

Sentencing Council meeting:
Paper number:

21 May 2021
**SC(21)MAY07 – Miscellaneous guideline
amendments**

Lead Council member:
Lead official:

TBC
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1 ISSUE

1.1 The Council agreed at the January meeting that it would be useful to have an annual consultation on overarching issues and miscellaneous minor updates to guidelines.

1.2 This paper sets out the current issues that could be addressed by such a consultation. In addition, the Council will be asked to consider how this review and consultation process should be managed this year and in the future. This is the first of two meetings to discuss this; a follow-up paper will be presented at the July meeting.

2 RECOMMENDATION

2.1 That the Council agrees whether to propose the changes outlined at 3.1 (a) to (f) below and consult on them.

2.2 That the Council considers whether changes can be made to guidelines to take account of recent legislative changes as part of this consultation or whether these should be a separate project.

2.3 That the Council agrees a timetable for this and future miscellaneous consultations.

3 CONSIDERATION

3.1 In summary the matters that have been brought to our attention or have come to our notice are:

- (a) [Breach of SHPO](#): Should a note be added to step 6 of the guideline to make clear that it is not open to the court to vary the SHPO or make a fresh order of its own motion for breach?
- (b) Should the ancillary orders step in all relevant guidelines be amended to read: 'In all cases, the court should consider whether to make compensation and/or other ancillary orders. The court must give reasons if it decides not to order compensation ([Sentencing Code, s.55](#))'?
- (c) [Speeding](#): Should the reference to disqualifying for 7-56 days be changed to 7-55 days to avoid the need to reapply for a licence?

- (d) Drink-driving calculator: Should the calculator reflect the [guidance in the explanatory materials](#) that the reduction should be one week per month or should the guidance be changed so the reduction is 25 per cent (the maximum permitted by law)?
- (e) Racially or religiously aggravated offences: Should the uplift for racial/ religious aggravation be a separate step (as has been done in the new assault guidelines) in -
- [criminal damage \(under £5,000\)](#) and [criminal damage \(over £5,000\)](#)
 - [s4, s4A](#) and [s5](#) Public Order Act offences
 - [harassment/ stalking](#) and [harassment/ stalking \(with fear of violence\)](#)?
- (f) Should the expanded explanation for the mitigating factor 'Involved through coercion, intimidation or exploitation' be revised?
- (g) Recent legislation: Two pieces of legislation that relate to existing sentencing guidelines have recently been given royal assent: the [Domestic Abuse Act 2021](#) and the [Animal Welfare \(Sentencing\) Act 2021](#).

Breach of a sexual harm prevention order

3.2 In [McLoughlin \[2021\] EWCA Crim 165](#) the judge at first instance had purported to vary a sexual harm prevention order (SHPO) when dealing with a breach of that order. The CACD noted:

[26] There was no power in the judge to make a fresh sexual harm prevention order upon the convictions sustained by [the appellant]. The offences of which he was convicted are not listed in the relevant Schedules of the Sexual Offences Act 2003. [27] For an existing sexual harm prevention order to be amended an application has to be made to the appropriate court for an order. The people who can make such an application are strictly defined within the Sexual Offences Act 2003. For our purposes, the relevant person is the Chief Officer of Police for the area in which the defendant resides. No such application was made. The judge, for what we can see were entirely understandable reasons given the way in which the trial had developed, in effect made the amendments on his own motion. He had no power to do so.

3.3 The [breach of SHPO guideline](#) does not suggest that such a power exists but the Council may consider it helpful to include a note for the avoidance of doubt. The proposal is to amend step 6 of the guideline to read (additional wording highlighted):

Step 6 – Ancillary orders

In all cases the court should consider whether to make compensation and/or ancillary orders.

- [Ancillary orders – Magistrates’ Court](#)
- [Ancillary orders – Crown Court Compendium](#)

Note: when dealing with a breach of a sexual harm prevention order, it is not open to the court of its own motion to vary the order or to make a fresh order.

Question 1: Should the breach of SHPO guideline be amended as proposed?

Compensation

3.4 An article in the New Law Journal (171 NLJ 7927, p19) referred to the provisions regarding making compensation orders consolidated (with minor amendments) into the Sentencing Code. The author noted that sentencing guidelines do not include a specific reference to the duty to give reasons if a compensation order is available but is not made.

