



# Crime (International Co-operation) Act 2003

## 2003 CHAPTER 32

VALID FROM 11/10/2004

### PART 3

#### ROAD TRAFFIC

VALID FROM 28/01/2010

### CHAPTER 1

#### CONVENTION ON DRIVING DISQUALIFICATIONS

##### *Road traffic offences in UK*

#### **54 Application of section 55**

- (1) Section 55 applies where—
  - (a) an individual (“the offender”) who is normally resident in a member State other than the United Kingdom is convicted of an offence mentioned in Schedule 3,
  - (b) no appeal is outstanding in relation to the offence, and
  - (c) the driving disqualification condition is met in relation to the offence.
- (2) The driving disqualification condition is met—
  - (a) in relation to an offence mentioned in Part 1 of Schedule 3, if an order of disqualification is made in respect of the offence,

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- (b) in relation to an offence mentioned in Part 2 of that Schedule, if an order of disqualification for a period not less than the minimum period is made in respect of the offence.
- (3) The minimum period is—
  - (a) a period of six months, or
  - (b) where the State in which the offender normally resides is a prescribed State, a shorter period equal to the period prescribed in relation to the State.
- (4) Section 55 does not apply in prescribed circumstances.
- (5) For the purposes of this section no appeal is outstanding in relation to an offence if—
  - (a) no appeal is brought against an offender’s conviction of the offence, or any order made on his conviction, within the time allowed for making such appeals, or
  - (b) such an appeal is brought and the proceedings on appeal are finally concluded.

**55 Duty to give notice to foreign authorities of driving disqualification of a non-UK resident**

- (1) Where this section applies, the appropriate Minister must give the central authority of the State in which the offender is normally resident a notice under this section.
- (2) A notice under this section must—
  - (a) give the name, address and date of birth of the offender,
  - (b) give particulars of the offence,
  - (c) state that no appeal is outstanding in relation to it,
  - (d) give particulars of the disqualification,
  - (e) state whether or not the offender took part in the proceedings in which the disqualification was imposed,
  - (f) state that the offender has been informed that any decision made for the purposes of the convention on driving disqualifications will have no effect on the disqualification.
- (3) A notice under this section may contain such other information as the appropriate Minister considers appropriate.
- (4) A notice under this section must be accompanied by the original or a certified copy of the order of disqualification.
- (5) Where the offender did not take part in the proceedings mentioned in subsection (2) (e), a notice under this section must also be accompanied by evidence that the offender was duly notified of those proceedings.
- (6) Where the offender is the holder of a Community licence, a notice under this section must also be accompanied by the licence unless it has been returned to the driver—
  - (a) under section 91A(7)(b)(ii) of the Road Traffic Offenders Act 1988 (c. 53), or
  - (b) under Article 92A(7)(b)(ii) of the Road Traffic Offenders (Northern Ireland) Order 1996 (S.I. 1996/ 1320 (N.I.10)).

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- (7) Where the period of disqualification is reduced by virtue of section 34A of that Act or Article 36 of that Order, the appropriate Minister must give the central authority particulars of the reduction.
- (8) Where the disqualification is removed by an order under section 42 of that Act or Article 47 of that Order, the appropriate Minister must give the central authority particulars of the removal.
- (9) The appropriate Minister must provide—
  - (a) the central authority, or
  - (b) the competent authority of the State mentioned in subsection (1),with any further information which it requires for the purposes of the convention on driving disqualifications.

*Disqualification in respect of road traffic offences outside UK*

**56 Application of section 57**

- (1) Section 57 applies where—
  - (a) an individual (“the offender”) who is normally resident in the United Kingdom is convicted in another member State of an offence falling within subsection (5),
  - (b) no appeal is outstanding in relation to the offence,
  - (c) the driving disqualification condition is met in relation to the offence, and
  - (d) the offender was duly notified of the proceedings (“the relevant proceedings”) in which the disqualification was imposed and was entitled to take part in them.
- (2) The driving disqualification condition is met—
  - (a) in relation to an offence falling within subsection (5)(a), if, as a result of the offence, the offender is disqualified in the State in which the conviction is made,
  - (b) in relation to an offence falling within subsection (5)(b), if, as a result of the offence, the offender is disqualified in that State for a period not less than the minimum period.
- (3) For the purposes of this section an offender is disqualified in a State if he is disqualified in that State for holding or obtaining a licence to drive a motor vehicle granted under the law of that State (however the disqualification is described under that law).
- (4) The minimum period is—
  - (a) a period of six months, or
  - (b) where the State in which the conviction is made is a prescribed State, a shorter period equal to the period prescribed in relation to that State.
- (5) An offence falls within this subsection if it is constituted by—
  - (a) conduct falling within any of paragraphs 1 to 5 of the Annex to the convention on driving disqualifications, or
  - (b) other conduct which constitutes a road traffic offence for the purposes of that convention.

