

*This Statutory Instrument has been made in consequence of a defect in [SI 2004/181](#) and is being issued free of charge to all known recipients of that Statutory Instrument.*

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## STATUTORY INSTRUMENTS

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**2004 No. 920**

### **EDUCATION, ENGLAND**

#### **The Education (Penalty Notices) (England) (Amendment) Regulations 2004**

<i>Made</i>	- - - -	<i>25th March 2004</i>
<i>Laid before Parliament</i>		<i>1st April 2004</i>
<i>Coming into force</i>	- -	<i>22nd April 2004</i>

The Secretary of State for Education and Skills, in exercise of the powers conferred upon him by sections 444A, 444B and 569 of the Education Act 1996<sup>(1)</sup> hereby makes the following Regulations:

#### **Citation, commencement and application**

**1.**—(1) These Regulations may be cited as the Education (Penalty Notices) (England) (Amendment) Regulations 2004 and shall come into force on 22nd April 2004.

(2) These Regulations apply only in relation to England.

#### **Service of notices**

**2.** For regulation 20(2) of the Education (Penalty Notices) (England) Regulations 2004<sup>(2)</sup> there shall be substituted—

“(2) Service by post shall be deemed to have been effected, unless the contrary is proved, on the second working day after posting the notice by first-class post.

(3) In this regulation “working day” means a day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971<sup>(3)</sup>.”

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(1) [1996 c. 56](#)  
(2) [S.I. 2004/181](#)  
(3) [1971 c. 80](#)

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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25th March 2004

*Ivan Lewis*  
Parliamentary Under Secretary of State  
Department for Education and Skills

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

These regulations amend the Education (Penalty Notices) (England) Regulations 2004 by inserting new paragraphs (2) and (3) into regulation 20.

Paragraph (2) makes it clear that the recipient may prove that a notice served by post was not delivered to him. It also provides that two days service is to be calculated without taking account of Saturdays, Sundays or Bank Holidays.