

2022 No. 1187 (C. 91)

ROAD TRAFFIC

**The Police, Crime, Sentencing and Courts Act 2022
(Commencement No. 4 and Transitional Provisions) and Road
Traffic Offenders Act 1988 (Commencement No. 1) Regulations
2022**

Made - - - -

14th November 2022

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 208(1) and (6) of the Police, Crime, Sentencing and Courts Act 2022^(a) and section 99(3), (4) and (6) of the Road Traffic Offenders Act 1988^(b)

PART 1

Citation, Interpretation, Extent and Application

Citation

1. These Regulations may be cited as the Police, Crime, Sentencing and Courts Act 2022 (Commencement No. 4 and Transitional Provisions) and Road Traffic Offenders Act 1988 (Commencement No. 1) Regulations 2022.

Interpretation

2. In these Regulations—

“the 2022 Act” means the Police, Crime, Sentencing and Courts Act 2022;

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

“the RTOA” means the Road Traffic Offenders Act 1988;

“the appropriate person” has the meaning given in section 75(11A) of the RTOA^(d);

“authorised person” has the meaning given in section 54(9) of the RTOA^(e);

“Commencement Date” means 30th November 2022;

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

^(a) 2022 c. 32.

^(b) 1988 c. 53. Section 99 was amended by Schedule 1 to the Statute Law (Repeals) Act 2004 (c. 14).

^(c) 1988 c. 52.

^(d) Section 75(11A) was inserted by section 5 of, and Schedule 1 to, the Road Safety Act 2006 (c. 49).

^(e) Section 54(9) was amended by section 76(2) of the Police Reform Act 2002 (c. 30).

^(f) Section 75 was substituted by section 34 of the Road Traffic Act 1991 (c. 40) and subsequently amended by paragraphs 140 and 153 of Schedule 13 to the Access to Justice Act 1999 (c. 22), section 76 and 108 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), sections 5, 9, 10 and 59 of, and paragraphs 1 and 15 of Schedule 1, paragraphs 2 and 24 of Schedule 2, and paragraphs

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

“fixed penalty notice” has the meaning given in section 52(a) of the RTOA;

“identification information” means—

- (a) the person’s name and date of birth, and
- (b) if the person is the holder of a licence, the licence number;

“statutory period of compliance” means the end of the period of twenty-eight days following the date on which the conditional offer was issued, or such longer period as may be specified in the conditional offer.

Extent and application

3. These Regulations extend and apply to England and Wales and Scotland, except Regulations 4(b) and 5, which apply to Scotland only.

PART 2

Provisions coming into force on 30th November 2022

The 2022 Act

4. The following provisions of the 2022 Act come into force on 30th November 2022—
- (a) sections 91 to 96, and Schedules 9 and 10 (surrender of driving licences);
 - (b) section 97 (power to issue fixed penalty notices in Scotland).

Section 54 of the RTOA

5. Section 54 of the RTOA (Notices on-the-spot etc.) comes into force on 30th November 2022 for all purposes other than for the purpose of the functions conferred by that section on vehicle examiners.

PART 3

Transitional provisions

Requirement to produce licence to Court

6. Where—
- (a) a person who is the holder of a driving licence was, prior to the Commencement Date, required by notice, summons, citation or otherwise to surrender, deliver, post, or otherwise produce their licence to the court in advance of a hearing, and
 - (b) the hearing date was set for a date on or after the Commencement Date,

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

30 and 51 of Schedule 3 and Schedule 7 to the Road Safety Act 2006 (c. 49), Article 3 and Paragraph 3 of Schedule 2 of S.I. 2015/583, section 39 of the European Union (Withdrawal Agreement) Act 2020 (c. 1), and section 94(2) and 97 of the 2022 Act. There are other amendments, but they are not relevant to these Regulations.

(a) Section 52 of the Road Traffic Offenders Act 1988 was amended by paragraphs 1 and 2 of Schedule 1 to the Road Safety Act 2006 (c. 49), part 14 of Schedule 1 to the Statute Law (Repeals) Act 2004 (c. 14), and section 93(1) and (2) of the Police, Crime, Sentencing and Courts Act 2022 (c. 32).

Notices on-the-spot – police constable

7.—(1) This regulation applies where—

- (a) a person who is a holder of a driving licence, has been issued with a notice by a constable stating that if they deliver the notice and their licence, in person, to a constable or authorised person at the named police station, within seven days, and surrender their licence, they will be given a fixed penalty notice, and
- (b) the seven day period expires on or after the Commencement Date.

(2) Where this regulation applies, the person will be deemed to have delivered and surrendered their licence on the Commencement Date provided they attend the named police station and give the constable or authorised person their identification information, before the seven day period expires.

Notices on-the-spot – vehicle examiner

8.—(1) This regulation applies where, 14 days or less prior to the Commencement Date, a person—

- (a) who is the holder of a driving licence, is stopped at the roadside by a vehicle examiner and asked to produce and surrender their licence for the purpose of being issued with a fixed penalty notice, and
- (b) is unable to produce and surrender their licence.

