
Changes to legislation: Coroners and Justice Act 2009, Cross Heading: Road Traffic Offenders Act 1988 (c. 53) is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 21

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 9

DISQUALIFICATION FOR DRIVING

Road Traffic Offenders Act 1988 (c. 53)

- 90 (1) The Road Traffic Offenders Act 1988 is amended as follows.
- (2) In section 34 (disqualification for certain offences), after subsection (4A) insert—
- “(4AA) For the purposes of subsection (4)(b), a disqualification is to be disregarded if the period of disqualification would have been less than 56 days but for an extension period added pursuant to—
- (a) section 35A or 35C,
 - (b) section 248D of the Criminal Procedure (Scotland) Act 1995, or
 - (c) section 147A of the Powers of Criminal Courts (Sentencing) Act 2000.”
- (3) In section 34A (as substituted by section 35 of the Road Safety Act 2006 (c. 49)) (reduced disqualification for attendance on courses)—
- (a) in subsection (1)(b), after “months” insert “ (disregarding any extension period added pursuant to section 35A or 35C) ”,
 - (b) in subsection (5), after “of this Act” insert “ (disregarding any extension period added pursuant to section 35A or 35C) ”,
 - (c) in subsection (6), after “order”, in first place it occurs, insert “ (but including any extension period added pursuant to section 35A or 35C) ”, and
 - (d) after subsection (7) insert—
- “(7A) The reduced period” is the period of disqualification imposed under section 34 of this Act (disregarding any extension period added pursuant to section 35A or 35C) as reduced by an order under this section.”
- (4) In section 34B (as so substituted) (certificates of completion of courses)—
- (a) in subsection (1), for “unreduced period” substitute “ total unreduced period of disqualification ”,
 - (b) in subsection (2)—
 - (i) for “unreduced period” substitute “ total unreduced period of disqualification ”, and
 - (ii) for “reduced period”, in both places it occurs, substitute “ the total reduced period of disqualification ”, and

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(c) after subsection (11) add—

“(12) For the purposes of this section—

“the total reduced period of disqualification” means the period of disqualification imposed under section 34 (including any extension period added to that period pursuant to section 35A or 35C), as reduced by an order under section 34A;

“the total unreduced period of disqualification” means the period of disqualification imposed under section 34 (including any such extension period), disregarding any reduction by such an order.”

(5) In section 34D (as inserted by section 15 of the Road Safety Act 2006) (reduced disqualification period: alcohol ignition interlock programme orders)—

(a) in subsection (1)(d), after “section” insert “ and disregarding any extension period added pursuant to section 35A or 35C ”,

(b) in subsection (3), after “specify” insert “ as the period of disqualification under section 34 (disregarding any extension period added pursuant to section 35A or 35C) ”,

(c) after subsection (5) insert—

“(5A) An appropriate extension period (within the meaning of section 35A or 35C) is not to be added to the further order referred to in subsection (5).”

(d) in subsection (6)—

(i) in paragraph (a), for “unreduced period” substitute “ total unreduced period of disqualification ”, and

(ii) in paragraph (b), for “reduced period” substitute “ total reduced period of disqualification ”, and

(e) after that subsection insert—

“(6A) In subsection (6)—

“the total reduced period of disqualification” means the period of disqualification imposed under section 34 (including any extension period added to that period pursuant to section 35A or 35C), as reduced by an order under this section;

“the total unreduced period of disqualification” means the period of disqualification imposed under section 34 (including any such extension period), disregarding any reduction by such an order.”

(6) In section 35 (disqualification for repeated offences)—

(a) in subsection (2), in the words following paragraph (b), after “offender is” insert “ , subject to subsection (2A), ”, and

(b) after subsection (2) insert—

“(2A) A previous disqualification imposed on an offender for a fixed period is not to be taken into account for the purposes of subsection (2) if that period would have been less than 56 days but for an extension period added pursuant to—

(a) section 35A or 35C,

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- (b) section 248D of the Criminal Procedure (Scotland) Act 1995, or
- (c) section 147A of the Powers of Criminal Courts (Sentencing) Act 2000.”

(7) In section 37 (effect of order of disqualification)—

- (a) in subsection (1A)(a), after “56 days” insert “ (disregarding any extension period) ”,
- (b) in subsection (1A), after “period of disqualification” insert “ (including any extension period) ”, and
- (c) after subsection (1A) insert—

“(1B) In subsection (1A) “extension period” means an extension period added pursuant to—

- (a) section 35A or 35C,
- (b) section 248D of the Criminal Procedure (Scotland) Act 1995, or
- (c) section 147A of the Powers of Criminal Courts (Sentencing) Act 2000.”

(8) In section 42 (removal of disqualification)—

- (a) in subsection (3)—
 - (i) for “the date of the order by which the disqualification was imposed” substitute “ the relevant date ”,
 - (ii) in paragraph (a), after “four years” insert “ (disregarding any extension period) ”, and
 - (iii) in paragraph (b), for “period of disqualification, if it is” substitute “ period of disqualification (disregarding any extension period), if the disqualification is (disregarding any extension period) ”,
- (b) after subsection (3) insert—

“(3A) In subsection (3) “the relevant date” means—

- (a) the date of the order imposing the disqualification in question, or
- (b) if the period of the disqualification is extended by an extension period, the date in paragraph (a) postponed by a period equal to that extension period.”, and

- (c) after subsection (3A) (as inserted by paragraph (b)), insert—

“(3B) Extension period” means an extension period added pursuant to—

- (a) section 35A or 35C,
- (b) section 248D of the Criminal Procedure (Scotland) Act 1995, or
- (c) section 147A of the Powers of Criminal Courts (Sentencing) Act 2000.”

(9) In section 47 (supplementary provisions as to disqualification and endorsements)—

- (a) in subsection (2) (as substituted by paragraph 44(2) of Schedule 3 to the Road Safety Act 2006 (c. 49)), after “or more” insert “ (disregarding any extension period) ”, and
- (b) after subsection (2), insert—

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“(2ZA) In subsection (2) “extension period” means an extension period added pursuant to—

- (a) section 35A or 35C,
- (b) section 248D of the Criminal Procedure (Scotland) Act 1995, or
- (c) section 147A of the Powers of Criminal Courts (Sentencing) Act 2000.”

Commencement Information

II Sch. 21 para. 90(1)(2)(6)-(9) in force at 16.7.2018 by [S.I. 2018/733](#), **art. 2(c)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A and cross-heading inserted by [2023 c. 41 Sch. 11 para. 1\(1\)](#)
- Sch. 1A inserted by [2023 c. 41 Sch. 11 para. 1\(2\)](#)