



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

45 Effect of endorsement

- (1) An order that any particulars or penalty points are to be endorsed on 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 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 free from the particulars or penalty points.

Status: This is the original version (as it was originally enacted).

- (2) On the issue of a new licence to a person, any particulars or penalty points ordered to be endorsed on any licence held by him shall be entered on the licence unless he has become entitled under subsection (4) below to have a licence issued to him free from those particulars or penalty points.
- (3) If a person whose licence has been ordered to be endorsed with any particulars or penalty points applies for or obtains a licence without giving particulars of the order when he has not previously become entitled under subsection (4) below to have a licence issued to him free from those particulars or penalty points, he is guilty of an offence and any licence so obtained shall be of no effect.
- (4) A person whose licence has been ordered to be endorsed is entitled to have a new licence issued to him free from the endorsement if, after the end of the period for which the endorsement remains effective, he applies for a new licence in pursuance of section 97(1) of the Road Traffic Act 1988, surrenders any subsisting licence, 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
 - (ii) such an order is made.
- (6) Where the offence was one under section 1 or 2 of that Act (causing death by reckless driving and reckless driving), the endorsement remains in any case effective until four years have elapsed since the conviction.
- (7) Where the offence was one—
 - (a) under section 4(1) or 5(1)(a) of that Act (driving when under influence of drink or drugs or driving with alcohol concentration above prescribed limit), or
 - (b) under section 7(6) of that Act (failing to provide specimen) involving obligatory disqualification,the endorsement remains effective until eleven years have elapsed since the conviction.