



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART VII

FURTHER POWERS OF COURTS

Driving disqualifications

146 Driving disqualification for any offence.

- (1) The court by or before which a person is convicted of an offence committed after 31st December 1997 may, instead of or in addition to 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 [^{F1}a provision mentioned in subsection (2A)], subsection (1) above shall have effect as if the words “instead of or” were omitted.

[^{F2}(2A) The provisions referred to in subsection (2) are—

- (a) section 1(2B) or 1A(5) of the Prevention of Crime Act 1953;
 - (b) section 51A(2) of the Firearms Act 1968;
 - (c) section 139(6B), 139A(5B) or 139AA(7) of the Criminal Justice Act 1988;
 - (d) section 110(2) or 111(2) of this Act;
 - (e) section 224A, 225(2) or 226(2) of the Criminal Justice Act 2003;
 - (f) section 29(4) or (6) of the Violent Crime Reduction Act 2006.]
- (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by the Secretary of State that the power to make such orders is exercisable by the court and the notice has not been withdrawn.

Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000, Cross Heading: Driving disqualifications is up to date with all changes known to be in force on or before 30 July 2019. 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

- (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—
- (a) any such licence held by him ^{F3} ..., ^{F4} ...
 - [^{F5}(aa) in the case where he holds a Northern Ireland licence (within the meaning of Part 3 of the Road Traffic Act 1988), his Northern Ireland licence ^{F6} ...; or]
 - (b) in the case where he holds a Community licence (within the meaning of Part III of the ^{M1}Road Traffic Act 1988), his Community licence ^{F6}
- (5) In this section—
- “driving licence” means a licence to drive a motor vehicle granted under Part III of the ^{M2}Road Traffic Act 1988;
- ^{F7} ...

Textual Amendments

- F1** Words in s. 146(2) substituted (17.7.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), s. 95\(1\), Sch. 5 para. 7\(2\)](#); S.I. 2015/1463, art. 2(b)
- F2** S. 146(2A) inserted (17.7.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), s. 95\(1\), Sch. 5 para. 7\(3\)](#); S.I. 2015/1463, art. 2(b)
- F3** Words in s. 146(4)(a) repealed (8.6.2015) by [Road Safety Act 2006 \(c. 49\), s. 61\(1\)\(10\), Sch. 3 para. 72\(2\)\(a\), Sch. 7\(4\)](#); S.I. 2015/560, art. 3 (with arts. 4-9)
- F4** Word in s. 146(4)(a) repealed (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\), s. 94\(1\), Sch. 5 para. 73\(a\), Sch. 6](#); S.I. 2004/2624, art. 2(1)(2)(b)
- F5** Words in s. 146(4) inserted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\), s. 94\(1\), Sch. 5 para. 73\(a\)](#); S.I. 2004/2624, art. 2(1)(2)(b)
- F6** Words in s. 146(4)(aa)(b) repealed (8.6.2015) by [Road Safety Act 2006 \(c. 49\), s. 61\(1\)\(10\), Sch. 3 para. 72\(2\)\(b\), Sch. 7\(4\)](#); S.I. 2015/560, art. 3 (with arts. 4-9); S.I. 2015/560, art. 3 (with arts. 4-9)
- F7** Words in s. 146(5) repealed (8.6.2015) by [Road Safety Act 2006 \(c. 49\), s. 61\(1\)\(10\), Sch. 3 para. 72\(3\), Sch. 7\(4\)](#); S.I. 2015/560, art. 3 (with arts. 4-9)

Marginal Citations

- M1** 1988 c. 52.
- M2** 1988 c. 52.

147 Driving disqualification where vehicle used for purposes of crime.

- (1) This section applies where a person—
- (a) is convicted before the Crown Court of an offence punishable on indictment with imprisonment for a term of two years or more; or
 - (b) having been convicted by a magistrates’ court of such an offence, is committed under section 3 above to the Crown Court for sentence.
- (2) This section also applies where a person is convicted by or before any court of common assault or of any other offence involving an assault (including an offence of aiding, abetting, counselling or procuring, or inciting to the commission of, an offence).
- (3) If, in a case to which this section applies by virtue of subsection (1) above, the Crown Court is satisfied that a motor vehicle was used (by the person convicted or by anyone else) for the purpose of committing, or facilitating the commission of, the offence in question, the court may order the person convicted to be disqualified, for such period as the court thinks fit, for holding or obtaining a driving licence.

