SCHEDULES

SCHEDULE 3

ENDORSEMENT: ALL DRIVERS

Road Traffic Offenders Act 1988 (c. 53)

The Road Traffic Offenders Act 1988 (as amended by Schedule 2) is amended as follows.

Commencement Information

- II Sch. 3 para. 30 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)
- In section 7(1) (duty of accused to provide licence), omit the words from "and the foregoing" to the end.

Commencement Information

- I2 Sch. 3 para. 31 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)
- 32 (1) Section 26 (interim disqualification) is amended as follows.
 - (2) In subsection (7)—
 - (a) in paragraph (a), omit "and its counterpart", and
 - (b) in paragraph (b), omit "and counterpart" and for "them" substitute "it".

F1	(3)	١.																

- - (5) Omit subsection (14).

Textual Amendments

F1 Sch. 3 para. 32(3)(4) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), Sch. 10 para. 34(d); S.I. 2022/1187, reg. 4(a) (with Pt. 3)

Commencement Information

- I3 Sch. 3 para. 32 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)
- 33 (1) Section 27 (production of licence) is amended as follows.
 - (2) Omit "and its counterpart" in each place.
 - (3) In subsection (1), for "them" substitute "it".

Document Generated: 2024-06-21 Road Traffic Offenders Act 1988 (c.

Changes to legislation: Road Safety Act 2006, Cross Heading: Road Traffic Offenders Act 1988 (c. 53) is up to date with all changes known to be in force on or before 21 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(4) In subsection (3)(b), for "are produced" substitute " is produced".

Textual Amendments

F2 Sch. 3 para. 33(5) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 10 para. 34(e)**; S.I. 2022/1187, reg. 4(a) (with Pt. 3)

Commencement Information

- I4 Sch. 3 para. 33 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)
- In section 28(3) (penalty points to be attributed to an offence), for "57(5), 57A(6), 77(5)" substitute "57A(6)".

Commencement Information

- I5 Sch. 3 para. 34 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)
- 35 (1) Section 29 (penalty points to be taken into account on conviction) is amended as follows.
 - (2) In subsection (1)(b), omit "the counterpart of any licence held by him or on".
 - (3) Omit subsection (3).

Commencement Information

- I6 Sch. 3 para. 35 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)
- 36 (1) Section 30 (modification of sections 28 and 29 in case where fixed penalty also in question) is amended as follows.
 - (2) In subsection (1)(b)—
 - (a) omit "the counterpart of his licence or", and
 - (b) for "57, 57A, 77" substitute "57A".
 - (3) In subsection (2)(b)—
 - (a) omit "on the counterpart of his licence or", and
 - (b) for "57, 57A, 77" substitute "57A".

Commencement Information

- I7 Sch. 3 para. 36 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)
- In section 31(1) (court may take particulars endorsed into consideration), omit "the counterpart of his licence or on".

Commencement Information

I8 Sch. 3 para. 37 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)

Omit section 32 (in Scotland court may take extract from licensing records into account).

Commencement Information

- **19** Sch. 3 para. 38 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)
- In section 36 (disqualification until test passed), omit subsection (10).

Commencement Information

- I10 Sch. 3 para. 39 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)
- 40 (1) Section 42 (removal of disqualification) is amended as follows.
 - (2) In subsection (5), for paragraph (a) substitute—
 - "(a) must send notice of the order to the Secretary of State,".
 - (3) Omit subsection (5A).
 - (4) In subsection (5AA), for "(5)(a)(ii)" substitute "(5)(a)".
 - (5) In subsection (5B), for "(5)(a)(ii) or (5A)" substitute "(5)(a)".

Commencement Information

- III Sch. 3 para. 40 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)
- Omit section 45 (effect of endorsement of counterparts).

Commencement Information

- I12 Sch. 3 para. 41 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)
- In section 45A (effect of endorsement of driving records), for subsections (3) to (5) substitute—
 - "(3) An endorsement ordered on a person's conviction of an offence remains effective (subject to subsections (4) and (5) below)—
 - (a) if an order is made for the disqualification of the offender, until four years have elapsed since the conviction, and
 - (b) if no such order is made, until either—
 - (i) four years have elapsed since the commission of the offence,
 - (ii) an order is made for the disqualification of the offender under section 35 of this Act.
 - (4) Where the offence was one under section 1 or 2 of the Road Traffic Act 1988 (causing death by dangerous driving and dangerous driving), the endorsement remains in any case effective until four years have elapsed since the conviction.
 - (5) Where the offence was one—

- (a) under section 3A, 4(1) or 5(1)(a) of that Act (driving offences connected with drink or drugs),
- (b) under section 7(6) of that Act (failing to provide specimen) involving obligatory disqualification, or
- (c) under section 7A(6) of that Act (failing to allow a specimen to be subjected to laboratory test),

the endorsement remains effective until eleven years have elapsed since the conviction."

