

Charlie Reynolds

Email us at: [foi@dvla.gov.uk](mailto:foi@dvla.gov.uk)  
Website: [www.gov.uk/browse/driving](http://www.gov.uk/browse/driving)Your Ref:  
Our Ref: FOIR8018

Date: 12 November 2019

Dear Mr Reynolds

**Freedom of Information Request**

Thank you for your e-mail of 29 October requesting information under the terms of the Freedom of Information Act 2000 (FOIA).

You asked for:

**I would like to know the amount of people in Hertfordshire are driving around with 12 or more points of on their licence.**

**I would also, if possible, like to know the main reasons that these people are allowed to carry on driving.**

The DVLA's driver database changes constantly as the Agency receives driving licence applications and other information that updates the records of individual drivers. Therefore, it is possible only to provide a snapshot of the state of the record at the time of any request. It should be noted that there can be a delay between the notification of penalty points and of the sentence imposed by the Court. These can update the driver record separately.

Whilst the DVLA maintains a record of all GB fixed penalties and Court ordered endorsements, the Agency has no responsibility for or influence on Court imposed sentences.

In England and Wales, the Magistrates Courts Sentencing Guidelines produced by the Sentencing Council provide a framework setting out how to establish the seriousness of each case and the most appropriate way of dealing with it. This helps the Magistrates Courts ensure that any penalty reflects the seriousness of the offence and the personal circumstances of the offender.

The statistics provided are likely to include cases where drivers have received court sentences including disqualification, supervision orders, community punishment orders or imprisonment. Where sentences have been imposed other than through the totting up process, the penalty points follow standard periods of validity according to

the offences concerned. Following the period of disqualification imposed, drivers can re-apply for their licence meaning that they can have a high number of valid penalty points and current entitlement to drive, even though the sentence of the court has been served.

In a small percentage of cases where the driver has accumulated 12 or more penalty points, the Agency understands that a Court can exercise its discretion and not disqualify the driver. In the majority of these cases, Magistrates may have decided to allow drivers to retain their entitlement to drive where it is considered that disqualification would cause exceptional hardship. The DVLA does not hold information regarding why a Court would have made a particular decision in any specific case.<sup>3</sup>

The DVLA checks with courts when a driver's 12 current penalty point threshold is met or exceeded but where a disqualification is not imposed at the time of the conviction. The Agency takes this action to confirm that this is the intention of the Court and to help ensure the DVLA records motoring convictions and sentences as accurately as possible.

177 drivers with recorded addresses in the Hertfordshire area have 12 or more valid penalty points and current entitlements to drive.

The information which follows concerns the procedures for making any complaint you might have about the reply. Please quote the reference number of this letter in any future communications about it.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R. Toft', written over a rectangular stamp area.

Robert Toft  
Head of Data Protection Policy & Freedom of Information Team

## **Your right to complain to DVLA and the Information Commissioner**

If you are not happy with the reply to your request, you can ask DVLA to re-consider the response you received by writing (within two calendar months of receiving this response) to either [foi@dvla.gov.uk](mailto:foi@dvla.gov.uk) or DVLA Freedom of Information Team, DPP/FOI, C2W, DVLA, Swansea SA6 7JL.

DVLA will acknowledge and consider your request, re-visiting the response provided. This is known as an Internal Review and will be considered by a staff member not involved with the original reply.

If you disagree with the outcome of the Internal Review, you have the option to complain to the Information Commissioner's Office. Further information can be found via: <https://ico.org.uk/concerns/getting/> Alternatively you may wish to write to: Customer Contact, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow SK9 5AF.