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Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, Cross Heading: Crime (International Co-operation) Act 2003 (c. 32). (See end of Document for details)

SCHEDULES

SCHEDULE 7

MUTUAL RECOGNITION OF DRIVING DISQUALIFICATION IN UK AND REPUBLIC OF IRELAND

VALID FROM 23/02/2017

PART 1

FURTHER PROVISION

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

- 1 Chapter 1 of Part 3 of the Crime (International Co-operation) Act 2003 (EU Convention on driving disqualifications) is amended as follows.
- 2 (1) Section 54 (road traffic offences in UK: application of section 55) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (a), after “Schedule 3” insert “ or Part 1 of Schedule 3A ”, and
 - (b) in paragraph (b), for “that Schedule” substitute “ Schedule 3 or Part 2 of Schedule 3A ”.
- (3) For subsection (3) substitute—
- “(3) The minimum period is—
- (a) for an offence mentioned in Part 2 of Schedule 3 in relation to which the Secretary of State has by regulations specified a period of less than six months, that period;
 - (b) for an offence mentioned in Part 2 of Schedule 3A in relation to which the Department has by regulations specified a period of less than six months, that period;
 - (c) for any other offence, a period of six months.”
- (4) After that subsection insert—
- “(3A) When determining whether the period of disqualification in respect of an offence mentioned in Part 2 of Schedule 3 is not less than the minimum period, an extension period imposed under any of the following is to be disregarded—
- (a) section 35A or 35C of the Road Traffic Offenders Act 1988;
 - (b) section 248D of the Criminal Procedure (Scotland) Act 1995;
 - (c) section 147A of the Powers of Criminal Courts (Sentencing) Act 2000.

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- (3B) When determining whether the period of disqualification in respect of an offence mentioned in Part 2 of Schedule 3A is not less than the minimum period, an extension period imposed under any of the following is to be disregarded—
- (a) Article 8A of the Criminal Justice (Northern Ireland) Order 1980 (S.I. 1980/704 (N.I. 6));
 - (b) Article 40A of the Road Traffic Offenders (Northern Ireland) Order 1996 (S.I. 1996/1320 (N.I. 10));
 - (c) Article 91A of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)).”
- (5) After subsection (5) insert—
- “(6) The Secretary of State may by regulations amend Schedule 3.
- (7) The Department may by regulations amend Schedule 3A.”
- 3 (1) Section 55 (duty to give notice to foreign authorities of driving disqualification of a non-UK resident) is amended as follows.
- (2) For the heading substitute “Duty to give notice to Republic of Ireland of UK driving disqualification”.
- (3) In subsection (1), for “the State in which the offender is normally resident” substitute “the Republic of Ireland”.
- (4) In subsection (2)(f), for “the convention on driving disqualifications” substitute “the specified agreement on driving disqualifications”.
- (5) In subsection (9)—
- (a) in paragraph (b), for “the State mentioned in subsection (1)” substitute “the Republic of Ireland”, and
 - (b) for “the convention on driving disqualifications” substitute “the specified agreement on driving disqualifications”.
- 4 For the italic heading before section 56 substitute “Road traffic offences in Republic of Ireland”.
- 5 (1) Section 56 (road traffic offences in Republic of Ireland: application of section 57) is amended as follows.
- (2) For subsection (2) substitute—
- “(2) The driving disqualification condition is met—
- (a) in relation to an offence mentioned in Part 1 of Schedule 3B, if the offender is disqualified in the Republic of Ireland as a result of the offence;
 - (b) in relation to an offence mentioned in Part 2 of that Schedule, if the offender is disqualified in the Republic of Ireland for a period not less than the minimum period as a result of the offence.”
- (3) In subsection (3)—
- (a) for “a State” substitute “the Republic of Ireland”,
 - (b) for “in that State” substitute “there”, and
 - (c) for “the law of that State” substitute “the law of the Republic of Ireland”.

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(4) For subsection (4) substitute—

“(4) The minimum period is—

- (a) for an offence in relation to which the Secretary of State has by regulations specified a period of less than six months, that period;
- (b) for any other offence, a period of six months.”

(5) Omit subsection (5).

(6) In subsection (6), for “the part of the United Kingdom in which the offender is normally resident” substitute “ the relevant part of the United Kingdom ”.

(7) After that subsection insert—

“(6A) In subsection (6), “the relevant part of the United Kingdom” means—

- (a) where the offender was normally resident in the United Kingdom when convicted, the part of the United Kingdom in which the offender was normally resident at that time;
- (b) where the offender was not normally resident in the United Kingdom when convicted but held a Great Britain licence or a Northern Ireland licence, the part of the United Kingdom in which the offender was last normally resident before conviction.”

(8) Omit subsection (7).

