2001 No. 4051

ROAD TRAFFIC

The Driving Licences (Disqualification until Test Passed) (Prescribed Offence) Order 2001

Made - - - - - *20th December 2001*

Coming into force - - *31st January 2002*

Whereas a draft of this Order has been laid before, and approved by, each House of Parliament, the Secretary of State for Transport, Local Government and the Regions, in exercise of the powers conferred by section 36(3) of the Road Traffic Offenders Act 1988(**a**), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Driving Licences (Disqualification until Test Passed) (Prescribed Offence) Order 2001 and shall come into force on 31st January 2002.

Offences to which section 36(1) of the Road Traffic Offenders Act 1988 applies

2. An offence under section 3A of the Road Traffic Act 1988(**b**) (causing death by careless driving when under the influence of drink or drugs) which is committed on or after 31st January 2002, and any person committing such an offence, are prescribed for the purposes of section 36(1) of the Road Traffic Offenders Act 1988.

Signed by authority of the Secretary of State

John Spellar
Minister of State,
20th December 2001 Department for Transport, Local Government and the Regions

(**a**) 1988 c. 53. Section 36 was substituted by section 32 of the Road Traffic Act 1991 (c. 40).
(**b**) 1988 c. 52. Section 3A was inserted by section 3 of the Road Traffic Act 1991. By virtue of section 96 of, and Schedule 2 to, the Road Traffic Offenders Act 1988 (as amended by paragraph 7 of Schedule 2 to the Road Traffic Act 1991), the offence of causing death by careless driving when under the influence of drink or drugs is an offence involving obligatory endorsement.

[DOT 12712]

EXPLANATORY NOTE

(This note is not part of the Order)

Section 36(1) of the Road Traffic Offenders Act 1988 requires the court, where that subsection applies, to disqualify a person until he has passed "the appropriate driving test" within the meaning of subsection (5). This is either a test of competence to drive, or an extended driving test, depending upon the offence committed. By virtue of subsection (2), section 36(1) applies to persons who have been disqualified under section 34 of the 1988 Act on their conviction of dangerous driving, manslaughter or causing death by dangerous driving.

Section 36(3)(b) enables the Secretary of State to prescribe other offences involving obligatory endorsement to which subsection (1) is to apply. This Order prescribes the offence of causing death by careless driving whilst under the influence of drink or drugs under section 3A of the Road Traffic Act 1988 for that purpose if the offence is committed on or after 31st January 2002. The court is thereby required to disqualify a person convicted of such an offence until he has passed the appropriate driving test. In the case of an offence under section 3A, this is an extended driving test.

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