

# Convictions Policy and Assessment of Previous Convictions :

## Preliminary Matters :

1. The purpose of this document is to set out the Council's Convictions Policy and Assessment of Previous Convictions, ("the Convictions Document"), which is applied by Officers, or the Licensing and Regulatory Committee, (collectively referred to as "the Council"), when considering Applications by Applicants to be granted Licences to drive Hackney Carriage and / or Private Hire Vehicles. The following provisions are in issue under the Local Government (Miscellaneous Provisions) Act 1976, ("the Act"), :-

- (a) Sections 51 of the Act as to the licensing of Drivers of Private Hire Vehicles; and
- (b) Section 59 of the Act as to the licensing of Drivers of Hackney Carriage Vehicles.

Under both Sections the issue is whether the Council is satisfied whether the Applicant is a "*fit and proper person*" to hold the Licence(s) sought. In both instances, the key issue is that the Council cannot issue a Licence unless it is "*satisfied that the applicant is a fit and proper person to hold a driver's licence*". At **Section D, Paragraph 1** of the Council's Statement of Private Hire and Hackney Carriage Licensing Policy, ("the Policy"), the issue of "*fit and proper person*" is set out;

2. This Convictions Document is also to be applied when considering whether an existing Licensed Driver remains a "*fit and proper person*" to continue to hold their respective Licence(s). Such issues arise under Section 61 of the Act in the context of deciding whether to renew existing Licences, or whether existing Licences should be suspended, or revoked. This links in with Paragraph 1 above. These types of cases are mainly, although not exclusively, dealt with by the Licensing and Regulatory Committee.

3. The following key points are raised about this Convictions Document, :-

- (a) Each case is considered on an individual basis, based upon the case facts. If exceptional circumstances apply, it is possible to depart from the guidelines. Where this is done, reasons for the departure should be set out;
- (b) Section 61(1)(a)(i) of the Act specifically identifies offences involving dishonesty, indecency and violence as being of a concern when assessing whether a Licensed Driver remains a "*fit and proper person*". The drafting of Section 61(1)(a)(i) shows that Parliament regarded dishonesty, indecency and violence on the part of Licensed Drivers as being significant offences that impact upon their fitness, or suitability to remain Licensed Drivers. These offences have been singled out as

being of particular concern by Parliament to protect members of the public who may use Licensed Vehicles;

- (c) When considering a person's criminal record the Council must consider each case on its own merits. Applicants and existing license holders are entitled to a fair and impartial consideration of their case;
- (d) Where a period of time is stated below, they are a minimum period in considering whether a Licence should be granted, renewed, or whether a Licence should be suspended or revoked. Setting out minimum periods prioritises passenger and public safety, whilst still enabling past offences to be sufficiently evidenced and to allow for rehabilitation, so that an Applicant may obtain a Licence, or an existing Licensed Driver can retain their Licence;
- (e) When the Council is considering offences against individuals with special needs, children and other vulnerable groups, (particularly those involving violence, those of a sexual nature and those linked with organised crime), a cautious view should be taken of such offences;
- (f) In accordance with **Nottingham County Council -v- Farooq [1998]** the Council should not go behind a conviction to "re-try", or review the merits of the conviction. The case of **Pinnington -v- Transport for London [2013]** is also relevant in terms of a conviction being the starting point when considering a case. The issue of "fitness" should not be solely determined on the basis of a conviction, or caution;
- (g) **When cases are considered, it is important to consider the individual circumstances of each case, including : the background to the case; any extenuating circumstances; whether any issues arise regarding alleged spiking; the number, nature and seriousness of the offences in issue; the appropriateness, or otherwise of any criminal sentence; whether, or not guilt was admitted, or whether a criminal trial was held; aggravating and mitigating factors that are identified; whether an Applicant, or existing Licensee has previously appeared before the former Regulatory Committee and / or the Licensing and Regulatory Committee; an Applicant, or existing Licensee's demeanour, attitude and level of co-operation when discussing their case with Officers from the Licensing Section; and the reporting requirements that apply;**
- (h) A caution, (also referred to as a simple caution, a formal caution, or a Police caution), and endorsable fixed penalties are treated as though they are convictions. A caution is a formal warning that may be given to persons aged 18 years, or over who admit to committing a criminal offence. Cautions are designed to provide a means of dealing with offending without a prosecution when there is evidence of an offence having been committed. For the avoidance of any doubt, the acceptance of a caution legally constitutes admission of guilt of a

criminal offence. But the public interest does not require a prosecution. A conditional caution carries a condition(s) that the recipient of the caution must comply with. The aim of the condition(s) is the rehabilitation of the offender and that they make reparation for the offence;

