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STATUTORY INSTRUMENTS

2024 No. 717

EDUCATION, ENGLAND

The Education (Penalty Notices) (England) (Amendment) (No. 2) Regulations 2024

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| <i>Made</i> - - - - | <i>28th May 2024</i> |
| <i>Laid before Parliament</i> | <i>29th May 2024</i> |
| <i>Coming into force</i> - - | <i>19th August 2024</i> |

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 444B(1), (2) and (4) and 569 of the Education Act 1996(a).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Education (Penalty Notices) (England) (Amendment) (No. 2) Regulations 2024.

(2) These Regulations come into force on 19th August 2024.

(3) These Regulations extend to England and Wales.

Amendment of the Education (Penalty Notices) (England) Regulations 2007

2. The Education (Penalty Notices) (England) Regulations 2007(b) are amended in accordance with regulations 3 and 4.

Amendment of regulation 4

3.—(1) Regulation 4 (amount of penalty)(c) is amended as follows.

(2) In paragraph (3) after “Where no” insert “previous”.

(3) In paragraph (4) after “Where a” insert “previous”.

(4) After paragraph (4) insert—

“(4A) For the purposes of paragraphs (3) and (4), the following penalty notices issued under section 444A(1) of the 1996 Act are to be disregarded—

(a) 1996 c. 56. The Education Act 1996 was amended by the Anti-social Behaviour Act 2003 (c. 38) and the Education Act 2011 (c. 21). There are other amendments but none is relevant. For the meaning of “regulations”, see section 579(1) of the Education Act 1996.

(b) S.I. 2007/1867, amended by S.I. 2024/210; there are other amendments but none is relevant.

(c) Paragraphs (2) to (6) of regulation 4 were inserted by regulation 4(1)(c) of S.I. 2024/210.

- (a) any penalty notice issued in respect of an offence committed over a period that begins before 19th August 2024,
- (b) any penalty notice which has been withdrawn during the preceding three-year period, and
- (c) any penalty notice issued in respect of an offence for which the parent has during the preceding three-year period been found not guilty by a court.”.

(5) In paragraph (5) after “penalty notice” insert “mentioned in paragraph (2)”.

(6) Omit paragraph (6).

(7) The amendments made by this regulation do not apply for the purposes of determining the amount of the penalty to be paid under a penalty notice issued in respect of an offence committed over a period that begins before 19th August 2024.

Amendment of regulation 12A

4.—(1) Regulation 12A (limitation on number of penalty notices which may be issued under section 444A(1) of the 1996 Act in respect of the same parent and child)(a) is amended as follows.

(2) In paragraph (1) after “where two” insert “previous”.

(3) In paragraph (3)(a) after “issued” insert “in respect of an offence committed over a period that begins”.

Amendment of the Education (Penalty Notices) (England) (Amendment) Regulations 2024

5.—(1) The Education (Penalty Notices) (England) (Amendment) Regulations 2024(b) are amended as follows.

(2) In regulation 4(3), after “committed” insert “over a period that begins”.

28th May 2024

Barran
Parliamentary Under Secretary of State
Department for Education

(a) Regulation 12A was inserted by regulation 6 of S.I. 2024/210.
(b) S.I. 2024/210.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations correct defects and make other minor changes to the Education (Penalty Notices) (England) Regulations 2007 (S.I. 2007/1867) and the Education (Penalty Notices) (England) (Amendment) Regulations 2024 (S.I. 2024/210).

Regulation 3 inserts paragraph (4A) into regulation 4 of the Education (Penalty Notices) (England) Regulations 2007 in order that the following penalty notices issued under section 444A(1) of the Education Act 1996 (c. 56) are to be disregarded in the determination of the amount of the penalty: (a) any penalty notice issued in respect of an offence committed over a period that begins before 19th August 2024, (b) any penalty notice which has been withdrawn during the preceding three-year period, and (c) any penalty notice issued in respect of an offence for which the parent has during the preceding three-year period been found not guilty by a court. Previously, regulation 4(6), which is omitted by these Regulations, referred only to disregarding any penalty notice issued under section 444A(1) of the Education Act 1996 before 19th August 2024.

Regulation 4 amends regulation 12A(3)(a) of those Regulations in order that it is any penalty notice issued in respect of an offence committed over a period that begins before 19th August 2024 that must be disregarded when determining whether the limitation on the number of penalty notices which may be issued under section 444A(1) of the Education Act 1996 has been reached. Previously regulation 12A(3)(a) referred only to disregarding any penalty notice issued before 19th August 2024.

Regulation 5 amends regulation 4(3) of the Education (Penalty Notices) (England) (Amendment) Regulations 2024 in order that the amendments made by regulation 4 of those regulations do not apply for the purposes of determining the amount of the penalty to be paid under a penalty notice issued in respect of an offence committed over a period that begins before 19th August 2024. Previously regulation 4(3) referred only to an offence committed before 19th August 2024.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

An Explanatory Memorandum is published alongside this instrument on www.legislation.gov.uk. Hard copies are available from the Department for Education, Sanctuary Buildings, Great Smith Street, London SW1P 3BT.

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