



Road Traffic Act 1972

1972 CHAPTER 20

PART III

LICENSING OF DRIVERS OF VEHICLES

Disqualification and endorsement of licences

93 Disqualification on conviction of certain offences

(1) Where a person is convicted of an offence—

- (a) under a provision of this Act specified in column 1 of Part I of Schedule 4 to this Act in relation to which there appears in column 5 of that Part the word " obligatory " or the word " obligatory " qualified by conditions or circumstances relating to the offence ; and
- (b) where the said word " obligatory " is so qualified, the conditions or circumstances are satisfied or obtain in the case of the offence of which he is convicted;

or where a person is convicted of the offence specified in Part II of that Schedule (any such offence being in this Part of this Act referred to as an " offence involving obligatory disqualification ") the court shall order him to be disqualified for such period not less than twelve months as the court thinks fit unless the court for special reasons thinks fit to order him to be disqualified for a shorter period or not to order him to be disqualified.

(2) Where a person is convicted of an offence—

- (a) under a provision of this Act specified in column 1 of Part I of Schedule 4 to this Act in relation to which there appears in column 5 of that Part the word " discretionary " or the word " discretionary " qualified by conditions or circumstances relating to the offence ; and
- (b) where the said word " discretionary " is so qualified, the conditions or circumstances are satisfied or obtain in the case of the offence of which he is convicted;

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or where a person is convicted of an offence specified in Part III of that Schedule (any such offence being in this Part of this Act referred to as an " offence involving discretionary disqualification "), the court may order him to be disqualified for such period as the court thinks fit.

- (3) Where a person convicted of an offence involving obligatory or discretionary disqualification has within the three years immediately preceding the commission of the offence been convicted on not less than two occasions of any such offence and particulars of the convictions have been ordered to be endorsed in accordance with section 101 of this Act, the court shall order him to be disqualified for such period not less than six months as the court thinks fit, 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.
- (4) Where a person convicted of an offence under any of the following provisions of this Act, namely section 5(1), 6(1) or 9(3) (where the latter is an offence involving obligatory disqualification), has within the ten years immediately preceding the commission of the offence been convicted of any such offence, subsection (1) above shall apply in relation to him with the substitution of three years for twelve months.
- (5) The period of any disqualification imposed under subsection (3) above shall be in addition to any other period of disqualification imposed (whether previously or on the same occasion) under this section or section 5 of the Road Traffic Act 1962 or under the Road Traffic Act 1960 or an enactment repealed by that Act or under the Motor Car Act 1903.
- (6) The foregoing provisions of this section shall apply in relation to a conviction of an offence committed by aiding, abetting, counselling or procuring, or inciting to the commission of an offence involving obligatory disqualification as if the offence were an offence involving discretionary disqualification.
- (7) Where a person is convicted of an offence involving obligatory or discretionary disqualification the court may, whether or not he has previously passed the test of competence to drive prescribed under this Act, and whether or not the court makes an order under the foregoing provisions of this section, order him to be disqualified until he has, since the date of the order, passed that test; and a disqualification by virtue of an order under this subsection shall be deemed to have expired on production to the Secretary of State of evidence, in such form as may be prescribed by regulations under section 107 of this Act, that the person disqualified has, since the order was made, passed that test.

94 Appeal against disqualification, and rule for determining end of period thereof

- (1) A person disqualified by an order of a magistrates' court under section 93(1) or (3) of this Act may appeal against the order in the same manner as against a conviction.
- (2) Any court in England or Wales (whether a magistrates' court or another) which makes an order disqualifying a person may, if it thinks fit, suspend the disqualification pending an appeal against the order.
- (3) A person disqualified by an order of a court in Scotland may appeal against the order in the same manner as against a conviction, and the court by or before which he was convicted may, if it thinks fit, pending the appeal suspend the disqualification.

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- (4) In determining the expiration of the period for which a person is disqualified by an order of a court made in consequence of a conviction, any time after the conviction during which the disqualification was suspended or he was not disqualified shall be disregarded.

