



Road Traffic Offenders Act 1988

1988 CHAPTER 53

PART II

SENTENCE

Disqualification

34 Disqualification for certain offences.

(1) Where a person is convicted of an offence involving obligatory disqualification, the court must order him to be disqualified for such period not less than twelve months as the court thinks fit unless the court for special reasons thinks fit to order him to be disqualified for a shorter period or not to order him to be disqualified.

[^{F1}(1A) Where a person is convicted of an offence under section 12A of the Theft Act 1968 (aggravated vehicle-taking), the fact that he did not drive the vehicle in question at any particular time or at all shall not be regarded as a special reason for the purposes of subsection (1) above.]

[^{F2}(2) Where a person is convicted of an offence involving discretionary disqualification, and either—

(a) the penalty points to be taken into account on that occasion number fewer than twelve, or

(b) the offence is not one involving obligatory endorsement,

the court may order him to be disqualified for such period as the court thinks fit.]

(3) Where a person convicted of an offence under any of the following provisions of the ^{M1}Road Traffic Act 1988, that is—

[^{F3}(aa) section 3A (causing death by careless driving when under the influence of drink or drugs),]

(a) section 4(1) (driving or attempting to drive while unfit),

(b) section 5(1)(a) (driving or attempting to drive with excess alcohol), and

Status: Point in time view as at 31/01/1997. This version of this provision has been superseded.

Changes to legislation: Road Traffic Offenders Act 1988, Section 34 is up to date with all changes known to be in force on or before 06 October 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)

- (c) section 7(6) (failing to provide a specimen) where that is an offence involving obligatory disqualification,
has within the ten years immediately preceding the commission of the offence been convicted of any such offence, subsection (1) above shall apply in relation to him as if the reference to twelve months were a reference to three years.
- [^{F4}(4) Subject to subsection (3) above, subsection (1) above shall apply as if the reference to twelve months were a reference to two years—
- (a) in relation to a person convicted of—
- (i) manslaughter, or in Scotland culpable homicide, or
 - (ii) an offence under section 1 of the Road Traffic Act 1988 (causing death by dangerous driving), or
 - (iii) an offence under section 3A of that Act (causing death by careless driving while under the influence of drink or drugs), and
- (b) in relation to a person on whom more than one disqualification for a fixed period of 56 days or more has been imposed within the three years immediately preceding the commission of the offence.
- (4A) For the purposes of subsection (4)(b) above there shall be disregarded any disqualification imposed under section 26 of this Act or section 44 of the Powers of Criminal Courts Act 1973 or section 223A or 436A of the Criminal Procedure (Scotland) Act 1975 (offences committed by using vehicles) and any disqualification imposed in respect of an offence of stealing a motor vehicle, an offence under section 12 or 25 of the Theft Act 1968, an offence under section 178 of the Road Traffic Act 1988, or an attempt to commit such an offence.]
- (5) The preceding provisions of this section shall apply in relation to a conviction of an offence committed by aiding, abetting, counselling or procuring, or inciting to the commission of, an offence involving obligatory disqualification as if the offence were an offence involving discretionary disqualification.
- (6) This section is subject to section 48 of this Act.

Textual Amendments

- F1** S. 34(1A) inserted (1.4.1992) by Aggravated Vehicle-Taking Act 1992 (c. 11), s. 3(2); S.I. 1992/764, art. 2
- F2** S. 34(2) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 29(2); S.I. 1992/1286, art. 2, Sch (with art. 6(5)).
- F3** S. 34(3)(aa) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 29(3); S.I. 1992/1286, art. 2, Sch (with art. 6(5)).
- F4** S. 34(4)(4A) substituted (1.7.1992) for s. 34(4) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 29(4); S.I. 1992/1286, art. 2, Sch (with art. 6(5)).

Modifications etc. (not altering text)

- C1** S. 34: 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 (with art. 6(5)).

Marginal Citations

- M1** 1988 c. 52.

Status:

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