

---

STATUTORY INSTRUMENTS

---

**2007 No. 1867**

**The Education (Penalty Notices) (England) Regulations 2007**

*Codes of conduct*

**Requirement to draw up code of conduct**

**14.** Each local education authority must draw up a code of conduct which sets out measures to ensure consistency in the issuing of penalty notices, including—

- (a) means of avoiding the issue of duplicate penalty notices;
- (b) measures to ensure that a penalty notice is not issued in respect of an offence when proceedings for that offence under section 444 of the 1996 Act (or an offence under subsection (1A) of that section arising out of the same circumstances) or section 103(3) of the 2006 Act, as the case may be, are contemplated or have been commenced by the local education authority;
- (c) the occasions when it will be appropriate to issue a penalty notice for an offence;
- (d) a maximum number of penalty notices that may be issued to one parent in any twelve month period; and
- (e) arrangements for co-ordination between the local education authority, neighbouring local education authorities where appropriate, the police and authorised officers<sup>(1)</sup>.

**Consultation on the code of conduct**

**15.—(1)** In preparing the code of conduct the local education authority must consult governing bodies, head teachers and the chief officer of police for a police area which includes all or part of the area of the local education authority, and must have regard to any guidance issued by the Secretary of State.

(2) In this regulation—

- “chief officer of police” has the meaning given by section 101(1) of the Police Act 1996<sup>(2)</sup>; and
- “police area” means a police area provided for by section 1 of that Act.

**Compliance with the code of conduct**

**16.** Any person issuing a penalty notice must do so in accordance with the code of conduct.

**Secretary of State’s power to give direction**

**17.** The Secretary of State may at any time direct a local education authority—

- (a) (if it has not already drawn up a code of conduct under regulation 14) to prepare a draft code for his approval by the date specified in the direction; or

---

(1) Authorised officers are defined in section 444B(4) of 1996 c. 56 in relation to penalty notices under section 444A of that Act, and in subsection (6) of section 105 of 2006 c. 40 in relation to penalty notices under that section.  
(2) 1996 c.16, to which there are amendments not relevant to these Regulations.

---

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

---

- (b) (if it has already drawn up such a code but the code appears to the Secretary of State to contain inappropriate measures) to prepare a draft of revisions to the code for his approval by the date specified in the direction.

**Approval and effect of code of conduct following direction**

**18.** The Secretary of State may approve a draft code or draft revisions to the code submitted under regulation 17 with or without modifications and—

- (a) where a draft code has been approved (pursuant to regulation 17(a) and this regulation) it has effect as approved; and
- (b) where draft revisions to the code have been approved (pursuant to regulation 17(b) and this regulation) the code has effect with the approved revisions.