3.5 The proposal is to use the following wording in at the ancillary orders step of all relevant guidelines (additional wording highlighted):

In all cases, the court should consider whether to make [compensation](#) and/or other ancillary orders. **The court must give reasons if it decides not to order compensation ([Sentencing Code, s.55](#)).**

Question 2: Should guidelines include a reminder to give reasons where compensation is not awarded?

Speeding

3.6 The [speeding guideline](#) contains a table and text as shown below:

Speed limit (mph)	Recorded speed (mph)		
20	41 and above	31 – 40	21 – 30
30	51 and above	41 – 50	31 – 40
40	66 and above	56 – 65	41 – 55
50	76 and above	66 – 75	51 – 65
60	91 and above	81 – 90	61 – 80
70	101 and above	91 – 100	71 – 90
Sentencing range	Band C fine	Band B fine	Band A fine
Points/disqualification	Disqualify 7 – 56 days OR 6 points	Disqualify 7 – 28 days OR 4 – 6 points	3 points

- Must endorse and may [disqualify](#). If no disqualification impose 3 – 6 points

- **Where an offender is driving grossly in excess of the speed limit the court should consider a disqualification in excess of 56 days.**

3.7 A magistrates' court legal adviser pointed out that the reference to 7-56 days disqualification is potentially misleading. A disqualification of up to 55 days does not require the offender to reapply for a licence, whereas one for 56 days or more does. The suggestion is that the reference to disqualifying for 7-56 days be changed to 7-55 days and the wording below the table be changed to 'Where an offender is driving grossly in excess of the speed limit the court should consider a disqualification of 56 days or more'.

Question 3: Should the speeding guideline be amended as outlined above?

Drink-driving calculator

3.8 The Council has recently piloted a drink-driving disqualification calculator on the website. The pilot has now ended and the calculator has been taken down pending review. Members can still access it via this link:

<https://www.sentencingcouncil.org.uk/drink-driving-calculator-private/>

Password: extra.bands.deputy

Then click the link to go to the calculator page

3.9 The calculator is a tool rather than a guideline and so, while we have developed it with input from users and more recently have sought feedback from users on the pilot, it is not something that we would formally consult on.

3.10 Feedback was generally positive with users saying that it was practical, clear, well laid-out and easy to use. However, several users including the Justices' Clerks' Society (JCS) have pointed out that the method the calculator uses is different from the guidance we give in the [explanatory materials to the MCSG](#) which says:

The reduction must be at least three months but cannot be more than one quarter of the total period of disqualification:

- a period of 12 months disqualification must be reduced to nine months;
- in other cases, a reduction of one week should be made for every month of the disqualification so that, for example, a disqualification of 24 months will be reduced by 24 weeks.

3.11 It is the second bullet point in the guidance which is at odds with the calculator (or vice versa). The guidance has been in force for many years and it is assumed that the use of one week per month (for disqualifications other than 12 months) rather than the 25 per cent which is the maximum allowed by statute ([s34A of the Road Traffic Offenders Act 1988](#)) was to make the reduction easier to calculate if doing it manually. The calculator, on the other hand, reduces the period by 25 per cent in all cases. Obviously the guidance and the

calculator will need to be consistent. The guidance in the explanatory materials is not strictly speaking covered by the statutory duty on courts to follow sentencing guidelines but in practice it is treated by magistrates' courts as part of the guidelines and the Council always consults on significant changes to the explanatory materials. The JSC instructed legal advisers to calculate the reduction in accordance with the guidance in the explanatory materials rather than use the calculator.

3.12 Other issues that have been noted in feedback are:

- the calculator asks for the period of disqualification to be entered in days, months or years whereas in the [drink-driving guideline](#) disqualification periods are always expressed in months (although for other offences days might be used);
- the calculator asks for the length of a custodial sentence to be entered in days, months or years whereas magistrates' courts normally (but not universally) express custodial sentences in weeks (although it is possible that some periods would need to be expressed in days);
- the calculator expresses the length of the reduction and disqualification in days and also in years, months and days. Some users found it confusing that depending on the start date, the conversion from days to years, months and days varied.

