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STATUTORY INSTRUMENTS

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**2012 No. 1726**

**The Criminal Procedure Rules 2012**

**PART 55**

**ROAD TRAFFIC PENALTIES**

**Information to be supplied on order for endorsement of driving record, etc.**

**55.2.**—(1) This rule applies where the court—

- (a) convicts the defendant of an offence involving obligatory endorsement, and orders there to be endorsed on the defendant's driving record and on any counterpart licence—
  - (i) particulars of the conviction,
  - (ii) particulars of any disqualification from driving that the court imposes, and
  - (iii) the penalty points to be attributed to the offence;
- (b) disqualifies the defendant from driving for any other offence; or
- (c) suspends or removes a disqualification from driving.

(2) The court officer must, as soon as practicable, serve on the Secretary of State notice that includes details of—

- (a) where paragraph (1)(a) applies—
  - (i) the local justice area in which the court is acting,
  - (ii) the dates of conviction and sentence,
  - (iii) the offence, and the date on which it was committed,
  - (iv) the sentence, and
  - (v) the date of birth, and sex, of the defendant, where those details are available;
- (b) where paragraph (1)(b) applies—
  - (i) the date and period of the disqualification,
  - (ii) the power exercised by the court;
- (c) where paragraph (1)(c) applies—
  - (i) the date and period of the disqualification,
  - (ii) the date and terms of the order for its suspension or removal,
  - (iii) the power exercised by the court, and
  - (iv) where the court suspends the disqualification pending appeal, the court to which the defendant has appealed.

*[Note. See sections 39(3), 42(5), 44A and 47 of the Road Traffic Offenders Act 1988(1).*

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(1) 1988 c. 53; section 42(5) was amended by section 9(6) of, and paragraphs 2 and 8 of Schedule 2 to, the Road Safety Act 2006 (c. 49). Section 44A was inserted by section 9(1) and (3) of the Road Safety Act 2006 (c. 49).

*Under section 25 of the 1988 Act(2), the court may order a defendant to disclose his or her date of birth, and sex, where that is not apparent (for example, where the defendant is convicted in his or her absence). Under section 27 of the 1988 Act(3), and under sections 146(4) and 147(5) of the Powers of Criminal Courts (Sentencing) Act 2000(4), the court may order a defendant to produce his or her driving licence, if not already produced.*

*For the circumstances in which the court—*

- (a) must usually order endorsement, see sections 9, 44 and 96 of, and Schedule 2 to, the 1988 Act(5);*
- (b) may, and in some cases must, order disqualification from driving, see sections 26, 34, 35 and 36 of the 1988 Act(6); and sections 146 and 147 of the 2000 Act(7);*
- (c) may suspend a disqualification from driving pending appeal, see sections 39 and 40 of the 1988 Act(8) (Part 63 (Appeal to the Crown Court) and Part 64 (Appeal to the High Court by case stated) contain relevant rules);*
- (d) may remove a disqualification from driving imposed under section 34 or 35 of the 1988 Act, see section 42 of the Act (rule 55.1 applies).]*

