



Road Traffic Offenders Act 1988

1988 CHAPTER 53

PART II

SENTENCE

General

[^{F1}48 Exemption from disqualification and endorsement for certain construction and use offences.

- (1) Where a person is convicted of an offence under section 40A of the Road Traffic Act 1988 (using vehicle in dangerous condition etc) the court must not—
 - (a) order him to be disqualified, or
 - (b) order any particulars or penalty points to be endorsed on the counterpart of any licence held by him,if he proves that he did not know, and had no reasonable cause to suspect, that the use of the vehicle involved a danger of injury to any person.
- (2) Where a person is convicted of an offence under section 41A of the Road Traffic Act 1988 (breach of requirement as to brakes, steering-gear or tyres) the court must not—
 - (a) order him to be disqualified, or
 - (b) order any particulars or penalty points to be endorsed on the counterpart of any licence held by him,if he proves that he did not know, and had no reasonable cause to suspect, that the facts of the case were such that the offence would be committed.
- (3) In relation to licences which came into force before 1st June 1990, the references in subsections (1) and (2) above to the counterpart of a licence shall be construed as references to the licence itself.]

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Road Traffic Offenders Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Annotations:**Amendments (Textual)**

- F1** S. 48 substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, [Sch. 4 para.101](#); S.I. 1992/1286, [art. 2](#), Sch.

Modifications etc. (not altering text)

- C1** S. 48: power to exclude or modify conferred (1.7.1992) by [Road Traffic Act 1988 \(c. 52, SIF 107:1\)](#), [s. 193A\(2\)\(b\)](#) (inserted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), [s. 46\(2\)](#)); S.I. 1992/1286, [art. 2](#), Sch.).

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Road Traffic Offenders Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations.

Changes and effects yet to be applied to :

- s. 48(1) (2) words repealed by 2006 c. 49 Sch. 3 para. 45(2) Sch. 7(4)
- s. 48(3) repealed by 2006 c. 49 Sch. 3 para. 45(3) Sch. 7(4)

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

- Act applied by S.I. 2005/2222 art. 41(16)
- Act applied by S.I. 2011/41 art. 40(17)
- Act modified by S.I. 2006/2167 art. 27
- Act transfer of functions by S.I. 2009/1885 art. 2(1)
- Blanket Amendment words substituted by 2005 c. 4 Sch. 11 para. 1(2)
- Act words substituted by 2005 c. 4 Sch. 11 para. 4