- (i) If an Applicant, or an existing Licensee has been convicted of more than one offence arising from a single incident, the convictions will generally be treated as one conviction for the purposes of this Convictions Document. In such circumstances, the period which a person would normally be expected to show free of any criminal conviction will be the longest applicable period calculated by reference to each offence;
- (j) Multiple criminal offences, or a series of offences over a period of time may cause greater cause for concern and may demonstrate a pattern of inappropriate behaviour;
- (k) Where a custodial sentence has been served, the number of years since release and the period for which they have been free of conviction will be considered when determining fitness, ie. the time spent in custody will be discounted from the “conviction free period”;
- (l) Due regard will be given to a pattern of offending behaviour that is shown via an Applicant’s, or an existing Licensee’s past convictions, or cautions;
- (m) The aim of the Convictions Document is not to punish an Applicant, or existing Licensee twice for a conviction, or caution. It is to ensure that only “*fit and proper persons*” are licensed;
- (n) The Convictions Document does not deal with each and every type of offence. Offences that are described in this document and similar offences will be taken into account in accordance with the Convictions Document; and
- (o) For the avoidance of any doubt, this Convictions Document has application as from and including 1<sup>st</sup> January, 2023. It will be applied to convictions, cautions and endorsable fixed penalties that occur on, or after the 1<sup>st</sup> January, 2023. For matters prior to 1<sup>st</sup> January, 2023 the provisions of the former Guidance Document Relating to the Licensing of Hackney Carriage and Private Hire Vehicle Drivers will be applied.

#### **Criminal Offences Resulting in Death, or Serious Injury :**

4. Where an Applicant, or an existing Licensee has been convicted of a crime which resulted in the death of another person, or was intended to cause the death, or serious injury to another person, the starting point is that an Applicant will not be licensed by the Council. An existing Licensed Driver is likely to have any Licence revoked.

5. Should exceptional circumstances apply, the Council may consider granting a Licence. What constitutes exceptional circumstances will be considered on a case-by-case basis. However, as a minimum the Applicant must have demonstrated a period of 10 years free of any criminal conviction at the date of submission of their Application and there must be evidence of how the Applicant's potential risk to the public has significantly reduced.

### **Exploitation :**

6. Where an Applicant has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use, or treatment of another individual irrespective of whether the victim, or victims were adults, or children, they will not be licensed by the Council. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional, or financial abuse, although this list is not exhaustive.
7. As to an existing Licensee, depending upon the circumstances of the case they are likely to have any Licence revoked.

### **Offences Involving Violence Against the Person :**

8. Licensed Drivers will occasionally encounter passengers who demonstrate challenging behaviours. The Council expects Licensed Drivers to behave in a calm manner at all times, including when dealing with challenging passengers. The Council must be satisfied that Licensed Drivers will not engage in any conduct that threatens or puts the personal safety of passengers and members of the public at risk. In particular, they must not take advantage of passengers, including children and vulnerable adults.
9. Where an Applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a Licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
10. As to an existing Licensee, depending upon the circumstances of the case, they are likely to have any Licence suspended, or revoked.

### **Possession of a Weapon :**

11. Where an Applicant has a conviction for possession of a weapon, or any other weapon related offence, a Licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.
12. As to an existing Licensee, depending upon the circumstances of the case, they are likely to have any Licence suspended, or revoked.

### **Sexual Offences :**

13. When undertaking driving duties Licensed Drivers are frequently entrusted with the care of children and young people. They also transport adult passengers who are vulnerable for one, or more reasons. It may be possible for an unscrupulous Licensed Driver to take advantage of such passengers. Licensed Drivers must not engage in any dialogue, conversation, or activities of a sexual nature, whether initiated by the Licensed Driver, or not with a passenger whilst acting as a Driver of a vehicle licensed by the Council;
14. A child is defined as a person who has not yet attained 18 years of age. A vulnerable adult is defined using the definition set out in Section 42 of the Care Act 2014, which applies where a council has reasonable cause to suspect that an adult in its area, (whether, or not ordinarily resident there), :-
  - (a) Has needs for care and support, (whether, or not the council is meeting any of those needs);
  - (b) Is experiencing, or is at risk of, abuse and neglect; and
  - (c) As a result of those needs is unable to protect themselves against the abuse, or neglect, or the risk of it.
15. There are many different types of criminal offences concerning sexual offences. Examples include : rape; indecent assault; soliciting; indecent exposure; and offences relating to indecent images of children.
16. Where an Applicant has a conviction for any offence involving, or connected with illegal sexual activity, a Licence will not be granted.
17. As to an existing Licensee, depending upon the circumstances of the case, they are likely to have any Licence revoked. In addition to the matters set out at Paragraphs 1 to 4 above, the Council will not grant a Licence to anybody who is currently on the Sex Offenders Register, or who is currently on the Disclosure and Barring Service's Children's Barred List and Adults' Barred List.

