

Status: This version of this provision is prospective.

Changes to legislation: Education and Skills Act 2008, Section 58 is up to date with all changes known to be in force on or before 21 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

58 Enforcement of non-participation fine: further provisions

- (1) In sections 56 and 57, “the normal enforcement provisions” means—
- (a) Part 3 of the Magistrates' Courts Act 1980 (satisfaction and enforcement);
 - (b) sections 135 and 136 of that Act (committal and detention for short period);
 - (c) section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (detention of persons aged at least 18 but under 21 for default or contempt);
 - (d) Schedules 5 and 6 to the Courts Act 2003 (c. 39) (collection of fines etc and discharge of fines by unpaid work); and
 - (e) section 300 of the Criminal Justice Act 2003 (c. 44) (power to impose unpaid work requirement or curfew requirement on fine defaulter).
- (2) In sections 56 and 57, “the normal enforcement powers”, in relation to any sum, means—
- (a) any power of a magistrates' court or an officer of such a court—
 - (i) to enforce payment of the sum; or
 - (ii) which is exercisable in consequence of a default in payment of the sum or any part of it;

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- (b) in the case of a fine imposed, varied or confirmed by a decision of any other court on an appeal, any power of that other court to enforce the decision.
- (3) The Lord Chancellor may by order amend subsection (1) or (2) by—
- (a) adding a reference to any statutory provision which relates to enforcement of fines, costs or surcharges, or to any power to enforce payment of such sums, or
- (b) removing a reference to any provision or power for the time being listed in that section.
- (4) Where—
- (a) a sum is payable at a time or times specified by—
- (i) an order under section 75 of the Magistrates' Courts Act 1980 (c. 43) (power to dispense with immediate payment), or
- (ii) orders under that section and section 85A of that Act (variation of instalments of sum adjudged to be paid by conviction), and
- (b) the sum would (but for this subsection) be treated by virtue of section 56 or 57 as due to a ^[F1]local authority] in pursuance of a judgment or order of ^[F2]the county court],
- the sum is to be treated as so payable to that authority at the time or times referred to in paragraph (a) by virtue of an order of the county court under section 71(1) of the County Courts Act 1984 (c. 28) (satisfaction of judgments and orders for payment of money).

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)**
- F2** Words in s. 58(4)(b) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 9 para. 52**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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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\(3\)](#)