

Status: This version of this provision is prospective.

Changes to legislation: Education and Skills Act 2008, Section 22 is up to date with all changes known to be in force on or before 14 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



Education and Skills Act 2008

2008 CHAPTER 25

PART 1

DUTY TO PARTICIPATE IN EDUCATION OR TRAINING: ENGLAND

CHAPTER 3

EMPLOYERS

Commencement of employment

PROSPECTIVE

22 Financial penalty for contravention of section 21

- (1) Where a relevant [^{F1}local authority] is satisfied that a person (“the employer”) has contravened section 21, the authority may by notice (a “penalty notice”) require the employer to pay a financial penalty.
- (2) The amount of the financial penalty is to be determined in accordance with regulations.
- (3) A penalty notice must state—
 - (a) particulars of the contravention of section 21 in respect of which the penalty is imposed,
 - (b) the amount of the penalty,
 - (c) how payment may be made,
 - (d) the period within which the penalty must be paid (which must be not less than 4 weeks beginning with the date on which the notice is given),
 - (e) the steps that the employer may take if the employer objects to the giving of the penalty notice, including how the employer may appeal against it, and
 - (f) the consequences of non-payment.

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- (4) For the purposes of subsection (1), a [F1local authority] is a relevant [F1local authority] in relation to a contract of employment under which a person to whom this Part applies is employed if—
- (a) the person belongs to the authority's area, or
 - (b) the person's place of work, or one of the places at which the person works, under the contract is in the authority's area.
- (5) Without prejudice to section 166(6), regulations under subsection (2) may make provision for penalties of different amounts to be payable in different cases or circumstances (including provision for the penalty payable under a penalty notice to differ according to the time by which it is paid).

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 15(2)**

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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. 91(3)(c) inserted by [2022 asc 1 Sch. 4 para. 22\(3\)](#)