



Education and Inspections Act 2006

2006 CHAPTER 40

PART 7

DISCIPLINE, BEHAVIOUR AND EXCLUSION

CHAPTER 2

PARENTAL RESPONSIBILITIES AND EXCLUDED PUPILS

Excluded pupils

105 Penalty notice in respect of presence of excluded pupil in public place

- (1) Where an authorised officer has reason to believe that a person has committed an offence under section 103(3), he may give the person a penalty notice in respect of the offence.
- (2) A penalty notice is a notice offering the person the opportunity of discharging any liability to conviction for the offence under section 103(3) to which the notice relates by payment of a penalty in accordance with the notice.
- (3) Where a person is given a penalty notice, proceedings for the offence to which the notice relates may not be instituted before the end of such period as may be prescribed.
- (4) Where a person is given a penalty notice, he cannot be convicted of the offence to which the notice relates if he pays a penalty in accordance with the notice.
- (5) Sums received by a local education authority under this section may be used by the authority for the purposes of any of their functions which may be specified in regulations but, to the extent that they are not so used, must be paid in accordance with regulations to the Secretary of State.
- (6) In this section—
“authorised officer” means—

Status: Point in time view as at 01/09/2007. This version of this provision has been superseded.

Changes to legislation: Education and Inspections Act 2006, Section 105 is up to date with all changes known to be in force on or before 19 July 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)

- (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;“regulations” means regulations made by the Secretary of State.

Commencement Information

II S. 105 in force at 1.9.2007 by S.I. 2007/1801, art. 4(h)

Status:

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