

Penalties

Parliament sets the maximum penalties for road traffic offences. The seriousness of the offence is reflected in the maximum penalty. It is for the courts to decide what sentence to impose according to circumstances.

The penalty table below indicates some of the main offences, and the associated penalties. There is a wide range of other more specific offences which, for the sake of simplicity, are not shown here. The penalty points and disqualification system is described below.

Penalty points and disqualification

The penalty point system is intended to deter drivers and motorcyclists from following unsafe motoring practices. Certain non-motoring offences, e.g. failure to rectify vehicle defects, can also attract penalty points. The court **MUST** order points to be endorsed on the licence according to the fixed number or the range set by Parliament. The accumulation of penalty points acts as a warning to drivers and motorcyclists that they risk disqualification if further offences are committed.

[Law RTOA sects 44 & 45]

A driver or motorcyclist who accumulates 12 or more penalty points within a three-year period **MUST** be disqualified. This will be for a minimum period of six months, or longer if the driver or motorcyclist has previously been disqualified.

[Law RTOA sect 35]

For every offence which carries penalty points the court has a discretionary power to order the licence holder to be disqualified. This may be for any period the court thinks fit, but will usually be between a week and a few months.

In the case of serious offences, such as dangerous driving and drink-driving, the court **MUST** order disqualification. The minimum period is 12 months, but for repeat offenders or where the alcohol level is high, it may be longer. For example, a second drink-drive offence in the space of 10 years will result in a minimum of three years' disqualification.

[Law RTOA sect 34]

Please note the penalties listed under 'Imprisonment', 'Fine' and 'Disqualification' are maximum penalties.

Offence	Imprisonment	Fine	Disqualification	Penalty points
*Causing death by dangerous driving	14 years	Unlimited	Obligatory - 2 years minimum	3-11 (if exceptionally not disqualified)
*Dangerous driving	2 years	Unlimited	Obligatory	3-11 (if exceptionally not disqualified)
*Causing death by careless driving under the influence of drink or drugs	14 years	Unlimited	Obligatory - 2 years minimum	3-11 (if exceptionally not disqualified)
Careless and inconsiderate driving	-	£5,000	Discretionary	3-9
Driving while unfit through drink or drugs or with excess alcohol: or failing to provide a specimen for analysis	6 months	£5,000	Obligatory	3-11 (if exceptionally not disqualified)
Failing to stop after an accident or failing to report an accident	6 months	£5,000	Discretionary	5-10
Driving when disqualified	6 months (12 months in Scotland)	£5,000	Discretionary	6
Driving after refusal or revocation of licence on medical grounds	6 months	£5,000	Discretionary	3-6
Driving without insurance	-	£5,000	Discretionary	6-8

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Offence	Imprisonment	Fine	Disqualification	Penalty points
Using a vehicle in a dangerous condition	-	LGV £5,000 PCV £5,000 Other £2,500	Obligatory if offence committed within 3 years of a previous conviction for the same offence - 6 months minimum otherwise discretionary	3 in each case
Failure to have proper control of vehicle or full view of the road and traffic ahead, or using a hand-held mobile phone while driving	-	£1,000 (£2,500 for PCV or goods vehicle)	Discretionary	3
Driving otherwise than in accordance with a licence	-	£1,000	Discretionary	3-6
Speeding	-	£1,000 (£2,000 for motorway offences)	Discretionary	3-6 or 3 (fixed penalty)
Traffic light offences	-	£1,000	Discretionary	3
No MOT certificate	-	£1,000		-
Seat belt offences	-	£500		-
Dangerous cycling	-	£2,500		-
Careless cycling	-	£1,000		-
Cycling on pavement	-	£500		-
Failing to identify driver of a vehicle	-	£1,000	Discretionary	6

*Where a court disqualifies a person on conviction for one of these offences, it must order an extended retest. The courts also have discretion to order a retest for any other offence which carries penalty points, an extended retest where disqualification is obligatory, and an ordinary test where disqualification is not obligatory.

Furthermore, in some serious cases, the court **MUST** (in addition to imposing a fixed period of disqualification) order the offender to be disqualified until they pass a driving test. In other cases the court has a discretionary power to order such disqualification. The test may be an ordinary length test or an extended test according to the nature of the offence.

[Law RTOA sect 36]

New drivers. Special rules as set out below apply for a period of two years from the date of passing their first driving test, to drivers and motorcyclists from

- the UK, EU/EEA, the Isle of Man, the Channel Islands or Gibraltar who passed their first driving test in any of those countries
- other foreign countries who have to pass a UK driving test to gain a UK licence, in which case the UK driving test is treated as their first driving test; and
- other foreign countries who (without needing a test) exchanged their licence for a UK licence and subsequently passed a UK driving test to drive another type of vehicle, in which case the UK driving test is treated as their first driving test. For example a driver who exchanges a foreign licence (car) for a UK licence (car) and who later passes a test to drive another type of vehicle (e.g. an HGV) will be subject to the special rules

Where a person subject to the special rules accumulates six or more penalty points before the end of the two-year period (including any points acquired before passing the test) their licence will be revoked automatically. To regain the licence they must reapply for a provisional licence and may drive only as a learner until they pass a further driving test (see also 'Safety code for new drivers').

[Law RT(ND)A]

Note. This applies even if they pay for offences by fixed penalty. Drivers in the first group (UK, EU/EEA etc.) who already have a full licence for one type of vehicle are not affected by the special rules if they later pass a test to drive another type of vehicle.

Other consequences of offending

Where an offence is punishable by imprisonment then the vehicle used to commit the offence may be confiscated.

[Law PCC(S)A, sect 143]

In addition to the penalties a court may decide to impose, the cost of insurance is likely to rise considerably following conviction for a serious driving offence. This is because insurance companies consider such drivers are more likely to be involved in a collision.

Drivers disqualified for drinking and driving twice within 10 years, or once if they are over two and a half times the legal limit, or those who refused to give a specimen, also have to satisfy the Driver and Vehicle Licensing Agency's Medical Branch that they do not have an alcohol problem and are otherwise fit to drive before their licence is returned at the end of their period of disqualification. Persistent misuse of drugs or alcohol may lead to the withdrawal of a driving licence.