STATUTORY RULES OF NORTHERN IRELAND

2008 No. 458

ROAD TRAFFIC

The Mutual Recognition of Driving Disqualifications (Northern Ireland and Ireland) Regulations (Northern Ireland) 2008

Made - - - - 21st November 2008

Coming into operation in accordance with regulation 1(1)

The Department of the Environment makes the following Regulations in exercise of the powers conferred by sections 57(2)(b) and (4)(b) and 73(3) of the Crime (International Co-operation) Act 2003(**a**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Mutual Recognition of Driving Disqualifications (Northern Ireland and Ireland) Regulations (Northern Ireland) 2008 and shall come into operation on the date specified in Article 2(1) of the Crime (International Co-operation) Act 2003 (Commencement No. 4) Order 2008(**b**).

(2) In these Regulations "the Act" means the Crime (International Co-operation) Act 2003.

(3) The Interpretation Act (Northern Ireland) 1954(**c**) applies to these Regulations as it applies to an Act of the Assembly.

Period served in Ireland

2.—(1) Subject to paragraph (2), for the purpose of calculating the unexpired period of foreign disqualification pursuant to section 57(2) of the Act, the period to be treated as having been served in Ireland—

(a) commences on the day the disqualification came into operation in Ireland; and

(b) ends on the day immediately before the beginning of the relevant period of disqualification specified in section 57(5)(a) of the Act.

(2) In determining the period to be treated as having been served in Ireland, any time during which the operation of the disqualification imposed in Ireland is suspended is to be disregarded.

Corresponding prescribed conditions

3. Where the disqualification in Ireland is effective until a driving test condition is satisfied, the corresponding condition, for the purposes of section 57(4)(b) of the Act, is the passing of a prescribed test of competence to drive under Article 5(3) of the Road Traffic (Northern Ireland) Order 1981(**d**).

(**a**) 2003 c. 32 *see* section 74(1) for the definition of "appropriate Minister" and "prescribed"
(**b**) S.I. 2008/3009 (C.130)
(**c**) 1954 c. 33 (N.I.)
(**d**) S.I. 1981/154 (N.I. 1); Article 5(3) was amended by paragraph 3 of Schedule 3 to S.I. 1996/1320 (N.I. 10)

Sealed with the Official Seal of the Department of the Environment on 21st November 2008.



Stanley Duncan
A senior officer of the
Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under Part 3 of the Crime (International Co-operation) Act 2003 ("the Act"), which provides for mutual recognition of driving disqualifications between Member States of the European Union. Part 3 of the Act will be commenced in relation to Ireland on a date to be appointed, which will be advertised in the London, Edinburgh and Belfast Gazettes. The commencement date will also be notified on the Department of the Environment website.

Regulation 2 prescribes the period of disqualification treated as being served in Ireland.

Regulation 3 prescribes a corresponding condition for the purposes of section 57(4)(b) of the Act, namely disqualification pending the passing of a prescribed test of competence to drive under Article 5(3) of the Road Traffic (Northern Ireland) Order 1981.

A Regulatory Impact Assessment has been produced and is available from the Department of the Environment website at www.doeni.gov.uk

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