

# CRIMINAL JUSTICE AND COURTS ACT 2015

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 1 – Criminal Justice

##### Driving offences

##### *Section 30: Extension of disqualification from driving where custodial sentence also imposed*

301. **Section 30** amends section 35A of the Road Traffic Offenders Act 1988 and section 147A of the Powers of Criminal Courts (Sentencing) Act 2000 which require a court, when sentencing an offender to immediate custody and imposing a driving ban, to extend the driving ban to take account of the period the offender will spend in custody. The provisions about that extension of the driving ban were inserted by Schedule 16 to the Coroners and Justice Act 2009 and were designed to avoid a driving ban expiring, or being significantly diminished, during the period in which the offender is in custody.
302. **Section 30** omits the requirement for the court, when setting the extension period to be added onto a driving ban, to take account of the sentence imposed by the court reduced by deducted time spent on remand. For the purpose of setting the length of the extension period and therefore the length of the driving ban as a whole, the court only has to have regard to the type and length of sentence it has imposed and not the sentence as adjusted once time spent on remand is deducted.