

---

STATUTORY INSTRUMENTS

---

**2005 No. 384**

**The Criminal Procedure Rules 2005**

**PART 55**

**ROAD TRAFFIC PENALTIES**

**Contents of this Part**

---

Endorsement of driving licence by magistrates' court	rule 55.1
Application to magistrates' court for removal of disqualification	rule 55.2
Application to magistrates' court regarding driving course	rule 55.3
Notice of registration to defaulter under section 71(6) of the Road Traffic Offenders Act 1988	rule 55.4

---

**Endorsement of driving licence by magistrates' court**

**55.1.**—(1) Where a magistrates' court convicts a person of an offence and, under section 44 of the Road Traffic Offenders Act 1988(1) orders that particulars of the conviction, and, if the court orders him to be disqualified, particulars of the disqualification, shall be endorsed on any licence held by him, the particulars to be endorsed shall include—

- (a) the name of the local justice area for which the court is acting;
- (b) the date of the conviction and the date on which sentence was passed (if different);
- (c) particulars of the offence including the date on which it was committed; and
- (d) particulars of the sentence of the court (including the period of disqualification, if any).

(2) Where a magistrates' court orders that the licence of an offender be endorsed as mentioned in paragraph (1) or imposes an interim disqualification as mentioned in rule 43.1(1)(f) and the court officer knows or is informed of the date of birth and sex of the offender, the court officer shall send the information to the licensing authority which granted the licence.

*[Note. Formerly rule 32 of the Magistrates' Courts Rules 1981(2).]*

---

(1) 1988 c. 53.

(2) S.I. 1981/552; amending instruments relevant to this Part are S.I. 1986/1332, 1993/1183, 2001/610.

### **Application to magistrates' court for removal of disqualification**

**55.2.**—(1) An application under section 42 of the Road Traffic Offenders Act 1988 or paragraph 7 of Schedule 4 to the Road Traffic (Consequential Provisions) Act 1988<sup>(3)</sup> for an order removing a disqualification or disqualifications for holding or obtaining a licence shall be by complaint.

(2) The justice to whom the complaint is made shall issue a summons directed to the chief officer of police requiring him to appear before a magistrates' court to show cause why an order should not be made on the complaint.

(3) Where a magistrates' court makes an order under either of the provisions mentioned in paragraph (1) the court shall cause notice of the making of the order and a copy of the particulars of the order endorsed on the licence, if any, previously held by the applicant for the order to be sent to the licensing authority to which notice of the applicant's disqualification was sent.

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

### **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<sup>(4)</sup> 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.]*

### **Notice of registration to defaulter under section 71(6) of the Road Traffic Offenders Act 1988**

**55.4.** Where a magistrates' court officer gives notice of registration to a defaulter under section 71(6) of the Road Traffic Offenders Act 1988 (registration of sums payable in default for enforcement as a fine) the court officer shall send the notice by delivering it at, or by sending it by post to, the defaulter's address as given in the certificate of registration issued under section 70(4) of that Act.

*[Note. Formerly rule 111 of the Magistrates' Courts Rules 1981.]*

---

(3) 1988 c. 54.

(4) 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.