

SCHEDULE 2

Amendments to Legislation

PART 1

Primary Legislation

The Public Passenger Vehicles Act 1981

1. In section 68(2) (defences available to persons charged with certain offences) of the Public Passenger Vehicles Act 1981(1) omit the words “and (3)”.

The Road Traffic Act 1988

2. The Road Traffic Act 1988(2) is amended as follows—

(a) in section 97 (grant of licences)—

(i) in subsection (1)(c)(ia) for the words “and its counterpart (if any) issued to him under this Part of this Act” substitute the words “(if any)”;

(ii) in subsection (1AA)—

(aa) for the words “counterparts mentioned in that sub-paragraph” substitute “counterpart (if any)”;

(bb) in paragraph (b) after the words “Northern Ireland counterpart” insert the words “(if any)”;

(b) in section 99A(5) (authorisation to drive in Great Britain) omit paragraph (a) and omit “(b)”;

(c) in section 125 (the register of approved instructors)—

(i) in subsection (3)(b)(iii) omit the words “and a counterpart of that licence”;

(ii) in subsection (10) for the words “and “counterpart”, in relation to a Community licence, have the same meanings” substitute “has the same meaning”;

(d) in section 142 (index to Part 5) omit the words “and counterpart in relation thereto”;

(e) in section 165A (power to seize vehicles driven without licence or insurance)—

(i) in subsection (2)(a) omit the words “and its counterpart”;

(ii) in subsection (6)(a) omit the words “and its counterpart”;

(iii) in subsection (9)(c) for the words ““counterpart” and “licence” have the same meanings” substitute ““licence” has the same meaning”;

(f) in section 173 (forgery of documents, etc.) omit subsection (4);

(1) 1981 c. 14; section 68(2) was amended by section 139 of the Transport Act 1985 (c.67) and by section 16 of, and Schedule 6 to, the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22).

(2) 1988 c.52; section 97(1)(c) was substituted by S.I. 1996/1974 and amended by section 78 of the Crime (International Co-operation) Act 2003 (c.32), section 97(1AA) was inserted by section 78 of the Crime (International Co-operation) Act 2003, section 99A was inserted by S.I. 1996/1974, subsections 125(3) and 125(10) were amended by S.I. 1999/357, the table entry “Community Licence and counterpart in relation thereto” in section 142 was inserted by S.I. 1999/357, section 165A was inserted by section 152 of the Serious Organised Crime and Police Act 2005 (c.15), sub-section 173(4) was amended by S.I. 1996/1974 and paragraph 29 of Schedule 5 to the Crime (International Co-operation) Act 2003, section 193A was inserted by section 46(2) of the Road Traffic Act 1991 (c.40) and amended by paragraph 31 of Schedule 5 to the Crime (International Co-operation) Act 2003 (c.32) and S.I. 1996/1974.

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, *The Road Safety Act 2006 (Consequential Amendments) Order 2015* ISBN 978-0-11-112731-5

- (g) in section 193A(2)(b) (tramcars and trolley vehicles) omit “32,” and for the words “to 91B” substitute “, 91A”(3).

The Road Traffic Offenders Act 1988

3. The Road Traffic Offenders Act 1988(4) is amended as follows—
- (a) in section 2(2)(b) (requirement of warning etc: supplementary) for “54(4)” substitute “54(5)”(5);
 - (b) in section 10(1)(b) (jurisdiction of district court in Scotland) for “77” substitute “77A” (6);
 - (c) in section 46(3) (combination of disqualification and endorsement with probation orders and orders for discharge) omit “, 45”;
 - (d) in section 75(9) (issue of conditional offer) omit the words “(8)(b) and”;
 - (e) in section 76(5) (effect of offer and payment of penalty) for “77” substitute “77A”;
 - (f) in section 79 (statements by constables)—
 - (i) in subsection (1) for “54(4)” substitute “54(5)”;
 - (ii) in subsection (6)(b) for “54(4)” substitute “54(5)”;
 - (g) in section 91ZA (application to Northern Ireland licence holders) in subsection (1) omit paragraph (g);
 - (h) in section 91A(1) (application to Community licence holders) for the words from “27” to “48(1) and (2)” substitute “and 27”.
 - (i) in section 98(1) (general interpretation), in the definition of “the provisions connected with the licensing of drivers” omit “32.”;
 - (j) in Schedule 1, in the table after paragraph 4, for the entry relating to section 99B(11) of the Road Traffic Act 1988(7) substitute—

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| “RTA section 99B(11) | Driving after failing to comply with a requirement under section 99B(7) or (10) Section 6 of this Act.” |
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- (k) in Schedule 2, Part I, in the table for the entry relating to section 99B(11) of the Road Traffic Act 1988 substitute—

