

# Annex 7:

## Relevant convictions

### Convictions and Penalties

You must declare all relevant convictions and penalties at the time you make your application and any additional convictions after the licence has been granted. You must also inform a traffic commissioner immediately of any convictions that occur between the date of you applying for a licence and a decision being made on your application. A traffic commissioner will decide whether the convictions are relevant. It is a criminal offence to make a false declaration.

A more general explanation of what a traffic commissioner can take into account is detailed at section A below. You should provide full details of the background circumstances of any convictions or penalties declared.

Failure to provide all information could subsequently lead to regulatory action.

### Spent convictions

You do not have to declare convictions which are “spent” under the Rehabilitation of Offenders Act 1974. The table below shows the rehabilitation period, at the end of which convictions will become spent. The rehabilitation period depends on the sentence for the original offence and runs from the date of conviction.

A sentence of imprisonment for life or a sentence of imprisonment, detention in a YOI, a sentence of preventative detention or a sentence of detention during Her Majesty’s pleasure for terms exceeding 30 months are excluded from rehabilitation. Otherwise:

Where on a conviction the sentence imposed is:	The rehabilitation period begins on conviction and lasts for:
IMPRISONMENT IN A YOI, CORRECTIVE TRAINING for MORE THAN 6 MONTHS but not exceeding 30 months	10 years*
IMPRISONMENT NOT EXCEEDING 6 MONTHS	7 years*
FINE (or other order not specified below)	5 years*
BORSTAL TRAINING	7 years

\* Reduced by half if the offender was under 18 at the date of conviction.

DETENTION (PCC(S)A 2000, s.91) under CYPA 933, s.53 for MORE THAN SIX MONTHS but not exceeding 30 months	3 years
DETENTION under PCC(S)A 2000, s.91, s.53 for NOT MORE THAN 6 MONTHS	3 years
Detention in a YOI	3 years
PROBATION (COMMUNITY REHABILITATION) ORDER, where offender 18 years or over at date of conviction;  Where offender under 18 at date of conviction	5 years  2½ years from conviction or a period beginning with date of conviction and ending when order ceases to have effect (whichever is the longer)
DETENTION AND TRAINING ORDER under CDA 1998, S.73	In the case of a person aged 15 or over a date of conviction, 5 years if order was, 3½ years if it was not, for a term exceeding 6 months. In the case of a person under 15, a period beginning with date of conviction, and ending 1 year after the date on which the order ceases to have effect
SECURE TRAINING ORDER. BIND OVER to keep the peace or be of good behaviour, CARE ORDER, SUPERVISION ORDER under PCC(S) A 2000, s.63(1), Care order under CYPA 1933, S.57, Supervision order under CYPA 1933 or CYPA 1963	1 year or duration of order (whichever is longer)
Attendance at an ATTENDANCE CENTRE	Duration of the order plus 1 year
HOSPITAL ORDER (with or without restriction order)	5 years or duration of the order plus 2 years (whichever is longer)
DISQUALIFICATION, disability, prohibition or other penalty	The duration of the order

A later conviction may affect the rehabilitation period for an earlier conviction if it happens before the first period has run out.

If you are not sure whether your convictions are “spent”, you should declare it and a traffic commissioner will then consider each case on its merits.

## All applicants for restricted licences and holders of restricted licences

You must notify a traffic commissioner if any person named on your application, or on your licence (including partners, directors or transport managers), any company of which a person named on the application/licence is a director, or any parent company if you are a limited company, has been convicted of any of the following:

- ▶ An offence under the Goods Vehicles (Licensing of Operators) Act 1995
- ▶ An offence under the Transport Act 1968 or the Road Traffic Act 1960 which relates to licences or means of identification
- ▶ An offence relating to section 13 of the Hydrocarbon Oil Duties Act 1979 (unlawful use of rebated fuel oil in relation to goods vehicles)
- ▶ An offence under Section 74 of the Road Traffic Act 1988 (duty to keep inspection records in relation to goods vehicles)

