
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 29

ROAD TRAFFIC PENALTIES

Appeal against recognition of foreign driving disqualification

29.6.—(1) This rule applies where—

- (a) a Minister gives a disqualification notice under section 57 of the Crime (International Co-operation) Act 2003(1); and
- (b) the person to whom it is given wants to appeal under section 59 of the Act(2) to a magistrates' court.

(2) That person ('the appellant') must serve an appeal notice on—

- (a) the court officer, at a magistrates' court in the local justice area in which the appellant lives; and
- (b) the Minister, at the address given in the disqualification notice.

(3) The appellant must serve the appeal notice within the period for which section 59 of the 2003 Act provides.

(4) The appeal notice must—

- (a) attach a copy of the disqualification notice;
- (b) explain which of the conditions in section 56 of the 2003 Act(3) is not met, and why section 57 of the Act therefore does not apply; and
- (c) include any application to suspend the disqualification, under section 60 of the Act(4).

(5) The Minister may serve a respondent's notice, and must do so if—

- (a) the Minister wants to make representations to the court; or
- (b) the court so directs.

(6) The Minister must—

- (a) unless the court otherwise directs, serve any such respondent's notice not more than 10 business days after—
 - (i) the appellant serves the appeal notice, or

(1) 2003 c. 32; section 57 is in force in relation only to an offence of which an offender has been convicted in Ireland. For remaining purposes, it will come into force on a date to be appointed.

(2) 2003 c. 32; section 59 is in force in relation only to an offence of which an offender has been convicted in Ireland. For remaining purposes, it will come into force on a date to be appointed. Section 59 was amended by article 2 of, and paragraph 97 of the Schedule to, S.I. 2005/886.

(3) 2003 c. 32; section 56 is in force in relation only to an offence of which an offender has been convicted in Ireland. For remaining purposes, it will come into force on a date to be appointed.

(4) 2003 c. 32; section 60 is in force in relation only to an offence of which an offender has been convicted in Ireland. For remaining purposes, it will come into force on a date to be appointed. Section 60 was amended by section 40(4) of, and paragraph 79 of Schedule 9 to, the Constitutional Reform Act 2005 (c. 4).

- (ii) a direction to do so; and
- (b) in any such respondent's notice—
 - (i) identify the grounds of opposition on which the Minister relies,
 - (ii) summarise any relevant facts not already included in the disqualification and appeal notices, and
 - (iii) identify any other document that the Minister thinks the court will need to decide the appeal (and serve any such document with the notice).
- (7) Where the court determines an appeal, the general rule is that it must do so at a hearing (which must be in public, unless the court otherwise directs).
- (8) The court officer must serve on the Minister—
 - (a) notice of the outcome of the appeal;
 - (b) notice of any suspension of the disqualification; and
 - (c) the appellant's driving licence, if surrendered to the court officer.

[Note. Section 56 of the Crime (International Co-operation) Act 2003 sets out the conditions for recognition in the United Kingdom of a foreign driving disqualification, and provides that section 57 of the Act applies where they are met. Under section 57, the appropriate Minister may, and in some cases must, give the person concerned notice that he or she is disqualified in the UK, too, and for what period.

Under section 59 of the 2003 Act, that person may appeal to a magistrates' court. If the court is satisfied that section 57 of the Act does not apply in that person's case, the court must allow the appeal and notify the Minister. Otherwise, it must dismiss the appeal.

The time limit for appeal under section 59 of the 2003 Act is the end of the period of 21 days beginning with the day on which the Minister gives the notice under section 57. That period may be neither extended nor shortened.

Under section 60 of the 2003 Act, the court may suspend the disqualification, on such terms as it thinks fit.

Under section 63 of the 2003 Act(5), it is an offence for a person to whom the Minister gives a notice under section 57 not to surrender any licence that he or she holds, within the same period as for an appeal.]

(5) 2003 c. 32; section 63 is in force in relation only to an offence of which an offender has been convicted in Ireland. For remaining purposes, it will come into force on a date to be appointed. It was amended by sections 10(12) and 59 of, and paragraphs 74 and 75 of Schedule 3, and Schedule 7 to, the Road Safety Act 2006 (c. 49).