

NOTICE OF APPEAL AGAINST RECOGNITION OF FOREIGN DRIVING DISQUALIFICATION

(Criminal Procedure Rules, rule 55.5)

Appeal to Magistrates' Court

Case reference number:

Appellant

Name:

Address:

This is an appeal against my disqualification from driving in the United Kingdom notified to me by letter dated *(give the date of the letter from the Driver and Vehicle Licensing Agency).*

HOW TO USE THIS FORM

You must:

- 1. Fill in the box above, and give the information required in the boxes below.** If you use an electronic version of this form, the boxes will expand. If you use a paper version and need more space, you may attach extra sheets.
- 2. Sign and date the completed form in the space below.**
- 3. Attach a copy of the letter from the Driver and Vehicle Licensing Agency.**
- 4. Send or give copies of the completed form to (a) the magistrates' court office and (b) the DVLA, so they receive it before the end of 21 days beginning with the date the DVLA letter was served.** The court cannot extend that time limit.

The DVLA letter will calculate the last day for you to appeal. If you have not already sent your driving licence to the DVLA, you MUST do so before that date, even if you appeal: Crime (International Co-operation) Act 2003, section 63.

Application to suspend disqualification

I apply for the suspension of my disqualification from driving in the United Kingdom pending the hearing of this appeal

Explain why you think the court should suspend your disqualification:

Reasons for appeal

Tick the box below that applies, and give the details or explanation required. You must satisfy the court that one of the conditions for recognising an EU member State driving disqualification, listed in section 56 of the Crime (International Co-operation) Act 2003, is not met in your case: so that you should not be disqualified in the United Kingdom under section 57 of that Act. The court cannot allow your appeal on any other ground. The conditions are set out in a note at the end of this form.

I was not disqualified from driving in (country) as alleged.

I was not notified of the proceedings in (country).

Give details:

I was not entitled to take part in the proceedings in (country).

Give details:

[I am still in time to appeal] [An appeal is outstanding] in (country) against my disqualification from driving there.

Give details:

The proceedings in (country) were brought against me later than proceedings for such conduct / a corresponding offence could have been brought against me in the U.K.

Give details:

The offence for which I was disqualified from driving in (country) does not meet the conditions in section 56 of the Act.

Explain why:

CONDITIONS FOR RECOGNISING AN EU STATE DRIVING DISQUALIFICATION

1. Section 56 of the Crime (International Co-operation) Act 2003 allows recognition in the U.K. of an EU member State driving disqualification where:

(a) an individual who is normally resident in the United Kingdom is convicted in another member State of an offence that is constituted by-

(i) conduct falling within any of paragraphs 1 to 5 of the Annex to the EU Convention on Driving Disqualifications of 17th June, 1998, or

(ii) other conduct which constitutes a road traffic offence for the purposes of that convention;

(b) in consequence of the offence-

(i) that individual is disqualified from driving in that other EU State, and

(ii) if the offence is one falling within (a)(ii) above, the disqualification is for not less than 6 months, or for any shorter period prescribed in relation to that State;

(c) the individual was duly notified of the proceedings in that other EU State, and was entitled to take part in them; and

(d) the time for appeal in that other EU State has expired, and no appeal is still outstanding in relation to the offence.

2. Recognition is not allowed if the proceedings in that other EU State began later than a prosecution could have been brought, by way of summary proceedings in the part of the U.K. in which the individual lives, for (i) such conduct in the U.K., or (ii) any offence declared by regulations to correspond with the offence committed by the individual in that other State.

Signed: **appellant / appellant's solicitor**

Date: