

SCHEDULES

SCHEDULE 1

Section 5

GIVING OF FIXED PENALTY NOTICES BY VEHICLE EXAMINERS ETC.

Road Traffic Offenders Act 1988 (c. 53)

- 1 Part 3 of the Road Traffic Offenders Act 1988 (fixed penalties) is amended as follows.
- 2 In section 52(3)(c) (fixed penalty notice must state to whom and where fixed penalty may be paid), for the words from the beginning to “to” substitute “the person to”.
- 3 (1) Section 54 (notices on-the-spot or at a police station) is amended as follows.
 - (2) In subsection (1), after “uniform” insert “, or a vehicle examiner who produces his authority,”.
 - (3) In subsection (2), after “constable” insert “or vehicle examiner”.
 - (4) In subsection (3), after “constable”, in each place, insert “or vehicle examiner”.
 - (5) In subsection (4)—
 - (a) after “constable”, in the first three places, insert “or vehicle examiner”,
 - (b) for “, within seven days after the notice is given, he produces” substitute “he delivers”, and
 - (c) for the words from “person to” to “person concerned)” substitute “accordance with subsection (4A) below”.
 - (6) After that subsection insert—

“(4A) Delivery must—

 - (a) if the notice is given by a constable, be made in person, within seven days after the notice is given, to a constable or authorised person at the police station specified in the notice (being a police station chosen by the person concerned), or
 - (b) if the notice is given by a vehicle examiner, be made (either by post or in person), within fourteen days after the notice is given, to the Secretary of State at the place specified in the notice.”
 - (7) In subsection (5)—
 - (a) for “produces” substitute “delivers”,
 - (b) for the words from “person to a” to “to him” substitute “accordance with subsection (4A) above”,
 - (c) in paragraph (a) and in the words following paragraph (b), for “constable or authorised person” substitute “person to whom the notice under subsection (4) above is delivered”,
 - (d) omit “he surrenders”, and
 - (e) for “to the constable or authorised person” substitute “are delivered”.

Status: This is the original version (as it was originally enacted).

- (8) In subsection (7)—
- (a) after “surrendered” insert “or delivered”, and
 - (b) insert at the end “if the fixed penalty notice was given by a constable or authorised person”.
- (9) In the heading, for “**or at a police station**” substitute “**etc.**”
- 4 (1) Section 56 (licence receipts) is amended as follows.
- (2) In subsection (1)—
- (a) for “constable or authorised person” substitute “person”, and
 - (b) after “surrenders” insert “or delivers”.
- (3) In subsection (2)—
- (a) for “The” substitute “Where the duty in section 54(7) of this Act applies, the”, and
 - (b) after “surrendered” insert “or delivered”.
- (4) In subsection (3)—
- (a) for “by a constable or authorised person” substitute “under subsection (1) above”, and
 - (b) for “by the fixed penalty clerk” substitute “under subsection (2) above”.
- 5 (1) Section 57 (endorsement of licences without hearings) is amended as follows.
- (2) In subsection (1), for the words from “has surrendered” to “this Act,” substitute “has been given a fixed penalty notice under section 54 of this Act in respect of an offence involving obligatory endorsement,”.
- (3) In subsection (3), for “fixed penalty clerk” substitute “person to whom it is paid”.
- (4) In subsection (4)—
- (a) for “fixed penalty clerk” substitute “person to whom the fixed penalty is required to be paid”, and
 - (b) for “the clerk”, in both places, substitute “the person”.
- (5) In subsection (6)—
- (a) for “On endorsing” substitute “Where the endorsement of”, and
 - (b) after “section” insert “is made by the fixed penalty clerk,”.
- 6 (1) Section 61 (fixed penalty notice mistakenly given: exclusion of fixed penalty procedures) is amended as follows.
- (2) In subsection (1)—
- (a) for “sent to him under section 54(7)” substitute “surrendered or delivered under section 54”, and
 - (b) after “clerk” insert “or the Secretary of State”.
- (3) In subsection (2)—
- (a) omit “fixed penalty clerk must not endorse the”,
 - (b) before “under” insert “must not be endorsed”, and
 - (c) after “but” insert “if it was sent to the fixed penalty clerk he”.
- 7 In section 62(1) (fixing notices to vehicles), after “constable” insert “or a vehicle examiner”.

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- 8 (1) Section 63 (service of notice to owner if penalty not paid) is amended as follows.
- (2) In subsection (2), for “chief officer of police” substitute “relevant person”.
- (3) After that subsection insert—
- “(2A) In this section “the relevant person” means—
- (a) if the fixed penalty notice was fixed by a constable, the chief officer of police, and
- (b) if it was fixed by a vehicle examiner, the Secretary of State.”
- (4) In subsection (4)(c), for “chief officer of police by or on whose behalf the notice was served” substitute “relevant person”.
- 9 (1) Section 66 (hired vehicles) is amended as follows.
- (2) In subsection (1)(c), for “chief officer of police by or on whose behalf the notice was served” substitute “relevant person”.
- (3) In subsection (5), for “chief officer of police” substitute “person”.
- (4) In subsection (8), after the definition of “hiring agreement” insert—
- ““relevant person” means—
- (a) if the fixed penalty notice was fixed by a constable, the chief officer of police by or on whose behalf the notice to owner was served, and
- (b) if it was fixed by a vehicle examiner, the Secretary of State, and”.
- 10 In section 68(4) (meaning of “official form”), after “police” insert “or the Secretary of State”.
- 11 (1) Section 69 (payment of fixed penalty) is amended as follows.
- (2) In subsection (1), for “Payment of a fixed penalty under this Part of this Act” substitute “Where a fixed penalty notice has been given or fixed by a constable or authorised person under this Part of this Act, payment of the fixed penalty”.
- (3) After that subsection insert—
- “(1A) Where a fixed penalty notice has been given or fixed by a vehicle examiner, or given by the Secretary of State, under this Part of this Act, payment of the fixed penalty must be made to the Secretary of State.”
- (4) In subsection (3), after “clerk” insert “, or the Secretary of State,”.
- 12 (1) Section 70 (registration certificates) is amended as follows.
- (2) In subsection (2), for “chief officer of police” substitute “relevant person”.
- (3) After that subsection insert—
- “(2A) In subsection (2) above “the relevant person” means—
- (a) if the fixed penalty notice in question was given or fixed by a constable or given by an authorised person, the chief officer of police, and
- (b) if it was given or fixed by a vehicle examiner or given by the Secretary of State, the Secretary of State.”

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- (4) In subsection (3), for “fixed penalty clerk” substitute “appropriate person”.
- (5) After that subsection insert—
- “(3A) In subsection (3) above “the appropriate person” means—
- (a) if the fixed penalty notice in question was given or fixed by a constable or given by an authorised person, the fixed penalty clerk, and
- (b) if it was given or fixed by a vehicle examiner or given by the Secretary of State, the Secretary of State.”
- (6) In subsection (4), for “the chief officer of police or the fixed penalty clerk” substitute “a person”.
- 13 (1) Section 72 (notices on-the-spot or at a police station: when registration and endorsement invalid) is amended as follows.
- (2) In subsection (4), after “surrendered” insert “or delivered”.
- (3) In the heading, for “**or at a police station**” substitute “**etc.**”
- 14 (1) Section 73 (notices fixed to vehicles: when registration invalid) is amended as follows.
- (2) In subsection (4), for—
- (a) “the chief officer of police”, and
- (b) “that chief officer of police”,
- substitute “the relevant person”.
- (3) After that subsection insert—
- “(4A) In subsection (4) above “the relevant person” means—
- (a) if the fixed penalty notice concerned was fixed by a constable, the fixed penalty clerk, and
- (b) if it was fixed by a vehicle examiner, the Secretary of State.”
- (4) In subsection (5), omit—
- (a) “by or on behalf of the chief officer of police”, and
- (b) “such”.
- (5) In subsection (7)—
- (a) omit “by or on behalf of the chief officer of police”, and
- (b) for “he” substitute “the person by whom it is served”.
- 15 (1) Section 75 (issue of conditional offer) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) Where in England and Wales—
- (a) a vehicle examiner has reason to believe that a fixed penalty offence has been committed, and
- (b) no fixed penalty notice in respect of the offence has been given under section 54 of this Act or fixed to a vehicle under section 62 of this Act,

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a notice under this section may be sent to the alleged offender by the Secretary of State.”

(3) After subsection (3A) insert—

“(3B) Where in Scotland a vehicle examiner—

- (a) on any occasion has reason to believe that a person he finds is committing or has on that occasion committed a fixed penalty offence, he may hand to that person,
- (b) in any case has reason to believe that a fixed penalty offence has been committed, he or another person authorised in that respect by the Secretary of State may send to the alleged offender,

a notice under this section.”

(4) In subsection (4), for “and (3)” substitute “to (3B)”.

(5) In subsection (6), for “person issues a conditional offer” substitute “conditional offer is issued by a person under subsection (1), (2) or (3) above”.

(6) In subsection (8), for—

- (a) “the fixed penalty clerk”, and
 - (b) “that clerk”, in both places,
- substitute “the appropriate person”.

(7) After subsection (11) insert—

“(11A) In this section and sections 76 and 77 of this Act “the appropriate person” means—

- (a) where the conditional offer was issued under subsection (1), (2) or (3) above, the fixed penalty clerk, and
- (b) where the conditional offer was issued under subsection (1A) or (3B) above, the Secretary of State.”

16 (1) Section 76 (effect of order and payment of penalty) is amended as follows.

(2) In subsection (1), for “sent” substitute “issued”.

(3) For subsections (2) to (5) substitute—

“(2) Where the alleged offender makes payment of the fixed penalty in accordance with the conditional offer, no proceedings shall be brought against him for the offence to which the offer relates unless subsection (3) below applies.

(3) This subsection applies where—

- (a) it appears to the appropriate person, on inspecting the licence and its counterpart, that the alleged offender would be liable to be disqualified under section 35 of this Act if he were convicted of the offence to which the conditional offer relates,
- (b) the appropriate person returns the payment to the alleged offender together with his licence and its counterpart, and
- (c) where the appropriate person is not the Secretary of State, the appropriate person gives notice that he has done so to the person required to be notified.

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- (4) Where the requirements specified in the conditional offer in accordance with sub-paragraphs (i) and (ii) of section 75(8)(a) of this Act have not been fulfilled, no proceedings shall be brought against the alleged offender for the offence to which the offer relates—
 - (a) until the end of the period of twenty-eight days following the date on which the conditional offer was made, or such longer period as may be specified in the offer, and
 - (b) where the appropriate person is not the Secretary of State, unless the appropriate person notifies the person required to be notified that proceedings may be brought by virtue of this subsection.
- (5) In this section and section 77 of this Act “the person required to be notified” means—
 - (a) if the conditional offer was issued under subsection (1) of section 75 of this Act, the chief officer of police,
 - (b) if it was issued under subsection (2) of that section, the procurator fiscal, and
 - (c) if it was issued under subsection (3) of that section, the chief constable or (as the case may be) the chief constable of the British Transport Police Force.”
- (4) In subsection (6), for “(4)(b)” substitute “(3)(a)”.
- (5) In subsection (7), for—
 - (a) “the fixed penalty clerk”, and
 - (b) “that clerk”,
 substitute “the appropriate person”.
- (6) In subsection (8), for “(4)” substitute “(3)”.
- (7) In subsection (9), for “(2)(b)” substitute “(5)(b) or (c)”.
- 17 (1) Section 77 (endorsement where penalty paid) is amended as follows.
 - (2) In paragraph (a) of subsection (1), for—
 - (a) “the fixed penalty clerk”, and
 - (b) “the clerk”,
 substitute “the appropriate person”.
 - (3) For paragraph (b) of that subsection substitute—
 - “(b) proceedings against the alleged offender for the offence to which the conditional offer relates are excluded by section 76 of this Act,”.
 - (4) In the words following that paragraph, for “clerk” substitute “appropriate person”.
 - (5) In subsection (2), for “it appears to a fixed penalty clerk in Scotland” substitute “in Scotland it appears to the appropriate person”.
 - (6) In subsection (3)—
 - (a) for “a clerk” substitute “the appropriate person”,
 - (b) for “the clerk” substitute “unless the appropriate person is the Secretary of State, the appropriate person”, and

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- (c) for “referred to in section 76(2)(a) or (b) of this Act” substitute “required to be notified”.
 - (7) In subsection (4), for “after a notice has been given in pursuance of subsection (3) (b) above” substitute “where subsection (3) above applies”.
 - (8) In subsection (6), for “The fixed penalty clerk” substitute “Where the appropriate person is the fixed penalty clerk, he”.
- 18 (1) Section 79 (statements by constables) is amended as follows.
- (2) In subsection (1)—
 - (a) after “constable”, in the first place, insert “or vehicle examiner”,
 - (b) for “constable's” substitute “relevant”, and
 - (c) omit “constable or authorised”.
 - (3) In subsection (2)—
 - (a) for “constable's” substitute “relevant”, and
 - (b) after “committed” insert “or on behalf of the Secretary of State”.
 - (4) In subsections (4) and (5), for “constable's” substitute “relevant”.
 - (5) In subsection (6), for “production of the notice under section 54(5) at a police station in accordance with that section” substitute “delivery of the notice”.
- 19 In section 80 (certificates about payment), for “fixed penalty clerk”, in both places, substitute “person to whom it was required to be paid”.
- 20 In section 82(1) (accounting for fixed penalties), after “paid” insert “to the fixed penalty clerk”.
- 21 (1) Section 83 (powers of court where clerk deceived) is amended as follows.
- (2) In subsection (1)—
 - (a) in paragraph (a), after “fixed penalty clerk” insert “or the Secretary of State”, and
 - (b) in paragraph (b), for the words from “Act the” to “the counterpart” substitute “Act the appropriate person is deceived as to whether proceedings against the person are excluded by section 76 of this Act”.
 - (3) In the heading, for “**where clerk deceived**” substitute “**in cases of deception**”.
- 22 In section 84(1) (regulations), for “75(2) and (3) or 76(5) and (6)” substitute “75(1), (1A), (2), (3) or (3B) or 76(3)(c) or (4)(b)”.
- 23 In section 89(1) (interpretation), after the definition of “proceedings” insert “and
“vehicle examiner” means an examiner appointed under section 66A of the Road Traffic Act 1988.”

Road Traffic (New Drivers) Act 1995 (c. 13)

24 The Road Traffic (New Drivers) Act 1995 is amended as follows.

25 (1) Section 2 (surrender of licences) is amended as follows.

- (2) In subsection (3)—
 - (a) in paragraph (a)—

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- (i) after “1988” insert “, retained by a vehicle examiner under that section”, and
 - (ii) for “fixed penalty clerk in” substitute “appropriate person in”, and
 - (b) in paragraphs (c), (d) and (f), for “fixed penalty clerk” substitute “appropriate person”.
- (3) In subsection (4)—
- (a) omit “, the fixed penalty clerk”,
 - (b) in paragraph (a), insert at the beginning “the appropriate person”, and
 - (c) in paragraph (b), insert at the beginning “unless the appropriate person is the Secretary of State, he”.
- (4) In subsection (5), omit “by the fixed penalty clerk”.
- (5) After subsection (6) insert—
- “(7) In this section and section 3—
- “the appropriate person”, in relation to a fixed penalty notice, means—
 - (a) if it was given by a constable or an authorised person, the fixed penalty clerk, and
 - (b) if it was given by a vehicle examiner or the Secretary of State, the Secretary of State, and
 - “the appropriate person”, in relation to a conditional offer, means—
 - (a) where the conditional offer was issued under subsection (1), (2) or (3) of section 75 of the Road Traffic Offenders Act 1988, the fixed penalty clerk, and
 - (b) where it was issued under subsection (1A) or (3B) of that section, the Secretary of State.”
- 26 (1) Section 3 (revocation of licences) is amended as follows.
- (2) In subsection (1), for “(4)” substitute “(4)(b)”.
- (3) After that subsection insert—
- “(1ZA) Where section 2(4)(a) applies but the appropriate person is the Secretary of State, the Secretary of State must by notice served on the person to whom the fixed penalty notice or conditional offer was given or issued, revoke that person’s licence.”
- (4) In subsections (1A) and (1B), after “subsection (1)” insert “or (1ZA)”.
- (5) In subsection (2), for “subsection (1) or (1B)” substitute “this section”.
- 27 (1) Schedule 1 (newly qualified drivers holding test certificates) is amended as follows.
- (2) In paragraph 1, after sub-paragraph (2) insert—
- “(2A) In this Schedule “the appropriate person” has the same meaning as in sections 2 and 3 of this Act.”
- (3) In paragraph 3(4)—
- (a) in paragraph (a), for “fixed penalty clerk”, in both places, substitute “appropriate person”,

- (b) in paragraph (c), for “fixed penalty clerk” substitute “appropriate person”, and
 - (c) in the words following paragraph (c), for “fixed penalty clerk to whom the payment is made” substitute “appropriate person”.
- (4) In paragraph 4(3)—
- (a) in paragraph (b), for “fixed penalty clerk” substitute “appropriate person”, and
 - (b) for the words following paragraph (c) substitute “section 2(4) does not apply but if the appropriate person is the fixed penalty clerk sub-paragraph (4) applies instead.”
- (5) In paragraph 5—
- (a) after sub-paragraph (1) insert—

“(1ZA) Where section 2(4) is disapplied by paragraph 4(3) and the appropriate person is the Secretary of State, the Secretary of State must by notice served on the person to whom the fixed penalty notice or conditional offer was given or issued revoke that person’s test certificate.”,
 - (b) in sub-paragraphs (1A) and (1B), after “sub-paragraph (1)” insert “or (1ZA)”, and
 - (c) in sub-paragraph (2), for “sub-paragraph (1) or (1B)” substitute “this paragraph”.
- (6) In paragraph 6(1), after “paragraph 5(1)” insert “or (1ZA)”.
- (7) In paragraph 7—
- (a) in sub-paragraph (3)(b), for “fixed penalty clerk” substitute “appropriate person”, and
 - (b) in sub-paragraph (4)—
 - (i) for “fixed penalty clerk” substitute “appropriate person”, and
 - (ii) at the beginning of paragraph (b) insert “unless the appropriate person is the Secretary of State,”.
- (8) In paragraph 8—
- (a) after sub-paragraph (1) insert—

“(1ZA) Where paragraph 7(4) applies and the appropriate person is the Secretary of State, the Secretary of State must by notice served on the person to whom the fixed penalty notice or conditional offer was given or issued revoke that person’s licence and test certificate.”,
 - (b) in sub-paragraphs (1A) and (1B), after “sub-paragraph (1)” insert “or (1ZA)”, and
 - (c) in sub-paragraph (2), for “sub-paragraph (1) or (1B)” substitute “this paragraph”.
- (9) In paragraph 9, after “paragraph 8(1)” insert “or (1ZA)”.
- (10) In paragraph 10(a), after—
- (a) “paragraph 5(1)”, and
 - (b) “paragraph 8(1)”,

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insert “or (1ZA)”.

