This Statutory Instrument has been made in consequence of defects in SI 2012 No. 2939 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2015 No. 366

ROAD TRAFFIC

The Rehabilitation Courses (Relevant Drink Offences) (Amendment) Regulations 2015

Made - - - -	*23rd February 2015*
Laid before Parliament	*27th February 2015*
Coming into force - -	*6th April 2015*

The Secretary of State for Transport, in exercise of the powers conferred by sections 34B(3) and (10), 34BA(5) and 34C(4) of the Road Traffic Offenders Act 1988(**a**), makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Rehabilitation Courses (Relevant Drink Offences) (Amendment) Regulations 2015 and come into force on 6th April 2015.

Amendments to the Rehabilitation Courses (Relevant Drink Offences) Regulations 2012

2.—(1) The Rehabilitation Courses (Relevant Drink Offences) Regulations 2012(**b**) are amended as follows.

(2) For the definition of "relevant offender" in paragraph (6) of regulation 5 (fees) substitute—

""relevant offender" means—

(a) in relation to an approved course, a person who has completed that course during the relevant period; or

(b) in relation to a course which ceased during a relevant period to be approved, a person who has completed that course during the period commencing with the start of the relevant period and ending on the date on which approval ceased; and".

(3) For Schedule 1 (Certificate of Completion) substitute the schedule set out in Schedule 1 to these Regulations.

(4) For Schedule 2 (Form of Notice of Non-completion of Course) substitute the schedule set out in Schedule 2 to these Regulations.

(**a**) 1988 c. 53; sections 34B, 34BA and 34C were substituted by section 35 of the Road Safety Act 2006 (c. 49). Section 34BA was amended by S.I. 2009/1885.
(**b**) S.I. 2012/2939.

Signed by authority of the Secretary of State for Transport

Claire Perry
Parliamentary Under Secretary of State
Department for Transport

23rd February 2015

SCHEDULE 1

Regulation 2(3)

Schedule to be substituted for Schedule 1 to the Rehabilitation Courses (Relevant Drink Offences) Regulations 2012.

"SCHEDULE 1

Regulation 10

Certificate of Completion

Driver & Vehicle Standards Agency

Serial Number

Road Traffic Offenders Act 1988 - Courses for Drink-Drive Offenders

Certificate of Completion

This notice is issued under section 34B(1) of the Road Traffic Offenders Act 1988

Details of Participant in Scheme

Name

Date of Birth

Address

Gender M F

Town/City Postcode

Details of Supervising Court

Name of Court

Address

Town/City Postcode

Case Number

Details of Approved Course

Date on which sentence was passed

Date by which course must be completed

Name of approved course provider

Contact telephone number

Certification

The person named above has successfully completed the approved course

Signed by, or on behalf of, approved course provider

Print name

Date

DDR 02/15

"

SCHEDULE 2

Regulation 2(4)

Schedule to be substituted for Schedule 2 to the Rehabilitation Courses (Relevant Drink Offences) Regulations 2012.

"SCHEDULE 2

Regulation 11(a)

Form of Notice of Non-Completion

Driver & Vehicle Standards Agency

Serial Number

Road Traffic Offenders Act 1988 - Courses for Drink-Drive Offenders

Notice of Non-Completion

This notice is issued under section 34B(5) of the Road Traffic Offenders Act 1988

Details of Participant in Scheme

Name

Date of Birth

Address

Gender M F

Town/City Postcode

Details of Supervising Court

Name of Court

Address

Town/City Postcode

Case Number

Details of Approved Course

Date on which sentence was passed

Date by which course must be completed

Name of approved course provider

Contact telephone number

DDR 02/15

Reasons for Decision

An approved course provider must issue a certificate of completion not later than 14 days after the latest date for course completion (specified overleaf) unless the offender: (✓)

fails to make due payment of fees for the course	☐
fails to attend the course in accordance with the approved course provider's reasonable instructions	☐
fails to comply with any other reasonable requirement of the approved course provider	☐

Detailed statement of reasons

Certification

Signed by, or on behalf of, approved course provider	
Print name	
Date	

If you disagree with the approved course provider's decision not to issue a Certificate of Completion you may, within such period as may be prescribed by rules of court, apply to the supervising court (shown overleaf) for a declaration that the approved course provider's decision not to issue a certificate was incorrect. If the court grants the application this has effect as if a Certificate of Completion had been duly received by the officer of the court. In certain cases when this would be more convenient, section 34B(6) of the Road Traffic Offenders Act 1988 allows the application to be made to the relevant local court instead of the supervising court.

DDR 02/15

"

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in consequence of defects in the Rehabilitation Courses (Relevant Drink Offences) Regulations 2012 (the "2012 Regulations"). They also amend the 2012 Regulations in consequence of the merging of the Driving Standards Agency (DSA) and the Vehicle and Operator Services Agency (VOSA) to establish the Driver and Vehicle Standards Agency (DVSA).

The Regulations amend the definition of "relevant offender" in paragraph 6 of regulation 5 of the 2012 Regulations. Regulation 5 of the 2012 Regulations provides for the payment of fees in relation to drink-drive rehabilitation courses. A fee of £1000 is payable on each application. A continuing approval fee is payable by successful applicants following the grant of approval. The continuing approval fee is payable quarterly in arrears and calculated according to the number of offenders completing the course during the previous quarter (£7 per offender).

Regulation 2(2) of these Regulations clarifies the method of calculating the fee payable under the 2012 Regulations in the event that a course ceases to be approved. If a course ceases to be approved, the provider of the course is no longer the provider of an approved course for the purposes of sections 34A to 34C of the Road Traffic Offenders Act 1988 and is then unable to certify that an approved course has been completed. In such a case, the number of relevant offenders to be used in the calculation of the continuing approval fee is the number of offenders who complete an approved course in the period commencing with the start of a relevant period and ending on the date on which approval of the course ceases.

Regulation 2(3) and (4) substitutes the certificate of completion and notice of non-completion in Schedules 1 and 2 to the 2012 Regulations. References to the DSA are replaced with references to the DVSA and other changes of terminology and format are made.

A full Impact Assessment of the effect of the 2012 Regulations on the costs of business and the voluntary sector is available alongside the 2012 Regulations at www.legislation.gov.uk. This instrument clarifies the 2012 Regulations and accordingly no new Impact Assessment is required.

An explanatory memorandum is available alongside this instrument on the website http://www.legislation.gov.uk

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