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- (6) Section 57 does not apply if the relevant proceedings were brought later than the time at which summary proceedings for any corresponding offence under the law of the part of the United Kingdom in which the offender is normally resident could have been brought.
- (7) An offence is a corresponding offence if—
  - (a) the conduct constituting the offence outside the United Kingdom took place in any part of the United Kingdom, and
  - (b) that conduct is, or corresponds to, conduct which would constitute an offence under the law of that part.
- (8) The appropriate Minister may make regulations treating offences under the law of a part of the United Kingdom as corresponding to offences under the law of a member State other than the United Kingdom.
- (9) For the purposes of this section no appeal is outstanding in relation to an offence if—
  - (a) no appeal is brought against an offender’s conviction of the offence, or any decision made as a result of his conviction, within the time allowed for making such appeals, or
  - (b) such an appeal is brought and the proceedings on appeal are finally concluded.

## **57 Recognition in United Kingdom of foreign driving disqualification**

- (1) Where this section applies, the appropriate Minister—
  - (a) must give the offender a notice under this section if the unexpired period of the foreign disqualification is not less than one month, and
  - (b) may give him a notice under this section if that period is less than one month.
- (2) The unexpired period of the foreign disqualification is—
  - (a) the period of the foreign disqualification, less
  - (b) any period of that disqualification which is treated by regulations made by the appropriate Minister as having been served in the State in which the offender was convicted.
- (3) The provision which may be made by regulations under subsection (2)(b) includes provision for treating any period during which a central authority or competent authority of a State has seized a licence without returning it as a period which has been served in that State.
- (4) If the appropriate Minister gives the offender a notice under this section, the offender is disqualified in each part of the United Kingdom—
  - (a) for the relevant period, and
  - (b) if the foreign disqualification is also effective until a condition is satisfied, until the condition or a corresponding prescribed condition is satisfied.
- (5) The relevant period is the period which—
  - (a) begins at the end of the period of 21 days beginning with the day on which the notice is given, and
  - (b) is equal to the unexpired period of the foreign disqualification.

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- (6) But if the foreign disqualification is at any time removed otherwise than in prescribed circumstances, the offender ceases to be disqualified in each part of the United Kingdom from that time.
- (7) The appropriate Minister may make regulations substituting a longer period for the period for the time being mentioned in subsection (5)(a).
- (8) Where the foreign disqualification is for life—
  - (a) the condition in subsection (1)(a) is to be treated as satisfied, and
  - (b) the other references in this section and section 58 to the unexpired period of the foreign disqualification are to be read as references to a disqualification for life.

#### **58 Notice under section 57**

- (1) A notice under section 57 must—
  - (a) give particulars of the offence in respect of which the foreign disqualification was imposed and the period of that disqualification,
  - (b) state that the offender is disqualified in each part of the United Kingdom for a period equal to the unexpired period of the foreign disqualification,
  - (c) state the date from which, and period for which, he is disqualified,
  - (d) give particulars of any relevant condition mentioned in section 57(4)(b),
  - (e) give details of his right to appeal under section 59.
- (2) A notice under section 57 must be in writing.
- (3) A notice under section 57 may contain such other information as the appropriate Minister considers appropriate.

#### *Appeals*

#### **59 Appeal against disqualification**

- (1) A person who is disqualified by virtue of section 57 may, after giving notice to the appropriate Minister of his intention to do so, appeal to the appropriate court against the disqualification.
- (2) The appropriate court is—
  - (a) in relation to England and Wales, a magistrates' court<sup>F1</sup> ...,
  - (b) in relation to Scotland, the sheriff within whose jurisdiction the applicant resides,
  - (c) in relation to Northern Ireland, a court of summary jurisdiction acting for the petty sessions district in which the applicant resides.
- (3) The appeal must be made before the end of the period of 21 days beginning with the day on which the notice under section 57 is given to the applicant.
- (4) But the appropriate Minister may make regulations substituting a longer period for the period for the time being mentioned in subsection (3).
- (5) If the appropriate court is satisfied that section 57 does not apply to the applicant's case, it must allow the appeal.

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- (6) Otherwise it must dismiss the appeal.
- (7) Where on an appeal against the disqualification the appeal is allowed, the court by which the appeal is allowed must send notice of that fact to the appropriate Minister.
- (8) The notice must—
  - (a) be sent in such manner and to such address, and
  - (b) contain such particulars,
 as the appropriate Minister may determine.

