

Status: This version of this provision is prospective.

Changes to legislation: Education and Skills Act 2008, Section 53 is up to date with all changes known to be in force on or before 20 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 5

ATTENDANCE NOTICES

Failure to comply with attendance notice

PROSPECTIVE

53 Failure to comply with attendance notice: penalty notice

- (1) Where a [^{F1}local authority] which has given an attendance notice to a person under section 46 has reason to believe that the person has committed an offence under section 51 relating to the notice, the authority may give the person a penalty notice in respect of the offence.
- (2) A penalty notice is a notice offering a person the opportunity of discharging any liability to conviction in respect of the offence to which the notice relates by payment of a penalty in accordance with the notice.
- (3) Where a person is given a penalty notice—
 - (a) proceedings for the offence to which the notice relates may not be instituted before the end of such period as may be prescribed; and
 - (b) the person cannot be convicted of the offence to which the notice relates if a penalty is paid in accordance with the notice.
- (4) Regulations may make—
 - (a) provision as to the form and content of penalty notices;

Status: This version of this provision is prospective.

Changes to legislation: Education and Skills Act 2008, Section 53 is up to date with all changes known to be in force on or before 20 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

- (b) provision as to the amount of any penalty and the time by which it is to be paid (but subject to subsection (6));
 - (c) provision as to the methods by which penalties may be paid;
 - (d) provision as to the records which are to be kept in relation to penalty notices;
 - (e) provision for or in connection with the withdrawal of a penalty notice, or its ceasing to have effect, in prescribed circumstances, including—
 - (i) provision about repayment of any amount paid by way of penalty under a penalty notice which is withdrawn or ceases to have effect; and
 - (ii) provision prohibiting the institution or continuation of proceedings for the offence to which such a notice relates;
 - (f) provision for a certificate—
 - (i) purporting to be signed by or on behalf of a prescribed person, and
 - (ii) stating that payment of any amount paid by way of penalty was or, as the case may be, was not received on or before a date specified in the certificate,
 to be received in evidence of the matters so stated;
 - (g) provision as to the action to be taken if a penalty is not paid in accordance with a penalty notice;
 - (h) provision for or in connection with the preparation of codes of conduct in relation to the giving of penalty notices;
 - (i) such other provision in relation to penalties under penalty notices or in relation to penalty notices as the Secretary of State thinks necessary or expedient.
- (5) Without prejudice to section 166(6), regulations under subsection (4)(b) 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).
- (6) The amount of any penalty payable by virtue of regulations under subsection (4)(b) must not exceed the amount for the time being specified as level 1 on the standard scale of fines for summary offences.

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)**

Status:

This version of this provision is prospective.

Changes to legislation:

Education and Skills Act 2008, Section 53 is up to date with all changes known to be in force on or before 20 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.

[View outstanding changes](#)

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\(3\)](#)