### **Offences Involving Dishonesty :**

18. There are many different types of criminal offences concerning dishonesty. Examples include : theft; fraud; benefit fraud; deception; tax evasion; the unauthorised taking of a vehicle; and conspiracy to pervert the course of justice. The Council expects Licensed Drivers to be honest. They hold a position of trust. A dishonest Licensee could quite easily defraud a passenger, such as by requesting more than the incorrect fare, or by intentionally taking a longer route than is required. They are also in a position of trust in relation to a passenger's possessions.
19. Where an Applicant has a conviction for any offence where dishonesty is an element of the offence, a Licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

20. As to an existing Licensee, depending upon the circumstances of the case, they are likely to have any Licence suspended, or revoked.

#### **Drug Related Offences :**

21. Where an Applicant has any conviction for, or related to the supply of drugs, or possession with intent to supply, or connected with possession with intent to supply, a Licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
22. As to an existing Licensee, depending upon the circumstances of the case, (including whether any drugs were found in their respective Licensed Vehicle), they are likely to have any Licence suspended, or revoked.
23. Where an Applicant has a conviction for possession of drugs, or related to the possession of drugs, a Licence will not be granted until at least five years have elapsed since the completion of any sentence imposed.
24. As to an existing Licensee, depending upon the circumstances of the case, (including whether any drugs were found in their respective Licensed Vehicle, quantity, type and whether for personal use, or supply), they are likely to have any Licence suspended, or revoked.

#### **Drunkenness :**

25. Provided at least one year has elapsed since the date of the imposed sentence, an isolated conviction for drunkenness will not in itself prevent a person from holding a Licence.
26. More than one conviction for drunkenness could indicate a “drinking problem” that requires some form of medical examination and input. Depending on the case facts, it may not be appropriate for an existing Licensee to remain licensed.
27. If a person has been identified as an alcoholic, they will be required to demonstrate evidence of five years free from alcohol problems following completion of a programme of detoxification treatment.
28. As to an existing Licensee, depending upon the circumstances of the case, they are likely to have any Licence suspended, or revoked.

#### **Public Order and Criminal Damage Offences :**

29. Where an Applicant has a conviction for any public order offence, or an offence involving criminal damage a Licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.
30. As to an existing Licensee, depending upon the circumstances of the case, they are likely to have any Licence suspended, or revoked.

### **Criminal Offences Concerning Discrimination :**

31. Where an Applicant has a conviction involving, or connected with discrimination in any form, a Licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.
32. As to an existing Licensee, depending upon the circumstances of the case, they are likely to have any Licence suspended, or revoked.

### **Driving Offences :**

33. Those Licensees who drive Hackney Carriage and Private Hire Vehicles are professional drivers. They are charged with the responsibility of carrying the public. Given that driving is of central importance to a Licensed Driver, (ie. it is the primary role that they perform), the requirement to be a “*safe driver with a good driving record*” forms part of the “*fit and proper person test*”.
34. It is accepted that driving offences can be committed unintentionally. Given the increased time that Licensed Drivers spend driving there is an increased chance of them committing driving offences. However, this does not provide an acceptable excuse, or justification for any driving offences that may be committed.
35. A person who is convicted of, or who accepts a fixed penalty notice for a driving offence will have penalty points endorsed on their Driving Licence issued by the Driver and Vehicle Licensing Agency, (the “DVLA”). Points range from 1 to 11. The more serious offences carry a greater number of points.
36. The attached Schedule, (“Schedule of Relevant Driving Offences”), sets out relevant motoring offences, the relevant code, the corresponding points and how long codes remain on a Driving Licence. Information has been taken from the following website : <https://www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points>
37. Depending upon the offence in issue, penalty points remain on a Driving Licence for either 4, or 11 years. Some offences could result in disqualification.
38. If a Licensee acquires a total of 12 points in a three-year period they will be disqualified under the “totting-up procedure” under Section 35 of the Road Traffic Offenders Act 1988, unless they are able to satisfy the Magistrates’ Court, (or the Crown Court in the event of an Appeal), that their disqualification would cause “exceptional hardship”.
39. For the avoidance of any doubt, the “exceptional hardship” provisions only have application to the Court when deciding whether, or not to disqualify. It is not a relevant consideration for the Council. “Exceptional hardship” is not referenced in legislation concerning Licensed Vehicles. The case of **Leeds City Council -v- Hussain [2002]** confirms that in respect of the relevance of

