

2013 No. 757

EDUCATION, ENGLAND

**The Education (Penalty Notices) (England) (Amendment)
Regulations 2013**

<i>Made</i> - - - -	<i>26th March 2013</i>
<i>Laid before Parliament</i>	<i>4th April 2013</i>
<i>Coming into force</i> - -	<i>1st September 2013</i>

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 444B(1), (2) and (4) and 569 of the Education Act 1996(a) and sections 106(1), (2) and (4) and 181 of the Education and Inspections Act 2006(b).

Citation, commencement and application

1.—(1) These Regulations may be cited as The Education (Penalty Notices) (England) (Amendment) Regulations 2013 and come into force on 1st September 2013.

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

Amendment of The Education (Penalty Notices) (England) Regulations 2007

2.—(1) The Education (Penalty Notices) (England) Regulations 2007(c) is amended as follows.

(2) In regulations 3(e), 4(a) and 4(b), for “28 days” substitute “21 days” and for “42 days” substitute “28 days”.

(3) In regulations 5 and 7, for “42 days” substitute “28 days”.

Transitional provision

3.—(1) The amendments made by regulation 2 have no effect in relation to a penalty notice given in respect of an offence to which paragraph (2) applies.

(2) This paragraph applies to an offence alleged to have been partly or wholly committed before 1st September 2013.

(3) In this regulation, “offence” refers to an offence under section 444(1) of the Education Act 1996 or section 103(3) of the Education and Inspections Act 2006.

(a) 1996 c.56; section 444B was inserted by the Anti-social Behaviour Act 2003 (c.38), section 23(1). There are amendments to sections 444B(4) and 569 not relevant to these Regulations.
(b) 2006 c.40; there are amendments to section 181 not relevant to these Regulations.
(c) S.I. 2007/1867.

26th March 2013

Elizabeth Truss
Parliamentary Under Secretary of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Penalty Notices) (England) Regulations 2007 (“the Principal Regulations”) to shorten the period in which the penalty notice must be paid to the local education authority.

Regulation 4 of the Principal Regulations provides that the amount of the penalty to be paid is £60 if paid within 28 days of receipt of the notice; and £120 if paid within 42 days of receipt of the notice. These Regulations shorten the above periods from 28 days to 21 days and from 42 days to 28 days respectively (**regulation 2**).

Regulations 5 (period for payment of the penalty) and 7 (period during which proceedings may not be instituted) of the Principal Regulations are also amended to shorten the period from 42 days to 28 days.

The shortened periods do not apply where the offences are alleged to have been wholly or partly committed before 1st September 2013 (**regulation 3**).

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.

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