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

- Pt. 3A inserted by 2006 c. 49 s. 11(1)
- s. 7(1) words repealed by 2006 c. 49 Sch. 3 para. 31 Sch. 7(4)
- s. 7(1A)-(1C) inserted by 2015 c. 2 Sch. 11 para. 9(2)
- s. 8(aa) inserted by 2015 c. 2 Sch. 11 para. 10
- s. 15(3A) inserted by 2013 c. 22 Sch. 22 para. 10(6)
- s. 18(1)(ba) inserted by 2009 c. 17 s. 1(5)
- s. 18(1)(ba) inserted by 2009 c. 17 Sch. 1 para. 4
- s. 18(1)(ba) repealed by 2009 c. 17 Sch. 2
- s. 20(2)(h) added by S.I. 2014/260 art. 2
- s. 23(1A) inserted by 2006 c. 49 s. 32(3)
- s. 23(1A)(aa) inserted by 2012 c. 10 Sch. 27 para. 3
- s. 24(A1) (A2) inserted by 2006 c. 49 s. 33
- s. 24(A2)(aa) inserted by 2012 c. 10 Sch. 27 para. 4(2)
- s. 24(A2)(ba)(bb) inserted by 2015 c. 2 Sch. 6 para. 3(2)(a)
- s. 27(4A) inserted by 2015 c. 2 Sch. 11 para. 11(2)
- s. 28(3)-(3B) substituted for s. 28(3) by 2006 c. 49 s. 4(2)
- s. 28(7)(ba) inserted by 2006 c. 49 s. 4(4)
- s. 28(8A) inserted by 2006 c. 49 s. 4(5)
- 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. 34(3)(ba) inserted by 2013 c. 22 Sch. 22 para. 12
- s. 34(4)(a) (ia) inserted by 2012 c. 10 Sch. 27 para. 5
- s. 34(4)(a)(iib)(iic) inserted by 2015 c. 2 Sch. 6 para. 4
- s. 34(4B) inserted by 2006 c. 49 s. 25(2)
- s. 34(4AA) inserted by 2009 c. 25 Sch. 21 para. 90(2)
- s. 34(5A) inserted by S.I. 2007/3480 art. 2(1)(b)
- 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. 34BA(5)(f) words substituted by S.I. 2009/1885 Sch. 1 para. 16
- s. 35(2A) inserted by 2009 c. 25 Sch. 21 para. 90(6)(b)
- s. 35A excluded by 2003 c. 32 s. 54(3A)(a) (as inserted) by 2015 c. 2 Sch. 7 para. 2(4)
- s. 35A 35B inserted by 2009 c. 25 Sch. 16 para. 2(2)
- s. 35A(4)(c) (d) omitted by 2012 c. 10 Sch. 10 para. 5
- s. 35A(4)(e) word substituted by 2012 c. 10 Sch. 21 para. 4(2)(c)
- s. 35A(4)(e)(f) words omitted by 2015 c. 2 s. 30(1)(a)
- s. 35A(4)(e) words substituted by 2012 c. 10 Sch. 21 para. 4(2)(a)
- s. 35A(4)(e) words substituted by 2012 c. 10 Sch. 21 para. 4(2)(b)
- s. 35A(4)(e) words substituted by 2015 c. 2 Sch. 1 para. 11(2)
- s. 35A(4)(f) word substituted by 2012 c. 10 Sch. 21 para. 4(3)(a)
- s. 35A(4)(f) word substituted by 2012 c. 10 Sch. 21 para. 4(3)(c)
- s. 35A(4)(f) words substituted by 2012 c. 10 Sch. 21 para. 4(3)(b)
- s. 35A(4)(h) power to modify conferred by 2009 c. 25 Sch. 22 para. 34(2)
- s. 35A(4)(h) words omitted by 2015 c. 2 s. 30(1)(b)
- s. 35A(4)(fa) inserted by 2015 c. 2 Sch. 1 para. 11(3)
- s. 35A(6) omitted by 2015 c. 2 s. 30(1)(c)
- s. 35A(6) words omitted by 2012 c. 10 Sch. 13 para. 8(a)
- s. 35A(6)(a) words substituted by 2012 c. 10 Sch. 13 para. 8(b)
- s. 35A(6)(b) words inserted by 2012 c. 10 Sch. 13 para. 8(c)
- s. 35A(8) words inserted by 2012 c. 10 Sch. 14 para. 1(a)
- s. 35A(8) words omitted by 2012 c. 10 Sch. 21 para. 4(4)
- s. 35A(9)(a) words inserted by 2012 c. 10 Sch. 14 para. 1(b)
- s. 35A(9)(b) omitted by 2012 c. 10 Sch. 21 para. 4(5)
- s. 35C excluded by 2003 c. 32 s. 54(3A)(a) (as inserted) by 2015 c. 2 Sch. 7 para. 2(4)
- s. 35C 35D inserted by 2009 c. 25 Sch. 16 para. 2(3)
- s. 35C(4)(d) power to modify conferred by 2009 c. 25 Sch. 22 para. 35(2)
- s. 36(2)(b)-(f) substituted for s. 36(2)(b) by 2015 c. 2 Sch. 6 para. 5(3)
- s. 36(10A) inserted by 2006 c. 49 Sch. 2 para. 7
- s. 36(13A) inserted by 2006 c. 49 s. 37(6)
- s. 37(1B) inserted by 2009 c. 25 Sch. 21 para. 90(7)(c)
- s. 37(4) added by S.I. 2015/2004 reg. 2(2)
- s. 40B(9) words substituted by 2006 c. 49 Sch. 2 para. 33
- s. 41(2A) inserted by S.S.I. 2015/338 Sch. 2 para. 2(3)
- s. 41B inserted by 2006 c. 49 s. 15(2)
- s. 42(3A) inserted by 2009 c. 25 Sch. 21 para. 90(8)(b)
- s. 42(3B) inserted by 2009 c. 25 Sch. 21 para. 90(8)(c)
- s. 42(5AA) inserted by 2006 c. 49 Sch. 2 para. 8(4)
- s. 42(5AA) word substituted by 2006 c. 49 Sch. 3 para. 40(4)
- s. 44(3A) inserted by 2006 c. 49 s. 9(2)(a)
- s. 44(3A) repealed by 2006 c. 49 s. 10(2)(b) Sch. 7(4)
- s. 44A inserted by 2006 c. 49 s. 9(3)
- s. 45(7)(c) and word inserted by 2006 c. 49 s. 14
- s. 45A inserted by 2006 c. 49 Sch. 2 para. 10
- s. 45A(3)-(5) substituted by 2006 c. 49 Sch. 3 para. 42
- s. 45A(4) substituted by 2015 c. 2 Sch. 6 para. 7
- s. 45A(4) words substituted by 2012 c. 10 Sch. 27 para. 8(a)
- s. 45A(4) words substituted by 2012 c. 10 Sch. 27 para. 8(b)
- s. 45A(5)(a) words substituted by S.I. 2015/733 art. 2(3)
- s. 47(2ZA) inserted by 2009 c. 25 Sch. 21 para. 90(9)(b)
- s. 47(3A) inserted by 2006 c. 49 Sch. 2 para. 12(3)
- s. 47(3A) words repealed by 2006 c. 49 Sch. 3 para. 44(5) Sch. 7(4)
- s. 54(3)-(5B) substituted for s. 54(3)(5E) by 2006 c. 49 s. 10(4)
- s. 54(4)(aa) substituted for word by 2006 c. 49 Sch. 2 para. 14(4)(a)
- s. 54(4A) inserted by 2006 c. 49 Sch. 1 para. 3(6)
- s. 54(5A)-(5E) inserted by 2006 c. 49 s. 9(4)