SCHEDULE 2

Section 9

ENDORSEMENT: UNLICENSED AND FOREIGN DRIVERS

Public Passenger Vehicles Act 1981 (c. 14)

- 1 (1) Section 24 of the Public Passenger Vehicles Act 1981 (regulation of conduct of drivers, inspectors and conductors) is amended as follows.
- (2) In subsection (2), insert at the end “or, if he is not the holder of a licence (within the meaning of Part 3 of the Road Traffic Act 1988), on his driving record (within the meaning of section 97A of the Road Traffic Offenders Act 1988)”.
- (3) In subsection (3)—
 - (a) for “the licence and its counterpart” substitute “any counterpart of a licence which is to be endorsed under subsection (2) above”, and
 - (b) for “them” substitute “it and the licence”.

Road Traffic Offenders Act 1988 (c. 53)

- 2 The Road Traffic Offenders Act 1988 is amended as follows.
- 3 In section 28(3) (penalty points to be attributed to an offence), for “and 77(5)” substitute “, 57A(6), 77(5) and 77A(8)”.
- 4 In section 29(1)(b) (penalty points to be taken into account on conviction), after “him” insert “or on his driving record”.
- 5 (1) Section 30 (modification of sections 28 and 29 in case where fixed penalty also in question) is amended as follows.
 - (2) In subsection (1)(b)—
 - (a) after “licence” insert “or his driving record”, and
 - (b) for “or 77” substitute “, 57A, 77 or 77A”.
 - (3) In subsection (2)(b)—
 - (a) after “licence” insert “or on his driving record”, and
 - (b) for “or 77” substitute “, 57A, 77 or 77A”.
- 6 (1) Section 31 (court may take particulars endorsed on licence into consideration) is amended as follows.
 - (2) For subsection (1) substitute—

“(1) Where a person is convicted of an offence involving obligatory or discretionary disqualification—

 - (a) any existing endorsement on the counterpart of his licence or on his driving record is prima facie evidence of the matters endorsed, and
 - (b) the court may, in determining what order to make in pursuance of the conviction, take those matters into consideration.”
 - (3) In the heading, omit “**on licence**”.

- 7 In section 36 (disqualification until test passed), after subsection (10) insert—
- “(10A) Where a person’s driving record is endorsed with particulars of a disqualification under this section, it shall also be endorsed with the particulars of any test of competence to drive that he has passed since the order of disqualification was made.”
- 8 (1) Section 42 (removal of disqualification) is amended as follows.
- (2) In subsection (5), for paragraph (a) substitute—
- “(a) must—
- (i) if particulars of the disqualification were previously endorsed on the counterpart of any licence previously held by the applicant, cause particulars of the order to be endorsed on that counterpart, and
- (ii) if particulars of the disqualification were previously endorsed on the driving record of the applicant, send notice of the order to the Secretary of State.”
- (3) In subsection (5A), for “(5)(a)” substitute “(5)(a)(i)”.
- (4) After that subsection insert—
- “(5AA) If the disqualification was imposed in respect of an offence involving obligatory endorsement, the Secretary of State must, on receiving notice of an order under subsection (5)(a)(ii) above, make any necessary adjustments to the endorsements on the person’s driving record to reflect the order.”
- (5) In subsection (5B), after “subsection” insert “(5)(a)(ii) or”.
- 9 (1) Section 45 (effect of endorsement) is amended as follows.
- (2) In subsection (1), omit “, whether he is at the time the holder of a licence or not”.
- (3) In the heading, insert at the end “**of counterparts**”.
- 10 After that section insert—

“45A Effect of endorsement of driving records

- (1) An order that any particulars or penalty points are to be endorsed on a person’s driving record shall operate as an order that his driving record is to be so endorsed until the end of the period for which the endorsement remains effective.
- (2) At the end of the period for which the endorsement remains effective the Secretary of State must remove the endorsement from the person’s driving record.
- (3) On the issue of a new licence to a person, any particulars ordered to be endorsed on his driving record shall be entered on the counterpart of the licence unless he has become entitled under subsection (4) below to have a licence issued to him with its counterpart free from those particulars or penalty points.
- (4) A person the counterpart of whose licence has been endorsed under subsection (3) above is entitled to have issued to him with effect from the

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end of the period for which the endorsement remains effective a new licence with a counterpart free from the endorsement if he applies for a new licence in pursuance of section 97(1) of the Road Traffic Act 1988, surrenders any subsisting licence and its counterpart, pays the fee prescribed by regulations under Part 3 of that Act and satisfies the other requirements of section 97(1).

(5) The period for which an endorsement remains effective is determined in accordance with section 45(5) to (7) of this Act.”

11 (1) Section 46 (combination of disqualification and endorsement with certain other orders) is amended as follows.

(2) In subsection (1), for “or 44” substitute “, 44 or 44A”.

(3) In subsection (2)(b), insert at the end “or on his driving record”.

(4) In subsection (3), for “and 45” substitute “, 45 and 45A”.

12 (1) Section 47 (supplementary provisions as to disqualification and endorsements) is amended as follows.

(2) In subsection (3), after “licence” insert “or a driving record”.

(3) After that subsection insert—

“(3A) On receiving such a notice in relation to a person who is not the holder of a licence, the Secretary of State must make any necessary adjustments to the endorsements on the person’s driving record to reflect the outcome of the appeal.”

13 In section 48(1)(b) and (2)(b) (exemption from disqualification and endorsement for certain construction and use offences), after “him” insert “or on his driving record”.

14 (1) Section 54 (notices on-the-spot etc.) is amended as follows.

(2) In subsection (2), for “subsection (3) below” substitute “the following provisions of this section”.

(3) In subsection (3), after “endorsement” insert “, and the person is the holder of a licence,”.

(4) In subsection (4)—

(a) for the word “and” at the end of paragraph (a) substitute—

“(aa) the person concerned is the holder of a licence, and”,

(b) in paragraph (b), for “the person concerned” substitute “he”.

(5) In subsection (6), after “subsection (4)” insert “or (5C)”.

(6) In subsection (10), for “subsections (3)(b) and (5)(a) above” substitute “this section”.

15 (1) Section 57 (endorsement without hearings) is amended as follows.

(2) In subsection (1), after “a person” insert “who is the holder of a licence”.

(3) In the heading, for “**licences**” substitute “**counterparts**”.

16 In section 58 (effect of endorsement without hearing), in the heading, after “**endorsement**” insert “**of counterpart**”.

17 After that section insert—

“58A Effect of endorsement of driving record without hearing

- (1) Where a person’s driving record is endorsed under section 57A of this Act he shall be treated for the purposes of sections 13(4), 28, 29 and 45A of this Act and of the Rehabilitation of Offenders Act 1974 as if—
 - (a) he had been convicted of the offence,
 - (b) the endorsement had been made in pursuance of an order made on his conviction by a court under section 44 of this Act, and
 - (c) the particulars of the offence endorsed by virtue of section 57A(6)(a) of this Act were particulars of his conviction of that offence.
- (2) In relation to any endorsement of a person’s driving record under section 57A of this Act, the references in section 13(4) of this Act to any order made on a person’s conviction are to be read as references to the endorsement itself.”

18 In section 61 (fixed penalty notice mistakenly given: exclusion of fixed penalty procedures), in the heading, after “**given**” insert “**to licence holder**”.

19 After that section insert—

“61A Fixed penalty notice mistakenly given to unlicensed person: exclusion of fixed penalty procedures

- (1) This section applies where, on accessing information held on the driving record of a person to whom a fixed penalty notice was given under section 54 of this Act, but who is not the holder of a licence, it appears to the fixed penalty clerk or the Secretary of State that the person would be liable to be disqualified under section 35 of this Act if he were convicted of the offence in respect of which the fixed penalty notice was given.
- (2) The person’s driving record must not be endorsed under section 57A of this Act.
- (3) In a case where the fixed penalty is required to be paid to the fixed penalty clerk he must not send notice to the Secretary of State under section 57A of this Act but instead must notify the chief officer of police that the person to whom the fixed penalty notice was given would be liable to be disqualified under section 35 of this Act if he were convicted of the offence in respect of which the fixed penalty notice was given.
- (4) Nothing in this Part of this Act prevents proceedings being brought in respect of the offence in respect of which the fixed penalty notice was given where those proceedings are commenced before the end of the period of six months beginning with the date on which that notice was given.
- (5) Where proceedings in respect of that offence are commenced before the end of that period, the case is from then on to be treated in all respects as if no fixed penalty notice had been given in respect of the offence.
- (6) Accordingly, where proceedings in respect of that offence are so commenced, any action taken in pursuance of this Part of this Act by reference to that fixed penalty notice shall be void (including, but without prejudice to the generality of the preceding provision—

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- (a) the registration under section 71 of this Act of any sum, determined by reference to the fixed penalty for that offence, for enforcement against the person to whom the fixed penalty notice was given, and
 - (b) any proceedings for enforcing payment of any such sum within the meaning of sections 73 and 74 of this Act (defined in section 74(5)).
- (7) In determining for the purposes of subsection (1) above whether a person convicted of an offence would be liable to disqualification under section 35, it shall be assumed, in the case of an offence in relation to which a range of numbers is shown in the last column of Part 1 of Schedule 2 to this Act, that the number of penalty points to be attributed to the offence would be the lowest in the range.”
- 20 In section 69(4) (payment of penalty), for “77” substitute “77A”.
- 21 (1) In section 70(4) (registration certificates), after paragraph (b) insert “and
- (c) otherwise—
 - (i) if the offence to which the fixed penalty notice or conditional offer relates was committed in England or Wales, cause it to be sent to the designated officer for the local justice area in which the offence was committed, or
 - (ii) if the offence was committed in Scotland, cause it to be sent to the clerk of a court of summary jurisdiction for the area in which the offence was committed.”
- (2) An order under section 61 may provide that sub-paragraph (1) is to come into force only in relation to an area specified in the order.
- (3) If such an order provides that sub-paragraph (1) is to come into force only in relation to an area specified in the order, it may also provide that (unless continued in force by a subsequent order) sub-paragraph (1) is to remain in force there only for a period specified in the order.
- 22 (1) Section 71 (registration of sums payable in default) is amended as follows.
- (2) In subsection (1), after paragraph (a) insert “or” and after paragraph (c) insert “or
- (d) if it appears to him that the defaulter does not reside in England, Wales or Scotland—
 - (i) in a case where the offence to which the fixed penalty notice or conditional offer relates was committed in the local justice area for which he is the designated officer, he must register that sum for enforcement as a fine in that area by entering it in the register of a magistrates' court acting in that area,
 - (ii) in a case where it was committed in another local justice area in England and Wales, he must send the certificate to the designated officer for that area, and
 - (iii) in a case where it was committed in Scotland, he must send the certificate to the clerk of a court of summary jurisdiction for the area in which the offence was committed.”
- (3) In subsection (2), after paragraph (a) insert “or” and after paragraph (c) insert “or
- (d) if it appears to him that the defaulter does not reside in England, Wales or Scotland—

Status: This is the original version (as it was originally enacted).

- (i) in a case where the offence to which the fixed penalty notice or conditional offer relates was committed in the area of the court, he must register that sum for enforcement as a fine by that court,
 - (ii) in a case where it was committed in an area of any other court of summary jurisdiction in Scotland, he must send the certificate to the clerk of that court, and
 - (iii) in a case where it was committed in England or Wales, he must send the certificate to the designated officer for the local justice area in which the offence was committed.”
 - (4) An order under section 61 may provide that sub-paragraphs (1) to (3) are to come into force only in relation to an area specified in the order.
 - (5) If such an order provides that sub-paragraphs (1) to (3) are to come into force only in relation to an area specified in the order, it may also provide that (unless continued in force by a subsequent order) sub-paragraphs (1) to (3) are to remain in force there only for a period specified in the order.
- 23 (1) Section 72 (notices on-the-spot etc.: when registration and endorsement invalid) is amended as follows.
- (2) After subsection (4) insert—

“(4A) Where in any case within subsection (2)(a) above the driving record of the person to whom the relevant fixed penalty notice was given was endorsed under section 57A of this Act in respect of the offence in respect of which the notice was given, the endorsement shall be void.”
 - (3) In subsection (5)(a), after “57” insert “or 57A”.
 - (4) After subsection (6) insert—

“(6A) The proper officer of the relevant court must send notice to the Secretary of State of any endorsement of a person’s driving record that is void by virtue of this section and the Secretary of State must adjust the endorsements on that record accordingly.”
- 24 (1) Section 75 (issue of conditional offer) is amended as follows.
- (2) In subsection (5), for “and 77” substitute “, 77 and 77A”.
 - (3) In subsection (6), for “and 77” substitute “, 77 and 77A”.
 - (4) In subsection (8), after “conditional offer” insert “sent to an alleged offender who is the holder of a licence”.
 - (5) After subsection (8) insert—

“(8A) A conditional offer sent to an alleged offender who is not the holder of a licence must indicate that if the following conditions are fulfilled, that is—

 - (a) within the period of twenty-eight days following the date on which the offer was issued, or such longer period as may be specified in the offer, the alleged offender makes payment of the fixed penalty to the appropriate person, and
 - (b) the appropriate person is satisfied, on accessing information held on the driving record of the alleged offender, that if he were convicted

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- of the offence, he would not be liable to be disqualified under section 35 of this Act,
any liability to conviction of the offence shall be discharged.”
- (6) In subsection (9)—
- (a) for “condition” substitute “conditions”, and
 - (b) after “(8)(b)” insert “and (8A)(b)”.
- (7) In subsection (11A), for “and 77” substitute “, 77 and 77A”.
- 25 (1) Section 76 (effect of offer and payment of penalty) is amended as follows.
- (2) In subsection (3)—
- (a) in paragraph (a), after “counterpart” insert “or (where the alleged offender is not the holder of a licence) accessing information held on his driving record”, and
 - (b) in paragraph (b), after “with” insert “(where he is the holder of a licence)”.
- (3) In subsection (4), after “75(8)(a)” insert “or (8A)(a)”.
- 26 (1) Section 77 (endorsement where penalty paid) is amended as follows.
- (2) In subsection (1)(a), after “a person” insert “who is the holder of a licence”.
- (3) In the heading, after “**endorsement**” insert “**of counterparts**”.
- 27 After that section insert—

“77A Endorsement of driving records where penalty paid

- (1) Where—
- (a) in pursuance of a conditional offer issued under subsection (1), (2) or (3) of section 75 of this Act a person who is not the holder of a licence (referred to in this section as the “alleged offender”) makes payment of the fixed penalty to the fixed penalty clerk, and
 - (b) proceedings against the alleged offender for the offence to which the conditional offer relates are excluded by section 76 of this Act,
- the fixed penalty clerk must forthwith send to the Secretary of State notice of the relevant particulars to be endorsed on the alleged offender’s driving record.
- (2) The Secretary of State must endorse the relevant particulars on a person’s driving record—
- (a) on receiving notice under subsection (1) above, or
 - (b) if, in pursuance of a conditional offer issued under subsection (1A) or (3B) of section 75 of this Act, a person who is not the holder of a licence (also referred to in this section as the “alleged offender”) makes payment of the fixed penalty to him and proceedings against the alleged offender are excluded by section 76 of this Act.
- (3) Where in Scotland the appropriate person is the fixed penalty clerk and it appears to him that there is an error in an endorsement made by virtue of this section on a person’s driving record, he may send to the Secretary of State notice of the error.

Status: This is the original version (as it was originally enacted).

