

OFFENCES APPROPRIATE FOR IMPOSITION OF FINE OR DISCHARGE

Part 1: Offences concerning the driver

Offence	Maximum	Points	Starting point	Special considerations
Fail to co-operate with preliminary (roadside) breath test	L3	4	B	
Fail to give information of driver's identity as required	L3	6	C	For limited companies, endorsement is not available; a fine is the only available penalty
Fail to produce insurance certificate	L4	–	A	Fine per offence, not per document
Fail to produce test certificate	L3	–	A	
Drive otherwise than in accordance with licence (where could be covered)	L3	–	A	
Drive otherwise than in accordance with licence	L3	3 – 6	A	Aggravating factor if no licence ever held

Part 2: Offences concerning the vehicle

* The guidelines for some of the offences below differentiate between three types of offender when the offence is committed in the course of business: driver, owner-driver and owner-company. **For owner-driver, the starting point is the same as for driver; however, the court should consider an uplift of at least 25%.**

Offence	Maximum	Points	Starting point	Special considerations
No excise licence	L3 or 5 times annual duty, whichever is greater	–	A (1-3 months unpaid) B (4-6 months unpaid) C (7-12 months unpaid)	Add duty lost
Fail to notify change of ownership to DVLA	L3	–	A	If offence committed in course of business: A (driver) A* (owner-driver) B (owner-company)
No test certificate	L3	–	A	If offence committed in course of business: A (driver) A* (owner-driver) B (owner-company)
Brakes defective	L4	3	B	If offence committed in course of business: B (driver) B* (owner-driver) C (owner-company) L5 if goods vehicle – see Part 5 below
Steering defective	L4	3	B	If offence committed in course of business: B (driver) B* (owner-driver) C (owner-company) L5 if goods vehicle – see Part 5 below

Offence	Maximum	Points	Starting point	Special considerations
Tyres defective	L4	3	B	If offence committed in course of business: B (driver) B* (owner-driver) C (owner-company) L5 if goods vehicle – see Part 5 below Penalty per tyre
Condition of vehicle/accessories/equipment involving danger of injury (Road Traffic Act 1988, s.40A)	L4	3	B	Must disqualify for at least 6 months if offender has one or more previous convictions for same offence within three years If offence committed in course of business: B (driver) B* (owner-driver) C (owner-company) L5 if goods vehicle – see Part 5 below
Exhaust defective	L3	–	A	If offence committed in course of business: A (driver) A* (owner-driver) B (owner-company)
Lights defective	L3	–	A	If offence committed in course of business: A (driver) A* (owner-driver) B (owner-company)

Part 3: Offences concerning use of vehicle

* The guidelines for some of the offences below differentiate between three types of offender when the offence is committed in the course of business: driver, owner-driver and owner-company. **For owner-driver, the starting point is the same as for driver; however, the court should consider an uplift of at least 25%.**

Offence	Maximum	Points	Starting point	Special considerations
Weight, position or distribution of load or manner in which load secured involving danger of injury (Road Traffic Act 1988, s.40A)	L4	3	B	Must disqualify for at least 6 months if offender has one or more previous convictions for same offence within three years If offence committed in course of business: A (driver) A* (owner-driver) B (owner-company) L5 if goods vehicle – see Part 5 below
Number of passengers or way carried involving danger of injury (Road Traffic Act 1988, s.40A)	L4	3	B	If offence committed in course of business: A (driver) A* (owner-driver) B (owner-company) L5 if goods vehicle – see Part 5 below
Position or manner in which load secured (not involving danger) (Road Traffic Act 1988, s.42)	L3	–	A	L4 if goods vehicle – see Part 5 below