#### Textual Amendments

- F1** Words in s. 59(2)(a) omitted (1.4.2005) by virtue of [Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 1, [Sch. para. 97](#)

### 60 Power of appellate courts in England and Wales to suspend disqualification

- (1) This section applies where a person is disqualified by virtue of section 57.
- (2) Where the person appeals to a magistrates' court against the disqualification, the court may, if it thinks fit, suspend the disqualification.
- (3) Where the person makes an application in respect of the decision of the court under section 111 of the Magistrates' Courts Act 1980 (c. 43) (statement of case), the High Court may, if it thinks fit, suspend the disqualification.
- (4) Where the person has appealed, or applied for leave to appeal, to the <sup>F2</sup> Supreme Court ] under section 1 of the Administration of Justice Act 1960 (c. 65) from any decision of the High Court which is material to the disqualification, the High Court may, if it thinks fit, suspend the disqualification.
- (5) Any power of a court under this section to suspend the disqualification is a power to do so on such terms as the court thinks fit.
- (6) Where, by virtue of this section, a court suspends the disqualification, it must send notice of the suspension to the Secretary of State.
- (7) The notice must—
  - (a) be sent in such manner and to such address, and
  - (b) contain such particulars,
 as the Secretary of State may determine.

#### Textual Amendments

- F2** Words in s. 60(4) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 9 para. 79](#); [S.I. 2009/1604](#), art. 2(d)

### 61 Power of appellate courts in Scotland to suspend disqualification

- (1) This section applies where a person is disqualified by virtue of section 57.

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(2) Where the person appeals to the sheriff against the disqualification, the sheriff may, if he thinks fit, suspend the disqualification on such terms as he thinks fit.

(3) Where the person appeals to the High Court of Justiciary from any decision of the sheriff, the court may, if it thinks fit, suspend the disqualification on such terms as it thinks fit.

The power conferred by this subsection may be exercised by a single judge of the court.

(4) Where, by virtue of this section, a court suspends the disqualification, it must send notice of the suspension to the Secretary of State.

(5) The notice must—

- (a) be sent in such manner and to such address, and
- (b) contain such particulars,

as the Secretary of State may determine.

## **62 Power of appellate courts in Northern Ireland to suspend disqualification**

(1) This section applies where a person is disqualified by virtue of section 57.

(2) Where the person appeals to a court of summary jurisdiction against the disqualification, the court may, if it thinks fit, suspend the disqualification.

(3) Where the person makes an application in respect of the decision of the court under Article 146 of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)) (statement of case), the Court of Appeal may, if it thinks fit, suspend the disqualification.

(4) Where the person has appealed, or applied for leave to appeal, to the [<sup>F3</sup> Supreme Court ] under section 41 of the Judicature (Northern Ireland) Act 1978 (c. 23) from any decision of the Court of Appeal which is material to the disqualification, the Court of Appeal may, if it thinks fit, suspend the disqualification.

(5) Any power of a court under this section to suspend the disqualification is a power to do so on such terms as the court thinks fit.

(6) Where, by virtue of this section, a court suspends the disqualification, it must send notice of the suspension to the Department.

(7) The notice must—

- (a) be sent in such manner and to such address, and
- (b) contain such particulars,

as the Department may determine.

### **Textual Amendments**

**F3** Words in s. 62(4) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 9 para. 79](#); S.I. 2009/1604, art. 2(d)



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### *Production of licence*

#### **63 Production of licence: Great Britain**

- (1) A person who—
- (a) is given a notice under section 57 by the Secretary of State, and
  - (b) is the holder of a licence,
- must deliver his licence and its counterpart to the Secretary of State before the end of the period of 21 days beginning with the day on which the notice is given.
- (2) The Secretary of State may make regulations substituting a longer period for the period for the time being mentioned in subsection (1).
- (3) If—
- (a) a person delivers a current receipt for his licence and its counterpart to the Secretary of State within the period for the time being mentioned in subsection (1), and
  - (b) on the return of his licence and its counterpart immediately delivers them to the Secretary of State,
- the duty under subsection (1) is to be taken as satisfied.
- “Receipt” means a receipt issued under section 56 of the Road Traffic Offenders Act 1988 (c. 53).
- (4) Subsection (1) does not apply if the competent authority of the relevant State—
- (a) has the licence and its counterpart, or
  - (b) has delivered them to the Secretary of State.
- (5) The relevant State is the State in which the offence in relation to which the notice was given was committed.
- (6) If the holder of a licence does not deliver his licence and its counterpart to the Secretary of State as required by subsection (1), he is guilty of an offence.
- (7) A person is not guilty of an offence under subsection (6) if he satisfies the court that he has applied for a new licence and has not received it.
- In relation to the holder of a Northern Ireland licence or Community licence, a new licence includes the counterpart of such a licence.
- (8) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (9) “Licence” means a Great Britain licence, a Northern Ireland licence or a Community licence.

#### **64 Production of licence: Northern Ireland**

- (1) A person who—
- (a) is given a notice under section 57 by the Department, and
  - (b) is the holder of a licence,
- must deliver his licence and its counterpart to the Department before the end of the period of 21 days beginning with the day on which the notice is given.



