



Sentencing Act 2020

2020 CHAPTER 17

THIRD GROUP OF PARTS Disposals

PART 8

DISQUALIFICATION

CHAPTER 1

DRIVING DISQUALIFICATION

162 Driving disqualification order

In this Code “driving disqualification order” means an order made under this Chapter in respect of an offender that the offender is disqualified, for the period specified in the order, for holding or obtaining a driving licence.

Commencement Information

II S. 162 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

163 Driving disqualification: availability for any offence

- (1) A driving disqualification order is available to the court by or before which an offender is convicted of an offence if—
 - (a) the offence was committed on or after 1 January 1998, and
 - (b) the court has been notified by the Secretary of State that the power to make such orders is exercisable by the court (and the notice has not been withdrawn).
- (2) Where a driving disqualification order is available by virtue of this section, the court may make a driving disqualification order whether or not it also deals with the offender for the offence in any other way.

Status: Point in time view as at 24/05/2024.

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Commencement Information

I2 S. 163 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

164 Driving disqualification order: availability where vehicle used for purposes of crime

- (1) A driving disqualification order is available also where—
- (a) an offender is convicted on indictment of an offence,
 - (b) the offence is punishable on indictment with imprisonment for a term of 2 years or more, and
 - (c) the Crown Court is satisfied that a motor vehicle was used (by the offender or by anyone else) for the purpose of committing, or facilitating the commission of, the offence.
- (2) For the purposes of subsection (1), facilitating the commission of an offence includes taking any steps after it has been committed for the purpose of—
- (a) disposing of any property to which the offence relates, or
 - (b) avoiding apprehension or detection.
- (3) A driving disqualification order is available to the court by or before which an offender is convicted of an offence also where—
- (a) the offence is—
 - (i) common assault, or
 - (ii) any other offence involving an assault (including an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) related to, or incitement to commit, an offence),
 - (b) the offence was committed on or after 1 July 1992, and
 - (c) the court is satisfied that the assault was committed by driving a motor vehicle.

Commencement Information

I3 S. 164 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

165 Disqualification period

Where a court makes a driving disqualification order in respect of an offender for an offence, the disqualification period must be such period as the court considers appropriate.

Commencement Information

I4 S. 165 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

166 Extension of disqualification where custodial sentence also imposed

- (1) This section applies where a court—
- (a) imposes a custodial sentence on an offender for an offence, and

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- (b) makes a driving disqualification order in respect of the offender for the same offence.
- (2) But this section does not apply where the custodial sentence is—
- (a) a suspended sentence, or
- (b) a life sentence in relation to which the court makes a whole life order under section 321(3).
- (3) The disqualification period must be—
- (a) the discretionary disqualification period, and
- (b) the appropriate extension period.
- (4) The discretionary disqualification period is the period which the court would, in the absence of this section, have specified in the driving disqualification order.
- (5) The appropriate extension period for a sentence specified in column 2 is equal to the period calculated in accordance with column 3—

<i>Sentence</i>	<i>Length of appropriate extension period</i>
1 a detention and training order under section 233 (offenders under 18: detention and training orders)	half the term of the detention and training order
[^{F1} 1A a sentence of detention under section 252A (special sentence of detention for terrorist offenders of particular concern)]	two-thirds of the term imposed pursuant to section 252A(5) (the appropriate custodial term)]
2 an extended sentence of detention under section 254 (persons under 18)	two-thirds of the term imposed pursuant to section 254(a) (the appropriate custodial term)
3 a sentence under section 265 (special custodial sentence for certain offenders of particular concern: adults aged 18 to 20)	[^{F2} two-thirds of] the term imposed pursuant to section 265(2)(a) (the appropriate custodial term)
4 an extended sentence of detention in a young offender institution	two-thirds of the term imposed pursuant to section 266(a) (the appropriate custodial term)
[^{F3} 4A a serious terrorism sentence of detention in a young offender institution	the term imposed pursuant to section 268C(2) (the appropriate custodial term)]
5 a sentence under section 278 (special custodial sentence for certain offenders of particular concern: adults aged 21 and over)	[^{F2} two-thirds of] the term imposed pursuant to section 278(2)(a) (the appropriate custodial term)
6 an extended sentence of imprisonment	two-thirds of the term imposed pursuant to section 279(a) (the appropriate custodial term)

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[^{F4} 6A	a serious terrorism sentence of the term imposed pursuant to imprisonment	of the term imposed pursuant to section 282C(2) (the appropriate custodial term)]
[^{F5} 6B	a custodial sentence in respect of which section 244ZA of the Criminal Justice Act 2003 applies to the offender	two-thirds of the sentence
6C	a custodial sentence not within any of the preceding entries in respect of which section 247A of the Criminal Justice Act 2003 applies to the offender	two-thirds of the sentence]
7	a life sentence in relation to which a minimum term order is made under section 321(2)	the term specified in the minimum term order
8	any other case	half the custodial sentence imposed.

[^{F6}(5A) In the case of a sentence specified in entry 2, 4 or 6 of column 2 in the table which is within section 247A(2A) of the Criminal Justice Act 2003, the corresponding entry in column 3 of the table is to be read with the omission of “two-thirds of”.]