95 Removal of disqualification

- (1) Subject to the provisions of this section, a person who by an order of a court is disqualified may apply to the court by which the order was made to remove the disqualification, and on any such application the court may, as it thinks proper, having regard to the character of the person disqualified and his conduct subsequent to the order, the nature of the offence, and any other circumstances of the case, either by order remove the disqualification as from such date as may be specified in the order or refuse the application.
- (2) No application shall be made under subsection (1) above for the removal of a disqualification before the expiration of whichever is relevant of the following periods from the date of the order by which the disqualification was imposed, that is to say—
- (a) two years, if the disqualification is for less than four years,
 - (b) one half of the period of the disqualification, if it is for less than ten years but not less than four years,
 - (c) five years in any other case;
- and in determining the expiration of the period after which under this subsection a person may apply for the removal of a disqualification, any time after the conviction during which the disqualification was suspended or he was not disqualified shall be disregarded.
- (3) Where an application under subsection (1) above is refused, a further application thereunder shall not be entertained if made within three months after the date of the refusal.
- (4) If under this section a court orders a disqualification to be removed, the court shall cause particulars of the order to be endorsed on the licence, if any, previously held by the applicant and the court shall in any case have power to order the applicant to pay the whole or any part of the costs of the application.
- (5) The foregoing provisions of this section shall not apply where the disqualification was imposed by order under section 93(7) of this Act, section 5(7) of the Road Traffic Act 1962 or section 104(3) of the Road Traffic Act 1960.

96 Disqualification of persons under age

A person who under section 4 of this Act is prohibited by reason of his age from driving a motor vehicle or a motor vehicle of any class is disqualified for holding or obtaining a licence other than a licence authorising him to drive such motor vehicles, if any, as he is not by the said section 4 forbidden to drive.

97 Disqualification to prevent duplication of licences

A person is disqualified for obtaining a licence authorising him to drive a motor vehicle of any class so long as he is the holder of another licence authorising him to drive a motor vehicle of that class, whether the licence is suspended or not.

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98 Effect of disqualification

- (1) Where the holder of a licence is disqualified by an order of a court, the licence shall be suspended so long as the disqualification continues in force, and during the time of suspension shall be of no effect.
- (2) A licence obtained by any person who is disqualified shall be of no effect.
- (3) Notwithstanding anything in this Part of this Act, a person disqualified by order of a court under section 93(7) of this Act, section 5(7) of the Road Traffic Act 1962 or section 104(3) of the Road Traffic Act 1960 shall (unless he is disqualified otherwise than by virtue of such an order) be entitled to obtain and to hold a provisional licence and to drive a motor vehicle in accordance with the conditions subject to which the provisional licence is granted.

99 Offence of obtaining licence, or driving, while disqualified

If a person disqualified for holding or obtaining a licence—

- (a) obtains a licence while he is so disqualified, or
- (b) while he is so disqualified drives on a road a motor vehicle, or if the disqualification is limited to the driving of a motor vehicle of a particular class, a motor vehicle of that class,

he shall be guilty of an offence.

100 Arrest without warrant of persons driving while disqualified

A constable in uniform may arrest without warrant any person driving or attempting to drive a motor vehicle on a road whom he has reasonable cause to suspect of being disqualified.

101 Endorsement of licences

- (1) Subject to subsection (2) below, where a person is convicted of an offence—
 - (a) under a provision of this Act specified in column 1 of Part I of Schedule 4 to this Act in relation to which there appears in column 6 of that Part the word " obligatory " or the word " obligatory " qualified by conditions relating to the offence; and
 - (b) where the said word " obligatory " is so qualified, the conditions are satisfied in the case of the offence of which he is convicted ;or where a person is convicted of an offence specified in Part II or Part III of that Schedule (any such offence being in this section referred to as an " offence involving obligatory endorsement "), the court shall order that particulars of the conviction, and, if the court orders him to be disqualified, particulars of the disqualification, shall be endorsed on any licence held by him; and particulars of any conviction or disqualification so endorsed may be produced as prima facie evidence of the conviction or disqualification.
- (2) If the court does not order the said person to be disqualified, the court need not order particulars of the conviction to be endorsed as aforesaid if for special reasons it thinks fit not to do so.
- (3) An order that the particulars of a conviction or of a disqualification to which the convicted person has become subject are to be endorsed on any licence held by him

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shall, whether he is at the time the holder of a licence or not, operate as an order that any licence he may then hold or may subsequently obtain shall be so endorsed until he becomes entitled under subsection (7) below to have a licence issued to him free from the particulars.

