



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 section ^[F1]110(2) or 111(2) above, ^[F2]section 1A(5) of the Prevention of Crime Act 1953, section 51A(2) of the Firearms Act 1968, section 139AA(7) of the Criminal Justice Act 1988 ^[F3], ^[F4]section ^[F5]224A,] 225(2) or 226(2) of the Criminal Justice Act 2003 or section 29(4) or (6) of the Violent Crime Reduction Act 2006], subsection (1) above shall have effect as if the words “instead of or” 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by the Secretary of State that the power to make such orders is exercisable by the court and the notice has not been withdrawn.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—
 - (a) any such licence held by him together with its counterpart; ^{F6}...
 - ^[F7](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 and its counterpart (if any); or]

Status: Point in time view as at 03/12/2012.

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- (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 and its counterpart (if any).
- (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;
- “counterpart”—
- (a) in relation to a driving licence, has the meaning given in relation to such a licence by section 108(1) of that Act; ^{F8}...
- (aa) [^{F9} in relation to a Northern Ireland licence, has the meaning given by section 109A of that Act; and]
- (b) in relation to a Community licence, has the meaning given by section 99B of that Act.

Textual Amendments

- F1** Words in s. 146(2) substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 32 para. 120](#); [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 42\(34\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122, art. 2](#); and as amended: (14.7.2008) by [2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2](#); [S.I. 2008/1586, Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111, art. 2](#); (3.12.2012) by [S.I. 2012/2905, art. 4](#); (3.12.2012) by [2012 c. 10, Sch. 14 para. 17](#); [S.I. 2012/2906, art. 2\(l\)](#))
- F2** Words in s. 146(2) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 26 para. 13](#); [S.I. 2012/2770, art. 2\(f\)](#)
- F3** Words in s. 146(2) substituted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\), s. 66\(2\), Sch. 1 para. 6\(c\)](#); [S.I. 2007/858, art. 2\(g\)](#)
- F4** Words in s. 146(2) substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 26 para. 47](#); [S.I. 2008/1586, art. 2\(1\), Sch. 1 para. 48\(o\)](#)
- F5** Words in s. 146(2) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 19 para. 6](#); [S.I. 2012/2906, art. 2\(q\)](#)
- F6** 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\(1\)\(2\)\(b\)](#)
- F7** 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\(1\)\(2\)\(b\)](#)
- F8** Word in s. 146(5) repealed (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\), s. 94\(1\), Sch. 5 para. 73\(b\), Sch. 6](#); [S.I. 2004/2624, art. 2\(1\)\(2\)\(b\)](#)
- F9** Words in s. 146(5) inserted (11.10.2004) by [Crime \(International Co-operation\) Act 2003 \(c. 32\), s. 94\(1\), Sch. 5 para. 73\(b\)](#); [S.I. 2004/2624, art. 2\(1\)\(2\)\(b\)](#)

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.

Status: Point in time view as at 03/12/2012.

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- (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.
- (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 together with its counterpart; ^{F10}...
 - [^{F11}(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 and its counterpart (if any); 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 and its counterpart (if any).
- (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” and “counterpart” have the meanings given by section 146(5) above.

Textual Amendments

F10 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)

F11 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)

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.

Status:

Point in time view as at 03/12/2012.

Changes to legislation:

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