



Education and Inspections Act 2006

2006 CHAPTER 40

PART 7

DISCIPLINE, BEHAVIOUR AND EXCLUSION

CHAPTER 2

PARENTAL RESPONSIBILITIES AND EXCLUDED PUPILS

Excluded pupils

106 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 [^{F1}local authority] to whom 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 [^{F1}local 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 - (i) repayment of any amount by way of penalty under a penalty notice which is withdrawn, and
 - (ii) prohibition of the institution or continuation of proceedings for the offence to which the withdrawn notice relates;
 - (i) provision for a certificate—

Status: Point in time view as at 18/05/2012.

Changes to legislation: Education and Inspections Act 2006, Section 106 is up to date with all changes known to be in force on or before 16 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)

- (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 181(2)(a), regulations under subsection (1)(b) may make provision for penalties of different amounts to be payable in different cases (including provision for the penalty payable under a penalty notice to differ according to the time by which it is paid).
- (3) [^{F1}Local authorities], head teachers and authorised officers must, in carrying out their functions in relation to penalty notices, have regard to any guidance which is given by the Secretary of State from time to time in relation to penalty notices.
- (4) In this section —
- “penalty” means a penalty under a penalty notice;
 - “penalty notice” has the meaning given by section 105(2);
- and other expressions have the same meaning as in section 105.

Textual Amendments

- F1** Words in Pts. 1-7 substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 14(2)**

Commencement Information

- I1** S. 106 in force at 1.9.2007 by [S.I. 2007/1801](#), **art. 4(h)**

Status:

Point in time view as at 18/05/2012.

Changes to legislation:

Education and Inspections Act 2006, Section 106 is up to date with all changes known to be in force on or before 16 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.