- (4) A person who is prosecuted for an offence involving obligatory endorsement and who is the holder of a licence, shall either—
- (a) cause it to be delivered to the clerk of the court not later than the day before the date appointed for the hearing, or
 - (b) post it, at such a 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) have it with him at the hearing;

and if he is convicted of the offence and the court makes an order under subsection (1) above the court shall require the licence to be produced to it for endorsement; and if the offender has not posted the licence or caused it to be delivered as aforesaid 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, he shall be guilty of an offence and 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.

- (5) On the issue of a new licence to a person any particulars ordered to be endorsed on any licence held by him shall be entered on the licence unless he has become entitled under subsection (7) below to have a licence issued to him free from those particulars.
- (6) If a person whose licence has been ordered to be endorsed with any particulars and who has not previously become entitled under subsection (7) below to have a licence issued to him free from those particulars applies for or obtains a licence without giving particulars of the order, he shall be guilty of an offence and any licence so obtained shall be of no effect.
- (7) Where an order has been made in respect of a person under this section or any previous enactment requiring any licence held by him to be endorsed with any particulars, he shall be entitled, on applying for the grant of a licence in pursuance of section 88(1) (a) of this Act and satisfying the other requirements of that subsection, to have issued to him a new licence free from the particulars, if the application is made not less than three years after the date of the conviction in consequence of which the order was made or, if it was a conviction of an offence under any of the following provisions of this Act, namely section 5(1), 6(1) or 9(3) (where the latter was an offence involving obligatory disqualification), not less than ten years after that conviction.

102 Combination of disqualification and endorsement with probation orders and orders for discharge in England or Wales

- (1) Notwithstanding anything in section 12(2) of the Criminal Justice Act 1948 (conviction of an offender placed on probation or discharged to be disregarded for the purposes of enactments relating to disqualification), a court in England or Wales which on convicting a person of an offence involving obligatory or discretionary disqualification makes a probation order or an order discharging him absolutely or conditionally may on that occasion also exercise any power conferred, and shall also discharge any duty imposed, on the court by section 93 or 101 of this Act.
- (2) A conviction in respect of which a court in England or Wales has ordered a person to be disqualified or of which particulars have been endorsed on any licence held

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by him shall, notwithstanding anything in section 12(1) of the said Act of 1948 (conviction of offender placed on probation or discharged to be disregarded for the purpose of subsequent proceedings), be taken into account in determining his liability to punishment or disqualification for any offence involving obligatory or discretionary disqualification committed subsequently.

103 Interim disqualification on committal in England or Wales under s.56 of Criminal Justice Act 1967, etc.

- (1) Where under section 56(1) of the Criminal Justice Act 1967 or any enactment to which that section applies a magistrates' court commits an offender to the Crown Court and by reason of the provisions of the said section 56 the magistrates' court does not exercise its power or discharge its duty under section 93 of this Act of ordering the offender to be disqualified, it may nevertheless order him to be disqualified until the court to which he is committed has dealt with him in respect of the offence.
- (2) Where a court in England or Wales makes an order under subsection (1) above in respect of any person, it shall require him to produce to the court any licence, and any Northern Ireland licence, held by him and shall cause such licence to be sent to the clerk of the court to which he is committed ; and if he does not produce any such licence as required he shall be guilty of an offence.
- (3) Where a court in England or Wales makes any such order in respect of any person, sections 101(1), 105(2) to (4) and 111(2) of this Act shall not apply in relation to the order, but the court shall send notice of the order to the Secretary of State ; and the court to which he is committed shall, if it determines not to order him to be disqualified under section 93 of this Act, send notice of the determination to the Secretary of State.
- (4) Where a person is committed to the Crown Court under the said section 56 or any enactment to which that section applies to be dealt with in respect of an offence involving obligatory or discretionary disqualification and no order is made in his case under subsection (1) above, section 101(4) of this Act shall apply to him as it applies to a person who is prosecuted for such an offence and convicted before that court.
- (5) A period of disqualification imposed on any person by virtue of section 56(5) of the said Act of 1967 (exercise by the court to which a person is committed for sentence, etc., of certain powers of magistrates' courts) shall be treated as reduced by any period during which he was disqualified by reason only of an order made under subsection (1) above; but a period during which he was so disqualified shall not be taken into account under this subsection for the purpose of reducing more than one other period of disqualification.
- (6) A notice sent by a court to the Secretary of State in pursuance of subsection (3) above shall be sent in such manner and to such address and contain such particulars as the Secretary of State may determine.
- (7) In this section " Northern Ireland licence " means a licence under any such provision as is mentioned in section 111(1) of this Act.

