

SCHEDULES

SCHEDULE 10

Section 96

SURRENDER OF LICENCES: MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS TO THE ROAD TRAFFIC OFFENDERS ACT 1988

- 1 The Road Traffic Offenders Act 1988 is amended as follows.
- 2 (1) Section 2 (requirement of warning etc: supplementary) is amended as follows.
 - (2) In subsection (2)—
 - (a) omit “, or” at the end of paragraph (a);
 - (b) omit paragraph (b).
- 3 (1) Section 26 (interim disqualification) is amended as follows.
 - (2) In subsection (8), omit “has not caused it to be delivered, or has not posted it, in accordance with section 7 of this Act and”.
 - (3) In subsection (9)—
 - (a) omit “, or” at the end of paragraph (a);
 - (b) omit paragraph (b).
- 4 (1) Section 27 (production of licence) is amended as follows.
 - (2) In subsection (3), omit “has not caused it to be delivered, or posted it, in accordance with section 7 of this Act and”.
 - (3) Omit subsection (4) (which has already been repealed as it extends to Scotland).
 - (4) Omit subsections (4A) and (5).
- 5 (1) Section 47 (supplementary provisions as to disqualifications and endorsements) is amended as follows.
 - (2) In subsection (2), omit “a court orders the endorsement of a person’s driving record it may, and where”.
 - (3) Omit subsection (2A).
- 6 Omit section 56 (licence receipts).
- 7 (1) Section 57A (endorsement of driving records without hearings) is amended as follows.
 - (2) In subsection (3)—
 - (a) after “penalty is made” insert “in accordance with this Part”;

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- (b) omit “and return to that person any licence surrendered by him under section 54 of this Act”.
- (3) In subsection (4), omit “and return to that person any licence surrendered by him under section 54 of this Act”.
- (4) In subsection (5)(b), after “him” insert “in accordance with this Part”.
- 8 (1) Section 61A (fixed penalty notice mistakenly given: exclusion of fixed penalty procedures) is amended as follows.
- (2) In subsection (3), omit “and send the chief officer of police any licence sent to him under section 54(7) of this Act”.
- 9 (1) Section 69 (payment of penalty) is amended as follows.
- (2) In subsection (1), omit “or authorised person”.
- 10 (1) Section 70 (registration certificates) is amended as follows.
- (2) In subsection (2A)(a), omit “or given by an authorised person”.
- (3) In subsection (3A)(a), omit “or given by an authorised person”.
- 11 (1) Section 79 (statements by constables) is amended as follows.
- (2) In subsection (1), omit “or a notice under section 54(5) of this Act”.
- (3) In subsection (6)—
- (a) omit “, and” at the end of paragraph (a);
- (b) omit paragraph (b).
- 12 In section 80 (certificates about payment)—
- (a) in the heading, after “payment” insert “etc”;
- (b) after paragraph (b) insert “, or
- (c) that the identification requirements specified in section 69(3C) or 75(8B) have been fulfilled,”;
- (c) in the words after paragraph (b), for “it” substitute “the penalty”.
- 13 (1) In section 84(a) (regulations), omit “54(5), 56,”.
- (2) The reference in sub-paragraph (1) of this paragraph to section 84(a) is to be read as a reference to section 84(1)(a), if the condition in sub-paragraph (3) is met.
- (3) The condition is that section 16(3) of the Domestic Violence, Crime and Victims Act 2004 (which amends section 84) comes into force before the repeal of section 54(5) of the Road Traffic Offenders Act 1988 made by section 93(3)(b) of this Act.
- 14 (1) Section 89 (interpretation) is amended as follows.
- (2) In subsection (1), omit the definition of “authorised person”.
- (3) In subsection (1), in the definition of “chief officer of police”, omit “(except in the definition of “authorised person”)”.
- 15 (1) Section 90 (index to Part 3) is amended as follows.
- (2) In the table, omit the entry for “authorised person”.

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- 16 In section 91ZA(1) (application to Northern Ireland licence holders), after paragraph (c) insert—
“(ca) section 37A.”
- 17 In section 91A(1) (application to Community licence holders)—
(a) omit “and (9)(b).”;
(b) for “and 27” substitute “, 27 and 37A”.
- 18 (1) Schedule 1 (offences to which sections 1, 6, 11 and 12(1) apply) is amended as follows.
(2) In paragraph 2(a), after “section” insert “37A or”.
(3) In paragraph 2(d)—
(a) after “under” insert “section 3A(2) or”;
(b) for “3(5)” substitute “5A(2) or 8A(2)”.
- 19 In Part 1 of Schedule 2 (prosecution and punishment of offences), in the entry relating to section 27 of the Road Traffic Offenders Act 1988, for the words in column 2 (general nature of offence) substitute—

“Failing to produce licence to court when required to do so.”
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PART 2

AMENDMENTS TO OTHER ACTS

Road Traffic Act 1988 (c. 52)