Commencement Information

I13 Sch. 3 para. 42 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)

In section 46(2)(b) (combination of disqualification and endorsement with probation orders and orders for discharge), omit "the counterpart of any licence held by him or on".

Commencement Information

I14 Sch. 3 para. 43 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)

- 44 (1) Section 47 (supplementary provisions as to disqualifications and endorsements) is amended as follows.
 - (2) For subsection (2) substitute—
 - "(2) Where a court orders the endorsement of a person's driving record it may, and where a court orders a person to be disqualified for a period of 56 days or more it must, send any licence of the person that is produced to the court, to the Secretary of State."
 - - (4) In subsection (3), omit "a licence or".
 - (5) In subsection (3A), omit "in relation to a person who is not the holder of a licence,".
 - (6) In subsection (4), omit "and the counterpart of a licence".

Textual Amendments

F3 Sch. 3 para. 44(3) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), Sch. 10 para. 34(f); S.I. 2022/1187, reg. 4(a) (with Pt. 3)

Commencement Information

I15 Sch. 3 para. 44 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)

- 45 (1) Section 48 (exemption from disqualification and endorsement for certain construction and use offences) is amended as follows.
 - (2) In subsections (1) and (2), omit "the counterpart of any licence held by him or on".
 - (3) Omit subsection (3).

Commencement Information 116 Sch. 3 para. 45 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)

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Textual Amendments

- F4 Sch. 3 para. 46 omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), Sch. 10 para. 34(g); S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- Omit section 58 (effect of endorsement of counterpart without hearing).

Commencement Information

II7 Sch. 3 para. 47 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)

Omit section 61 (fixed penalty notice mistakenly given to licence holder: exclusion of fixed penalty procedures).

Commencement Information

I18 Sch. 3 para. 48 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)

- 49 (1) Section 61A (fixed penalty notice mistakenly given to unlicensed person: exclusion of fixed penalty procedures) is amended as follows.
 - (2) In subsection (1), omit "but who is not the holder of a licence,".
 - - (4) In the heading, omit "to unlicensed person".

Textual Amendments

F5 Sch. 3 para. 49(3) omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), Sch. 10 para. 34(h); S.I. 2022/1187, reg. 4(a) (with Pt. 3)

Commencement Information

I19 Sch. 3 para. 49 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)

- 50 (1) Section 72 (notices on-the-spot etc.: when registration and endorsement invalid) is amended as follows.
 - (2) Omit subsection (4).
 - (3) In subsection (5), omit "57 or".
 - (4) Omit subsection (6).

Commencement Information

120 Sch. 3 para. 50 in force at 8.6.2015 by S.I. 2015/560, art. **3(a)** (with arts. 4-9)

- 51 (1) Section 75 (issue of conditional offer) is amended as follows.
 - (2) In subsections (5) and (6), for ", 77 and 77A", substitute " and 77A".
 - (3) Omit subsection (8).
 - (4) In subsection (8A)—
 - (a) omit "who is not the holder of a licence", and
 - (b) in paragraph (a), for the words after "offender" substitute—
 - "(i) makes payment of the fixed penalty to the appropriate person, and
 - (ii) where he is the holder of a licence and the offence to which the offer relates is an offence involving obligatory endorsement, at the same time delivers his licence to the appropriate person, and".
 - (5) In subsection (11A), for ", 77 and 77A", substitute " and 77A".
 - (6) Omit subsection (12).

Commencement Information

I21 Sch. 3 para. 51 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)

- 52 (1) Section 76 (effect of offer and payment of penalty) is amended as follows.
 - (2) In subsection (3)—
 - (a) in paragraph (a), omit "inspecting the licence and its counterpart or (where the alleged offender is not the holder of a licence)" and for "his" substitute "the alleged offender's ", and
 - (b) in paragraph (b), omit "and its counterpart".
 - (3) In subsection (4), for "75(8)(a) or (8A)(a)" substitute "75(8A)(a)".
 - (4) Omit subsection (8).

Commencement Information

I22 Sch. 3 para. 52 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)

Omit section 77 (endorsement of counterparts where penalty paid).

Commencement Information

I23 Sch. 3 para. 53 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)

^{F6}54

Textual Amendments

- **F6** Sch. 3 para. 54 omitted (30.11.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(1), **Sch. 10 para. 34(i**); S.I. 2022/1187, reg. 4(a) (with Pt. 3)
- 55 (1) Section 83 (powers of court in cases of deception) is amended as follows.
 - (2) Omit subsection (1).
 - (3) In subsection (1A), omit "also".
 - (4) In subsection (2), omit—
 - (a) "57 or", and
 - (b) "77 or".

Commencement Information

- **I24** Sch. 3 para. 55 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)
- In section 84(1)(a) (regulations), for "54(4) or (5C)" substitute "54(5)".

