Road Safety Act 2006

2006 CHAPTER 49

Attendance on courses

PROSPECTIVE

34 Penalty points

(1) The Road Traffic Offenders Act 1988 is amended as follows.

(2) In section 29 (penalty points to be taken into account on conviction), after subsection (2) insert—

"(2A) Subsection (1)(b) above has effect subject to section 30A(4) of this Act."

(3) After section 30 insert—

"**30A Reduced penalty points for attendance on course**

(1) This section applies where—

(a) a person is convicted of a specified offence by or before a court,

(b) penalty points are to be attributed to the offence and the court does not order him to be disqualified, and

(c) at least seven but no more than eleven penalty points are to be taken into account on the occasion of the conviction.

(2) In this section "specified offence" means—

(a) an offence under section 3 of the Road Traffic Act 1988 (careless, and inconsiderate, driving),

(b) an offence under section 36 of that Act (failing to comply with traffic signs),

(c) an offence under section 17(4) of the Road Traffic Regulation Act 1984 (use of special road contrary to scheme or regulations), or

(d) an offence under section 89(1) of that Act (exceeding speed limit).

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Changes to legislation: *Road Safety Act 2006, Cross Heading: Attendance on courses is up to date with all changes known to be in force on or before 22 June 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*

(3) But the Secretary of State may by regulations amend subsection (2) above by adding other offences or removing offences.

(4) Where this section applies, the court may make an order that three of the penalty points attributed to the offence (or all of them if three or fewer are so attributed) shall not be taken into account under section 29(1)(b) of this Act on the occasion of any conviction of an offence after the end of the period of twelve months beginning with the date of the order if, by the relevant date, the offender completes an approved course specified in the order.

(5) In subsection (4) above—

"an approved course" means a course approved by the appropriate national authority for the purposes of this section in relation to the description of offence of which the offender is convicted, and

"the relevant date" means such date, no later than ten months after the day on which the order is made, as is specified in the order.

(6) A court shall not make an order under this section in the case of an offender convicted of an offence if—

(a) the offender has, during the period of three years ending with the date on which the offence was committed, committed a specified offence and successfully completed an approved course pursuant to an order made under this section or section 34A of this Act on conviction of that offence, or

(b) the offence was committed during his probationary period.

(7) A court shall not make an order under this section in the case of an offender unless—

(a) the court is satisfied that a place on the course specified in the order will be available for the offender,

(b) the offender appears to the court to be of or over the age of 17,

(c) the court has informed the offender (orally or in writing and in ordinary language) of the effect of the order and of the amount of the fees which he is required to pay for the course and when he must pay them, and

(d) the offender has agreed that the order should be made.

30B Certificates of completion of courses

(1) An offender shall be regarded for the purposes of section 30A of this Act as having completed a course satisfactorily if (and only if) a certificate that he has done so is received by the proper officer of the supervising court.

(2) A course provider must give a certificate under subsection (1) above to the offender not later than fourteen days after the date specified in the order as the latest date for the completion of the course unless the offender—

(a) fails to make due payment of fees for the course,

(b) fails to attend the course in accordance with the course provider's reasonable instructions, or

(c) fails to comply with any other reasonable requirement of the course provider.

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(3) A certificate under subsection (1) above is to be given by the course provider and shall be in such form, and contain such particulars, as may be prescribed by, or determined in accordance with, regulations made by the appropriate national authority.

(4) Where a course provider decides not to give a certificate under subsection (1) above to the offender, he shall give written notice of the decision to the offender as soon as possible, and in any event not later than fourteen days after the date specified in the order as the latest date for completion of the course.

(5) An offender to whom a notice is given under subsection (4) above may, within such period as may be prescribed by rules of court, apply to the supervising court, or (if the supervising court is not the Crown Court, the High Court of Justiciary or the relevant local court) to either the supervising court or the relevant local court, for a declaration that the course provider's decision not to give a certificate under subsection (1) above was contrary to subsection (2) above.

(6) If the court grants the application, section 30A of this Act shall have effect as if the certificate had been duly received by the proper officer of the supervising court.

(7) If fourteen days after the date specified in the order as the latest date for completion of the course the course provider has given neither the certificate under subsection (1) above nor a notice under subsection (4) above, the offender may, within such period as may be prescribed by rules of court, apply to the supervising court, or (if the supervising court is not the Crown Court, the High Court of Justiciary or the relevant local court) to either the supervising court or the relevant local court, for a declaration that the course provider is in default.

(8) If the court grants the application, section 30A of this Act shall have effect as if the certificate had been duly received by the proper officer of the supervising court.

(9) A notice under subsection (4) above shall specify the ground on which it is given; and the appropriate national authority may by regulations make provision as to the form of notices under that subsection and as to the circumstances in which they are to be treated as given.