- (4) Subject to subsection (5) below, where a cheque tendered in payment is subsequently dishonoured—
 - (a) any endorsement made by the Secretary of State under subsection (2) above remains effective notwithstanding that the alleged offender is still liable to prosecution in respect of the alleged offence to which the endorsement relates, and
 - (b) unless the appropriate person is the Secretary of State, the appropriate person must upon expiry of the period specified in the conditional offer or, if the period has expired, forthwith notify the person required to be notified that no payment has been made.
- (5) When proceedings are brought against an alleged offender where subsection (4) above applies, the court—
 - (a) must order the removal of the fixed penalty endorsement from the driving record of the alleged offender,
 - (b) may, on finding the alleged offender guilty, make any competent order of endorsement or disqualification and pass any competent sentence, and
 - (c) must send to the Secretary of State notice of any order made under paragraph (a) or (b) above.
- (6) On receiving notice under subsection (3) above, the Secretary of State may correct the error in the endorsement on the driving record; and any endorsement corrected shall be treated for all purposes as if it had been correctly made on receipt of the fixed penalty.
- (7) On receiving a notice under subsection (5)(c) above, the Secretary of State must make any necessary adjustments to the endorsements on the alleged offender's driving record.
- (8) The references in subsection (1) and (2) above to the relevant particulars are to—
 - (a) particulars of the offence, including the date when it was committed, and
 - (b) the number of penalty points to be attributed to the offence.
- (9) Where a person's driving record is endorsed under this section he shall be treated for the purposes of sections 13(4), 28, 29 and 45A of this Act and of the Rehabilitation of Offenders Act 1974 as if—
 - (a) he had been convicted of the offence,
 - (b) the endorsement had been made in pursuance of an order made on his conviction by a court under section 44 of this Act, and
 - (c) the particulars of the offence endorsed by virtue of subsection (8)(a) above were particulars of his conviction of that offence.
- (10) In relation to any endorsement of a person's driving record under this section, the references in section 13(4) of this Act to any order made on a person's conviction are to be read as references to the endorsement itself."

28 (1) Section 83 (powers of court in cases of deception) is amended as follows.

(2) After subsection (1) insert—

“(1A) This section also applies where—

Status: This is the original version (as it was originally enacted).

- (a) particulars are endorsed on a person’s driving record under section 57A of this Act because the fixed penalty clerk or the Secretary of State is deceived as to whether endorsement under that section is excluded by section 61A(2) of this Act by virtue of the fact that the person to whom the fixed penalty notice was given would be liable to be disqualified under section 35 of this Act if he were convicted of the offence, or
- (b) particulars are endorsed on a person’s driving record under section 77A of this Act because the appropriate person or court is deceived as to whether proceedings against the person are excluded by section 76 of this Act by virtue of the fact that the person to whom the conditional offer is issued would be liable to be disqualified under section 35 of this Act if he were convicted of the offence.”

(3) In subsection (2)—

- (a) in paragraph (a), for “licence holder” substitute “person to whom the fixed penalty notice was given or conditional offer was issued”,
- (b) in paragraph (b), for “the licence holder” substitute “he”,
- (c) after “57” insert “or 57A”, and
- (d) after “77” insert “or 77A”.

29 In section 84(1) (regulations), after “54(4)” insert “or (5C)”.

30 After section 84 insert—

“84A Notices to Secretary of State

Any notice sent to the Secretary of State under this Part must be sent in such manner and to such address and contain such particulars as the Secretary of State may determine.”

31 In section 91ZA(1) (application to Northern Ireland licence holders)—

- (a) in paragraph (i), after “44(1)” insert “and (3A)”, and
- (b) in paragraph (k), for “and (3)” substitute “, (3) and (3A)”.

32 In section 91A(1) (application to Community licence holders)—

- (a) after “44(1)” insert “and (3A)”, and
- (b) after “47(3)” insert “and (3A)”.

Child Support Act 1991 (c. 48)

33 In section 40B(9) of the Child Support Act 1991 (disqualification from driving: further provision), for “the driving” substitute “any driving”.

SCHEDULE 3

Section 10

ENDORSEMENT: ALL DRIVERS

Public Passenger Vehicles Act 1981 (c. 14)

- 1 (1) Section 24 of the Public Passenger Vehicles Act 1981 (regulation of conduct of drivers, inspectors and conductors) (as amended by Schedule 2) is amended as follows.
 - (2) In subsection (2), for the words from “cause particulars” to the end substitute “send notice of the particulars of the conviction to the Secretary of State requiring the Secretary of State to endorse them on the person’s driving record (within the meaning of section 97A of the Road Traffic Offenders Act 1988)”.
 - (3) Omit subsection (3).

Road Traffic Act 1988 (c. 52)

- 2 The Road Traffic Act 1988 is amended as follows.
- 3 In section 88(6) (requirement for driving licence: exceptions), omit “, counterparts of licences”.
- 4 In section 92(7ZB)(a) and (7C) (requirements as to physical fitness of drivers), omit “and its counterpart”.
- 5 (1) Section 93 (revocation of licence because of disability or prospective disability) is amended as follows.
 - (2) In subsections (2)(b) and (3), omit “and its counterpart”.
 - (3) In subsection (4)(a)—
 - (a) omit “or its counterpart”, and
 - (b) for “them” substitute “it”.
 - (4) In subsection (4)(b)—
 - (a) for “them” substitute “it”, and
 - (b) for “their” substitute “its”.
- 6 (1) Section 97 (grant of licences) is amended as follows.
 - (2) In subsection (1)(c)—
 - (a) in sub-paragraph (i), omit “and its counterpart”,
 - (b) in sub-paragraph (ia), omit the words from “together” to the end, and
 - (c) in sub-paragraph (ii), omit “and its counterpart (if any) issued to him”.
 - (3) In subsection (1AA), omit—
 - (a) “together with the counterparts mentioned in that sub-paragraph”, and
 - (b) “and its Northern Ireland counterpart”.
- 7 In section 98(1)(c) (form of licence), omit “or its counterpart”.
- 8 (1) Section 98A (compulsory surrender of old-form licences) (inserted by section 29) is amended as follows.
 - (2) In subsection (1), omit “and their counterparts”.

Status: This is the original version (as it was originally enacted).

- (3) In subsection (3), omit “(and their counterparts)”.
 - (4) In subsection (4), omit “(with its counterpart)”.
 - (5) In subsection (7), omit “and its counterpart”.
- 9 (1) Section 99 (duration of licences) is amended as follows.
- (2) In subsection (2A), omit “and its counterpart”.
 - (3) In subsection (3)—
 - (a) omit paragraph (aa),
 - (b) in paragraph (b), omit “or in its counterpart”, and
 - (c) omit “and its counterpart”.
 - (4) In subsection (4), omit “and its counterpart”.
 - (5) In subsection (6)—
 - (a) omit “and its counterpart”, in both places,
 - (b) for “them”, in both places, substitute “it”, and
 - (c) for “their” substitute “its”.
 - (6) In subsection (7), omit “and its counterpart”.
 - (7) In subsection (7ZA) (inserted by section 30), omit “and its counterpart”.
- 10 In section 99A (authorisation to drive in Great Britain), omit subsections (5) and (6).
- 11 (1) Section 99B (information about resident Community licence holders) is amended as follows.
- (2) Omit subsection (3).
 - (3) In subsection (4), for “subsections (1) and (3)” substitute “subsection (1)”.
 - (4) In subsection (5), for “a Community licence delivered to him (whether or not in pursuance of this section) in such manner as he may determine” substitute “the driving record of a person who delivers to him a Community licence (whether or not in pursuance of this section)”.
 - (5) Omit subsection (6).
 - (6) For subsection (7) substitute—
 - “(7) Where the name of a Community licence holder as specified in his Community licence ceases to be correct, he must deliver his Community licence immediately to the Secretary of State and provide him with particulars of the alterations falling to be made in the name on it.”
 - (7) Omit subsection (8).
 - (8) In subsection (9), after “endorse the Community licence” insert “and that person’s driving record”.
 - (9) In subsection (11)(b), omit “(6) or”.
 - (10) Omit subsection (12).

- 12 (1) Section 99C (revocation of authorisation conferred by Community licence because of disability or prospective disability) is amended as follows.
- (2) In subsections (1) to (4), omit “and its counterpart (if any)” in each place.
- (3) Omit subsection (5).
- 13 (1) Section 105 (regulations) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (a), for “Community licences and counterparts of such licences” substitute “and Community licences”,
- (b) in paragraph (b), after sub-paragraph (i) insert “or” and omit sub-paragraph (iii) and the word “or” before it,
- (c) in paragraph (e), omit “and counterparts of licences” and “or counterparts of licences”, and
- (d) omit paragraph (ea).
- (3) In subsection (5), for “and 91ZA to 91B” substitute “, 91ZA and 91A”.
- 14 In section 108 (interpretation), omit the definition of “counterpart”.
- 15 In section 109 (provisions as to Northern Ireland drivers' licences), for subsection (2) substitute—
- “(2) For the purposes of this Act, any driver holding a Northern Ireland licence shall be under the same obligation to produce such a licence as if it had been a licence granted under this Part of this Act, and the provisions of this Act as to the production of licences granted under this Part of this Act shall apply accordingly.”
- 16 (1) Section 109A (counterparts issued to Northern Ireland licence holders) is amended as follows.
- (2) For subsections (1) and (2) substitute—
- “(1) The Secretary of State may endorse the driving record of a Northern Ireland licence holder who delivers to him a Northern Ireland licence together with the information specified in, or required under, subsection (3) below with any part of that information.”
- (3) For subsections (4) and (5) substitute—
- “(4) Where the name of a Northern Ireland licence holder as specified in his Northern Ireland licence ceases to be correct, he may deliver his Northern Ireland licence immediately to the Secretary of State and provide him with particulars of the alterations falling to be made in the name on it.
- (5) On the delivery of a Northern Ireland licence by any person in pursuance of subsection (4) above, the Secretary of State may endorse the Northern Ireland licence and that person’s driving record with the correct name and must return the Northern Ireland licence to that person.”
- (4) In the heading, for ‘**Counterparts issued to**’ substitute ‘**Information about**’.
- 17 (1) Section 109B (revocation of authorisation conferred by Northern Ireland licence because of disability or prospective disability) is amended as follows.
- (2) In subsection (1), omit the words from “together” to the end.

Status: This is the original version (as it was originally enacted).

- (3) In subsection (2)—
 - (a) in paragraph (a), omit “together with the relevant counterparts”, and
 - (b) in paragraph (b), omit “and those counterparts”.
- (4) In subsection (4), omit “and the relevant counterparts”.
- (5) Omit subsection (5).
- 18 In section 115A(1) (community licence holders: cessation of authorisation), omit “and its counterpart (if any)”.
- 19 In section 117A (community licences: disqualification, etc.), omit “and its counterpart (if any)” in both places.
- 20 (1) Section 118 (revoked or suspended licences: surrender, return and endorsement) is amended as follows.
 - (2) In subsection (1), omit “and its counterpart”.
 - (3) For subsection (2) substitute—
 - “(2) Where, in pursuance of section 115 of this Act, the Secretary of State suspends a licence, he must (unless the holder of the licence has already delivered his licence to a traffic commissioner on a reference under section 116 of this Act) serve notice on the holder of the licence requiring him to deliver the licence forthwith to the Secretary of State at the address specified in the notice, and it shall be the duty of the holder of the licence to comply with the requirement.
 - (2A) On the delivery of the licence or, where the licence has already been delivered to a traffic commissioner, on suspending the licence, the Secretary of State must endorse the particulars of the suspension on the licence holder’s driving record.
 - (2B) The Secretary of State or, as the case may be, the traffic commissioner, must then return the licence to the holder.”
 - (4) In subsection (4), omit “and its counterpart”.
 - (5) Omit subsection (5).
- 21 In section 121 (interpretation), omit the definition of “counterpart”.
- 22 In section 122(3) (provisions as to Northern Ireland licences)—
 - (a) for “and its counterpart are” substitute “is”, and
 - (b) for “them” substitute “it”.
- 23 In section 125A(8) (registration of disabled persons), in paragraph (c) of the definition of “disabled person’s limited driving licence”, omit “and a counterpart of that licence”.
- 24 In section 141A(5) (interpretation of Part 5) (as substituted by Schedule 6), omit “and “counterpart”, in relation to a Community licence”.
- 25 In section 142 (index to Part 5) (as substituted by Schedule 6), omit “and counterpart”.
- 26 (1) Section 164 (power of constables to require production of driving licence and in certain cases statement of date of birth) is amended as follows.

- (2) Omit “and its counterpart” in each place.
 - (3) In subsection (1), for “they were” substitute “it was”.
 - (4) In subsection (3)—
 - (a) for “their” substitute “its”, and
 - (b) for “them”, in both places, substitute “it”.
 - (5) In subsection (5)—
 - (a) for “them”, in each place, substitute “it”, and
 - (b) for “their” substitute “its”.
 - (6) In subsection (7), for “their”, in both places, substitute “its”.
 - (7) In subsection (8)—
 - (a) for “them”, in each place, substitute “it”, and
 - (b) for “their” substitute “its”.
 - (8) In subsection (11), omit the reference to “counterpart”.
- 27 In section 167(a) (power of arrest in Scotland for reckless or careless driving or cycling), for the words from “and the counterpart” to the end substitute “or, as the case may be, his Northern Ireland licence or Community licence within the meaning of that Part.”
- 28 (1) Section 173 (forgery of documents etc.) is amended as follows.
- (2) In subsection (2)—
 - (a) in paragraph (a), omit the words from “or” to the end, and
 - (b) omit paragraph (aa).
 - (3) In subsection (4), omit ““counterpart”,”.
- 29 In section 176 (power to seize articles), omit subsections (1A), (3A) and (8).

Road Traffic Offenders Act 1988 (c. 53)

- 30 The Road Traffic Offenders Act 1988 (as amended by Schedule 2) is amended as follows.
- 31 In section 7(1) (duty of accused to provide licence), omit the words from “and the foregoing” to the end.
- 32 (1) Section 26 (interim disqualification) is amended as follows.
- (2) In subsection (7)—
 - (a) in paragraph (a), omit “and its counterpart”, and
 - (b) in paragraph (b), omit “and counterpart” and for “them” substitute “it”.
 - (3) In subsection (8)—
 - (a) omit “and its counterpart”,
 - (b) for “them” substitute “it”, and
 - (c) omit “and counterpart”.
 - (4) In subsection (9)(b)—
 - (a) omit “and its counterpart”,

Status: This is the original version (as it was originally enacted).

- (b) omit “and counterpart”, and
 - (c) for “their” substitute “its”.
- (5) Omit subsection (14).
- 33 (1) Section 27 (production of licence) is amended as follows.
 - (2) Omit “and its counterpart” in each place.
 - (3) In subsection (1), for “them” substitute “it”.
 - (4) In subsection (3)(b), for “are produced” substitute “is produced”.
 - (5) In subsection (4), for “their” substitute “its”.
- 34 In section 28(3) (penalty points to be attributed to an offence), for “57(5), 57A(6), 77(5)” substitute “57A(6)”.
- 35 (1) Section 29 (penalty points to be taken into account on conviction) is amended as follows.
 - (2) In subsection (1)(b), omit “the counterpart of any licence held by him or on”.
 - (3) Omit subsection (3).
- 36 (1) Section 30 (modification of sections 28 and 29 in case where fixed penalty also in question) is amended as follows.
 - (2) In subsection (1)(b)—
 - (a) omit “the counterpart of his licence or”, and
 - (b) for “57, 57A, 77” substitute “57A”.
 - (3) In subsection (2)(b)—
 - (a) omit “on the counterpart of his licence or”, and
 - (b) for “57, 57A, 77” substitute “57A”.
- 37 In section 31(1) (court may take particulars endorsed into consideration), omit “the counterpart of his licence or on”.
- 38 Omit section 32 (in Scotland court may take extract from licensing records into account).
- 39 In section 36 (disqualification until test passed), omit subsection (10).
- 40 (1) Section 42 (removal of disqualification) is amended as follows.
 - (2) In subsection (5), for paragraph (a) substitute—

“(a) must send notice of the order to the Secretary of State.”.
 - (3) Omit subsection (5A).
 - (4) In subsection (5AA), for “(5)(a)(ii)” substitute “(5)(a)”.
 - (5) In subsection (5B), for “(5)(a)(ii) or (5A)” substitute “(5)(a)”.
- 41 Omit section 45 (effect of endorsement of counterparts).
- 42 In section 45A (effect of endorsement of driving records), for subsections (3) to (5) substitute—

Status: This is the original version (as it was originally enacted).

