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STATUTORY INSTRUMENTS

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**2015 No. 560**

**The Road Safety Act 2006 (Commencement  
No. 11 and Transitional Provisions) Order 2015**

**PART 3**

**Transitional Provisions**

**Applications for licences and counterparts made prior to the Commencement Date**

4.—(1) Where, prior to the Commencement Date, a person made an application for a new or replacement driving licence and Counterpart and that new or replacement driving licence and Counterpart have not been issued prior to the Commencement Date, the Secretary of State may treat such an application as an application for a new or replacement driving licence only.

(2) Where, prior to the Commencement Date, a person made an application for a new or replacement Community counterpart and that new or replacement Community counterpart has not been issued prior to the Commencement Date, the application may be treated as the provision of information to the Secretary of State by the Community licence holder under section 99B of the RTA (as amended by the provisions commenced in this Order) and a new or replacement Community counterpart is not required to be issued.

(3) Where, prior to the Commencement Date, a person made an application for a new or replacement section 109A counterpart and that new or replacement section 109A counterpart has not been issued prior to the Commencement Date the application may be treated as the provision of information to the Secretary of State by the Northern Ireland licence holder under section 109A of the RTA (as amended by the provisions commenced in this Order) and a new or replacement section 109A counterpart is not required to be issued.

**Counterparts seized or surrendered**

5. On or after the Commencement Date a Counterpart, Community counterpart or section 109A counterpart may be destroyed by a court, traffic commissioner or the Secretary of State if it—

- (a) was seized by, surrendered to, produced to or otherwise came to be lawfully held by that court, traffic commissioner or by the Secretary of State prior to the Commencement Date and was not required to be returned prior to the Commencement Date; or
- (b) was seized by, surrendered to, produced to or otherwise came to be lawfully held by that court, traffic commissioner or by the Secretary of State on or after the Commencement Date.

**Treatment of endorsements placed on counterparts prior to the Commencement Date**

6.—(1) Paragraphs (2) to (5) apply where prior to the Commencement Date endorsements were placed on a person's Counterpart (or in the case of a driving licence which came into force before 1st June 1990 on that driving licence).

(2) Those endorsements of particulars, penalty points or disqualifications on a person's Counterpart or driving licence that, in accordance with section 45(1) of the RTOA, remain effective immediately prior to the Commencement Date will be treated on or after the Commencement Date as endorsements entered on that person's driving record.

(3) Those endorsements treated as endorsements entered onto that person's driving record by operation of paragraph (2) will be removed from that person's driving record at the end of the period for which that endorsement remains effective, as determined by section 45A(2) of the RTOA.

(4) Driving licence suspensions endorsed on a person's Counterpart which remain effective immediately before the Commencement Date must be treated on or after the Commencement Date as suspensions endorsed onto that person's driving record.

(5) Where, prior to the Commencement Date, under section 36(10)(3) of the RTOA a person's Counterpart or driving licence was endorsed with the particulars of any test of competence passed after an Order for disqualification was made, that endorsement must be treated on or after the Commencement Date as if it was endorsed on the person's driving record pursuant to section 36(10A) of the RTOA.

(6) Where a person was issued with a Community counterpart prior to the Commencement Date paragraphs (1) to (5) are to apply as if references to a Counterpart were references to a Community counterpart and references to a driving licence are to a Community licence.

(7) Where a person was issued with a section 109A counterpart prior to the Commencement Date paragraphs (1) to (5) are to apply as if references to a Counterpart were references to a section 109A counterpart and references to a driving licence are to a Northern Ireland licence.

### **Offences committed prior to the Commencement Date**

7.—(1) Where on or after the Commencement Date—

- (a) a person receives endorsements, penalty points, or a disqualification (whether as the result of court proceedings, fixed penalty notice procedures, conditional offer procedures, mutual recognition of driving disqualifications or otherwise); and
- (b) those endorsements, penalty points or disqualifications relate to conduct prior to the Commencement Date,

those endorsements, penalty points or disqualifications must be endorsed on that person's driving record and not on that person's Counterpart, Community counterpart or section 109A counterpart.

(2) Paragraph (1) applies notwithstanding anything to the contrary in a fixed penalty notice, notice under section 54(4) of the RTOA(4), conditional offer or other notice or documentation issued to that person in relation to that offence.

### **Endorsements on counterparts found to be void or otherwise successfully challenged after commencement**

8. Where an endorsement that was placed on a person's Counterpart, Community counterpart or section 109A counterpart prior to the Commencement Date is, by operation of law or by decision of

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(1) Section 45 of the Road Traffic Offenders Act 1988 was amended by paragraph 25 of Schedule 3 to the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22), paragraph 99 of Schedule 4 to the Road Traffic Act 1991 (c. 40), sections 14 and 58 of, and paragraph 9 of Schedule 2 and paragraph 1 of Schedule 7 to the Road Safety Act 2006, paragraph 7 of Schedule 27 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) and by S.I. 1990/144.

(2) Section 45A of the Road Traffic Offenders Act 1988 was inserted by paragraph 10 of Schedule 2 to the Road Safety Act 2006.

(3) Section 36 of the Road Traffic Offenders Act 1988 (c. 53) was substituted by section 32 of the Road Traffic Act 1991 (c. 40); section 36(11) was subsequently amended by S.I. 1996/1974.

(4) Section 54(4) of the Road Traffic Offenders Act 1988 (c. 53) was amended by paragraph 3 of Schedule 1 and paragraph 14 of Schedule 2 to the Road Safety Act 2006 (c. 49) and by S.I. 1990/144.

a Court, found to be void or otherwise successfully challenged on or after the Commencement Date the endorsements on that person's driving record must be adjusted to reflect this.

### **Requirements to produce licence and counterpart**

9.—(1) Where a person—

- (a) by notice, summons, citation or otherwise, was, prior to the Commencement Date, required to surrender, deliver or otherwise produce their driving licence and Counterpart; and
- (b) the time period for that person to surrender, deliver or otherwise produce their driving licence and Counterpart has not expired prior to the Commencement Date,

that person will be deemed to have complied with that requirement if, on or after the Commencement Date, they surrender, deliver or otherwise produce (as applicable) their driving licence without its Counterpart within the time period referred to in paragraph (b).

(2) Where a person—

- (a) by notice, summons, citation or otherwise, was, prior to the Commencement Date, required to surrender, deliver or otherwise produce their driving licence and Counterpart;
- (b) prior to the Commencement Date that person surrendered, delivered or otherwise produced their driving licence but not their Counterpart and at the Commencement Date that licence is still held by the person to whom it was surrendered, delivered or otherwise produced; and
- (c) the time period for that person to surrender, deliver or otherwise produce their driving licence and Counterpart has not expired prior to the Commencement Date,

that person will, on or after the Commencement Date, be deemed to have complied with that requirement on the Commencement Date.

(3) Where a person was issued with a Community counterpart prior to the Commencement Date paragraphs (1) and (2) are to apply as if references to a Counterpart were references to a Community counterpart and references to a driving licence were to a Community licence.

(4) Where a person was issued with a section 109A counterpart prior to the Commencement Date paragraphs (1) and (2) are to apply as if references to a Counterpart were references to a section 109A counterpart and references to a driving licence were to a Northern Ireland licence.