

Orders and regulations from 1988 can be viewed on the Office of Public Sector information website (www.opsi.gov.uk). Orders and regulations prior to 1988 are only available in their original print format which can be obtained from The Stationery Office as detailed inside the back cover.

5. 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 on page 125 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 disqualifications

The penalty points 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 that they risk disqualification if further offences are committed.

Law RTOO Arts 49 & 50

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 RTOO Art 40

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

Penalty Table

Offence	Maximum Penalties			Penalty Points
	Imprisonment	Fine	Disqualification	
* Causing deaths, or grievous bodily injury by dangerous driving	14 years	Unlimited	Obligatory - 2 years minimum	3-11 (if exceptionally not disqualified)
* Dangerous driving	5 years	Unlimited	Obligatory	3-11 (if exceptionally not disqualified)
* Causing death, or grievous bodily injury by careless driving when under the influence of drink or drugs	14 years	Unlimited	Obligatory - 2 years minimum	3-11 (if exceptionally not disqualified)
Aggravated vehicle taking causing death or grievous bodily injury	14 years	Unlimited	Obligatory	3-11
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 (collision) or failing to report an accident (collision)	6 months	£5,000	Discretionary	5-10
Driving when disqualified	2 years	Unlimited	Discretionary	6
Causing death or grievous bodily injury by careless or inconsiderate driving	5 years	Unlimited	Obligatory	3-11
Driving without insurance	6 months	£5,000	Discretionary	6-8
Causing death or grievous bodily injury by driving unlicensed, uninsured or while disqualified	2 years	Unlimited	Obligatory	3-11
Speeding	-	£1,000 (£2,500 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	-	3
Dangerous cycling	-	£2,500	-	-
Careless cycling	-	£1,000	-	-
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 and for those offences marked

** it must order an ordinary retest. The courts also have discretion to order a retest for any other offence which carries obligatory endorsement, an extended retest where disqualification is for repeated offences and an ordinary retest in any other case.

drink-drive offence in the space of 10 years will be result in a minimum of three years' disqualification.

Law RTOO Art 35

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 of ordinary or extended length according to the nature of the offence.

Law RTOO Art 41

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 licence 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 LGV) 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 (also see Annex 8 – Safety code for new drivers).

Law RT(ND)O

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, the vehicle used to commit the offence may be confiscated.

Law CJO Art 11

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 have a collision.

Drivers disqualified for alcohol related motoring offences 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 Driver and Vehicle Agency's Medical Branch that they do not have an alcohol problem and are otherwise fit to drive before a provisional licence is issued after the period of disqualification. Persistent misuse of drugs or alcohol may lead to the withdrawal of a driving licence.

6. Vehicle maintenance, safety and security

Vehicle maintenance

Take special care that lights, brakes, steering, exhaust system, seat belts, demisters, wipers and washers are all working. Also

- lights, indicators, reflectors and number plates **MUST** be kept clean and clear
- windscreen and windows **MUST** be kept clean and free from obstructions to vision
- lights **MUST** be properly adjusted to prevent dazzling other road users. Extra attention needs to be paid to this if the vehicle is heavily loaded
- exhaust emissions **MUST NOT** exceed prescribed levels
- ensure your seat, seat belt, head restraint and mirrors are adjusted correctly before you drive
- ensure that items of luggage are securely stowed.

Laws RVLR 26 & 30 & CUR regs 35 & 74

Warning displays. Make sure that you understand the meaning of all warning displays on the vehicle instrument panel. Do not ignore warning signs; they could indicate a dangerous fault developing.