- “(3) An endorsement ordered on a person’s conviction of an offence remains effective (subject to subsections (4) and (5) below)—
- (a) if an order is made for the disqualification of the offender, until four years have elapsed since the conviction, and
 - (b) if no such order is made, until either—
 - (i) four years have elapsed since the commission of the offence, or
 - (ii) an order is made for the disqualification of the offender under section 35 of this Act.
- (4) Where the offence was one under section 1 or 2 of the Road Traffic Act 1988 (causing death by dangerous driving and dangerous driving), the endorsement remains in any case effective until four years have elapsed since the conviction.
- (5) Where the offence was one—
- (a) under section 3A, 4(1) or 5(1)(a) of that Act (driving offences connected with drink or drugs),
 - (b) under section 7(6) of that Act (failing to provide specimen) involving obligatory disqualification, or
 - (c) under section 7A(6) of that Act (failing to allow a specimen to be subjected to laboratory test),
- the endorsement remains effective until eleven years have elapsed since the conviction.”
- 43 In section 46(2)(b) (combination of disqualification and endorsement with probation orders and orders for discharge), omit “the counterpart of any licence held by him or on”.
- 44 (1) Section 47 (supplementary provisions as to disqualifications and endorsements) is amended as follows.
- (2) For subsection (2) substitute—
- “(2) Where a court orders the endorsement of a person’s driving record it may, and where a court orders a person to be disqualified for a period of 56 days or more it must, send any licence of the person that is produced to the court, to the Secretary of State.”
- (3) In subsection (2A), omit “and its counterpart”.
- (4) In subsection (3), omit “a licence or”.
- (5) In subsection (3A), omit “in relation to a person who is not the holder of a licence,”.
- (6) In subsection (4), omit “and the counterpart of a licence”.
- 45 (1) Section 48 (exemption from disqualification and endorsement for certain construction and use offences) is amended as follows.
- (2) In subsections (1) and (2), omit “the counterpart of any licence held by him or on”.
- (3) Omit subsection (3).
- 46 (1) Section 56 (licence receipts) is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) Omit “and its counterpart” in each place.
- (3) In subsection (2), for “them” substitute “it”.
- 47 Omit section 58 (effect of endorsement of counterpart without hearing).
- 48 Omit section 61 (fixed penalty notice mistakenly given to licence holder: exclusion of fixed penalty procedures).
- 49 (1) Section 61A (fixed penalty notice mistakenly given to unlicensed person: exclusion of fixed penalty procedures) is amended as follows.
- (2) In subsection (1), omit “but who is not the holder of a licence.”.
- (3) In subsection (3), insert at the end “and send the chief officer of police any licence sent to him under section 54(7) of this Act.”
- (4) In the heading, omit “**to unlicensed person**”.
- 50 (1) Section 72 (notices on-the-spot etc.: when registration and endorsement invalid) is amended as follows.
- (2) Omit subsection (4).
- (3) In subsection (5), omit “57 or”.
- (4) Omit subsection (6).
- 51 (1) Section 75 (issue of conditional offer) is amended as follows.
- (2) In subsections (5) and (6), for “, 77 and 77A”, substitute “and 77A”.
- (3) Omit subsection (8).
- (4) In subsection (8A)—
- (a) omit “who is not the holder of a licence”, and
- (b) in paragraph (a), for the words after “offender” substitute—
- “(i) makes payment of the fixed penalty to the appropriate person, and
- (ii) where he is the holder of a licence and the offence to which the offer relates is an offence involving obligatory endorsement, at the same time delivers his licence to the appropriate person, and”.
- (5) In subsection (11A), for “, 77 and 77A”, substitute “and 77A”.
- (6) Omit subsection (12).
- 52 (1) Section 76 (effect of offer and payment of penalty) is amended as follows.
- (2) In subsection (3)—
- (a) in paragraph (a), omit “inspecting the licence and its counterpart or (where the alleged offender is not the holder of a licence)” and for “his” substitute “the alleged offender’s”, and
- (b) in paragraph (b), omit “and its counterpart”.
- (3) In subsection (4), for “75(8)(a) or (8A)(a)” substitute “75(8A)(a)”.
- (4) Omit subsection (8).

- 53 Omit section 77 (endorsement of counterparts where penalty paid).
- 54 (1) Section 77A (endorsement of driving records where penalty paid) is amended as follows.
- (2) In subsection (1)—
- (a) omit “who is not the holder of a licence”,
 - (b) after “to the fixed penalty clerk” insert “and (if he is the holder of a licence) delivers his licence to the fixed penalty clerk”, and
 - (c) insert at the end “together with any licence delivered under paragraph (a) above”.
- (3) In subsection (2)—
- (a) after “record” insert “and return any licence delivered to him under this section to the alleged offender”,
 - (b) omit “who is not the holder of a licence”, and
 - (c) after “to him” insert “and (if he is the holder of a licence) delivers his licence to him,”.
- 55 (1) Section 83 (powers of court in cases of deception) is amended as follows.
- (2) Omit subsection (1).
- (3) In subsection (1A), omit “also”.
- (4) In subsection (2), omit—
- (a) “57 or”, and
 - (b) “77 or”.
- 56 In section 84(1)(a) (regulations), for “54(4) or (5C)” substitute “54(5)”.
- 57 (1) Section 91ZA (application to Northern Ireland licence holders) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (b), omit “and (9)(b)”,
 - (b) omit paragraphs (d) to (f),
 - (c) omit paragraphs (h) to (j),
 - (d) in paragraph (k), omit “, (3) and (3A)”, and
 - (e) omit paragraph (l).
- (3) Omit subsections (3) to (6).
- (4) In subsection (7)—
- (a) omit “and its counterpart (if any)”, and
 - (b) for “their” substitute “its”.
- (5) In subsection (8), omit “and its counterpart”.
- (6) In subsection (9)—
- (a) in paragraph (a), for “subsection (5) above” substitute “section 44A above of an order for the endorsement of a person’s driving record”, and
 - (b) in paragraph (b)(i), after “licence” insert “, or a person normally resident in Northern Ireland who does not hold a licence,”.
- 58 Omit section 91ZB (effect of endorsement on Northern Ireland licence holders).

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- 59 (1) Section 91A (application to Community licence holders) is amended as follows.
- (2) In subsection (1), for the words from “27” to “48(1) and (2)” substitute “and 32”.
- (3) Omit subsections (2) to (4).
- (4) In subsection (5)—
- (a) omit “and its counterpart (if any)”, and
 - (b) for “their” substitute “its”.
- (5) Omit subsection (6).
- (6) For subsection (7) substitute—
- “(7) Where—
- (a) a notice is sent to the Secretary of State under section 44A above for the endorsement of a person’s driving record with any particulars or penalty points, and
 - (b) the particulars contained in the notice include—
 - (i) particulars of an offence in respect of which the holder of a Community licence, or a person normally resident in another EEA state who does not hold a 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 the EEA state in respect of which the Community licence was issued or, where the person disqualified is not the holder of a licence, the licensing authority in the EEA state where the person is normally resident.
- (7A) Where a Community licence has been sent to the Secretary of State in pursuance of subsection (5) above, he must return the Community licence to the holder—
- (a) on the expiry of the period of disqualification, or
 - (b) if earlier, on being satisfied that the holder has left Great Britain and is not normally resident there.”

(7) Omit subsections (8) to (10).

60 Omit section 91B (effect of endorsement on Community licence holders).

61 In section 98(1) (interpretation)—

 - (a) in the definition of “the provisions connected with the licensing of drivers”, for “91ZA to 91B” substitute “91ZA, 91A”, and
 - (b) in the words following the definition of “the Traffic Acts”, omit ““counterpart””.

62 (1) Schedule 1 (offences to which sections 1, 6, 11 and 12(1) apply) is amended as follows.

(2) In the entries relating to sections 98A(7) and 99(5) of the Road Traffic Act 1988 (c. 52), omit “and counterpart”.

(3) In the entry relating to section 164(6) of that Act, omit “and counterpart etc.”.

- 63 (1) Part 1 of Schedule 2 (prosecution and punishment of offences: offences under the Traffic Acts) is amended as follows.
- (2) In the entries relating to the following provisions, omit “and counterpart” —
- (a) section 92(7C) of the Road Traffic Act 1988,
 - (b) section 93(3) of that Act,
 - (c) section 98A(7) of that Act,
 - (d) section 99(5) of that Act,
 - (e) section 118 of that Act,
 - (f) section 26 of the Road Traffic Offenders Act 1988 (c. 53), and
 - (g) section 27 of that Act.
- (3) In the entry relating to section 164 of the Road Traffic Act 1988, omit “or counterpart etc.”.
- (4) In the entry relating to section 173 of that Act, omit “counterparts of Community licences”.
- 64 In Schedule 5 (Scotland: additional offences open to conditional offer), in the entry relating to section 99(5) of the Road Traffic Act 1988, omit—
- (a) “and its counterpart”, and
 - (b) “and counterpart”.

Child Support Act 1991 (c. 48)

- 65 (1) Section 40B of the Child Support Act 1991 (disqualification from driving: further provision) is amended as follows.
- (2) In subsection (4), omit the words from “and” to the end.
- (3) In subsection (9)—
- (a) omit “and its counterpart”, and
 - (b) for “their” substitute “its”.

Road Traffic (New Drivers) Act 1995 (c. 13)

- 66 The Road Traffic (New Drivers) Act 1995 is amended as follows.
- 67 (1) Section 2 (surrender of licences) is amended as follows.
- (2) For subsection (2) substitute—
- “(2) Where this subsection applies, the court must, together with the notice of the order referred to in subsection (1)(d) required to be sent to the Secretary of State under section 44A of the Road Traffic Offenders Act 1988, send the person’s licence on its production to the court.”
- (3) In subsection (3)—
- (a) in paragraph (a), for “and its counterpart have” substitute “has”,
 - (b) in paragraph (c)—
 - (i) omit “appropriate person endorses the number of”, and
 - (ii) for “on the counterpart of the licence” substitute “are to be endorsed on the person’s driving record”, and
 - (c) in paragraph (f)—

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- (i) before “endorsed” insert “to be”, and
 - (ii) for “counterpart of the licence” substitute “person’s driving record”.
- (4) In subsection (4)—
- (a) in paragraph (a)—
 - (i) omit “and its counterpart”, and
 - (ii) for “57(3) or (4) or 77(1)” substitute “57A(3) or (4) or 77A(2)”, and
 - (b) in paragraph (b), insert at the end “together with the notice he is required to send under section 57A or 77A of that Act of the particulars to be endorsed on the person’s driving record”.
- 68 In section 3 (revocation of licences), for subsection (1) substitute—
- “(1) Where the Secretary of State receives—
- (a) a notice sent to him under section 44A, 57A or 77A of the Road Traffic Offenders Act 1988 of particulars required to be endorsed on a person’s driving record, and
 - (b) a person’s licence sent to him in accordance with section 2(2) or (4) (b),
- the Secretary of State must by notice served on that person revoke the licence.”
- 69 In section 9(5) (interpretation etc.), omit “and its counterpart” in both places.
- 70 (1) Schedule 1 (newly qualified drivers holding test certificates) is amended as follows.
- (2) In paragraph 3—
- (a) in sub-paragraph (2), omit “and its counterpart”, and
 - (b) in sub-paragraph (4)(a), omit “(with its counterpart)”.
- (3) In paragraph 4—
- (a) for sub-paragraph (2) substitute—

“(2) The court must send to the Secretary of State, on its production to the court, the person’s test certificate, together with the notice of the order referred to in section 2(1)(d).”, and
 - (b) in sub-paragraph (4), for the words following “State” substitute “the person’s test certificate together with the notice he is required to send under section 57A or 77A of the particulars to be endorsed on the person’s driving record.”
- (4) In paragraph 5(1)—
- (a) for “paragraph 4” substitute “section 44A, 57A or 77A of the Road Traffic Offenders Act 1988”,
 - (b) for “or endorsed on the counterpart of a person’s licence” substitute “on a person’s driving record”, and
 - (c) for “(4)(b)” substitute “(4)”.
- (5) In paragraph 7—
- (a) for sub-paragraph (2) substitute—

“(2) The court must, together with the notice of the order referred to in section 2(1)(d), send to the Secretary of State—

 - (a) on its production to the court, the person’s licence, and

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- (b) on its production to the court, the person’s test certificate.”, and
- (b) in sub-paragraph (4)—
 - (i) in paragraph (a), omit “and its counterpart”,
 - (ii) in that paragraph, for “57(3) or (4) or 77(1)” substitute “57A(3) or (4) or 77A(2)”, and
 - (iii) in paragraph (b), for “them” substitute “it” and insert at the end “together with the notice he is required to send under section 57A or 77A of that Act of the particulars to be endorsed on the person’s driving record.”
- (6) In paragraph 8(1)(a),—
 - (a) for “paragraph 7(2)(a)” substitute “section 44A, 57A or 77A of the Road Traffic Offenders Act 1988”,
 - (b) for “the counterpart of a person’s licence” substitute “a person’s driving record”,
 - (c) omit “and its counterpart”, and
 - (d) for “7(2)(b)” substitute “7(2)(a)”.

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

71 The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.

72 (1) Section 146 (driving disqualification for any offence) is amended as follows.

- (2) In subsection (4)—
 - (a) in paragraph (a), omit “together with its counterpart”, and
 - (b) in paragraphs (aa) and (b), omit “and its counterpart (if any)”.

(3) In subsection (5), omit the definition of “counterpart”.

73 (1) Section 147 (driving disqualification where vehicle used for purposes of crime) is amended as follows.

- (2) In subsection (5)—
 - (a) in paragraph (a), omit “together with its counterpart”, and
 - (b) in paragraphs (aa) and (b), omit “and its counterpart (if any)”.

(3) In subsection (7), for “and “counterpart” have the meanings” substitute “has the meaning”.

Crime (International Co-operation) Act 2003 (c. 32)

74 The Crime (International Co-operation) Act 2003 is amended as follows.

75 (1) Section 63 (production of licence: Great Britain) is amended as follows.

- (2) Omit “and its counterpart” in each place.
- (3) In subsections (3)(b) and (4)(b), for “them” substitute “it”.
- (4) In subsection (7), omit the second sentence.

76 (1) Section 64 (production of licence: Northern Ireland) is amended as follows.

- (2) Omit “and its counterpart” in each place.

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- (3) In subsections (3)(b) and (4)(b), for “them” substitute “it”.
 - (4) In subsection (7), omit the second sentence.
- 77 (1) Section 68 (endorsement of licence: Great Britain) is amended as follows.
- (2) For subsections (2) to (5) substitute—
 - “(2) The Secretary of State must secure that the particulars of the disqualification are endorsed on the person’s driving record until the end of the period for which the endorsement remains effective.
 - (3) At the end of the period for which the endorsement remains effective the Secretary of State must remove the endorsement from the person’s driving record.”
 - (3) 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.
 - In this section and section 69 “driving record” has the meaning given by section 97A of the Road Traffic Offenders Act 1988.”
- 78 (1) Section 69 (endorsement of licence: Northern Ireland) is amended as follows.
- (2) For subsections (2) to (5) substitute—
 - “(2) The Department must secure that the particulars of the disqualification are endorsed on the person’s driving record until the end of the period for which the endorsement remains effective.
 - (3) At the end of the period for which the endorsement remains effective the Department must secure that the endorsement is removed from the person’s driving record.”
 - (3) For subsection (7) substitute—
 - “(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 his driving record.”
- 79 In section 74(1) (interpretation), omit the definition of “counterpart”.

Criminal Justice Act 2003 (c. 44)

- 80 (1) Section 301 of the Criminal Justice Act 2003 (fine defaulters: driving disqualification) is amended as follows.
- (2) In subsection (6)—
 - (a) in paragraph (a), omit “together with its counterpart”, and
 - (b) in paragraph (b), omit “and its counterpart (if any)”.
 - (3) In subsection (7), omit the definition of “counterpart”.

SCHEDULE 4

Section 11

PROHIBITION ON DRIVING: IMMOBILISATION, REMOVAL AND DISPOSAL OF VEHICLES

Cases to which regulations may apply

- 1 The Secretary of State may make regulations with respect to any case where, on or after such date as may be prescribed, the driving of a vehicle has been prohibited under—
- (a) section 99A(1) of the Transport Act 1968 (c. 73) (powers to prohibit driving of vehicles in connection with contravention of provisions about drivers' hours),
 - (b) section 1 of the Road Traffic (Foreign Vehicles) Act 1972 (c. 27) (powers to prohibit driving of foreign goods vehicles and foreign public service vehicles),
 - (c) section 69 or 70 of the Road Traffic Act 1988 (c. 52) (powers to prohibit driving of unfit or overloaded vehicles), or
 - (d) section 90D of the Road Traffic Offenders Act 1988 (c. 53) (power to prohibit driving of vehicle on failure to make payment in compliance with financial penalty deposit requirement).

Immobilisation

- 2 (1) The regulations may provide that an authorised person or a person acting under his direction may—
- (a) fix an immobilisation device to the vehicle, and
 - (b) move the vehicle, or direct it to be moved, for the purpose of enabling an immobilisation device to be fitted it.
- (2) The regulations may provide that on any occasion when an immobilisation device is fixed to a vehicle in accordance with the regulations the person fixing the device must also fix to the vehicle a notice—
- (a) indicating that the device has been fixed to the vehicle and warning that no attempt should be made to drive it or otherwise put it in motion until it has been released from the device,
 - (b) specifying the steps to be taken to secure its release, and
 - (c) giving such other information as may be prescribed.
- (3) The regulations may provide that a vehicle to which an immobilisation device has been fixed in accordance with the regulations—
- (a) may only be released from the device by or under the direction of an authorised person, but
 - (b) subject to that, must be released from the device if the first and second requirements specified below are met.
- (4) The first requirement is that such charge in respect of the release as may be prescribed is paid in any manner specified in the immobilisation notice.
- (5) The second requirement is that, in accordance with instructions specified in the immobilisation notice, there is produced such evidence as may be prescribed establishing that the prohibition has been removed.
- (6) The regulations may provide that they do not apply in relation to a vehicle if—

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(a) a current disabled person’s badge is displayed on the vehicle, or
 (b) such other conditions as may be prescribed are fulfilled,
 and “disabled person’s badge” means a badge issued, or having effect as if issued,
 under any regulations for the time being in force under section 21 of the Chronically
 Sick and Disabled Persons Act 1970 (c. 44).

(7) The regulations may provide that an immobilisation notice is not to be removed or
 interfered with except by or on the authority of a person falling within a prescribed
 description.

Offences connected with immobilisation etc.

3 (1) The regulations may provide that a person who fails to comply within a reasonable
 time with a direction under provision made under paragraph 2(1)(b) is guilty of an
 offence and liable on summary conviction to a fine not exceeding level 5 on the
 standard scale.

(2) The regulations may provide that a person contravening provision made under
 paragraph 2(7) is guilty of an offence and liable on summary conviction to a fine not
 exceeding level 2 on the standard scale.

(3) The regulations may provide that a person who, without being authorised to do so in
 accordance with provision made under paragraph 2, removes or attempts to remove
 an immobilisation device fixed to a vehicle in accordance with the regulations is
 guilty of an offence and liable on summary conviction to a fine not exceeding level
 3 on the standard scale.

(4) The regulations may provide that where they would otherwise have applied in
 relation to a vehicle but for provision made under paragraph 2(6)(a) and the vehicle
 was not, at the time at which they would otherwise have applied, being used—

- (a) in accordance with regulations under section 21 of the Chronically Sick and
 Disabled Persons Act 1970 (c. 44), and
- (b) in circumstances falling within section 117(1)(b) of the Road Traffic
 Regulation Act 1984 (c. 27) (use where a disabled person’s concession would
 be available),

the person in charge of the vehicle at that time is guilty of an offence and liable on
 summary conviction to a fine not exceeding level 3 on the standard scale.

