

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

ROAD SAFETY ACT 2006

EXPLANATORY NOTES

DEPOSITS AND PROHIBITION ON DRIVING

DRINK-DRIVING etc.

Section 13: High risk offenders: medical enquiries following disqualification

45. High Risk Offenders, as defined by Regulation 74 of the [Motor Vehicles \(Driving Licences\) Regulations 1999 \(SI 1999/2864\)](#) (the "1999 Regulations") for the purposes of section 94(4) of the RTA, are:
- a) those disqualified for driving whilst two and half times or more over the prescribed limit;
 - b) those disqualified for failure, without reasonable excuse, to supply a specimen for analysis pursuant to section 7 of the RTA; and
 - c) those disqualified on two or more occasions within ten years for either exceeding the legal limit of alcohol in their breath, blood, or urine, or being unfit to drive through drink.
46. Section 88 of the RTA sets out exceptions to the general requirement for anyone wishing to drive a motor vehicle on a road to have the appropriate licence authorising him to do so. These include, under subsection (1)(a)(i) of section 88, where the driver has held a licence to drive that class of vehicle and, under subsection (1)(b)(i), where the Secretary of State has received a qualifying application by the driver for a licence to drive that class of vehicle.
47. This section prevents High Risk Offenders from having entitlement to drive by virtue of section 88 of the RTA, whilst awaiting the outcome of medical enquiries relevant to an application for the return of a licence following a period of disqualification. This will ensure that those who, by the nature of their offending, have been identified as presenting a greater risk of being medically unfit to drive are prevented from driving until the Secretary of State is satisfied that they are fit to do so.