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- (4) If, in a case to which this section applies by virtue of subsection (2) above, the court is satisfied that the assault was committed by driving a motor vehicle, the court may order the person convicted to be disqualified, for such period as the court thinks fit, for holding or obtaining a driving licence.
- (5) A court which makes an order under this section disqualifying a person for holding or obtaining a driving licence shall require him to produce—
- (a) any such licence held by him ^{F8} ..., ^{F9} ...
 - ^{F10}(aa) in the case where he holds a Northern Ireland licence (within the meaning of Part 3 of the Road Traffic Act 1988), his Northern Ireland licence ^{F11} ...; or]
 - (b) in the case where he holds a Community licence (within the meaning of Part III of the ^{M3}Road Traffic Act 1988), his Community licence ^{F11} ...
- (6) Facilitating the commission of an offence shall be taken for the purposes of this section to include the taking of any steps after it has been committed for the purpose of disposing of any property to which it relates or of avoiding apprehension or detection.
- (7) In this section “driving licence” [^{F12}has the meaning] given by section 146(5) above.

Textual Amendments

- F8** Words in s. 147(5)(a) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 73(2)(a), Sch. 7(4); S.I. 2015/560, art. 3 (with arts. 4-9)
- F9** Word in s. 147(5)(a) repealed (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), Sch. 5 para. 74, Sch. 6; S.I. 2004/2624, art. 2(1)(2)(b)
- F10** S. 147(5)(aa) inserted (11.10.2004) by Crime (International Co-operation) Act 2003 (c. 32), s. 94(1), Sch. 5 para. 74; S.I. 2004/2624, art. 2(1)(2)(b)
- F11** Words in s. 147(5)(aa)(b) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 72(2)(b), Sch. 7(4); S.I. 2015/560, art. 3 (with arts. 4-9); S.I. 2015/560, art. 3 (with arts. 4-9)
- F12** Words in s. 147(7) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 73(3); S.I. 2015/560, art. 3(a) (with arts. 4-9)

Modifications etc. (not altering text)

- C1** S. 147(2) modified (1.10.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), Sch. 6 para. 39 (with Sch. 13 para. 5); S.I. 2008/2504, art. 2(a)

Marginal Citations

- M3** 1988 c. 52.

^{F13}147A Extension of disqualification where custodial sentence also imposed

- (1) This section applies where a person is convicted of an offence for which the court—
- (a) imposes a custodial sentence, and
 - (b) orders the person to be disqualified under section 146 or 147 for holding or obtaining a driving licence.
- (2) The order under section 146 or 147 must provide for the person to be disqualified for the appropriate extension period, in addition to the discretionary disqualification period.
- (3) The discretionary disqualification period is the period for which, in the absence of this section, the court would have disqualified the person under section 146 or 147.

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- (4) The appropriate extension period is—
 - (a) where an order under section 82A(2) of this Act (determination of tariffs) is made in relation to the custodial sentence, a period equal to the part of the sentence specified in that order;
 - (b) in the case of a detention and training order under section 100 of this Act (offenders under 18: detention and training orders), a period equal to half the term of that order;
 - ^{F14}(c)
 - ^{F14}(d)
 - (e) where section [^{F15}226A] of [^{F16}the Criminal Justice Act 2003] (extended sentence for certain violent^{F17}, sexual or terrorism] offences: persons 18 or over) applies in relation to the custodial sentence, a period equal to [^{F18}two-thirds of] the term imposed pursuant to section [^{F19}226A(5)(a)] of that Act ^{F20} ...;
 - (f) where section [^{F21}226B] of that Act (extended sentence for certain violent^{F22}, sexual or terrorism] offences: persons under 18) applies in relation to the custodial sentence, a period equal to [^{F23}two-thirds of] the term imposed pursuant to section [^{F24}226B(3)(a)] of that Act ^{F20} ...;
 - ^{F25}(fa) in the case of a sentence under section 236A of that Act (special custodial sentence for certain offenders of particular concern), a period equal to half of the term imposed pursuant to section 236A(2)(a) of that Act;
 - (g) where an order under section 269(2) of that Act (determination of minimum term in relation to mandatory life sentence: early release) is made in relation to the custodial sentence, a period equal to the part of the sentence specified in that order;
 - (h) in any other case, a period equal to half the custodial sentence imposed ^{F26}
- (5) If a period determined under subsection (4) includes a fraction of a day, that period is to be rounded up to the nearest number of whole days.
- ^{F27}(6)
- (7) This section does not apply where—
 - (a) the custodial sentence was a suspended sentence,
 - (b) the court has made an order under section 269(4) of the Criminal Justice Act 2003 (determination of minimum term in relation to mandatory life sentence: no early release) in relation to the custodial sentence, or
 - (c) the court has made an order under section 82A(4) of this Act (determination of minimum term in relation to discretionary life sentence: no early release) in relation to the custodial sentence.
- (8) Subsection (9) applies where an amending order provides that the proportion of a prisoner's sentence referred to in section [^{F28}243A(3)(a),] 244(3)(a) ^{F29}... of the Criminal Justice Act 2003 (release of prisoners in certain circumstances) is to be read as a reference to another proportion (“the new proportion”).
- (9) The Secretary of State may by order—
 - (a) if the amending order makes provision in respect of section [^{F30}243A(3)(a) or] 244(3)(a) of that Act, provide that the proportion specified in subsection (4) (h) of this section is to be read, in the case of a custodial sentence to which the amending order applies, as a reference to the new proportion;