(9) In subsection (8)—

- (a) for “treating” substitute “ about when ”,
- (b) after the first “United Kingdom” insert “ are to be treated for the purposes of this section ”, and
- (c) for “a member state other than the United Kingdom” substitute “ the Republic of Ireland ”.

(10) After subsection (9) insert—

“(10) The Secretary of State may by regulations amend Schedule 3B.”

6 (1) Section 57 (recognition in United Kingdom of foreign driving disqualification) is amended as follows.

(2) In the heading, for “foreign” substitute “ Republic of Ireland ”.

(3) In the following provisions, for “the foreign disqualification” substitute “ the Republic of Ireland disqualification ”

- (a) subsection (1)(a);
- (b) subsection (2) (in both places);
- (c) subsection (4)(b);
- (d) subsection (5)(b);
- (e) subsection (6);
- (f) subsection (8) (in both places).

(4) In subsection (1)(a) and (b), for “one month” substitute “ three months ”.

(5) In subsection (2)(b), for “the State in which the offender was convicted” substitute “ the Republic of Ireland ”.

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- (6) In subsection (3)—
- (a) for “a State” substitute “ the Republic of Ireland ”, and
 - (b) for “in that State” substitute “ there ”.
- 7 In section 58(1)(a) and (b) (notice under section 57), for “the foreign disqualification” substitute “ the Republic of Ireland disqualification ”.
- 8 (1) Section 63 (production of licence: Great Britain) is amended as follows.
- (2) In subsection (4), for “the competent authority of the relevant State” substitute “ the competent authority of the Republic of Ireland or the Department ”.
 - (3) Omit subsection (5).
- 9 (1) Section 64 (production of licence: Northern Ireland) is amended as follows.
- (2) In subsection (4), for “the competent authority of the relevant State” substitute “ the competent authority of the Republic of Ireland or the Secretary of State ”.
 - (3) Omit subsection (5).
- 10 In section 65(3) (production of licence: Community licence holders), for the words from “the same” to the end substitute “ the Republic of Ireland ”.
- 11 In section 68 (endorsement of licence: Great Britain), for subsection (1) substitute—
- “(1) This section applies where a person who—
- (a) is normally resident in Great Britain, or
 - (b) is not normally resident in Great Britain but holds a Great Britain licence,
- is disqualified by virtue of section 57.”
- 12 In section 69 (endorsement of licence: Northern Ireland), for subsection (1) substitute—
- “(1) This section applies where a person who—
- (a) is normally resident in Northern Ireland, or
 - (b) is not normally resident in Northern Ireland but holds a Northern Ireland licence,
- is disqualified by virtue of section 57.”
- 13 In section 70(1) (duty of appropriate Minister to inform competent authority)—
- (a) for “any State” substitute “ the Republic of Ireland ”, and
 - (b) for “the convention on driving disqualifications” substitute “ the specified agreement on driving disqualifications ”.
- 14 (1) Section 72 (regulations: Great Britain) is amended as follows.
- (2) In subsection (2), at the end insert “ , subject to subsection (2A) ”.
 - (3) After subsection (2) insert—
- “(2A) A statutory instrument containing regulations under section 54(6), 56(10) or 71A may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”
- 15 (1) Section 73 (regulations: Northern Ireland) is amended as follows.

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- (2) In subsection (2), at the end insert “, subject to subsection (2A) ”.
- (3) After subsection (2) insert—
- “(2A) Regulations made under section 54(7) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.”
- 16 (1) Section 74(1) (interpretation) is amended as follows.
- (2) For the definition of “central authority” substitute—
- ““central authority” means an authority designated by the Republic of Ireland as a central authority for the purposes of the specified agreement on driving disqualifications;”.
- (3) For the definition of “competent authority” substitute—
- ““competent authority” means an authority which is a competent authority in relation to the Republic of Ireland for the purposes of the specified agreement on driving disqualifications;”.
- (4) Omit the definition of “the convention on driving disqualifications”.
- (5) In the definition of “disqualified”, after “and” insert “, except in section 71A, ”.
- (6) Omit the definition of “foreign disqualification”.
- (7) At the end insert—
- ““Republic of Ireland disqualification” means the disqualification mentioned in section 56;
- “Republic of Ireland licence” means a licence to drive a motor vehicle granted under the law of the Republic of Ireland, including a learner permit.”
- 17 In section 74(2) (interpretation of references to disqualification for life), for “foreign disqualification” substitute “Republic of Ireland disqualification ”.
- 18 In section 74, at the end insert—
- “(3) For the purposes of this Chapter, an individual is normally resident in, or in a part of, the United Kingdom, in Great Britain, in Northern Ireland or in the Republic of Ireland if his or her normal residence, as defined in Article 12 of Directive [2006/126/EC](#) of the European Parliament and of the Council of 20th December 2006 on driving licences, is there.”
- 19 (1) Schedule 3 (offences for the purposes of section 54) is amended as follows.
- (2) In the heading, at the end insert “ : Great Britain ”.
- (3) In paragraph 1, for sub-paragraph (2) substitute—
- “(2) Driver” has the same meaning as in the Road Traffic Act 1988.”
- (4) In paragraph 2, omit “or Article 43(1) of the Road Traffic Regulation (Northern Ireland) Order 1997 (S.I. 1997/276 (N.I. 2))”.
- (5) In paragraph 3—

