
STATUTORY INSTRUMENTS

2012 No. 1726

The Criminal Procedure Rules 2012

PART 55

ROAD TRAFFIC PENALTIES

Application for declaration about a course or programme certificate decision

55.4.—(1) This rule applies where the court can declare unjustified—

- (a) a course provider's failure or refusal to give a certificate of the defendant's satisfactory completion of an approved course; or
- (b) a programme provider's giving of a certificate of the defendant's failure fully to participate in an approved programme.

(2) A defendant who wants the court to exercise that power must—

- (a) apply in writing, not more than 28 days after—
 - (i) the date by which the defendant was required to complete the course, or
 - (ii) the giving of the certificate of failure fully to participate in the programme;
- (b) serve the application on the court officer; and
- (c) in the application, specify the course or programme and explain (as applicable)—
 - (i) that the course provider has failed to give a certificate,
 - (ii) where the course provider has refused to give a certificate, why the defendant disagrees with the reasons for that decision, or
 - (iii) where the programme provider has given a certificate, why the defendant disagrees with the reasons for that decision.

(3) The court officer must serve a copy of the application on the course or programme provider.

(4) The court must not determine the application unless the defendant, and the course or programme provider, each has had an opportunity to make representations at a hearing (whether or not either in fact attends).

[Note. For the circumstances in which the court may reduce a road traffic penalty on condition that the defendant attend an approved course, or take part in an approved programme, see sections 30A, 34A and 34D of the Road Traffic Offenders Act 1988(1).]

(1) 1988 c. 53; section 30A is inserted by section 34(1) and (3) of the Road Safety Act 2006 (c. 49), with effect from a date to be appointed. Section 34A was inserted by section 30 of the Road Traffic Act 1991 (c. 40). It is amended by section 177(1) and (2) of, and paragraphs 30 and 90(1) and (3) of Schedule 21 and paragraphs 30 and 31 of Schedule 22 to, the Coroners and Justice Act 2009 (c. 25), with effect from a date to be appointed. Section 34D is inserted by section 15(1) of the Road Safety Act 2006 (c. 49), with effect from a date to be appointed. It is amended by section 177(1) of, and paragraph 90(1) and (5) of Schedule 21 to, the Coroners and Justice Act 2009 (c. 25), with effect from a date to be appointed.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Under sections 30B, 34B and 34E of the 1988 Act(2), the court that made the order, or the defendant's local magistrates' court, on application by the defendant may review a course or programme provider's decision that the defendant has not completed the course satisfactorily, or has not participated fully in the programme.]

(2) 1988 c. 53; section 30B is inserted by section 34(1) and (3) of the Road Safety Act 2006 (c. 49), with effect from a date to be appointed. Section 34B was inserted by section 30 of the Road Traffic Act 1991 (c. 40) and amended by paragraphs 140, 145 and 146 of Schedule 13 and Part V of Schedule 15 to, the Access to Justice Act 1999 (c. 22). Section 34B is substituted by section 35 of the Road Safety Act 2006 (c. 49), with effect from a date to be appointed. Section 34E is inserted by section 15(1) of the Road Safety Act 2006 (c. 49), with effect from a date to be appointed.