Offence	Maximum	Points	Starting point	Special considerations
Overloading/exceeding axle weight	L5	–	A	Starting point caters for cases where the overload is up to and including 10%. Thereafter, 10% should be added to the penalty for each additional 1% of overload Penalty per axle If offence committed in course of business: A (driver) A* (owner-driver) B (owner-company) If goods vehicle – see Part 5 below
Dangerous parking	L3	3	A	
Pelican/zebra crossing contravention	L3	3	A	
Fail to comply with traffic sign (e.g. red traffic light, stop sign, double white lines, no entry sign)	L3	3	A	
Fail to comply with traffic sign (e.g. give way sign, keep left sign, temporary signs)	L3	–	A	
Fail to comply with police constable directing traffic	L3	3	A	
Fail to stop when required by police constable	L5 (mechanically propelled vehicle) L3 (cycle)	–	B	
Use of mobile telephone	L3	3	A	
Seat belt offences	L2 (adult or child in front) L2 (child in rear)	–	A	
Fail to use appropriate child car seat	L2	–	A	

Part 4: Motorway offences

Offence	Maximum	Points	Starting point	Special considerations
Drive in reverse or wrong way on slip road	L4	3	B	
Drive in reverse or wrong way on motorway	L4	3	C	
Drive off carriageway (central reservation or hard shoulder)	L4	3	B	
Make U turn	L4	3	C	
Learner driver or excluded vehicle	L4	3	B	
Stop on hard shoulder	L4	–	A	
Vehicle in prohibited lane	L4	3	A	
Walk on motorway, slip road or hard shoulder	L4	–	A	

Part 5: Offences re buses/goods vehicles over 3.5 tonnes (GVW)

* The guidelines for these offences differentiate between three types of offender: driver; owner-driver; and owner-company. **For owner-driver, the starting point is the same as for driver; however, the court should consider an uplift of at least 25%.**

** In all cases, take safety, damage to roads and commercial gain into account. Refer to page 150 for approach to fines for 'commercially motivated' offences.

Offence	Maximum	Points	Starting point	Special considerations
No goods vehicle plating certificate	L3	–	A (driver) A* (owner-driver) B (owner-company)	
No goods vehicle test certificate	L4	–	B (driver) B* (owner-driver) C (owner-company)	
Brakes defective	L5	3	B (driver) B* (owner-driver) C (owner-company)	
Steering defective	L5	3	B (driver) B* (owner-driver) C (owner-company)	
Tyres defective	L5	3	B (driver) B* (owner-driver) C (owner-company)	Penalty per tyre
Exhaust emission	L4	–	B (driver) B* (owner-driver) C (owner-company)	
Condition of vehicle/accessories/equipment involving danger of injury (Road Traffic Act 1988, s.40A)	L5	3	B (driver) B* (owner-driver) C (owner-company)	Must disqualify for at least 6 months if offender has one or more previous convictions for same offence within three years
Number of passengers or way carried involving danger of injury (Road Traffic Act 1988, s.40A)	L5	3	B (driver) B* (owner-driver) C (owner-company)	Must disqualify for at least 6 months if offender has one or more previous convictions for same offence within three years
Weight, position or distribution of load or manner in which load secured involving danger of injury (Road Traffic Act 1988, s.40A)	L5	3	B (driver) B* (owner-driver) C (owner-company)	Must disqualify for at least 6 months if offender has one or more previous convictions for same offence within three years
Position or manner in which load secured (not involving danger) (Road Traffic Act 1988, s.42)	L4	–	B (driver) B* (owner-driver) C (owner-company)	
Overloading/exceeding axle weight	L5	–	B (driver) B* (owner-driver) C (owner-company)	Starting points cater for cases where the overload is up to and including 10%. Thereafter, 10% should be added to the penalty for each additional 1% of overload Penalty per axle

Offence	Maximum	Points	Starting point	Special considerations
No operators licence	L4	–	B (driver) B* (owner-driver) C (owner-company)	
Speed limiter not used or incorrectly calibrated	L4	–	B (driver) B* (owner-driver) C (owner-company)	
Tachograph not used/not working	L5	–	B (driver) B* (owner-driver) C (owner-company)	
Exceed permitted driving time/ periods of duty	L4	–	B (driver) B* (owner-driver) C (owner-company)	
Fail to keep/return written record sheets	L4	–	B (driver) B* (owner-driver) C (owner-company)	
Falsify or alter records with intent to deceive	L5/2 years	–	B (driver) B* (owner-driver) C (owner-company)	Either way offence