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F31(b)

(10) In this section—

“amending order” means an order under section 267 of the Criminal Justice Act 2003 (alteration by order of relevant proportion of sentence);

“driving licence” means a licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988;

“suspended sentence” has the meaning given by section 189 of the Criminal Justice Act 2003.

Textual Amendments

- F13** S. 147A - S. 147B inserted (13.4.2015) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(5), [Sch. 16 para. 5\(1\)](#) (with s. 180, [Sch. 22 para. 29](#)); S.I. 2015/819, art. 2(b)
- F14** S. 147A(4)(c)(d) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 10](#); S.I. 2012/2906, art. 2(h)
- F15** S. 147A(4)(e) word substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 21 para. 15\(2\)\(a\)](#); S.I. 2012/2906, art. 2(s)
- F16** Words in s. 147A(4)(e) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 1 para. 13\(2\)](#); S.I. 2015/778, art. 3, [Sch. 1 para. 72](#)
- F17** Words in s. 147A(4)(e) substituted (12.4.2019) by [Counter-Terrorism and Border Security Act 2019 \(c. 3\)](#), s. 27(3), [Sch. 4 para. 7\(3\)\(a\)](#) (with s. 25(3)(4))
- F18** S. 147A(4)(e) words substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 21 para. 15\(2\)\(b\)](#); S.I. 2012/2906, art. 2(s)
- F19** S. 147A(4)(e) word substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 21 para. 15\(2\)\(c\)](#); S.I. 2012/2906, art. 2(s)
- F20** Words in s. 147A(4)(e)(f) omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 30\(2\)\(a\)](#), 95(1); S.I. 2015/778, art. 3, [Sch. 1 para. 25](#); S.I. 2015/778, art. 3, [Sch. 1 para. 25](#)
- F21** S. 147A(4)(f) word substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 21 para. 15\(3\)\(a\)](#); S.I. 2012/2906, art. 2(s)
- F22** Words in s. 147A(4)(f) substituted (12.4.2019) by [Counter-Terrorism and Border Security Act 2019 \(c. 3\)](#), s. 27(3), [Sch. 4 para. 7\(3\)\(b\)](#) (with s. 25(3)(4))
- F23** S. 147A(4)(f) words substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 21 para. 15\(3\)\(b\)](#); S.I. 2012/2906, art. 2(s)
- F24** S. 147A(4)(f) word substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 21 para. 15\(3\)\(c\)](#); S.I. 2012/2906, art. 2(s)
- F25** S. 147A(4)(fa) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 1 para. 13\(3\)](#); S.I. 2015/778, art. 3, [Sch. 1 para. 72](#)
- F26** Words in s. 147A(4)(h) omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 30\(2\)\(b\)](#), 95(1); S.I. 2015/778, art. 3, [Sch. 1 para. 25](#)
- F27** S. 147A(6) omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 30\(2\)\(c\)](#), 95(1); S.I. 2015/778, art. 3, [Sch. 1 para. 25](#)
- F28** S. 147A(8) words inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 14 para. 3\(a\)](#); S.I. 2012/2906, art. 2(l)
- F29** S. 147A(8) words omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 21 para. 15\(4\)](#); S.I. 2012/2906, art. 2(s)
- F30** S. 147A(9)(a) words inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 14 para. 3\(b\)](#); S.I. 2012/2906, art. 2(l)
- F31** S. 147A(9)(b) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 21 para. 15\(5\)](#); S.I. 2012/2906, art. 2(s)

