



# Education Act 1996

## 1996 CHAPTER 56

### PART VI

#### SCHOOL ADMISSIONS, ATTENDANCE AND CHARGES

#### CHAPTER II

#### SCHOOL ATTENDANCE

*School attendance: offences and education supervision orders*

#### **[<sup>F1</sup>444B Penalty notices: supplemental**

- (1) Regulations may make—
- (a) provision as to the form and content of penalty notices,
  - (b) provision as to the monetary amount of any penalty and the time by which it is to be paid,
  - (c) provision for determining the local education authority to which a penalty is payable,
  - (d) provision as to the methods by which penalties may be paid,
  - (e) provision as to the records which are to be kept in relation to penalty notices,
  - (f) provision as to the persons who may be authorised by a local education authority or a head teacher to give penalty notices,
  - (g) provision limiting the circumstances in which authorised officers of a prescribed description may give penalty notices,
  - (h) provision for or in connection with the withdrawal, in prescribed circumstances, of a penalty notice, including—
    - (i) repayment of any amount paid by way of penalty under a penalty notice which is withdrawn, and

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*Status: Point in time view as at 01/09/2007. This version of this provision has been superseded.*

*Changes to legislation: Education Act 1996, Section 444B is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (ii) prohibition of the institution or continuation of proceedings for the offence to which the withdrawn notice relates (and any offence under section 444(1A) arising out of the same circumstances),
  - (i) provision for a certificate—
    - (i) purporting to be signed by or on behalf of a prescribed person, and
    - (ii) stating that payment of any amount paid by way of penalty was or, as the case may be, was not received on or before a date specified in the certificate,
 to be received in evidence of the matters so stated,
  - (j) provision as to the action to be taken if a penalty is not paid in accordance with a penalty notice,
  - (k) provision for or in connection with the preparation of codes of conduct in relation to the giving of penalty notices,
  - (l) such other provision in relation to penalties or penalty notices as the Secretary of State thinks necessary or expedient.
- (2) Without prejudice to the generality of subsection (1) or section 569(4), regulations under subsection (1)(b) 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).
- (3) Local education authorities, head teachers and authorised officers shall, in carrying out their functions in relation to penalty notices, have regard to any guidance which is published by the Secretary of State from time to time in relation to penalty notices.
- (4) In this section and section 444A—
- “authorised officer” means—
    - (a) a constable,
    - (b) an officer of a local education authority in England who is authorised by the authority to give penalty notices, or
    - (c) an authorised staff member,
  - “authorised staff member” means—
    - (a) a head teacher of a relevant school in England, or
    - (b) a member of the staff of a relevant school in England who is authorised by the head teacher of the school to give penalty notices,
  - “penalty” means a penalty under a penalty notice,
  - “penalty notice” has the meaning given by section 444A(2),
  - “relevant school” means—
    - (a) a maintained school,
    - (b) a pupil referral unit,
    - (c) an Academy,
    - (d) a city technology college, or
    - (e) a city college for the technology of the arts.]

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#### **Textual Amendments**

- F1** Ss. 444A, 444B inserted (E.W.) (27.2.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), **ss. 23(1)**, 93; [S.I. 2003/3300](#), art. 3(a)(ii)

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**Modifications etc. (not altering text)**

- C1** S. 444B: power to amend conferred (27.2.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), **ss. 23(9)**, 93; S.I. 2003/3300, art. 3(a)(ii)

**Status:**

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