

## **Criminal Justice and Courts Bill**

### **Mutual Recognition of driving disqualifications between the United Kingdom and the Republic of Ireland (RoI)**

#### **What is the present position?**

1. Residents of the United Kingdom who are disqualified from driving in the Republic of Ireland (RoI) are subject to mutual recognition of the driving disqualification by having their disqualification recognised in the United Kingdom as well. The process is exactly the same for residents of the RoI who are disqualified from driving in the United Kingdom as their disqualification is recognised in Ireland.
2. This is currently carried out under the framework of the European Convention on Driving Disqualifications 1998 (the Convention) which is incorporated into UK primary legislation by The Crime (International Co-operation) Act 2003.

#### **What are the changes?**

3. On 1 December 2014, more than 130 measures agreed before the Lisbon treaty, which affect the administration of justice and the fight against crime in this country, will come under the jurisdiction of the European Court of Justice (ECJ). The UK alone had the right to decide whether or not it wishes to accept ECJ jurisdiction and Commission infraction powers for these instruments. The UK chose not to and exercised the opt-out in July last year, this will take effect on 1 December.
4. The Convention is one of the acts we are not rejoining, and as such mutual recognition of driving disqualifications with the Republic of Ireland will cease to be applied from 1 December 2014, until another mechanism is in place.
5. The clauses will implement the proposed new bilateral treaty by amending the Crime (International Co-operation) Act 2003. They will enable the mutual recognition of driving disqualifications between the UK and the RoI to be similar to those under the Convention.
6. We have taken this opportunity to close a loophole in the wording of the Convention. Driving bans are upheld in the country of "normal residence" of the licence holder: this creates a loophole whereby, for example, an Irish driver disqualified from driving whilst in Great Britain is able to claim residence dishonestly there to avoid the UK notifying Ireland that the driver has been disqualified. The same situation exists for UK drivers disqualified in ROI who claim residence there falsely. We are also updating the list of Northern Irish offences which are mutually recognised with RoI to bring these into line with those Great Britain mutually recognises with RoI.