



Ireland No. 2 (2016)

Agreement

on the Mutual Recognition of Driving Disqualifications between the
United Kingdom of Great Britain and Northern Ireland and Ireland (with
Exchange of Notes)

Dublin, 30 October 2015

[The Agreement is not in force]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
October 2016*



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**AGREEMENT ON THE MUTUAL RECOGNITION OF DRIVING
DISQUALIFICATIONS BETWEEN THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND AND IRELAND**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland;

Desiring to operate bi-lateral arrangements between them on the reciprocal recognition of driving disqualifications,

Have agreed as follows:

ARTICLE 1

The Contracting States agree to cooperate in accordance with their national laws in order to mutually recognise driving disqualifications.

ARTICLE 2

For the purposes of this Agreement:

- (a) “Central authority” and “competent authority” mean the authorities designated as such for the purpose of the Agreement by the State in question and as notified to the other Contracting State;
- (b) “driving disqualification” means any measure related to the commission of a road traffic offence which results in withdrawal or suspension of a right to drive a power driven vehicle and which is no longer subject to a right of appeal;
- (c) “normal residence” has the meaning given by Article 12 of Directive 2006/126/EC;
- (d) “power driven vehicle” has the meaning given by Article 4.1 of Directive 2006/126/EC;
- (e) “Relevant State” means:
 - i) the UK where the road traffic offence is committed in Ireland and the offender has normal residence in the UK or the offender does not have normal residence in the UK but holds a Great Britain or Northern Ireland licence (including a provisional licence); or

- ii) Ireland where the road traffic offence is committed in the UK and the offender has normal residence in Ireland or the offender does not have normal residence in Ireland but holds an Ireland driving licence (including a learner permit);
- (f) “State of the offence” means the Contracting State within the territory of which the road traffic offence occurred; and
- (g) “UK” means United Kingdom of Great Britain and Northern Ireland.

ARTICLE 3

A competent authority of the State of the offence shall notify a driving disqualification imposed by a court in its territory for an offence arising from conduct referred to in the Annex to the Central authority of the Relevant State.

ARTICLE 4

1. After notification of its Central authority in accordance with Article 3 the Relevant State shall give effect to the decision imposing disqualification from driving made in the State of the offence in accordance with the conditions laid down in clause 2.

2. The Relevant State:

- (a) shall take into account any part of the period of the driving disqualification imposed by the State of the offence which has already been served in that State;
- (b) may reduce the duration of the driving disqualification but only to the maximum term provided for acts of the same kind under its national law;
- (c) shall not extend the duration of the driving disqualification imposed by the State of the offence; and
- (d) shall not impose the disqualification beyond the date of the expiration of the disqualification in the State of the offence.

3. When giving effect to a driving disqualification under this Article, the Relevant State shall, where necessary, determine a date from which it will enforce the driving disqualification.

ARTICLE 5

1. The Relevant State shall refuse to give effect to the driving disqualification where:
 - (a) the driving disqualification has already been fully served in the State of the offence;
 - (b) the offender has already had a driving disqualification imposed on him in the Relevant State for the same acts and that disqualification has been or is being served;
 - (c) the period of limitation for prosecuting the offence would have expired under its own legislation; or
 - (d) in the circumstances of the particular case, after receiving any information supplied under Article 6, it considers that the person concerned has not had an adequate opportunity to defend himself.
2. The Relevant State may refuse to give effect to the driving disqualification if:
 - a) the conduct for which the driving disqualification has been imposed in the State of the offence does not constitute an offence under the law of the Relevant State;
 - b) the remaining period of disqualification which could be enforced in the Relevant State is less than three months; or
 - c) driving disqualification is not a measure available under the legislation of the Relevant State for the acts giving rise to the driving disqualification imposed by the State of the offence.

ARTICLE 6

1. The notification referred to in Article 3 shall be accompanied by:
 - a) details allowing the Relevant State to locate the person disqualified from driving;
 - b) the original or a certified copy of the decision imposing a driving disqualification;
 - c) a brief statement of the circumstances and a reference to the legal provisions in the State of the offence on the basis of which the driving disqualification was imposed, if these are not given in the decision;

- d) an attestation that the decision is final;
- e) information regarding the enforcement of the driving disqualification in the State of the offence, including the length of the disqualification and, where known, the dates on which the disqualification starts and expires;
- f) the driving licence, if it has been seized; and
- g) the name, address and date of birth of the offender.

2. Where the person on whom the driving disqualification has been imposed did not appear personally or was not represented at the proceedings, notifications pursuant to Article 3 must be accompanied by evidence that the person has been duly notified of the proceedings in accordance with the law of the State of the offence.

3. If the information communicated in accordance with clauses 1 and 2 is found to be insufficient to allow a decision to give effect to the driving disqualification to be taken, in particular, where in the circumstances of the particular case, there is doubt whether the person concerned has had an adequate opportunity to defend himself, the competent authorities of the Relevant State may request the competent authorities of the State of the offence to provide the necessary supplementary information without delay.

ARTICLE 7

The Relevant State shall inform the State of the offence of any decision taken in respect of a notification given pursuant to Article 3 and in respect of enforcement, and where it refuses to give effect to a driving disqualification pursuant to Article 5, of the reasons for its refusal.

