 37) (removal of truants to designated premises) is amended in accordance with subsections (2) to (6).
- (2) In subsection (2)—
  - (a) for “subsection (3)” substitute “ subsections (3) and (3ZA) ”, and
  - (b) for “that subsection” substitute “ each of those subsections ”.
- (3) After subsection (3) insert—

“(3ZA) If a constable has reasonable cause to believe that a child or young person found by him in a public place in a specified area during a specified period and during school hours—

  - (a) is of compulsory school age,
  - (b) has been excluded on disciplinary grounds from a relevant school for a fixed period or permanently,
  - (c) remains excluded from that school,
  - (d) has not subsequently been admitted as a pupil to any other school, and
  - (e) has no reasonable justification for being in the public place,

the constable may remove the child or young person to designated premises.”

**Changes to legislation:** Education and Inspections Act 2006, Section 108 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(4) After subsection (3A) insert—

“(3B) In subsection (3ZA), “school hours” means any time during a school session of the school referred to in paragraph (b) of that subsection or during a break between sessions of that school on the same day.”

(5) In subsection (5), after the definition of “public place” insert—

““relevant school” has the meaning given by section 111 of the Education and Inspections Act 2006;”.

(6) In the heading, after “truants” insert “ and excluded pupils ”.

<sup>F1</sup>(7) . . . . .

<p><b>Textual Amendments</b></p> <p><b>F1</b> S. 108(7) omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of <a href="#">Policing and Crime Act 2017 (c. 3)</a>, s. 183(1)(5)(e), <a href="#">Sch. 12 para. 20(b)</a>; <a href="#">S.I. 2017/1139</a>, reg. 2(k) (as amended by <a href="#">S.I. 2017/1162</a>, reg. 2)</p> <hr/> <p><b>Commencement Information</b></p> <p><b>I1</b> S. 108 in force at 1.9.2007 for E. by <a href="#">S.I. 2007/1801</a>, <a href="#">art. 3(e)</a></p> <p><b>I2</b> S. 108 in force at 31.10.2010 for W. by <a href="#">S.I. 2010/2543</a>, <a href="#">art. 2(j)</a></p>
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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2006/2990 art. 4 by [S.I. 2008/54 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2007/935 art. 7(n) by [S.I. 2007/1271 art. 4](#)
- specified provision(s) transitional provisions for earlier commencing SI 2007/935 by [S.I. 2007/1271 art. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A inserted by [2010 c. 26 s. 7](#)
- s. 88(A1) inserted by [2015 c. 20 Sch. 16 para. 1\(2\)](#)
- s. 93A inserted by [2009 c. 22 s. 246](#)
- s. 93A(7) words inserted by [S.I. 2016/413 reg. 235](#) (This amendment comes into force on the day that section 93A of the Education and Inspections Act 2006 (c. 40) comes into force. That provision is still prospective)
- s. 162(5A)(aa) inserted by [2010 nawm 1 Sch. 1 para. 20\(a\)](#)