(5) The regulations may provide that where—

- (a) a person makes a declaration with a view to securing the release of a vehicle
 from an immobilisation device purported to have been fixed in accordance
 with the regulations,
- (b) the declaration is that the prohibition has been removed, and
- (c) the declaration is to the person’s knowledge either false or in any material
 respect misleading,

he is guilty of an offence.

(6) The regulations may provide that a person guilty of an offence for which provision
 is made under sub-paragraph (5) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
- (b) on conviction on indictment, to imprisonment for a term not exceeding two
 years, or to a fine, or both.

Removal and disposal of vehicles

- 4 (1) The regulations may provide that where such conditions as may be prescribed are fulfilled an authorised person, or a person acting under his direction, may remove the vehicle or direct it to be removed.
- (2) The regulations may provide that where such conditions as may be prescribed are fulfilled an authorised person, or a person acting under his direction, may deliver the vehicle, or direct it to be delivered, into the custody of a person—
- (a) who is identified in accordance with prescribed rules, and
 - (b) who agrees to accept delivery in accordance with arrangements agreed between that person and the Secretary of State,
- and the arrangements may include provision as to the payment of a sum to the person into whose custody the vehicle is delivered.
- (3) The regulations may make provision for such persons as may be prescribed to be informed that a vehicle has been removed and delivered into a person's custody and may, in particular, include provision requiring—
- (a) the publication by an authorised person of such notices as may be prescribed, and
 - (b) the giving of notice by an authorised person to such persons as may be prescribed.
- (4) The regulations may provide that the person into whose custody the vehicle is delivered may dispose of it, and may in particular make provision as to—
- (a) the time at which the vehicle may be disposed of, and
 - (b) the manner in which it may be disposed of.
- (5) The regulations may make provision allowing a person to take possession of the vehicle if—
- (a) he claims it before it is disposed of, and
 - (b) any prescribed conditions are fulfilled.
- (6) The regulations may provide for a sum of an amount arrived at under prescribed rules to be paid to a person if—
- (a) he claims after the vehicle's disposal to be or to have been its owner or to have been the person in charge of the vehicle when it was removed,
 - (b) the claim is made within a prescribed time of the disposal, and
 - (c) any other prescribed conditions are fulfilled.
- (7) The regulations may provide that (whether or not a claim is made under provision made under sub-paragraph (5) or (6))—
- (a) the Secretary of State, or
 - (b) a person into whose custody the vehicle is delivered under the regulations, may recover from the vehicle's owner or the person in charge of the vehicle such charges as may be prescribed in respect of all or any of its release, removal, custody and disposal.
- (8) In sub-paragraph (7) “person in charge” and “owner”, in relation to a vehicle, means the person who was in charge of the vehicle or was the vehicle's owner when it was removed.
- (9) The conditions prescribed under sub-paragraph (5) may include conditions as to—

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- (a) satisfying the person with custody that the claimant is the vehicle's owner or was the person in charge of the vehicle when it was removed,
 - (b) the payment of prescribed charges in respect of the vehicle's release, removal and custody, and
 - (c) the production of such evidence as may be prescribed establishing that the prohibition has been removed.
- (10) The regulations may in particular include provision for purposes corresponding to those of sections 101 and 102 of the Road Traffic Regulation Act 1984 (c. 27) (disposal and charges) subject to such additions, omissions or other modifications as the Secretary of State thinks fit.

Offences as to securing possession of vehicles

- 5 (1) The regulations may provide that a person who fails to comply within a reasonable time with a direction under provision made under sub-paragraph (1) or (2) of paragraph 4 is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (2) The regulations may provide that where—
- (a) a person makes a declaration with a view to securing possession of a vehicle purported to have been delivered into the custody of a person in accordance with provision made under paragraph 4,
 - (b) the declaration is that the prohibition has been removed, and
 - (c) the declaration is to the person's knowledge either false or in any material respect misleading,
- he is guilty of an offence.
- (3) The regulations may provide that a person guilty of an offence for which provision is made under sub-paragraph (2) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or both.

Disputes

- 6 The regulations may make provision about the proceedings to be followed where a dispute occurs as a result of the regulations, and may in particular make provision—
- (a) for an application to be made to a magistrates' court or (in Scotland) to the sheriff, or
 - (b) for a court to order a sum to be paid by the Secretary of State.

Authorised persons

- 7 As regards anything falling to be done under the regulations (such as receiving payment of a charge or other sum) the regulations may provide that it may be done—
- (a) by an authorised person, or
 - (b) by an authorised person or a person acting under his direction.

Application of Road Traffic Offenders Act 1988 (c. 53)

- 8 The regulations may make provision for the application of any or all of sections 1, 6, 11 and 12(1) of the Road Traffic Offenders Act 1988 to an offence for which provision is made by the regulations.

Interpretation

- 9 References in this Schedule to a vehicle include references to any trailer drawn by the vehicle.
- 10 (1) This paragraph makes provision about the meaning of “authorised person” for the purposes of this Schedule.
- (2) Where the driving of the vehicle has been prohibited under section 99A(1) of the Transport Act 1968 (c. 73), section 1(2) of the Road Traffic (Foreign Vehicles) Act 1972 (c. 27) or section 69 of the Road Traffic Act 1988 (c. 52), “authorised person” means—
- (a) an examiner appointed by the Secretary of State under section 66A of the Road Traffic Act 1988, or
 - (b) a constable authorised by or on behalf of a chief officer of police to act for the purposes of the provision under which the driving of the vehicle has been prohibited.
- (3) Where the driving of the vehicle has been prohibited under section 1(3) of the Road Traffic (Foreign Vehicles) Act 1972 (c. 27), “authorised person” means a person authorised to exercise the powers of section 78 of the Road Traffic Act 1988 (c. 52) with respect to the weighing of motor vehicles and trailers.
- (4) Where the driving of the vehicle has been prohibited under section 70 of the Road Traffic Act 1988, “authorised person” means a person mentioned in subparagraph (2) or a person authorised with the consent of the Secretary of State to act for the purposes of subsection (1) of that section by—
- (a) a highway authority other than the Secretary of State, or
 - (b) a local roads authority in Scotland.
- (5) Where the driving of the vehicle has been prohibited under section 90D of the Road Traffic Offenders Act 1988 (c. 53), “authorised person” means—
- (a) an examiner appointed by the Secretary of State under section 66A of the Road Traffic Act 1988, or
 - (b) a constable.
- 11 In this Schedule—
- (a) references to an immobilisation device are to a device or appliance which is an immobilisation device for the purposes of section 104 of the Road Traffic Regulation Act 1984 (c. 27) (immobilisation of vehicles illegally parked), and
 - (b) references to an immobilisation notice are to a notice fixed to a vehicle in accordance with the regulations.
- 12 In this Schedule “prescribed” means prescribed by the regulations.
- 13 (1) The regulations may make provision as to the meaning for the purposes of the regulations of “owner” as regards a vehicle.

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- (2) In particular, the regulations may provide that for the purposes of the regulations the owner of a vehicle is taken to be the person in whose name it is then registered under the Vehicle Excise and Registration Act 1994 (c. 22).

Supplementary provisions about regulations

- 14 (1) The power to make regulations under this Schedule is exercisable by statutory instrument.
- (2) A statutory instrument containing regulations under this Schedule is subject to annulment in pursuance of a resolution of either House of Parliament.

SCHEDULE 5

Section 22

NEW SCHEDULE 2A TO THE ROAD TRAFFIC ACT 1988

The Schedule inserted after Schedule 2 to the Road Traffic Act 1988 is as follows—

“SCHEDULE 2A

Section 144D

OFFENCE OF KEEPING VEHICLE WHICH DOES NOT MEET INSURANCE
 REQUIREMENTS: IMMOBILISATION, REMOVAL AND DISPOSAL OF VEHICLES

Immobilisation

- 1 (1) Regulations may make provision with respect to any case where an authorised person has reason to believe that, on or after such date as may be prescribed, an offence under section 144A of this Act is being committed as regards a vehicle which is stationary on a road or other public place.
- (2) The regulations may provide that the authorised person or a person acting under his direction may—
- (a) fix an immobilisation device to the vehicle while it remains in the place where it is stationary, or
 - (b) move it from that place to another place on the same or another road or public place and fix an immobilisation device to it in that other place.
- (3) The regulations may provide that on any occasion when an immobilisation device is fixed to a vehicle in accordance with the regulations the person fixing the device must also fix to the vehicle a notice—
- (a) indicating that the device has been fixed to the vehicle and warning that no attempt should be made to drive it or otherwise put it in motion until it has been released from the device,
 - (b) specifying the steps to be taken to secure its release, and
 - (c) giving such other information as may be prescribed.
- (4) The regulations may provide that a vehicle to which an immobilisation device has been fixed in accordance with the regulations—
- (a) may only be released from the device by or under the direction of an authorised person, but

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- (b) subject to that, must be released from the device if the first and second requirements specified below are met.
- (5) The first requirement is that such charge in respect of the release as may be prescribed is paid in any manner specified in the immobilisation notice.
- (6) The second requirement is that, in accordance with instructions specified in the immobilisation notice, there is produced such evidence as may be prescribed establishing—
 - (a) that any person who proposes to drive the vehicle away will not in doing so be guilty of an offence under section 143 of this Act, and
 - (b) that the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994 is not guilty of an offence under section 144A of this Act as regards the vehicle.
- (7) The regulations may provide that they do not apply in relation to a vehicle if—
 - (a) a current disabled person’s badge is displayed on the vehicle, or
 - (b) such other conditions as may be prescribed are fulfilled,and “disabled person’s badge” means a badge issued, or having effect as if issued, under any regulations for the time being in force under section 21 of the Chronically Sick and Disabled Persons Act 1970.
- (8) The regulations may provide that an immobilisation notice is not to be removed or interfered with except by or on the authority of a person falling within a prescribed description.

Offences connected with immobilisation

- 2
- (1) The regulations may provide that a person contravening provision made under paragraph 1(8) above is guilty of an offence.
 - (2) The regulations may provide that a person who, without being authorised to do so in accordance with provision made under paragraph 1 above, removes or attempts to remove an immobilisation device fixed to a vehicle in accordance with the regulations is guilty of an offence.
 - (3) The regulations may provide that where they would apply in relation to a vehicle but for provision made under paragraph 1(7)(a) above and the vehicle was not, at the time it was stationary, being used—
 - (a) in accordance with regulations under section 21 of the Chronically Sick and Disabled Persons Act 1970, and
 - (b) in circumstances falling within section 117(1)(b) of the Road Traffic Regulation Act 1984 (use where a disabled person’s concession would be available),the person in charge of the vehicle at that time is guilty of an offence.
 - (4) The regulations may provide that where—
 - (a) a person makes a declaration with a view to securing the release of a vehicle from an immobilisation device purported to have been fixed in accordance with the regulations,
 - (b) the declaration is that no offence under section 144A of this Act is or was being committed as regards the vehicle, and

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- (c) the declaration is to the person's knowledge either false or in any material respect misleading,
he is guilty of an offence.

Removal and disposal of vehicles

- 3 (1) The regulations may make provision with respect to any case where—
- (a) an authorised person has reason to believe that an offence under section 144A of this Act is being committed as regards a vehicle which is stationary on a road or other public place, and such conditions as may be prescribed are fulfilled, or
 - (b) an authorised person has reason to believe that such an offence was being committed as regards a vehicle at a time when an immobilisation device which is fixed to the vehicle was fixed to it in accordance with the regulations, and such conditions as may be prescribed are fulfilled.
- (2) The regulations may provide that the authorised person, or a person acting under his direction, may remove the vehicle and deliver it into the custody of a person—
- (a) who is identified in accordance with prescribed rules, and
 - (b) who agrees to accept delivery in accordance with arrangements agreed between that person and the Secretary of State,
- and the arrangements may include provision as to the payment of a sum to the person into whose custody the vehicle is delivered.
- (3) The regulations may provide that the person into whose custody the vehicle is delivered may dispose of it, and may in particular make provision as to—
- (a) the time at which the vehicle may be disposed of, and
 - (b) the manner in which it may be disposed of.
- (4) The regulations may make provision allowing a person to take possession of the vehicle if—
- (a) he claims it before it is disposed of, and
 - (b) any prescribed conditions are fulfilled.
- (5) The regulations may provide for a sum of an amount arrived at under prescribed rules to be paid to a person if—
- (a) he claims after the vehicle's disposal to be or to have been its owner,
 - (b) the claim is made within a prescribed time of the disposal, and
 - (c) any other prescribed conditions are fulfilled.
- (6) The regulations may provide that—
- (a) the Secretary of State, or
 - (b) a person into whose custody the vehicle is delivered under the regulations,
- may recover from the vehicle's owner (whether or not a claim is made under provision made under sub-paragraph (4) or (5) above) such charges as may be prescribed in respect of all or any of the following, namely its release, removal, custody and disposal; and "owner" means the person who was the owner when the vehicle was removed.
- (7) The conditions prescribed under sub-paragraph (4) above may include conditions as to—
- (a) satisfying the person with custody that the claimant is the vehicle's owner,

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- (b) the payment of prescribed charges in respect of the vehicle's release, removal and custody,
 - (c) the production of such evidence as may be prescribed establishing that in driving the vehicle away the claimant will not be guilty of an offence under section 143 of this Act, and
 - (d) the production of such evidence as may be prescribed establishing that the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994 is not guilty of an offence under section 144A of this Act as regards the vehicle.
- (8) The regulations may in particular include provision for purposes corresponding to those of sections 101 and 102 of the Road Traffic Regulation Act 1984 (disposal and charges) subject to such additions, omissions or other modifications as the Secretary of State thinks fit.

Offences as to securing possession of vehicles

- 4 The regulations may provide that where—
- (a) a person makes a declaration with a view to securing possession of a vehicle purported to have been delivered into the custody of a person in accordance with provision made under paragraph 3 above,
 - (b) the declaration is that no offence under section 144A of this Act is or was being committed as regards the vehicle, and
 - (c) the declaration is to the person's knowledge either false or in any material respect misleading,
- he is guilty of an offence.

Disputes

- 5 The regulations may make provision about the proceedings to be followed where a dispute occurs as a result of the regulations, and may in particular make provision—
- (a) for an application to be made to a magistrates' court or (in Scotland) to the sheriff, or
 - (b) for a court to order a sum to be paid by the Secretary of State.

Authorised persons

- 6 As regards anything falling to be done under the regulations (such as receiving payment of a charge or other sum) the regulations may provide that it may be done—
- (a) by an authorised person, or
 - (b) by an authorised person or a person acting under his direction.

Application of Road Traffic Offenders Act 1988

- 7 The regulations may make provision for the application of any or all of sections 1, 6, 11 and 12(1) of the Road Traffic Offenders Act 1988 to an offence for which provision is made by the regulations.

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Interpretation

- 8 (1) The regulations may make provision as to the meaning for the purposes of the regulations of “owner” as regards a vehicle.
- (2) In particular, the regulations may provide that for the purposes of the regulations the owner of a vehicle is taken to be the person in whose name it is then registered under the Vehicle Excise and Registration Act 1994.
- 9 (1) The regulations may make provision as to the meaning in the regulations of “authorised person”.
- (2) In particular, the regulations may provide that—
- (a) references to an authorised person are to a person authorised by the Secretary of State for the purposes of the regulations,
 - (b) an authorised person may be a local authority or an employee of a local authority or a member of a police force or some other person, and
 - (c) different persons may be authorised for the purposes of different provisions of the regulations.
- 10 In this Schedule—
- (a) references to an immobilisation device are to a device or appliance which is an immobilisation device for the purposes of section 104 of the Road Traffic Regulation Act 1984 (immobilisation of vehicles illegally parked), and
 - (b) references to an immobilisation notice are to a notice fixed to a vehicle in accordance with the regulations.”

SCHEDULE 6

Section 42

DRIVING INSTRUCTION

Road Traffic Act 1988 (c. 52)

- 1 The Road Traffic Act 1988 is amended as follows.
- 2 For section 123 (instruction in the driving of motor cars to be given only by registered or licensed person) and the heading before it substitute—

“Instructors and instruction businesses to be registered

123 Requirement of registration

- (1) A person—
- (a) must not give paid driving instruction of any prescribed description unless he is registered in respect of the giving of that description of driving instruction, and
 - (b) must not carry on business in the provision of paid driving instruction of any prescribed description unless he is registered in respect of the carrying on of business in the provision of that description of driving instruction.

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- (2) A person—
- (a) must not give paid driving instruction of any prescribed description unless prescribed requirements as to the displaying of evidence that he is registered in respect of the giving of that description of driving instruction are complied with, and
 - (b) must not carry on business in the provision of paid driving instruction of any prescribed description unless prescribed requirements as to the displaying of evidence that he is registered in respect of the carrying on of business in the provision of that description of driving instruction are complied with.
- (3) In this Part of this Act “driving instruction” means instruction in relation to the driving of a motor vehicle.
- (4) Regulations under this Part which prescribe a description of driving instruction may do so by reference to—
- (a) the class of motor vehicle to which the instruction relates,
 - (b) the description of persons to whom the instruction is given or provided, or
 - (c) the nature of the instruction or where or how it is given or provided.
- (5) For the purposes of this Part of this Act instruction is paid instruction if payment of money or money’s worth is, or is to be, made for the instruction by or in respect of the person to whom the instruction is given or provided.
- (6) Regulations may prescribe circumstances in which instruction provided free of charge shall be deemed to be given for payment of money by or in respect of the person to whom the instruction is given or provided.
- (7) For the purposes of this Part of this Act a person is “registered” if his name is in the register together with—
- (a) an indication as to whether he is registered in respect of the giving of driving instruction or the carrying on of business in the provision of driving instruction (or both),
 - (b) an indication as to the description of driving instruction in respect of which he is registered, and
 - (c) such other particulars as may be prescribed,
- and “registration” shall be construed accordingly.
- (8) In this Part of this Act “the register” means the register established for the purposes of this Part of this Act under section 125 of this Act.

