



# Road Traffic Offenders Act 1988

## 1988 CHAPTER 53

### PART II

#### SENTENCE

##### *Introductory*

#### 27 Production of licence.

[<sup>F1</sup>(1) Where—

- (a) a person who is the holder of a licence is convicted of an offence involving obligatory or discretionary disqualification, and
- (b) a court proposes to make, or makes, an order disqualifying the person, the court may require the licence to be produced to it.]

[<sup>F2</sup>(2) .....

(3) If the holder of the licence <sup>F3</sup>... does not produce it <sup>F4</sup>... as required [<sup>F5</sup>under this section or [<sup>F6</sup>section 40 of the Crime (Sentences) Act 1997, section 146 or 147 of the Powers of Criminal Courts (Sentencing) Act 2000] or section 223A or 436A of the Criminal Procedure (Scotland) Act 1975][<sup>F7</sup>, or if the holder of the license does not produce it <sup>F4</sup>...as required by section 40B of the <sup>M1</sup>Child Support Act 1991, then,] unless he satisfies the court that he has applied for a new licence and has not received it—

- (a) he is guilty of an offence, and
- (b) [<sup>F8</sup>unless the licence is already treated as being revoked under section 37(1),] the licence shall be suspended from the time when its production was required until [<sup>F9</sup>it <sup>F4</sup>... [<sup>F10</sup>is produced] to the court and shall, while suspended, be of no effect.]

[<sup>F11</sup>(4) .....

[<sup>F12</sup>(4A) .....

[<sup>F13</sup>(5) .....

*Status: Point in time view as at 30/11/2022.*

*Changes to legislation: Road Traffic Offenders Act 1988, Cross Heading: Introductory is up to date with all changes known to be in force on or before 12 June 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)*

### Textual Amendments

- F1** S. 27(1) substituted (30.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), ss. 91\(3\)\(a\), 208\(1\); S.I. 2022/1187, reg. 4\(a\)](#) (with Pt. 3)
- F2** S. 27(2) repealed (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\), ss. 48, 83, Sch. 4 para. 91\(3\), Sch. 8; S.I. 1992/1286, art. 2, Sch.](#)
- F3** Words in s. 27(3) omitted (30.11.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), s. 208\(1\), Sch. 10 para. 4\(2\); S.I. 2022/1187, reg. 4\(a\)](#) (with Pt. 3)
- F4** Words in s. 27 repealed (8.6.2015) by [Road Safety Act 2006 \(c. 49\), s. 61\(1\)\(10\), Sch. 3 para. 33\(2\), Sch. 7\(4\); S.I. 2015/560, art. 3](#) (with arts. 4-9)
- F5** Words in s. 27(3) inserted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\), s. 48, Sch. 4 para. 91\(4\); S.I. 1992/1286, art. 2, Sch.](#)
- F6** Words in s. 27(3) substituted (25.8.2000) by [2000 c. 6, ss. 165\(1\), 168\(1\), Sch. 9 para. 120](#)
- F7** Words in s. 27(3) substituted (2.4.2001) by [2000 c. 19, s. 16\(5\)](#) (with s. 83(6)); [S.I. 2000/3354, art. 2\(3\)](#)
- F8** Words in s. 27(3)(b) inserted (30.11.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), ss. 91\(3\)\(b\), 208\(1\); S.I. 2022/1187, reg. 4\(a\)](#) (with Pt. 3)
- F9** Words substituted by [S.I. 1990/144, regs. 2\(2\), 3, Sch. 2 para. 3\(b\)](#)
- F10** Words in s. 27(3)(b) substituted (8.6.2015) by [Road Safety Act 2006 \(c. 49\), s. 61\(1\)\(10\), Sch. 3 para. 33\(4\); S.I. 2015/560, art. 3\(a\)](#) (with arts. 4-9)
- F11** S. 27(4) omitted (30.11.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), s. 208\(1\), Sch. 10 para. 4\(3\); S.I. 2022/1187, reg. 4\(a\)](#) (with Pt. 3)
- F12** S. 27(4A) omitted (30.11.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), s. 208\(1\), Sch. 10 para. 4\(4\); S.I. 2022/1187, reg. 4\(a\)](#) (with Pt. 3)
- F13** S. 27(5) omitted (30.11.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), s. 208\(1\), Sch. 10 para. 4\(4\); S.I. 2022/1187, reg. 4\(a\)](#) (with Pt. 3)

