



# Crime (International Co-operation) Act 2003

## 2003 CHAPTER 32

### PART 3

#### ROAD TRAFFIC

#### CHAPTER 1

##### CONVENTION ON DRIVING DISQUALIFICATIONS

##### *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).

*Status: Point in time view as at 28/01/2010.*

*Changes to legislation: Crime (International Co-operation) Act 2003, Cross Heading: Appeals is up to date with all changes known to be in force on or before 02 September 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)*

- (5) If the appropriate court is satisfied that section 57 does not apply to the applicant's case, it must allow the appeal.
- (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](#)

#### Commencement Information

- I1** S. 59 in force at 28.1.2010 for specified purposes by [S.I. 2008/3009](#), art. 2(1)(2)(a)(4)

## 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)

*Status: Point in time view as at 28/01/2010.*

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#### Commencement Information

**I2** S. 60 in force at 28.1.2010 for specified purposes by [S.I. 2008/3009](#), [art. 2\(1\)\(2\)\(a\)\(4\)](#)

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

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

#### Commencement Information

**I3** S. 61 in force at 28.1.2010 for specified purposes by [S.I. 2008/3009](#), [art. 2\(1\)\(2\)\(a\)\(4\)](#)

### 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 [F3 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

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(b) contain such particulars,  
as the Department may determine.

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**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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**Commencement Information**

**I4** S. 62 in force at 28.1.2010 for specified purposes by S.I. 2008/3009, [art. 2\(1\)\(2\)\(a\)\(4\)](#)

**Status:**

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**Changes to legislation:**

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