

*These notes refer to the Road Safety Act 2006 (c.49)  
which received Royal Assent on 8 November 2006*

## **ROAD SAFETY ACT 2006**

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### **EXPLANATORY NOTES**

#### **NEW OFFENCES**

##### ***Section 21: Causing death by driving: unlicensed, disqualified or uninsured drivers***

76. *Subsection (1)* of this section inserts new section 3ZB in the RTA, which makes provision for a new offence committed where a person causes a death by driving and is, at the time of that act, driving either otherwise than in accordance with a licence or whilst disqualified or without insurance.
77. *Subsection (2)* provides for sections 11 and 12(1) RTOA to apply to the offence under section 3ZB. Section 11 provides a mechanism for proving who was driving the car whereby this is certified by a constable. Section 12(1) relates to proving the identity of a driver in summary proceedings whereby the accused has stated in writing that he was the driver.
78. *Subsection (3)* creates an entry in Schedule 2 to the RTOA, making provision for the section 3ZB offence to be triable either way and setting out the maximum penalties available on summary conviction (12 months' imprisonment in England and Wales, 6 months' imprisonment in Scotland, and/or a fine of £5,000) and on indictment (2 years or a fine or both). It also sets out that the offence will be subject to mandatory disqualification and endorsement and sets the range of penalty points available for this offence (3-11).
79. *Subsection (4)* inserts a reference to section 3ZB into sections 16 and 17 of the Coroners Act 1988 to provide for the adjournment of inquests in the event of criminal proceedings.
80. *Subsection (5)* inserts a reference to section 3ZB into Schedule 3 to the Crime (International Co-operation) Act 2003 to provide that the Secretary of State may inform the authorities of a third country state where one of that state's nationals is disqualified from driving as a consequence of that offence.