



### **Recording of Penalty Points**

The recording of penalty point offences on a driver's licence record may result from one of two situations:-

1. where a person is convicted of an offence that attracts penalty points, or
2. where a person is served with a fixed charge notice in respect of an alleged offence that attracts penalty points and opts to pay the fixed charge rather than having the matter referred to the Courts for determination.

Reduced penalty points apply on payment of a fixed charge. For example, a person convicted in court of a speeding offence receives 4 penalty points, while 2 points apply on payment of a fixed charge.

### **Registered Owner of Vehicle**

In cases where the offence was detected by camera the fixed charge notice is sent to the registered owner of the vehicle. **If the registered owner was not driving at the time of the offence s/he should complete the prescribed form giving details of the person who was driving.** This should then be returned to the relevant Garda Station with the original fixed charge notice. **DO NOT ENCLOSE PAYMENT.** The Gardai will then issue a fixed charge notice to the driver.

### **Start date (effective date)**

The law in relation to penalty points (contained in the Road Traffic Act 2002), requires that a notice issue in all cases where penalty points are to be recorded on a driving licence record. The notice is issued by the Department of Transport. The law also provides that the points will only apply on the licence record with effect from **28 days after the date of issue of the notice.** The dates of either the offence, the issuing of the Garda fixed charge notice, the payment of the fixed charge or the court date have no bearing on when penalty points are applied to a licence record.

**NOTE:** If a driving licence is not current the points will only apply from whenever the licence is renewed. In such cases the notice will state that the points will become effective from the first date of holding a new licence.

### **Penalty points do not take effect from the date of the offence because:**

- The points can only be applied after payment of a fixed charge or determination of guilt is made.
- A person cannot be disqualified without receiving notification. If the points being applied at any time were to bring the person's total points to 12 they would otherwise be disqualified before they receive the notification.
- It would be possible to have persons driving while disqualified without knowledge of the disqualification e.g. where a person is on 10 points and commits an offence detected by camera.

### **Points on Licence for 3 Years (Effective Period)**

Penalty points remain on a current licence for a period of 3 years from the start date (effective date). If a person is disqualified for a period of six months after accumulating 12 points, the points which led to the disqualification are removed at the end of the 6 months. Any period where a licence has expired and is not current will not count as part of the 3 years the points are to remain on the licence record or as part of the disqualification period of 6 months.

### **The Offence**

All queries regarding the actual offence should be referred to the relevant Garda Station.

### **Foreign Licences**

Penalty points are recorded on the licence record. They are not physically recorded on the licence. Where a person is driving here on a foreign licence the driver's details are held on a separate database for the purpose of recording penalty points.

***"This leaflet is intended as a guide only and is not an interpretation of the law".***