
STATUTORY INSTRUMENTS

2010 No. 60

The Criminal Procedure Rules 2010

PART 55

ROAD TRAFFIC PENALTIES

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Endorsement of driving licence by a magistrates' court

55.1.—(1) Where a magistrates' court convicts a person of an offence and, under section 44 of the Road Traffic Offenders Act 1988(1) orders that particulars of the conviction, and, if the court orders him to be disqualified, particulars of the disqualification, shall be endorsed on any licence held by him, the particulars to be endorsed shall include—

- (a) the name of the local justice area for which the court is acting;
- (b) the date of the conviction and the date on which sentence was passed (if different);
- (c) particulars of the offence including the date on which it was committed; and
- (d) particulars of the sentence of the court (including the period of disqualification, if any).

(2) Where a magistrates' court orders that the licence of an offender be endorsed as mentioned in paragraph (1) or imposes an interim disqualification as mentioned in rule 43.1(1)(f) and the court officer knows or is informed of the date of birth and sex of the offender, the court officer shall send the information to the licensing authority which granted the licence.

(1) 1988 c. 53; section 44 was amended by regulations 2(2) and 3 and paragraph 10 of Schedule 2 to, S.I. 1990/144 and section 9(1) and (2)(a) of the Road Safety Act 2006 (c. 49). It is further amended by sections 10 and 59 of, and Schedule 7 to, the Road Safety Act 2006 (c. 49), with effect from a date to be appointed.

Application to magistrates' court for removal of a disqualification

55.2.—(1) An application under section 42 of the Road Traffic Offenders Act 1988(2) or paragraph 7 of Schedule 4 to the Road Traffic (Consequential Provisions) Act 1988(3) for an order removing a disqualification or disqualifications for holding or obtaining a licence shall be by complaint.

(2) The justice to whom the complaint is made shall issue a summons directed to the chief officer of police requiring him to appear before a magistrates' court to show cause why an order should not be made on the complaint.

(3) Where a magistrates' court makes an order under either of the provisions mentioned in paragraph (1) the court shall cause notice of the making of the order and a copy of the particulars of the order endorsed on the licence, if any, previously held by the applicant for the order to be sent to the licensing authority to which notice of the applicant's disqualification was sent.

Application to court for review of course provider's refusal to issue a certificate of satisfactory completion of driving course

55.3.—(1) An application to the supervising court or the relevant local court under section 34B(6) or (8) of the Road Traffic Offenders Act 1988(4) shall be served on the court officer within 28 days after the date specified in an order under section 34A(5) of the 1988 Act.

(2) An application under section 34B(6) of the 1988 Act shall be accompanied by the notice under section 34B(5) of the 1988 Act.

(3) Where such an application is served on the court officer—

- (a) he shall fix a date and time for the hearing of the application; and
- (b) he shall—
 - (i) serve a copy of the application on the course provider, and
 - (ii) serve notice of the hearing on the applicant and course provider.

(4) If the course provider fails to appear or be represented at the hearing of the application without reasonable excuse, the court may proceed to decide the application in his absence.

(5) In this rule, 'course provider', 'relevant local court' and 'supervising court' have the meanings assigned to them in England and Wales by section 34C of the 1988 Act.

Statutory declaration under section 72 or 73 of the Road Traffic Offenders Act 1988

55.4. Where a magistrates' court officer receives a statutory declaration under section 72 or 73 of the Road Traffic Offenders Act 1988(5) (fixed penalty notice or notice fixed to vehicle invalid) he shall send a copy of it to the appropriate chief officer of police.

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- (2) 1988 c. 53; section 42 was amended by regulations 2(2) and 3 and paragraph 9 of Schedule 2 to, S.I. 1990/144, section 48 of, and paragraph 98 of Schedule 4 to, the Road Traffic Act 1991 (c. 40) and section 9(6) of, and paragraphs 2 and 8 of Schedule 2 to, the Road Safety Act 2006 (c. 49). It is further amended by sections 10(12) and 59 of, and paragraphs 30 and 40 of Schedule 3, and Schedule 7 to, the Road Safety Act 2006 (c. 49), with effect from a date to be appointed.
 - (3) 1988 c. 54.
 - (4) 1988 c. 53; section 34B was inserted by the Road Traffic Act 1991 (c. 40) and amended by paragraphs 140, 145 and 146 of Schedule 13 and Part V of Schedule 15 to, the Access to Justice Act 1999 (c. 22). Section 34B is substituted by provision in section 35 of the Road Safety Act 2006 (c. 49), with effect from a date to be appointed.
 - (5) 1988 c. 53; section 72 was amended by regulations 2(2) and 3 of, and paragraph 20 of Schedule 2 to S.I. 1990/144, section 90 of, and paragraphs 140 and 151 of Schedule 13 to, the Access to Justice Act 1999 (c. 22) and sections 5 and 9 of, and paragraphs 1 and 13 of Schedule 1 and paragraphs 2 and 23 of Schedule 2 to, the Road Safety Act 2006 (c. 49). It is further amended by sections 10 and 59 of, and paragraphs 30 and 50 of Schedule 3, and Schedule 7 to, the Road Safety Act 2006 (c. 49), with effect from a date to be appointed. Section 73 was amended by section 90 of, and paragraphs 140 and 151 of Schedule 13 to, the Access to Justice Act 1999 (c. 22) and sections 5 and 59 of, and paragraphs 1 and 14 of Schedule 1 and Schedule 7 to, the Road Safety Act 2006 (c. 49).

