
Terms of Reference

In 1969, the Committee was asked to consider the need for legislation imposing driving disqualifications on persons who committed crimes involving the use of a motor vehicle.

Background of Reference

The reference arose from an increased recognition by police and the judiciary of the large role the motor vehicle had assumed in the commission of modern crime. Some members of the judiciary suggested that courts be empowered by a broad discretion to disqualify from driving a person who had used a vehicle in connection with the commission of a crime.

After considering the law in other jurisdictions, particularly where courts had the power to order disqualification, the Committee came to the preliminary conclusion that disqualification was ineffective both as a means of preventing crime and as a penalty. The Committee based this conclusion on three factors:

- (a) that a person intending to commit an offence is likely to ignore a driving disqualification or obtain another person to drive, thereby rendering disqualification ineffective as a deterrent;
- (b) that disqualification could unfairly burden some people more than others, particularly those whose livelihood depended upon retention of a driving licence; and
- (c) that because of the social significance of driving, deprivation of the ability to drive might diminish an individual's usefulness as a member of society.

The Committee released a working paper on the subject in March 1971 setting out the research and reasons for reaching its preliminary conclusion.

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