

2012 No. 2938 (C. 117)

ROAD TRAFFIC

**The Road Safety Act 2006 (Commencement No.9 and
Transitional Provisions) Order 2012**

Made - - - - *22nd November 2012*

The Secretary of State, in exercise of the powers conferred by section 61(1), (2) and (6) of the Road Safety Act 2006(a), makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Road Safety Act 2006 (Commencement No.9 and Transitional Provisions) Order 2012.

(2) In this Order, “the 1988 Act” means the Road Traffic Offenders Act 1988(b).

Provisions coming into force

2.—(1) Section 35 of the Road Safety Act 2006 (reduced disqualification period for attendance on course) comes into force—

- (a) on 21st December 2012 for the purposes of the making of applications for approval, the approval, and the appeal against refusal of approval or conditional approval of courses for persons convicted of a relevant drink offence;
- (b) on 24th June 2013 for all purposes having application where a person is convicted of a relevant drink offence.

(2) Section 59 (repeals and revocations) of the Road Safety Act 2006, in so far as it relates to the provisions of Schedule 7 and the entries in section 8, comes into force—

- (a) on 21st December 2012 to the extent that it relates to the purposes referred to in paragraph (1)(a);
- (b) on 24th June 2013 for the purposes referred to in paragraph (1)(b).

Transitional provisions

3.—(1) Subject to paragraph (2), sections 34B and 34C(1) of the 1988 Act apply in accordance with paragraph (3) to a course which was approved for the purposes of section 34A of the 1988 Act before 21st December 2012 (“an old course”).

(a) 2006 c.49.

(b) 1988 c.53. Sections 34A to 34C were inserted by the Road Traffic Act 1991 (c.40), section 30. Relevant amendments were made by the Access to Justice Act 1999 (c.22), Schedule 13, paragraphs 145 and 146.

(2) Sections 34B and 34C(1) of the 1988 Act do not apply to an old course pursuant to paragraph (1) unless that course remained approved immediately before 24th June 2013.

(3) Sections 34B and 34C(1) of the 1988 Act apply to an old course until 18th August 2013 and for that purpose—

- (a) the course is treated as having been approved by the appropriate national authority under section 34BA of the 1988 Act; and
- (b) the person who was, before 24th June 2013, the course organiser is treated as the course provider.

(4) For the purposes of the application of section 34B of the 1988 Act pursuant to paragraphs (1) to (3)—

- (a) references to “certificate” or “notice” include a certificate or notice (as the case may be) given under section 34B as that section was in force immediately before 24th June 2013;
- (b) references to “the unreduced period” include a period of disqualification imposed under section 34B as that section was in force immediately before 24th June 2013 and references to “the reduced period” include the period of disqualification so imposed as reduced by an order made under that section as then in force; and
- (c) references to “the order” include an order made under section 34A of the 1988 Act as that section was in force immediately before 24th June 2013 and, in relation to such an order, references to “the supervising court” have the meaning given in section 34C(2) of the 1988 Act as that section was in force immediately before 24th June 2013.

(5) For the purposes of the application of subsection (1) of section 34C of the 1988 Act pursuant to paragraphs (1) to (3) the references to guidance given under that subsection are to guidance given under section 34C(1) as that section was in force immediately before 24th June 2013.

Signed by authority of the Secretary of State for Transport

Stephen Hammond
Parliamentary Under Secretary of State
Department for Transport

22nd November 2012

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force section 35 of the Road Safety Act 2006 together with related repeals.

Section 35 substitutes new provisions for the current sections 34A to 34C of the Road Traffic Offenders Act 1988 (“the 1988 Act”), which provide for a reduced period of disqualification for offenders who successfully complete a drink-drive rehabilitation (“DDR”) course under a court order.

Section 35 is brought into force only in so far as sections 34A to 34C of the 1988 Act have application where a person is convicted of a drink-related offence and also in two stages; namely on 21st December 2012 regarding the making of applications for approval of DDR courses, the approval of courses and the appeal against refusal of, or conditional, approval and on 24th June 2013 for all other purposes (regarding drink-related offences) including the making of orders by the court for the completion of DDR courses (*article 2*).