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- (2) 1988 c. 53; section 25 was amended by section 90 of, and paragraphs 140 and 142 of Schedule 13 to, the Access to Justice Act 1999 (c. 22), section 165 of, and paragraph 118 of Schedule 9 to, the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) and section 109 of, and paragraph 311 of Schedule 8 to, the Courts Act 2003 (c. 39).
  - (3) 1988 c. 53; section 27 was amended by regulations 2(2) and 3 and paragraph 3 of Schedule 2 to S.I. 1990/144, section 48 of, and paragraph 91 of Schedule 4 to, the Road Traffic Act 1991 (c. 40), paragraphs 140 and 144 of Schedule 13 to the Access to Justice Act 1999 (c. 22), paragraph 120 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), section 16(5) of the Child Support, Pensions and Social Security Act 2000 (c. 19), and paragraph 313 of Schedule 8 to the Courts Act 2003 (c. 39). Section 27 is further amended by section 304 of, and paragraphs 52 and 53 of Schedule 32 to, the Criminal Justice Act 2003 (c. 44), section 10 of, and paragraphs 30 and 33 of Schedule 3, and Schedule 7 to, the Road Safety Act 2006 (c. 49) and section 58(1) of, and Part 4 of Schedule 7 to, the Welfare Reform Act 2009 (c. 24), with effect from a date to be appointed.
  - (4) 2000 c. 6; section 146(4) was amended by section 91(1) of, and paragraphs 72 and 73 of Schedule 5, and Schedule 6 to, the Crime (International Co-operation) Act 2003 (c. 32). Section 147(5) was amended by section 91 of, and paragraphs 72 and 74 of Schedule 5, and Schedule 6 to, the Crime (International Co-operation) Act 2003 (c. 32). It is further amended by section 10(12) and 59 of, and paragraphs 71 and 73(1) and (2) of Schedule 3 and Schedule 7 to, the Road Safety Act 2006 (c. 49), with effect from a date to be appointed.
  - (5) 1988 c. 53; section 44 was amended by regulations 2(2) and 3 and paragraph 10 of Schedule 2 to, S.I. 1990/144 and section 9(1) and (2)(a) of the Road Safety Act 2006 (c. 49). It is further amended by sections 10 and 59 of, and Schedule 7 to, the Road Safety Act 2006 (c. 49), with effect from a date to be appointed.
  - (6) 1988 c. 53; section 26 was substituted by section 25 of the Road Traffic Act 1991 (c. 40) and amended by paragraph 119 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), paragraphs 140 and 143 of Schedule 13 to the Access to Justice Act 1999 (c. 22), paragraph 2 of Schedule 2 to S.I. 1996/1974, paragraph 312(b) of Schedule 8 to the Courts Act 2003 (c. 39) and paragraphs 32 and 34 of Schedule 5 to the Crime (International Co-operation) Act 2003 (c. 32). Section 26 is further amended by sections 10 and 59 of, and paragraphs 30 and 32 of Schedule 3, and Schedule 7 to, the Road Safety Act 2006 (c. 49), with effect from a date to be appointed. Section 34 was amended by section 29(1), (2) and (3) of the Road Traffic Act 1991 (c. 40), section 3(2) of, the Aggravated Vehicle-Taking Act 1992 (c. 11), section 165(1) of, and paragraph 121 of Schedule 9 to, the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), section 25(2) of the Road Safety Act 2006 (c. 49) and article 2(1)(b) of S.I. 2007/3480. It is further amended by section 177(1) of, and paragraph 90 of Schedule 21 to, the Coroners and Justice Act 2009 (c. 25), with effect from a date to be appointed. Section 35 was amended by section 48 of, and paragraph 95(1), (3), (4), (5), (6) and (7) of Schedule 4 to, the Road Traffic Act 1991 (c. 40), and section 165(1) of, and paragraph 122 of Schedule 9 to, the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6). It is further amended by section 177(1) of, and 90(1) and (6) of Schedule 21 to, the Coroners and Justice Act 2009 (c. 25), with effect from a date to be appointed.
  - (7) 2000 c. 6; section 146 was amended by section 91(1) of, and paragraphs 72 and 73 of Schedule 5, and Schedule 6 to, the Crime (International Co-operation) Act 2003 (c. 32), paragraphs 90 and 120 of Schedule 32 to the Criminal Justice Act 2003 (c. 44) and section 148(1) of, and paragraphs 40 and 47 of Schedule 26 to, the Criminal Justice and Immigration Act 2008 (c. 4). It is further amended by paragraphs 3 and 6 of Schedule 19, and paragraphs 9 and 13 of Schedule 26, to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), with effect from a date to be appointed.
  - (8) 1988 c. 53; section 40 was amended by sections 40 and 59 of, and paragraph 50 of Schedule 9 and paragraph 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).