

## **AVZ Briefing: Disqualification update - Sentencing Council consultation**

22nd February 2024

### **Key points**

- The Sentencing Council is consulting on a [guideline for disqualification](#), with five questions on disqualification.
- With this consultation, the Sentencing Council provided no data on the use of disqualifications, unlike with [aggravated vehicle taking offences](#). This is a missed opportunity to highlight how short disqualifications are, as well as inconsistently and rarely given.
- The Ministry of Justice has recently published revised statistics for disqualifications, and now includes more data on totting up offences.
- AVZ will analyse the new disqualification data and publish more for this [consultation](#), which closes 22 May.
- AVZ fears the changes proposed in this consultation will not result in the much greater use of bans that is needed to make our streets safe enough for people to cycle and walk. Specific changes to Magistrates' Guidelines re speeding and other key offences, may be required.

### **Sentencing Council consultation**

The Sentencing Council announced last June that it would undertake further work on disqualification. It has now followed up on that and just launched a consultation [on Aggravated vehicle taking offences guidelines, disqualification and other motoring related matters](#). Most of the 38-page consultation is focused on the aggravated vehicle taking offences, with only four pages on disqualification.

Of its 27 questions, just five are on disqualification, covering:

- Availability of disqualification
- Determining the length of disqualification
- Exceptions (totting up and special reasons)
- Administration (disqualifying in an offender's absence)
- Further comments.

A [guideline on disqualification](#) has been drafted.

Whilst data was provided on the sentences given for aggravated vehicle taking offences, no data was provided on the use of disqualification. Data could have been provided on how disqualifications were given at court, i.e. which offence, how long and how this varied by magistrate area.

AVZ has argued for much greater use of disqualifications - not just with more bans but also much longer bans. This consultation represents a step in the right direction but not the leap that is needed, especially if custodial sentences of 12 months or less are to be suspended which should increase the role of disqualification.

AVZ will analyse the revised statistics on disqualification and highlight the frequency and consistency with which disqualifications are given, especially where they are discretionary (i.e. not mandatory), as well as their durations. Previous analyses have shown widespread inconsistency and very short bans given for speeding.