

CRIME (INTERNATIONAL CO-OPERATION) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Road Traffic

Chapter 2: Mutual Recognition with the United Kingdom

Section 79: Disability and prospective disability

140. This section amends the provisions of the RTA 1988 relating to disability and prospective disability of a licence holder. Subsection (2) inserts a new section 109B into the RTA 1988, which provides for revocation by the Secretary of State of the authorisation to drive in Great Britain conferred by a Northern Ireland licence, on grounds of disability or prospective disability. Currently the Secretary of State has a power to revoke a driving licence issued in Great Britain as set out at section 93 of the RTA 1988. The new provisions parallel those which already exist for revocation of a Great Britain licence on medical grounds, except that the revocation extends only to the right to drive in Great Britain conferred by virtue of section 109(1) RTA 1988. The Secretary of State may require the Northern Ireland licence holder to deliver up his licence and the relevant counterparts, so that it may be returned to the Northern Ireland authorities.
141. Subsection (2) also inserts a new section 109C into the RTA 1988. This amendment places the holders of Northern Ireland licences, if resident in Great Britain, under the same duty as Great Britain licence holders to provide information relating to disabilities.
142. Subsection (3) makes provision for Great Britain licences, where the right to drive in Northern Ireland has been revoked on medical grounds there under a corresponding provision of Northern Ireland law. In this event the Secretary of State may revoke the licence.
143. In either circumstance, the Secretary of State may on application grant a new licence for a period which he determines. (For example, in the case of an individual suffering from a degenerative disease likely progressively to impair his or her ability to drive, a short period licence might be granted.)