



# 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.”

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, Cross Heading: Driving offences. (See end of Document for details)*

(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 3ZD	Causing death by driving: disqualified drivers	On indictment	10 years or a fine or both	Obligatory	Obligatory	3-11	
RTA section 3ZE	Causing serious injury by driving: disqualified drivers	(a) Summarily	(a) conviction in England and Wales: 12 months or a fine or both. On conviction in Scotland: 12 months or the statutory maximum or both.	On	Obligatory	Obligatory	3-11
		(b) 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 [F1 2 May 2022], the reference in column 4 to [F2 the general limit in a magistrates’ court] 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.

#### Textual Amendments

- F1** Words in s. 29(3)(a) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022](#) (S.I. 2022/500), regs. 1(2), 5(1), [Sch. Pt. 1](#)
- F2** Words in s. 29(3)(a) substituted (E.W.) (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates’ Court Sentencing Powers\) Regulations 2023](#) (S.I. 2023/149), regs. 1(2), 2(1), [Sch. Pt. 1](#) table

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#### Commencement Information

**I1** S. 29 in force at 13.4.2015 by [S.I. 2015/778, art. 3, Sch. 1 para. 24](#)

### **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.

#### Commencement Information

**I2** S. 30 in force at 13.4.2015 by [S.I. 2015/778, art. 3, Sch. 1 para. 25](#)

### **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—

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- (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.

**Commencement Information**

- I3** S. 31 partly in force at Royal Assent; s. 31(6)(b) in force at Royal Assent, see s. 95(1)(4)
- I4** S. 31(1)-(4) in force in accordance with art. 3(1)(3) of the commencing S.I. by [S.I. 2017/189](#), [art. 3\(2\)](#)
- I5** S. 31(5) in force at 23.2.2017 for specified purposes and otherwise in force in accordance with art. 3(1)(3) of the commencing S.I. by [S.I. 2017/189](#), [arts. 2, 3\(2\)](#)
- I6** S. 31(6)(a) in force at 23.2.2017 for specified purposes and otherwise in force in accordance with art. 3(1)(3) of the commencing S.I. by [S.I. 2017/189](#), [arts. 2, 3\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015,  
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