Appeal against recognition of foreign driving disqualification

- 55.5.**—(1) This rule applies where—
- (a) a minister gives a disqualification notice under section 57 of the Crime (International Co-operation) Act 2003⁽⁶⁾; and
 - (b) the person to whom it is given wants to appeal under section 59 of the Act⁽⁷⁾ to a magistrates' court.
- (2) That person ('the appellant') must serve an appeal notice on—
- (a) the court officer, at a magistrates' court in the local justice area in which the appellant lives; and
 - (b) the minister, at the address given in the disqualification notice.
- (3) The appellant must serve the appeal notice within the period for which section 59 of the 2003 Act provides.
- (4) The appeal notice must—
- (a) attach a copy of the disqualification notice;
 - (b) explain which of the conditions in section 56 of the 2003 Act is not met, and why section 57 of the Act therefore does not apply; and
 - (c) include any application to suspend the disqualification, under section 60 of the Act⁽⁸⁾.
- (5) The minister may serve a respondent's notice, and must do so if—
- (a) the minister wants to make representations to the court; or
 - (b) the court so directs.
- (6) The minister must—
- (a) unless the court otherwise directs, serve any such respondent's notice not more than 14 days after—
 - (i) the appellant serves the appeal notice, or
 - (ii) a direction to do so;
 - (b) in any such respondent's notice—
 - (i) identify the grounds of opposition on which the minister relies,
 - (ii) summarise any relevant facts not already included in the disqualification and appeal notices, and
 - (iii) identify any other document that the minister thinks the court will need to decide the appeal (and serve any such document with the notice).
- (7) Where the court determines an appeal—
- (a) the general rule is that it will do so at a hearing (which will be in public, unless the court otherwise directs); but
 - (b) it may do so without a hearing.
- (8) The court officer must serve on the minister—
- (a) notice of the outcome of the appeal; and
 - (b) notice of any suspension of the disqualification; and
 - (c) the appellant's driving licence, if surrendered to the court officer.

⁽⁶⁾ 2003 c. 32.

⁽⁷⁾ 2003 c. 32; section 59 was amended by article 2 of, and paragraph 97 of the Schedule to, S.I. 2008/3009.

⁽⁸⁾ 2003 c. 32; section 60 was amended by section 40(4) of, and paragraph 79 of Schedule 9 to, the Constitutional Reform Act 2005 (c. 4).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

[Note. Section 56 of the Crime (International Co-operation) Act 2003 sets out the conditions for recognition in the United Kingdom of a foreign driving disqualification, and provides that section 57 of the Act applies where they are met. Under section 57, the appropriate minister may, and in some cases must, give the person concerned notice that he or she is disqualified in the UK, too, and for what period.

Under section 59 of the 2003 Act, that person may appeal to a magistrates' court. If the court is satisfied that section 57 of the Act does not apply in that person's case, the court must allow the appeal and notify the minister. Otherwise, it must dismiss the appeal.

The time limit for appeal under section 59 of the 2003 Act is the end of the period of 21 days beginning with the day on which the minister gives the notice under section 57. That period may be neither extended nor shortened.

Under section 60 of the 2003 Act, the court may suspend the disqualification, on such terms as it thinks fit.

Under section 63 of the 2003 Act⁽⁹⁾, it is an offence for a person to whom the minister gives a notice under section 57 not to surrender any licence that he or she holds within the same period as for an appeal.]

(9) [2003 c. 32](#); section 63 is to be amended by sections 10(12) and 59 of, and paragraphs 74 and 75 of Schedule 3, and Schedule 7 to, the Road Safety Act [2006 \(c. 49\)](#).