123A Paid driving instruction: offences

- (1) If driving instruction is given in contravention of section 123(1)(a) of this Act—
- (a) the person by whom it is given,
 - (b) if that person is employed by another to give that instruction, that other (as well as that person), and
 - (c) if that person is a franchisee under a driving instruction franchise, the franchisor under the driving instruction franchise (as well as that person),

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is guilty of an offence.

- (2) If a person contravenes section 123(1)(b) of this Act he is guilty of an offence.
- (3) In proceedings against a person for an offence under subsection (1) or (2) above it shall be a defence for him to prove that he did not know, and had no reasonable cause to believe, that—
- (a) in a case within paragraph (a) of subsection (1) above, or within subsection (2) above, he,
 - (b) in a case within paragraph (b) of subsection (1) above, the person employed by him, or
 - (c) in a case within paragraph (c) of that subsection, the person who was the franchisee under the driving instruction franchise,
- was not at the material time registered in respect of the description of driving instruction in question.
- (4) If a person contravenes section 123(2) of this Act he is guilty of an offence.”

3 For section 124 (exemption of police instructors) substitute—

“124 Exemption from prohibitions imposed by section 123

- (1) Regulations may prescribe circumstances in which section 123 of this Act shall not apply in relation to driving instruction, or driving instruction of a prescribed description.
- (2) The regulations may, in particular, make provision for section 123(1)(a) and (2)(a) of this Act not to apply in prescribed circumstances for the purpose of enabling persons to acquire experience in giving driving instruction.”

4 For section 125 (register of approved instructors) substitute—

“125 Register

- (1) Regulations shall make provision for the establishment and maintenance of a register for the purposes of this Part of this Act.
- (2) An application to be registered in respect of any description of driving instruction must be made to the officer of the Secretary of State (in this Part of this Act referred to as “the Registrar”) by whom the register is, on behalf of the Secretary of State, compiled and maintained.
- (3) An application under subsection (2) above shall be made in such manner, and shall be accompanied by such particulars, as the Secretary of State may determine.
- (4) The Registrar must, on making a decision on an application under subsection (2) above, give notice in writing of the decision to the applicant which, in the case of a decision to refuse the application, must state the grounds for the refusal.
- (5) Regulations may make provision authorising the Secretary of State to make available information about persons registered under this section.

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- (6) Subsections (2) to (5) above and section 125ZA of this Act do not apply in relation to an application by a person to be registered, or to a person's registration, as a disabled instructor in respect of the giving of instruction in the driving of a motor vehicle in the motor vehicle.”

5 After that section insert—

“125ZA Conditions of registration

- (1) Where a person duly applies to be registered in respect of a description of driving instruction, the Registrar must register him in respect of that description of driving instruction if he satisfies the Registrar that the conditions prescribed under this subsection are fulfilled.
- (2) In the case of applications by persons to be registered in relation to the giving of a description of driving instruction, those conditions may (in particular) include—
- (a) conditions requiring the persons to have passed such examinations of ability and fitness to give driving instruction of that description as may be prescribed under section 132 of this Act,
 - (b) conditions requiring the persons to hold, or to have held for a prescribed period, such licences to drive motor vehicles of a prescribed description as may be prescribed, and
 - (c) conditions requiring the persons not to have been disqualified during a prescribed period under prescribed provisions for holding or obtaining a licence to drive motor vehicles.
- (3) A person may be registered in respect of a description of driving instruction subject to fulfilling the conditions prescribed under this subsection for so long as he continues to be so registered.
- (4) In the case of the registration of persons in relation to the giving of a description of driving instruction, those conditions may (in particular) include—
- (a) conditions requiring the persons, if at any time required to do so by the Registrar, to submit themselves for such examinations of continued ability and fitness to give driving instruction of that description as may be prescribed under section 132 of this Act,
 - (b) conditions requiring the persons to have passed those examinations,
 - (c) conditions within subsection (2)(b) and (c) above, and
 - (d) conditions requiring the persons to follow guidance issued by the Registrar as to the giving of driving instruction of that description.
- (5) In the case of the registration of persons in relation to the carrying on of business in the provision of a description of driving instruction, those conditions may (in particular) include—
- (a) conditions requiring the persons to secure that motor vehicles and premises used by them in the carrying on of the business meet prescribed standards throughout the period of registration,
 - (b) conditions requiring the persons, if at any time required to do so by the Registrar, to allow those motor vehicles and premises to be inspected, and

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- (c) conditions requiring the persons to follow guidance issued by the Registrar as to the carrying on of business in the provision of driving instruction of that description.
 - (6) The conditions prescribed under subsection (1) or (3) above may (in particular) include a condition that persons are fit and proper persons to be, or to continue to be, registered.
 - (7) Regulations may include provision for persons of a prescribed description to be exempt from any condition, to such extent as is prescribed, in prescribed circumstances.”
- 6 (1) Section 125A (registration of disabled persons) is amended as follows.
 - (2) For subsection (1) substitute—
 - “(1) A person may apply to the Registrar to be registered as a disabled instructor in respect of the giving of instruction in the driving of a motor vehicle of a prescribed description in such a motor vehicle if he—
 - (a) suffers from a disability or prospective disability affecting the driving of motor vehicles of that description,
 - (b) holds a current disabled person’s limited driving licence relating to motor vehicles of that description, and
 - (c) holds a current emergency control certificate specifying motor vehicles of that description.”
 - (3) For subsections (5) to (7) substitute—
 - “(5) Where a person duly applies to be registered as a disabled instructor in respect of the giving of instruction in the driving of a motor vehicle of a prescribed description in such a motor vehicle, the Registrar must (subject to section 125B(4) of this Act) so register him if he satisfies the Registrar that the conditions prescribed under this subsection are fulfilled.
 - (6) Those conditions may (in particular) include—
 - (a) conditions requiring the person to have passed such examinations of ability and fitness to give driving instruction of that description as may be prescribed under section 132 of this Act,
 - (b) conditions requiring the person to hold, or to have held for a prescribed period, such licences to drive motor vehicles of a prescribed description as may be prescribed, and
 - (c) conditions requiring the person not to have been disqualified during a prescribed period under prescribed provisions for holding or obtaining a licence to drive motor vehicles.
 - (7) A person may be so registered subject to fulfilling the conditions prescribed under this subsection for so long as he continues to be so registered.
 - (7A) Those conditions may (in particular) include—
 - (a) conditions requiring the person, if at any time required to do so by the Registrar, to submit himself for such examinations of continued ability and fitness to give driving instruction of that description as may be prescribed under section 132 of this Act,
 - (b) conditions requiring the person to have passed those examinations,

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- (c) conditions requiring the person, if at any time required to do so by the Registrar, to submit himself for a further emergency control assessment on the day (within such period as may be prescribed) and at the place specified by the Registrar,
 - (d) conditions within subsection (6)(b) and (c) above, and
 - (e) conditions requiring the person to follow guidance issued by the Registrar as to the giving of instruction in the driving of a motor vehicle of a prescribed description in such a motor vehicle.
 - (7B) The conditions prescribed under subsection (5) or (7) above may (in particular) include a condition that persons are fit and proper persons to be, or to continue to be, registered.
 - (7C) In considering whether to exercise, in respect of any person, his power under subsection (7A)(c) above, the Registrar must have regard to any recommendation included in the person's current emergency control certificate as to the period after which he should undergo a further emergency control assessment.
 - (7D) Regulations may include provision for prescribed persons to be exempt from any prescribed condition, to such extent as is prescribed, in prescribed circumstances.
 - (7E) Regulations may make provision authorising the Secretary of State to make available information about persons registered under this section."
- (4) In subsection (8)—
 - (a) for the definition of "appropriate motor car" substitute—
 - ““appropriate motor vehicle” means, subject to section 125B(2) of this Act, a motor vehicle equipped with automatic transmission;”,
 - (b) in the definition of “disability”, for “means a want of physical ability affecting the driving of motor cars” substitute “, in respect of motor vehicles of any description, means a want of physical ability affecting the driving of motor vehicles of that description”,
 - (c) in the definition of “relevant disability”, for “car” substitute “vehicle of the description in question”,
 - (d) in the definition of “disabled person’s limited driving licence”, for “car”, in each place, substitute “vehicle”,
 - (e) in the definition of “modifications”, for “car” substitute “vehicle”,
 - (f) in the definition of “registered disabled instructor”, for “whose name is in the register with an indication that he is disabled” substitute “registered as a disabled instructor in respect of instruction in the driving of a motor vehicles of a prescribed description given in a motor vehicle of that description”, and
 - (g) in the words following that definition, for “car”, in both places, substitute “vehicle”.
- 7 (1) Section 125B (provisions supplementary to section 125A) is amended as follows.
 - (2) In subsection (2), for “car”, in each place, substitute “vehicle”.
 - (3) For subsection (3) substitute—
 - “(3) Regulations may make provision for prescribed persons to be exempt from section 125A(1)(c) of this Act in prescribed circumstances.”

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- (4) In subsection (4), for “enter the name of a person in the register under section 125A of this Act as that of a disabled instructor” substitute “register a person under section 125A of this Act”.
- (5) Omit subsections (6) and (7).
- 8 For section 126 (duration of registration) substitute—

“126 Duration of registration

- (1) Unless previously terminated under the following provisions of this Part of this Act, a person’s registration in respect of any description of driving instruction shall (subject to subsection (3) below) be terminated at the end of the period of four years beginning with the day specified in subsection (2) below.
- (2) That day is—
- the first day of the month next after that in which the person became registered in respect of that description of driving instruction, or
 - where his registration in respect of that description of driving instruction has been extended under section 127 of this Act, the day on which the last further period for which the registration was last extended began.
- (3) If an application for the extension of a person’s registration in respect of any description of driving instruction is made under section 127 of this Act, the registration is not terminated under subsection (1) above.
- (4) Where a person whose registration in respect of any description of driving instruction has been terminated under subsection (1) above applies under section 125 of this Act to be registered again in respect of that description of driving instruction, he shall be required again to fulfil such of the conditions prescribed under section 125ZA(1) of this Act as may be prescribed.
- (5) But if the person was a registered disabled instructor he shall instead be required again to fulfil such of the conditions prescribed under section 125A(5) of this Act as may be prescribed.”
- 9 (1) Section 127 (extension of duration of registration) is amended as follows.
- (2) For subsections (1) to (4) substitute—
- “(1) A person may, no later than such time before his registration in respect of any description of driving instruction is terminated under section 126(1) of this Act as is prescribed, apply to the Registrar for the extension of that registration for a further period of four years.
- (2) An application under subsection (1) above shall be made in such manner, and shall be accompanied by such particulars, as the Secretary of State may determine.
- (3) On an application under subsection (1) above, the applicant shall be entitled to have the registration extended for the further period of four years if he satisfies the Registrar that the prescribed requirements are fulfilled.

- (4) The continued registration of a person by virtue of an extension under this section may be made subject to—
 - (a) in the case of a registered disabled instructor, the conditions prescribed under section 125A(7) of this Act, and
 - (b) in any other case, the conditions prescribed under section 125ZA(3) of this Act.”
 - (3) In subsection (7), after “application” insert “under subsection (1) above”.
 - (4) In subsection (7A), for “A decision to refuse” substitute “The termination of a person’s registration on a decision to refuse such”.
 - (5) In subsection (8), for “decision shall” substitute “termination of registration shall”.
- 10 For section 128 (removal of names from register) substitute—

“128 Termination of registration by Registrar

- (1) The Registrar may terminate a person’s registration in respect of any description of driving instruction if he is satisfied that any relevant prescribed condition has not been complied with in the case of the person—
 - (a) in a case where his registration has not been extended under section 127 of this Act, at any time since he became registered, or
 - (b) in a case where his registration has been so extended, at any time since it was last extended.
- (2) For the purposes of subsection (1) above “relevant prescribed condition” means—
 - (a) in the case of a registered disabled instructor, a condition prescribed under section 125A(7) of this Act, and
 - (b) in any other case, a condition prescribed under section 125ZA(3) of this Act.
- (3) The Registrar may also terminate a person’s registration in respect of a description of driving instruction if the person’s registration, or (if the person’s registration has been extended) the last extension of his registration, was made by mistake or procured by fraud.
- (4) Before terminating a person’s registration in respect of any description of driving instruction, the Registrar must give him written notice stating that he is considering terminating the registration and giving particulars of the grounds on which he is considering it.
- (5) Where the Registrar gives notice to a person under subsection (4) above—
 - (a) that person may, within the period of 28 days beginning with the day on which the notice is given, make representations with respect to the proposed termination,
 - (b) the Registrar must not decide to terminate the registration until after the end of that period, and
 - (c) before deciding whether or not to terminate the registration, the Registrar must take into consideration any such representations made by him within that period.

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- (6) The Registrar must, on making a decision to terminate a person’s registration in respect of any description of driving instruction, give notice in writing of the decision to the person.
- (7) A decision to terminate a person’s registration in respect of any description of driving instruction shall take effect at the end of the period of 14 days beginning with the day on which notice of the decision is given (or, if any appeal brought against the decision under the following provisions of this Part of this Act is previously withdrawn or dismissed, when the appeal is withdrawn or dismissed).
- (8) But the Registrar may, when giving notice of his decision to terminate a person’s registration in respect of any description of driving instruction, direct that the decision shall instead take effect—
 - (a) where no appeal under the following provisions of this Part of this Act is brought against the decision within the time limited for the appeal, at the end of that time,
 - (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal, or
 - (c) where such an appeal is brought and not withdrawn or struck out for want of prosecution, if and when the appeal is dismissed, and not otherwise.”

11 After that section insert—

“128A Power to give direction as to further applications

- (1) This section applies when the Registrar decides—
 - (a) to refuse to register a person,
 - (b) to refuse an application for the extension of a person’s registration, or
 - (c) to terminate a person’s registration,
 in respect of any description of driving instruction.
- (2) The Registrar may direct that any application by that person to be registered in respect of that description of driving instruction shall not be entertained before the end of such period, not exceeding four years beginning with the day on which the decision takes effect, as may be specified in the direction.
- (3) Notice of any such direction must be included in the notice of the decision in connection with which it is given.”

12 Omit sections 129 and 130 (licences for giving instruction so as to obtain practical experience) and the heading before them.

13 (1) Section 131 (appeals) is amended as follows.

- (2) In subsection (1), for paragraphs (a) to (c) substitute—
 - “(a) to refuse an application for his registration or for the extension of his registration,
 - (b) to terminate his registration,
 - (c) to give a direction under section 128A of this Act.”.

- (3) Omit subsection (2).
 - (4) In subsection (3), for paragraph (b) and the word “or” before it substitute—
 - “(b) for the continuation or termination of the registration, or
 - (c) for the revocation or confirmation of the direction or the alteration of the period specified in the direction.”.
 - (5) In subsection (4), for the words from the beginning to the end of paragraph (b) substitute “An order for refusal or termination under subsection (3)(a) or (b) above may direct that an application by the appellant to be registered”.
 - (6) In subsection (4B), for “, 128(7) or 130(6)” substitute “or 128(8)”.
 - (7) In subsection (4D)—
 - (a) for “retention of a name in the register, to remove a name from the register or to revoke a licence granted under section 129 of this Act” substitute “extension of a person’s registration or to terminate a person’s registration”, and
 - (b) for “, 128(7) or 130(6)” substitute “or 128(8)”.
 - (8) In subsection (4F), for “instruction in the driving of a motor car” substitute “driving instruction”.
- 14 For sections 132 and 133 and the heading before them substitute—

“Examinations and training

132 Examinations

- (1) Regulations may make provision with respect to—
 - (a) the nature of examinations of the ability and fitness (or continued ability and fitness) to give driving instruction (which may consist of practical tests and other tests and means of assessment) and the administrative arrangements for submitting for such examinations,
 - (b) the qualification, selection and appointment of persons by whom they may be conducted, conditions which must be satisfied during the currency of an appointment, the charging of reasonable fees in respect of applications for appointment or appointments or in connection with any examination or assessment which may be required before appointment or during the currency of any appointment and the revocation of any appointment,
 - (c) evidence of the results of such examinations, and
 - (d) the making available of information about the results of such examinations,and generally with respect to such examinations.
- (2) In particular, the regulations may make provision—
 - (a) for requiring a person submitting himself for any part of an examination which consists of practical tests, to provide a safe and suitable vehicle for the purposes of the practical tests and for requiring that, if the vehicle is a vehicle of a prescribed description, the vehicle has been certified in the prescribed manner after a

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- prescribed inspection as satisfying such requirements as may be prescribed,
- (b) for the charging (whether on the making by a person of arrangements to submit himself for any part of an examination or otherwise) of reasonable fees for or in connection with the examination, or any part of it, and any inspection and certification of a vehicle required by regulations under paragraph (a) above in relation to any part of the examination,
 - (c) for requiring a person who desires to submit himself, or is required to submit himself, for an examination, or any part of it, to supply the Registrar with such particulars as the Secretary of State may determine, and
 - (d) for ensuring that a person submitting himself for an examination, or any part of it, and failing to pass it shall not be eligible to submit himself for another examination, or any part of it, by the same or any other person before the end of a prescribed period, except under an order made by a court or sheriff under the power conferred by section 133 of this Act.

