



Criminal Justice and Courts Act 2015

2015 CHAPTER 2

PART 1

CRIMINAL JUSTICE

Driving offences

29 Offences committed by disqualified drivers

(1) After section 3ZB of the Road Traffic Act 1988 insert—

“3ZC Causing death by driving: disqualified drivers

A person is guilty of an offence under this section if he or she—

- (a) causes the death of another person by driving a motor vehicle on a road, and
- (b) at that time, is committing an offence under section 103(1)(b) of this Act (driving while disqualified).

3ZD Causing serious injury by driving: disqualified drivers

(1) A person is guilty of an offence under this section if he or she—

- (a) causes serious injury to another person by driving a motor vehicle on a road, and
- (b) at that time, is committing an offence under section 103(1)(b) of this Act (driving while disqualified).

(2) In this section “serious injury” means—

- (a) in England and Wales, physical harm which amounts to grievous bodily harm for the purposes of the Offences against the Person Act 1861, and
- (b) in Scotland, severe physical injury.”

Status: This is the original version (as it was originally enacted).

(2) In Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 (prosecution and punishment of offences under the Traffic Acts) at the appropriate place insert—

“RTA section 3ZC	Causing death by driving: disqualified drivers	On indictment	10 years or a fine or both	Obligatory	Obligatory	3-11
RTA section 3ZD	Causing serious injury by driving: disqualified drivers	(a) Summarily	(a) On conviction in England and Wales: 12 months or a fine or both. On conviction in Scotland: 12 months or the statutory maximum or both.	Obligatory	Obligatory	3-11
		(b) On indictment	(b) 4 years or a fine or both”.			

(3) In the entries in Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 relating to an offence under section 3ZD of the Road Traffic Act 1988—

- (a) in relation to an offence committed before section 154(1) of the Criminal Justice Act 2003 comes into force, the reference in column 4 to 12 months on summary conviction in England and Wales is to be read as a reference to 6 months, and
- (b) in relation to an offence committed before section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force, the reference in column 4 to a fine on summary conviction in England and Wales is to be read as a reference to the statutory maximum.

(4) Schedule 6 to this Act contains further amendments relating to the offences under sections 3ZC and 3ZD of the Road Traffic Act 1988.

(5) The amendments made by this section and Schedule 6 have effect only in relation to driving which occurs after they come into force.

30 Extension of disqualification from driving where custodial sentence also imposed

(1) In section 35A of the Road Traffic Offenders Act 1988 (extension of disqualification where custodial sentence also imposed)—

- (a) in subsection (4)(e) and (f), omit “calculated after that term has been reduced by any relevant discount”,
- (b) in subsection (4)(h), omit “calculated after that sentence has been reduced by any relevant discount”, and
- (c) omit subsection (6) (definition of “relevant discount”).

- (2) In section 147A of the Powers of Criminal Courts (Sentencing) Act 2000 (extension of disqualification where custodial sentence also imposed)—
 - (a) in subsection (4)(e) and (f), omit “calculated after that term has been reduced by any relevant discount”,
 - (b) in subsection (4)(h), omit “calculated after that sentence has been reduced by any relevant discount”, and
 - (c) omit subsection (6) (definition of “relevant discount”).
- (3) In consequence of the amendments made by subsections (1) and (2), omit paragraphs 8 and 12 of Schedule 13 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

31 Mutual recognition of driving disqualification in UK and Republic of Ireland

- (1) Chapter 1 of Part 3 of the Crime (International Co-operation) Act 2003 (EU Convention on driving disqualifications) is amended as follows.
- (2) For the heading of the Chapter substitute “Mutual recognition of driving disqualification in UK and Republic of Ireland”.
- (3) In section 54 (application of duty of the UK to give notice of driving disqualification)—
 - (a) in subsection (1), for paragraph (a) substitute—
 - “(a) an individual (“the offender”) is convicted of a qualifying UK road traffic offence,
 - (aa) when convicted, the offender—
 - (i) is normally resident in the Republic of Ireland, or
 - (ii) is not normally resident in the Republic of Ireland but holds a Republic of Ireland licence,” and”
 - (b) after subsection (1) insert—
 - “(1A) A qualifying UK road traffic offence is—
 - (a) an offence under the law of England and Wales or Scotland mentioned in Schedule 3;
 - (b) an offence under the law of Northern Ireland mentioned in Schedule 3A.”
- (4) In section 56(1) (application of duty of the UK to recognise driving disqualification imposed outside the UK), for paragraph (a) substitute—
 - “(a) an individual (“the offender”) is convicted in the Republic of Ireland of an offence described in Schedule 3B,
 - (aa) when convicted, the offender—
 - (i) is normally resident in the United Kingdom, or
 - (ii) is not normally resident in the United Kingdom but holds a Great Britain licence or a Northern Ireland licence,”.
- (5) After section 71 insert—

“71A The specified agreement on driving disqualifications

- (1) In this Chapter, “the specified agreement on driving disqualifications” means the agreement specified from time to time by the Secretary of State by regulations for the purposes of this Chapter.
- (2) The Secretary of State may only specify an agreement made—
 - (a) between the United Kingdom and the Republic of Ireland, and
 - (b) for the purpose of giving effect in one of those States to disqualification from driving imposed in the other on conviction for an offence.
- (3) In this section, “disqualification from driving” means disqualification from holding or obtaining a licence to drive a motor vehicle.”
- (6) In Schedule 7 to this Act—
 - (a) Part 1 contains further provision for the purpose of implementing an agreement between the United Kingdom and the Republic of Ireland on the mutual recognition of driving disqualification;
 - (b) Part 2 contains provision about the transition from the EU Convention on driving disqualification to that agreement.