

## SCHEDULE 1

### AMENDMENTS TO THE ROAD TRAFFIC ACT 1988

#### 10. After section 99A there shall be inserted—

##### **“Information about resident Community licence holders.**

**99B.**—(1) A Community licence holder who—

- (a) is normally resident in Great Britain, and
- (b) is authorised by his Community licence to drive medium-sized or large goods vehicles or passenger-carrying vehicles of any class,

shall, on or before the expiry of the period of twelve months beginning with the relevant date, deliver his Community licence to the Secretary of State and provide him with the information specified in, or required under, subsection (4) below.

(2) Subsection (1) above shall not apply to a Community licence holder from whom the Secretary of State has received a qualifying application (within the meaning of section 88(1A) of this Act) for the grant of a licence under this Part of this Act.

(3) The Secretary of State may issue to any Community licence holder who—

- (a) is normally resident in Great Britain, and
- (b) has delivered his Community licence to the Secretary of State, and provided him with the information specified in, or required under, subsection (4) below, (whether or not in pursuance of this section),

a document (referred to in this Part of this Act in relation to a Community licence as a “counterpart”) in such form and containing such information as the Secretary of State may determine but designed for the endorsement of particulars relating to the Community licence.

(4) The information referred to in subsections (1) and (3) above is—

- (a) the name and address in Great Britain of the Community licence holder;
- (b) his date of birth;
- (c) the classes of vehicle which he is authorised by his Community licence to drive;
- (d) the period of validity of the Community licence in the EEA State in respect of which it was issued;
- (e) whether the licence was granted in exchange for a licence issued by a state other than an EEA State; and
- (f) such other information as the Secretary of State may require for the purposes of the proper exercise of any of his functions under this Part or Part IV of this Act.

(5) The Secretary of State—

- (a) may endorse a Community licence delivered to him (whether or not in pursuance of this section) in such manner as he may determine with any part of the information specified in, or required under, subsection (4) above or with information providing a means of ascertaining that information or any part of it; and
- (b) must return the Community licence to the holder.

(6) Where it appears to the Secretary of State that a counterpart of a Community licence—

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- (a) is required to be endorsed in pursuance of any enactment or was issued with an error or omission in the information contained in it or in the particulars required to be endorsed on it, or
- (b) does not comply with any requirement imposed since it was issued by any provision made by, or having effect under, any enactment,

the Secretary of State may serve notice in writing on the Community licence holder requiring him to surrender the counterpart immediately to the Secretary of State and it shall be the duty of the Community licence holder to comply with any such requirement.

(7) Where the name or address of a Community licence holder as specified in the counterpart of his Community licence issued to him under this section ceases to be correct, the Community licence holder must surrender the counterpart and, in the case of a change of name, 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 or address.

(8) On the surrender of a counterpart of a Community licence by any person in pursuance of subsection (6) or (7) above, the Secretary of State must issue to that person a new counterpart of the Community licence.

(9) On the delivery of a Community licence by any person in pursuance of subsection (7) above, the Secretary of State may endorse the Community licence with the correct name and must return the Community licence to that person.

(10) Where a Community licence holder has not complied with subsection (1) above, the Secretary of State may serve notice in writing on the holder requiring him to deliver his Community licence to the Secretary of State and to provide him with the information specified in, or required under, subsection (4) above within such period (not being less than 28 days from the date of service of the notice) as is specified in the notice.

(11) A person who drives a motor vehicle on a road is guilty of an offence if he fails without reasonable excuse—

- (a) to comply with a requirement contained in a notice served on him in pursuance of subsection (10) above, or
- (b) to comply with a requirement imposed under subsection (6) or (7) above.

(12) Where a Community licence holder who is required under subsection (6) or (7) above to surrender the counterpart of his Community licence or to deliver his Community licence is not in possession of it in consequence of the fact that he has surrendered it to a constable or authorised person (within the meaning of Part III of the Road Traffic Offenders Act 1988) on receiving a fixed penalty notice given to him under section 54 of that Act, he does not fail to comply with that requirement if he surrenders the counterpart or delivers the Community licence immediately on its return.

(13) In England and Wales, proceedings for an offence by virtue of subsection (11)(a) above shall not be instituted except by the Secretary of State or by a constable acting with the approval of the Secretary of State.

(14) In this section “relevant date” has the meaning given by section 99A(8) of this Act.”