



# Road Traffic Offenders Act 1988

## 1988 CHAPTER 53

### PART II

#### SENTENCE

##### *Disqualification*

#### **[<sup>F1</sup>34A Reduced disqualification period for attendance on courses.**

- (1) This section applies where—
- (a) a person is convicted of a relevant drink offence or a specified offence by or before a court, and
  - (b) the court makes an order under section 34 of this Act disqualifying him for a period of not less than twelve months.
- (2) In this section “relevant drink offence” means—
- (a) an offence under paragraph (a) of subsection (1) of section 3A of the Road Traffic Act 1988 (causing death by careless driving when unfit to drive through drink) committed when unfit to drive through drink,
  - (b) an offence under paragraph (b) of that subsection (causing death by careless driving with excess alcohol),
  - (c) an offence under paragraph (c) of that subsection (failing to provide a specimen) where the specimen is required in connection with drink or consumption of alcohol,
  - (d) an offence under section 4 of that Act (driving or being in charge when under influence of drink) committed by reason of unfitness through drink,
  - (e) an offence under section 5(1) of that Act (driving or being in charge with excess alcohol),
  - (f) an offence under section 7(6) of that Act (failing to provide a specimen) committed in the course of an investigation into an offence within any of the preceding paragraphs, or

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- (g) an offence under section 7A(6) of that Act (failing to allow a specimen to be subjected to a laboratory test) in the course of an investigation into an offence within any of the preceding paragraphs.
- (3) In this section “specified offence” means—
- (a) an offence under section 3 of the Road Traffic Act 1988 (careless, and inconsiderate, driving),
  - (b) an offence under section 36 of that Act (failing to comply with traffic signs),
  - (c) an offence under section 17(4) of the Road Traffic Regulation Act 1984 (use of special road contrary to scheme or regulations), or
  - (d) an offence under section 89(1) of that Act (exceeding speed limit).
- (4) But the Secretary of State may by regulations amend subsection (3) above by adding other offences or removing offences.
- (5) Where this section applies, the court may make an order that the period of disqualification imposed under section 34 of this Act (“the unreduced period”) shall be reduced if, by the relevant date, the offender satisfactorily completes an approved course specified in the order.
- (6) In subsection (5) above—
- “an approved course” means a course approved by the appropriate national authority for the purposes of this section in relation to the description of offence of which the offender is convicted, and
- “the relevant date” means such date, at least two months before the last day of the period of disqualification as reduced by the order, as is specified in the order.
- (7) The reduction made in a period of disqualification by an order under this section is a period specified in the order of—
- (a) not less than three months, and
  - (b) not more than one quarter of the unreduced period,
- (and, accordingly, where the unreduced period is twelve months, the reduced period is nine months).
- (8) A court shall not make an order under this section in the case of an offender convicted of a specified offence if—
- (a) the offender has, during the period of three years ending with the date on which the offence was committed, committed a specified offence and successfully completed an approved course pursuant to an order made under this section or section 30A of this Act on conviction of that offence, or
  - (b) the specified offence was committed during his probationary period.
- (9) A court shall not make an order under this section in the case of an offender unless—
- (a) the court is satisfied that a place on the course specified in the order will be available for the offender,
  - (b) the offender appears to the court to be of or over the age of 17,
  - (c) the court has informed the offender (orally or in writing and in ordinary language) of the effect of the order and of the amount of the fees which he is required to pay for the course and when he must pay them, and
  - (d) the offender has agreed that the order should be made.]

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#### **Textual Amendments**

**F1** Ss. 34A-34C substituted for ss. 34A-34C (21.12.2012 for specified purposes, 24.6.2013 for specified purposes) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 35, 61(1)(10)**; [S.I. 2012/2938](#), **art. 2(1)(a)(b)** (with **art. 3**)

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#### **Modifications etc. (not altering text)**

**C1** S. 34A modified (temp.) (13.4.2015) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(5), **Sch. 22 paras. 30, 31** (with s. 180); [S.I. 2015/819](#), **art. 2(c)**

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 34A(1)(b) words inserted by 2009 c. 25 Sch. 21 para. 90(3)(a)
- s. 34A(5) words inserted by 2009 c. 25 Sch. 21 para. 90(3)(b)
- s. 34A(6) words inserted by 2009 c. 25 Sch. 21 para. 90(3)(c)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 29(2A) inserted by 2006 c. 49 s. 34(2)
- s. 30A-30D inserted by 2006 c. 49 s. 34(3)
- s. 30C(5)(f) words substituted by S.I. 2009/1885 Sch. 1 para. 15
- s. 34A(7A) inserted by 2009 c. 25 Sch. 21 para. 90(3)(d)
- s. 34B(12) added by 2009 c. 25 Sch. 21 para. 90(4)(c)
- s. 34D-34G inserted by 2006 c. 49 s. 15(1)
- s. 34D(1)(d) words inserted by 2009 c. 25 Sch. 21 para. 90(5)(a)
- s. 34D(3) words inserted by 2009 c. 25 Sch. 21 para. 90(5)(b)
- s. 34D(5A) inserted by 2009 c. 25 Sch. 21 para. 90(5)(c)
- s. 34D(6)(a) words substituted by 2009 c. 25 Sch. 21 para. 90(5)(d)(i)
- s. 34D(6)(b) words substituted by 2009 c. 25 Sch. 21 para. 90(5)(d)(ii)
- s. 34D(6A) inserted by 2009 c. 25 Sch. 21 para. 90(5)(e)
- s. 34F(5)(f) words substituted by S.I. 2009/1885 Sch. 1 para. 17
- s. 35A(6)(a) words substituted by 2012 c. 10 Sch. 13 para. 8(b) (This amendment not applied to legislation.gov.uk. S. 35A(6) omitted (13.4.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), ss. 30(1)(c), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 25)
- s. 35A(6)(b) words inserted by 2012 c. 10 Sch. 13 para. 8(c) (This amendment not applied to legislation.gov.uk. S. 35A(6) omitted (13.4.2015) by virtue of Criminal Justice and Courts Act 2015 (c. 2), ss. 30(1)(c), 95(1); S.I. 2015/778, art. 3, Sch. 1 para. 25)
- s. 36(13A) inserted by 2006 c. 49 s. 37(6)
- s. 40B(9) words substituted by 2006 c. 49 Sch. 2 para. 33
- s. 41B inserted by 2006 c. 49 s. 15(2)
- s. 84(1) s. 84 renumbered as s. 84(1) by 2004 c. 28 s. 16(3)
- s. 84(2)(3) inserted by 2004 c. 28 s. 16(3)
- Sch. 1 para. 3(aa) inserted by 2006 c. 49 s. 15(3)(a)
- Sch. 1 para. 4(za) inserted by 2006 c. 49 s. 15(3)(b)