

## 's42' Applications for early return of licence

**Section 42(1) of The Road Traffic Offenders Act 1988** allows drivers to make representation to the Court that banned them for the early removal of a disqualification after 2 years or half the ban, if greater than 5 years.

This is possible **in addition** to any reduction for completing an approved course, i.e. 36 month ban - less 25% for doing the course (9m) = 27m - less 3m under sect.42(1) = 24 months.

The reduction already agreed for completing an approved course cannot be altered, so that is safe whatever the Court decides in relation to the s42 application.

### What do you do?

1] You need to contact the 'Clerk to the Justices' at the Court where you were **sentenced**, asking for a 'hearing' [some courts prefer you to apply in writing, some want to see you in person]. Give as much information as you can: date of the original hearing, your full name, date of birth, address at the time, and if you know it; your case number and your driving licence number. All this will help locate your papers.

2] When you appear / apply, you will need to present your case as to why you need to drive early, not just that you would like to.

### **You need an outstandingly good reason for a further reduction of the ban.**

Examples include: a new job or promotion dependent on driving again; some health issue in the family, which would be helped by you being able to drive again; an elderly relative for whom you care; charity work; or perhaps contact with your children.

Your legal advisor will be able to tell you more.

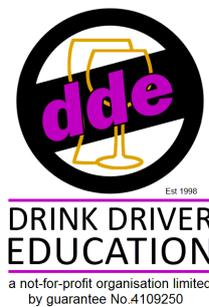
A report from your GP (including blood tests perhaps – see HRO sheet) may also help. You may also consider contacting one of the alcohol advice centres in the area (see Yellow Pages) in order to demonstrate your willingness to consider the issue more fully. They will sometimes write a brief letter of support to the Court.

The Court will also need to know that you have addressed your use of alcohol in relation to driving. Evidence of this **may** be met, in part, by attending the course, so take your Certificate along, [or **dde** report if you are not under Drink Driver Rehabilitation Scheme].

Some courts won't hear your case until you reach the two year [or half way point, if longer than 2 years]; we are trying to get this changed as in our view it is not possible to gain the maximum relief unless your case is heard 2 months before. So try to start the process about two months before the two-year (or half way) point.

If you are not happy addressing the Court you can write your submission and hand it to the Legal Advisor (Court Clerk) to read, though keep it short and to the point or you may consider it is worth investing in the aid of a Solicitor.

If you are successful and the Court allows you an extra period of reduction, you need to immediately apply for your licence (D1 form from the Post Office).



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