a Licensee's personal circumstances as to the issue of whether they are, or remain a "*fit and proper person*", this "*does not require any consideration of the personal circumstances which are irrelevant, except perhaps in very rare cases to explain or excuse some conduct of the driver*".

40. It is important to remember that the Magistrates' Court, (and the Crown Court when considering Appeals), exercise different functions to that of the Council, namely, :-
- (a) There are two separate legal regimes in operation;
  - (b) As to the Magistrates' Court, the Court exercises its respective powers under Section 35 of the Road Traffic Offenders Act 1988. The Court decides whether a disqualification from driving should be imposed as to their DVLA Driver's Licence. The Court does not decide whether the Licensed Driver is a "*fit and proper person*" to hold their respective Licence that has been issued by the Council to drive a Licensed Vehicle. The Crown Court can consider Appeals concerning driving bans;
  - (c) As to the Council, it exercises its respective licensing and regulatory functions as a Licensing Authority under the Local Government (Miscellaneous Provisions) Act 1976; and
  - (d) The Magistrates' Court function and the regulatory role undertaken by the Council are separate and different regimes. They perform different functions.
41. A single occurrence of a Minor Driving Offence, (as defined in Paragraph 44 below), would not prohibit the granting of a Licence to an Applicant. However, where an Applicant, or an existing Licensed Driver has multiple motoring convictions this may indicate that they do not exhibit the behaviours of a safe driver with a good driving record and somebody that is suitable to drive professionally.
42. Any motoring conviction while a Licensed Driver demonstrates that the Licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally.
43. By reference to the below Schedule of Relevant Driving Offences the Council uses a system for the classification of driving offences that is shown at Paragraphs 44 to 63 below.

#### **Minor Driving Offences :**

44. The following driving offences are regarded as being Minor Driving Offences under the Schedule, namely, :-
- (a) Miscellaneous offences;
  - (b) Motorway offences;
  - (c) Pedestrian crossing offences;
  - (d) Speed limits offences which result in three penalty points only; and



- (e) Traffic direction and signs offences.
45. A single conviction for a Minor Driving Offence should not normally prevent the granting, or renewal of a Licence, or should result in the suspension, or revocation of a Licence, providing that the Council considers that the Applicant is a "*fit and proper person*" to hold a Licence and that the existing Licensed Driver remains a "*fit and proper person*" to retain their Licence.
46. Where an Applicant's DVLA Driving Licence is currently endorsed with two, or more Minor Driving Offences, depending upon the circumstances of the case, the Council would expect the Applicant to demonstrate a period of six months free from conviction before granting them a Licence. The Council believes it is important to have an entry level for the granting of a Licence.
47. Subject to the provisions of the Council's Driver Improvement Scheme, :-
- (a) Existing Licensed Drivers who accrue **more than six penalty points and up to nine penalty points** for Minor Driving Offences within a three-year period will be **requested** by the Principal Licensing Officer to undertake a driver improvement course. The Licensed Driver will be required to meet the cost of attending the course. If the Licensed Driver **refuses** to attend the course their case will be referred to the Licensing and Regulatory Committee by the Principal Licensing Officer for determination, with the Licensing and Regulatory Committee being asked to give consideration to the possible suspension, revocation, or refusal to renew their Licence, as appropriate. For the avoidance of any doubt, the Committee could, if deemed appropriate, impose a period of suspension and direct that a Licensed Driver who has refused to undertake a driver improvement course to undertake such a course at their own expense, with their suspension ending on the date that they successfully complete the course, as opposed to them serving the full period of suspension as originally imposed by the Committee;
- (b) Existing Licensed Drivers who accrue **six penalty points and up to nine penalty points** for Minor Driving Offences within a three-year period may have their case referred to the Licensing and Regulatory Committee for determination instead of being requested to undertake a driver improvement course if the Principal Licensing Officer believes there are **aggravating factors** to justify this, with the Committee being asked to give consideration to the possible suspension, revocation, or refusal to renew their Licence, as appropriate. Depending on the circumstances of the case, they should have their Licence suspended for a maximum period of six months, or revoked. The Principal Licensing Officer will record the reasons why they believe aggravating factors apply. For the avoidance of any doubt, the Committee could, if deemed appropriate, impose a period of suspension and direct that a Licensed Driver who falls under this provision to undertake a driver improvement course at their own expense, with their suspension ending on the date that they successfully complete the course, as

