

Draft Order laid before Parliament under section 60(4) of the Road Safety Act 2006, for approval by resolution of each House of Parliament. This draft Instrument supersedes the draft of the same title which was laid before Parliament and published on 13th January 2015 (ISBN 9780111126691). It is being issued free of charge to all known recipients of that draft Statutory Instrument.

DRAFT STATUTORY INSTRUMENTS

2015 No. 0000

ROAD TRAFFIC

The Road Safety Act 2006 (Consequential Amendments) Order 2015

Made - - - - 2015
Coming into force - - 8th June 2015

The Secretary of State, in exercise of the powers conferred by section 60 of the Road Safety Act 2006⁽¹⁾, makes the following Order.

In accordance with section 60(4) of that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1.—(1) This Order may be cited as the Road Safety Act 2006 (Consequential Amendments) Order 2015 and comes in to force on 8th June 2015.

(2) In this Order “the Act” means the Road Safety Act 2006.

Repeals and revocations

2. Schedule 1 (which contains repeals and revocations of legislation in consequence of provision made by or under the Act) has effect.

Amendment of legislation

3. Schedule 2 (which contains amendments to legislation in consequence of provision made by or under the Act) has effect.

Signed by authority of the Secretary of State for Transport

Date

Name
Parliamentary Under Secretary of State
Department for Transport

SCHEDULE 1

Article 2

Repeals and revocations

PART 1

Primary Legislation

Table 1

<i>Enactment</i>	<i>Extent of Repeal</i>
The Road Traffic Act 1991(2)	Paragraph 94 of Schedule 4
The Road Traffic (New Drivers) Act 1995(3)	Paragraph 5 of Schedule 2
The Criminal Procedure (Consequential Provisions) (Scotland) Act 1995(4)	Paragraph 71(5) of Schedule 4
Crime (International Co-operation) Act 2003(5)	Paragraphs 29, 30, 36(d) and 37(d) of Schedule 5
The Legal Aid, Sentencing and Punishment of Offenders Act 2012(6)	Paragraph 7 of Schedule 27

PART 2

Secondary Legislation

Table 2

<i>Enactment</i>	<i>Extent of Revocation</i>
The Driving Licences (Community Driving Licence) Regulations 1996(7)	Paragraphs 32 and 33 of Schedule 1

(2) 1991 c.40.
(3) 1995 c.13.
(4) 1995 c.40.
(5) 2003 c.32
(6) 2012 c.10.
(7) S.I. 1996/1974.

SCHEDULE 2

Article 3

Amendments to Legislation

PART 1

Primary Legislation

The Public Passenger Vehicles Act 1981

1. In section 68(2) (defences available to persons charged with certain offences) of the Public Passenger Vehicles Act 1981(8) omit the words “and (3)”.

The Road Traffic Act 1988

2. The Road Traffic Act 1988(9) is amended as follows—

- (a) in section 97 (grant of licences)—
 - (i) in subsection (1)(c)(ia) for the words “and its counterpart (if any) issued to him under this Part of this Act” substitute the words “(if any)”;
 - (ii) in subsection (1AA)—
 - (aa) for the words “counterparts mentioned in that sub-paragraph” substitute “counterpart (if any)”;
 - (bb) in paragraph (b) after the words “Northern Ireland counterpart” insert the words “(if any)”;
- (b) in section 99A(5) (authorisation to drive in Great Britain) omit paragraph (a) and omit “(b)”;
- (c) in section 125 (the register of approved instructors)—
 - (i) in subsection (3)(b)(iii) omit the words “and a counterpart of that licence”;
 - (ii) in subsection (10) for the words “and “counterpart”, in relation to a Community licence, have the same meanings” substitute “has the same meaning”;
- (d) in section 142 (index to Part 5) omit the words “and counterpart in relation thereto”;
- (e) in section 165A (power to seize vehicles driven without licence or insurance)—
 - (i) in subsection (2)(a) omit the words “and its counterpart”;
 - (ii) in subsection (6)(a) omit the words “and its counterpart”;
 - (iii) in subsection (9)(c) for the words ““counterpart” and “licence” have the same meanings” substitute ““licence” has the same meaning”;
- (f) in section 173 (forgery of documents, etc.) omit subsection (4);

(8) 1981 c. 14; section 68(2) was amended by section 139 of the Transport Act 1985 (c.67) and by section 16 of, and Schedule 6 to, the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22).