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Modifications etc. (not altering text)

- C2** S. 147A excluded by 2003 c. 32, s. 54(3A)(c) (as inserted (coming into force in accordance with art. 3 of the commencing S.I.) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 7 para. 2\(4\)](#) (with [Sch. 7 para. 27](#)); S.I. 2017/189, art. 3)

147B Effect of custodial sentence in other cases

- (1) This section applies where a person is convicted of an offence for which a court proposes to order the person to be disqualified under section 146 or 147 for holding or obtaining a driving licence and—
 - (a) the court proposes to impose on the person a custodial sentence (other than a suspended sentence) for another offence, or
 - (b) at the time of sentencing for the offence, a custodial sentence imposed on the person on an earlier occasion has not expired.
- (2) In determining the period for which the person is to be disqualified under section 146 or 147, the court must have regard to the consideration in subsection (3) if and to the extent that it is appropriate to do so.
- (3) The consideration is the diminished effect of disqualification as a distinct punishment if the person who is disqualified is also detained in pursuance of a custodial sentence.
- (4) If the court proposes to order the person to be disqualified under section 146 or 147 and to impose a custodial sentence for the same offence, the court may not in relation to that disqualification take that custodial sentence into account for the purposes of subsection (2).
- (5) In this section “suspended sentence” has the same meaning as in section 147A.]

Textual Amendments

- F13** S. 147A - S. 147B inserted (13.4.2015) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(5), [Sch. 16 para. 5\(1\)](#) (with s. 180, [Sch. 22 para. 29](#)); S.I. 2015/819, art. 2(b)

Changes to legislation:

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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. 12(1A)(g) inserted by [2019 c. 17 s. 13\(6\)](#)
- s. 41(9A) inserted by [2000 c. 43 Sch. 7 para. 165\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 7 para. 165 repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- s. 41(12) inserted by [2000 c. 43 Sch. 7 para. 165\(c\)](#) (This amendment not applied to legislation.gov.uk. Sch. 7 para. 165 repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- s. 58(2) inserted by [2000 c. 43 Sch. 7 para. 172](#) (This amendment not applied to legislation.gov.uk. Sch. 7 para. 172 repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- s. 82A(3A)-(3C) inserted by [2008 c. 4 s. 19\(3\)](#)
- s. 83(2)(aa) substituted for s. 83(2)(b)(c) by [2000 c. 43 Sch. 7 para. 178](#)
- s. 101(2A) inserted by [2003 c. 44 s. 298\(3\)](#)
- s. 147A(6)(a) words substituted by [2012 c. 10 Sch. 13 para. 12\(b\)](#)
- s. 147A(6)(b) words inserted by [2012 c. 10 Sch. 13 para. 12\(c\)](#)
- Sch. 2 para. 8 and cross-heading inserted by [2000 c. 43 s. 51](#) (This amendment not applied to legislation.gov.uk. S. 51 repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- Sch. 3 para. 6A and cross-heading inserted by [2000 c. 43 Sch. 7 para. 199\(9\)](#) (This amendment not applied to legislation.gov.uk. Sch. 7 para. 199(9) repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- Sch. 3 para. 26 inserted by [2000 c. 43 Sch. 7 para. 199\(26\)](#) (This amendment not applied to legislation.gov.uk. Sch. 7 para. 199(26) repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- Sch. 3 para. 4(4A) inserted by [2004 c. 28 Sch. 5 para. 5\(4\)](#) (Effect not applied as it relates to a version of Sch. 3 para. 4 prospectively substituted but not brought into force)
- Sch. 3 para. 7(4)-(7) substituted for Sch. 3 para. 7(4)-(6) by [2000 c. 43 Sch. 7 para. 199\(10\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Sch. 7 para. 199(10)(c) repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- Sch. 10 para. 12(2)(e)(f) inserted by [2000 c. 43 Sch. 7 para. 204](#) (This amendment not applied to legislation.gov.uk. Sch. 7 para. 204 repealed (30.11.2009) without ever being in force by 2008 c. 4, Sch. 28 Pt. 1; S.I. 2009/3074, art. 2(u)(xxix))