



# Road Traffic Offenders Act 1988

## 1988 CHAPTER 53

### PART II

#### SENTENCE

##### *Endorsement*

#### 44 [F1Orders for endorsement]

- (1) Where a person is convicted of an offence involving obligatory endorsement, the court must order there to be endorsed on [F2his driving record] 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 [F3justice of the peace court].

<sup>F4</sup>(3A) .....

- (4) This section is subject to section 48 of this Act.

#### Textual Amendments

- F1** S. 44 heading substituted (1.4.2009) by [Road Safety Act 2006 \(c. 49\), ss. 9\(2\)\(b\)](#), 61(1)(8)(10); S.I. 2008/3164, art. 4(b)
- F2** Words in s. 44(1) substituted (8.6.2015) by [Road Safety Act 2006 \(c. 49\), ss. 10\(2\)\(a\)](#), 61(1)(10) (with s. 61(3)); S.I. 2015/560, art. 3(a) (with arts. 4-9)

*Status: Point in time view as at 08/06/2015.*

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- F3** 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
- F4** S. 44(3A) repealed (8.6.2015) by [Road Safety Act 2006 \(c. 49\)](#), ss. 10(2)(b), 61(1)(10), [Sch. 7\(4\)](#) (with s. 61(3)); S.I. 2015/560, art. 3 (with arts. 4-9)

#### 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.](#)).

### [<sup>F5</sup>44A Endorsement of driving record in accordance with order

- (1) Where the court orders the endorsement of a person's driving record with any particulars or penalty points it must send notice of the order to the Secretary of State.
- (2) On receiving the notice, the Secretary of State must endorse those particulars or penalty points on the person's driving record.
- (3) A notice sent by the court to the Secretary of State in pursuance of this section must be sent in such manner and to such address and contain such particulars as the Secretary of State may require.]

#### Textual Amendments

- F5** S. 44A inserted (1.4.2009) by [Road Safety Act 2006 \(c. 49\)](#), [ss. 9\(3\)](#), 61(1)(8)(10); S.I. 2008/3164, art. 4(b)

### <sup>F7</sup>45 Effect of endorsement [<sup>F6</sup>of counterparts].

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#### Textual Amendments

- F6** Words in s. 45 heading inserted (1.4.2009) by [Road Safety Act 2006 \(c. 49\)](#), s. 61(1)(10), [Sch. 2 para. 9\(3\)](#); S.I. 2008/3164, art. 4(b)
- F7** S. 45 repealed (8.6.2015) by [Road Safety Act 2006 \(c. 49\)](#), s. 61(1)(10), [Sch. 3 para. 41](#), [Sch. 7\(4\)](#); S.I. 2015/560, art. 3 (with arts. 4-9)

### [<sup>F8</sup>45A Effect of endorsement of driving records

- (1) An order that any particulars or penalty points are to be endorsed on a person's driving record shall operate as an order that his driving record is to be so endorsed until the end of the period for which the endorsement remains effective.
- (2) At the end of the period for which the endorsement remains effective the Secretary of State must remove the endorsement from the person's driving record.

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- [<sup>F9</sup>(3) An endorsement ordered on a person's conviction of an offence remains effective (subject to subsections (4) and (5) 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
    - (ii) an order is made for the disqualification of the offender under section 35 of this Act.
- [<sup>F10</sup>(4) Where the offence was under one of the following sections of the Road Traffic Act 1988, the endorsement remains effective until four years have elapsed since the conviction—
- (a) section 1 (causing death by dangerous driving),
  - (b) section 1A (causing serious injury by dangerous driving),
  - (c) section 2 (dangerous driving),
  - (d) section 3ZC (causing death by driving: disqualified drivers), or
  - (e) section 3ZD (causing serious injury by driving: disqualified drivers).]

(5) Where the offence was one—

    - (a) under section 3A, 4(1) [<sup>F11</sup>, 5(1)(a) or 5A(1)(a) and (2)] of that Act (driving offences connected with drink or drugs),
    - (b) under section 7(6) of that Act (failing to provide specimen) involving obligatory disqualification, or
    - (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.]]

#### Textual Amendments

- F8** S. 45A inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 10**; S.I. 2008/3164, art. 4(b)
- F9** S. 45A(3)-(5) substituted (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 3 para. 42**; S.I. 2015/560, art. 3(a) (with arts. 4-9)
- F10** S. 45A(4) substituted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 6 para. 7** (with s. 29(5)); S.I. 2015/778, art. 3, Sch. 1 para. 75
- F11** Words in s. 45A(5)(a) substituted (7.4.2015) by The Crime and Courts Act 2013 (Consequential Amendments) (No.2) Order 2015 (S.I. 2015/733), arts. 1(3), **2(3)** (with art. 1(6))

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