



PRESS RELEASE

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Magistrates' Association corrects miscalculation of drivers with 12 points

BRAKE, the road safety charity, and Direct Line Insurance yesterday issued a press release concerning the number of drivers not disqualified by the courts despite having 12 or more points on their licence. The press release contained figures obtained from the DVLA, and asserted that 43% of drivers were not being disqualified when they reached 12 points. Unfortunately in making that calculation the authors compared current numbers directly and failed to take into account that points stay on the licence for three years, while a disqualification for totting is typically for six months, and this produced a gross miscalculation (See note below). Correcting this gives a figure of 11.1% not disqualified, which is similar to the figure the Magistrates' Association has previously arrived at following our own Freedom of Information request to the DVLA.

We suggest that in these circumstances a revised press release should be issued with corrected figures, and the comments made on the basis of erroneous figures should be reconsidered, in particular the inference that magistrates are being unduly lenient in applying their discretion not to disqualify drivers reaching 12 or more points.

There was also a list of 19 drivers with more than 25 points each broken down by area. As drivers cannot use the same exceptional hardship argument more than once in three years, and most will put forward all the arguments they can muster when they first appear, it seems likely that most if not all of those recorded with a high number of points have failed to be disqualified as a consequence of some breakdown of communication in the system. The Magistrates' Association last year wrote to the responsible minister about poor communications between HM Courts Service and the DVLA, and he asked those bodies to work together to improve this. We are aware that in response they have been reviewing their procedures, communications are improving and the DVLA have been referring apparent anomalies back to the Courts Service. The DVLA are also working on adapting their computer systems to note when drivers have benefitted from an "exceptional hardship" decision, something not presently recorded.

Some part of the 11.1% of drivers not disqualified will also be owing to this poor communication. This is far from satisfactory but, as indicated, steps are now being taken to rectify matters.

Note

The number of drivers who currently have 12 or more points represents those who have reached that figure over the last 3 years, as points remain live for 3 years. Similarly, those currently disqualified for totting are those disqualified over the most recent 6 months. To compare numbers meaningfully, they have to be on the same basis, in this case the most appropriate is the number of drivers dealt with in a year. The Press Release gives a total of 10,072 drivers currently with 12 or more points, the annual average is therefore 3,357. The number currently disqualified is shown as 13,449 which, taking the disqualification as 6 months, indicates that 26,898 drivers are disqualified each year. That means that 30,255

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(3,357 + 26,898) drivers get to 12 or more points each year, of which 3,357 or 11.1% are not disqualified.

These figures have to be calculated, they are not available directly from the DVLA or other source.

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