



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

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;
 - (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.

Status: This is the original version (as it was originally enacted).

- (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 local education authority in pursuance of a judgment or order of a 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).