(10) Where the proper office of a court receives a certificate under subsection (1) above, or a court grants an application under subsection (5) or (7) above, the proper officer or court must send notice of that fact to the Secretary of State; and the notice must be sent in such manner and to such address, and must contain such particulars, as the Secretary of State may determine.

30C Approval of courses

(1) If an application is made to the appropriate national authority for the approval of a course for the purposes of section 30A of this Act, the appropriate national authority must decide whether to grant or refuse the application.

(2) In reaching that decision the appropriate national authority must have regard to—

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(a) the nature of the course, and

(b) whether the course provider is an appropriate person to provide the course and administer its provision efficiently and effectively,

and may take into account any recommendations made by any persons appointed to consider the application.

(3) A course may be approved subject to conditions specified by the appropriate national authority.

(4) An approval of a course is for the period specified by the appropriate national authority (which must not exceed seven years), subject to withdrawal of approval.

(5) Regulations made by the appropriate national authority may make provision in relation to the approval of courses and may, in particular, include provision—

(a) in relation to the making of applications for approval,

(b) for the payment in respect of applications for approval, or of approvals, (or of both) of fees of such amounts as are prescribed by the regulations,

(c) specifying the maximum fees that a person may be required to pay for a course and by when they are to be paid,

(d) for the monitoring of courses and course providers,

(e) in relation to withdrawing approval,

(f) for an appeal to lie to the Transport Tribunal against a refusal of an application for approval, the imposition of conditions on the grant of such an application or the withdrawal of approval, and

(g) authorising the appropriate national authority to make available (with or without charge) information about courses and course providers.

30D Provisions supplementary to sections 30A to 30C

(1) The appropriate national authority may issue guidance to course providers, or to any category of course provider, as to the conduct of courses approved for the purposes of section 30A of this Act; and—

(a) course providers shall have regard to any guidance given to them under this subsection, and

(b) in determining for the purposes of section 30B of this Act whether any instructions or requirements of a course provider were reasonable, a court shall have regard to any guidance given to him under this subsection.

(2) The Secretary of State may by regulations make provision—

(a) amending section 30A(1)(c) of this Act by substituting for the lower number of penalty points for the time being specified there a different number of penalty points, or

(b) amending section 30A(6)(a) of this Act by substituting for the period for the time being specified there a different period.

(3) In sections 30A to 30C of this Act and this section—

"appropriate national authority" means (as respects Wales) the National Assembly for Wales and (otherwise) the Secretary of State;

"course provider", in relation to a course, means the person by whom it is, or is to be, provided;

"probationary period" has the meaning given in section 1 of the Road Traffic (New Drivers) Act 1995;

"proper officer" means—

(a) in relation to a magistrates' court in England and Wales, the designated officer for the court, and

(b) otherwise, the clerk of the court;

"relevant local court", in relation to an order made under section 30A of this Act in the case of an offender, means—

(a) in England and Wales, a magistrates' court acting for the local justice area in which the offender resides, and

(b) in Scotland, the sheriff court for the district where the offender resides or, where the order is made by a stipendiary magistrate and the offender resides within his commission area, the district court for that area; and

"supervising court", in relation to an order under section 30A of this Act, means—

(a) in England and Wales, if the Crown Court made the order the Crown Court and otherwise a magistrates' court acting for the same local justice area as the court which made the order, and

(b) in Scotland, the court which made the order.

(4) Any power to make regulations under section 30A, 30B or 30C of this Act or this section includes power to make different provision for different cases, and to make such incidental or supplementary provision as appears to the appropriate national authority to be necessary or appropriate.

(5) Any power to make regulations under section 30A, 30B or 30C of this Act or this section shall be exercisable by statutory instrument.

(6) No regulations shall be made under section 30A of this Act or this section unless a draft of the regulations has been laid before, and approved by a resolution of, each House of Parliament.

(7) A statutory instrument containing regulations made under section 30B or 30C of this Act by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament."

35 Reduced disqualification period for attendance on course

For sections 34A to 34C of the Road Traffic Offenders Act 1988 (c. 53) substitute—

"**34A Reduced disqualification for attendance on courses**

(1) This section applies where—

(a) a person is convicted of a relevant drink offence or a specified offence by or before a court, and

(b) the court makes an order under section 34 of this Act disqualifying him for a period of not less than twelve months.

