



Road Traffic Offenders Act 1988

1988 CHAPTER 53

PART II

SENTENCE

Disqualification

35 Disqualification for repeated offences

(1) Where—

- (a) a person is convicted of an offence involving obligatory or discretionary disqualification, and
- (b) the penalty points to be taken into account on that occasion number twelve or more,

the court must order him to be disqualified for not less than the minimum period unless the court is satisfied, having regard to all the circumstances, that there are grounds for mitigating the normal consequences of the conviction and thinks fit to order him to be disqualified for a shorter period or not to order him to be disqualified.

(2) The minimum period referred to in subsection (1) above is—

- (a) six months if no previous disqualification imposed on the offender is to be taken into account, and
- (b) one year if one, and two years if more than one, such disqualification is to be taken into account;

and a previous disqualification imposed on an offender is to be taken into account if it was imposed within the three years immediately preceding the commission of the latest offence in respect of which penalty points are taken into account under section 29 of this Act.

(3) Where an offender is convicted on the same occasion of more than one offence involving obligatory or discretionary disqualification—

- (a) not more than one disqualification shall be imposed on him under subsection (1) above,

Status: This is the original version (as it was originally enacted).

- (b) in determining the period of the disqualification the court must take into account all the offences, and
 - (c) for the purposes of any appeal any disqualification imposed under subsection (1) above shall be treated as an order made on the conviction of each of the offences.
- (4) No account is to be taken under subsection (1) above of any of the following circumstances—
 - (a) any circumstances that are alleged to make the offence or any of the offences not a serious one,
 - (b) hardship, other than exceptional hardship, or
 - (c) any circumstances which, within the three years immediately preceding the conviction, have been taken into account under that subsection in ordering the offender to be disqualified for a shorter period or not ordering him to be disqualified.
- (5) References in this section to disqualification do not include a disqualification imposed under section 26 of this Act or section 44 of the Powers of Criminal Courts Act 1973 (disqualification by Crown Court where vehicle used for commission of offence).
- (6) In relation to Scotland, references in this section to the court include the district court.
- (7) This section is subject to section 48 of this Act.