

## SCHEDULES

### SCHEDULE 9

#### CONSEQUENTIAL AND MINOR AMENDMENTS OF ROAD TRAFFIC ACT 1972 AND SECTION 56 OF CRIMINAL JUSTICE ACT 1967

##### PART I

###### THE ROAD TRAFFIC ACT 1972

- 1 In section 13 for " 9 " there is substituted " 8 ".
- 2 Sections 93(3) and (5) are omitted.
- 3 In section 93(4) for " 9(3)" there is substituted " 8(7) ".
- 4 In section 93(7) after the words " under the foregoing provisions of this section " there are inserted the words " or under section 19 of the Transport Act 1981 ".
- 5 In section 94(1) for the words " section 93(1) or (3) of this Act" there are substituted the words " section 93 of this Act or section 19 of the Transport Act 1981 ".
- 6 In section 101(1) for the words from " the court shall order " to the end there are substituted the words " the court shall order that there shall be endorsed on any licence held by him particulars of the conviction and, if the court orders him to be disqualified, particulars of the disqualification, and, if the court does not order him to be disqualified, the particulars and penalty points required by section 19(1) of the Transport Act 1981 ; and the endorsement may be produced as prima facie evidence of the matters endorsed. ".
- 7 In section 101(2) for the words from " need not" to " as aforesaid " there are substituted the words " need not make an order under subsection (1) above ".
- 8 In section 101(3) for the words from the beginning to " by him " there are substituted the words " An order that any particulars or penalty points are to be endorsed on any licence held by the convicted person " and at the end there are added the words " or penalty points ".
- 9 In section 101(4A) at the end there are added the words " and any penalty points endorsed on it which are to be taken into account under section 19(3) of the Transport Act 1981 ".
- 10 In section 101(5) after the word " particulars", in both places, there are added the words " or penalty points ".
- 11 In section 101(6) after the word " particulars ", in the first and second places where it occurs, there are added the words " or penalty points ".
- 12 For section 101(7) there are substituted the following subsections : —
  - “(7) A person whose licence has been ordered to be endorsed (whether under this section or a previous enactment) shall be entitled to have a new licence issued

to him free from the endorsement if, after the end of the period for which the endorsement remains effective, he applies for a new licence in pursuance of subsection (1) of section 88 of this Act, surrenders any subsisting licence, pays the prescribed fee and satisfies the other requirements of that subsection.

(7A) An endorsement ordered on a person's conviction of an offence remains effective—

- (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 four years have elapsed since the commission of the offence or such an order is made;

but if the offence was one under section 1 or 2 of this Act the endorsement remains in any case effective until four years have elapsed since the conviction, and if it was one under section 5(1) or 6(1)(a) of this Act or was one under section 8(7) of this Act involving obligatory disqualification, the endorsement remains effective until eleven years have elapsed since the conviction.”.

13 The words " or section 19 of the Transport Act 1981 " are inserted—

- (a) at the end of section 102(1);
- (b) in section 103(1) after the words " section 93 of this Act" ;
- (c) in section 103(3) after the words " section 93 of this Act" ;and
- (d) in section 105(1) after the words " section 93 or 101 of this Act".

14 For section 105(2) there is substituted the following:

“(2) Where a court orders the endorsement of any licence held by a person it may, and if the court orders him to be disqualified it shall, send the licence, on its being produced to the court, to the Secretary of State ; and if the court orders the endorsement but does not send the licence to the Secretary of State it shall send him notice of the endorsement.”.

15 In section 182(2A)—

- (a) in paragraph (b), after the words " any such offence " there are inserted the words " or any order made on the conviction ";
- (b) in paragraph (c) and in the words following paragraph (d), after the words " the previous conviction " there are inserted the words " or order ".

16 In section 188(6) for the words from " motor cycles whereof " to "cubic centimetres" there are substituted the words "certain motor cycles

17 In subsection (1) of section 189 (application of sections 6 to 11 to persons subject to service discipline)—

- (a) in paragraph (f) for " section 8(1)" there is substituted " section 7(1) ";
- (b) paragraph (g) is omitted ; and
- (c) in paragraph (h) for "subsection (4) " there is substituted " subsection (7) ".

18 In section 199 (exercise of regulation making powers etc.)—

- (a) in subsection (2) the words " 12(1) or" are omitted ;
- (b) in subsection (3) for "12(1)" there is substituted " 8(9), 12(2), 33A " ; and
- (c) in subsection (4) for " 12(1) " there is substituted " 8(9), 12(2) or 33A ".

*Status: This is the original version (as it was originally enacted).*

- 19 In Part I of Schedule 4 (prosecution and punishment of offences under 1972 Act) for the words in columns 1 and 2 of the entries relating to section 6(1) and 6(2) there are substituted the words :

“6(1)(a)	Driving or attempting to drive with excess alcohol in breath, blood or urine.”
“6(1)(b)	Being in charge of a motor vehicle with excess alcohol in breath, blood or urine.”

- 20 In Part I of Schedule 4, in the first column of the entry relating to section 8(3), for " 8(3)" there is substituted " 7(4) " and in the fifth and sixth columns of the entry there are inserted respectively " Discretionary " and " Obligatory ".

- 21 In Part I of Schedule 4, in the entry relating to section 9(3), the following is substituted for the words in columns 1 to 5 : —

“8(7)	Failing to provide specimen for analysis or laboratory test.	Summarily	(a) Where the specimen was required to ascertain ability to drive or proportion of alcohol at the time offender was driving or attempting to drive, six months or £1,000 or both.  (b) In any other case three months or £500 or both.	(a) Obligatory in case mentioned in paragraph (a) of column 4.  (b) Discretionary in any other case.”
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- 22 In Part I of Schedule 4, in the fifth column of the entry relating to section 22, after the word " constable" there are inserted the words " or traffic warden ".

*Status: This is the original version (as it was originally enacted).*

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- 23        In Part V of Schedule 4, paragraph 1 is omitted.
- 24        In Schedule 10, in paragraph 5 for "9(3)" (in both places) there is substituted " 8(7) ".