

**2005 No. 2029**

**EDUCATION, ENGLAND**

**The Education (Penalty Notices) (England) (Amendment)  
Regulations 2005**

<i>Made</i> - - - -	<i>20th July 2005</i>
<i>Laid before Parliament</i>	<i>29th July 2005</i>
<i>Coming into force</i> - -	<i>1st September 2005</i>

In exercise of the powers conferred upon the Secretary of State by sections 444B and 569 of the Education Act 1996(a), the Secretary of State for Education and Skills hereby makes the following Regulations:

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Education (Penalty Notices) (England) (Amendment) Regulations 2005 and shall come into force on 1<sup>st</sup> September 2005.

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

**Amendment of the Education (Penalty Notices) (England) Regulations 2004**

2. The Education (Penalty Notices) (England) Regulations 2004(b) shall be amended in accordance with regulations 3 to 5.

3. In regulation 1(2), add the following definition—

“alternative educational provision” means—

- (a) education provided by a local education authority for a child otherwise than at school or at his home by way of arrangements made under section 19 of the Act; and
- (b) education at a place outside the premises of the school at which the child is a registered pupil and which the child is required by the appropriate authority (within the meaning of section 444ZA of the Act)(c) to attend for the purpose of receiving any instruction or training.

4. In regulation 2—

(a) for sub-paragraph (b) substitute—

“(b) the name and address of the child who is failing to attend school regularly or who is failing to attend alternative educational provision regularly and, as applicable—

- (i) the name of the school where he is a registered pupil; and

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(a) 1996 c.56. Sections 444A and 444B were inserted by section 23 of the Anti Social Behaviour Act 2003 (c.38); section 444A was amended by the Education Act 2005 (c.18), section 117 and Schedule 18, paragraph 3.

(b) SI 2004/181; amended by SI 2004/920.

(c) Section 444ZA of the Education Act 1996 Act was inserted by the Education Act 2005, section 116.

- (ii) the place where the alternative educational provision is provided for the child or at which he is required to attend;”.
- (b) for sub-paragraph (f) substitute—
  - “(f) the name and the address of the local education authority to which the penalty is to be paid and to which any correspondence relating to the penalty notice may be sent, being, as applicable—
    - (i) the local education authority in the area of which the school at which the recipient’s child is a registered pupil is situated; or
    - (ii) the local education authority which has made arrangements for the alternative educational provision to be provided for the recipient’s child;”.

5. For regulation 10 substitute—

“10.—(1) Subject to paragraph (2), an officer of a local education authority may only issue a penalty notice in respect of—

- (a) a child who is a registered pupil at a school in the area of that local education authority; or
- (b) a child for whom that local education authority has made arrangements (whether or not in the area of that authority) under section 19 of the Act for the provision of education for him otherwise than at school or at his home.

(2) Where a local education authority has entered into an agreement with another local education authority for an officer of that other authority to issue penalty notices in respect of a child to which paragraph (1)(a) or (b) applies, an officer of that other authority may issue a penalty notice in respect of such child.”.

20th July 2005

*Jacqui Smith*  
Minister of State  
Department for Education and Skills

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Education (Penalty Notices) (England) Regulations 2004 which prescribe the necessary details for the operation of the penalty notice scheme under section 444A of the Education Act 1996 (inserted by the Anti-Social Behaviour Act 2003). The Regulations only apply to England.

Section 444ZA of the Education Act 1996 (inserted by section 116 of the Education Act 2005) makes it an offence for a parent to fail to secure regular attendance of a child at alternative educational provision (as defined in regulation 3 of these Regulations). Where it is considered that a person has committed this offence, a penalty notice may be issued (section 444A of the 1996 Act). The Education (Penalty Notices) (England) Regulations 2004 make provision, amongst other things, as to the form and content of penalty notices and for limiting the circumstances in which authorised officers may give such notices.

The Regulations make minor changes to the form and content of the penalty notices to include information relating to alternative provision.

The Regulations extend the authority of an officer of a local education authority to issue penalty notices in respect of a child who is required to attend alternative provision.

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STATUTORY INSTRUMENTS

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