

**2015 No. 560 (C. 29)**

**ROAD TRAFFIC**

**The Road Safety Act 2006 (Commencement No. 11 and  
Transitional Provisions) Order 2015**

*Made* - - - -

*3rd March 2015*

The Secretary of State, in exercise of the powers conferred by section 61(1), (2) and (6) of the Road Safety Act 2006(a), makes the following Order.

**PART 1**

**Citation and Interpretation**

**Citation**

1. This Order may be cited as the Road Safety Act 2006 (Commencement No. 11 and Transitional Provisions) Order 2015.

**Interpretation**

2. In this Order—

“the RTA” means the Road Traffic Act 1988(b);

“the RTOA” means the Road Traffic Offenders Act 1988(c);

“Commencement Date” means 8th June 2015;

“Community counterpart” means the document referred to as a “counterpart” issued by the Secretary of State to a Community licence holder under section 99B(d) of the RTA (as that section stood prior to this Order coming into force) and “Community licence” means the same as “Community licence” in section 108(e) of the RTA;

“conditional offer” means a conditional offer made under section 75(f) of the RTOA;

“Counterpart” means the document, issued with a driving licence by the Secretary of State under the RTA, designed for the endorsement of particulars related to the driving licence;

“driving licence” means a licence to drive a motor vehicle granted under Part 3 of the RTA;

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(a) 2006 c. 49.

(b) 1988 c. 52.

(c) 1988 c. 53.

(d) Section 99B of the Road Traffic Act 1988 was inserted by S.I. 1996/1974.

(e) The definition of “Community licence” in section 108 of the Road Traffic Act 1988 was amended by S.I. 1996/1974.

(f) Section 75 of the Road Traffic Offenders Act 1988 was substituted by section 34 of the Road Traffic Act 1991 (c. 40) and subsequently amended by paragraph 153 of Schedule 13 to the Access to Justice Act 1999 (c. 22), section 76 of the Police Reform Act 2002 (c. 30), section 69 of the Railways and Transport Safety Act 2003 (c. 20), paragraph 319 of Schedule 8 to the Courts Act 2003 (c. 39) and paragraph 15 of Schedule 1 and paragraph 24 of Schedule 2 to the Road Safety Act.

“driving record” means the same as “driving record” in section 97A(a) of the RTOA;  
“disqualification” means the same as “disqualification” in section 98(1) of the RTOA;  
“fixed penalty notice” means the same as “fixed penalty notice” in section 52(b) of the RTOA;  
“section 109A counterpart” means the document referred to as a “counterpart” issued to the holder of a Northern Ireland licence by the Secretary of State under section 109A(c) of the RTA (as that section stood prior to this Order coming into force) and “Northern Ireland licence” means the same as “Northern Ireland licence” in section 108(d) of the RTA;  
“traffic commissioner” means a commissioner appointed under section 4 of the Public Passenger Vehicles Act 1981(e).

## PART 2

### Provisions coming into force

#### Provisions coming into force

3. The following provisions come into force on the Commencement Date—
- (a) section 10 of the Road Safety Act 2006, and accordingly Schedule 3, apart from—
    - (i) paragraph 6(2)(b) and 6(3);
    - (ii) paragraph 8;
    - (iii) paragraph 10;
    - (iv) paragraph 24;
    - (v) paragraph 25;
    - (vi) paragraph 28(3);
    - (vii) paragraph 59(2);
    - (viii) paragraph 76;
    - (ix) paragraph 77(3);
    - (x) paragraph 78;
    - (xi) paragraph 79;of that Schedule;
  - (b) section 59 of the Road Safety Act 2006, in so far as its relates to paragraph 4 of Schedule 7, and accordingly paragraph 4 of Schedule 7, apart from the following entries—
    - (i) paragraphs (b) and (d) of the entry relating to section 97 of the RTA;
    - (ii) the entry relating to section 98A of the RTA;
    - (iii) the entry relating to section 99A of the RTA;
    - (iv) paragraph (a) of the entry relating to section 105(2) of the RTA;
    - (v) the entry relating to section 141A(5) of the RTA 1988;
    - (vi) the entry relating to section 142 of the RTA 1988;

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- (a) Section 97A of the Road Traffic Offenders Act 1988 (c. 53) was inserted by section 8 of the Road Safety Act 2006.
  - (b) Section 52 of the Road Traffic Offenders Act 1988 was amended by paragraph 2 of Schedule 1 to the Road Safety Act 2006 (c. 49) and part 14 of Schedule 1 to the Statute Law (Repeals) Act 2004 (c. 14).
  - (c) Section 109A of the Road Traffic Act 1988 was inserted by section 77 of the Crime (International Co-operation) Act 2003 (c. 32).
  - (d) The definition of “Northern Ireland licence” in section 108 of the Road Traffic Act 1988 was inserted by paragraph 15 of Schedule 3 to the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22) and subsequently amended by paragraph 25 of Schedule 5 to the Crime (International Co-operation) Act 2003.
  - (e) Section 4 of the Public Passenger Vehicles Act 1981 (c. 14) was substituted by section 3 of the Transport Act 1985 (c. 67) and amended by sections 2 and 3 of the Local Transport Act 2008 (c. 26).