- 20 The Road Traffic Act 1988 is amended as follows.
- 21 In section 93 (revocation of licence because of disability or prospective disability), omit subsection (4).
- 22 In section 99 (duration of licences), omit subsection (6).
- 23 (1) Section 164 (power of constables to require production of driving licence and in certain cases statement of date of birth) is amended as follows.
(2) After subsection (5), insert—
“(5A) If a person is required to surrender the person’s licence or test certificate to the Secretary of State under—
(a) section 37A of the Road Traffic Offenders Act 1988, or
(b) section 3A of, or paragraph 5A or 8A of Schedule 1 to, the Road Traffic (New Drivers) Act 1995,
and fails to do so, a constable or vehicle examiner may require the person to produce the licence or test certificate and, upon its being produced, may seize it and deliver it to the Secretary of State.
(5B) In subsection (5A), “test certificate” has the same meaning as in Schedule 1 to the Road Traffic (New Drivers) Act 1995.”

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- (3) In subsection (6), for “(7) to” substitute “(8) and”.
 - (4) Omit subsection (7).
- 24 In section 166 (powers of certain officers as respects goods vehicles and passenger-carrying vehicles), for “164(1) or (3)” substitute “164(1), (3) or (5A)”.

Crime (International Co-operation) Act 2003 (c. 32)

- 25 In section 63 of the Crime (International Co-operation) Act 2003 (production of licence: Great Britain), omit subsection (3).

PART 3

CONSEQUENTIAL REPEALS OF AMENDING ENACTMENTS

Road Traffic (New Drivers) Act 1995 (c. 13)

- 26 In Schedule 2 to the Road Traffic (New Drivers) Act 1995, omit paragraph 4 (which amends section 47 of the Road Traffic Offenders Act 1988).

Access to Justice Act 1999 (c. 22)

- 27 In Schedule 13 to the Access to Justice Act 1999, omit—
- (a) paragraph 141 (which amends section 7 of the Road Traffic Offenders Act 1988);
 - (b) paragraph 144 (which amends section 27 of that Act);
 - (c) paragraph 173 (which amends paragraph 3 of Schedule 1 to the Road Traffic (New Drivers) Act 1995).

Police Reform Act 2002 (c. 30)

- 28 In section 76 of the Police Reform Act 2002, omit subsection (2) (which amends section 54 of the Road Traffic Offenders Act 1988).

Courts Act 2003 (c. 39)

- 29 In Schedule 8 to the Courts Act 2003, omit—
- (a) paragraph 310 (which amends section 7 of the Road Traffic Offenders Act 1988);
 - (b) paragraph 313 (which amends section 27 of that Act);
 - (c) paragraph 365 (which amends paragraph 3 of Schedule 1 to the Road Traffic (New Drivers) Act 1995).

Road Safety Act 2006 (c. 49)

- 30 The Road Safety Act 2006 is amended as follows.
- 31 In section 10, omit—
- (a) subsections (5) and (6) (which amend section 54 of the Road Traffic Offenders Act 1988);

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- (b) subsections (10) and (11) (which amend section 57A of that Act).
- 32 In Schedule 1, omit—
- (a) paragraph 3(8) (which amends section 54 of the Road Traffic Offenders Act 1988);
 - (b) paragraph 4 (which amends section 56 of that Act);
 - (c) paragraph 18(5) (which amends section 79 of that Act);
 - (d) paragraph 25 (which amends section 2 of the Road Traffic (New Drivers) Act 1995);
 - (e) paragraph 26(3) and (4) (which amend section 3 of that Act);
 - (f) paragraph 27(2), (3), (4), (5)(a) and (b), (6), (7), (8)(a) and (b), (9) and (10) (which amend Schedule 1 to that Act).
- 33 In Schedule 2, omit paragraph 25(2)(b) (which amends section 76 of the Road Traffic Offenders Act 1988).
- 34 In Schedule 3, omit—
- (a) paragraph 5(3) and (4) (which amend section 93 of the Road Traffic Act 1988);
 - (b) paragraph 9(5) (which amends section 99 of that Act);
 - (c) paragraph 26(6) (which amends section 164 of that Act);
 - (d) paragraph 32(3) and (4) (which amend section 26 of the Road Traffic Offenders Act 1988);
 - (e) paragraph 33(5) (which amends section 27 of that Act);
 - (f) paragraph 44(3) (which amends section 47 of that Act);
 - (g) paragraph 46 (which amends section 56 of that Act);
 - (h) paragraph 49(3) (which amends section 61A of that Act);
 - (i) paragraph 54 (which amends section 77A of that Act);
 - (j) paragraph 67(2), (3)(a) and (b) and (4) (which amend section 2 of the Road Traffic (New Drivers) Act 1995);
 - (k) paragraph 68 (which amends section 3 of that Act);
 - (l) paragraph 70 (which amends Schedule 1 to that Act).

Criminal Justice and Courts Act 2015 (c. 2)

- 35 In Schedule 11 to the Criminal Justice and Courts Act 2015, omit—
- (a) paragraph 9 (which amends section 7 of the Road Traffic Offenders Act 1988);
 - (b) paragraph 11 (which amends section 27 of that Act).