opposed to them serving the full period of suspension as originally imposed by the Committee; and

- (c) Existing Licensed Drivers who accrue **more than nine** penalty points for Minor Driving Offences within a three-year period will have their cases referred to the Licensing and Regulatory Committee for determination. Depending on the circumstances of the case, they should have their Licence suspended for a maximum period of six months, or revoked. For the avoidance of any doubt, the Committee could, if deemed appropriate, impose a period of suspension and direct that a Driver who falls under this provision to undertake a driver improvement course at their own expense, with their suspension ending on the date that they successfully passed the course, as opposed to them serving the full period of suspension as originally imposed by the Committee.

### **Intermediate Driving Offences :**

- 48. The following driving offences are regarded as being Intermediate Driving Offences under the Schedule, namely :-
  - (a) Accident offences;
  - (b) Disqualified driver offences, with the exception of those offences involving death, or serious injury;
  - (c) Careless driving offences, ie. driving without due care and attention; driving without reasonable consideration for other road users; or driving without due care and attention, or without reasonable consideration for other road users
  - (d) Insurance offences : using a vehicle uninsured against third party risks;
  - (e) Licence offences : driving otherwise than in accordance with a Licence; after making a false declaration about fitness; after failing to notify of a disability; and after Licence revoked, or refused on medical grounds;
  - (f) Failure to give information as to identify of a driver etc.;
  - (g) Speed limits offences which result in four to six penalty points; and
  - (h) Construction and use offences : defective brakes, tyres, or steering; dangerous load, parts, or accessories; breach of requirements as to control of a vehicle, mobile telephone etc..
- 49. Where an Applicant's DVLA Driving Licence is currently endorsed with penalty points in respect of an Intermediate Driving Offence, but no disqualification from driving, depending upon the circumstances of the case, the Council would expect the Applicant to demonstrate a period of one year free from conviction before granting a Licence. More than one Intermediate Driving Offence could extend this period to three years depending upon the circumstances.
- 50. Depending upon the circumstances of the case, an existing Licensed Driver whose DVLA is endorsed with penalty points in respect of an Intermediate Driving Offence, but no disqualification from driving, can expect suspension

for one year, or revocation of their Licence, depending on the particular circumstances, including whether there is more than one conviction. For the avoidance of any doubt, the Committee could, if deemed appropriate, impose a period of suspension and direct that a Driver who falls under this provision to undertake a driver improvement course at their own expense, with their suspension ending on the date that they successfully complete the course, as opposed to them serving the full period of suspension as originally imposed by the Committee.

### **Disqualifications from Driving :**

51. Unless an Applicant has been disqualified for any reason dealt with in the Paragraphs below, the Council would expect that person to demonstrate a period of three years from the date of conviction, or the date immediately following the end of the disqualification, whichever date is the longest.
52. In the event that an existing Licensed Driver is disqualified from driving under their DVLA Driving Licence, or they are no longer authorised by virtue of Section 99A9(1), or Section 109(1) of the Road Traffic Act 1988 to drive a motor car in Great Britain, they are no longer able to hold their respective Licence. This is because being qualified to drive is a pre-condition to holding a Licence.

### **Drink Driving, or Drug Driving Offences :**

53. Where an Applicant has a conviction for drink driving, or driving under the influence of drugs, a Licence will not be granted until at least seven years have elapsed since the completion of any sentence, or driving ban imposed.
54. As to an existing Licensee, reference is made to Paragraph 52 in "Disqualifications from Driving" above.
55. In those cases where a person is granted a Licence and there are historic concerns regarding drugs use, the Licensee may be required to undergo drugs testing for a specified period of time at their own expense to demonstrate that they are not using drugs.