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(2) The Department may make regulations substituting a longer period for the period for the time being mentioned in subsection (1).

(3) If—

- (a) a person delivers a current receipt for his licence and its counterpart to the Department within the period for the time being mentioned in subsection (1), and
- (b) on the return of his licence and its counterpart immediately delivers them to the Department,

the duty under subsection (1) is to be taken as satisfied.

“Receipt” means a receipt issued under Article 62 of the Road Traffic Offenders (Northern Ireland) Order 1996 (S.I. 1996/ 1320 (N.I.10)).

(4) Subsection (1) does not apply if the competent authority of the relevant State—

- (a) has the licence and its counterpart, or
- (b) has delivered them to the Department.

(5) The relevant State is the State in which the offence in relation to which the notice was given was committed.

(6) If the holder of a licence does not deliver his licence and its counterpart to the Department as required by subsection (1), he is guilty of an offence.

(7) A person is not guilty of an offence under subsection (6) if he satisfies the court that he has applied for a new licence and has not received it.

In relation to the holder of a Great Britain licence or Community licence, a new licence includes the counterpart of such a licence.

(8) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) “Licence” means a Northern Ireland licence, a Great Britain licence or a Community licence.

## **65 Production of licence: Community licence holders**

(1) This section applies where—

- (a) the holder of a Community licence is disqualified by virtue of section 57, and
- (b) the licence is sent to the Secretary of State or the Department under section 63 or 64.

(2) The Secretary of State or (as the case may be) the Department must send—

- (a) the holder’s name and address, and
- (b) particulars of the disqualification,

to the licensing authority in the EEA State in respect of which the licence was issued.

(3) But subsection (2) does not apply if the EEA State is the same as the State in which the offence in relation to which the holder is disqualified was committed.

(4) The Secretary of State or (as the case may be) the Department must return the licence to the holder—

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- (a) on the expiry of the relevant period of the disqualification (within the meaning of section 57), or
  - (b) if earlier, on being satisfied that the holder has left Great Britain or (as the case may be) Northern Ireland and is no longer normally resident there.
- (5) But subsection (4) does not apply at any time where—
- (a) the Secretary of State or the Department would otherwise be under a duty under paragraph (a) of that subsection to return the licence, and
  - (b) the holder would not at that time be authorised by virtue of section 99A(1) of the Road Traffic Act 1988 (c. 52) or Article 15A(1) of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/ 154 (N.I.1)) to drive in Great Britain or Northern Ireland a motor vehicle of any class.
- (6) In that case the Secretary of State or (as the case may be) the Department must—
- (a) send the licence to the licensing authority in the EEA State in respect of which it was issued, and
  - (b) explain to that authority the reasons for so doing.
- (7) “EEA State” has the same meaning as in Part 3 of the Road Traffic Act 1988.

#### *Disqualification*

### **66 Effect of disqualification by virtue of section 57**

Where the holder of a Great Britain licence or Northern Ireland licence is disqualified by virtue of section 57, the licence is to be treated as revoked with effect from the beginning of the period of disqualification.

### **67 Rule for determining end of period of disqualification**

In determining the expiration of the period for which a person is disqualified by virtue of section 57, any time during which—

- (a) the disqualification is suspended, or
  - (b) he is not disqualified,
- is to be disregarded.

#### *Endorsement*

### **68 Endorsement of licence: Great Britain**

- (1) This section applies where a person who is normally resident in Great Britain is disqualified by virtue of section 57.
- (2) The Secretary of State must secure that particulars of the disqualification are endorsed on the counterpart of any Great Britain licence or of any Northern Ireland licence or Community licence which the person—
  - (a) may then hold, or
  - (b) may subsequently obtain,

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until he becomes entitled under subsection (4) or (5) to have a Great Britain licence and its counterpart, or a counterpart of his Northern Ireland licence or Community licence, issued to him free from those particulars.

- (3) On the issue to the person of—
  - (a) a new Great Britain licence, or
  - (b) a new counterpart of a Northern Ireland licence or Community licence,those particulars must be entered on the counterpart of the new licence or the new counterpart unless he has become so entitled.
- (4) The person is entitled to have issued to him with effect from the end of the period for which the endorsement remains effective a new Great Britain licence with a counterpart free from the endorsement if he—
  - (a) applies for a new licence under section 97(1) of the Road Traffic Act 1988 (c. 52),
  - (b) surrenders any subsisting licence and its counterpart,
  - (c) pays the fee prescribed by regulations under Part 3 of that Act, and
  - (d) satisfies the other requirements of section 97(1).
- (5) The person is entitled to have issued to him with effect from the end of that period a new counterpart of any Northern Ireland licence or Community licence then held by him free from the endorsement if he makes an application to the Secretary of State for that purpose in such manner as the Secretary of State may determine.
- (6) The endorsement remains effective until four years have elapsed since he was convicted of the offence in relation to which he is disqualified by virtue of section 57.
- (7) Where the person ceases to be disqualified by virtue of section 57(6), the Secretary of State must secure that the relevant particulars are endorsed on the counterpart of the Great Britain licence or of any Northern Ireland licence or Community licence previously held by him.

