



Road Traffic Offenders Act 1988

1988 CHAPTER 53

PART II

SENTENCE

Endorsement

44 Endorsement of licences.

- (1) Where a person is convicted of an offence involving obligatory endorsement, the court must order there to be endorsed on [^{F1}the counterpart of] any licence held by him particulars of the conviction and also—
 - (a) if the court orders him to be disqualified, particulars of the disqualification, or
 - (b) if the court does not order him to be disqualified—
 - (i) particulars of the offence, including the date when it was committed, and
 - (ii) the penalty points to be attributed to the offence.
- (2) Where the court does not order the person convicted to be disqualified, it need not make an order under subsection (1) above if for special reasons it thinks fit not to do so.
- (3) In relation to Scotland, references in this section to the court include the [^{F2}justice of the peace court].
- (4) This section is subject to section 48 of this Act.

Textual Amendments

- F1** Words inserted by [S.I. 1990/144, regs. 2\(2\), 3, Sch. 2 para. 10](#)
- F2** Words in [s. 44\(3\)](#) substituted (S.) (10.3.2008 for specified purposes, 2.6.2008 for specified purposes, 8.12.2008 for specified purposes, 23.2.2009 for specified purposes, 14.12.2009 for specified purposes, 22.2.2010 in so far as not already in force) by [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\), s. 84\(1\), sch. para. 7\(d\)](#); [S.S.I. 2008/42, art. 3, sch.](#); [S.S.I. 2008/192, art. 3, sch.](#); [S.S.I. 2008/329, art. 3, sch.](#); [S.S.I. 2008/362, art. 3, sch.](#); [S.S.I. 2009/432, art. 3, sch. 1, sch. 2](#)

Status: Point in time view as at 08/12/2008.

Changes to legislation: Road Traffic Offenders Act 1988, Cross Heading: Endorsement is up to date with all changes known to be in force on or before 03 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Modifications etc. (not altering text)

- C1 S. 44: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), s. 193A(2)(b) (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 46(2); S.I. 1992/1286, art. 2, Sch.).

45 Effect of endorsement.

- (1) An order that any particulars or penalty points are to be endorsed on [^{F3}the counterpart of] any licence held by the person convicted shall, whether he is at the time the holder of a licence or not, operate as an order that [^{F3}the counterpart of] any licence he may then hold or may subsequently obtain is to be so endorsed until he becomes entitled under subsection (4) below to have a licence issued to him [^{F3}with its counterpart] free from the particulars or penalty points.
- (2) On the issue of a new licence to a person, any particulars or penalty points ordered to be endorsed on [^{F4}the counterpart of] any licence held by him shall be entered on [^{F4}the counterpart of] the licence unless he has become entitled under subsection (4) below to have a licence issued to him [^{F4}with its counterpart] free from those particulars or penalty points.
- (3)^{F5}
- (4) [^{F6}A person the counterpart of whose licence has been ordered to be endorsed is entitled to have issued to him with effect from the end of the period for which the endorsement remains effective a new licence with a counterpart free from the endorsement if], he applies for a new licence in pursuance of section 97(1) of the ^{M1}Road Traffic Act 1988, surrenders any subsisting licence [^{F7}and its counterpart], pays the fee prescribed by regulations under Part III of that Act and satisfies the other requirements of section 97(1).
- (5) An endorsement ordered on a person's conviction of an offence remains effective (subject to subsections (6) and (7) below)—
 - (a) if an order is made for the disqualification of the offender, until four years have elapsed since the conviction, and
 - (b) if no such order is made, until either—
 - (i) four years have elapsed since the commission of the offence, or
 - ^{F8}(ii) an order is made for the disqualification of the offender under section 35 of this Act]
- (6) Where the offence was one under section 1 or 2 of [^{F9}the Road Traffic Act 1988] (causing death by [^{F10}dangerous] driving and [^{F10}dangerous] driving), the endorsement remains in any case effective until four years have elapsed since the conviction.
- (7) Where the offence was one—
 - ^{F11}(a) [^{F12}under] section 3A, 4(1) or 5(1)(a) of that Act (driving offences connected with drink or drugs), ^{F13}...
 - (b) under section 7(6) of that Act (failing to provide specimen) involving obligatory disqualification, [^{F14}or]
 - ^{F14}(c) under section 7A(6) of that Act (failing to allow a specimen to be subjected to laboratory test),

the endorsement remains effective until eleven years have elapsed since the conviction.

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Textual Amendments

- F3** Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 11(a)(i)(ii)(iii)**
- F4** Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 11(b)(i)(ii)(iii)**
- F5** S. 45(3) repealed by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), ss. 7, 16, Sch. 3 para. 25(a), **Sch. 6**
- F6** Words substituted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 11(d)(i)**
- F7** Words inserted by S.I. 1990/144, regs. 2(2), 3, **Sch. 2 para. 11(d)(ii)**
- F8** S. 45(5)(b)(ii) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 99(2)**; S.I. 1992/1286, **art. 2**, Sch.
- F9** Words in s. 45(6) substituted (8.11.2006) by Road Safety Act 2006 (c. 49), **ss. 58(3)(a)**, 61(9)
- F10** Word in s. 45(6) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 99(3)**; S.I. 1992/1286, **art. 2**, Sch.
- F11** S. 45(7)(a) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 99(4)**; S.I. 1992/1286, **art. 2**, **Sch.**
- F12** Word in s. 45(7)(a) inserted (8.11.2006) by Road Safety Act 2006 (c. 49), **ss. 58(3)(b)**, 61(9)
- F13** Word in s. 45(7)(a) repealed (24.9.2007) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 7(5)**; S.I. 2007/2472, **art. 2(n)**
- F14** S. 45(7)(c) and word inserted (24.9.2007) by Road Safety Act 2006 (c. 49), **ss. 14**, 61(1)(10); S.I. 2007/2472, **art. 2(a)**

Modifications etc. (not altering text)

- C2** S. 45: power to exclude or modify conferred (1.7.1992) by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 193A(2)(b)** (inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 46(2)**; S.I. 1992/1286, **art. 2**, Sch.)
- C3** S. 45(5) modified (1.7.1992) by S.I. 1992/1286, **art. 6(4)**

Marginal Citations

- M1** 1988 c. 52.

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