



# Police, Crime, Sentencing and Courts Act 2022

## 2022 CHAPTER 32

### PART 5

#### ROAD TRAFFIC

##### *Surrender of driving licences*

#### **91 Production of licence to the court**

- (1) The Road Traffic Offenders Act 1988 is amended as follows.
- (2) In section 7 (trial: duty of accused to provide licence to the court)—
  - (a) for subsection (1) substitute—
    - “(1) Where—
      - (a) a person who is the holder of a licence is prosecuted for an offence involving obligatory or discretionary disqualification,
      - (b) there is a hearing, and
      - (c) the person attends the hearing,the person must bring the licence to the hearing.”;
    - (b) omit subsections (1A), (1B), (1C) and (2).
- (3) In section 27 (sentence: production of licence to the court)—
  - (a) for subsection (1) substitute—
    - “(1) Where—
      - (a) a person who is the holder of a licence is convicted of an offence involving obligatory or discretionary disqualification, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) a court proposes to make, or makes, an order disqualifying the person,  
the court may require the licence to be produced to it.”;
- (b) in subsection (3)(b), at the beginning insert “unless the licence is already treated as being revoked under section 37(1),”.

## **92 Surrender of licence to Secretary of State where disqualified**

(1) After section 37 of the Road Traffic Offenders Act 1988 insert—

### **“37A Surrender of licence to Secretary of State where disqualified**

- (1) This section applies where—
- (a) a person who is the holder of a licence is disqualified by an order of a court, and
  - (b) the Secretary of State is not already in receipt of the licence.
- (2) The Secretary of State may serve on the person a notice in writing requiring the person to surrender the licence to the Secretary of State at such address as the Secretary of State may determine, before the end of the period of 28 days beginning with the date on which the notice is served.
- (3) A notice under subsection (2) may be served on a person—
- (a) by delivering it to the person,
  - (b) by leaving it at the person’s proper address, or
  - (c) by sending it to the person by post.
- (4) A person who, without reasonable excuse, fails to comply with a notice under subsection (2) is guilty of an offence.
- (5) For the purposes of—
- (a) subsection (3), and
  - (b) section 7 of the Interpretation Act 1978 in its application to subsection (3),
- a person’s “proper address” is the person’s latest address as known to the Secretary of State.”

(2) In Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 (prosecution and punishment of offences), before the entry relating to section 62 of that Act, insert—

“Section 37A(4) of this Act	of	Failure to surrender licence to Secretary of State	Summarily	Level 3 on the standard scale”
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## **93 Removal of requirement to surrender licence where fixed penalty notice**

- (1) The Road Traffic Offenders Act 1988 is amended as follows.
- (2) In section 52 (fixed penalty notices), after subsection (2) insert—

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

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“(2A) A fixed penalty notice must give details of the identification information (as defined in section 69(3D)) that may be required under section 69 where the notice relates to an offence involving obligatory endorsement.”

(3) In section 54 (notices on-the-spot etc)—

- (a) in subsection (3)—
  - (i) omit “, and” at the end of paragraph (a);
  - (ii) omit paragraph (b);
- (b) omit subsections (4), (5), (5A), (5B), (6), (7) and (9).

(4) In section 69 (payment of penalties)—

- (a) in subsection (2), after “method” insert “and subject to subsection (2A)”;
- (b) after that subsection, insert—

“(2A) Where a person has been given a fixed penalty notice under section 54 in respect of an offence involving obligatory endorsement, payment of the penalty may be made as mentioned in subsection (2) only if the letter also contains identification information.”;

(c) after subsection (3), insert—

“(3A) Subsection (3B) applies where—

- (a) a person has been given a fixed penalty notice under section 54 in respect of an offence involving obligatory endorsement, and
- (b) a method of payment other than that mentioned in subsection (2) is used.

(3B) The penalty is treated as having been paid to the fixed penalty clerk or the Secretary of State in accordance with this Part only if the person—

- (a) fulfils the identification requirements, and
- (b) makes payment of the penalty to the clerk or the Secretary of State.

(3C) A person fulfils the identification requirements if—

- (a) the person provides the clerk or the Secretary of State with identification information, or
- (b) the clerk or the Secretary of State is otherwise satisfied of the person’s identity.

(3D) In this section “identification information” means—

- (a) the person’s name and date of birth, and
- (b) if the person is the holder of a licence, the licence number.”

## 94 Removal of requirement to deliver up licence where conditional offer

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

(2) In section 75 (issue of conditional offer)—

- (a) in subsection (7), after paragraph (b) (but before the “and” immediately after it) insert—

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

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- “(ba) give details of the identification information that may be required where the conditional offer relates to an offence involving obligatory endorsement,”;
  - (b) in subsection (8A)(a), for sub-paragraph (ii) substitute—
    - “(ii) where the conditional offer relates to an offence involving obligatory endorsement, fulfils the identification requirements,”;
  - (c) after subsection (8A) insert—
    - “(8B) For the purposes of subsection (8A)(a)(ii), an alleged offender fulfils the identification requirements if—
      - (a) the alleged offender provides the appropriate person with identification information, or
      - (b) the appropriate person is otherwise satisfied of the alleged offender’s identity.
    - (8C) In this section “identification information” means—
      - (a) the alleged offender’s name and date of birth, and
      - (b) if the alleged offender is the holder of a licence, the licence number.”
- (3) In section 76 (effect of offer and payment of penalty)—
  - (a) in subsection (2), for “makes payment of the fixed penalty in accordance with the conditional offer” substitute “has fulfilled the conditions specified in the conditional offer under section 75(8A)(a)”;
  - (b) in subsection (3)(b), omit the words from “together” to “his licence”;
  - (c) in subsection (4), for the words from “requirements” to “fulfilled” substitute “alleged offender has not fulfilled the conditions specified in the conditional offer under section 75(8A)(a)”.
- (4) In section 77A (endorsement of driving records where penalty paid)—
  - (a) for subsection (1)(a) substitute—
    - “(a) a conditional offer has been issued to a person (“the alleged offender”) under section 75(1), (2) or (3),”;
  - (b) in subsection (1)(b), for “76” substitute “76(2)”;
  - (c) in subsection (1), in the words after paragraph (b), omit “together with any licence delivered under paragraph (a) above”;
  - (d) in subsection (2), in the words before paragraph (a), omit “and return any licence delivered to him under this section to the alleged offender”;
  - (e) for subsection (2)(b) substitute—
    - “(b) in a case where—
      - (i) a conditional offer is issued to a person (“the alleged offender”) under section 75(1A) or (3B), and
      - (ii) proceedings against the alleged offender are excluded by section 76(2).”

## 95 Surrender of licences and test certificates by new drivers

Schedule 9 contains amendments to the Road Traffic (New Drivers) Act 1995 which make provision about the surrender of driving licences and test certificates in the case of new drivers.

## **96 Minor and consequential amendments**

Schedule 10 contains minor and consequential amendments.