- s. 57A inserted by 2006 c. 49 s. 9(5)
- s. 57A(1) words repealed by 2006 c. 49 s. 10(9) Sch. 7(4)
- s. 57A(3) words inserted by 2006 c. 49 s. 10(10)
- s. 57A(4) words inserted by 2006 c. 49 s. 10(11)
- s. 58A inserted by 2006 c. 49 Sch. 2 para. 17
- s. 61A inserted by 2006 c. 49 Sch. 2 para. 19
- s. 61A heading words repealed by 2006 c. 49 Sch. 3 para. 49(4) Sch. 7(4)
- s. 61A(1) words repealed by 2006 c. 49 Sch. 3 para. 49(2) Sch. 7(4)
- s. 61A(3) words inserted by 2006 c. 49 Sch. 3 para. 49(3)
- s. 63(2A) inserted by 2006 c. 49 Sch. 1 para. 8(3)
- s. 69(1A) inserted by 2006 c. 49 Sch. 1 para. 11(3)
- s. 70(2A) inserted by 2006 c. 49 Sch. 1 para. 12(3)
- s. 70(3A) inserted by 2006 c. 49 Sch. 1 para. 12(5)
- s. 70(4)(c) and word inserted by 2006 c. 49 Sch. 2 para. 21(1)
- s. 71(1)(d) and word inserted by 2006 c. 49 Sch. 2 para. 22(2)
- s. 71(2)(d) and word inserted by 2006 c. 49 Sch. 2 para. 22(3)
- s. 72(4A) inserted by 2006 c. 49 Sch. 2 para. 23(2)
- s. 72(6A) inserted by 2006 c. 49 Sch. 2 para. 23(4)
- s. 73(4A) inserted by 2006 c. 49 Sch. 1 para. 14(3)
- s. 75(1A) inserted by 2006 c. 49 Sch. 1 para. 15(2)
- s. 75(3A) inserted by 2003 c. 20 s. 69(2)
- s. 75(3B) inserted by 2006 c. 49 Sch. 1 para. 15(3)
- s. 75(8A) inserted by 2006 c. 49 Sch. 2 para. 24(5)
- s. 75(8A) words repealed by 2006 c. 49 Sch. 3 para. 51(4)(a) Sch. 7(4)
- s. 75(8A)(a) words substituted by 2006 c. 49 Sch. 3 para. 51(4)(b)
- s. 75(11A) inserted by 2006 c. 49 Sch. 1 para. 15(7)
- s. 75(11A) words substituted by 2006 c. 49 Sch. 2 para. 24(7)
- s. 75(11A) words substituted by 2006 c. 49 Sch. 3 para. 51(5)
- s. 76(3)(a) words inserted by 2006 c. 49 Sch. 2 para. 25(2)(a)
- s. 76(3)(a) words repealed by 2006 c. 49 Sch. 3 para. 52(2)(a) Sch. 7(4)
- s. 76(3)(a) words substituted by 2006 c. 49 Sch. 3 para. 52(2)(a)
- s. 76(3)(b) words inserted by 2006 c. 49 Sch. 2 para. 25(2)(b)
- s. 76(3)(b) words repealed by 2006 c. 49 Sch. 3 para. 52(2)(b) Sch. 7(4)
- s. 77A inserted by 2006 c. 49 Sch. 2 para. 27
- s. 77A(1) words inserted by 2006 c. 49 Sch. 3 para. 54(2)(b)
- s. 77A(1) words inserted by 2006 c. 49 Sch. 3 para. 54(2)(c)
- s. 77A(1) words repealed by 2006 c. 49 Sch. 3 para. 54(2)(a) Sch. 7(4)
- s. 77A(2) words inserted by 2006 c. 49 Sch. 3 para. 54(3)(a)
- s. 77A(2) words inserted by 2006 c. 49 Sch. 3 para. 54(3)(c)
- s. 77A(2) words repealed by 2006 c. 49 Sch. 3 para. 54(3)(b) Sch. 7(4)
- s. 83(1A) inserted by 2006 c. 49 Sch. 2 para. 28(2)
- s. 83(1A) word repealed by 2006 c. 49 Sch. 3 para. 55(3) Sch. 7(4)
- s. 84(1) s. 84 renumbered as s. 84(1) by 2004 c. 28 s. 16(3)
- s. 84(1) words inserted by 2006 c. 49 Sch. 2 para. 29
- s. 84(1) words repealed by 2006 c. 49 Sch. 7(19)
- s. 84(1) words substituted by 2006 c. 49 Sch. 1 para. 22
- s. 84(1)(a) word substituted by 2006 c. 49 Sch. 3 para. 56
- s. 84(2) (3) inserted by 2004 c. 28 s. 16(3)
- s. 84(2)(b) and word substituted for s. 84(2)(b)(c) by 2006 c. 49 s. 3(3)
- s. 84A inserted by 2006 c. 49 Sch. 2 para. 30
- s. 90F words inserted by 2008 c. 26 s. 128
- s. 91A(7) (7A) substituted for s. 91A(7) by 2006 c. 49 Sch. 3 para. 59(6)
- s. 91ZA 91ZB inserted by 2003 c. 32 s. 77(2)
- s. 91ZA(1)(b) words repealed by 2006 c. 49 Sch. 3 para. 57(2)(a) Sch. 7(4)
- s. 91ZA(1)(d)-(f) repealed by 2006 c. 49 Sch. 3 para. 57(2)(b) Sch. 7(4)
- s. 91ZA(1)(g) omitted by S.I. 2015/583 Sch. 2 para. 3(g)
- s. 91ZA(1)(h)-(j) repealed by 2006 c. 49 Sch. 3 para. 57(2)(c) Sch. 7(4)
- s. 91ZA(1)(i) words inserted by 2006 c. 49 Sch. 2 para. 31(a)