(9) 1988 c.52; section 97(1)(c) was substituted by S.I. 1996/1974 and amended by section 78 of the Crime (International Co-operation) Act 2003 (c.32), section 97(1AA) was inserted by section 78 of the Crime (International Co-operation) Act 2003, section 99A was inserted by S.I. 1996/1974, subsections 125(3) and 125(10) were amended by S.I. 1999/357, the table entry “Community Licence and counterpart in relation thereto” in section 142 was inserted by S.I. 1999/357, section 165A was inserted by section 152 of the Serious Organised Crime and Police Act 2005 (c.15), sub-section 173(4) was amended by S.I. 1996/1974 and paragraph 29 of Schedule 5 to the Crime (International Co-operation) Act 2003, section 193A was inserted by section 46(2) of the Road Traffic Act 1991 (c.40) and amended by paragraph 31 of Schedule 5 to the Crime (International Co-operation) Act 2003 (c.32) and S.I. 1996/1974.

- (g) in section 193A(2)(b) (tramcars and trolley vehicles) omit “32,” and for the words “to 91B” substitute “, 91A”(10).

The Road Traffic Offenders Act 1988

3. The Road Traffic Offenders Act 1988(11) is amended as follows—
- (a) in section 2(2)(b) (requirement of warning etc: supplementary) for “54(4)” substitute “54(5)”(12);
 - (b) in section 10(1)(b) (jurisdiction of district court in Scotland) for “77” substitute “77A” (13);
 - (c) in section 46(3) (combination of disqualification and endorsement with probation orders and orders for discharge) omit “, 45”;
 - (d) in section 75(9) (issue of conditional offer) omit the words “(8)(b) and”;
 - (e) in section 76(5) (effect of offer and payment of penalty) for “77” substitute “77A”;
 - (f) in section 79 (statements by constables)—
 - (i) in subsection (1) for “54(4)” substitute “54(5)”;
 - (ii) in subsection (6)(b) for “54(4)” substitute “54(5)”;
 - (g) in section 91ZA (application to Northern Ireland licence holders) in subsection (1) omit paragraph (g);
 - (h) in section 91A(1) (application to Community licence holders) for the words from “27” to “48(1) and (2)” substitute “and 27”.
 - (i) in section 98(1) (general interpretation), in the definition of “the provisions connected with the licensing of drivers” omit “32.”;
 - (j) in Schedule 1, in the table after paragraph 4, for the entry relating to section 99B(11) of the Road Traffic Act 1988(14) substitute—

“RTA section 99B(11)	Driving after failing to comply with a requirement under section 99B(7) or (10)	Section 6 of this Act.”
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- (10) Section 91A of the Road Traffic Offenders Act 1988 (c.53) was inserted by S.I. 1996/1974 and amended by paragraph 32 of Schedule 2 to the Road Safety Act 2006.
- (11) 1988 c. 53; section 10(1) was amended by paragraph 7(a) of the Schedule to the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 asp 6 (Scottish Act), section 46(3) was amended by paragraph 71 of Schedule 4 to the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c.40), paragraph 11 of Schedule 2 to the Road Safety Act 2006 (c.49) and paragraph 37 of Part 2 of Schedule 2 to the Criminal Justice and Licensing (Scotland) Act 2010 asp 13 (Scottish Act), section 75(9) was substituted by section 34 of the Road Traffic Act 1991 (c.40) and amended by paragraph 24 of Schedule 2 to the Road Safety Act 2006, section 76(5) was substituted by paragraph 16 of Schedule 1 to the Road Safety Act 2006, section 79(1) was amended by section 58 of and paragraph 18 of Schedule 1 to and paragraph 2 of Schedule 7 to the Road Safety Act 2006, section 79(6) was amended by paragraph 18 of Schedule 1 to the Road Safety Act 2006, section 91ZA(1) was inserted by section 77 of the Crime (International Co-operation) Act 2003 and amended by paragraph 31 of Schedule 2 to and paragraph 57 of Schedule 3 to the Road Safety Act 2006, section 91A(1) was inserted by S.I. 1996/1974 and amended by paragraph 32 of Schedule 2 and paragraph 59 of Schedule 3 to the Road Safety Act 2006, the definition of “the provisions connected with the licensing of drivers” in section 98 was amended by paragraph 35 of Schedule 5 to the Crime (International Co-operation) Act 2003, the entry relating to section 99B of the Road Traffic Act 1998 in paragraph 4 of Schedule 1 to the Act was inserted by S.I. 1996/1974 amended by paragraph 36 of Schedule 5 of the Crime (International Co-operation) Act 2003, the entry relating to section 99B of the Road Traffic Act 1998 in Schedule 2, Part 1, paragraph 1 was amended by paragraph 37 of Schedule 5 to the Crime (International Co-operation) Act 2003.
- (12) Section 54(5) of the Road Traffic Offenders Act 1988 was substituted by section 10 of the Road Safety Act 2006.
- (13) Section 77A of the Road Traffic Offenders Act 1988 was inserted by paragraph 27 of Schedule 2 to the Road Safety Act 2006 and amended by paragraph 54 of Schedule 3 to that Act.
- (14) Section 99B of the Road Traffic Act 1988 was inserted by S.I. 1996/1974.

