

## 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.