

Status: This version of this provision is prospective.

Changes to legislation: Education and Skills Act 2008, Section 52 is up to date with all changes known to be in force on or before 08 May 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) View outstanding changes



Education and Skills Act 2008

2008 CHAPTER 25

PART 1

DUTY TO PARTICIPATE IN EDUCATION OR TRAINING: ENGLAND

CHAPTER 5

ATTENDANCE NOTICES

Failure to comply with attendance notice

PROSPECTIVE

52 Restrictions on proceedings for offences under section 51

- (1) This section applies to proceedings for an alleged offence under section 51 relating to an attendance notice.
- (2) The proceedings may not be instituted except by the [^{F1}local authority] which gave the attendance notice.
- (3) The proceedings may not be instituted if the attendance notice has been—
 - (a) rescinded on an appeal by virtue of section 49, or
 - (b) revoked under section 50(8).
- (4) The proceedings may not be instituted unless—
 - (a) a penalty notice has been given under section 53 in respect of the alleged offence and has not been rescinded on an appeal by virtue of section 54,
 - (b) the penalty imposed by the notice has not been paid in accordance with the notice, and
 - (c) an attendance panel established by the [^{F1}local authority] under section 48 has, on being consulted by the [^{F1}local authority] about the question whether

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the proceedings should be instituted, recommended to the authority that the proceedings should be instituted.

(5) Regulations—

- (a) must make provision to secure that, before a recommendation under subsection (4)(c) is made by an attendance panel in a person's case, the person has an opportunity to make representations to the panel, and
- (b) may make other provision as to the procedure to be followed in relation to the making of such recommendations.

(6) The proceedings may not be instituted after this Part has ceased to apply to the person alleged to have committed the offence under section 51.

(7) Subsection (6) does not affect proceedings for such an offence by a person which were instituted while this Part applied to the person.

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 15(2)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 91(3)(c) inserted by [2022 asc 1 Sch. 4 para. 22\(3\)](#)