- (k) in Schedule 2, Part I, in the table for the entry relating to section 99B(11) of the Road Traffic Act 1988 substitute—

“RTA section 99B(11) failing to comply with a requirement under section 99B(7) or (10)	after Summarily	Level 3 on the — — —”
	Level 3 on the — — —”	standard scale

The London Local Authorities Act 1996

4. In section 9(a) (penalty charge not payable in certain cases) of the London Local Authorities Act 1996(15) for the words “or (4)” substitute “or (5)”.

The Crime (Sentences) Act 1997

5. Section 40 (fine defaulters) of the Crime (Sentences) Act 1997(16) is amended as follows—
- in subsection (6) omit the words “together with its counterpart”;
 - in subsection (7) omit the definition of “counterpart”.

The Crime (International Co-operation) Act 2003

6. The Crime (International Co-operation) Act 2003(17) is amended as follows—
- in section 55(6)(a) (duty to give notice to foreign authorities of driving disqualification of a non-UK resident) for the words “section 91A(7)(b)(ii)” substitute “section 91A(7A)(b)”;
 - in section 68 (endorsement of licence: Great Britain)—
 - in the heading for the word “**licence**” substitute “**driving record**”;
 - for subsection (7) substitute—

“(7) Where the person ceases to be disqualified by virtue of section 57(6), the Secretary of State must endorse the relevant particulars on his driving record.

(8) In this section “driving record” has the meaning given by section 97A(18) of the Road Traffic Offenders Act 1988.”;
 - in section 74 (interpretation) in the definition of “counterpart” omit paragraph (a).

The Welfare Reform Act 2009

7. In the section 39CA of the Child Support Act 1991(19), to be inserted by section 51(4) (Disqualification for holding etc. driving licence or travel authorisation) of the Welfare Reform Act 2009(20), omit subsection (11).

(15) 1996 c.9; section 9 was amended by S.I. 2001/690.

(16) 1997 c.43, section 40 was amended by paragraph 185 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c.6) and by paragraph 32 of Schedule 11 to the Proceeds of Crime Act 2002 (c.29).

(17) 2003 c.32.

(18) Section 97A of the Road Traffic Offenders Act 1988 (c. 53) was inserted by section 8 of the Road Safety Act 2006 (c. 49).

(19) 1991 c.48.

(20) 2009 c.24, section 51(4) was amended by S.I. 2012/2007.

PART 2

Secondary Legislation

The Road Traffic (Northern Ireland) Order 1981

8. The Road Traffic (Northern Ireland) Order 1981(21) is amended as follows—
- (a) in Article 13 (grant of licences)—
 - (i) in paragraph (1)(c)(ia) omit the words “its Great Britain counterpart and”;
 - (ii) in paragraph (1AA)—
 - (aa) for the word “counterparts” substitute “counterpart”;
 - (bb) in sub-paragraph (b) omit the words “and its Great Britain counterpart”;
 - (b) in Article 19D(1) (interpretation)—
 - (i) in paragraph (aa) of the definition of “counterpart” omit the words “(except in the definition of Great Britain counterpart)”;
 - (ii) in the definition of “Great Britain driving licence” omit the words “and “Great Britain counterpart” means the document issued with the Great Britain licence as a counterpart under the law of Great Britain”;
 - (c) in Article 19E(2) (provisions as to Great Britain drivers’ licences)—
 - (i) for the words “and its counterpart as if they” substitute “as if it”;
 - (ii) omit the words “and the counterpart of such a licence”;
 - (iii) omit the words “and counterparts of licences”;
 - (d) in Article 19G (revocation of authorisation conferred by Great Britain licence because of disability or prospective disability)—
 - (i) in paragraph (1) omit the words “with its Great Britain counterpart and” and omit the words “(the relevant counterparts)”;
 - (ii) in paragraph (2)(a) for the words “the relevant counterparts” substitute “its counterpart (if any) issued to him under this Part”;
 - (iii) in paragraph (2)(b) for the words “those counterparts” substitute “its counterpart (if any)”;
 - (iv) in paragraph (4)(a) for the words “relevant counterparts” substitute “counterpart (if any)”;
 - (v) in paragraph (7)(a) omit the words “and its Great Britain counterpart”;
 - (e) in Article 79(3) (provisions as to Great Britain licences)—
 - (i) for the words “and its counterpart are” substitute “is”;
 - (ii) for the word “them” substitute “it”.

