



Crime (International Co-operation) Act 2003

2003 CHAPTER 32

PART 3

ROAD TRAFFIC

CHAPTER 2

MUTUAL RECOGNITION WITHIN THE UNITED KINGDOM ETC.

79 Disability and prospective disability

- (1) The Road Traffic Act 1988 (c. 52) is amended as follows.
- (2) After section 109A (as inserted by section 77 of this Act) there is inserted—

“109B Revocation of authorisation conferred by Northern Ireland licence because of disability or prospective disability

- (1) If the Secretary of State is at any time satisfied on inquiry—
 - (a) that a Northern Ireland licence holder is suffering from a relevant disability, and
 - (b) that he would be required by virtue of section 92(3) of this Act to refuse an application made by the holder at that time for a licence authorising him to drive a vehicle of the class in respect of which his Northern Ireland licence was issued or a class corresponding to that class,

he may serve notice in writing requiring the licence holder to deliver immediately to the Secretary of State his Northern Ireland licence together with its Northern Ireland counterpart and its counterpart (if any) issued to him under this Part of this Act (“the relevant counterparts”).

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- (2) If the Secretary of State is satisfied on inquiry that a Northern Ireland licence holder is suffering from a prospective disability, he may—
- (a) serve notice in writing on the Northern Ireland licence holder requiring him to deliver immediately to the Secretary of State his Northern Ireland licence together with the relevant counterparts, and
 - (b) on receipt of the Northern Ireland licence and those counterparts and of an application made for the purposes of this subsection, grant to the Northern Ireland licence holder, free of charge, a licence for a period determined by the Secretary of State under section 99(1)(b) of this Act.
- (3) The Secretary of State may require a person to provide—
- (a) evidence of his name, address, sex and date and place of birth, and
 - (b) a photograph which is a current likeness of him,
- before granting a licence to him on an application for the purposes of subsection (2) above.
- (4) A person who—
- (a) is required under, or by virtue of, this section to deliver to the Secretary of State his Northern Ireland licence and the relevant counterparts, but
 - (b) without reasonable excuse, fails to do so,
- is guilty of an offence.
- (5) Where a Northern Ireland licence holder to whom a counterpart is issued under section 109A of this Act—
- (a) is required under, or by virtue of, this section to deliver his Northern Ireland licence and that counterpart to the Secretary of State, and
 - (b) is not in possession of them in consequence of the fact that he has surrendered them to a constable or authorised person (within the meaning of Part 3 of the Road Traffic Offenders Act 1988) on receiving a fixed penalty notice given to him under section 54 of that Act,
- he does not fail to comply with any such requirement if he delivers them to the Secretary of State immediately on their return.
- (6) Where a Northern Ireland licence holder is served with a notice in pursuance of this section, he shall cease to be authorised by virtue of section 109(1) of this Act to drive in Great Britain a motor vehicle of any class from such date as may be specified in the notice, not being earlier than the date of service of the notice.
- (7) Where a Northern Ireland licence is delivered to the Secretary of State in pursuance of this section, he must—
- (a) send the licence and its Northern Ireland counterpart to the licensing authority in Northern Ireland, and
 - (b) explain to them his reasons for so doing.

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109C Information relating to disabilities etc

Section 94 of this Act shall apply to a Northern Ireland licence holder who is normally resident in Great Britain as if—

- (a) in subsection (1), for the words from the beginning to “aware” there were substituted “ If a Northern Ireland licence holder who is authorised by virtue of section 109(1) of this Act to drive in Great Britain a motor vehicle of any class, is aware immediately before the relevant date, or becomes aware on or after that date ”,
- (b) after that subsection there were inserted—

“(1A) For the purposes of subsection (1) “relevant date” means—

- (a) in the case where the licence holder first became normally resident in Great Britain on or before the date on which section 79 of the Crime (International Co-operation) Act 2003 comes into force, that date; and
- (b) in any other case, the date on which he first became so resident.”,
- (c) for subsection (3A) there were substituted—

“(3A) A person who—

- (a) is authorised by virtue of section 109(1) of this Act to drive in Great Britain a motor vehicle of any class, and
- (b) drives on a road a motor vehicle of that class,
is guilty of an offence if at any earlier time while he was so authorised he was required by subsection (1) above to notify the Secretary of State but has failed without reasonable excuse to do so.”,
- (d) in subsection (4), the words “an applicant for, or” (in both places) were omitted,
- (e) in subsection (5), the words “applicant or” and the words from the beginning of paragraph (c) to “provisional licence” were omitted,
- (f) in subsection (6)(b), the words “applicant or” (in both places) were omitted,
- (g) in subsection (7), the words “applicant or” were omitted, and
- (h) in subsection (8)—
 - (i) for “93” there were substituted “ 109B ”, and
 - (ii) the words “applicant or” (in both places) were omitted.”

(3) In section 93 (revocation of licence because of disability or prospective disability)—

- (a) in subsection (2A), at the end there is inserted “ or subsection (6) below ”,
- (b) at the end there is inserted—

“(5) Where the Secretary of State—

- (a) is at any time sent by the licensing authority in Northern Ireland a licence under a provision of Northern Ireland law corresponding to section 109B of this Act, and
- (b) by virtue of the reasons given by that authority for sending the licence is at that time satisfied as mentioned in subsection (1)

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(a) and (b) above or that the licence holder is suffering from a prospective disability,

the Secretary of State may serve notice in writing on the licence holder revoking the licence with effect from such date as may be specified in the notice, not being earlier than the date of service of the notice.

(6) Where the reasons given by the licensing authority in Northern Ireland for sending the licence relate to a prospective disability of the holder, the Secretary of State may, on an application made for the purposes of this subsection, grant to the holder, free of charge, a new licence for a period determined by the Secretary of State under section 99(1)(b) of this Act.”

Commencement Information

II S. 79 in force at 11.10.2004 by [S.I. 2004/2624](#), **art. 2(1)(2)(a)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4A4B inserted by [2003 c. 44 Sch. 36 para. 16](#)