
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 55

ROAD TRAFFIC PENALTIES

Application to magistrates' court for review of course organiser's refusal to issue certificate of satisfactory completion of driving course

55.3.—(1) An application to the supervising court under section 34B(6) or (7) of the Road Traffic Offenders Act 1988(1) shall be served on the court officer within 28 days after the date specified in an order under section 34A(2) of the 1988 Act, where that date falls on or after 24th May 1993.

(2) An application under section 34B(6) of the 1988 Act shall be accompanied by the notice under section 34B(5) of the 1988 Act.

(3) Where such an application is served on the court officer—

(a) he shall fix a date and time for the hearing of the application; and

(b) he shall—

(i) serve a copy of the application on the course organiser, and

(ii) serve notice of the hearing on the applicant and course organiser.

(4) If the course organiser fails to appear or be represented at the hearing of the application without reasonable excuse, the court may proceed to decide the application in his absence.

(5) In this rule, “course organiser” and “supervising court” have the meanings assigned to them in England and Wales by section 34C of the 1988 Act.

[Note. Formerly rule 101A of the Magistrates' Courts Rules 1981.]

(1) Sections 34A, 34B and 34C were inserted by the Road Traffic Act 1991 (c. 40), section 30 and section 34B was amended by the Access to Justice Act 1999 (c. 22), Schedule 13, paragraphs 140, 145 and 146 and Schedule 15, Part V.