- (vii) paragraph (c) of the entry relating to Schedule 3 to the Road Traffic (Driver Licensing and Information Systems) Act 1989(a);
  - (viii) the entry relating to section 64 of the Crime (International Co-operation) Act 2003(b);
  - (ix) the entry relating to section 74(1) of the Crime (International Co-operation) Act 2003;
- in that paragraph.

## PART 3

### Transitional Provisions

#### **Applications for licences and counterparts made prior to the Commencement Date**

**4.**—(1) Where, prior to the Commencement Date, a person made an application for a new or replacement driving licence and Counterpart and that new or replacement driving licence and Counterpart have not been issued prior to the Commencement Date, the Secretary of State may treat such an application as an application for a new or replacement driving licence only.

(2) Where, prior to the Commencement Date, a person made an application for a new or replacement Community counterpart and that new or replacement Community counterpart has not been issued prior to the Commencement Date, the application may be treated as the provision of information to the Secretary of State by the Community licence holder under section 99B of the RTA (as amended by the provisions commenced in this Order) and a new or replacement Community counterpart is not required to be issued.

(3) Where, prior to the Commencement Date, a person made an application for a new or replacement section 109A counterpart and that new or replacement section 109A counterpart has not been issued prior to the Commencement Date the application may be treated as the provision of information to the Secretary of State by the Northern Ireland licence holder under section 109A of the RTA (as amended by the provisions commenced in this Order) and a new or replacement section 109A counterpart is not required to be issued.

#### **Counterparts seized or surrendered**

**5.** On or after the Commencement Date a Counterpart, Community counterpart or section 109A counterpart may be destroyed by a court, traffic commissioner or the Secretary of State if it—

- (a) was seized by, surrendered to, produced to or otherwise came to be lawfully held by that court, traffic commissioner or by the Secretary of State prior to the Commencement Date and was not required to be returned prior to the Commencement Date; or
- (b) was seized by, surrendered to, produced to or otherwise came to be lawfully held by that court, traffic commissioner or by the Secretary of State on or after the Commencement Date.

#### **Treatment of endorsements placed on counterparts prior to the Commencement Date**

**6.**—(1) Paragraphs (2) to (5) apply where prior to the Commencement Date endorsements were placed on a person's Counterpart (or in the case of a driving licence which came into force before 1st June 1990 on that driving licence).

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(a) 1989 c.22.  
(b) 2003 c.32.

(2) Those endorsements of particulars, penalty points or disqualifications on a person's Counterpart or driving licence that, in accordance with section 45(a) of the RTOA, remain effective immediately prior to the Commencement Date will be treated on or after the Commencement Date as endorsements entered on that person's driving record.

(3) Those endorsements treated as endorsements entered onto that person's driving record by operation of paragraph (2) will be removed from that person's driving record at the end of the period for which that endorsement remains effective, as determined by section 45A(b) of the RTOA.

(4) Driving licence suspensions endorsed on a person's Counterpart which remain effective immediately before the Commencement Date must be treated on or after the Commencement Date as suspensions endorsed onto that person's driving record.

(5) Where, prior to the Commencement Date, under section 36(10)(c) of the RTOA a person's Counterpart or driving licence was endorsed with the particulars of any test of competence passed after an Order for disqualification was made, that endorsement must be treated on or after the Commencement Date as if it was endorsed on the person's driving record pursuant to section 36(10A) of the RTOA.

(6) Where a person was issued with a Community counterpart prior to the Commencement Date paragraphs (1) to (5) are to apply as if references to a Counterpart were references to a Community counterpart and references to a driving licence are to a Community licence.

(7) Where a person was issued with a section 109A counterpart prior to the Commencement Date paragraphs (1) to (5) are to apply as if references to a Counterpart were references to a section 109A counterpart and references to a driving licence are to a Northern Ireland licence.

### **Offences committed prior to the Commencement Date**

7.—(1) Where on or after the Commencement Date—

- (a) a person receives endorsements, penalty points, or a disqualification (whether as the result of court proceedings, fixed penalty notice procedures, conditional offer procedures, mutual recognition of driving disqualifications or otherwise); and
- (b) those endorsements, penalty points or disqualifications relate to conduct prior to the Commencement Date,

those endorsements, penalty points or disqualifications must be endorsed on that person's driving record and not on that person's Counterpart, Community counterpart or section 109A counterpart.

