

Status: Point in time view as at 13/04/2015.

Changes to legislation: Coroners and Justice Act 2009, Paragraph 5 is up to date with all changes known to be in force on or before 14 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)

SCHEDULES

SCHEDULE 16

EXTENSION OF DISQUALIFICATION FOR DRIVING

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 5 (1) After section 147 of the Powers of Criminal Courts (Sentencing) Act 2000 insert—

“147A Extension of disqualification where custodial sentence also imposed

- (1) This section applies where a person is convicted of an offence for which the court—
- (a) imposes a custodial sentence, and
 - (b) orders the person to be disqualified under section 146 or 147 for holding or obtaining a driving licence.
- (2) The order under section 146 or 147 must provide for the person to be disqualified for the appropriate extension period, in addition to the discretionary disqualification period.
- (3) The discretionary disqualification period is the period for which, in the absence of this section, the court would have disqualified the person under section 146 or 147.
- (4) The appropriate extension period is—
- (a) where an order under section 82A(2) of this Act (determination of tariffs) is made in relation to the custodial sentence, a period equal to the part of the sentence specified in that order;
 - (b) in the case of a detention and training order under section 100 of this Act (offenders under 18: detention and training orders), a period equal to half the term of that order;
 - (c) where an order under section 181 of the Criminal Justice Act 2003 (prison sentences of less than 12 months) is made in relation to the custodial sentence, a period equal to the custodial period specified pursuant to section 181(3)(a) of that Act less any relevant discount;
 - (d) where an order under section 183 of that Act (intermittent custody orders) is made in relation to the custodial sentence, a period equal to the number of custodial days specified pursuant to section 183(1)(a) of that Act less any relevant discount;
 - (e) where section 227 of that Act (extended sentence for certain violent or sexual offences: persons 18 or over) applies in relation to the custodial sentence, a period equal to half the term imposed pursuant to section 227(2C)(a) of that Act calculated after that term has been reduced by any relevant discount;

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- (f) where section 228 of that Act (extended sentence for certain violent or sexual offences: persons under 18) applies in relation to the custodial sentence, a period equal to half the term imposed pursuant to section 228(2B)(a) of that Act calculated after that term has been reduced by any relevant discount;
 - (g) where an order under section 269(2) of that Act (determination of minimum term in relation to mandatory life sentence: early release) is made in relation to the custodial sentence, a period equal to the part of the sentence specified in that order;
 - (h) in any other case, a period equal to half the custodial sentence imposed calculated after that sentence has been reduced by any relevant discount.
- (5) If a period determined under subsection (4) includes a fraction of a day, that period is to be rounded up to the nearest number of whole days.
- (6) The “relevant discount” is the total number of days to count as time served by virtue of a direction under—
- (a) section 240 of the Criminal Justice Act 2003 (crediting periods of remand in custody), or
 - (b) section 240A of that Act (crediting periods of remand on bail).
- (7) This section does not apply where—
- (a) the custodial sentence was a suspended sentence,
 - (b) the court has made an order under section 269(4) of the Criminal Justice Act 2003 (determination of minimum term in relation to mandatory life sentence: no early release) in relation to the custodial sentence, or
 - (c) the court has made an order under section 82A(4) of this Act (determination of minimum term in relation to discretionary life sentence: no early release) in relation to the custodial sentence.
- (8) Subsection (9) applies where an amending order provides that the proportion of a prisoner's sentence referred to in section 244(3)(a) or 247(2) of the Criminal Justice Act 2003 (release of prisoners in certain circumstances) is to be read as a reference to another proportion (“the new proportion”).
- (9) The Secretary of State may by order—
- (a) if the amending order makes provision in respect of section 244(3)(a) of that Act, provide that the proportion specified in subsection (4)(h) of this section is to be read, in the case of a custodial sentence to which the amending order applies, as a reference to the new proportion;
 - (b) if the amending order makes provision in respect of section 247(2) of that Act, provide that the proportion specified in subsection (4)(e) and (f) of this section is to be read, in the case of a custodial sentence to which the amending order applies, as a reference to the new proportion.
- (10) In this section—
- “amending order” means an order under section 267 of the Criminal Justice Act 2003 (alteration by order of relevant proportion of sentence);

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“driving licence” means a licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988;

“suspended sentence” has the meaning given by section 189 of the Criminal Justice Act 2003.

147B Effect of custodial sentence in other cases

- (1) This section applies where a person is convicted of an offence for which a court proposes to order the person to be disqualified under section 146 or 147 for holding or obtaining a driving licence and—
 - (a) the court proposes to impose on the person a custodial sentence (other than a suspended sentence) for another offence, or
 - (b) at the time of sentencing for the offence, a custodial sentence imposed on the person on an earlier occasion has not expired.
 - (2) In determining the period for which the person is to be disqualified under section 146 or 147, the court must have regard to the consideration in subsection (3) if and to the extent that it is appropriate to do so.
 - (3) The consideration is the diminished effect of disqualification as a distinct punishment if the person who is disqualified is also detained in pursuance of a custodial sentence.
 - (4) If the court proposes to order the person to be disqualified under section 146 or 147 and to impose a custodial sentence for the same offence, the court may not in relation to that disqualification take that custodial sentence into account for the purposes of subsection (2).
 - (5) In this section “suspended sentence” has the same meaning as in section 147A.”
- (2) In section 160(3) of that Act (orders subject to the affirmative resolution procedure), after paragraph (a) insert—
- “(aa) an order under section 147A(9).”.

Commencement Information

II Sch. 16 para. 5 in force at 13.4.2015 by S.I. 2015/819, art. 2(b)

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