## **69 Endorsement of licence: Northern Ireland**

- (1) This section applies where a person who is normally resident in Northern Ireland is disqualified by virtue of section 57.
- (2) The Department must secure that particulars of the disqualification are endorsed on the counterpart of any Northern Ireland licence or the counterpart of any Great Britain licence or Community licence which the person—
  - (a) may then hold, or
  - (b) may subsequently obtain,until he becomes entitled under subsection (4) or (5) to have a Northern Ireland licence and its counterpart, or a counterpart of his Great Britain licence or Community licence, issued to him free from those particulars.
- (3) On the issue to the person of—
  - (a) a new Northern Ireland licence, or
  - (b) a new counterpart of a Great Britain licence or Community licence,those particulars must be entered on the counterpart of the new licence or the new counterpart unless he has become so entitled.

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- (4) The person is entitled to have issued to him with effect from the end of the period for which the endorsement remains effective a new Northern Ireland licence with a counterpart free from the endorsement if he—
  - (a) applies for a new licence under Article 13(1) of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/ 154 (N.I.1)),
  - (b) surrenders any subsisting licence and its counterpart,
  - (c) pays the fee prescribed by regulations under Part 2 of that Order, and
  - (d) satisfies the other requirements of Article 13(1).
- (5) The person is entitled to have issued to him with effect from the end of that period a new counterpart of any Great Britain licence or Community licence then held by him free from the endorsement if he makes an application to the Department for that purpose in such manner as it may determine.
- (6) The endorsement remains effective until four years have elapsed since he was convicted of the offence in relation to which he is disqualified by virtue of section 57.
- (7) Where the person ceases to be disqualified by virtue of section 57(6), the Department must secure that the relevant particulars are endorsed on the counterpart of the Northern Ireland licence or the counterpart of any Great Britain licence or Community licence previously held by him.

### *General*

#### **70 Duty of appropriate Minister to inform competent authority**

- (1) This section applies where a competent authority of any State gives the appropriate Minister a notice under the convention on driving disqualifications in respect of any person.
- (2) If the appropriate Minister gives a notice under section 57 to that person, he must give the competent authority particulars of the disqualification which arises by virtue of that section.
- (3) If the appropriate Minister does not give such a notice, he must give his reasons to the competent authority.

#### **71 Notices**

- (1) A notice authorised or required under this Chapter to be given by the appropriate Minister to an individual, or a Community licence required to be returned to its holder by section 65, may be given or returned to him by—
  - (a) delivering it to him,
  - (b) leaving it at his proper address, or
  - (c) sending it to him by post.
- (2) For the purposes of—
  - (a) subsection (1), and
  - (b) section 7 of the Interpretation Act 1978 (c. 30) in its application to that subsection,

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the proper address of any individual is his latest address as known to the appropriate Minister.

## **72 Regulations: Great Britain**

- (1) Any power to make regulations conferred by this Chapter on the Secretary of State is exercisable by statutory instrument.
- (2) A statutory instrument containing any such regulations is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) The regulations may make different provision for different purposes.

## **73 Regulations: Northern Ireland**

- (1) Any power to make regulations conferred by this Chapter on the Department is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/ 1573 (N.I. 12)).
- (2) Any such regulations are subject to negative resolution (within the meaning of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.))).
- (3) The regulations may make different provision for different purposes.

## **74 Interpretation**

- (1) In this Chapter—
  - “appropriate Minister” means—
    - (a) in relation to Great Britain, the Secretary of State,
    - (b) in relation to Northern Ireland, the Department,
  - “central authority”, in relation to a State, means an authority designated by the State as a central authority for the purposes of the convention on driving disqualifications,
  - “Community licence”—
    - (a) in relation to Great Britain, has the same meaning as in Part 3 of the Road Traffic Act 1988 (c. 52),
    - (b) in relation to Northern Ireland, has the same meaning as in Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/ 154 (N.I.1)),
  - “competent authority”, in relation to a State, means an authority which is a competent authority in relation to the State for the purposes of the convention on driving disqualifications,
  - “the convention on driving disqualifications” means the Convention drawn up on the basis of Article K.3 of the Treaty on European Union on Driving Disqualifications signed on 17th June 1998,
  - “counterpart”—
    - (a) in relation to Great Britain, has the same meaning as in Part 3 of the Road Traffic Act 1988 (c. 52),
    - (b) in relation to Northern Ireland, has the same meaning as in Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/ 154 (N.I.1)),

