



## Penalty points & the New Drivers Act

The Road Traffic (New Drivers) Act was introduced by the previous Government around seventeen years ago and was designed to tackle the increasing number of new and inexperienced drivers who were breaking the law / involved in collisions.

It created a **probationary period of two years** during which the maximum number of penalty points which can be accumulated before losing a licence (including any during the learner period on a provisional licence) is six.

If new drivers exceed this, they will automatically have their licence to drive revoked and will need to apply for a new provisional licence and pass a new driving test. The whole 'learning to drive' process essentially needs to be repeated.

The New Drivers Act, which came into force in June 1997, was designed to be a deterrent and yet there's evidence to suggest **that many parents and young drivers may be unaware of it.** And yet its consequences can be serious –especially if the new driver relies on their licence for work.

### Who's affected?

The New Drivers Act applies to all new drivers (irrespective of age) who passed their first driving test in:

- ▶ **Great Britain**
- ▶ **Northern Ireland**
- ▶ **Isle of Man**
- ▶ **Channel Isles**
- ▶ **Gibraltar**
- ▶ **The European Community and European Economic area**

Anyone who has already held a full licence for two years isn't included.

### What happens if your son / daughter lose their licence?

If they lose their licence after accumulating six or more penalty points, they will need to STOP DRIVING immediately.

Source: [www.gov.uk](http://www.gov.uk)



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They will need to apply for another provisional licence which means that they will be required to:

- ▶ **Drive with L plates displayed.**
- ▶ **Be accompanied by someone who is at least 21 years old and who has held a full driving licence for at least three years.**

They will not be allowed to drive on any public road without a licence and any previous insurance (taken out when they were licensed to drive before receiving the penalty points) will be invalid. They must inform their insurance company immediately if they lose their licence under the Act.

### How can they get their licence back?

To obtain their full licence again they will need to:

- ▶ **Pass their theory and practical tests again. These will both need to be paid for as before.**
- ▶ **Request their new full licence once they pass and exchange this with their provisional licence.**

It's much easier and considerably cheaper if they just avoid falling foul of the law in the first place.

Below is an outline of the likely penalty points for various offences. It's important to note that these are for guidance only, are subject to change, and can vary depending on the individual circumstances of the road traffic offence at the time.

Source: [www.gov.uk](http://www.gov.uk)



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## Penalty points and disqualification

The penalty point system is intended to deter drivers and motorcyclists from following unsafe motoring practices. Certain non-motoring offences, e.g. failure to rectify vehicle defects, can also attract penalty points. The court **MUST** order points to be endorsed on the licence according to the fixed number or the range set by Parliament. The accumulation of penalty points acts as a warning to drivers and motorcyclists that they risk disqualification if further offences are committed.

### [Law RTOA sects 44 & 45]

A driver or motorcyclist who accumulates 12 or more penalty points within a three-year period **MUST** be disqualified. This will be for a minimum period of six months, or longer if the driver or motorcyclist has previously been disqualified.

### [Law RTOA sect 35]

For every offence which carries penalty points the court has a discretionary power to order the licence holder to be disqualified. This may be for any period the court thinks fit, but will usually be between a week and a few months.

In the case of serious offences, such as dangerous driving and drink-driving, the court **MUST** order disqualification. The minimum period is 12 months, but for repeat offenders or where the alcohol level is high, it may be longer. For example, a second drink-drive offence in the space of 10 years will result in a minimum of three years' disqualification.

### [Law RTOA sect 34]

Please note the penalties listed under 'Imprisonment', 'Fine' and 'Disqualification' are maximum penalties.

**For more information on penalty points visit:**

[http://www.direct.gov.uk/en/TravelAndTransport/Highwaycode/DG\\_069870](http://www.direct.gov.uk/en/TravelAndTransport/Highwaycode/DG_069870)

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Offence	Imprisonment	Fine	Disqualification	Penalty points
*causing death by dangerous driving	14 years	Unlimited	Obligatory – 2 years minimum	3-11 (if exceptionally not disqualified)
*Dangerous driving	2 years	Unlimited	Obligatory	3-11 (if exceptionally not disqualified)
*Causing death by careless driving under the influence of drink or drugs	14 years	Unlimited	Obligatory-2 years minimum	3-11 (if exceptionally not disqualified)
Careless and inconsiderate driving	-	£5,000	Discretionary	3-9
Driving while unfit through drink or drugs or with excess alcohol: or failing to provide a specimen for analysis	6 months	£5,000	Obligatory	3-11 (if exceptionally not disqualified)
Failing to stop after an accident or failing to report an accident	6 months	£5,000	Discretionary	5-10
Driving when disqualified	6 months (12 months in Scotland)	£5,000	Discretionary	6
Driving after refusal or revocation of licence on medical grounds	6 months	£5,000	Discretionary	3-6
Driving without insurance		£5,000	Discretionary	6-8
Using a vehicle in a dangerous condition	-	LGV £5,000 PCV £5,000 Other £2,500	Obligatory if offence committed within 3 years of a previous conviction for the same offence - 6 months minimum otherwise discretionary	3 in each case
Failure to have proper control of vehicle or full view of the road and traffic ahead, or using a hand-held mobile phone while driving	-	£1,000 (£2,500 for PCV or goods vehicle)	Discretionary	3
Driving otherwise than in accordance with a licence	-	£1,000	Discretionary	3-6
Speeding	-	£1,000 (£2,500 for motorway offences)	Discretionary	3-6 or 3 (fixed penalty)
Traffic light offences	-	£1,000	Discretionary	3
No MOT certificate	-	£1,000		-
Seat belt offences	-	£500		-
Failing to identify driver of a vehicle	-	£1,000	Discretionary	6

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