



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 7

SENTENCING AND RELEASE

CHAPTER 1

CUSTODIAL SENTENCES

Driving disqualification: extension in connection with custodial sentence

140 Extension of driving disqualification where custodial sentence imposed: England and Wales

- (1) In section 35A(4) of the Road Traffic Offenders Act 1988 (extension of driving disqualification period where custodial sentence also imposed)—
- (a) in paragraph (e), after “custodial sentence,” insert “but the sentence is not within section 247A(2A) of the Criminal Justice Act 2003 (sentences for terrorist offenders in respect of which no early release possible),”;
 - (b) in paragraph (f), after “custodial sentence,” insert “but the sentence is not within section 247A(2A) of the Criminal Justice Act 2003,”;
 - (c) after paragraph (f) insert—
 - “(fza) in a case that would fall within paragraph (e) or (f) but for the fact that the custodial sentence falls within section 247A(2A) of the Criminal Justice Act 2003, a period equal to the term imposed under section 266(a) or 279(a) or (as the case may be) section 254(a) of the Sentencing Code;”;
 - (d) in paragraph (fa)—
 - (i) after “under section” insert “252A,”;

Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Section 140. (See end of Document for details)

- (ii) for “half” substitute “two-thirds”;
 - (iii) after “pursuant to section” insert “252A(4)(a),”;
- (e) after paragraph (fa) insert—
 - “(fb) in the case of a sentence under section 268A or 282A of that Code (serious terrorism sentences), a period equal to the term imposed by the court pursuant to section 268C(2) or 282C(2) of that Code;
 - (fc) in the case of a sentence in respect of which section 244ZA of the Criminal Justice Act 2003 applies to the offender, a period equal to two-thirds of the sentence;
 - (fd) in any other case where section 247A of the Criminal Justice Act 2003 applies to the offender in respect of the custodial sentence, a period equal to two-thirds of the sentence;”.
- (2) In section 166 of the Sentencing Code (extension of driving disqualification period where custodial sentence also imposed)—
 - (a) in the table in subsection (5)—
 - (i) in entries 3 and 5, in the third column, for “half” substitute “two-thirds of”;
 - (ii) after entry 6A insert—

“6B	a custodial sentence in respect of which section 244ZA of the Criminal Justice Act 2003 applies to the offender	two-thirds of the sentence
6C	a custodial sentence not within any of the preceding entries in respect of which section 247A of the Criminal Justice Act 2003 applies to the offender	two-thirds of the sentence”;
 - (b) after subsection (5) insert—
 - “(5A) In the case of a sentence specified in entry 2, 4 or 6 of column 2 in the table which is within section 247A(2A) of the Criminal Justice Act 2003, the corresponding entry in column 3 of the table is to be read with the omission of “two-thirds of”.”
- (3) The amendments made by subsection (2)(a)(i) do not have effect in relation to an offender who—
 - (a) is sentenced before the coming into force of section 107 (increase in requisite custodial period for certain offenders of particular concern), and
 - (b) on being sentenced, will be a prisoner to whom section 244A of the Criminal Justice Act 2003 (release on licence of prisoners serving sentence under 278 of the Sentencing Code etc) applies.
- (4) In the Sentencing Act 2020—
 - (a) in section 417 (commencement of prospective amendments), in subsection (3) (a), after “40,” insert “40A,”;
 - (b) in Schedule 22, after paragraph 40 (prospective amendment of section 166(5) of the Sentencing Code) insert—

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- “40A In section 166(5A) (adaptation of disqualification period in certain terrorist cases), in paragraph (a), omit “, 4”.”
- (c) also in Schedule 22, in paragraph 102 (prospective amendment of section 35A of the Road Traffic Offenders Act 1988)—
- (i) in the words before sub-paragraph (a), omit “as amended by paragraph 102(2) of Schedule 24”;
- (ii) after sub-paragraph (a) insert—
- “(aa) in paragraph (fza) omit “266(a) or”.”;
- (iii) at the end insert—
- “(c) in paragraph (fb) omit “268A or” and “268C(2) or”.”
- (5) In Schedule 22 to the Coroners and Justice Act 2009, omit paragraph 34 (power to make transitional provision in relation to section 35A of the Road Traffic Offenders Act 1988).

Commencement Information

- II** S. 140 in force at Royal Assent, see s. 208(4)(q)

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