3.13 The pronouncement card (provided by the Judicial College) that magistrates use when disqualifying from driving states:

Disqualification – general

You are disqualified from driving for days/weeks/months/years. This means you cannot drive any motor vehicle on a road or public place from this moment until the end of your disqualification. If you drive while disqualified, you will commit a serious offence and you may be sent to custody and disqualified again.

[If the disqualification is 56 days or more](#) – You must apply to the DVLA for a new photocard licence if you wish to drive once your disqualification has ended. You should not drive until you have received your new photocard licence. [Where a photocard licence has not been surrendered to the court] Your current photocard licence is no longer valid and you must send it to the DVLA.

[If you are a high risk offender](#)– You must satisfy the DVLA that you are medically fit to drive again. You will need to complete, and pay for, a medical assessment including blood tests.

[If the disqualification is for 55 days or less](#) – The disqualification will be noted on your DVLA driving record. You do not need to hand in your photocard licence, but it is not valid until the disqualification has ended.

[If an immediate custodial sentence is imposed](#) – The period of your disqualification will be extended to take into account the custodial sentence imposed.

Do you understand?

[\[If applicable consider any ancillary orders and/or compensation\]](#)

[\[If applicable consider drink-driving rehabilitation course\]](#)

3.14 Additionally if offering the drink-driving rehabilitation course the pronouncement is:

Drink-driving rehabilitation courses

We are offering you the opportunity to reduce the period of your disqualification by weeks if you successfully complete a drink-driver rehabilitation course by

This course will last at least 16 hours spread over a number of days. You will have to pay the cost of the course.

If you wish to have the opportunity of reducing your disqualification you must tell us now. It cannot be offered later. You are not forced to attend the course but if you do not attend and complete it, to the satisfaction of the course organisers, you will have to serve the whole disqualification.

Do you agree to attend the course?

3.15 The calculator was designed to give the sentencer the information necessary to make the relevant pronouncements (although the pronouncements are not set in stone). We are developing a pronouncement card tool for the website which in time could allow the results of the calculation to be fed into the pronouncement.

3.16 **Annex A** contains some options for amending the calculator to take account of the points raised.

3.17 If the calculator were to be amended to be consistent with the explanatory materials there would be no requirement to consult on any presentational changes to the calculator – these could be made following informal discussions with users. If, however, the calculator were to continue to use a 25 per cent reduction in all cases, the explanatory materials would need to be amended and that would require consultation.

Question 4: Should the reduction in disqualification for completion of the drink-driving rehabilitation course be calculated on the basis of 25% or on the basis of one week per month?

Question 5: Should the presentation of the calculator be simplified in line with the suggestions in Annex A?

Uplift for racially or religiously aggravated offences

3.18 In the new assault guidelines (coming into force on 1 July) a separate step has been created for the uplift for racially or religiously aggravated/ emergency worker offences. This has been done to give the uplift process prominence and to make it easier to signpost the process at the beginning of the guideline. The Council indicated that existing guidelines could be amended to create a separate step for the uplift for racial/ religious aggravation. The guidelines it would apply to are:

- [criminal damage \(under £5,000\)](#) and [criminal damage \(over £5,000\)](#)

- [s4](#), [s4A](#) and [s5](#) Public Order Act offences
- [harassment/ stalking](#) and [harassment/ stalking \(with fear of violence\)](#)

3.19 The change would be relatively straightforward to make and the substantive content of the guidelines would not be affected. Consulting on the change would serve to draw it to the attention of users.

Question 6: Should the uplift for racial/ religious aggravation be in a separate step (as has been done in the new assault guidelines) in existing guidelines?

Victims of modern slavery

3.20 During the consultation on the modern slavery guidelines, Christopher Goard JP provided some valuable input related to academic research he had undertaken on different types of modern slavery victim. He wanted to ensure that sentencing guidelines generally (not just for modern slavery offences) took into account the possibility of offenders themselves being the victims of modern slavery/coercion, where either a statutory defence was unavailable or had not been proved to the necessary standard. This point was echoed in a response to the 'What Next for the Sentencing Council' consultation by another magistrate, who cited modern slavery as well as domestic coercion and control as matters magistrates should be aware of.

