

EDUCATION AND INSPECTIONS ACT 2006

EXPLANATORY NOTES

COMMENTARY

Part 7: Discipline, Behaviour and Exclusion

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

511. This allows for a penalty notice to be given to a parent who appears to be guilty of an offence under section 103. The penalty notice will allow a parent to pay a penalty as a way of discharging any liability for the section 103(3) offence of failing to ensure that their child is not present in a public place.
512. *Subsection (6)* allows for regulations to permit the local education authority to retain the revenue they receive from penalty notices to cover the costs of enforcement; and requires it to remit any surplus to the Secretary of State.
513. Only authorised persons may issue a penalty notice. These are defined in *subsection (7)*. The definition of “authorised staff member” is the same as that in section 444B of the 1996 Act.