133 Review of examinations etc.

- (1) On the application of a person who has undergone a relevant instructor examination, or a part of a relevant instructor examination—
 - (a) a magistrates' court, or
 - (b) in Scotland, the sheriff within whose jurisdiction he resides,may determine whether the examination, or the part of the examination, was properly conducted.
- (2) In this Part of this Act “relevant instructor examination” means—
 - (a) an examination of ability and fitness referred to in section 125ZA(2)(a) or 125A(6)(a) of this Act,
 - (b) an examination of continued ability and fitness referred to in section 125ZA(4)(a) or 125A(7A)(a) of this Act, or
 - (c) an emergency control assessment under section 133A of this Act.
- (3) If it appears to the court or sheriff that it was not properly conducted, the court or sheriff may—
 - (a) (except in the case of an emergency control assessment) order that the applicant shall be eligible to submit himself for another examination before the end of the period prescribed under section 132(2)(d) of this Act, and
 - (b) (in any case) order that any fee payable by the applicant in respect of the examination shall not be paid or, if it has been paid, shall be repaid.
- (4) No appeal shall lie under section 131 of this Act in respect of any matter in respect of which an application may be made to a magistrates' court or a sheriff under subsection (1) above.

133ZA Training

- (1) Regulations may provide that a person—

Status: This is the original version (as it was originally enacted).

- (a) shall not be permitted to take any part of a relevant instructor examination,
 - (b) shall not be registered, or
 - (c) shall not have his registration extended,unless he has successfully completed training in accordance with the regulations.
 - (2) Regulations may make provision in relation to training—
 - (a) by means of courses provided in accordance with the regulations,
 - (b) by means of study conducted in accordance with the regulations, and
 - (c) by any other prescribed means.
 - (3) Regulations under this section may include provision exempting persons from any requirement imposed by virtue of subsection (1) above; and regulations including such provision may (in particular)—
 - (a) limit an exemption to persons in prescribed circumstances,
 - (b) attach conditions to an exemption,
 - (c) regulate applications for an exemption, and
 - (d) include provision for the evidencing by a person of his being within an exemption.
 - (4) Regulations under this section may provide that training is not to be taken into account for the purposes of the regulations if it was completed before such time as is prescribed.
 - (5) Regulations under this section may, in particular, include—
 - (a) provision about the nature of training,
 - (b) provision for the approval by the Secretary of State of persons providing training or giving instruction as part of training and the withdrawal of approval (including provision for appeals to the Transport Tribunal against refusal and withdrawal of approval) and provision for exemptions from any requirement of approval,
 - (c) provision for the training or assessment, or the supervision of training or assessment, of persons providing training or giving instruction as part of training,
 - (d) provision setting the maximum amount of any charges payable by persons undergoing training,
 - (e) provision for the evidencing of the successful completion of training, and
 - (f) provision authorising the Secretary of State to make available information about persons providing training or giving instruction as part of training.
 - (6) Regulations under this section may include provision for the charging of reasonable fees in respect of the exercise of any function conferred or imposed on the Secretary of State by the regulations.”
- 15 In section 133A (assessment of disabled person’s ability to control a motor car in an emergency), for “car” in each place (including in the heading) substitute “vehicle”.
- 16 (1) Section 133B (further assessments) is amended as follows.
- (2) In subsection (1), for “125B(6)(a)” substitute “125A(7A)(c)”.

Status: This is the original version (as it was originally enacted).

- (3) In subsection (2), for “whose name is not on the register” substitute “who is not registered”.
- (4) In subsection (4)(b), for “car” substitute “vehicle”.
- 17 (1) Section 133C (duty to disclose further disability) is amended as follows.
- (2) Omit subsection (1).
- (3) In subsection (2), for “person to whom this section applies” substitute “registered disabled instructor”.
- 18 (1) Section 133D (offences relating to giving by disabled person of paid driving instruction) is amended as follows.
- (2) Omit subsection (1).
- (3) For “car” in each place substitute “vehicle”.
- (4) In subsections (2) and (3), for “person to whom this section applies” substitute “registered disabled instructor”.
- (5) For subsection (4) substitute—
- “(4) Where a registered disabled instructor gives instruction in contravention of this section—
- (a) the instructor,
- (b) if the instructor is employed by another person to give that instruction, that other person (as well as the instructor), and
- (c) if the instructor is a franchisee under a driving instruction franchise, the franchisor (as well as the instructor),
- is guilty of an offence.”
- 19 For section 134 (power to alter conditions for entry or retention in, and removal from, register etc.) substitute—

“134 Power to alter registration period

- (1) Regulations may alter—
- (a) the period at the end of which a person’s registration is terminated (unless extended or further extended),
- (b) the period for which a person’s registration may be extended or further extended, and
- (c) the period before the end of which it may be directed that any application by a person to be registered shall not be entertained.
- (2) Regulations under this section may contain amendments of this Part of this Act.”
- 20 For section 135 substitute—

“135 Evidence of registration

- (1) Regulations may prescribe—
- (a) certificates or other items that may be issued to registered persons to be displayed as evidence of their registration, and

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- (b) a title or other description which may be used as such evidence.
- (2) If at any time a person who is not registered—
- (a) displays a certificate or other item prescribed under subsection (1)(a) above,
 - (b) uses a title or other description prescribed under subsection (1)(b) above, or
 - (c) uses a title or other description implying that he is registered,
- he is guilty of an offence unless he proves that he did not know, and did not have reasonable cause to believe, that he was not registered at that time.
- (3) If a person carrying on business in the provision of driving instruction at any time—
- (a) uses a title or other description prescribed under subsection (1)(b) above in relation to any relevant person who is not appropriately registered, or
 - (b) issues any advertisement or invitation calculated to mislead with respect to the extent to which relevant persons are appropriately registered,
- he is guilty of an offence unless he proves that he did not know, and did not have reasonable cause to believe, that the relevant person was, or relevant persons were, not appropriately registered at that time.
- (4) For the purposes of subsection (3) above—
- (a) a relevant person is a person who is employed by the person carrying on business to give driving instruction, or is a franchisee giving driving instruction under a driving instruction franchise under which that person is the franchisor, and
 - (b) a relevant person is appropriately registered if he is registered in respect of the giving of the description of driving instruction which he is employed to give or which is given by him under the driving instruction franchise.”
- 21 In section 136 (surrender of certificates)—
- (a) for paragraphs (a) and (b) substitute “the registration of a person to whom a certificate or other item prescribed under section 135(1)(a) of this Act has been issued is terminated,”,
 - (b) for “licence, as the case may be,” substitute “other item”, and
 - (c) in the heading for “**and licences**” substitute “**etc.**”.
- 22 (1) Section 137 (production of certificates to constables and authorised persons) is amended as follows.
- (2) In subsection (1)—
- (a) after “a certificate” insert “or other item”,
 - (b) omit “, or to whom a licence under this Part of this Act is granted,”, and
 - (c) for “or licence” substitute “or other item”.
- (3) In subsection (2), for the words before “constable” substitute
- “Where—
- (a) a person’s registration is terminated, and

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- (b) he fails to satisfy an obligation imposed on him by section 136 of this Act,
- a”.
- (4) In that subsection, for “issued to him or the licence” substitute “or other item issued to him”.
- (5) In subsection (3), for “document” substitute “certificate or other item”.
- (6) In subsection (4), for “document”, in each place, substitute “certificate or other item”.
- (7) In the heading for “**and licences**” substitute “**etc.**”.
- 23 (1) Section 140 (receipts) is to be renumbered as subsection (3) of that section.
- (2) Before that subsection insert—
- “(1) Regulations may make provision for the payment of such fees (if any) as may be prescribed in connection with registration or extension of registration.
- (2) Regulations may make provision for the repayment (in whole or in part) of any fee payable by virtue of any provision of this Part of this Act in such circumstances as may be prescribed.”
- (3) For the heading substitute “**Fees**”.
- 24 (1) Section 141 (regulations) is to be renumbered as subsection (1) of that section.
- (2) In that subsection, after “by regulations” insert “and for prescribing anything which may be prescribed under this Part of this Act”.
- (3) After that subsection insert—
- “(2) Regulations under this section—
- (a) may be expressed to apply generally or only in particular circumstances,
- (b) may make different provision in relation to different cases or other circumstances or otherwise for different purposes, and
- (c) may make incidental, supplementary, consequential or transitional provision or savings.”
- 25 For section 141A (meaning of “motor car”) substitute—
- “141A Interpretation of Part 5**
- (1) For the purposes of this Part of this Act persons may carry on business in the provision of driving instruction in any way, including in particular—
- (a) by giving instruction themselves,
- (b) by arranging for the giving of driving instruction by their employees, or
- (c) by arranging for the giving of driving instruction by persons who are franchisees under driving instruction franchises under which they are the franchisor.
- (2) In this Part of this Act “driving instruction franchise” means an agreement under which one party (the “franchisor”) grants to another party (a

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“franchisee”) rights consisting of or including the right to use a particular trading name, style or design in the carrying on of business in the giving of driving instruction.

- (3) In this Part of this Act references to “the franchisor” and “a franchisee”, in relation to a driving instruction franchise, shall be construed accordingly.
- (4) In this Part of this Act “current”, in relation to a licence or certificate, means one which has not expired and has not been cancelled, revoked or suspended.
- (5) In this Part of this Act—
- (a) “Community licence” and “counterpart”, in relation to a Community licence, and
 - (b) “provisional licence”,
- have the same meanings as in Part 3 of this Act.”

26 For section 142 substitute—

“142 Index to Part 5

The expressions listed in the left-hand column below are respectively defined or (as the case may be) fall to be construed in accordance with the provisions of this Part of this Act listed in the right-hand column in relation to those expressions.

<i>Expression</i>	<i>Relevant provision</i>
Appropriate motor vehicle	Section 125A(8)
Carry on business in the provision of driving instruction	Section 141A(1)
Community licence and counterpart	Section 141A(5)
Current (in relation to a licence or certificate)	Section 141A(4)
Disability, prospective disability and relevant disability	Section 125A(8)
Disabled person’s limited driving licence	Section 125A(8)
Driving instruction	Section 123(3)
Driving instruction franchise (and franchisor and franchisee)	Section 141A(2) and (3)
Emergency control assessment and emergency control certificate	Section 125A(8)
Modifications, in relation to a motor vehicle	Section 125A(8)
Paid instruction	Section 123(5) and (6)
Provisional licence	Section 141A(5)
Registered and registration	Section 123(7)

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<i>Expression</i>	<i>Relevant provision</i>
The register	Section 123(8)
Registered disabled instructor	Section 125A(8)
The Registrar	Section 125(2)
Regulations	Section 141
Relevant instructor examination	Section 133(2)”

- 27 In section 173(2) (forgery of documents etc.), for paragraph (g) substitute—
“(g) any document evidencing the passing of an examination (or part of an examination) required by regulations under section 132 of this Act or the successful completion of training provided in accordance with regulations under section 133ZA of this Act,
(ga) any certificate under section 133A of this Act,
(gb) any certificate or other item prescribed under section 135(1)(a) of this Act.”.
- 28 In section 174(1) (false statements), after paragraph (d) insert—
“(da) of obtaining a document evidencing the passing of an examination (or part of an examination) required by regulations under section 132 of this Act or the successful completion of training provided in accordance with regulations under section 133ZA of this Act, or”.
- 29 In section 183 (application to Crown), after subsection (6) insert—
“(6A) The Secretary of State may by regulations provide that Part 5 of this Act is to apply in relation to persons in the public service of the Crown but subject to any prescribed omissions, additions or other modifications.”
- 30 In section 195(2) (duty to consult before making regulations under any provision other than section 8(3) and Part 5), omit “or Part 5”.

Road Traffic Offenders Act 1988 (c. 53)

- 31 The Road Traffic Offenders Act 1988 is amended as follows.
- 32 (1) Section 18 (evidence by certificate as to registration of driving instructors and licences to give instruction) is amended as follows.
- (2) In subsection (1), for paragraphs (a) to (d) substitute—
“(a) a person was, or was not, registered,
(b) a person became registered or a person’s registration was terminated, or
(c) a person was, or was not, exempt from the prohibitions imposed by section 123 of the Road Traffic Act 1988 (requirement of registration) by virtue of provision made by regulations under section 124 of that Act.”.
- (3) In subsection (3), for the words from ““current” to ““register”” substitute ““Registrar”, “registered” and “registration””.
- (4) In the heading, for “**of driving instructors and licences to give instruction**” substitute “**etc. of driving instructors etc.**”.

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- 33 (1) Part 1 of Schedule 2 (prosecution and punishment of offences: offences under the Traffic Acts) is amended as follows.
- (2) In the entry relating to section 123(4) of the Road Traffic Act 1988 (c. 52)—
- (a) in column 1, for “123(4)” substitute “123A(1) and (2)”, and
 - (b) in column 2, for “by unregistered and unlicensed persons or their employers” substitute “, and carrying on of business in provision of driving instruction, by unregistered persons”.
- (3) In the entry relating to section 123(6) of that Act—
- (a) in column 1, for “123(6)” substitute “123A(4)”, and
 - (b) in column 2, for “without there being exhibited on the motor car a certificate of registration or a licence under RTA Part 5” substitute “, and carrying on of business in provision of driving instruction, without prescribed requirements relating to displaying of evidence of registration under RTA Part 5 being complied with”.
- (4) In the entry relating to section 133C(4) of that Act, in column 2, omit “or licensed”.
- (5) In the entry relating to section 133D of that Act, in column 2, omit “or their employers”.
- (6) In the entry relating to section 135 of that Act, for the words in column 2 substitute “Misuse of evidence of registration etc.”.
- (7) In the entries relating to sections 136 and 137 of that Act, in column 2, for “or licence” substitute “etc.”.

SCHEDULE 7

Section 59

REPEALS AND REVOCATIONS

(1) Graduated fixed penalties

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Domestic Violence, Crime and Victims Act 2004 (c. 28)	Section 16(2).

(2) Giving of fixed penalty notices by vehicle examiners

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Road Traffic Offenders Act 1988 (c. 53)	In section 54(5), the words “he surrenders”. In section 61(2), the words “fixed penalty clerk must not endorse the”. In section 66(8), the word “and” after the definition of “hiring agreement”. In section 73, in subsection (5), the words “by or on behalf of the chief officer of police” and the word “such” and, in

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<i>Short title and chapter</i>	<i>Extent of repeal</i>
	subsection (7), the words “by or on behalf of the chief officer of police”.
	In section 79(1), the words “constable or authorised”.
	In section 89(1), the word “and” before the definition of “proceedings”.
Road Traffic (New Drivers) Act 1995 (c. 13)	In section 2, in subsection (4), the words “, the fixed penalty clerk” and, in subsection (5), the words “by the fixed penalty clerk”.
Police Reform Act 2002 (c. 30)	Section 76(4).
Railways and Transport Safety Act 2003 (c. 20)	Section 69(3). Section 109.
Crime (International Co-operation) Act 2003 (c. 32)	In Schedule 5, paragraphs 47(b), 55(b) and 57(b).
Courts Act 2003 (c. 39)	In Schedule 8, paragraphs 314 and 321.

(3) Endorsement: unlicensed and foreign drivers

<i>Short title or title and reference</i>	<i>Extent of repeal or revocation</i>
Road Traffic Offenders Act 1988 (c. 53)	In the heading of section 31, the words “on licence”.
	In section 45(1), the words “, whether he is at the time the holder of a licence or not,”.
	In section 70(4), the word “and” at the end of paragraph (a).
Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22)	In Schedule 3, paragraph 2(bb).
The Driving Licences (Community Driving Licence) Regulations 1990 (S.I. 1990/144)	In Schedule 2, paragraphs 6 and 9. In Schedule 3, paragraph 3(2)(b).
Road Traffic Act 1991 (c. 40)	In Schedule 4, paragraph 93.

(4) Endorsement: all drivers

<i>Short title or title and reference</i>	<i>Extent of repeal or revocation</i>
Public Passenger Vehicles Act 1981 (c. 14)	Section 24(3).
Road Traffic Act 1988 (c. 52)	In section 88(6), the words “, counterparts of licences”.
	In section 92(7ZB)(a) and (7C), the words “and its counterpart”.
	In section 93—

Status: This is the original version (as it was originally enacted).

<i>Short title or title and reference</i>	<i>Extent of repeal or revocation</i>
	(a) in subsections (2)(b) and (3), the words “and its counterpart”, and
	(b) in subsection (4)(a), the words “or its counterpart”.
	In section 97—
	(a) in sub-paragraph (i) of paragraph (c) of subsection (1), the words “and its counterpart”,
	(b) in sub-paragraph (ia) of that paragraph, the words from “together” to the end,
	(c) in sub-paragraph (ii) of that paragraph, the words “and its counterpart (if any) issued to him”, and
	(d) in subsection (1AA), the words “together with the counterparts mentioned in that sub-paragraph” and the words “and its Northern Ireland counterpart”.
	In section 98(1)(c), the words “or its counterpart”.
	In section 98A—
	(a) in subsection (1), the words “and their counterparts”,
	(b) in subsection (3), the words “(and their counterparts)”,
	(c) in subsection (4), the words “(with its counterpart)”, and
	(d) in subsection (7), the words “and its counterpart”.
	In section 99—
	(a) in subsection (2A), the words “and its counterpart”,
	(b) in subsection (3), paragraph (aa), in paragraph (b), the words “or in its counterpart” and the words “and its counterpart”,
	(c) in subsection (4), the words “and its counterpart”,
	(d) in subsection (6), the words “and its counterpart” in both places, and
	(e) in subsections (7) and (7ZA), the words “and its counterpart”.
	Section 99A(5) and (6).
	Section 99B—
	(a) subsections (3), (6) and (8),
	(b) in subsection (11)(b), the words “(6) or”, and
	(c) subsection (12).