3.21 Since 2019, we have had an expanded explanation for the common mitigating factor 'Involved through coercion, intimidation or exploitation' which states:

- Where this applies it will reduce the culpability of the offender.
- This factor may be of particular relevance where the offender has been the victim of domestic abuse, trafficking or modern slavery, but may also apply in other contexts.
- Courts should be alert to factors that suggest that an offender may have been the subject of coercion, intimidation or exploitation which the offender may find difficult to articulate, and where appropriate ask for this to be addressed in a PSR.
- This factor **may** indicate that the offender is vulnerable and would find it more difficult to cope with custody or to complete a community order.

3.22 The Modern Slavery working group agreed, rather than making any changes now with publication of the definitive modern slavery guidelines, to return to Mr Goard to test with him initially whether the current expanded explanation is sufficient or could be usefully amended. If he had credible suggestions, these could be brought to the July meeting for consideration as part of this consultation.

Question 7: Does the Council wish to explore whether changes should be made to the expanded explanation for the mitigating factor 'Involved through coercion, intimidation or exploitation'?

Recent legislative changes

3.23 Two statutes that relate to existing sentencing guidelines have been given royal assent: the [Domestic Abuse Act 2021](#) and the [Animal Welfare \(Sentencing\) Act 2021](#).

3.24 The Domestic Abuse Act creates a statutory definition of domestic abuse; we understand that this will be commenced this summer. The [Domestic abuse – overarching principles guideline](#) currently states:

1. This guideline identifies the principles relevant to the sentencing of cases involving domestic abuse. There is no specific offence of domestic abuse. It is a general term describing a range of violent and/or controlling or coercive behaviour.

2. A useful, but not statutory, definition of domestic abuse presently used by the Government is set out below. The Government definition includes so-called ‘honour’ based abuse, female genital mutilation (FGM) and forced marriage.

Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to: psychological, physical, sexual, financial, or emotional.

3. Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capabilities for personal gain, depriving them of the means needed for independence, resistance and escape and/or regulating their everyday behaviour.

4. Coercive behaviour is an act or pattern of acts of assault, threats, humiliation (whether public or private) and intimidation or other abuse that is used to harm, punish, or frighten the victim. Abuse may take place through person to person contact, or through other methods, including but not limited to, telephone calls, text, email, social networking sites or use of GPS tracking devices.

5. Care should be taken to avoid stereotypical assumptions regarding domestic abuse. Irrespective of gender, domestic abuse occurs amongst people of all ethnicities, sexualities, ages, disabilities, religion or beliefs, immigration status or socio-economic backgrounds. Domestic abuse can occur between family members as well as between intimate partners.

6. Many different criminal offences can involve domestic abuse and, where they do, the court should ensure that the sentence reflects that an offence has been committed within this context.

3.25 The definition in the legislation is:

1 Definition of “domestic abuse”

(1) This section defines “domestic abuse” for the purposes of this Act.

(2) Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if—

- (a) A and B are each aged 16 or over and are personally connected to each other, and
- (b) the behaviour is abusive.

(3) Behaviour is “abusive” if it consists of any of the following—

- (a) physical or sexual abuse;
- (b) violent or threatening behaviour;
- (c) controlling or coercive behaviour;
- (d) economic abuse (see subsection (4));
- (e) psychological, emotional or other abuse;

and it does not matter whether the behaviour consists of a single incident or a course of conduct.

(4) “Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to—

- (a) acquire, use or maintain money or other property, or
- (b) obtain goods or services.

(5) For the purposes of this Act A’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child).

(6) References in this Act to being abusive towards another person are to be read in accordance with this section.

(7) For the meaning of “personally connected”, see section 2.

2 Definition of “personally connected”

(1) For the purposes of this Act, two people are “personally connected” to each other if any of the following applies—

- (a) they are, or have been, married to each other;
- (b) they are, or have been, civil partners of each other;
- (c) they have agreed to marry one another (whether or not the agreement has been terminated);
- (d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
- (e) they are, or have been, in an intimate personal relationship with each other;
- (f) they each have, or there has been a time when they each have had, a parental relationship in relation to the same child (see subsection (2));
- (g) they are relatives.

(2) For the purposes of subsection (1)(f) a person has a parental relationship in relation to a child if—

- (a) the person is a parent of the child, or
- (b) the person has parental responsibility for the child.