### Modifications etc. (not altering text)

- C1** S. 27: 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.](#)).
- C2** S. 27(1)(2) applied with modifications by [S.I. 1987/1378, reg. 25\(3\)](#) (as amended by [S.I. 1990/842, reg. 9](#))
- S. 27(1)(3) applied (with modifications) (12.11.1999) by [S.I. 1999/2864, reg. 80\(5\)\(b\)](#)
- C3** S. 27(3) applied with modifications by [S.I. 1987/1378, reg. 25\(3\)](#) (as amended by [S.I. 1990/842, reg. 9](#))
- S. 27(3) applied with modifications (1.1.1998) (EW) by [1997 c. 43, s. 39\(5\)\(b\), 40\(6\); S.I. 1997/2200, art. 3\(b\)\(c\)](#) (with art. 5)
- C4** S. 27(3) extended by [Powers of Criminal Courts Act 1973 \(c. 62, SIF 39:1\), s. 44\(3\)\(a\)](#) (as amended by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\), s. 4, Sch. 3 para. 11\(b\)](#))
- S. 27 extended (1.1.1998) by [1997 c. 43, ss. 39\(5\)\(b\), 40\(6\); S.I. 1997/2200, arts. 3\(b\)\(c\), 5](#)

### Marginal Citations

- M1** [1991 c. 48](#)

## <sup>F14</sup>[28] Penalty points to be attributed to an offence.

- (1) Where a person is convicted of an offence involving obligatory endorsement, then, subject to the following provisions of this section, the number of penalty points to be attributed to the offence is—

*Status: Point in time view as at 30/11/2022.*

*Changes to legislation: Road Traffic Offenders Act 1988, Cross Heading: Introductory is up to date with all changes known to be in force on or before 12 June 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)*

- (a) the number shown in relation to the offence in the last column of Part I or Part II of Schedule 2 to this Act, or
  - (b) where a range of numbers is shown, a number within that range.
- (2) Where a person is convicted of an offence committed by aiding, abetting, counselling or procuring, or inciting to the commission of, an offence involving obligatory disqualification, then, subject to the following provisions of this section, the number of penalty points to be attributed to the offence is ten.
- <sup>[F15]</sup>(3) For the purposes of sections <sup>[F16]</sup>57A(6) <sup>[F17]</sup>and 77A(8) of this Act, the number of penalty points to be attributed to an offence is—
  - (a) where both a range of numbers and a number followed by the words “(fixed penalty)” is shown in the last column of Part 1 of Schedule 2 to this Act in relation to the offence, that number,
  - (b) where a range of numbers followed by the words “or appropriate penalty points (fixed penalty)” is shown there in relation to the offence, the appropriate number of penalty points for the offence, and
  - (c) where only a range of numbers is shown there in relation to the offence, the lowest number in the range.
- (3A) For the purposes of subsection (3)(b) above the appropriate number of penalty points for an offence is such number of penalty points as the Secretary of State may by order made by statutory instrument prescribe.
- (3B) An order made under subsection (3A) above in relation to an offence may make provision for the appropriate number of penalty points for the offence to be different depending on the circumstances, including (in particular)—
  - (a) the nature of the contravention or failure constituting the offence,
  - (b) how serious it is,
  - (c) the area, or sort of place, where it takes place, and
  - (d) whether the offender appears to have committed any offence or offences of a description specified in the order during a period so specified.]
- (4) Where a person is convicted (whether on the same occasion or not) of two or more offences committed on the same occasion and involving obligatory endorsement, the total number of penalty points to be attributed to them is the number or highest number that would be attributed on a conviction of one of them (so that if the convictions are on different occasions the number of penalty points to be attributed to the offences on the later occasion or occasions shall be restricted accordingly).
- (5) In a case where (apart from this subsection) subsection (4) above would apply to two or more offences, the court may if it thinks fit determine that that subsection shall not apply to the offences (or, where three or more offences are concerned, to any one or more of them).
- (6) Where a court makes such a determination it shall state its reasons in open court and, if it is a magistrates’ court, or in Scotland a court of summary jurisdiction, shall cause them to be entered in the register (in Scotland, record) of its proceedings.
- (7) The Secretary of State may by order made by statutory instrument—
  - (a) alter a number or range of numbers shown in relation to an offence in the last column of Part I or Part II of Schedule 2 to this Act (by substituting one number or range for another, a number for a range, or a range for a number),

