



Crime (International Co-operation) Act 2003

2003 CHAPTER 32

PART 3

ROAD TRAFFIC

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—
 - (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.

Status: Point in time view as at 11/10/2004.

Changes to legislation: Crime (International Co-operation) Act 2003, Chapter 2 is up to date with all changes known to be in force on or before 30 June 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)

- (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.”

Commencement Information

II S. 76 in force at 11.10.2004 by S.I. 2004/2624, art. 2(1)(2)(a)

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—
- (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—

Status: Point in time view as at 11/10/2004.

Changes to legislation: Crime (International Co-operation) Act 2003, Chapter 2 is up to date with all changes known to be in force on or before 30 June 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)

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

Status: Point in time view as at 11/10/2004.

Changes to legislation: Crime (International Co-operation) Act 2003, Chapter 2 is up to date with all changes known to be in force on or before 30 June 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)

- (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.”

Commencement Information

I2 S. 77 in force at 11.10.2004 by S.I. 2004/2624, art. 2(1)(2)(a)

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.”

Status: Point in time view as at 11/10/2004.

Changes to legislation: Crime (International Co-operation) Act 2003, Chapter 2 is up to date with all changes known to be in force on or before 30 June 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)

(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.”

Commencement Information

I3 S. 78 in force at 11.10.2004 by S.I. 2004/2624, art. 2(1)(2)(a)

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—

Status: Point in time view as at 11/10/2004.

Changes to legislation: Crime (International Co-operation) Act 2003, Chapter 2 is up to date with all changes known to be in force on or before 30 June 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)

- (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 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

Status: Point in time view as at 11/10/2004.

Changes to legislation: Crime (International Co-operation) Act 2003, Chapter 2 is up to date with all changes known to be in force on or before 30 June 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)

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—

(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

Status: Point in time view as at 11/10/2004.

Changes to legislation: Crime (International Co-operation) Act 2003, Chapter 2 is up to date with all changes known to be in force on or before 30 June 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)

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.”

Commencement Information

I4 S. 79 in force at 11.10.2004 by S.I. 2004/2624, art. 2(1)(2)(a)

Status:

Point in time view as at 11/10/2004.

Changes to legislation:

Crime (International Co-operation) Act 2003, Chapter 2 is up to date with all changes known to be in force on or before 30 June 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.