(3) In this section—

“child” means a person under the age of 18 years;

“civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004;

“parental responsibility” has the same meaning as in the Children Act 1989 (see section 3 of that Act);

“relative” has the meaning given by section 63(1) of the Family Law Act 1996.

3.26 As can be seen above, the new legislative definition is broadly in line with that in the guideline but some changes would be needed to align the guideline with the new definition.

3.27 There are other changes in the Domestic Abuse Act that may require action by the Council. Notably the offence of disclosing private sexual images will be extended to cover

threats to disclose. This is expected to come into force in June 2021. The guideline for [disclosing private sexual images](#) would need to be reviewed to ascertain what changes were needed to accommodate this change.

3.28 The Act also introduces domestic abuse protection orders which can be made on conviction or acquittal, breach of which would be a criminal offence and there is a new offence of strangulation or suffocation. The work required to develop guidelines for the new offence would be outside the scope of this consultation.

3.29 The issue for consideration today is whether to consider making changes to the domestic abuse and disclosing private sexual images guidelines as part of this consultation (in which case firm proposals would be brought to the July meeting) or whether to leave all matters to be considered as a separate strand of work at a later date.

Question 8: Does the Council wish to consider making changes to the domestic abuse and disclosing private sexual images guidelines as part of this consultation?

3.30 The Animal Welfare (Sentencing) Act 2021 increases the maximum sentence for some offences covered by the [Animal cruelty guideline](#) (in the MCSG) from six months to five years. The guideline covers offences under sections 4, 7 and 9 of the Animal Welfare Act 2006. The 2021 Act which comes into effect on 29 June increases the maximum sentence for sections 4 and 7 but not section 9. This means that ultimately there would need to be two guidelines to replace the existing one.

3.31 There are various options as to how the Council could approach the changes:

- (a) When the changes come into effect add a note to the existing guideline saying that the sentence levels no longer apply to offences under sections 4 and 7.
- (b) In addition to (a), as part of this consultation, consult on an interim note that suggests how the existing guideline should be adapted pending a revised guidelines.
- (c) In addition to (a), as part of this consultation, consult on revised guidelines.
- (d) In addition to (a) and/or (b) develop revised guidelines as a separate work stream at a later date.

3.32 If the Council wishes to pursue options (b) or (c), firm proposals would be brought to the July meeting. For option (c) in particular, it would not be possible within that timeframe to do much detailed work – any proposals for revised guidelines would be on the assumption that the existing guideline is working well and any changes would only be to accommodate the change to the statutory maximum sentence.

Question 9: Which, if any, of the options above does the Council wish to pursue in relation to the Animal cruelty guideline?

3.33 There may be other miscellaneous or cross-cutting issues that members think could and should be addressed in the consultation. Any suggestions can be taken away and proposals can be presented to the July meeting.

Question 10: Are there any other matters that this consultation should address?

Timing and management of the process

3.34 The provisional plan for this consultation is to have one more meeting in July to agree the content of the consultation (with potentially a working group to look at points of detail between now and then). The consultation could then run from September to November. Responses could be considered at the December and January meetings with changes coming into effect from 1 April 2022.

3.35 This timetable would be subject to there being space on Council agendas and capacity within the team to cover the necessary work.

3.36 The process could then start again at this time next year. The Council has already agreed that it wants to proactively seek suggestions for changes to guidelines and the issue of how best to achieve this technically is being discussed with our website developers. It seems likely that there will be a steady stream of matters for an annual 'miscellaneous' consultation to address.

Question 11: Is the Council happy with the proposed timetable for the consultation in this and future years?

4 EQUALITIES

4.1 This paper does not include any proposals specifically relating to equalities. Any suggestions for changes to guidelines specifically related to issues of equality and diversity are being considered separately by the Equality and Diversity working group.

4.2 Most of the proposals within this paper are for relatively minor or technical changes which are unlikely to have any impact on equality issues. If, however, revision of the Animal cruelty guideline is included in the consultation, consideration will be given at the July meeting as to whether any issues arise with those offences.

Question 12: Are there any equalities issues that should be addressed in the consultation?

5 IMPACT AND RISKS

5.1 The impact on prison and probation resources from the changes proposed in this consultation would be negligible. Any increase in sentence levels for animal cruelty offences would be due to the change to legislation rather than any action taken by the Council. A fuller consideration will be provided at the July meeting once the scope of the consultation is confirmed.