*Status: Point in time view as at 30/11/2022.*

*Changes to legislation: Road Traffic Offenders Act 1988, Cross Heading: Introductory is up to date with all changes known to be in force on or before 12 June 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)*

- (b) where a range of numbers is shown in relation to an offence in the last column of Part I, add or delete a number together with the words “(fixed penalty)” [F18 or the words “or appropriate penalty points (fixed penalty)”],
- [ substitute the words “or appropriate penalty points (fixed penalty)” for a number together with the words “(fixed penalty)”, or substitute a number together with the words “(fixed penalty)” for the words “or appropriate penalty points (fixed penalty)”, in relation to an offence in the last column of Part 1 or 2,] and
- (c) alter the number of penalty points shown in subsection (2) above; and an order under this subsection may provide for different numbers or ranges of numbers to be shown in relation to the same offence committed in different circumstances.
- (8) Where the Secretary of State exercises his power under subsection (7) above by substituting or adding a number which appears together with the words “(fixed penalty)”, that number shall not exceed the lowest number in the range shown in the same entry.
- [ Before making any order under subsection (3A) above the Secretary of State must F20(8A) consult with such representative organisations as he thinks fit.]
- (9) No order shall be made under [F21this section] unless a draft of it has been laid before and approved by resolution of each House of Parliament.]

#### Textual Amendments

- F14** S. 28 substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 27; S.I. 1992/1286, art. 2, Sch.
- F15** S. 28(3)-(3B) substituted for s. 28(3) (31.3.2009) by [Road Safety Act 2006 \(c. 49\)](#), ss. 4(2), 61(1)(10) (with s. 61(3)); S.I. 2008/3164, art. 3(a)
- F16** Word in s. 28(3) substituted (8.6.2015) by [Road Safety Act 2006 \(c. 49\)](#), s. 61(1)(10), Sch. 3 para. 34; S.I. 2015/560, art. 3(a) (with arts. 4-9)
- F17** Words in s. 28(3) substituted (1.4.2009) by [Road Safety Act 2006 \(c. 49\)](#), s. 61(1)(10), Sch. 2 para. 3; S.I. 2008/3164, art. 4(b)
- F18** Words in s. 28(7)(b) inserted (31.3.2009) by [Road Safety Act 2006 \(c. 49\)](#), ss. 4(3), 61(1)(10) (with s. 61(3)); S.I. 2008/3164, art. 3(a)
- F19** S. 28(7)(ba) inserted (31.3.2009) by [Road Safety Act 2006 \(c. 49\)](#), ss. 4(4), 61(1)(10) (with s. 61(3)); S.I. 2008/3164, art. 3(a)
- F20** S. 28(8A) inserted (31.3.2009) by [Road Safety Act 2006 \(c. 49\)](#), ss. 4(5), 61(1)(10) (with s. 61(3)); S.I. 2008/3164, art. 3(a)
- F21** Words in s. 28(9) substituted (31.3.2009) by [Road Safety Act 2006 \(c. 49\)](#), ss. 4(6), 61(1)(10) (with s. 61(3)); S.I. 2008/3164, art. 3(a)

#### Modifications etc. (not altering text)

- C5** S. 28: 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.).
- C6** S. 28(2) modified (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), Sch. 6 para. 15(a) (with Sch. 13 para. 5); S.I. 2008/2504, art. 2(a)

*Status: Point in time view as at 30/11/2022.*

*Changes to legislation: Road Traffic Offenders Act 1988, Cross Heading: Introductory is up to date with all changes known to be in force on or before 12 June 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)*

<sup>F22</sup>**[29 Penalty points to be taken into account on conviction.**

- (1) Where a person is convicted of an offence involving obligatory endorsement, the penalty points to be taken into account on that occasion are (subject to subsection (2) below)—
- (a) any that are to be attributed to the offence or offences of which he is convicted disregarding any offence in respect of which an order under section 34 of this Act is made, and
  - (b) any that were on a previous occasion ordered to be endorsed on <sup>F23</sup>...<sup>F24</sup>his driving record], unless the offender has since that occasion and before the conviction been disqualified under section 35 of this Act.
- (2) If any of the offences was committed more than three years before another, the penalty points in respect of that offence shall not be added to those in respect of the other.