(21) S.I. 1981/154 (N.I. 1); Article 13(1)(ia) and Article 13(1AA) were inserted by S.I.2003/2903 (N.I. 16), in Article 19D the definition of “counterpart” was inserted by S.R. 1996/426 and paragraph (aa) of the definition of counterpart was inserted by S.I. 2003/2903 (N.I. 16) and the definition of “Great Britain driving licence” was amended by S.I. 2003/2903 (N.I. 16), Article 19E(2) was amended by S.I. 2003/2903 (N.I. 16), Article 19G was inserted by S.I. 2003/2903 (N.I. 16).

The Child Support (Collection and Enforcement) Regulations 1992

9. The Child Support (Collection and Enforcement) Regulations 1992(22) are amended as follows—

- (a) in regulation 35 (disqualification from driving order) in—
 - (i) paragraph (1) omit the words “and, where applicable, its counterpart,”; and
 - (ii) paragraph (6) omit the words “or its counterpart”;
- (b) in Schedule 4 (form of order of disqualification from holding or obtaining a driving licence) omit the words “and counterpart”.

The Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996

10. In Regulation 47(2)(b) (removal of disqualification) of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996(23) omit the words “, or of its counterpart,”.

The Motor Vehicles (Driving Licences) Regulations 1999

11. The Motor Vehicles (Driving Licences) Regulations 1999 (24) are amended as follows—

- (a) in regulation 12(4)(a) (restrictions on the grant of large goods and passenger-carrying vehicle driver’s licences) for “58” substitute “58A”(25);
- (b) in regulation 21 (lost or defaced licences)—
 - (i) in paragraph (1)—
 - (aa) in paragraph (a)(i) omit the words “or its counterpart”;
 - (bb) for the words from “the Secretary of State shall” to the end substitute “the Secretary of State shall, on the surrender of any licence that has not been lost, issue to him a duplicate licence and the duplicate so issued shall have the same effect as the original.”;
 - (ii) omit paragraph (3);
- (c) in regulation 38 (further requirements at tests)—
 - (i) in paragraph (3)(a)(i) omit the words “and a counterpart thereof”;
 - (ii) in paragraph (5)(a) omit the words “and a counterpart thereof”;
- (d) in regulation 55 (large goods vehicle drivers’ licences and LGV Community licences: obligatory revocation or withdrawal and disqualification)—
 - (i) in paragraph (1) for “58” substitute “58A”;
 - (ii) in paragraph (2) for “58” substitute “58A”;
- (e) in regulation 57(2)(b) (removal of disqualification) omit the words “, or of its counterpart,” and for “45” substitute “45A”(26);
- (f) in regulation 80 (persons who become resident in Great Britain)—
 - (i) omit paragraph (5)(b)(ii);

(22) S.I. 1992/1989; regulation 35 and Schedule 4 were inserted by S.I. 2001/162 and regulation 35(1) was amended by S.I. 2007/1979.

(23) S.R. 1996/542; relevant amendments were made by S.R. 1997/383.

(24) S.I. 1999/2864; regulation 12(4)(a) was amended by S.I. 2003/636, regulation 38 was amended by S.I. 2005/2717, S.I. 2007/698, S.I. 2009/788, S.I. 2010/1203 and S.I. 2012/977, regulation 57 was amended by S.I. 2013/1644 and regulation 80 was amended by S.I. 2003/166.

(25) Section 58A of the Road Traffic Offenders Act 1988 was inserted by paragraph 17 of Schedule 2 to the Road Safety Act 2006 (c.49).