Status: This is the original version (as it was originally enacted).

<i>Short title or title and reference</i>	<i>Extent of repeal or revocation</i>
	<p>In section 99C—</p> <ul style="list-style-type: none"> (a) in subsections (1) to (4), the words “and its counterpart (if any)” in each place, and (b) subsection (5).
	<p>In section 105(2)—</p> <ul style="list-style-type: none"> (a) sub-paragraph (iii) of paragraph (b) and the word “or” before it, (b) in paragraph (e), the words “and counterparts of licences” and the words “or counterparts of licences”, and (c) paragraph (ea).
	<p>In section 108, the definition of “counterpart”.</p>
	<p>In section 109B—</p> <ul style="list-style-type: none"> (a) in subsection (1), the words from “together” to the end, (b) in subsection (2), in paragraph (a), the words “together with the relevant counterparts” and, in paragraph (b), the words “and those counterparts”, (c) in subsection (4), the words “and the relevant counterparts”, and (d) subsection (5).
	<p>In section 115A(1), the words “and its counterpart (if any)”.</p>
	<p>In section 117A, the words “and its counterpart (if any)” in both places.</p>
	<p>In section 118—</p> <ul style="list-style-type: none"> (a) in subsection (1), the words “and its counterpart”, (b) in subsection (4), the words “and its counterpart”, and (c) subsection (5).
	<p>In section 121, the definition of “counterpart”.</p>
	<p>In section 125A(8), in paragraph (c) of the definition of “disabled person’s limited driving licence”, the words “and a counterpart of that licence”.</p>
	<p>In section 141A(5), the words “and “counterpart”, in relation to a Community licence”.</p>
	<p>In section 142, the words “and counterpart”.</p>
	<p>In section 164—</p>

Status: This is the original version (as it was originally enacted).

<i>Short title or title and reference</i>	<i>Extent of repeal or revocation</i>
	(a) the words “and its counterpart” in each place, and (b) in subsection (11), the reference to “counterpart”.
	In section 173— (a) in paragraph (a) of subsection (2), the words from “or” to the end, (b) paragraph (aa) of that subsection, and (c) in subsection (4), the word ““counterpart””.
	Section 176(1A), (3A) and (8).
Road Traffic Offenders Act 1988 (c. 53)	In section 7(1), the words from “and the foregoing” to the end.
	In section 26— (a) in subsections (7), (8) and (9)(b), the words “and its counterpart” and the words “and counterpart”, and (b) subsection (14).
	In section 27, the words “and its counterpart” in each place.
	In section 29— (a) in subsection (1)(b), the words “the counterpart of any licence held by him or on”, and (b) subsection (3).
	In section 30— (a) in subsection (1)(b), the words “the counterpart of his licence or”, and (b) in subsection (2)(b), the words “on the counterpart of his licence or”.
	In section 31(1), the words “the counterpart of his licence or on”.
	Section 32.
	Section 36(10).
	Section 42(5A).
	Section 44(3A).
	Section 45.
	In section 46(2), the words “the counterpart of any licence held by him or on”.
	In section 47— (a) in subsection (2A), the words “and its counterpart”, (b) in subsection (3), the words “a licence or”,

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<i>Short title or title and reference</i>	<i>Extent of repeal or revocation</i>
	<ul style="list-style-type: none"> (c) in subsection (3A), the words “in relation to a person who is not the holder of a licence,” and (d) in subsection (4), the words “and the counterpart of a licence”.
	<p>In section 48—</p> <ul style="list-style-type: none"> (a) in subsections (1) and (2), the words “the counterpart of any licence held by him or on”, and (b) subsection (3).
	<p>In section 54(7), the words “and a counterpart of a licence”.</p>
	<p>In section 56, the words “and its counterpart” in each place.</p>
	<p>Section 57.</p>
	<p>In section 57A(1), the words “who is not the holder of a licence”.</p>
	<p>Section 58.</p>
	<p>Section 61.</p>
	<p>In section 61A—</p> <ul style="list-style-type: none"> (a) in subsection (1), the words “but who is not the holder of a licence,” and (b) in the heading, the words “to unlicensed person”.
	<p>In section 72—</p> <ul style="list-style-type: none"> (a) subsection (4), (b) in subsection (5), the words “57 or”, and (c) subsection (6).
	<p>In section 75—</p> <ul style="list-style-type: none"> (a) subsection (8), (b) in subsection (8A), the words “who is not the holder of a licence”, and (c) subsection (12).
	<p>In section 76—</p> <ul style="list-style-type: none"> (a) in paragraph (a) of subsection (3), the words “inspecting the licence and its counterpart or (where the alleged offender is not the holder of a licence)”, (b) in paragraph (b) of that subsection, the words “and its counterpart”, and (c) subsection (8).
	<p>Section 77.</p>
	<p>In section 77A(1) and (2), the words “who is not the holder of a licence”.</p>

Status: This is the original version (as it was originally enacted).

<i>Short title or title and reference</i>	<i>Extent of repeal or revocation</i>
	<p>In section 83—</p> <ul style="list-style-type: none">(a) subsection (1),(b) in subsection (1A), the word “also”, and(c) in subsection (2), the words “57 or” and the words “77 or”.
	<p>In section 91ZA—</p> <ul style="list-style-type: none">(a) in paragraph (b) of subsection (1), the words “and (9)(b)”,(b) paragraphs (d) to (f) and (h) to (j) of that subsection,(c) in paragraph (k) of that subsection, the words “, (3) and (3A)”,(d) paragraph (l) of that subsection,(e) subsections (3) to (6),(f) in subsection (7), the words “and its counterpart (if any)”, and(g) in subsection (8), the words “and its counterpart”.
	<p>Section 91ZB.</p>
	<p>In section 91A—</p> <ul style="list-style-type: none">(a) subsections (2) to (4),(b) in subsection (5), the words “and its counterpart (if any)”, and(c) subsections (6) and (8) to (10).
	<p>Section 91B.</p>
	<p>In section 98(1), the word ““counterpart””.</p>
	<p>In Schedule 1—</p> <ul style="list-style-type: none">(a) in the entries relating to sections 98A(7) and 99(5) of the Road Traffic Act 1988, the words “and counterpart”, and(b) in the entry relating to section 164(6) of that Act, the words “and counterpart etc.”.
	<p>In Part 1 of Schedule 2, in the entries relating to the following provisions, the words “and counterpart”—</p> <ul style="list-style-type: none">(a) section 92(7C) of the Road Traffic Act 1988 (c. 52),(b) section 93(3) of that Act,(c) section 98A(7) of that Act,(d) section 99(5) of that Act,(e) section 118 of that Act,(f) section 26 of the Road Traffic Offenders Act 1988, and(g) section 27 of that Act.
	<p>In Part 1 of Schedule 2—</p>

Status: This is the original version (as it was originally enacted).

<i>Short title or title and reference</i>	<i>Extent of repeal or revocation</i>
	<ul style="list-style-type: none"> (a) in the entry relating to section 164 of the Road Traffic Act 1988 (c. 52), the words “or counterpart etc.”, and (b) in the entry relating to section 173 of that Act, the words “counterparts of Community licence”.
	<p>In Schedule 5, in the entry relating to section 99(5) of the Road Traffic Act 1988—</p> <ul style="list-style-type: none"> (a) the words “and its counterpart”, and (b) the words “and counterpart”.
Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22)	<p>In Schedule 3—</p> <ul style="list-style-type: none"> (a) paragraph 2(b), (b) paragraph 16(b), and (c) paragraph 25.
The Driving Licences (Community Driving Licence) Regulations 1990 (S.I. 1990/144)	<p>In Schedule 1—</p> <ul style="list-style-type: none"> (a) paragraphs 1 to 3, (b) paragraph 5(a)(ii) and (iii), (c) paragraph 5(b) to (d), (d) paragraph 8, (e) paragraph 9(a), (b)(i), (iii) and (iv) and (c) to (h), and (f) paragraphs 10 to 12.
	<p>In Schedule 2—</p> <ul style="list-style-type: none"> (a) paragraphs 1 and 2, (b) paragraph 3(a) and (c), (c) paragraph 5, (d) paragraph 8, and (f) paragraphs 10 to 28.
	<p>In Schedule 3—</p> <ul style="list-style-type: none"> (a) paragraph 1(a), (b) paragraph 2, and (c) paragraph 3(2)(a).
Road Traffic Act 1991 (c. 40)	<p>In Schedule 4—</p> <ul style="list-style-type: none"> (a) paragraph 99, (b) paragraph 100(2), and (c) paragraph 104.
Child Support Act 1991 (c. 48)	<p>In section 40B—</p> <ul style="list-style-type: none"> (a) in subsection (4), the words from “and” to the end, and (b) in subsection (9), the words “and its counterpart”.
Road Traffic (New Drivers) Act 1995 (c. 13)	<p>In section 2—</p> <ul style="list-style-type: none"> (a) in subsection (3)(c), the words “appropriate person endorses the number of”, and (b) in subsection (4)(a), the words “and its counterpart”.

Status: This is the original version (as it was originally enacted).

<i>Short title or title and reference</i>	<i>Extent of repeal or revocation</i>
	<p>In section 9(5), the words “and its counterpart” in both places.</p> <p>In Schedule 1—</p> <ul style="list-style-type: none">(a) in paragraph 3(2), the words “and its counterpart”,(b) in paragraph 3(4)(a), the words “(with its counterpart)”,(c) in paragraph 7(4)(a), the words “and its counterpart”, and(d) in paragraph 8(1)(a), the words “and its counterpart”. <p>In Schedule 2, paragraph 6.</p>
The Driving Licences (Community Driving Licence) Regulations 1996 (S.I. 1996/1974)	<p>In Schedule 1—</p> <ul style="list-style-type: none">(a) paragraph 17(b),(b) paragraph 19(2)(c),(c) paragraph 28(2)(b),(d) paragraph 31, and(e) paragraph 32(2). <p>In Schedule 2—</p> <ul style="list-style-type: none">(a) paragraph 5, and(b) paragraph 6(a). <p>In Schedule 4, paragraph 4.</p>
Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	<p>In section 146—</p> <ul style="list-style-type: none">(a) in paragraph (a) of subsection (4), the words “together with its counterpart”,(b) in paragraphs (aa) and (b) of that subsection, the words “and its counterpart (if any)”, and(c) in subsection (5), the definition of “counterpart”. <p>In section 147(5)—</p> <ul style="list-style-type: none">(a) in paragraph (a), the words “together with its counterpart”, and(b) in paragraphs (aa) and (b), the words “and its counterpart (if any)”.
Crime (International Co-operation) Act 2003 (c. 32)	<p>In section 63—</p> <ul style="list-style-type: none">(a) the words “and its counterpart” in each place, and(b) in subsection (7), the second sentence. <p>In section 64—</p> <ul style="list-style-type: none">(a) the words “and its counterpart” in each place, and(b) in subsection (7), the second sentence. <p>In section 74(1), the definition of “counterpart”.</p> <p>In Schedule 5—</p>

Status: This is the original version (as it was originally enacted).

<i>Short title or title and reference</i>	<i>Extent of repeal or revocation</i>
	(a) paragraph 23(a)(ii) and (iii) and (b), (b) paragraph 25(a), (c) paragraph 26(b), (d) paragraph 28, (e) paragraph 29(a), (f) paragraph 35(a), and (g) paragraph 73(b).
Criminal Justice Act 2003 (c. 44)	In section 301— (a) in paragraph (a) of subsection (6), the words “together with its counterpart”, (b) in paragraph (b) of that subsection, the words “and its counterpart (if any)”, and (c) in subsection (7), the definition of “counterpart”.
Road Safety Act 2006 (c. 49)	Section 9(2)(a) and (4). Section 14. Section 58(3). In Schedule 1— (a) paragraph 3(4) to (7), (b) paragraph 5, (c) paragraph 6, (d) paragraph 13(2), (e) paragraph 15(6), (f) paragraph 16(6), (g) paragraph 17, (h) paragraph 21(2), (i) in paragraph 25(2)(b), the word “(c),”, and (j) paragraph 26(2). In Schedule 2— (a) paragraph 1, (b) paragraph 8(2), (3) and (5), (c) paragraph 9, (d) paragraph 14(3), (4) and (5), (e) paragraph 15, (f) paragraph 16, (g) paragraph 18, (h) paragraph 24(2) to (4) and (7), (i) paragraph 25(3), (j) paragraph 26, (k) paragraph 29, (l) paragraph 31, and (m) paragraph 32.

Status: This is the original version (as it was originally enacted).

(5) Period of endorsement for failure to allow specimen to be tested

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Road Traffic Offenders Act 1988 (c. 53)	In section 45(7), the word “or” at the end of paragraph (a).

(6) Speeding: penalty points

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Road Traffic Act 1991 (c. 40)	In Schedule 2, paragraphs 3 and 4.

(7) Exemption from speed limits

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Fire and Rescue Services Act 2004 (c. 21)	In Schedule 1, paragraph 55.
Serious Organised Crime and Police Act 2005 (c. 15)	In Schedule 4, paragraph 42.
Fire (Scotland) Act 2005 (asp 5)	In Schedule 3, paragraph 12.

(8) Reduced disqualification period for attendance on course

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Road Traffic Act 1991 (c. 40)	Section 30.
Access to Justice Act 1999 (c. 22)	In Schedule 13, paragraphs 145 and 146.

(9) Driving tests

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Road Traffic Act 1988 (c. 52)	In section 89(5), paragraph (b) and the word “and” before it.
Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22)	In Schedule 3, paragraph 8(a).

(10) Disqualification until test is passed

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Road Traffic Act 1988 (c. 52)	In section 173(2), the word “and” after paragraph (l).
Road Traffic Offenders Act 1988 (c. 53)	Section 36(14).

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(11) Granting of full licence

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Road Traffic Act 1988 (c. 52)	In section 98(1)(c), the words “in the case of a provisional licence”. In section 195(3), the words “is exercised”.

(12) Fee for renewal of photocard licence and issue of certain alternative licences

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Road Traffic Act 1988 (c. 52)	In section 99(7), the words “and any licence granted under this subsection shall be granted free of charge”.

(13) Driver training

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Road Traffic Act 1988 (c. 52)	In section 99ZC(1), the word “and” at the end of paragraph (d).
Road Traffic Act 1991 (c. 40)	In Schedule 4, paragraph 73(5).

(14) Driving instruction

<i>Short title or title and reference</i>	<i>Extent of repeal or revocation</i>
Road Traffic Act 1988 (c. 52)	Section 125B(6) and (7). Sections 129 and 130. Section 131(2). Section 133C(1). Section 133D(1). In section 137(1), the words “, or to whom a licence under this Part of this Act is granted,”. In section 195(2), the words “or Part 5”.
Road Traffic Offenders Act 1988 (c. 53)	In Schedule 2, in column 2— (a) in the entry relating to section 133C(4) of the Road Traffic Act 1988, the words “or licensed”, and (b) in the entry relating to section 133D of that Act, the words “or their employers”.
Road Traffic (Driving Instruction by Disabled Persons) Act 1993 (c. 31)	Section 2. In the Schedule, paragraphs 2 to 9.

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<i>Short title or title and reference</i>	<i>Extent of repeal or revocation</i>
Driving Licences (Community Driving Licence) Regulations 1996 (S.I. 1996/1974)	In Schedule 1, paragraph 29.
Police Act 1997 (c. 50)	In Schedule 9, paragraph 58.
Motor Cars (Driving Instruction) (Admission of Community Licence Holders) Regulations 1999 (S.I. 1999/357)	Regulation 2(2), (4) and (5).
Transport Act 2000 (c. 38)	In section 258(2), the words “and (2)”. Section 259(2) and (3). In Schedule 29, paragraphs 7, 8, 9 and 11.
Courts Act 2003 (c. 39)	In Schedule 8, paragraph 309.
Serious Organised Crime and Police Act 2005 (c. 15)	In Schedule 4, paragraph 53.

(15) Registration plate suppliers: extension to Scotland and Northern Ireland

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Vehicles (Crime) Act 2001 (c. 3)	In section 17(1), the words “in England or Wales”.

(16) Safety arrangements at level crossings

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Level Crossings Act 1983 (c. 16)	In section 1— (a) in subsection (3)(b), the words “barriers or other”, and (b) in subsection (11), the definition of “local authority”.

(17) Hackney carriages and private hire vehicles

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Local Government (Miscellaneous Provisions) Act 1976 (c. 57)	Section 75(1)(b).
Private Hire Vehicles (London) Act 1998 (c. 34)	In section 1(1)(a), in the definition of “private hire vehicle”, the words “to the public”.

(18) Trunk road picnic areas

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Highways Act 1980 (c. 66)	In section 112— (a) in subsection (1), the words “that is not a special road”,

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<i>Short title and chapter</i>	<i>Extent of repeal</i>
	(b) in subsection (4), the words “, other than a council,” and
	(c) in subsection (5), the words “that is not a special road”.

(19) Spent enactments

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Criminal Justice Act 1972 (c. 71)	Section 24(3).
Road Traffic Act 1988 (c. 52)	In section 89— (a) in subsection (1)(a) and (d), the words “or that, if it is available to him, he satisfies the alternative requirement of section 89A of this Act”, and (b) in subsection (6), the words “or section 89A(2)(b)(iii) below”. Section 89A(2), (3) and (6).
Road Traffic Offenders Act 1988 (c. 53)	In section 84(1), the words “60(1),”.