<sup>F25</sup>(3) . . . . . ]

**Textual Amendments**

- F22** S. 29 substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), **s.28**; S.I. 1992/1286, **art. 2**, Sch.
- F23** Words in s. 29(1)(b) repealed (8.6.2015) by [Road Safety Act 2006 \(c. 49\)](#), s. 61(1)(10), Sch. 3 para. 35(2), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)
- F24** Words in s. 29(1)(b) inserted (1.4.2009) by [Road Safety Act 2006 \(c. 49\)](#), s. 61(1)(10), **Sch. 2 para. 4**; S.I. 2008/3164, art. 4(b)
- F25** S. 29(3) repealed (8.6.2015) by [Road Safety Act 2006 \(c. 49\)](#), s. 61(1)(10), Sch. 3 para. 35(3), **Sch. 7(4)**; S.I. 2015/560, art. 3 (with arts. 4-9)

**Modifications etc. (not altering text)**

- C7** S. 29: 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.)
- S. 29 modified (1.7.1992) by S.I. 1992/1286, **art. 6(3)**

**30 Penalty points: modification where fixed penalty also in question.**

- <sup>F26</sup>(1) Sections 28 and 29 of this Act shall have effect subject to this section in any case where—
- (a) a person is convicted of an offence involving [<sup>F27</sup>obligatory endorsement], and
  - (b) the court is satisfied that <sup>F28</sup>... [<sup>F29</sup>his driving record] has been or is liable to be endorsed under section [<sup>F30</sup>57A][<sup>F31</sup>or 77A] of this Act in respect of an offence (referred to in this section as the “connected offence”) committed on the same occasion as the offence of which he is convicted.
- (2) <sup>F32</sup> . . . the number of penalty points to be attributed to the offence of which he is convicted is—
- (a) the number of penalty points to be attributed to that offence under section [<sup>F33</sup>28] of this Act apart from this section, less
  - (b) the number of penalty points required to be endorsed <sup>F34</sup>... [<sup>F35</sup>on his driving record] under section [<sup>F36</sup>57A][<sup>F37</sup>or 77A] of this Act in respect of the connected offence [<sup>F38</sup>(except so far as they have already been deducted by virtue of this paragraph)].

*Status: Point in time view as at 30/11/2022.*

*Changes to legislation: Road Traffic Offenders Act 1988, Cross Heading: Introductory is up to date with all changes known to be in force on or before 12 June 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)*

<sup>F39</sup>(3) . . . . . ]

