
DRAFT STATUTORY INSTRUMENTS

2015 No. 0000

ROAD TRAFFIC

**The Crime and Courts Act 2013 (Consequential Amendments)
(No.2) Order 2015**

Made - - - -

2015

Coming into force in accordance with article 1

This Order is made in exercise of the powers conferred by section 59 of the Crime and Courts Act 2013^(a).

A draft of this Order was laid before Parliament in accordance with section 58(4)(j) of the Crime and Courts Act 2013 and was approved by a resolution of each House of Parliament.

The Secretary of State considers it appropriate to make provision in consequence of that Act as set out in this Order.

Accordingly, the Secretary of State makes the following Order:

Citation, extent and commencement

1.—(1) This Order may be cited as the Crime and Courts Act 2013 (Consequential Amendments)(No.2) Order 2015.

(2) This Order extends to England and Wales and Scotland.

(3) Article 2 comes into force in England and Wales and Scotland on whichever is the later of—

- (a) the 22nd day after that on which this Order is made, or
- (b) the day on which section 56 of the Crime and Courts Act 2013 first comes into force in any part of Great Britain.

(4) Article 3 comes into force in England and Wales on whichever is the later of—

- (a) the 22nd day after that on which this Order is made, or
- (b) the day on which section 56 of the Crime and Courts Act 2013 comes into force in England and Wales.

(5) Article 3 comes into force in Scotland on whichever is the later of—

- (a) the 22nd day after that on which this Order is made, or

(b) the day on which section 56 of the Crime and Courts Act 2013 comes into force in Scotland.

(6) The amendments to the Road Traffic Offenders Act 1988(a) made by article 2 do not apply in relation to any offence under section 5A of the Road Traffic Act 1988(b) committed before the day on which article 2 comes into force.

(7) The amendments to the Road Traffic Offenders Act 1988 made by article 3 do not apply in relation to any offence under section 7 or 7A of the Road Traffic Act 1988 committed before the day on which article 3 comes into force in the place in which the offence was committed.

Consequential amendments

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

(2) In section 45(7)(a) for “or 5(1)(a)” substitute “, 5(1)(a) or 5A(1)(a) and (2)”.

(3) In section 45A(5)(a) (as substituted by section 10(12) of, and paragraphs 30 and 42 of Schedule 3 to, the Road Safety Act 2006) for “or 5(1)(a)” substitute “, 5(1)(a) or 5A(1)(a) and (2)”.

3.—(1) Schedule 2 to the Road Traffic Offenders Act 1988 is amended as follows.

(2) In Part 1, in column (4), in the entry relating to section 7 of the Road Traffic Act 1988 after “alcohol” insert “or proportion of a specified controlled drug”.

(3) In Part 1, in column (4), in the entry relating to section 7A of the Road Traffic Act 1988 after “alcohol” insert “or proportion of a specified controlled drug”.

Signed by authority of the Secretary of State for Transport

Date

Name
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the Road Traffic Offenders Act 1988 which are consequential upon the insertion of section 5A into the Road Traffic Act 1988 (“RTA”) by section 56 of the Crime and Courts Act 2013. Section 5A of the RTA provides for new offences when a person (a) drives or attempts to drive a motor vehicle on a road or other public place, or (b) is in charge of a motor vehicle on a road or other public place, and there is in that person’s body a specified controlled drug in the blood or urine in excess of the specified limit for that drug. The amendments made by this Order provide for the same penalties to be available to the courts and period of endorsement for the new offences as those already available in relation to similar alcohol related road traffic offences.

An impact assessment has not been produced for this instrument as no impact on the cost of business or the voluntary sector is foreseen.

(a) 1988 c.53; section 45(7)(a) of the Road Traffic Offenders Act 1988 was amended by section 48 and paragraph 99(1) and (4) of Schedule 4 to the Road Traffic Act 1991 (c.40) and by section 58(3)(b) of the Road Safety Act 2006 (c.49). The Road Safety Act 2006 section 10(12) and paragraph 41 of Schedule 3 repeal section 45 of the Road Traffic Offenders Act 1988, but that amendment has not yet been brought into force. There are other amendments to section 45(7) but they are not relevant to this Order. The Road Safety Act 2006 section 9(6) and paragraphs 2 and 10 of Schedule 2 inserted section 45A into the Road Traffic Offenders Act 1988. The Road Safety Act 2006 section 10(12) and paragraphs 30 and 42 of Schedule 3 substitute subsections (3) to (5) of section 45A of the Road Traffic Offenders Act 1988, but that amendment has not yet been brought into force.

(b) 1988 c.52; section 5A of the Road Traffic Act 1988 was inserted by section 56 of the Crime and Courts Act 2013.

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