



Sentencing Guidelines Council

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Council Publishes Guideline for Courts dealing with Driving Offences Resulting in Death

Judges and magistrates are given a clear message that driving offences that result in death are serious offences and should receive appropriate sentences in a definitive guideline published today.

Lengthy custodial sentences are recommended by the Sentencing Guidelines Council for cases involving prolonged, persistent and deliberate bad driving or where drivers are intoxicated or under the influence of drugs.

The use of mobile phones is also treated robustly with the Council advising that if an offender was distracted by a hand-held mobile phone when the offence was committed the offence will be treated as particularly serious.

The Guidelines state that reading or composing text messages over a period of time whilst at the wheel will be likely to result in an offence being in the higher level of seriousness and offenders should serve up to seven years in prison.

Clear advice on driving bans is also given. Magistrates and judges are reminded that disqualifications are effective from the day that they are imposed and will only be of practical effect if they extend beyond the period that will be served in prison.

The definitive guideline covers four offences: causing death by dangerous driving, causing death by careless driving under the influence of alcohol or drugs, causing death by careless driving and causing death by driving: unlicensed, disqualified or uninsured drivers. The latter two offences were introduced by the Road Safety Act 2006 and will come into force on a date to be announced.

For the first three offences, judges and magistrates are advised they will need to assess how bad the driving was and the degree of danger that it created in deciding the level of seriousness. Other issues – largely related to the offender’s behaviour – are treated as aggravating factors.

The Sentencing Guidelines Council recommends that prolonged, persistent and deliberate bad driving and consumption of substantial amounts of drugs or alcohol should put offenders into the most serious category of **causing death by dangerous driving** and be given jail terms of at least seven years.

A combination of these features of dangerous driving – particularly if accompanied by aggravating factors, failing to stop or a very bad driving record - should attract sentences towards the maximum of 14 years.

In dealing with cases of **causing death by careless driving under the influence of alcohol or drugs** the guideline provides for longer sentences as the degree of intoxication increases, so that sentence levels equate to those for causing death by dangerous driving.

The Council recommends that **where death follows careless driving**, a custodial sentence of up to 3 years is likely, with higher sentences where there is a combination of aggravating factors. However, where the driving involved “momentary inattention” and there were no aggravating factors, an offender should be given a community sentence, which could include a curfew requirement.

Where **death results from an offence involving driving unlicensed, disqualified or uninsured**, the maximum sentence possible is two years. The level of seriousness will be based on why the offender should not have been on the road, with driving while disqualified being the most serious when the starting point is set at 12 months imprisonment.

In all cases fines are not likely to be appropriate and where non-custodial sentences are considered appropriate, a community order should be used.

Chairman of the Council Lord Phillips of Worth Matravers said: "Sentencing in cases where death results from the misuse of a car on the road are among the most difficult for judges and magistrates.

The harm is the greatest anyone can inflict – the death of a victim - but the level of culpability can range from a flagrant disregard of the safety of other road users to a terrible moment of inattention. This guideline is designed to support sentencers in making the very difficult decisions that face them in these cases."

Fellow Council member Chief Constable Peter Neyroud added: "This guideline complements a whole raft of changes in the way death on the road is dealt with – from police investigation to prosecution and finally to sentencing.

"The new offence of causing death by careless driving recognises the enormous level of harm caused by the offence. This has been welcomed by those representing the families and friends of victims.

"The impact of the guideline we have drawn up is that there will be more custodial sentences and community sentences where in the past offenders would almost certainly have received a fine for the same driving behaviour."

Notes to editors

The definitive guideline is available on the SGC website (www.sentencing-guidelines.gov.uk) along with a summary of consultation responses to the Council.

Printed copies may be obtained from: the Sentencing Guidelines Secretariat, 4th Floor, 8-10 Great George Street, London SW1P 3AE (tel: 020 7084 8130).

Further information about the Council and Panel can be found at <http://www.sentencing-guidelines.gov.uk/about/index.html>

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