Crime (International Co-operation) Act 2003

2003 CHAPTER 32

PART 3

ROAD TRAFFIC

CHAPTER 1

CONVENTION ON DRIVING DISQUALIFICATIONS

Disqualification in respect of road traffic offences outside UK

56 Application of section 57

(1) Section 57 applies where—

(a) an individual ("the offender") who is normally resident in the United Kingdom is convicted in another member State of an offence falling within subsection (5),

(b) no appeal is outstanding in relation to the offence,

(c) the driving disqualification condition is met in relation to the offence, and

(d) the offender was duly notified of the proceedings ("the relevant proceedings") in which the disqualification was imposed and was entitled to take part in them.

(2) The driving disqualification condition is met—

(a) in relation to an offence falling within subsection (5)(a), if, as a result of the offence, the offender is disqualified in the State in which the conviction is made,

(b) in relation to an offence falling within subsection (5)(b), if, as a result of the offence, the offender is disqualified in that State for a period not less than the minimum period.

(3) For the purposes of this section an offender is disqualified in a State if he is disqualified in that State for holding or obtaining a licence to drive a motor vehicle granted under the law of that State (however the disqualification is described under that law).

(4) The minimum period is—

(a) a period of six months, or

(b) where the State in which the conviction is made is a prescribed State, a shorter period equal to the period prescribed in relation to that State.

(5) An offence falls within this subsection if it is constituted by—

(a) conduct falling within any of paragraphs 1 to 5 of the Annex to the convention on driving disqualifications, or

(b) other conduct which constitutes a road traffic offence for the purposes of that convention.

(6) Section 57 does not apply if the relevant proceedings were brought later than the time at which summary proceedings for any corresponding offence under the law of the part of the United Kingdom in which the offender is normally resident could have been brought.

(7) An offence is a corresponding offence if—

(a) the conduct constituting the offence outside the United Kingdom took place in any part of the United Kingdom, and

(b) that conduct is, or corresponds to, conduct which would constitute an offence under the law of that part.

(8) The appropriate Minister may make regulations treating offences under the law of a part of the United Kingdom as corresponding to offences under the law of a member State other than the United Kingdom.

(9) For the purposes of this section no appeal is outstanding in relation to an offence if—

(a) no appeal is brought against an offender's conviction of the offence, or any decision made as a result of his conviction, within the time allowed for making such appeals, or

(b) such an appeal is brought and the proceedings on appeal are finally concluded.

57 Recognition in United Kingdom of foreign driving disqualification

(1) Where this section applies, the appropriate Minister—

(a) must give the offender a notice under this section if the unexpired period of the foreign disqualification is not less than one month, and

(b) may give him a notice under this section if that period is less than one month.

(2) The unexpired period of the foreign disqualification is—

(a) the period of the foreign disqualification, less

(b) any period of that disqualification which is treated by regulations made by the appropriate Minister as having been served in the State in which the offender was convicted.

(3) The provision which may be made by regulations under subsection (2)(b) includes provision for treating any period during which a central authority or competent authority of a State has seized a licence without returning it as a period which has been served in that State.

(4) If the appropriate Minister gives the offender a notice under this section, the offender is disqualified in each part of the United Kingdom—
   (a) for the relevant period, and
   (b) if the foreign disqualification is also effective until a condition is satisfied, until the condition or a corresponding prescribed condition is satisfied.

(5) The relevant period is the period which—
   (a) begins at the end of the period of 21 days beginning with the day on which the notice is given, and
   (b) is equal to the unexpired period of the foreign disqualification.

(6) But if the foreign disqualification is at any time removed otherwise than in prescribed circumstances, the offender ceases to be disqualified in each part of the United Kingdom from that time.

(7) The appropriate Minister may make regulations substituting a longer period for the period for the time being mentioned in subsection (5)(a).

(8) Where the foreign disqualification is for life—
   (a) the condition in subsection (1)(a) is to be treated as satisfied, and
   (b) the other references in this section and section 58 to the unexpired period of the foreign disqualification are to be read as references to a disqualification for life.

58 Notice under section 57

(1) A notice under section 57 must—
   (a) give particulars of the offence in respect of which the foreign disqualification was imposed and the period of that disqualification,
   (b) state that the offender is disqualified in each part of the United Kingdom for a period equal to the unexpired period of the foreign disqualification,
   (c) state the date from which, and period for which, he is disqualified,
   (d) give particulars of any relevant condition mentioned in section 57(4)(b),
   (e) give details of his right to appeal under section 59.

(2) A notice under section 57 must be in writing.

(3) A notice under section 57 may contain such other information as the appropriate Minister considers appropriate.