

Status: Point in time view as at 13/04/2015.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, Cross Heading: Road Traffic Offenders Act 1988 (c. 53). (See end of Document for details)

SCHEDULES

SCHEDULE 11

TRIAL BY SINGLE JUSTICE ON THE PAPERS: FURTHER AMENDMENTS

Road Traffic Offenders Act 1988 (c. 53)

8 The Road Traffic Offenders Act 1988 is amended as follows.

Commencement Information

II Sch. 11 para. 8 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 77

- 9 (1) Section 7 (duty of accused to provide licence) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) Subsection (1B) applies where—
- (a) proceedings in relation to an offence involving obligatory or discretionary disqualification are instituted by a written charge and a single justice procedure notice,
 - (b) the person prosecuted is the holder of a licence, and
 - (c) after being convicted in proceedings conducted in accordance with section 16A of the Magistrates' Courts Act 1980, the person is given the opportunity to make representations or further representations under section 16C(2)(a) of that Act.
- (1B) Where this subsection applies, the person must (instead of complying with subsection (1))—
- (a) cause the licence to be delivered to the designated officer specified in the single justice procedure notice within such period as the person is allowed for indicating a wish to make such representations,
 - (b) post it, at such time that in the ordinary course of post it would be delivered within that period, in a letter duly addressed to that officer and either registered or sent by the recorded delivery service, or
 - (c) if the person indicates a wish to make such representations, have the licence with him at the hearing appointed to be held because of that indication.
- (1C) Subsection (1B) does not apply (and subsection (1) applies instead) if, before the period mentioned in subsection (1B)(a) comes to an end, a summons is issued under section 16B(3)(b) or 16C(3)(b) of the Magistrates' Courts Act 1980.”
- (3) In subsection (2)—
- (a) for “In subsection (1) above “proper officer” means—” substitute “In this section—

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- “proper officer” means—”, and
 (b) at the end insert—

““single justice procedure notice” and “written charge” have the same meaning as in section 29 of the Criminal Justice Act 2003.”

Commencement Information

I2 Sch. 11 para. 9 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 77

- 10 In section 8 (duty to include date of birth and sex in written plea of guilty), after paragraph (a) (but before “or”) insert—

“(aa) serves a written notification on the designated officer for a magistrates' court stating a desire to plead guilty and to be tried in accordance with section 16A of the Magistrates' Courts Act 1980 (trial by single justice on the papers),”.

Commencement Information

I3 Sch. 11 para. 10 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 77

- 11 (1) Section 27 (production of licence) is amended as follows.

- (2) After subsection (4) insert—

“(4A) Subsection (3) does not apply where section 7(1B) applies in relation to the proceedings and the holder of the licence—

- (a) has caused a current receipt for the licence issued under section 56 to be delivered to the designated officer specified in the single justice procedure notice within the period described in section 7(1B)(a),
 (b) has posted it to that officer within that period in such manner as is described in section 7(1B)(b), or
 (c) surrenders such a receipt to the court at the hearing described in section 7(1B)(c),

and produces the licence to the court immediately on its return.”

- (3) In subsection (5)—

- (a) for “In subsection (4) above “proper officer” means—” substitute “In this section—

“proper officer” means—”, and

- (b) at the end insert—

““single justice procedure notice” has the same meaning as in section 29 of the Criminal Justice Act 2003.”

Commencement Information

I4 Sch. 11 para. 11 in force at 13.4.2015 by S.I. 2015/778, art. 3, Sch. 1 para. 77

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