- s. 91ZA(1)(k) words repealed by 2006 c. 49 Sch. 3 para. 57(2)(d) Sch. 7(4)
- s. 91ZA(1)(k) words substituted by 2006 c. 49 Sch. 2 para. 31(b)
- s. 91ZA(1)(l) repealed by 2006 c. 49 Sch. 3 para. 57(2)(e) Sch. 7(4)
- s. 91ZA(3)-(6) repealed by 2006 c. 49 Sch. 3 para. 57(3) Sch. 7(4)
- s. 91ZA(7) word substituted by 2006 c. 49 Sch. 3 para. 57(4)(b)
- s. 91ZA(7) words repealed by 2006 c. 49 Sch. 3 para. 57(4)(a) Sch. 7(4)
- s. 91ZA(8) words repealed by 2006 c. 49 Sch. 3 para. 57(5) Sch. 7(4)
- s. 91ZA(9)(a) words substituted by 2006 c. 49 Sch. 3 para. 57(6)(a)
- s. 91ZA(9)(b)(i) words inserted by 2006 c. 49 Sch. 3 para. 57(6)(b)
- s. 91ZB repealed by 2006 c. 49 Sch. 3 para. 58 Sch. 7(4)
- s. 95(1) s. 95 renumbered as s. 95(1) by S.I. 2004/956 art. 2
- s. 95(2) added by S.I. 2004/956 art. 2
- s. 97A inserted by 2006 c. 49 s. 8
- s. 147 heading words omitted by 2015 c. 20 Sch. 3 para. 2(b)
- s. 147(1A) words substituted by 2015 c. 20 Sch. 3 para. 2(a)
- s. 148(1) words substituted by 2015 c. 20 Sch. 3 para. 3
- s. 151(1) words substituted by 2015 c. 20 Sch. 3 para. 4(2)
- s. 151(2)(a) words omitted by 2015 c. 20 Sch. 3 para. 4(3)
- s. 152(1)(c) words omitted by 2015 c. 20 Sch. 3 para. 5
- s. 153(1) words substituted by 2015 c. 20 Sch. 3 para. 6
- s. 161(2) omitted by 2015 c. 20 Sch. 3 para. 7
- 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)
- Sch. 1 Pt. 1 words substituted by 2003 c. 44 s. 285(5) (6)
- Sch. 1 Pt. 1 words substituted by 2003 c. 44 s. 285(5) (7)

