

# CRIMINAL JUSTICE AND COURTS ACT 2015

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 1 – Criminal Justice

#### Driving offences

#### *Section 31: Mutual recognition of driving disqualification in UK and Republic of Ireland*

303. *Section 31* gives effect to a proposed new bilateral agreement between the UK and the Republic of Ireland (“RoI”) which will permit mutual recognition of driving disqualifications between the two states. Section 31 amends Chapter 1 of Part 3 of the Crime (International Co-operation) Act 2003 (“CICA 2003”). That Chapter was enacted to implement the European Convention on Driving Disqualifications 1998 (“the Convention”). The RoI and the UK are the only signatories to the Convention and so it has been commenced only in relation to mutual recognition of driving disqualifications between the UK and the RoI.
304. *Subsection (2)* of this section amends the heading of Chapter 1 of Part 3 of the CICA 2003 to read “Mutual recognition of driving disqualification in the UK and Republic of Ireland”.
305. *Subsection (3)* amends the duty on the UK in section 54 of the CICA 2003 to give notice of a driving disqualification to the authorities in the RoI where a disqualification has been imposed on an offender in the UK. New section 54(1)(aa) of that Act provides that the obligation arises only if the offender is resident in the RoI, or if the offender is not normally resident in the RoI but holds an RoI driving licence. The disqualification would only be notified to the RoI where it related to a qualifying UK road traffic offence as set out in Schedule 3 to the CICA 2003 (Great Britain offences) or in new Schedule 3A to that Act (Northern Ireland offences) (inserted by Schedule 7).
306. *Subsection (4)* amends section 56(1) of the CICA 2003 to require the UK to recognise a driving disqualification if an offender is disqualified in the RoI following conviction for a qualifying road traffic offence as set out in the new Schedule 3B to that Act (inserted by Schedule 7). The obligation to recognise the disqualification would only arise where the offender is normally resident in the UK, or is not normally resident in the UK but holds a Great Britain or Northern Ireland licence.
307. *Subsection (5)* inserts a new section after section 71 of the CICA 2003 to define the term “the specified agreement on driving disqualifications”. This agreement can only be an agreement between the UK and the RoI to mutually recognise driving disqualifications imposed in either state.