The Order also includes transitional provisions which provide for courses approved before 21st December 2012, and which remain approved until 24th June 2013, to be treated until 18th August 2013 as having been approved under the new provisions and for the application to such courses, and to course organisers, of provisions in respect of the completion of courses and requiring regard to be had to guidance (*article 3*).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Road Safety Act 2006 have been brought into force by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 3	5.1.2009	2008/3164
Section 4	31.3.2009	2008/3164
Section 5 (and accordingly Schedule 1)	31.3.2009	2008/3164
Sections 6 and 7	31.3.2009	2008/3164
Section 8	1.4.2009	2008/3164
Section 9 (and accordingly Schedule 2)	1.4.2009	2008/3164
Section 11 (and accordingly Schedule 4)	5.1.2009	2008/3164
Section 12	5.1.2009	2008/3164
Section 14	24.9.2007	2007/2472
Sections 20 and 21	18.8.2008	2008/1918
Section 22(1) and (2)	4.2.2011	2011/19
Section 22(3) (and accordingly Schedule 5)	4.2.2011	2011/19
Section 22(4)	16.5.2011	2011/1119
Section 22(5)	4.2.2011	2011/19
Section 22(6) to the extent to which it relates to subsection (7)	4.2.2011	2011/19
Section 22(6) to the extent to which it relates to subsection (8)	16.5.2011	2011/1119
Section 22(7)	4.2.2011	2011/19
Section 22(8) to the extent to which it relates to paragraph 2(1) to (3) of Schedule 2A to the Road Traffic Offenders Act 1988	16.5.2011	2011/1119
Sections 23 to 25	24.9.2007	2007/2472

Section 26	27.2.2007	2007/237
Sections 27 to 29	24.9.2007	2007/2472
Section 30 in so far as section 3ZA of the Road Traffic Act 1988 has effect for the purposes of sections 3 and 3A of that Act	24.9.2007	2007/2472
Section 30, to the extent not already commenced	18.8.2008	2008/1918
Sections 31 to 33	24.9.2007	2007/2472
Section 36	27.2.2007	2007/237
Section 40	27.2.2007	2007/237
Section 41	24.9.2007	2007/2472
Section 42 in so far as it relates to paragraphs 1 and 24 of Schedule 6 (and accordingly paragraph 1 of Schedule 6, in so far as it relates to paragraph 24, and paragraph 24)	21.5.2012	2012/1357
Section 43	24.9.2007	2007/2472
Section 44 as to England and Wales	16.3.2007	2007/466
Section 45 as to England and Wales	30.7.2008	2008/1862
Section 46	31.7.2008	2008/1864
Section 49A(a)	9.2.2009	2009/107
Section 49B(b)	9.2.2009	2009/107
Section 50	27.2.2007	2007/237
Section 52 as to England and Wales	16.3.2007	2007/466
Sections 53 as to England and Wales	28.1.2008	2007/3492
Section 54 as to England and Wales	31.3.2008	2007/3492
Section 55 as to England and Wales	28.1.2008	2007/3492
Section 59 in so far as it relates to paragraph 1 of Schedule 7 (and accordingly paragraph 1 of Schedule 7)	5.1.2009	2008/3164
Section 59 in so far as it relates to paragraph 2 of Schedule 7 (and accordingly paragraph 2 of Schedule 7)	31.3.2009	2008/3164
Section 59 in so far as it relates to paragraph 3 of Schedule 7 (and accordingly paragraph 3 of Schedule 7)	1.4.2009	2008/3164
Section 59 in so far as it relates to paragraphs 5 and 13 of Schedule 7 (and accordingly paragraphs 5 and 13 of Schedule 7)	24.9.2007	2007/2472
Section 59 in so far as it relates to paragraphs 9, 12 and 16 of Schedule 7, (and accordingly paragraphs 9, 12 and 16 of Schedule 7)	27.2.2007	2007/237

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- (a) Section 49A was inserted by the Local Transport Act 2008 (c.26), section 129.
(b) Section 49B was inserted by the Local Transport Act 2008, section 130.

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