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(2) In this section "relevant drink offence" means—

(a) an offence under paragraph (a) of subsection (1) of section 3A of the Road Traffic Act 1988 (causing death by careless driving when unfit to drive through drink) committed when unfit to drive through drink,

(b) an offence under paragraph (b) of that subsection (causing death by careless driving with excess alcohol),

(c) an offence under paragraph (c) of that subsection (failing to provide a specimen) where the specimen is required in connection with drink or consumption of alcohol,

(d) an offence under section 4 of that Act (driving or being in charge when under influence of drink) committed by reason of unfitness through drink,

(e) an offence under section 5(1) of that Act (driving or being in charge with excess alcohol),

(f) an offence under section 7(6) of that Act (failing to provide a specimen) committed in the course of an investigation into an offence within any of the preceding paragraphs, or

(g) an offence under section 7A(6) of that Act (failing to allow a specimen to be subjected to a laboratory test) in the course of an investigation into an offence within any of the preceding paragraphs.

(3) In this section "specified offence" means—

(a) an offence under section 3 of the Road Traffic Act 1988 (careless, and inconsiderate, driving),

(b) an offence under section 36 of that Act (failing to comply with traffic signs),

(c) an offence under section 17(4) of the Road Traffic Regulation Act 1984 (use of special road contrary to scheme or regulations), or

(d) an offence under section 89(1) of that Act (exceeding speed limit).

(4) But the Secretary of State may by regulations amend subsection (3) above by adding other offences or removing offences.

(5) Where this section applies, the court may make an order that the period of disqualification imposed under section 34 of this Act ("the unreduced period") shall be reduced if, by the relevant date, the offender satisfactorily completes an approved course specified in the order.

(6) In subsection (5) above—

"an approved course" means a course approved by the appropriate national authority for the purposes of this section in relation to the description of offence of which the offender is convicted, and

"the relevant date" means such date, at least two months before the last day of the period of disqualification as reduced by the order, as is specified in the order.

(7) The reduction made in a period of disqualification by an order under this section is a period specified in the order of—

(a) not less than three months, and

(b) not more than one quarter of the unreduced period,

(and, accordingly, where the unreduced period is twelve months, the reduced period is nine months).

(8) A court shall not make an order under this section in the case of an offender convicted of a specified offence if—

(a) the offender has, during the period of three years ending with the date on which the offence was committed, committed a specified offence and successfully completed an approved course pursuant to an order made under this section or section 30A of this Act on conviction of that offence, or

(b) the specified offence was committed during his probationary period.

(9) A court shall not make an order under this section in the case of an offender unless—

(a) the court is satisfied that a place on the course specified in the order will be available for the offender,

(b) the offender appears to the court to be of or over the age of 17,

(c) the court has informed the offender (orally or in writing and in ordinary language) of the effect of the order and of the amount of the fees which he is required to pay for the course and when he must pay them, and

(d) the offender has agreed that the order should be made.

34B Certificates of completion of courses

(1) An offender shall be regarded for the purposes of section 34A of this Act as having completed a course satisfactorily if (and only if) a certificate that he has done so is received by the proper officer of the supervising court before the end of the unreduced period.

(2) If a certificate under subsection (1) above is so received before the end of the unreduced period but after the end of the period which would (apart from this subsection) be the reduced period, the reduced period is to be taken to end with the day on which the certificate is so received.

(3) A certificate under subsection (1) above is to be given by the course provider and shall be in such form, and contain such particulars, as may be prescribed by, or determined in accordance with, regulations made by the appropriate national authority.

(4) A course provider must give a certificate under subsection (1) above to the offender not later than fourteen days after the date specified in the order as the latest date for the completion of the course unless the offender—

(a) fails to make due payment of fees for the course,

(b) fails to attend the course in accordance with the course provider's reasonable instructions, or

(c) fails to comply with any other reasonable requirement of the course provider.

(5) Where a course provider decides not to give a certificate under subsection (1) above to the offender, he shall give written notice of the decision to the offender as soon as possible, and in any event not later than fourteen days after the date specified in the order as the latest date for completion of the course.

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(6) An offender to whom a notice is given under subsection (5) above may, within such period as may be prescribed by rules of court, apply to the supervising court, or (if the supervising court is not the Crown Court, the High Court of Justiciary or the relevant local court) to either the supervising court or the relevant local court, for a declaration that the course provider's decision not to give a certificate under subsection (1) above was contrary to subsection (4) above.

(7) If the court grants the application, section 34A of this Act shall have effect as if the certificate had been duly received by the proper officer of the supervising court.

(8) If fourteen days after the date specified in the order as the latest date for completion of the course the course provider has given neither a certificate under subsection (1) above nor a notice under subsection (5) above, the offender may, within such period as may be prescribed by rules of court, apply to the supervising court, or (if the supervising court is not the Crown Court, the High Court of Justiciary or the relevant local court) to either the supervising court or the relevant local court, for a declaration that the course provider is in default.

(9) If the court grants the application, section 34A of this Act shall have effect as if the certificate had been duly received by the proper officer of the supervising court.

