



# Education and Skills Act 2008

## 2008 CHAPTER 25

### PART 1

#### DUTY TO PARTICIPATE IN EDUCATION OR TRAINING: ENGLAND

### CHAPTER 3

#### EMPLOYERS

##### *Employer to enable participation in education or training*

### **31 Financial penalty for non-compliance with enforcement notice given under section 30**

- (1) This section applies where a local education authority has given an enforcement notice to a person (“the employer”) under section 30.
- (2) Where the local education authority is satisfied—
  - (a) that the employer has failed to comply with the notice, or
  - (b) in the case of an enforcement notice requiring the employer to offer to vary the terms and conditions of employment by virtue of section 30(4)(a), the employee has agreed to the variation but the employer has failed to give effect to the variation,the authority may by notice (a “penalty notice”) require the employer to pay a financial penalty.
- (3) The amount of the financial penalty is to be determined in accordance with regulations.
- (4) A penalty notice must state—
  - (a) particulars of the failure by the employer in respect of which the penalty notice is given,
  - (b) the amount of the penalty,

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*Status: This is the original version (as it was originally enacted).*

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- (c) how payment may be made,
  - (d) the period within which the penalty must be paid (which must be not less than 4 weeks beginning with the date on which the notice is given),
  - (e) the steps that the employer may take if the employer objects to the giving of the penalty notice, including how the employer may appeal against it, and
  - (f) the consequences of non-payment.
- (5) Without prejudice to section 166(6), regulations under subsection (3) 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).