Commencement Orders yet to be applied to the Road Traffic Offenders Act 1988

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2003/808 art. 2 commences (2002 c. 30)
- S.I. 2004/81 art. 2-5 commences (2003 c. 44)
- S.I. 2004/827 art. 2-4 commences (2003 c. 20)
- S.I. 2004/1572 art. 2 3 commences (2003 c. 20)
- S.I. 2004/2380 art. 2 commences (2004 c. 18)
- S.I. 2004/2624 art. 2 commences (2003 c. 32)
- S.I. 2004/3338 art. 3(c) commences (2002 c. 30)
- S.I. 2005/910 art. 3 commences (2003 c. 39)
- S.I. 2005/950 art. 2-4 commences (2003 c. 44)
- S.I. 2005/1521 art. 2-4 commences (2005 c. 15)
- S.I. 2005/1676 art. 2 commences (2005 c. 13)
- S.I. 2005/2122 art. 2 amendment to earlier commencing SI 2005/950, Sch. 2 para. 23(1)
- S.I. 2006/2826 art. 2 commences (2004 c. 18)
- S.I. 2007/237 art. 2 commences (2006 c. 49)
- S.I. 2007/2472 art. 2 commences (2006 c. 49)
- S.I. 2007/3285 art. 2 commences (2005 c. 13)
- S.I. 2008/1918 art. 2 commences (2006 c. 49)
- S.I. 2008/2504 art. 2 commences (2007 c. 27)
- S.I. 2008/3164 art. 2-4 commences (2006 c. 49)
- S.I. 2009/107 art. 2-5 Sch. 1-5 Commencement Order
- S.I. 2009/1095 art. 2 commences (2004 c. 18)
- S.I. 2009/1604 art. 2 commences (2005 c. 4)
- S.I. 2011/19 art. 2 commences (2006 c. 49)
- S.I. 2011/3019 art. 3 Sch. 1 commences (2011 c. 13)
- S.I. 2012/1356 art. 3 4 commences (2009 c. 17)
- S.S.I. 2008/42 art. 3 Sch. commences (2007 asp 6)
- S.S.I. 2008/192 art. 3 Sch. commences (2007 asp 6)

- [S.S.I. 2008/329 art. 3 Sch. commences \(2007 asp 6\)](#)
- [S.S.I. 2008/362 art. 3 Sch. commences \(2007 asp 6\)](#)
- [S.S.I. 2009/432 art. 3 Sch. 1 2 commences \(2007 asp 6\)](#)
- [S.S.I. 2010/413 art. 2 Sch. commences \(2010 asp 13\)](#)