104 Information as to date of birth and sex

- (1) If on convicting a person of an offence involving obligatory or discretionary disqualification or of such other offence as may be prescribed, the court orders his driving licence to be endorsed or orders him to be disqualified under section 103(1)

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of this Act and does not know his date of birth, the court shall order him to state that date in writing.

- (2) It shall be the duty of a person giving a notification to the clerk of a court in pursuance of section 1(2) of the Magistrates' Courts Act 1957 (which relates to pleas of guilty in the absence of the accused) in respect of an offence mentioned in subsection (1) above to include in the notification a statement of the date of birth and the sex of the accused; and in a case where the foregoing provisions of this subsection are not complied with the court shall, if on convicting the accused it orders his driving licence to be endorsed or orders him to be disqualified under the said section 103(1) and does not know his date of birth or sex, order him to furnish that information in writing to the court.
- (3) Nothing in section 56(5) of the Criminal Justice Act 1967 (which provides that where a magistrates' court commits a person to another court under subsection (1) of that section, certain of its powers and duties are transferred to that other court) shall apply to any duty imposed upon a magistrates' court by the foregoing provisions of this section in consequence of an order for disqualification made under the said section 103(1).
- (4) A person who knowingly fails to comply with an order under subsection (1) or (2) above shall be guilty of an offence.
- (5) Where in accordance with this section a person has stated his date of birth to a court or in such a notification as aforesaid, the Secretary of State may serve on that person a notice in writing requiring him to furnish the Secretary of State—
 - (a) with such evidence in that person's possession or obtainable by him as the Secretary of State may specify for the purpose of verifying that date ; and
 - (b) if his name differs from his name at the time of his birth, with a statement in writing specifying his name at that time;and a person who knowingly fails to comply with a notice under this subsection shall be guilty of an offence.
- (6) In the application of this section to Scotland—
 - (a) for subsection (2) there shall be substituted the following subsection:

“(2) Where, in pursuance of section 26(3) of the Summary Jurisdiction (Scotland) Act 1954 (pleas in absence of accused), a person gives written intimation of a plea of guilty in respect of an offence mentioned in subsection (1) above, he shall include in that written intimation a statement of the accused's date of birth and sex, and in a case where the foregoing provisions of this subsection are not complied with the court, if on convicting the accused it orders his licence to be endorsed and does not know his date of birth or sex, shall order him to furnish that information in writing to the court.”
 - (b) subsection (3) does not apply ;
 - (c) in subsection (5) for the word " notification " there shall be substituted the words " written intimation ".

105 Supplementary provisions as to disqualifications and endorsements

- (1) In any case where a court exercises its power under section 93 or 101 of this Act not to order any disqualification or endorsement or to order disqualification for a shorter period than would otherwise be required, it shall state the grounds for doing so in open court and, if it is a magistrates' court or, in Scotland, a court of summary jurisdiction, shall cause them to be entered in the register (or, in Scotland, record) of its proceedings.

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- (2) Where a court orders particulars to be endorsed on a licence held by a person, or where by an order of a court a person is disqualified, the court shall send notice of the order to the Secretary of State and, in a case where a person is so disqualified, shall also on the production of the licence for the purpose of endorsement retain the licence and forward it to the Secretary of State, who may dispose of it as he thinks fit; but where the disqualification expires or is removed before the expiration of the period for which the licence was granted and the person to whom it was granted makes to the Secretary of State during that period, in such form and containing such particulars supported by such evidence or further evidence as the Secretary of State may specify, a demand for the grant of a new licence for the period for which the licence aforesaid was granted, the Secretary of State shall comply with the demand.
- (3) Where on an appeal against any such order the appeal is allowed, the court by which the appeal is allowed shall send notice thereof to the Secretary of State.
- (4) Where a person is disqualified by order of a court under section 93(7) of this Act, section 5(7) of the Road Traffic Act 1962 or section 104(3) of the Road Traffic Act 1960, then on the issue to him of a licence, there shall be added to the endorsed particulars of the disqualification a statement that the person disqualified has, since the order was made, passed the prescribed test.
- (5) A notice sent by a court to the Secretary of State in pursuance of this section shall be sent in such manner and to such address and contain such particulars as the Secretary of State may determine, and a licence so sent in pursuance of this section shall be sent to such address as the Secretary of State may determine.