

GUIDANCE MATERIAL

Ready Reckoner table of those offences that may engage section 221D(1) of the *Road Transport Act 2013*

Section 221D(1) of the *Road Transport Act 2013* (RT Act) precludes disqualified persons who have *at any time* been convicted of the serious driving offences described in that subsection from applying to remove their licence disqualifications.

The table is intended to provide guidance on the types of offences that could potentially engage section 221D(1) of the RT Act, although the individual circumstances of each offence should be assessed against the terms of section 221D(1). The table is not exhaustive and is not intended to constitute legal advice.

Notes:

- **Purple** indicates historical offences; caution should be exercised as legislative sections may change over time

<b>S 221D(1) of the RT Act</b>	<b>Eligibility criteria under the RT Act</b>	<b>Relevant offence(s) that may trigger section 221D(1) of the RT Act</b>
Section 221D(1)(a)	offence of murder or manslaughter caused by the use of a motor vehicle	For murder: offence under <b>s 18(1)(a) of the <i>Crimes Act 1900</i></b> – provided it is caused by use of a motor vehicle  For manslaughter: offence under <b>s 18(1)(b) of the <i>Crimes Act 1900</i></b> – provided it is caused by the use of a motor vehicle
Section 221D(1)(b)	an offence against the <i>Crimes Act 1900</i> which comprises or includes causing death, grievous bodily harm or wounding by the use of a motor vehicle	Below are examples of offences under the <i>Crimes Act 1900</i> that may engage section 221D(1)(b) of the RT Act. However, particular caution should be exercised. The individual circumstances of any particular offence arising under the <i>Crimes Act 1900</i> must be assessed to determine whether it engages section 221D(1)(b) of the RT Act; as, for example, offences under the <i>Crimes Act 1900</i> do not always involve the use of a motor vehicle or may not involve wounding (or grievous bodily harm or death)  <b>Dangerous driving occasioning death: offence under s 52A(1) of the <i>Crimes Act 1900</i></b>  <ul style="list-style-type: none"> <li>• s 52A(1)(a) – under the influence of intoxicating liquor or of a drug</li> <li>• s 52A(1)(b) – at a speed dangerous to another person or persons</li> <li>• s 52A(1)(c) – in a manner dangerous to another person or persons</li> </ul> <b>Former Culpable driving: offence under the (repealed) provisions of s 52A(1) of the <i>Crimes Act 1900</i></b>  <ul style="list-style-type: none"> <li>• (former) 52A(1)(d) – death or GBH through impact of a motor vehicle with any vehicle or other object in, on or near which that person was at the time of the impact</li> <li>• (former) s 52A(1)(da) – death or GBH through impact with anything on, or attached to, a motor vehicle</li> <li>• (former) s 52A(1)(db) – death or GBH through impact with anything that is in motion through falling from a motor vehicle</li> </ul> <b>Aggravated dangerous driving occasioning death: offence under s 52A(2) of the <i>Crimes Act 1900</i></b>  <b>Dangerous driving occasioning grievous bodily harm: offence under s 52A(3) of the <i>Crimes Act 1900</i></b>  <ul style="list-style-type: none"> <li>• s 52A(3)(a) – under the influence of intoxicating liquor or of a drug</li> <li>• s 52A(3)(b) – at a speed dangerous to another person or persons</li> <li>• s 52A(3)(c) – in a manner dangerous to another person or persons</li> </ul> <b>Aggravated dangerous driving occasioning grievous bodily harm: offence under s 52A(4) of the <i>Crimes Act 1900</i></b>  <b>Causing grievous bodily harm etc: offence under s 54 of the <i>Crimes Act 1900</i></b>  <b>Wounding or grievous bodily harm with intent: offence under s 33 of the <i>Crimes Act 1900</i></b>  <ul style="list-style-type: none"> <li>• s 33(1) – intent to cause grievous bodily harm</li> <li>• s 33(2) – intent to resist arrest</li> </ul> <b>Reckless grievous bodily harm or wounding: offence under s 35 of the <i>Crimes Act 1900</i></b>  <ul style="list-style-type: none"> <li>• s 35(1) – reckless grievous bodily harm-in company</li> <li>• s 35(2) – reckless grievous bodily harm</li> <li>• s 35(3) – reckless wounding-in company</li> <li>• s 35(4) – reckless wounding</li> </ul>
Section 221D(1)(c)	an offence against section 51A (Predatory driving) or 51B (Police pursuits) of the <i>Crimes Act 1900</i>	Predatory driving: offence under <b>s 51A of the <i>Crimes Act 1900</i></b>  Police pursuits: offence under <b>s 51B of the <i>Crimes Act 1900</i></b>
Section 221D(1)(d)	an offence against section 117(1) (Negligent driving) which causes death or grievous bodily harm	Negligent driving occasioning death or grievous bodily harm: offences under <b>s 117(1) of the <i>Road Transport Act 2013</i></b>  <ul style="list-style-type: none"> <li>• s 117(1)(a) – negligent driving occasioning death</li> <li>• s 117(1)(b) – negligent driving occasioning grievous bodily harm</li> </ul>

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Section 221D(1)(e)	an offence against section 118(1) (Intentional menacing driving)	Menacing driving – intent to menace: offence under <b>s 118(1) of the Road Transport Act 2013</b>
Section 221D(1)(f)	an offence against section 52AB (Offence of failing to stop and assist after vehicle impact causing death or grievous bodily harm) of the <i>Crimes Act 1900</i> or an offence against section 146 of this Act that relates to an impact causing death or grievous bodily harm arising from the driving of a motor vehicle	<p>Failing to stop and assist causing death or grievous bodily harm: offence under <b>s 52AB of the Crimes Act 1900</b></p> <ul style="list-style-type: none"> <li>• Failing to stop and assist after vehicle impact occasioning death: an offence under s 52AB(1) of the Crimes Act 1900</li> <li>• Failing to stop and assist after vehicle impact occasioning grievous bodily harm: an offence under s 52AB(2) of the Crimes Act 1900</li> </ul> <p>Failing to stop and assist after impact occasioning death or injury: an offence under <b>s 146(1) of the Road Transport Act 2013</b> – provided it arises from driving a vehicle, and causes death or grievous bodily harm</p>