

## Totting Up Driving Ban

The penalty points system was introduced in an attempt to provide the Courts with another method of punishing motorists apart from the original fine and driving ban option. In this way, the Court could endorse a person's driving licence with the number of points it felt appropriate, given the severity of the offence. It also allowed the introduction of a system that was able to monitor the effect the punishments were having, resulting in the potential to ban motorists who continued to commit driving offences on a regular basis.

### **How does the totting up procedure work?**

The number of penalty points varies on the nature of the motoring offence. The more serious the driving offence, the higher the number of points. The minimum number of points for the most minor offences is 2 points, whilst offences such as failing to comply with a traffic light carry a non-discretionary 3 points and other offences have a range of points which allows the Magistrates to vary the punishment depending on the severity of the incident. For example, speeding ranges from 3 to 6 points. Speeding offences dealt with by Fixed Penalty Notices will have a standard 3 points whereas more serious speeding cases which are dealt with at Court can result in up to 6 points being endorsed on the convicted driver's licence. Another common offence, driving without due care, carries a range of 3-9 points, again dependent on the circumstances of the case.

**Should a driver reach 12 points in a 3 year period, the Court guidelines are an automatic disqualification of 6 months should be imposed.**

Totting up disqualifications can arise where:

1. A party has been convicted of several offences over the course of a 3 year period (or has committed the offences within a 3 year period); or
2. Where 2 or more offences have been committed at the same time and upon conviction the number of points endorsed on the licence amount to 12 or more. Consequently, a driver with a clean licence who commits 2 offences that both carry 6 or more points could face a totting up disqualification if convicted of both offences.

### **How long does a totting up ban last for?**

The mandatory period of disqualification for a totting up ban is 6 months. Some Courts do exercise discretion and there are examples of 3 months being imposed but in theory, if you reach 12 points, and cannot convince the Court that you should be allowed to keep your licence, you are off the road for 6 months.



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**Can I avoid a driving ban if I reach 12 penalty points or more?**

Yes. Please refer to our *How to Avoid a Driving Ban* Fact Sheet.

**How long do penalty points/offences remain on my driving licence?**

Points are valid for 3 years from the date of conviction but cannot be removed from your licence until their fourth anniversary. If you amass 12 points in any 3 year period, you face disqualification.

**Some of my points expire before my Court appearance, will I still face a totting up ban?**

Yes. The Court will consider the number of points that you had at the time of the offence. If points expire before the Court hearing, they can still be taken into account if they were valid at the time the offence was committed.

**My points were due to expire shortly after the most recent offence was committed, will the Court take this into account?**

In theory, no. However, if the appropriate submission is put forward, most Courts will take into account the dates of the offences when considering whether or not to exercise discretion. The Court needs to consider the complete history as well as the implications. What emphasis the Court puts on that information is entirely at their discretion.

**Can I be banned from driving under the Fixed Penalty Notice System?**

Any points imposed by Fixed Penalty Notices are effective for 3 years as if endorsed by the Court. However, you can only accept the conditional offer of a Fixed Penalty Notice if you have 8 penalty points or less on your licence. Drivers who have 9 points should not be allowed to accept a Fixed Penalty Notice but instead, will receive a Summons.

**Why have I received a Fixed Penalty Notice when I have 9 points on my licence?**

The Fixed Penalty Notice is issued by a Process Section upon receipt of a completed reply to the Notice of Intended Prosecution. At that stage, the Process Section does not know how many points are on your licence and relies upon you to clarify whether or not you are able to accept the conditional offer.

**What happens if I have 9 points, but accept the conditional offer/Fixed Penalty Notice anyway?**

In theory the staff in the Process Section should spot that you do not meet the criteria, reject your acceptance and issue a Court Summons. In those circumstances, both your cheque and your licence should be returned. However, if the Process Unit fail to appreciate that you do not



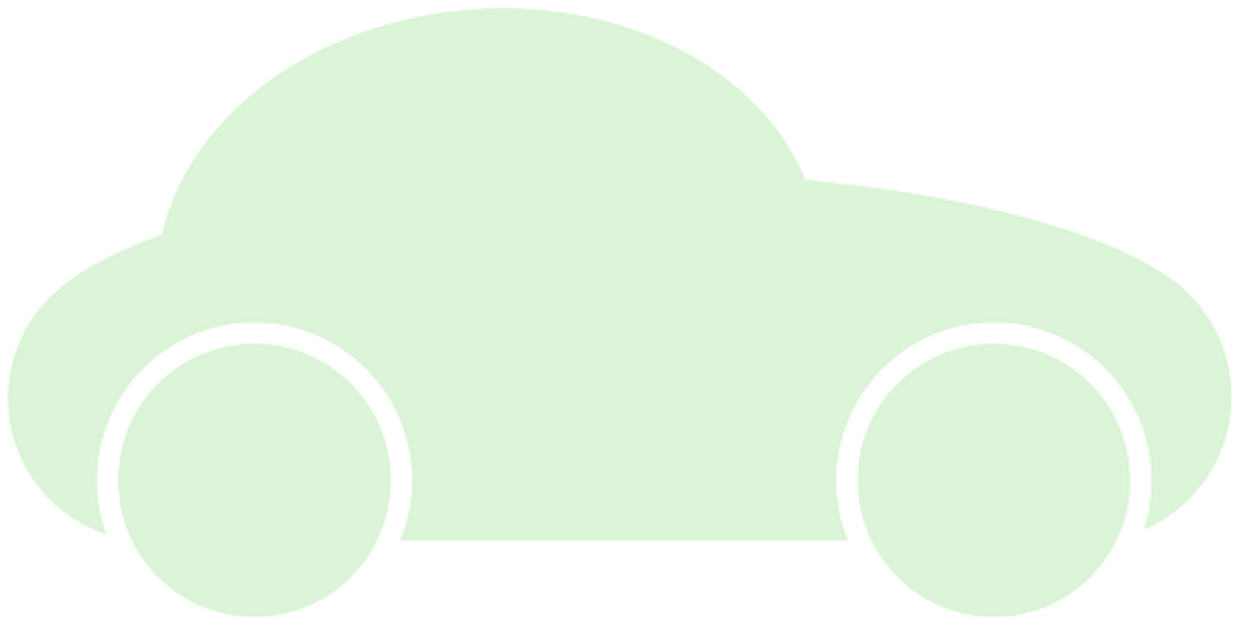
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meet the criteria and process your acceptance, your licence will be returned with the additional points added, taking you to a total of 12 or more. However, as no disqualification has been imposed by the Court, you are entitled to continue driving. A totting up ban can only be applied by the Court, not the Process Unit, which is why your acceptance should be rejected and the matter referred to Court.

### **What are the rules for New Drivers?**

Your licence is revoked if you amass 6 penalty points within your first 2 years of driving. It should be appreciated that the DVLA can revoke a licence if 6 penalty points have been obtained by Fixed Penalty Notices. Revocation is automatic, and is not subject to a Court Order.



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