### **Reckless, Dangerous and Furious Driving Offences, or Offence of Racing on the Highway :**

56. Where an Applicant has a conviction for reckless, dangerous and furious driving offences, or motor racing on the highway, a Licence will not be granted until at least 10 years have elapsed since the completion of any sentence, or driving ban imposed.
57. As to an existing Licensee, reference is made to Paragraph 52 of "Disqualifications from Driving" above.

### **Careless and Dangerous Driving Offences Involving Serious Injury, or Death :**

58. These provisions apply where an Applicant, or an existing Licensed Driver have been convicted of the following driving offences, :-
- (a) Causing death by careless driving when unfit through drugs;
  - (b) Causing death by careless driving with alcohol level above the limit;
  - (c) Causing death by careless driving then failing to supply a specimen for alcohol analysis; or
  - (d) Causing death by careless, or inconsiderate driving.
59. Where an Applicant has been convicted of such an offence, the starting point is that an Applicant will not be licensed by the Council.
60. Should exceptional circumstances apply, the Council may consider granting a Licence. What constitutes exceptional circumstances will be considered on a case-by-case basis. However, as a minimum the Applicant must have demonstrated a period of 10 years free of any criminal conviction at the date of submission of their Application and there must be evidence of how the Applicant's potential risk to the public has significantly reduced.
61. As to an existing Licensee, reference is made to Paragraph 52 of "Disqualifications from Driving" above.

### **Using a Hand-held Device Whilst Driving :**

62. Where an Applicant has a conviction for using a held-hand mobile phone, or a hand-held device whilst driving, a Licence will not be granted until at least five years have elapsed since the conviction, or completion of any sentence, or any driving ban imposed, whichever is the later.
63. Depending upon the circumstances of the case, an existing Licensed Driver whose DVLA Driving Licence is endorsed with penalty points in respect of using a held-hand mobile phone, or a hand-held device whilst driving, but no disqualification from driving, should have their Licence suspended for a maximum of one year or revoked.

## **Schedule of Relevant Driving Offences**

### **Accident Offences – Intermediate Driving Offence :**

These codes must stay on a driving record for 4 years from the date of the offence.

<b>Code</b>	<b>Offence</b>	<b>Penalty points</b>
<b>AC10</b>	Failing to stop after an accident	5 to 10
<b>AC20</b>	Failing to give particulars or report an accident within 24 hours	5 to 10
<b>AC30</b>	Undefined accident offences	4 to 9

### **Disqualified Driver – Intermediate Driving Offences, or Offences Involving Death, or Serious Injury :**

Codes BA10 and BA30 must stay on a driving record for 4 years from the date of the offence.

<b>Code</b>	<b>Offence</b>	<b>Penalty points</b>
<b>BA10</b>	Driving while disqualified by order of court	6
<b>BA30</b>	Attempting to drive while disqualified by order of court	6

Codes BA40 and BA60 must stay on a driving record for 4 years from the date of the conviction.

<b>Code</b>	<b>Offence</b>	<b>Penalty points</b>
<b>BA40</b>	Causing death by driving while disqualified	3 to 11
<b>BA60</b>	Causing serious injury by driving while disqualified	3 to 11

### **Careless Driving – Intermediate Driving Offence, or Offences Involving Death, or Serious Injury :**

Codes CD10 to CD30 must stay on a driving record for 4 years from the date of the offence.

<b>Code</b>	<b>Offence</b>	<b>Penalty points</b>
<b>CD10</b>	Driving without due care and attention	3 to 9
<b>CD20</b>	Driving without reasonable consideration for other road users	3 to 9
<b>CD30</b>	Driving without due care and attention or without reasonable consideration for other road users	3 to 9

Codes CD40 to CD70 must stay on a driving record for 11 years from the date of the conviction.

<b>Code</b>	<b>Offence</b>	<b>Penalty points</b>
<b>CD40</b>	Causing death through careless driving when unfit through drink	3 to 11
<b>CD50</b>	Causing death by careless driving when unfit through drugs	3 to 11
<b>CD60</b>	Causing death by careless driving with alcohol level above the limit	3 to 11
<b>CD70</b>	Causing death by careless driving then failing to supply a specimen for alcohol analysis	3 to 11

Codes CD80 and CD90 must stay on a driving record for 4 years from the date of the conviction.

<b>Code</b>	<b>Offence</b>	<b>Penalty points</b>
<b>CD80</b>	Causing death by careless, or inconsiderate, driving	3 to 11
<b>CD90</b>	Causing death by driving: unlicensed, disqualified or uninsured drivers	3 to 11

### **Construction and Use Offences – Intermediate Driving Offence, Using a Hand-held Device Whilst Driving :**

These codes must stay on a driving record for 4 years from the date of the offence.