You must also notify a traffic commissioner if any person named on your application/licence, (including partners, directors or transport managers), any company of which a person named on your application/licence is a director, or any parent company if you are a limited company, or any of your employees or agents, has been convicted of any of the following:

- ▶ An offence under section 53 of the Road Traffic Act 1988 (plating certificates and goods vehicle test certificates)
- ▶ An offence in relation to a goods vehicle relating to the maintenance of vehicles in a fit and serviceable condition

- ▶ An offence in relation to a goods vehicle relating to speed limits or overloading
- ▶ An offence in relation to a goods vehicle relating to the licensing of drivers
- ▶ A drivers hours offence relating to a goods vehicle
- ▶ An offence under sections 173 or 174 of the Road Traffic Act 1988 (forgery, false statements or the withholding of information) in relation to an international road haulage permit
- ▶ An offence under section 2 of the International Road Haulage Permits Act 1975 (removing, causing, or permitting the removal of a goods vehicle or trailer from the UK in contravention of a prohibition)
- ▶ An offence under section 3 of the Control of Pollution Act 1974
- ▶ An offence under section 2 of the Refuse Disposal (Amenity) Act 1978
- ▶ An offence under section 1 of the Control of Pollution (Amendment) Act 1989
- ▶ An offence under section 33 of the Environmental Protection Act 1990
- ▶ An offence in relation to a goods vehicle in contravention of a provision prohibiting or restricting waiting vehicles made under the Road Traffic Regulation Act 1984 or a relevant traffic regulation order

## Applicants for/holders of Standard National and Standard International licences only

In addition to the above convictions, you must notify a traffic commissioner if any person named on your application/licence, (including partners, directors or transport managers), any company of which a person named on your application/licence is a director, or any of your employees or agents, has any of the following:

Any conviction under the law of Northern Ireland or any country outside the United Kingdom which relates to the offences noted above for all applicants/licence holders

Any conviction where one or more of the following punishments was imposed:

- ▶ Imprisonment exceeding 3 months
- ▶ A fine exceeding level 4 on the standard scale
- ▶ A community service order (or equivalent) requiring unpaid work for more than 60 hours
- ▶ Any punishment outside the UK corresponding to any of the above
- ▶ Any conviction or penalty for an offence under UK law relating to road transport, or any corresponding offence outside the UK. In particular, but not limited to offences relating to:
  - ▷ Drivers' hours of work and rest periods
  - ▷ The weights and dimensions of commercial vehicles
  - ▷ Road and vehicle safety

Any conviction or penalty for an offence under UK law relating to road transport, or any corresponding offence outside the UK. In particular:

- ▶ Exceeding the maximum 6-day or fortnightly driving time limits by margins of 25 % or more.
- ▶ Exceeding, during a daily working period, the maximum daily driving time limit by a margin of 50 % or more without taking a break or without an uninterrupted rest period of at least 4.5 hours.
- ▶ Not having a tachograph and/or speed limiter, or using a fraudulent device able to modify the records of the recording equipment and/or the speed limiter or falsifying record sheets or data downloaded from the tachograph and/or the driver card.
- ▶ Driving without a valid roadworthiness certificate if such a document is required under Community law and/or driving with a very serious deficiency of, inter alia, the braking system, the steering linkages, the wheels/tyres, the suspension or chassis

that would create such an immediate risk to road safety that it leads to a decision to immobilise the vehicle.

- ▶ Transporting dangerous goods that are prohibited for transport or transporting such goods in a prohibited or non-approved means of containment or without identifying them on the vehicle as dangerous goods, thus endangering lives or the environment to such extent that it leads to a decision to immobilise the vehicle.
- ▶ Carrying passengers or goods without holding a valid driving licence or carrying by an undertaking not holding a valid Community licence.
- ▶ Driving with a driver card that has been falsified, or with a card of which the driver is not the holder, or which has been obtained on the basis of false declarations and/or forged documents.
- ▶ Carrying goods exceeding the maximum permissible laden mass by 20 % or more for vehicles the permissible laden weight of which exceeds 12 tonnes, and by 25 % or more for vehicles the permissible laden weight of which does not exceed 12 tonnes.