

Totting Up

Most motoring offences, whether they are dealt with at Court, or by way of Fixed Penalty Notices, carry penalty points. The number of penalty points depends on the severity of the offence. For a breakdown of each particular offence, please refer to our related Fact Sheets: **Penalty Points** and **Motoring Offences/Maximum Penalties**.

The **Totting Up Procedure** is enforced when a driver reaches **12 penalty points** within any 3 year period. This can occur through the accumulation of points via several completely separate offences during the course of 36 months or if a number of offences are committed at the same time and the Court concludes that the appropriate punishment is 12 points or more.

What is the totting up procedure?

If you reach 12 penalty points within any 3 year period, the Court guidelines are to impose a disqualification of at least 6 months. Consequently, if you have 9 penalty points on your licence, and commit an offence for which a Fixed Penalty Notice would normally be appropriate, that Notice cannot be accepted as it would bring you to 12 penalty points. The offence would therefore be dealt with by way of a Summons, as a totting up ban can only be imposed at a Court hearing.

If I am banned from driving, what are the implications?

You will not be able to drive any motor vehicle of any description in the UK for the duration of the ban imposed. Once you have completed the ban, your licence is returned and the slate is wiped clean, so all penalty points previously taken into account are removed.

If I am banned, do I have to take a further test before my licence is returned?

No, you would not have to take any further driving test unless you have been ordered to do so by the Court.

Is disqualification compulsory?

No. Although it is regarded as mandatory, disqualification is in fact at the discretion of the Court. In order to avoid a driving ban at 12 points, you will need to convince the Court that your circumstances amount to exceptional hardship. This is a specific definition of special reasons and requires certain legal criteria to be established. **Motor Lawyers** can advise, prepare and/or present an **exceptional hardship** case on your behalf and have assisted numerous drivers in retaining their licences, despite reaching 12 or more penalty points.



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