



Many motoring offences attract the imposition of penalty points. The Magistrates normally have a discretion, subject often to a fixed maximum and fixed minimum, to decide how many points are imposed, dependent upon the aggravating and mitigating circumstances of the offence. In cases involving variable penalty points, the Court should allow mitigation before arriving at any decision as to the number of points that might be imposed.

These penalty points are recorded on your licence, or if you do not hold a licence, then they are recorded at the DVLA.

Penalty points remain effective for a period of 3 years from the date of the offence. Any new offence committed within this 3 year period which attracts penalty points will have those penalty points added.

If the points added together amount to 12 or more, than the Court must order the drive to be disqualified, unless the Court finds Exceptional Hardship and mitigating circumstances.

For “Exceptional Hardship and mitigating circumstances” it is necessary for the driver to demonstrate that not only will he or she face loss of a job, but also that there are other circumstances associated with that loss of job, which might involve reflected hardship of the serious kind on the driver’s business, family or long term prospects.

If the Exceptional Hardship and mitigating circumstances are accepted by the Court, they will be recorded, and those same reasons cannot be used a second time in any 3 year period.

A disqualification on penalty points can be for no less (and can be for more) than the minimum period. That minimum period is:-

- a) 6 months, if there has been no prior disqualification, for a period of more than 56 days in the last 3 years
- b) 1 year, if there is one such prior disqualification
- c) 2 years, if there is more than one such prior disqualification

If there are several motoring offences, each of which could attract penalty points, which are committed on the same occasion, the penalty points to be endorsed are those relating to the offence that carried the highest number of points.

For some motoring matters, in lieu of penalty points, the Court can impose a discretionary disqualification. Before a Court imposes a disqualification in a case where it is discretionary, either the driver or his/her representative, should be warned and given the opportunity to address the Court. Where a discretionary disqualification is imposed, any pre-existing penalty points remain on the driving licence for the balance of their 3 year period.

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