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“the Department” means the Department of the Environment,

“disqualified”, except in section 56, means—

- (a) in relation to Great Britain, disqualified for holding or obtaining a Great Britain licence,
- (b) in relation to Northern Ireland, disqualified for holding or obtaining a Northern Ireland licence,

and “disqualification” is to be interpreted accordingly,

“foreign disqualification” means the disqualification mentioned in section 56,

“Great Britain licence” means a licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988,

“motor vehicle”—

- (a) in relation to Great Britain, has the same meaning as in the Road Traffic Act 1988,
- (b) in relation to Northern Ireland, has the same meaning as in the Road Traffic (Northern Ireland) Order 1995 (S.I. 1995/ 2994 (N.I.18)),

“Northern Ireland licence” means a licence to drive a motor vehicle granted under Part 2 of the Road Traffic (Northern Ireland) Order 1981,

“prescribed” means prescribed by regulations made by the appropriate Minister.

- (2) In this Chapter a disqualification, or foreign disqualification, for life is to be treated as being for a period of not less than six months.

## **75 Application to Crown**

This Chapter applies to vehicles and persons in the public service of the Crown.

## **CHAPTER 2**

MUTUAL RECOGNITION WITHIN THE UNITED KINGDOM ETC.

## **76 Recognition in Great Britain of disqualifications in Northern Ireland etc.**

After section 102 of the Road Traffic Act 1988 there is inserted—

*“Disqualification if disqualified in Northern Ireland etc.*

### **102A Disqualification while disqualified in Northern Ireland, Isle of Man, Channel Islands or Gibraltar**

- (1) A person is disqualified for holding or obtaining a licence to drive a motor vehicle of any class so long as he is subject to a relevant disqualification imposed outside Great Britain.
- (2) For the purposes of this section a person is subject to a relevant disqualification imposed outside Great Britain if, in respect of any offence—

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- (a) a court in Northern Ireland disqualifies him for holding or obtaining a Northern Ireland licence,
  - (b) a court in the Isle of Man or any of the Channel Islands disqualifies him for holding or obtaining a British external licence, or
  - (c) a court in Gibraltar disqualifies him for holding or obtaining a licence to drive a motor vehicle granted under the law of Gibraltar.
- (3) A certificate signed by the Secretary of State which states, in respect of a person, any matter relating to the question whether he is subject to a relevant disqualification imposed outside Great Britain shall be evidence (in Scotland, sufficient evidence) of the matter so stated.
- (4) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.”

## **77 Endorsement of counterparts issued to Northern Ireland licence holders**

- (1) After section 109 of the Road Traffic Act 1988 (c. 52) there is inserted—

### **“109A Counterparts issued to Northern Ireland licence holders**

- (1) The Secretary of State may issue to any Northern Ireland licence holder who—
- (a) has delivered his Northern Ireland licence to the Secretary of State, and
  - (b) has provided him with the information specified in, or required under, subsection (3) below (whether or not in pursuance of this section),
- a document (referred to in this Part of this Act in relation to a Northern Ireland licence as a “counterpart”).
- (2) The counterpart must—
- (a) be in such form, and
  - (b) contain such information,
- designed for the endorsement of particulars relating to the Northern Ireland licence as the Secretary of State may determine.
- (3) The information referred to in subsection (1) above is—
- (a) the name and address (whether in Great Britain or Northern Ireland) of the Northern Ireland licence holder;
  - (b) his date of birth;
  - (c) the classes of vehicle which he is authorised by his Northern Ireland licence to drive;
  - (d) the period of validity of the licence;
  - (e) whether it was granted in exchange for a licence issued by a state other than an EEA State; and
  - (f) such other information as the Secretary of State may require for the purposes of the proper exercise of any of his functions under this Part or Part 4 of this Act.
- (4) The Secretary of State—



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- (a) may endorse a Northern Ireland licence delivered to him (whether or not in pursuance of this section) in such manner as he may determine—
    - (i) with any part of the information specified in, or required under, subsection (3) above; or
    - (ii) with information providing a means of ascertaining that information or any part of it; and
  - (b) must return the Northern Ireland licence to the holder.
- (5) Subsections (6) to (9), (11) (with the omission of paragraph (a)) and (12) of section 99B of this Act apply for the purposes of this section as if the references to a Community licence were references to a Northern Ireland licence.”
- (2) After section 91 of the Road Traffic Offenders Act 1988 (c. 53) there is inserted—

