



# 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*

#### **52 Restrictions on proceedings for offences under section 51**

- (1) This section applies to proceedings for an alleged offence under section 51 relating to an attendance notice.
- (2) The proceedings may not be instituted except by the local education authority which gave the attendance notice.
- (3) The proceedings may not be instituted if the attendance notice has been—
  - (a) rescinded on an appeal by virtue of section 49, or
  - (b) revoked under section 50(8).
- (4) The proceedings may not be instituted unless—
  - (a) a penalty notice has been given under section 53 in respect of the alleged offence and has not been rescinded on an appeal by virtue of section 54,
  - (b) the penalty imposed by the notice has not been paid in accordance with the notice, and
  - (c) an attendance panel established by the local education authority under section 48 has, on being consulted by the local education authority about the question whether the proceedings should be instituted, recommended to the authority that the proceedings should be instituted.

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**Status:** *This is the original version (as it was originally enacted).*

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(5) Regulations—

- (a) must make provision to secure that, before a recommendation under subsection (4)(c) is made by an attendance panel in a person's case, the person has an opportunity to make representations to the panel, and
  - (b) may make other provision as to the procedure to be followed in relation to the making of such recommendations.
- (6) The proceedings may not be instituted after this Part has ceased to apply to the person alleged to have committed the offence under section 51.
- (7) Subsection (6) does not affect proceedings for such an offence by a person which were instituted while this Part applied to the person.