(6) Any period determined under subsection (5) which includes a fraction of a day must be rounded up to the nearest number of whole days.

(7) Where—

- (a) an order (“the amending order”) is made under section 267 of the Criminal Justice Act 2003 (alteration by order of relevant proportion of sentence), and
- (b) the amending order provides that the proportion of a custodial sentence for the time being referred to in section 243A(3)(a) or 244(3)(a) of that Act (release of prisoners in certain circumstances) is to be read as a reference to another proportion (the “new proportion”),

the Secretary of State may by regulations provide that the table in subsection (5) is to be read as if, in relation to such a sentence, [^{F7}entry] 8 specified the new proportion.

(8) Regulations under subsection (7) are subject to the affirmative resolution procedure.

(9) Subsections (4) and (6) of section 407 (general powers to make provision in regulations) do not apply to the power conferred by subsection (7).

Textual Amendments

- F1** Words in s. 166(5) table inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 26\(6\)](#)
- F2** Word in s. 166(5) table substituted (28.4.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 140\(2\)\(a\)\(i\)](#), 208(4)(q) (with s. 140(3))
- F3** Words in s. 166(5) table inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(6\)\(a\)](#)
- F4** Words in s. 166(5) table inserted (29.6.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(2)(v), [Sch. 13 para. 11\(6\)\(b\)](#)
- F5** Words in s. 166(5) table inserted (28.4.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 140\(2\)\(a\)\(ii\)](#), 208(4)(q)
- F6** [S. 166\(5A\)](#) inserted (28.4.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 140\(2\)\(b\)](#), 208(4)(q)

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F7 Word in s. 166(7) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(aa), [Sch. 21 para. 4](#)

Commencement Information

I5 S. 166 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

167 Effect of custodial sentence in other cases

- (1) This section applies where a court makes a driving disqualification order in respect of an offender for an offence, and—
- (a) it imposes a custodial sentence (other than a suspended sentence) on the offender for another offence, or
 - (b) a custodial sentence previously imposed on the offender has not expired.
- (2) In determining the disqualification period, the court must, so far as it is appropriate to do so, have regard to the diminished effect of disqualification as a distinct punishment if the person who is disqualified is also detained in pursuance of a custodial sentence.
- But the court may not take into account for this purpose any custodial sentence that it imposes on the offender for the offence.
- (3) In this section, “custodial sentence” includes a pre-Code custodial sentence (see section 222(4)).

Commencement Information

I6 S. 167 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

168 Requirement to produce licences where driving disqualification order made

A court which makes a driving disqualification order in respect of an offender must require the offender to produce any (and, if more than one, all) of the following held by the offender—

- (a) a driving licence;
- (b) a Northern Ireland licence (within the meaning of Part 3 of the Road Traffic Act 1988);
- (c) a Community licence (within the meaning of Part 3 of the Road Traffic Act 1988).

Commencement Information

I7 S. 168 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

169 Driving disqualification orders: interpretation

In this Chapter—

“disqualification period”, in relation to a driving disqualification order made in respect of an offender, means the period specified in the order as the period for which the offender is disqualified for holding or obtaining a driving licence;

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

Commencement Information

I8 S. 169 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

170 Road Traffic Offenders Act 1988: further provision about driving disqualification etc

- (1) Part 2 of the Road Traffic Offenders Act 1988 makes further provision about driving disqualification.

Provision applying to driving disqualification orders under this Chapter

- (2) For provision about the effect of driving disqualification orders under this Chapter see in particular—
- (a) section 37 (effect of order of disqualification);
 - (b) sections 39, 40 and 42 (suspension and removal of disqualification);
 - (c) section 43 (rule for determining end of period of disqualification).

Other orders under that Act available on conviction of certain offences

- (3) For other orders available on conviction of certain road traffic offences see, in particular, the following provisions of that Act—
- (a) section 34 (disqualification);
 - (b) section 35 (disqualification for repeated offences);
 - (c) section 36 (disqualification until test is passed);
 - (d) section 44 (endorsement of driving record).

Commencement Information

I9 S. 170 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

CHAPTER 2

DISQUALIFICATION ETC UNDER OTHER ACTS

171 Offences relating to animals

- (1) For orders relating to disqualification and licensing in the case of offences under the Animal Welfare Act 2006, see the following provisions of that Act—
- (a) section 34 (disqualification);
 - (b) section 42 (orders with respect to licences).
- (2) See section 4 of the Dangerous Dogs Act 1991 for orders relating to disqualification in the case of offences under that Act.

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[^{F8}(3) See section 66 of the Police, Crime, Sentencing and Courts Act 2022 (disqualification order on conviction for certain offences involving dogs) for orders relating to disqualification in the case of offences involving dogs under that Act, the Night Poaching Act 1828 and the Game Act 1831.]

Textual Amendments

F8 S. 171(3) inserted (1.8.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), ss. 66\(10\), 208\(1\)](#); [S.I. 2022/520, reg. 7](#)

Commencement Information

I10 S. 171 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

172 Company directors

See sections 2 and 5 of the Company Directors Disqualification Act 1986 (company director disqualification orders) for provision about orders available in relation to certain offences relating to companies, building societies and other bodies.

Commencement Information

I11 S. 172 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

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