#### Textual Amendments

- F26** S. 30 repealed (S.) (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), Sch. 1 Pt. 14](#)
- F27** Words in s. 30(1)(a) substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\), s. 48, Sch. 4 para. 92\(2\)](#); [S.I. 1992/1286, art. 2](#),Sch.
- F28** Words in s. 30(1)(b) repealed (8.6.2015) by [Road Safety Act 2006 \(c. 49\), s. 61\(1\)\(10\), Sch. 3 para. 36\(2\)\(a\), Sch. 7\(4\)](#); [S.I. 2015/560, art. 3](#) (with arts. 4-9)
- F29** Words in s. 30(1)(b) inserted (1.4.2009) by [Road Safety Act 2006 \(c. 49\), s. 61\(1\)\(10\), Sch. 2 para. 5\(2\)\(a\)](#); [S.I. 2008/3164, art. 4\(b\)](#)
- F30** Word in s. 30(1)(b) substituted (8.6.2015) by [Road Safety Act 2006 \(c. 49\), s. 61\(1\)\(10\), Sch. 3 para. 36\(2\)\(b\)](#); [S.I. 2015/560, art. 3\(a\)](#) (with arts. 4-9)
- F31** Words in s. 30(1)(b) substituted (1.4.2009) by [Road Safety Act 2006 \(c. 49\), s. 61\(1\)\(10\), Sch. 2 para. 5\(2\)\(b\)](#); [S.I. 2008/3164, art. 4\(b\)](#)
- F32** Words in s. 30(2) repealed (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\), ss. 48, 83, Sch. 4 para. 92\(3\)\(a\), Sch. 8](#); [S.I. 1992/1286, art. 2](#),Sch.
- F33** Word in s. 30(2)(a) substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\), s. 48, Sch. 4 para. 92\(3\)\(b\)](#); [S.I. 1992/1286, art. 2](#),Sch.
- F34** Words in s. 30(2)(b) repealed (8.6.2015) by [Road Safety Act 2006 \(c. 49\), s. 61\(1\)\(10\), Sch. 3 para. 36\(3\)\(a\), Sch. 7\(4\)](#); [S.I. 2015/560, art. 3](#) (with arts. 4-9)
- F35** Words in s. 30(2)(b) inserted (1.4.2009) by [Road Safety Act 2006 \(c. 49\), s. 61\(1\)\(10\), Sch. 2 para. 5\(3\)\(a\)](#); [S.I. 2008/3164, art. 4\(b\)](#)
- F36** Word in s. 30(2)(b) substituted (8.6.2015) by [Road Safety Act 2006 \(c. 49\), s. 61\(1\)\(10\), Sch. 3 para. 36\(3\)\(b\)](#); [S.I. 2015/560, art. 3\(a\)](#) (with arts. 4-9)
- F37** Words in s. 30(2)(b) substituted (1.4.2009) by [Road Safety Act 2006 \(c. 49\), s. 61\(1\)\(10\), Sch. 2 para. 5\(3\)\(b\)](#); [S.I. 2008/3164, art. 4\(b\)](#)
- F38** Words in s. 30(2)(b) added (1.7.1992) by [Road Traffic Act 1991\(c. 40, SIF 107:1\), s. 48, Sch. 4 para. 92\(3\)\(c\)](#); [S.I. 1992/1286, art. 2](#),Sch.
- F39** S. 30(3) repealed (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\), ss. 48, 83, Sch. 4 para. 92\(4\), Sch. 8](#); [S.I. 1992/1286, art. 2](#),Sch.

### 31 Court may take particulars endorsed <sup>F40</sup> ... into consideration.

[<sup>F41</sup>(1) Where a person is convicted of an offence involving obligatory or discretionary disqualification—

- (a) any existing endorsement on <sup>F42</sup>... his driving record is prima facie evidence of the matters endorsed, and
- (b) the court may, in determining what order to make in pursuance of the conviction, take those matters into consideration.]

(2) This section has effect notwithstanding anything in [<sup>F43</sup>section 166(1) to (6) of the Criminal Procedure (Scotland) Act 1995] (requirements as to notices of penalties and previous convictions).

#### Textual Amendments

- F40** Words in s. 31 heading repealed (1.4.2009) by [Road Safety Act 2006 \(c. 49\), s. 61\(1\)\(10\), Sch. 2 para. 6\(3\), Sch. 7\(3\)](#); [S.I. 2008/3164, art. 4\(b\)\(c\)](#)
- F41** S. 31(1) substituted (1.4.2009) by [Road Safety Act 2006 \(c. 49\), s. 61\(1\)\(10\), Sch. 2 para. 6\(2\)](#); [S.I. 2008/3164, art. 4\(b\)](#)

*Status: Point in time view as at 30/11/2022.*

*Changes to legislation: Road Traffic Offenders Act 1988, Cross Heading: Introductory is up to date with all changes known to be in force on or before 12 June 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)*

**F42** Words in s. 31(1) repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 37, Sch. 7(4); S.I. 2015/560, art. 3 (with arts. 4-9)

**F43** Words in s. 31(2) substituted (1.4.1996) by 1995 c. 40, ss. 5, 7(2), Sch. 4 para. 71(4)

**Modifications etc. (not altering text)**

**C8** S. 31: 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>F44</sup>**32** In Scotland, court may take extract from licensing records into account.

.....

**Textual Amendments**

**F44** S. 32 repealed (8.6.2015) by Road Safety Act 2006 (c. 49), s. 61(1)(10), Sch. 3 para. 38, Sch. 7(4); S.I. 2015/560, art. 3 (with arts. 4-9)

**Status:**

Point in time view as at 30/11/2022.

**Changes to legislation:**

Road Traffic Offenders Act 1988, Cross Heading: Introductory is up to date with all changes known to be in force on or before 12 June 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.