

CRIME (INTERNATIONAL CO-OPERATION) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Road Traffic

Chapter 1: Convention on Driving Disqualifications

Sections 57 and 58: Recognition in the UK of foreign driving disqualifications

124. These sections allow for a person in the circumstances set out in the previous section, and to whom the appropriate Minister sends notification, to be disqualified from driving in the UK. The appropriate Minister should be provided under the Convention by the State of offence with the information he requires to enforce the disqualification. The appropriate Minister has discretion as to whether to enforce a disqualification where the unexpired period is less than one month. Where the disqualification is effective until a condition is satisfied, the offender is disqualified until the condition is satisfied. The UK disqualification takes effect 21 days after notification to the offender. However, the appropriate Minister has power to substitute a longer period. The intention is that the period at the end of which the disqualification takes effect should be the same as the period for appealing under section 59.
125. The Convention requires any part of the disqualification already served in the State of the offence to be taken into account in recognising the disqualification in the offender's State of residence. Section 57 grants the appropriate Minister power to make regulations to prescribe how the unexpired period of disqualification is to be determined. Although the normal appeals process will have been exhausted before the disqualification is notified to the UK, if the State of the offence removes the disqualification at any time during the unexpired period, the disqualification will also cease to have effect in the UK at that time.