5.2 As the number of guidelines and associated material produced by the Council has increased, there is increasingly a risk that guidelines may contain errors or become out of date. The rationale for conducting an annual consultation on miscellaneous issues is to ensure that the guidelines remain current, accurate and useful. It is possible that by carrying out an annual consultation on miscellaneous changes to guidelines the Council will create unrealistic expectations of what changes can be brought about in this way, but this can be addressed in the consultation document and the communications that we issue.


Question 13: Are there any issues relating to impact and risks that require further consideration?

Options for the Drink drive calculator

Current:

Drink-driving calculator

This is a pilot version of our drink-driving calculator (published April 2021). Please test it for us and send us your comments.

Date disqualification imposed <input type="text" value="30 April 2021"/> 	Period of disqualification Days <input type="text" value="0"/> Months <input type="text" value="14"/> Years <input type="text" value="0"/>
Was a custodial sentence imposed? <input checked="" type="radio"/> Yes <input type="radio"/> No	Length of custodial sentence: Days <input type="text" value="28"/> Months <input type="text" value="0"/> Years <input type="text" value="0"/>

Length of reduction (at 25%)

106 days = 3 months, 14 days

Course to be completed by

29 January 2022

Disqualification end date with course reduction

29 March 2022 = 10 months, 29 days

Disqualification end date with no reduction

13 July 2022 = 1 year, 2 months, 13 days

How has this been worked out?

Months = calendar days (ie 30 or 31 days (or 28/29, if Feb) depending on when disqualification begins).

Disqualification is extended by half of any custodial term imposed. Extension is disregarded when calculating rehabilitation driving course reduction.

Half days are rounded down (eg a 3-day custodial sentence would be halved and rounded down to show a 1-day extension on disqualification).

"Disqualification end date" is the date on which the offender is permitted to drive again. A new driving licence must be applied for if the ban has been for 56 days or more.

Option 1: (simplify the information and change the options re period of disqualification and custody)

Drink Driving calculator

Please note: this calculator is not a decision making tool. It merely calculates the length of the reduction and the relevant dates to assist magistrates in making pronouncements.

Date disqualification imposed		Period of disqualification	
30 April 2020		Days	Months 14
Was a custodial sentence imposed?		Length of custodial sentence:	
Yes	No	Days	Weeks 4
Length of reduction (at 25%)			
106 days			
Course to be completed by			
29 January 2022			
Disqualification end date with course reduction			
29 March 2022			
Disqualification end date with no reduction			
13 July 2022			

How has this been worked out?

Months = calendar months (i.e. 30 or 31 days (or 28/29, if Feb) depending on when disqualification begins).

Disqualification is extended by half of any custodial term imposed. Extension is disregarded when calculating rehabilitation driving course reduction.

Half days are rounded down (eg a 3-day custodial sentence would be halved and rounded down to show a 1-day extension on disqualification).

“Disqualification end date” is the date on which the offender is permitted to drive again. A new driving licence must be applied for if the ban has been for 56 days or more.

Option 2: simplify the information and change the options re period of disqualification and custody and change the calculation to one week per month

Drink Driving calculator

Please note: this calculator is not a decision making tool. It merely calculates the length of the reduction and the relevant dates to assist magistrates in making pronouncements.

Date disqualification imposed 30 April 2020	Period of disqualification Days <input type="text"/> Months <input type="text"/> 14
Was a custodial sentence imposed? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Length of custodial sentence: Days <input type="text"/> Weeks <input type="text"/> 4
Length of reduction (one week reduction per month of disqualification) 14 weeks	
Course to be completed by 6 February 2022	
Disqualification end date with course reduction 6 April 2022	
Disqualification end date with no reduction 13 July 2022	

How has this been worked out?

Months = calendar months (i.e. 30 or 31 days (or 28/29, if Feb) depending on when disqualification begins).

Disqualification is extended by half of any custodial term imposed. Extension is disregarded when calculating rehabilitation driving course reduction.

Half days are rounded down (eg a 3-day custodial sentence would be halved and rounded down to show a 1-day extension on disqualification).

“Disqualification end date” is the date on which the offender is permitted to drive again. A new driving licence must be applied for if the ban has been for 56 days or more.

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