



# Road Traffic Offenders Act 1988

## 1988 CHAPTER 53

### PART II

#### SENTENCE

##### *Endorsement*

#### **[<sup>F1</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.
- [<sup>F2</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>F3</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).]

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**Changes to legislation:** Road Traffic Offenders Act 1988, Section 45A is up to date with all changes known to be in force on or before 02 July 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) View outstanding changes

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(5) Where the offence was one—

- (a) under section 3A, 4(1) [<sup>F4</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

- F1** 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)
- F2** 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)
- F3** 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
- F4** 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))

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 45A(4) words substituted by 2012 c. 10 Sch. 27 para. 8(a)
- s. 45A(4) words substituted by 2012 c. 10 Sch. 27 para. 8(b)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 24(A2)(ca)-(ce) inserted by 2024 c. 10 Sch. 3 para. 2(2)(a)(ii)
- s. 29(2A) inserted by 2006 c. 49 s. 34(2)
- s. 30A-30D inserted by 2006 c. 49 s. 34(3)
- s. 30C(5)(f) words substituted by S.I. 2009/1885 Sch. 1 para. 15
- s. 34A(7A) inserted by 2009 c. 25 Sch. 21 para. 90(3)(d)
- s. 34B(12) added by 2009 c. 25 Sch. 21 para. 90(4)(c)
- s. 34D-34G inserted by 2006 c. 49 s. 15(1)
- s. 34D(1)(d) words inserted by 2009 c. 25 Sch. 21 para. 90(5)(a)
- s. 34D(3) words inserted by 2009 c. 25 Sch. 21 para. 90(5)(b)
- s. 34D(5A) inserted by 2009 c. 25 Sch. 21 para. 90(5)(c)
- s. 34D(6)(a) words substituted by 2009 c. 25 Sch. 21 para. 90(5)(d)(i)
- s. 34D(6)(b) words substituted by 2009 c. 25 Sch. 21 para. 90(5)(d)(ii)
- s. 34D(6A) inserted by 2009 c. 25 Sch. 21 para. 90(5)(e)
- s. 34F(5)(f) words substituted by S.I. 2009/1885 Sch. 1 para. 17
- s. 35A(6)(a) words substituted by 2012 c. 10 Sch. 13 para. 8(b) (This amendment not applied to legislation.gov.uk. S. 35A(6) omitted (13.4.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), ss. 30(1)(c), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 25)
- s. 35A(6)(b) words inserted by 2012 c. 10 Sch. 13 para. 8(c) (This amendment not applied to legislation.gov.uk. S. 35A(6) omitted (13.4.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), ss. 30(1)(c), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 25)
- s. 36(13A) inserted by 2006 c. 49 s. 37(6)
- s. 40B(9) words substituted by 2006 c. 49 Sch. 2 para. 33
- s. 41B inserted by 2006 c. 49 s. 15(2)
- s. 84(1) s. 84 renumbered as s. 84(1) by 2004 c. 28 s. 16(3)
- s. 84(2)(3) inserted by 2004 c. 28 s. 16(3)
- Sch. 1 para. 3(aa) inserted by 2006 c. 49 s. 15(3)(a)
- Sch. 1 para. 4(za) inserted by 2006 c. 49 s. 15(3)(b)
- Sch. 1 para. 1A(c)(d) and word inserted by 2024 c. 10 Sch. 4 para. 1(2)(b)
- Sch. 1 para. 3(bc) inserted by 2024 c. 10 Sch. 4 para. 1(2)(c)
- Sch. 1 para. 4(ab) inserted by 2024 c. 10 Sch. 4 para. 1(2)(d)