ARTICLE 8

1. The right of the State of the offence to execute in its territory the full period of the driving disqualification determined by the State of the offence shall not be affected by any decision of the Relevant State.

2. When notifying the person concerned of the decision to disqualify, the State of the offence which proposes to apply clause 1 shall at the same time inform the person of this fact, and shall confirm in the notification given in accordance with Article 3 to the Relevant State that it has done so.

ARTICLE 9

Each Contracting State shall adopt the measures necessary to enable it to prohibit the driving of a power driven vehicle in its territory when the driver is disqualified from driving by the Relevant State in implementation of this Agreement.

ARTICLE 10

Costs incurred in implementing this Agreement shall be borne in the Contracting State in which they occur.

ARTICLE 11

Unless requested to do so earlier the Contracting States shall review the implementation of this Agreement 2 years after entry into force of this Agreement, and at any other time both Contracting States otherwise agree to do so.

ARTICLE 12

Any dispute arising from or relating to this Agreement shall be settled through negotiation between the Contracting States.

ARTICLE 13

1. This Agreement shall apply:
 - a) in relation to the United Kingdom to Great Britain and Northern Ireland; and
 - b) to Ireland.
2. References to the territory of a Contracting State shall be construed in accordance with clause 1 of this Article.

ARTICLE 14

1. The Parties shall notify each other in writing when their necessary internal procedures for entry into force have been completed. The Agreement shall enter into force on the date of the later of such notifications, and shall continue in force until terminated.

2. Either of the Contracting States may terminate this Agreement at any time by giving notice to the other through the diplomatic channel; and if such notice is given the Agreement shall cease to have effect six months after the receipt of the notice.

3. This Agreement shall only apply to offences committed after the entry into force of the Agreement.

In witness whereof the undersigned, duly authorised thereto by their respective Governments, have signed this Agreement.

Done in Duplicate at Dublin this thirtieth day of October 2015.

**For the Government of the United
Kingdom of Great Britain and
Northern Ireland:**

DOMINIC CHILCOTT

For the Government of Ireland:

NIALL BURGESS

Annex

Conduct covered by Article 3 of this Agreement

1. Reckless or dangerous driving (whether or not resulting in death, injury or serious risk).
2. Wilful failure to carry out the obligations placed on drivers after being involved in road accidents.
3. Driving a vehicle while under the influence of alcohol or other substances affecting or diminishing the mental and physical abilities of a driver.
4. Refusal to submit to alcohol and drug tests
5. Driving a vehicle faster than the permitted speed
6. Driving a vehicle whilst disqualified.
7. Other conduct constituting an offence for which a driving disqualification has been imposed by the State of the offence:
 - a. of a duration of six months or more, or
 - b. of a duration of less than six months where this has been agreed between the Contracting States.

**EXCHANGE OF NOTES ON THE AGREEMENT ON THE MUTUAL
RECOGNITION OF DRIVING DISQUALIFICATIONS BETWEEN THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
AND IRELAND**

No. 1

Embassy of Ireland in London to the Foreign and Commonwealth office.

21 January 2016

The Embassy of Ireland presents its compliments to the Treaty Section of the Foreign and Commonwealth Office and has the honour to refer to the Agreement on the Mutual Recognition of Driving Disqualifications between Ireland and the United Kingdom of Great Britain and Northern Ireland, which was signed at Dublin on 30 October 2015 (“the Agreement”).

The Embassy has the honour to advise the Treaty Section that an examination of the signed version of the Agreement prepared by Ireland has revealed an error in paragraph 1 of Article 13. The text in the version prepared by Ireland currently reads:

Article 13

1. This Agreement shall apply:
 - a) in relation to Ireland; and
 - b) to the United Kingdom to Great Britain and Northern Ireland.

It is proposed, pursuant to Article 79 of the Vienna Convention on the Law of Treaties, with the consent of the Government of the United Kingdom of Great Britain and Northern Ireland, that this error in the version of the Agreement prepared by Ireland is corrected to read:

Article 13

1. This Agreement shall apply:
 - a) to Ireland; and
 - b) in relation to the United Kingdom to Great Britain and Northern Ireland.

The Embassy refers to the enclosed page from the version of the Agreement prepared by Ireland indicating this change. If the foregoing proposal is acceptable to the Treaty Section of the Foreign and Commonwealth Office, the Embassy of Ireland has the honour to request a reply to that effect confirming acceptance of this course of action.

The Embassy of Ireland avails itself of this opportunity to renew to the Treaty Section of the Foreign and Commonwealth Office the assurances of its highest consideration.”

No. 2

Foreign and Commonwealth office to the Embassy of Ireland in London

21 January 2016

Note No. 001/2016

The Treaty Section of the Foreign and Commonwealth Office presents its compliments to the Embassy of Ireland and has the honour to refer to its Note of 21 January 2016 which reads as follows:

[As in No 1]

The Treaty Section of the Foreign and Commonwealth Office has the honour to inform the Embassy of Ireland that the above proposal is acceptable to the United Kingdom of Great Britain and Northern Ireland and confirms the acceptance of this course of action.

The Treaty Section of the Foreign and Commonwealth Office avails itself of this opportunity to renew to the Embassy of Ireland the assurances of its highest consideration.

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