- (3) Section 91A of the Road Traffic Offenders Act 1988 (c.53) was inserted by S.I. 1996/1974 and amended by paragraph 32 of Schedule 2 to the Road Safety Act 2006.
- (4) 1988 c. 53; section 10(1) was amended by paragraph 7(a) of the Schedule to the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 asp 6 (Scottish Act), section 46(3) was amended by paragraph 71 of Schedule 4 to the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40), paragraph 11 of Schedule 2 to the Road Safety Act 2006 (c.49) and paragraph 37 of Part 2 of Schedule 2 to the Criminal Justice and Licensing (Scotland) Act 2010 asp 13 (Scottish Act), section 75(9) was substituted by section 34 of the Road Traffic Act 1991 (c.40) and amended by paragraph 24 of Schedule 2 to the Road Safety Act 2006, section 76(5) was substituted by paragraph 16 of Schedule 1 to the Road Safety Act 2006, section 79(1) was amended by section 58 of and paragraph 18 of Schedule 1 to and paragraph 2 of Schedule 7 to the Road Safety Act 2006, section 79(6) was amended by paragraph 18 of Schedule 1 to the Road Safety Act 2006, section 91ZA(1) was inserted by section 77 of the Crime (International Co-operation) Act 2003 and amended by paragraph 31 of Schedule 2 to and paragraph 57 of Schedule 3 to the Road Safety Act 2006, section 91A(1) was inserted by S.I. 1996/1974 and amended by paragraph 32 of Schedule 2 and paragraph 59 of Schedule 3 to the Road Safety Act 2006, the definition of “the provisions connected with the licensing of drivers” in section 98 was amended by paragraph 35 of Schedule 5 to the Crime (International Co-operation) Act 2003, the entry relating to section 99B of the Road Traffic Act 1998 in paragraph 4 of Schedule 1 to the Act was inserted by S.I. 1996/1974 amended by paragraph 36 of Schedule 5 of the Crime (International Co-operation) Act 2003, the entry relating to section 99B of the Road Traffic Act 1998 in Schedule 2, Part 1, paragraph 1 was amended by paragraph 37 of Schedule 5 to the Crime (International Co-operation) Act 2003.
- (5) Section 54(5) of the Road Traffic Offenders Act 1988 was substituted by section 10 of the Road Safety Act 2006.
- (6) Section 77A of the Road Traffic Offenders Act 1988 was inserted by paragraph 27 of Schedule 2 to the Road Safety Act 2006 and amended by paragraph 54 of Schedule 3 to that Act.
- (7) Section 99B of the Road Traffic Act 1988 was inserted by S.I. 1996/1974.

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| “RTA section 99B(1) | Driving after failing to comply with a requirement under section 99B(7) or (10) | Summarily | Level 3 on the — — —” standard scale |
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The London Local Authorities Act 1996

4. In section 9(a) (penalty charge not payable in certain cases) of the London Local Authorities Act 1996(8) for the words “or (4)” substitute “or (5)”.

The Crime (Sentences) Act 1997

5. Section 40 (fine defaulters) of the Crime (Sentences) Act 1997(9) is amended as follows—
- (a) in subsection (6) omit the words “together with its counterpart”;
 - (b) in subsection (7) omit the definition of “counterpart”.

The Crime (International Co-operation) Act 2003

6. The Crime (International Co-operation) Act 2003(10) is amended as follows—
- (a) in section 55(6)(a) (duty to give notice to foreign authorities of driving disqualification of a non-UK resident) for the words “section 91A(7)(b)(ii)” substitute “section 91A(7A)(b)”;
 - (b) in section 68 (endorsement of licence: Great Britain)—
 - (i) in the heading for the word “**licence**” substitute “**driving record**”;
 - (ii) for subsection (7) substitute—

“(7) Where the person ceases to be disqualified by virtue of section 57(6), the Secretary of State must endorse the relevant particulars on his driving record.

(8) In this section “driving record” has the meaning given by section 97A(11) of the Road Traffic Offenders Act 1988.”;
 - (c) in section 74 (interpretation) in the definition of “counterpart” omit paragraph (a).

The Welfare Reform Act 2009

7. In the section 39CA of the Child Support Act 1991(12), to be inserted by section 51(4) (Disqualification for holding etc. driving licence or travel authorisation) of the Welfare Reform Act 2009(13), omit subsection (11).

(8) 1996 c.9; section 9 was amended by S.I. 2001/690.

(9) 1997 c.43, section 40 was amended by paragraph 185 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c.6) and by paragraph 32 of Schedule 11 to the Proceeds of Crime Act 2002 (c.29).

(10) 2003 c.32.

(11) Section 97A of the Road Traffic Offenders Act 1988 (c. 53) was inserted by section 8 of the Road Safety Act 2006 (c. 49).

(12) 1991 c.48.

(13) 2009 c.24, section 51(4) was amended by S.I. 2012/2007.