

60B. Penalties for offences against sections 60 and 60A

- (1) In this section —
offence means an offence against section 60 or 60A.
- (2) A person convicted of an offence is liable —
 - (a) for a first offence, to a fine of 120 PU or to imprisonment for 9 months; and
 - (b) for a second offence, to a fine of 180 PU or to imprisonment for 9 months; and
 - (c) for a third or subsequent offence, to a fine of 240 PU or to imprisonment for 12 months.
- (3) In any event, a court convicting a person —
 - (a) of a first offence, must order that the person be disqualified from holding or obtaining a driver's licence for a period of not less than 6 months; and
 - (b) of a second offence, must order that the person be disqualified from holding or obtaining a driver's licence for a period of not less than 12 months; and
 - (c) of a third or subsequent offence, must order that the person be permanently disqualified from holding or obtaining a driver's licence.
- (4) If an offence is committed in the circumstance of aggravation referred to in section 49AB(1)(c), the offence is a crime.
Penalty for this subsection: imprisonment for 5 years.
Summary conviction penalty for this subsection: imprisonment for 2 years.
- (5) A court sentencing a person for an offence committed in the circumstance of aggravation referred to in section 49AB(1)(c) must —
 - (a) sentence the person to a term of imprisonment of at least 6 months; and
 - (b) not suspend the term of imprisonment; and
 - (c) for a first or second offence — order that the offender is disqualified from holding or obtaining a driver's licence for a period of not less than 2 years; and
 - (d) for a third or subsequent offence — order that the offender is permanently disqualified from holding or obtaining a driver's licence.
- (6) Subsection (5) applies whether the person was convicted on indictment or summarily and despite the *Sentencing Act 1995* Part 5.
- (7) A reference in subsection (5)(c) or (d) to an offence is a reference to the offence whether or not committed in the circumstance of aggravation referred to in section 49AB(1)(c).