(2) Where this regulation applies, the person will be deemed to have produced and surrendered their licence, provided they give their identification information to the vehicle examiner at the roadside.

Conditional offer

9.—(1) This regulation applies where—

- (a) a person who is the holder of a driving licence receives or is issued with a conditional offer pursuant to s.75 of the RTOA, and
- (b) the statutory period for compliance expires on or after the Commencement Date.

(2) Where this regulation applies, the person will be deemed to have delivered his licence to the appropriate person on the Commencement Date, where the police or appropriate person have requested and obtained their identification information following payment of the fixed penalty.

Signed by authority of the Secretary of State for Transport

14th November 2022

Richard Holden
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the fourth commencement regulations made under the Police, Crime, Sentencing and Courts Act 2022 (c. 32) (“the 2022 Act”) and the first commencement regulations made under the Road Traffic Offenders Act 1988 (c. 53) (“the RTOA”).

Regulation 4(a) brings into force sections 91 to 96 and Schedules 9 and 10 of the 2022 Act. These provisions amend the RTOA and the Road Traffic (New Drivers) Act 1995 (c. 52) so that driving licences no longer need to be produced or surrendered in relation to court summons, fixed penalty notices or conditional offers received by persons in relation to endorseable road traffic offences. They also make consequential amendments to other primary legislation. These provisions are brought into force on 30th November 2022.

Regulation 4(b) brings into force section 97 of the 2022 Act, which amends section 54 of the RTOA so that it no longer applies to England and Wales only, but to the whole of Great Britain. This provision is brought into force on 30th November 2022.

Regulation 5 brings into force section 54 of the RTOA in relation to Scotland. This section provides for the issue of fixed penalty notices in respect of certain offences. The commencement of this section is brought into force for all purposes other than for the purpose of the functions it confers on vehicle examiners.

Regulations 6 to 9 make a number of transitional provisions in relation to sections 91 to 96 of the 2022 Act. These provide that persons who receive a summons, fixed penalty notice, or conditional offer before the Commencement Date (30th November 2022), but for whom the statutory period for compliance with the requirement to produce or surrender the licence expires on or after commencement, are treated as having complied with that requirement. In relation to fixed penalty notices, and conditional offers, this is dependent on specified information being obtained by the police constable, vehicle examiner, or appropriate person, as required.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Police, Crime, Sentencing and Courts Act 2022 have been brought into force by commencement regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1	28.06.22	2022/520
Section 4(1) and (2) to the extent not already in force	28.06.22	2022/520
Section 4(3) to (8) to the extent not already in force	28.06.22	2022/520
Section 5	26.10.22	2022/1075
Section 6	26.10.22	2022/1075
Section 7	26.10.22	2022/1075
Section 37	08.11.22	2022/1075
Section 38	08.11.22	2022/1075
Section 39	08.11.22	2022/1075
Section 40	08.11.22	2022/1075
Section 41	08.11.22	2022/1075
Section 42(1) to (7)	12.05.22	2022/520
Section 42(8) to (12)	08.11.22	2022/1075
Section 43	08.11.22	2022/1075
Section 44 and Schedule 3	08.11.22	2022/1075
Section 45 and Paragraph 37 of Schedule 4	26.10.22	2022/1075
Section 45 and Schedule 4 to the extent not already in force	28.10.22	
Section 46	28.06.22	2022/520
Section 48	28.06.22	2022/520
Section 49	28.06.22	2022/520
Section 55 and 56(1) and Schedule 6	28.06.22	2022/520
Section 56(2) and 57	28.06.22	2022/520
Sections 62 to 70	01.08.22	2022/520
Sections 73(1) to (4), 74(1) to (6) and 75	28.06.22, 28.06.22	2022/520, 2022/680
Sections 73(5), 74(7), 76 to 79, 82 and Schedule 7	28.06.22 28.06.22	2022/520, 2022/680

Section 80	12.05.22	2022/520
Section 89	26.10.22	2022/1075
Section 90 to the extent not already in force	28.06.22	2022/520
Section 129(3)(b)(i)	28.06.22	2022/520
Section 129(1), (3)(a), (c) and (d)	28.06.22	2022/520
Sections 133, 134, 136(1) to (6), 137(1) to (2) and 139	28.06.22	2022/520
Sections 136(7) and 137(3)	28.06.22	2022/520
Section 152 and Schedule 13	28.06.22	2022/520, 2022/680
Section 155	28.06.22	2022/520
Section 156	28.06.22	2022/520
Section 167 to the extent not already in force	28.06.22	2022/520
Section 172(1) to (4) and (11)	28.06.22	2022/520
Section 190 to the extent not already in force	29.06.22	2022/520
Section 192	29.06.22	2022/520
Section 201(2) except Rule 2 of the Employment Appeal Tribunal (Coronavirus) (Amendment) Rules 2020; Rule 1(2) of the Tribunal Procedure (Coronavirus) (Amendment) Rules 2020; and Rule 1(2) of the Tribunal Procedure (Amendment) Rules 2020.	28.06.22	2022/704

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