**“91ZA Application to Northern Ireland licence holders**

- (1) The references to a licence in the following provisions of this Act include references to a Northern Ireland licence—
- (a) section 7,
  - (b) section 26(7) and (8) and (9)(b),
  - (c) section 27,
  - (d) section 29(1),
  - (e) section 30,
  - (f) section 31(1),
  - (g) section 32,
  - (h) section 42(5),
  - (i) section 44(1),
  - (j) section 46(2),
  - (k) section 47(2) and (3),
  - (l) section 48(1) and (2).
- (2) Accordingly, the reference in section 27(3)(b) of this Act to the suspension of a licence is to be construed in relation to a Northern Ireland licence holder as a reference to his ceasing to be authorised by virtue of section 109(1) of the Road Traffic Act 1988 to drive in Great Britain a motor vehicle of any class.
- (3) The references in sections 26(9)(a) and 27(3) of this Act to a new licence include references to a counterpart of a Northern Ireland licence.
- (4) In relation to a Northern Ireland licence holder to whom a counterpart is issued under section 109A of the Road Traffic Act 1988, the references in Part 3 of this Act (except sections 75(12), 76(8) and 77(9)) to a licence include references to a Northern Ireland licence.
- (5) Where a court orders the endorsement of the counterpart of any Northern Ireland licence held by a person, it must send notice of the endorsement to the Secretary of State.
- (6) The notice must—
- (a) be sent in such manner and to such address, and

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(b) contain such particulars,  
as the Secretary of State may determine.

(7) Where a court orders the holder of a Northern Ireland licence to be disqualified, it must send the Northern Ireland licence and its counterpart (if any), on their being produced to the court, to the Secretary of State.

(8) The licence and its counterpart must be sent to such address as the Secretary of State may determine.

(9) Where—

(a) a notice is sent to the Secretary of State under subsection (5) above,  
and

(b) the particulars contained in the notice include—

(i) particulars of an offence in respect of which the holder of a Northern Ireland licence is disqualified by an order of a court, and

(ii) particulars of the disqualification,

the Secretary of State must send a notice containing the particulars mentioned in paragraph (b)(i) and (ii) to the licensing authority in Northern Ireland.

#### **91ZB Effect of endorsement on Northern Ireland licence holders**

Section 91B applies in relation to Northern Ireland licences as it applies in relation to Community licences.”

#### **78 Prohibition on holding or obtaining Great Britain and Northern Ireland licences**

(1) The Road Traffic Act 1988 (c. 52) is amended as follows.

(2) In section 97 (grant of licences)—

(a) in subsection (1)(c), after sub-paragraph (i) there is inserted—

“(ia) any Northern Ireland licence held by him together with its Northern Ireland counterpart and its counterpart (if any) issued to him under this Part of this Act,”,

(b) after subsection (1A) there is inserted—

“(1AA) Where a licence under this Part of this Act is granted to a person who surrenders under sub-paragraph (ia) of subsection (1)(c) above his Northern Ireland licence together with the counterparts mentioned in that sub-paragraph to the Secretary of State—

(a) that person ceases to be authorised by virtue of section 109(1) of this Act to drive in Great Britain a motor vehicle of any class, and

(b) the Secretary of State must send the Northern Ireland licence and its Northern Ireland counterpart to the licensing authority in Northern Ireland together with particulars of the class of motor vehicles to which the licence granted under this Part of this Act relates.”

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(3) In section 99 (duration of licences), after subsection (3) there is inserted—

“(3A) Where—

- (a) the Secretary of State is sent under a provision of Northern Ireland law corresponding to section 97(1AA) of this Act a licence granted under this Part of this Act to a person to drive a motor vehicle of any class, and
- (b) the Secretary of State is satisfied that a Northern Ireland licence to drive a motor vehicle of that or a corresponding class has been granted to that person,

the Secretary of State must serve notice in writing on that person revoking the licence granted under this Part of this Act.”

(4) In section 102 (disqualification to prevent duplication of licences), at the end there is inserted—

“(2) A person is also disqualified for holding or obtaining a licence authorising him to drive a motor vehicle of any class so long as he is authorised by virtue of section 109(1) of this Act to drive a motor vehicle of that or a corresponding class.”

## 79 Disability and prospective disability

(1) The Road Traffic Act 1988 (c. 52) is amended as follows.

(2) After section 109A (as inserted by section 77 of this Act) there is inserted—

### “109B Revocation of authorisation conferred by Northern Ireland licence because of disability or prospective disability

(1) If the Secretary of State is at any time satisfied on inquiry—

- (a) that a Northern Ireland licence holder is suffering from a relevant disability, and
- (b) that he would be required by virtue of section 92(3) of this Act to refuse an application made by the holder at that time for a licence authorising him to drive a vehicle of the class in respect of which his Northern Ireland licence was issued or a class corresponding to that class,

he may serve notice in writing requiring the licence holder to deliver immediately to the Secretary of State his Northern Ireland licence together with its Northern Ireland counterpart and its counterpart (if any) issued to him under this Part of this Act (“the relevant counterparts”).

