

2012 No. 1046

EDUCATION, ENGLAND

**The Education (Penalty Notices) (England) (Amendment)
Regulations 2012**

<i>Made</i> - - - -	<i>2nd April 2012</i>
<i>Laid before Parliament</i>	<i>16th April 2012</i>
<i>Coming into force</i> - -	<i>1st September 2012</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 2012 and come into force on 1st September 2012.

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

Amount of penalty

2.—(1) Regulation 4 (amount of penalty) of the Education (Penalty Notices) (England) Regulations 2007(c) is amended as follows.

(2) In paragraph (a), for “£50” substitute “£60”.

(3) In paragraph (b), for “£100” substitute “£120”.

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 2012.

(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.

2nd April 2012

Nick Gibb
Minister of State
Department for Education

(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.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Penalty Notices) (England) Regulations 2007 to increase the penalties payable under penalty notices issued in respect of offences under section 444 (offence: failure to secure regular attendance at school of registered pupil) of the Education Act 1996 and section 103 (duty of parent in relation to excluded pupil) of the Education and Inspections Act 2006.

They increase the penalties from £50 to £60 for those who pay within 28 days and from £100 to £120 for those who pay within 42 days (**regulation 2**). The increases do not apply where the offences are alleged to have been wholly or partly committed before 1st September 2012 (**regulation 3**).

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