<b>Code</b>	<b>Offence</b>	<b>Penalty points</b>
<b>CU10</b>	Using a vehicle with defective brakes	3
<b>CU20</b>	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
<b>CU30</b>	Using a vehicle with defective tyre(s)	3
<b>CU40</b>	Using a vehicle with defective steering	3
<b>CU50</b>	Causing or likely to cause danger by reason of load or passengers	3
<b>CU80</b>	Breach of requirements as to control of the vehicle, such as using a mobile phone	3 to 6

### **Reckless / Dangerous Driving :**

These codes must stay on a driving record for 4 years from the date of the conviction.

<b>Code</b>	<b>Offence</b>	<b>Penalty points</b>
<b>DD10</b>	Causing serious injury by dangerous driving	3 to 11
<b>DD40</b>	Dangerous driving	3 to 11
<b>DD60</b>	Manslaughter or culpable homicide while driving a vehicle	3 to 11
<b>DD80</b>	Causing death by dangerous driving	3 to 11
<b>DD90</b>	Furious driving	3 to 9

**Drink :**

Codes DR10 to DR61 must stay on a driving record for 11 years from the date of the conviction.

<b>Code</b>	<b>Offence</b>	<b>Penalty points</b>
<b>DR10</b>	Driving or attempting to drive with alcohol level above limit	3 to 11
<b>DR20</b>	Driving or attempting to drive while unfit through drink	3 to 11
<b>DR30</b>	Driving or attempting to drive then failing to supply a specimen for analysis	3 to 11
<b>DR31</b>	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	3 to 11
<b>DR61</b>	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive	10

Codes DR40 to DR70 must stay on a driving record for 4 years from the date of the offence or 4 years from date of conviction where a disqualification is imposed.

<b>Code</b>	<b>Offence</b>	<b>Penalty points</b>
<b>DR40</b>	In charge of a vehicle while alcohol level above limit	10
<b>DR50</b>	In charge of a vehicle while unfit through drink	10
<b>DR60</b>	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
<b>DR70</b>	Failing to co-operate with a preliminary test	4

**Drugs :**

These codes must stay on a driving record for 11 years from the date of the conviction.

<b>Code</b>	<b>Offence</b>	<b>Penalty points</b>
<b>DG10</b>	Driving or attempting to drive with drug level above the specified limit	3 to 11
<b>DG60</b>	Causing death by careless driving with drug level above the limit	3 to 11
<b>DR80</b>	Driving or attempting to drive when unfit through drugs	3 to 11

These codes must stay on a driving record for 4 years from the date of the offence or 4 years from date of conviction where a disqualification is imposed.

<b>Code</b>	<b>Offence</b>	<b>Penalty points</b>
<b>DG40</b>	In charge of a vehicle while drug level above specified limit	10
<b>DR70</b>	Failing to co-operate with a preliminary test	4
<b>DR90</b>	In charge of a vehicle when unfit through drugs	10

#### **Insurance Offences – Intermediate Driving Offence :**

Code IN10 must stay on a driving record for 4 years from the date of the offence.

<b>Code</b>	<b>Offence</b>	<b>Penalty points</b>
<b>IN10</b>	Using a vehicle uninsured against third party risks	6 to 8

#### **Licence Offences – Intermediate Driving Offence :**

These codes must stay on a driving record for 4 years from the date of the offence.

<b>Code</b>	<b>Offence</b>	<b>Penalty points</b>
<b>LC20</b>	Driving otherwise than in accordance with a licence	3 to 6
<b>LC30</b>	Driving after making a false declaration about fitness when applying for a licence	3 to 6
<b>LC40</b>	Driving a vehicle having failed to notify a disability	3 to 6
<b>LC50</b>	Driving after a licence has been cancelled (revoked) or refused on medical grounds	3 to 6

#### **Miscellaneous Offences – Minor Driving Offence, or Intermediate Driving Offence:**

These codes must stay on a driving record for 4 years from the date of the offence.