(2) If the Secretary of State is satisfied on inquiry that a Northern Ireland licence holder is suffering from a prospective disability, he may—

- (a) serve notice in writing on the Northern Ireland licence holder requiring him to deliver immediately to the Secretary of State his Northern Ireland licence together with the relevant counterparts, and
- (b) on receipt of the Northern Ireland licence and those counterparts and of an application made for the purposes of this subsection, grant to the Northern Ireland licence holder, free of charge, a licence for a

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period determined by the Secretary of State under section 99(1)(b) of this Act.

- (3) The Secretary of State may require a person to provide—
- (a) evidence of his name, address, sex and date and place of birth, and
  - (b) a photograph which is a current likeness of him,
- before granting a licence to him on an application for the purposes of subsection (2) above.
- (4) A person who—
- (a) is required under, or by virtue of, this section to deliver to the Secretary of State his Northern Ireland licence and the relevant counterparts, but
  - (b) without reasonable excuse, fails to do so,
- is guilty of an offence.
- (5) Where a Northern Ireland licence holder to whom a counterpart is issued under section 109A of this Act—
- (a) is required under, or by virtue of, this section to deliver his Northern Ireland licence and that counterpart to the Secretary of State, and
  - (b) is not in possession of them in consequence of the fact that he has surrendered them to a constable or authorised person (within the meaning of Part 3 of the Road Traffic Offenders Act 1988) on receiving a fixed penalty notice given to him under section 54 of that Act,
- he does not fail to comply with any such requirement if he delivers them to the Secretary of State immediately on their return.
- (6) Where a Northern Ireland licence holder is served with a notice in pursuance of this section, he shall cease to be authorised by virtue of section 109(1) of this Act to drive in Great Britain a motor vehicle of any class from such date as may be specified in the notice, not being earlier than the date of service of the notice.
- (7) Where a Northern Ireland licence is delivered to the Secretary of State in pursuance of this section, he must—
- (a) send the licence and its Northern Ireland counterpart to the licensing authority in Northern Ireland, and
  - (b) explain to them his reasons for so doing.

### **109C Information relating to disabilities etc**

Section 94 of this Act shall apply to a Northern Ireland licence holder who is normally resident in Great Britain as if—

- (a) in subsection (1), for the words from the beginning to “aware” there were substituted “ If a Northern Ireland licence holder who is authorised by virtue of section 109(1) of this Act to drive in Great Britain a motor vehicle of any class, is aware immediately before the relevant date, or becomes aware on or after that date ”,
- (b) after that subsection there were inserted—

“(1A) For the purposes of subsection (1) “relevant date” means—

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- (a) in the case where the licence holder first became normally resident in Great Britain on or before the date on which section 79 of the Crime (International Co-operation) Act 2003 comes into force, that date; and
- (b) in any other case, the date on which he first became so resident.”
- (c) for subsection (3A) there were substituted—
  - “(3A) A person who—
    - (a) is authorised by virtue of section 109(1) of this Act to drive in Great Britain a motor vehicle of any class, and
    - (b) drives on a road a motor vehicle of that class,
 is guilty of an offence if at any earlier time while he was so authorised he was required by subsection (1) above to notify the Secretary of State but has failed without reasonable excuse to do so.”
  - (d) in subsection (4), the words “an applicant for, or” (in both places) were omitted,
  - (e) in subsection (5), the words “applicant or” and the words from the beginning of paragraph (c) to “provisional licence” were omitted,
  - (f) in subsection (6)(b), the words “applicant or” (in both places) were omitted,
  - (g) in subsection (7), the words “applicant or” were omitted, and
  - (h) in subsection (8)—
    - (i) for “93” there were substituted “ 109B ”, and
    - (ii) the words “applicant or” (in both places) were omitted.”
- (3) In section 93 (revocation of licence because of disability or prospective disability)—
  - (a) in subsection (2A), at the end there is inserted “ or subsection (6) below ”,
  - (b) at the end there is inserted—
    - “(5) Where the Secretary of State—
      - (a) is at any time sent by the licensing authority in Northern Ireland a licence under a provision of Northern Ireland law corresponding to section 109B of this Act, and
      - (b) by virtue of the reasons given by that authority for sending the licence is at that time satisfied as mentioned in subsection (1)(a) and (b) above or that the licence holder is suffering from a prospective disability,
 the Secretary of State may serve notice in writing on the licence holder revoking the licence with effect from such date as may be specified in the notice, not being earlier than the date of service of the notice.
  - (6) Where the reasons given by the licensing authority in Northern Ireland for sending the licence relate to a prospective disability of the holder, the Secretary of State may, on an application made for the purposes of this subsection, grant to the holder, free of charge, a new licence for a period determined by the Secretary of State under section 99(1)(b) of this Act.”

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