



Crime (Sentences) Act 1997

1997 CHAPTER 43

PART III

MISCELLANEOUS AND SUPPLEMENTAL

Driving disqualifications

39 Offenders

- (1) Subject to subsections (2) and (3) below, the court by or before which a person is convicted of an offence may, in addition to or instead of dealing with him in any other way, order him to be disqualified, for such period as it thinks fit, for holding or obtaining a driving licence.
- (2) Where the person is convicted of an offence the sentence for which is fixed by law or falls to be imposed under section 2(2), 3(2), or 4(2) above, subsection (1) above shall have effect as if the words “or instead of” were omitted.
- (3) A court shall not make an order under subsection (1) above unless the court has been notified by the Secretary of State that the power to make such orders is exercisable by the court and the notice has not been withdrawn.
- (4) A court which makes an order under this section disqualifying a person for holding or obtaining a driving licence shall require him to produce any such licence held by him together with its counterpart.
- (5) The following provisions, namely—
 - (a) section 164(5) of the Road Traffic Act 1988 (power of constables to require production of driving licence etc.); and
 - (b) section 27(3) of the Road Traffic Offenders Act 1988 (failure to produce driving licence),shall have effect as if the reference to section 44 of the 1973 Act included a reference to this section.
- (6) In this section—

Status: This is the original version (as it was originally enacted).

“counterpart”, in relation to a driving licence, has the meaning given by section 108(1) of the Road Traffic Act 1988;

“driving licence” means a licence to drive a motor vehicle granted under Part III of that Act.

40 Fine defaulters

- (1) This section applies in any case where a magistrates' court—
 - (a) has power under Part III of the 1980 Act to issue a warrant of commitment for default in paying a sum adjudged to be paid by a conviction of a magistrates' court (other than a sum ordered to be paid under section 71 of the Criminal Justice Act 1988 or section 2 of the Drug Trafficking Act 1994); or
 - (b) would, but for section 1 of the 1982 Act (restrictions on custodial sentences for persons under 21), have power to issue such a warrant for such default.
- (2) Subject to subsection (3) below, the magistrates' court may, instead of issuing a warrant of commitment or, as the case may be, proceeding under section 81 of the 1980 Act (enforcement of fines imposed on young offenders), order the person in default to be disqualified, for such period not exceeding twelve months as it thinks fit, for holding or obtaining a driving licence.
- (3) A magistrates court shall not make an order under subsection (2) above unless the court has been notified by the Secretary of State that the power to make such orders is exercisable by the court and the notice has not been withdrawn.
- (4) Where an order has been made under subsection (2) above for default in paying any sum—
 - (a) on payment of the whole sum to any person authorised to receive it, the order shall cease to have effect;
 - (b) on payment of a part of that sum to any such person, the number of weeks or months to which the order relates shall be reduced proportionately;and the total number is so reduced if it is reduced by such number of complete weeks or months as bears to the total number the proportion most nearly approximating to, without exceeding, the proportion which the part paid bears to the whole sum.
- (5) The Secretary of State may by order made by statutory instrument vary the period specified in subsection (2) above; but no such order shall be made unless a draft of the order has been laid before and approved by a resolution of each House of Parliament.
- (6) Subsections (4) to (6) of section 39 above shall apply for the purposes of this section as they apply for the purposes of that section.