
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the fourth commencement regulations made under the Police, Crime, Sentencing and Courts Act 2022 (c. 32) (“the 2022 Act”) and the first commencement regulations made under the Road Traffic Offenders Act 1988 (c. 53) (“the RTOA”).

Regulation 4(a) brings into force sections 91 to 96 and Schedules 9 and 10 of the 2022 Act. These provisions amend the RTOA and the Road Traffic (New Drivers) Act 1995 (c. 52) so that driving licences no longer need to be produced or surrendered in relation to court summons, fixed penalty notices or conditional offers received by persons in relation to endorseable road traffic offences. They also make consequential amendments to other primary legislation. These provisions are brought into force on 30th November 2022.

Regulation 4(b) brings into force section 97 of the 2022 Act, which amends section 54 of the RTOA so that it no longer applies to England and Wales only, but to the whole of Great Britain. This provision is brought into force on 30th November 2022.

Regulation 5 brings into force section 54 of the RTOA in relation to Scotland. This section provides for the issue of fixed penalty notices in respect of certain offences. The commencement of this section is brought into force for all purposes other than for the purpose of the functions it confers on vehicle examiners.

Regulations 6 to 9 make a number of transitional provisions in relation to sections 91 to 96 of the 2022 Act. These provide that persons who receive a summons, fixed penalty notice, or conditional offer before the Commencement Date (30th November 2022), but for whom the statutory period for compliance with the requirement to produce or surrender the licence expires on or after commencement, are treated as having complied with that requirement. In relation to fixed penalty notices, and conditional offers, this is dependent on specified information being obtained by the police constable, vehicle examiner, or appropriate person, as required.