(2) Paragraph (1) applies notwithstanding anything to the contrary in a fixed penalty notice, notice under section 54(4) of the RTOA(d), conditional offer or other notice or documentation issued to that person in relation to that offence.

### **Endorsements on counterparts found to be void or otherwise successfully challenged after commencement**

8. Where an endorsement that was placed on a person's Counterpart, Community counterpart or section 109A counterpart prior to the Commencement Date is, by operation of law or by decision of a Court, found to be void or otherwise successfully challenged on or after the Commencement Date the endorsements on that person's driving record must be adjusted to reflect this.

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- (a) Section 45 of the Road Traffic Offenders Act 1988 was amended by paragraph 25 of Schedule 3 to the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22), paragraph 99 of Schedule 4 to the Road Traffic Act 1991 (c. 40), sections 14 and 58 of, and paragraph 9 of Schedule 2 and paragraph 1 of Schedule 7 to the Road Safety Act 2006, paragraph 7 of Schedule 27 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) and by S.I. 1990/144.
  - (b) Section 45A of the Road Traffic Offenders Act 1988 was inserted by paragraph 10 of Schedule 2 to the Road Safety Act 2006.
  - (c) Section 36 of the Road Traffic Offenders Act 1988 (c. 53) was substituted by section 32 of the Road Traffic Act 1991 (c. 40); section 36(11) was subsequently amended by S.I. 1996/1974.
  - (d) Section 54(4) of the Road Traffic Offenders Act 1988 (c. 53) was amended by paragraph 3 of Schedule 1 and paragraph 14 of Schedule 2 to the Road Safety Act 2006 (c. 49) and by S.I. 1990/144.

## Requirements to produce licence and counterpart

9.—(1) Where a person—

- (a) by notice, summons, citation or otherwise, was, prior to the Commencement Date, required to surrender, deliver or otherwise produce their driving licence and Counterpart; and
- (b) the time period for that person to surrender, deliver or otherwise produce their driving licence and Counterpart has not expired prior to the Commencement Date,

that person will be deemed to have complied with that requirement if, on or after the Commencement Date, they surrender, deliver or otherwise produce (as applicable) their driving licence without its Counterpart within the time period referred to in paragraph (b).

(2) Where a person—

- (a) by notice, summons, citation or otherwise, was, prior to the Commencement Date, required to surrender, deliver or otherwise produce their driving licence and Counterpart;
- (b) prior to the Commencement Date that person surrendered, delivered or otherwise produced their driving licence but not their Counterpart and at the Commencement Date that licence is still held by the person to whom it was surrendered, delivered or otherwise produced; and
- (c) the time period for that person to surrender, deliver or otherwise produce their driving licence and Counterpart has not expired prior to the Commencement Date,

that person will, on or after the Commencement Date, be deemed to have complied with that requirement on the Commencement Date.

(3) Where a person was issued with a Community counterpart prior to the Commencement Date paragraphs (1) and (2) are to apply as if references to a Counterpart were references to a Community counterpart and references to a driving licence were to a Community licence.

(4) Where a person was issued with a section 109A counterpart prior to the Commencement Date paragraphs (1) and (2) are to apply as if references to a Counterpart were references to a section 109A counterpart and references to a driving licence were to a Northern Ireland licence.

Signed by authority of the Secretary of State for Transport

*Claire Perry*  
Parliamentary Under Secretary of State  
Department for Transport

3rd March 2015

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force section 10 of the Road Safety Act 2006. It also commences Schedule 3 (in part) together with part of Schedule 7. A number of transitional provisions are also made.

Section 10 and Schedule 3 amend the Road Traffic Act 1988 and the Road Traffic Offenders Act 1988 to abolish the driving licence counterpart in Great Britain and contain consequential amendments to other primary legislation. These changes provide that counterparts to driving licences will no longer be issued with driving licences, endorsements will no longer be entered onto counterparts and GB licence holders will no longer be required to retain or produce their counterpart. Endorsements will instead be entered solely onto an individual's electronic driving record (maintained by the Driver and Vehicles Licensing Agency (DVLA) which is an executive agency of the Department for Transport).

The provisions also abolish the Community counterpart (issued by GB authorities to certain community licence holders) and the additional counterpart issued by GB authorities to Northern Irish licence holders under section 109A of the Road Traffic Act 1988.

Part 3 of this Order makes transitional provisions. These provide that, on or after the Commencement Date, endorsements placed on counterparts before that date are to be treated as endorsements placed on driving records.

