

# **CRIME (INTERNATIONAL CO-OPERATION) ACT 2003**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 3: Road Traffic**

##### ***Chapter 2: Mutual Recognition with the United Kingdom***

132. **Chapter 2**, together with its consequential amendments, removes driver licensing anomalies between Great Britain and Northern Ireland, so as to give the United Kingdom a more coherent system for the implementation of the Convention. It provides that a person disqualified from holding or obtaining a driving licence in Northern Ireland, the Isle of Man, the Channel Islands or Gibraltar is similarly disqualified in Great Britain. The Secretary of State's powers to revoke a licence either on grounds of medical disability or during a new driver's probationary period are extended to holders of Northern Ireland driving licences in Great Britain.

##### ***Section 76: Recognition in Great Britain of disqualifications in Northern Ireland etc.***

133. This section amends the Road Traffic Act 1988 ("RTA 1988") to introduce the recognition in Great Britain of driving disqualifications imposed in Northern Ireland, the Isle of Man, the Channel Islands and Gibraltar. So long as a person is subject to a driving disqualification imposed in Northern Ireland, the Isle of Man, the Channel Islands or Gibraltar, he will also be disqualified in Great Britain. This remedies an existing anomaly in the UK driver licensing system, under which none of these jurisdictions recognised driving disqualifications imposed in any of the others. Reciprocal legislation will be needed in these territories for mutual recognition: legislation will be implemented in Northern Ireland by Order in Council under section 92 due to the current suspension of the Assembly; the Isle of Man has already implemented legislation.

##### ***Section 77: Endorsement of counterparts issued to Northern Ireland licence holders***

134. This section provides that the holder of a Northern Ireland licence committing a road traffic offence in Great Britain will be able to opt for the fixed penalty system for road traffic offences, like the holder of a Great Britain licence, avoiding the inconveniences of a prosecution. The fixed penalty option is not currently available in Great Britain to the holder of a Northern Ireland licence. The section facilitates endorsement of a Northern Ireland licence for a road traffic offence or offences committed in Great Britain for which the fixed penalty system is applied.
135. Subsection (1) inserts a new section 109A of the RTA 1988, enabling the Secretary of State to issue a driving licence counterpart to the holder of a Northern Ireland licence so as to enable endorsement by authorities in Great Britain. The section makes provisions

similar to those already applied to the holder of a European Community driving licence other than from Great Britain or Northern Ireland. It enables the Secretary of State to endorse a Northern Ireland licence, obliging him to return it to the holder. Section 109A(5) empowers the Secretary of State to require surrender of the counterpart or delivery of the licence to him, and to serve notice in writing that such delivery must be made and information provided within 28 days. It makes it an offence to drive a motor vehicle on a road having unreasonably failed to surrender the counterpart for endorsement or for correction of particulars of the holder's name or address.

136. Subsection (2) inserts new sections 91ZA and 91ZB into the Road Traffic Offenders Act 1988 ("RTOA 1988"), setting out the application of that Act to Northern Ireland licence holders. The provisions of the RTOA 1988 to be applied to Northern Ireland licence holders are those which apply to them the fixed penalty system for traffic offences committed in Great Britain. The court procedures followed when penalty points are endorsed on a driving licence are extended to Northern Ireland licences. In particular, this includes various aspects of procedure when a driver is both disqualified and gains penalty points at the same time.

### ***Section 78: Prohibition on holding or obtaining Great Britain and Northern Ireland licences***

137. Subsection (2) prevents a Northern Ireland licence holder who obtains a Great Britain licence from continuing to be able to drive in Great Britain by virtue of the Northern Ireland licence. It provides that, on surrender of the Northern Ireland licence when a Great Britain licence is granted, the authorisation to drive a vehicle in Great Britain by virtue of the Northern Ireland licence ceases, and that the Secretary of State must send the Northern Ireland licence and its counterpart back to the Northern Ireland authorities.
138. Subsection (3) is in respect of reciprocal provisions intended in Northern Ireland law. It requires the Secretary of State, where he is satisfied that a Northern Ireland licence has been granted to the holder of a Great Britain licence and he has received the Great Britain licence, to serve written notice on the person concerned that the Great Britain licence is revoked.
139. Subsection (4) provides, in order to prevent duplication of licences, that a person holding a Northern Ireland licence to drive a particular class or classes of vehicle is disqualified from holding or obtaining a Great Britain licence to drive a motor vehicle of that class or classes, if he does not surrender the Northern Ireland licence to the Secretary of State and remains authorised to drive in Great Britain as a holder of that licence.

### ***Section 79: Disability and prospective disability***

140. This section amends the provisions of the RTA 1988 relating to disability and prospective disability of a licence holder. Subsection (2) inserts a new section 109B into the RTA 1988, which provides for revocation by the Secretary of State of the authorisation to drive in Great Britain conferred by a Northern Ireland licence, on grounds of disability or prospective disability. Currently the Secretary of State has a power to revoke a driving licence issued in Great Britain as set out at section 93 of the RTA 1988. The new provisions parallel those which already exist for revocation of a Great Britain licence on medical grounds, except that the revocation extends only to the right to drive in Great Britain conferred by virtue of section 109(1) RTA 1988. The Secretary of State may require the Northern Ireland licence holder to deliver up his licence and the relevant counterparts, so that it may be returned to the Northern Ireland authorities.
141. Subsection (2) also inserts a new section 109C into the RTA 1988. This amendment places the holders of Northern Ireland licences, if resident in Great Britain, under the same duty as Great Britain licence holders to provide information relating to disabilities.

*These notes refer to the Crime (International Co-operation) Act  
2003 (c.32) which received Royal Assent on 30 October 2003*

142. Subsection (3) makes provision for Great Britain licences, where the right to drive in Northern Ireland has been revoked on medical grounds there under a corresponding provision of Northern Ireland law. In this event the Secretary of State may revoke the licence.
143. In either circumstance, the Secretary of State may on application grant a new licence for a period which he determines. (For example, in the case of an individual suffering from a degenerative disease likely progressively to impair his or her ability to drive, a short period licence might be granted.)