Commencement Information

I25 Sch. 3 para. 56 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)

- 57 (1) Section 91ZA (application to Northern Ireland licence holders) is amended as follows.
 - (2) In subsection (1)—
 - (a) in paragraph (b), omit "and (9)(b)",
 - (b) omit paragraphs (d) to (f),
 - (c) omit paragraphs (h) to (j),
 - (d) in paragraph (k), omit ", (3) and (3A)", and
 - (e) omit paragraph (l).
 - (3) Omit subsections (3) to (6).
 - (4) In subsection (7)—
 - (a) omit "and its counterpart (if any)", and
 - (b) for "their" substitute "its".
 - (5) In subsection (8), omit "and its counterpart".
 - (6) In subsection (9)—
 - (a) in paragraph (a), for "subsection (5) above" substitute " section 44A above of an order for the endorsement of a person's driving record ", and
 - (b) in paragraph (b)(i), after "licence" insert ", or a person normally resident in Northern Ireland who does not hold a licence, ".

Commencement Information

126 Sch. 3 para. 57 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)

Omit section 91ZB (effect of endorsement on Northern Ireland licence holders).

Commencement Information

Sch. 3 para. 58 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)

- 59 (1) Section 91A (application to Community licence holders) is amended as follows.
 - (2) In subsection (1), for the words from "27" to "48(1) and (2)" substitute " and 32".
 - (3) Omit subsections (2) to (4).
 - (4) In subsection (5)—
 - (a) omit "and its counterpart (if any)", and
 - (b) for "their" substitute "its".
 - (5) Omit subsection (6).
 - (6) For subsection (7) substitute—
 - "(7) Where—
 - (a) a notice is sent to the Secretary of State under section 44A above for the endorsement of a person's driving record with any particulars or penalty points, and
 - (b) the particulars contained in the notice include—
 - (i) particulars of an offence in respect of which the holder of a Community licence, or a person normally resident in another EEA state who does not hold a licence, is disqualified by an order of a court, and
 - (ii) particulars of the disqualification,

the Secretary of State must send a notice containing the particulars mentioned in paragraph (b)(i) and (ii) to the licensing authority in the EEA state in respect of which the Community licence was issued or, where the person disqualified is not the holder of a licence, the licensing authority in the EEA state where the person is normally resident.

- (7A) Where a Community licence has been sent to the Secretary of State in pursuance of subsection (5) above, he must return the Community licence to the holder—
 - (a) on the expiry of the period of disqualification, or
 - (b) if earlier, on being satisfied that the holder has left Great Britain and is not normally resident there."
- (7) Omit subsections (8) to (10).

Commencement Information

128 Sch. 3 para. 59(1)(3)-(7) in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)

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Changes to legislation: Road Safety Act 2006, Cross Heading: Road Traffic Offenders Act 1988 (c. 53) is up to date with all changes known to be in force on or before 21 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Omit section 91B (effect of endorsement on Community licence holders).

Commencement Information

I29 Sch. 3 para. 60 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)

- 61 In section 98(1) (interpretation)—
 - (a) in the definition of "the provisions connected with the licensing of drivers", for "91ZA to 91B" substitute "91ZA, 91A", and
 - (b) in the words following the definition of "the Traffic Acts", omit "counterpart",".

Commencement Information

I30 Sch. 3 para. 61 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)

- 62 (1) Schedule 1 (offences to which sections 1, 6, 11 and 12(1) apply) is amended as follows.
 - (2) In the entries relating to sections 98A(7) and 99(5) of the Road Traffic Act 1988 (c. 52), omit "and counterpart".
 - (3) In the entry relating to section 164(6) of that Act, omit "and counterpart etc.".

Commencement Information

- I31 Sch. 3 para. 62 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)
- 63 (1) Part 1 of Schedule 2 (prosecution and punishment of offences: offences under the Traffic Acts) is amended as follows.
 - (2) In the entries relating to the following provisions, omit "and counterpart"—
 - (a) section 92(7C) of the Road Traffic Act 1988,
 - (b) section 93(3) of that Act,
 - (c) section 98A(7) of that Act,
 - (d) section 99(5) of that Act,
 - (e) section 118 of that Act,
 - (f) section 26 of the Road Traffic Offenders Act 1988 (c. 53), and
 - (g) section 27 of that Act.
 - (3) In the entry relating to section 164 of the Road Traffic Act 1988, omit "or counterpart etc.".
 - (4) In the entry relating to section 173 of that Act, omit "counterparts of Community licences,".

Commencement Information

- **I32** Sch. 3 para. 63 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)
- In Schedule 5 (Scotland: additional offences open to conditional offer), in the entry relating to section 99(5) of the Road Traffic Act 1988, omit—

- (a) "and its counterpart", and
- (b) "and counterpart".

Commencement Information

I33 Sch. 3 para. 64 in force at 8.6.2015 by S.I. 2015/560, art. 3(a) (with arts. 4-9)

Changes to legislation:

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View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 6 para. 8A inserted by 2016 c. 16 s. 3(3)
- Sch. 6 para. 10A inserted by 2016 c. 16 s. 4(2)
- Sch. 6 para. 13(9) inserted by 2016 c. 16 s. 4(5)