

PENALTY POINTS AND DISQUALIFICATION

What are penalty points and how do they work?

Certain motoring offences result in penalty points being placed on your driving licence. If you acquire 12 points or more within a three year period you will be disqualified from driving. This is known as “totting up”. The minimum period of disqualification is six months.

Is it any different for newly qualified drivers?

Yes - anyone who acquires six or more penalty points within two years of passing their test will have their driving licence revoked by DVLA. This is different from a period of disqualification as you can re-apply for your provisional licence and proceed through the test procedure straight away. This is not an order made by the Court. It is a procedure followed by DVLA and the Court has no discretion.

Can the court decide not to disqualify me from driving even though I have 12 or more penalty points?

Yes, if there are circumstances which mean that “exceptional hardship” would result from a disqualification. The Court has a discretion but it is strictly limited. Almost everyone who is disqualified will suffer some hardship, so the hardship must be “exceptional”. Exceptional hardship to the driver but also to other people affected by the disqualification is relevant. This might be the driver’s relatives or employees. Loss of employment may not always be enough.

What is important is that your case for exceptional hardship is properly presented to the court, and for this you need our expert advice.

Which offences usually mean disqualification is imposed?

There are a range of offences leading automatically to disqualification. These include dangerous driving; causing death by dangerous driving; causing death by careless driving while under the influence of drink or drugs; drink driving; failing to provide a breath test; racing on public roads.

Can I get my licence back before the end of a period of disqualification?

Yes. It is possible to apply to the court after two years of disqualification to get your licence back earlier. You would need to get legal advice about this.

How do I apply to get my licence back after a disqualification?

You must not drive until you have applied to DVLA and received your licence from them. For more information see www.dvla.gov.uk.