<b>Code</b>	<b>Offence</b>	<b>Penalty points</b>
<b>MS10</b>	Leaving a vehicle in a dangerous position	3



<b>Code</b>	<b>Offence</b>	<b>Penalty points</b>
<b>MS20</b>	Unlawful pillion riding	3
<b>MS30</b>	Play street offences	2
<b>MS50</b>	Motor racing on the highway	3 to 11
<b>MS60</b>	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	3
<b>MS70</b>	Driving with uncorrected defective eyesight	3
<b>MS80</b>	Refusing to submit to an eyesight test	3
<b>MS90</b>	Failure to give information as to identity of driver etc	6

#### **Motorway Offences – Minor Driving Offence :**

Code MW10 must stay on a driving record for 4 years from the date of the offence.

<b>Code</b>	<b>Offence</b>	<b>Penalty points</b>
<b>MW10</b>	Contravention of special roads regulations (excluding speed limits)	3

#### **Pedestrian Crossings – Minor Driving Offence :**

These codes must stay on a driving record for 4 years from the date of the offence.

<b>Code</b>	<b>Offence</b>	<b>Penalty points</b>
<b>PC10</b>	Undefined contravention of pedestrian crossing regulations	3
<b>PC20</b>	Contravention of pedestrian crossing regulations with moving vehicle	3
<b>PC30</b>	Contravention of pedestrian crossing regulations with stationary vehicle	3

#### **Speed Limits – Minor Driving Offence, or Intermediate Driving Offence:**

These codes must stay on a driving record for 4 years from the date of the offence.

<b>Code</b>	<b>Offence</b>	<b>Penalty points</b>
<b>SP10</b>	Exceeding goods vehicle speed limits	3 to 6
<b>SP20</b>	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3 to 6

<b>Code</b>	<b>Offence</b>	<b>Penalty points</b>
<b>SP30</b>	Exceeding statutory speed limit on a public road	3 to 6
<b>SP40</b>	Exceeding passenger vehicle speed limit	3 to 6
<b>SP50</b>	Exceeding speed limit on a motorway	3 to 6

**Traffic Direction and Signs – Minor Driving Offence :**

These codes must stay on a driving record for 4 years from the date of the offence.

<b>Code</b>	<b>Offence</b>	<b>Penalty points</b>
<b>TS10</b>	Failing to comply with traffic light signals	3
<b>TS20</b>	Failing to comply with double white lines	3
<b>TS30</b>	Failing to comply with 'stop' sign	3
<b>TS40</b>	Failing to comply with direction of a constable/warden	3
<b>TS50</b>	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)	3
<b>TS60</b>	Failing to comply with a school crossing patrol sign	3
<b>TS70</b>	Undefined failure to comply with a traffic direction sign	3

**Special Code :**

Code TT99 must stay on a driving record for 4 years from the date of conviction.

It shows disqualification under 'totting-up' - if the total of penalty points reaches 12, or more within 3 years, the driver can be disqualified.

**Theft, or Unauthorised Taking :**

Code UT50 must stay on a driving record for 4 years from the date of the offence.

<b>Code</b>	<b>Offence</b>	<b>Penalty points</b>
<b>UT50</b>	Aggravated taking of a vehicle	3 to 11

**“Mutual recognition” Codes :**

An “MR” code is applied to a driving record if a driver is disqualified while driving in Northern Ireland, or the Isle of Man. The disqualification period is also valid in Great Britain and will stay on a driving record for 4 years from the date of conviction.

<b>Code</b>	<b>Offence</b>
<b>MR09</b>	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk)

<b>Code</b>	<b>Offence</b>
<b>MR19</b>	Wilful failure to carry out the obligation placed on driver after being involved in a road accident (hit or run)
<b>MR29</b>	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver
<b>MR39</b>	Driving a vehicle faster than the permitted speed
<b>MR49</b>	Driving a vehicle whilst disqualified
<b>MR59</b>	Other conduct constituting an offence for which a driving disqualification has been imposed by the State of Offence

### **Aiding, Abetting, Counselling, or Procuring Offences :**

For these offences, the codes are similar, but with the number 0 on the code changed to 2.

For example, code LC20, (driving otherwise than in accordance with a licence), becomes code LC22 on a driving record if a person has helped someone to do this.

### **Causing, or Permitting Offences :**

For these offences, the codes are similar, but with the number 0 on the code changed to 4.

For example, LC20, (driving otherwise than in accordance with a licence), becomes LC24 on a licence if a person has caused, or permitted someone to do this.

### **Inciting Offences :**

For these offences, the codes are similar, but with the number 0 on the code changed to 6.

For example, DD40, (dangerous driving), becomes DD46 on a driving record if a person has incited someone to do this.