(10) A notice under subsection (5) above shall specify the ground on which it is given; and the appropriate national authority may by regulations make provision as to the form of notices under that subsection and as to the circumstances in which they are to be treated as given.

(11) Where the proper officer of a court receives a certificate under subsection (1) above, or a court grants an application under subsection (6) or (8) above, the proper officer or court must send notice of that fact to the Secretary of State; and the notice must be sent in such manner and to such address, and must contain such particulars, as the Secretary of State may determine.

34BA Approval of courses

(1) If an application is made to the appropriate national authority for the approval of a course for the purposes of section 34A of this Act, the appropriate national authority must decide whether to grant or refuse the application.

(2) In reaching that decision the appropriate national authority must have regard to—

(a) the nature of the course, and

(b) whether the course provider is an appropriate person to provide the course and administer its provision efficiently and effectively,

and may take into account any recommendations made by any persons appointed to consider the application.

(3) A course may be approved subject to conditions specified by the appropriate national authority.

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(4) An approval of a course is for the period specified by the appropriate national authority (which must not exceed seven years), subject to withdrawal of approval.

(5) Regulations made by the appropriate national authority may make provision in relation to the approval of courses and may, in particular, include provision—

(a) in relation to the making of applications for approval,

(b) for the payment in respect of applications for approval, or of approvals, (or of both) of fees of such amounts as are prescribed by the regulations,

(c) specifying the maximum fees that a person may be required to pay for a course and by when they are to be paid,

(d) for the monitoring of courses and course providers,

(e) in relation to withdrawing approval,

(f) for an appeal to lie to the Transport Tribunal against a refusal of an application for approval, the imposition of conditions on the grant of such an application or the withdrawal of approval, and

(g) authorising the appropriate national authority to make available (with or without charge) information about courses and course providers.

34C Provisions supplementary to sections 34A to 34BA

(1) The appropriate national authority may issue guidance to course providers, or to any category of course provider, as to the conduct of courses approved for the purposes of section 34A of this Act; and—

(a) course providers shall have regard to any guidance given to them under this subsection, and

(b) in determining for the purposes of section 34B of this Act whether any instructions or requirements of a course provider were reasonable, a court shall have regard to any guidance given to him under this subsection.

(2) The Secretary of State may by regulations make provision—

(a) amending section 34A(1)(b) of this Act by substituting for the period for the time being specified there a different period,

(b) amending section 34A(7) of this Act by substituting for the period for the time being specified there a different period, or by substituting for the fraction of the unreduced period for the time being specified there a different fraction of that period, (or by doing both), or

(c) amending section 34A(8)(a) of this Act by substituting for the period for the time being specified there a different period.

(3) In sections 34A to 34BA of this Act and this section—

"appropriate national authority" means (as respects Wales) the National Assembly for Wales and (otherwise) the Secretary of State;

"course provider", in relation to a course, means the person by whom it is, or is to be, provided;

"probationary period" has the meaning given in section 1 of the Road Traffic (New Drivers) Act 1995;

"proper officer" means—

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(a) in relation to a magistrates' court in England and Wales, the designated officer for the court, and

(b) otherwise, the clerk of the court;

"relevant local court", in relation to an order under section 34A of this Act in the case of an offender, means—

(a) in England and Wales, a magistrates' court acting for the local justice area in which the offender resides, and

(b) in Scotland, the sheriff court for the district where the offender resides or, where the order is made by a stipendiary magistrate and the offender resides within his commission area, the district court for that area; and

"supervising court", in relation to an order under section 34A of this Act, means—

(a) in England and Wales, if the Crown Court made the order the Crown Court and otherwise a magistrates' court acting for the same local justice area as the court which made the order, and

(b) in Scotland, the court which made the order.

(4) Any power to make regulations under section 34A, 34B or 34BA of this Act or this section includes power to make different provision for different cases, and to make such incidental or supplementary provision as appears necessary or appropriate.

(5) Any power to make regulations under section 34A, 34B or 34BA of this Act or this section shall be exercisable by statutory instrument.

(6) No regulations shall be made under section 34A of this Act or this section unless a draft of the regulations has been laid before, and approved by a resolution of, each House of Parliament.

(7) A statutory instrument containing regulations made under section 34B or 34BA of this Act by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament."

Commencement Information

I1 S. 35 in force at 21.12.2012 for specified purposes by S.I. 2012/2938, **art. 2(1)** (with art. 3)

I2 S. 35 in force at 24.6.2013 for specified purposes by S.I. 2012/2938, **art. 2(1)** (with art. 3)

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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):

- Sch. 6 para. 8A inserted by 2016 c. 16 s. 3(3)
- Sch. 6 para. 10A inserted by 2016 c. 16 s. 4(2)
- Sch. 6 para. 13(9) inserted by 2016 c. 16 s. 4(5)