### **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

*(This note is not part of the Order)*

The following provisions of the Road Safety Act 2006 have been brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 3	5.1.2009	2008/3164
Section 4	31.3.2009	2008/3164
Section 5 (and accordingly Schedule 1)	31.3.2009	2008/3164
Sections 6 and 7	31.3.2009	2008/3164
Section 8	1.4.2009	2008/3164
Section 9 (and accordingly Schedule 2)	1.4.2009	2008/3164
Section 11 (and accordingly Schedule 4)	5.1.2009	2008/3164
Section 12	5.1.2009	2008/3164
Section 13	1.6.2013	2013/1012
Section 14	24.9.2007	2007/2472
Sections 20 and 21	18.8.2008	2008/1918
Section 22(1) and (2)	4.2.2011	2011/19
Section 22(3) (and accordingly Schedule 5)	4.2.2011	2011/19
Section 22(4)	16.5.2011	2011/1119
Section 22(5)	4.2.2011	2011/19
Section 22(6) in so far as it relates to subsection (7)	4.2.2011	2011/19
Section 22(6) in so far as it relates to subsection (8)	16.5.2011	2011/1119
Section 22(7)	4.2.2011	2011/19
Section 22(8) in so far as it relates to paragraph 2(1) to (3) of Schedule 2A to the Road Traffic Offenders Act 1988	16.5.2011	2011/1119
Sections 23 to 25	24.9.2007	2007/2472
Section 26	27.2.2007	2007/237
Sections 27 to 29	24.9.2007	2007/2472
Section 30 in so far as section 3ZA of the Road Traffic Act 1988 has effect for the purposes of Sections 3 and 3A of that Act.	24.9.2007	2007/2472
Section 30, to the extent not already commenced	18.8.2008	2008/1918
Sections 31 to 33	24.9.2007	2007/2472
Section 35 for specified purposes in relation to persons convicted of a relevant drink offence	21.12.2012	2012/2938
Section 35 for all purposes in relation to persons convicted of a relevant drink offence	24.6.2013	2012/2938
Section 36	27.2.2007	2007/237
Section 40	27.2.2007	2007/237
Section 41	24.9.2007	2007/2472
Section 42 in so far as it relates to paragraphs 1 and 24 of Schedule 6 (and accordingly	21.5.2012	2012/1357

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
paragraph 1 of Schedule 6, in so far as it relates to paragraph 24 of that Schedule, and paragraph 24 of that Schedule)		
Section 43	24.9.2007	2007/2472
Section 44 as to England and Wales	16.3.2007	2007/466
Section 45 as to England and Wales	30.7.2008	2008/1862
Section 46	31.7.2008	2008/1864
Section 49A <sup>(a)</sup>	9.2.2009	2009/107
Section 49B <sup>(b)</sup>	9.2.2009	2009/107
Section 50	27.2.2007	2007/237
Section 52 as to England and Wales	16.3.2007	2007/466
Section 53 as to England and Wales	28.1.2008	2007/3492
Section 54 as to England and Wales	31.3.2008	2007/3492
Section 55 as to England and Wales	28.1.2008	2007/3492
Section 59 in so far as it relates to paragraph 1 of Schedule 7 (and accordingly paragraph 1 of Schedule 7)	5.1.2009	2008/3164
Section 59 in so far as it relates to paragraph 2 of Schedule 7 (and accordingly paragraph 2 of Schedule 7)	31.3.2009	2008/3164
Section 59 in so far as it relates to paragraph 3 of Schedule 7 (and accordingly paragraph 3 of Schedule 7)	1.4.2009	2008/3164
Section 59 in so far as it relates to paragraphs 5 and 13 of Schedule 7 (and accordingly paragraphs 5 and 13 of Schedule 7)	24.9.2007	2007/2472
Section 59 in so far as it relates to paragraph 8 of Schedule 7 (and accordingly paragraph 8 of Schedule 7) to the extent that it relates to specified purposes regarding persons convicted of a relevant drink offence	21.12.2012	2012/2938
Section 59 in so far as it relates to paragraph 8 of Schedule 7 (and accordingly paragraph 8 of Schedule 7) to the extent that it relates to persons convicted of a relevant drink offence for all purposes other than those already commenced by Article 2(1)(a) of S.I. 2012/2938 on 21.12.2013.	24.06.2013	2012/2938
Section 59 in so far as it relates to paragraphs 9, 12 and 16 of Schedule 7, (and accordingly paragraphs 9, 12 and 16 of Schedule 7)	27.2.2007	2007/237

<sup>(a)</sup> Section 49A of the Road Safety Act 2006 was inserted by section 129 of the Local Transport Act 2008 (c. 26).

<sup>(b)</sup> Section 49B of the Road Safety Act 2006 was inserted by section 130 of the Local Transport Act 2008.

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