

Success Starts Here Free Information Guide

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Criminal Law & Fraud



If you are convicted of a motoring offence, or admit to such an offence by accepting a fixed penalty notice, you can be fined and have your driving licence “endorsed” with penalty points. This guide explains the penalty points system.

Penalty points

Most road traffic offences are “endorsable offences”. This means that a driver’s licence will be endorsed with penalty points upon conviction. The number of points that the licence is endorsed with will depend on the particular offence.

Most offences carry a fixed number of penalty points. However, in relation to a small number of offences it will be left to the court to determine how many points will be applied from within a fixed range.

Depending on the offence, the court may also have the power to disqualify a driver from driving. If the court decides to disqualify the driver then penalty points will not be applied. Certain serious motoring offences, such as dangerous driving, carry an obligatory disqualification. For further information on disqualifications, please see our factsheet “Disqualification from Driving”.

More than one offence on the same occasion

If you are convicted of a number of offences which occurred on the same occasion, the number of points imposed will normally be that of the offence that carries the highest number of points.

For example, if you are convicted of a speeding offence (between 3-6 points) and failing to comply with traffic signals (3 points), and both offences occurred on the same occasion, you will normally be subject to a maximum of 6 points.

If you are convicted on a separate occasion of a further offence which occurred on the same occasion as a previous motoring conviction, under normal circumstances you will only receive additional points if the later offence carries more points than the earlier offence.

However, the court does have a discretion to “aggregate” points and endorse them separately. In practice, the court will normally only do this in extremely serious circumstances.

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Fixed penalty notices

In relation to many offences, for example speeding, you may receive a “Fixed Penalty Notice”. If you accept the fixed penalty then you will not have to go to court, but must still surrender your licence for endorsement. The penalty is “fixed” because if you reject the fixed penalty the court has the power to impose a greater penalty.

For example, in relation to a speeding offence, a 3 point fixed penalty with a fixed fine will often be offered. If you reject the fixed penalty and choose to go to court and are found guilty the court could impose between 3 and 6 penalty points and a fine of up to £5,000.

“Totting up”

A person who incurs 12 or more points within a three year period will usually be disqualified from driving. This is known as the “totting up” procedure. The three-year period is counted from the date of the most recent offence, not the date of conviction.

The minimum disqualification period will be:

- 6 months if the defendant has not been disqualified within the previous three years;
- 12 months if the defendant has been disqualified once for a period of 56 days or more within the previous three years;
- 2 years if the defendant has been disqualified twice or more for a period of 56 days or more within the previous three years.

A disqualification under this procedure will “wipe” your existing penalty points. Although they will still appear on your licence they will not count towards a further “totting up” following your disqualification period.

If you are facing a disqualification from driving you should seek specialist legal advice. A disqualification may not be inevitable. In certain situations it may be possible to show that there are **special reasons** or mitigating circumstances which mean that the court should not disqualify a driver.

For further information please see our factsheet on “Disqualification from Driving”.

Removal of penalty points

Endorsements will expire after a certain period of time. The exact period will depend upon the offence. For example, points for speeding will remain on your licence for four years, regardless of whether they have been “wiped” for the purpose of totting up. Expired penalty points can be removed by exchanging your driving licence for a new licence via the DVLA.

Useful links

DVLA
www.dvla.gov.uk

I require further advice. What should I do?

If you require advice in relation to any motoring offences please call our legal helpline on 0800 014 7445.