



Road Traffic Offenders Act 1988

1988 CHAPTER 53

PART II

SENTENCE

Introductory

27 Production of licence

- (1) Where a person who is the holder of a licence is convicted of an offence involving obligatory endorsement, the court must, before making any order under section 44 of this Act, require the licence to be produced to it.
- (2) Where a magistrates' court—
 - (a) commits a person who is the holder of a licence to the Crown Court, under section 56 of the Criminal Justice Act 1967 or any enactment to which that section applies, to be dealt with in respect of an offence involving obligatory endorsement, and
 - (b) does not make an order in his case under section 26(1) of this Act, the Crown Court must require the licence to be produced to it.
- (3) If the holder of the licence has not caused it to be delivered, or posted it, in accordance with section 7 of this Act and does not produce it as required then, unless he satisfies the court that he has applied for a new licence and has not received it—
 - (a) he is guilty of an offence, and
 - (b) the licence shall be suspended from the time when its production was required until it is produced to the court and shall, while suspended, be of no effect.
- (4) Subsection (3) above does not apply where the holder of the licence—
 - (a) has caused a current receipt for the licence issued under section 56 of this Act to be delivered to the clerk of the court not later than the day before the date appointed for the hearing, or

- (b) has posted such a receipt, at such time that in the ordinary course of post it would be delivered not later than that day, in a letter duly addressed to the clerk and either registered or sent by the recorded delivery service, or
 - (c) surrenders such a receipt to the court at the hearing,
- and produces the licence to the court immediately on its return.

28 Penalty points to be attributed to an offence

- (1) Where a person is convicted of an offence involving obligatory or discretionary disqualification, the number of penalty points to be attributed to the offence, subject to subsection (2) below, is—
 - (a) in the case of an offence under a provision of the Traffic Acts specified in column 1 of Part I of Schedule 2 to this Act or an offence specified in column 1 of Part II of that Schedule, the number shown against the provision or offence in the last column or, where a range of numbers is so shown, a number falling within the range, and
 - (b) in the case of an offence committed by aiding, abetting, counselling or procuring, or inciting to the commission of, an offence involving obligatory disqualification, ten penalty points.
- (2) Where a person is convicted of two or more such offences, the number of penalty points to be attributed to those of them that were committed on the same occasion is the number or highest number that would be attributed on a conviction of one of them.
- (3) The Secretary of State may by order made by statutory instrument—
 - (a) alter the number of penalty points shown in subsection (1)(b) above or against a provision or offence specified in that Schedule or, where a range of numbers is shown, alter that range, and
 - (b) provide for different numbers to be so shown in respect of the same offence committed in different circumstances;

but no such order shall be made unless a draft of it has been laid before Parliament and approved by resolution of each House of Parliament.

29 Penalty points to be taken into account on conviction

- (1) Where a person is convicted of an offence involving obligatory or discretionary disqualification, the penalty points to be taken into account on that occasion are (subject to subsection (2) below)—
 - (a) any that are to be attributed to the offence or offences of which he is convicted, and
 - (b) any that were on a previous occasion ordered to be endorsed on any licence held by him, unless the offender has since that occasion and before the conviction been disqualified under section 34 or 35 of this Act.
- (2) If any of the offences was committed more than three years before another, the penalty points in respect of that offence shall not be added to those in respect of the other.

30 Penalty points: modification where fixed penalty also in question

- (1) Sections 28 and 29 of this Act shall have effect subject to this section in any case where—

- (a) a person is convicted of an offence involving obligatory or discretionary disqualification, and
 - (b) the court is satisfied that his licence has been or is liable to be endorsed under section 57 or 77 of this Act in respect of an offence (referred to in this section as the “connected offence”) committed on the same occasion as the offence of which he is convicted.
- (2) Subject to section 28(2) of this Act, the number of penalty points to be attributed to the offence of which he is convicted is—
- (a) the number of penalty points to be attributed to that offence under section 28(1) of this Act apart from this section, less
 - (b) the number of penalty points required to be endorsed on his licence under section 57 or 77 of this Act in respect of the connected offence.
- (3) For the purposes of subsection (2) above, where a range of numbers is shown in the last column of Part I of Schedule 2 to this Act against the provision of the Traffic Acts under which his offence is committed or punishable or in Part II of that Schedule against the offence of which he is convicted, the number of penalty points referred to in subsection (2)(a) above shall be taken to be a number falling within that range determined by the court as the number of penalty points to be attributed to the offence under section 28(1) of this Act apart from this section.

31 Court may take particulars endorsed on licence into consideration

- (1) Where a person is convicted of an offence involving obligatory endorsement and his licence is produced to the court—
- (a) any existing endorsement on his licence is prima facie evidence of the matters endorsed, and
 - (b) the court may, in determining what order to make in pursuance of the conviction, take those matters into consideration.
- (2) This section has effect notwithstanding anything in sections 311(5) and 357(1) of the Criminal Procedure (Scotland) Act 1975 (requirements as to notices of penalties and previous convictions).

32 In Scotland, court may take extract from licensing records into account

- (1) Subsections (2) to (5) below apply where a person is convicted in Scotland of an offence involving obligatory endorsement but his licence is not produced to the court.
- (2) The court may, in determining what order to make in pursuance of the conviction, take into consideration (subject to subsection (3) below)—
- (a) particulars of any previous conviction or disqualification pertaining to him, and
 - (b) any penalty points ordered to be endorsed on any licence held by him which are to be taken into account under section 29 of this Act,
- which are specified in a document purporting to be a note of information contained in the records maintained by the Secretary of State in connection with his functions under Part III of the Road Traffic Act 1988.
- (3) If the prosecutor lays before the court such a document as is mentioned in subsection (2) above, the court or the clerk of court must ask the accused if he admits the accuracy of the particulars relating to him contained in the document.

Status: This is the original version (as it was originally enacted).

- (4) Where the accused admits the accuracy of any particulars, the prosecutor need not adduce evidence in proof of those particulars, and the admission must be entered in the record of the proceedings.
- (5) Where the accused does not admit the accuracy of any particulars, the prosecutor must, unless he withdraws those particulars, adduce evidence in proof of them, either then or at any other diet.
- (6) This section has effect notwithstanding anything in sections 311(5) and 357(1) of the Criminal Procedure (Scotland) Act 1975 (requirements as to notices of penalties and previous convictions).