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- (a) omit “or Articles of the Road Traffic (Northern Ireland) Order 1995”,
- (b) in sub-paragraph (a), omit “or Article 9”,
- (c) in sub-paragraph (b), omit “or Article 10”,
- (d) in sub-paragraph (c), omit “or Article 12”,
- (e) in sub-paragraph (d), omit “or Article 14”,
- (f) in sub-paragraph (e), omit “or Article 15”,
- (g) in sub-paragraph (f), omit “or Article 16”,
- (h) in sub-paragraph (g), omit “or Article 17”, and
- (i) in sub-paragraph (h), omit “or Article 18”.

(6) In paragraph 5, omit “or Article 167(1) of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1))”.

(7) In paragraph 6, omit “or Article 175(2) of the Road Traffic (Northern Ireland) Order 1981”.

(8) In paragraph 7(a), omit “or Part 1 of Schedule 1 to the Road Traffic Offenders (Northern Ireland) Order 1996 (S.I. 1996/1320 (N.I. 10))”.

20

After Schedule 3 insert—

“SCHEDULE
3A

Section 54

OFFENCES FOR THE PURPOSES OF SECTION 54: NORTHERN IRELAND

PART 1

OFFENCES WHERE ORDER OF DISQUALIFICATION
FOR A MINIMUM PERIOD UNNECESSARY

- 1 (1) Manslaughter by the driver of a motor vehicle.
- (2) “Driver” has the same meaning as in Article 2(2) of the Road Traffic (Northern Ireland) Order 1995 (S.I. 1995/2994 (N.I. 18)).
- 2 An offence under Article 168A(1)(c) of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)) (driving while disqualified).
- 3 An offence under Article 175(2) of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)) (failing to stop after accident and give particulars or report of accident).
- 4 An offence under any of the following Articles of the Road Traffic (Northern Ireland) Order 1995 (S.I. 1995/2994 (N.I. 18))—
 - (a) Article 9 (causing death or grievous bodily injury by dangerous driving),
 - (b) Article 10 (dangerous driving),
 - (c) Article 11A (causing death or grievous bodily injury by careless or inconsiderate driving),
 - (d) Article 12 (careless, and inconsiderate, driving),
 - (e) Article 12B (causing death or grievous bodily injury by driving: unlicensed, disqualified or uninsured drivers),

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- (f) Article 14 (causing death or grievous bodily injury by careless driving when under the influence of drink or drugs),
 - (g) Article 15 (driving, or being in charge, when under the influence of drink or drugs),
 - (h) Article 16 (driving, or being in charge, of a motor vehicle with alcohol concentration above prescribed limit),
 - (i) Article 17 (failing to provide a specimen of breath for a breath test), or
 - (j) Article 18 (failing to provide a specimen for analysis or laboratory test).
- 5 An offence under Article 43(1) of the Road Traffic Regulation (Northern Ireland) Order 1997 (S.I. 1997/276 (N.I. 2)) (exceeding speed limit).

PART 2

OFFENCES WHERE ORDER OF DISQUALIFICATION FOR A MINIMUM PERIOD NECESSARY

- 6 An offence which—
- (a) is mentioned in Part 1 of Schedule 1 to the Road Traffic Offenders (Northern Ireland) Order 1996 (S.I. 1996/1320 (N.I. 10)), but
 - (b) is not an offence mentioned in Part 1 of this Schedule.”

21 After Schedule 3A insert—

“SCHEDULE 3B

Section 56

OFFENCES FOR THE PURPOSES OF SECTION 56: REPUBLIC OF IRELAND

PART 1

OFFENCES WHERE ORDER OF DISQUALIFICATION FOR A MINIMUM PERIOD UNNECESSARY

- 1 An offence arising from—
- (a) reckless or dangerous driving, whether or not resulting in death, injury or serious risk,
 - (b) wilful failure to carry out the obligations placed on drivers after being involved in road accidents,
 - (c) driving a vehicle while under the influence of alcohol or other substances affecting or diminishing the mental and physical abilities of a driver,
 - (d) refusal to submit to alcohol and drug tests,
 - (e) driving a vehicle faster than the permitted speed, or
 - (f) driving a vehicle while disqualified.

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PART 2

OFFENCES WHERE ORDER OF DISQUALIFICATION FOR A MINIMUM PERIOD NECESSARY

- 2 An offence arising from conduct which is a road traffic offence that is not mentioned in Part 1 of this Schedule.”

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