(26) Section 45A of the Road Traffic Offenders Act 1988 was inserted by paragraph 10 of Schedule 2 to the Road Safety Act 2006 and amended by paragraph 42 of Schedule 3 to that Act.

- (ii) omit paragraph (5)(c);
- (iii) in paragraph (5)(e) omit the words “and the references to a counterpart of a licence were omitted”.

The Motor Cars (Driving Instruction) Regulations 2005

12. Regulation 4 (candidate to produce particulars) of the Motor Cars (Driving Instruction) Regulations 2005(27) is amended as follows—

- (a) in paragraph (2)(a) omit the words “together with any relevant counterpart of that licence”;
- (b) in paragraph (4)(a) omit the words “together with any relevant counterpart of that licence”.

The Vehicle Drivers (Certificates of Professional Competence) Regulations 2007

13. In the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007(28) in regulation 5A(1) (further requirements at tests: initial CPC test)—

- (a) in paragraph (a) omit the words “and, where that licence has a counterpart, the counterpart of that licence; and”;
- (b) after paragraph (a) insert—
 - “(aa) produce to the person conducting the test their Northern Ireland counterpart, where that person has a Northern Ireland counterpart, if the test is taking place in Northern Ireland; and”.

The Road Traffic (Northern Ireland) Order 2007

14. Schedule 5 (endorsement all drivers: consequential amendments) of the Road Traffic (Northern Ireland) Order 2007(29) is amended as follows —

- (a) in paragraph 4(b)—
 - (i) in head (i) for “counterparts” substitute “counterpart”;
 - (ii) omit head (ii) and the preceding “and”;
- (b) in paragraph 12(a) omit the words “and “Great Britain counterpart””;
- (c) in paragraph 15—
 - (i) in sub-paragraph (b)(i) for the words “the relevant counterparts” substitute “its counterpart (if any) issued to him under this Part”;
 - (ii) in sub-paragraph (b)(ii) for the words “those counterparts” substitute “its counterpart (if any)”;
 - (iii) in sub-paragraph (c) for the words “relevant counterparts” substitute “counterpart (if any)”;
 - (iv) omit sub-paragraph (e);
- (d) omit paragraph 20.

(27) S.I. 2005/1902; regulation 4 was amended by S.I. 2006/525.

(28) S.I. 2007/605; regulation 5A was inserted by S.I. 2008/1965.

(29) S.I. 2007/916 (N.I. 10); this order contains un-commenced amendments to the Road Traffic (Northern Ireland) Order 1981 - S.I. 1981/154 (N.I. 1).

The Road Safety (Financial Penalty Deposit) Order 2009

15. In Table 5 of Part 1 of the Schedule to the Road Safety (Financial Penalty Deposit) Order 2009(30) in the entry relating to section 164(6) of the Road Traffic Act 1988 omit the words “or counterpart”.

The Prostitution (Public Places) (Scotland) Act 2007 (Disqualification from Driving) Order 2011

16. The Prostitution (Public Places) (Scotland) Act 2007 (Disqualification from Driving) Order 2011(31) is amended as follows—

- (a) in article 2 (interpretation) omit the definition of “counterpart”;
- (b) in article 4 (requirement to surrender licence)—
 - (i) omit the word “and” at the end of paragraph (c);
 - (ii) omit paragraph (d).

The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012

17. In paragraph 2(2)(b) (interpretation) of Schedule 2 to the International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012(32) omit paragraph (ii).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for consequential amendments of enactments in connection with the commencement of section 10 of and Schedule 3 to the Road Safety Act 2006 (c. 49) (“the Act”).

Article 2 gives effect to Schedule 1 to this Order. Schedule 1 Part 1 provides for the primary legislation specified in column 1 of the table to be repealed to the extent indicated in the second column of the table. Schedule 1 Part 2 provides for the subordinate legislation specified in column 1 of the table to be revoked to the extent indicated in the second column of the table.

Article 3 gives effect to Schedule 2 to this Order. Schedule 2 Part 1 amends primary legislation in consequence of the Act and Schedule 2 Part 2 amends subordinate legislation in consequence of the Act.

A full impact assessment of the effect that the abolition of the driving licence counterpart will have on the costs of business and the voluntary sector is available from DVLA, Swansea SA6 7JL and is annexed to the Explanatory Memorandum which is available alongside this instrument on www.legislation.gov.uk.

(30) S.I. 2009/491.

(31) S.I. 2011/2490.

(32) S.I. 2012/2814.