



APPG Cycling & Walking Justice inquiry: Hit-and-Run

June 2023

Key points

- ‘Hit-and-run’ is a serious problem for active travel. Walkers are the most likely road user to be killed or seriously injured and cyclists the second most likely road user to be seriously injured, when a driver fails to remain at the scene of a collision.
- Fail to stop is a summary offence which applies to all collisions regardless of severity. This means the same charge applies whether someone has knocked off a wing-mirror, or left a victim seriously or fatally injured.
- Whilst fatal and ‘hit-and-run’ collisions should be high priority for the police, what constitutes good practice in investigation is unknown.
- There is no monitoring of the outcomes of fatal and serious injury ‘hit-and-run’ collisions. It is not known how often a driver is identified, prosecuted for leaving the scene or causing the collision. However, we are working with some police to try to pilot this.
- Victims of ‘hit-and-run’ are caused additional suffering due to the lack of humanity involved in knowingly leaving the scene. While, support is limited and inconsistent, and compensation takes longer to resolve.
- ‘Hit-and-run’ exemplifies what needs to change if active travel is to be promoted. This includes offences that recognise the harm involved, thorough investigations, better rights to information and support and fair and timely compensation for victims.

Background

In 2021, the DfT reported 80 people killed and another 2,132 seriously injured in crashes where the driver left the scene. (DfT, 2022). In ‘hit-and-run’ crashes, the person most likely to be killed or seriously injured is a person walking (65% deaths in 2020) and cyclists account for the second most common road user seriously injured in such crashes. In 2020, walkers and cyclists accounted for 65% of all those reported killed or seriously injured in ‘hit-and-run’ crashes.

Remain and Report is a campaign launched by Lucy Harrison, RoadPeace West Midlands Local Group Coordinator and Amy Aeron-Thomas, AVZ Traffic Justice Coordinator, to hold drivers to account for their decision to knowingly leave the scene of a fatal or serious injury collision. Lucy’s brother was killed in a ‘hit-and-run’, and several members of the West Midlands Local Group have also been bereaved in crashes where the driver tried to abscond. Amy had previously campaigned for ‘hit-and-run’ reform whilst at RoadPeace and knew it remained a critical justice gap and a key issue for walkers and cyclists. We are not the only ones campaigning on this issue and we hold regular meetings with bereaved families to share updates on campaigning.

We held a parliamentary event in January 2023 where MPs met with bereaved families – this was sponsored by Rachel Maclean MP. See our [briefing Holding hit-and-run drivers to account](#) and our [list of questions for MPs to ask](#).

Here we highlight the need for changes to our legislation but also for improvements with collision investigation and treatment of victims, including civil compensation.

Criminal prosecution

Our Remain and Report campaign has four key calls for legislative change.

Criminal charges. The current offence, Fail to stop, is a summary offence which must be laid within six months of the collision. The same offence applies to damage only collisions and to those involving death. We believe there should be new charges of Failing to remain at the scene of a fatal or serious injury collision. We suggest the sentencing should be similar to that of Causing death/serious injury by disqualified driving, at least for consultation purposes. Disqualification would be mandatory and lengthy in both cases.

Reduced reporting time. Drivers are to report a casualty collision to the police as soon as possible, but within a maximum of 24 hours. This was set in the 1988 Road Traffic Act – technology has advanced in the 35 years since. This time period allows impaired drivers to “sober up” before contacting the police. We are calling for a maximum two-hour reporting time.

Interim licence suspension. At present it is possible, but rare, for a driver to be given an interim driving ban after being arrested for causing a fatal or serious injury crash. This is devastating and unfathomable for bereaved families. We are calling for drivers arrested on suspicion of any motoring offence that carries a mandatory ban to face immediate licence suspension. This should be a licence condition and not require the involvement of the criminal courts, we do not believe this to be a human rights issue.

Appropriate terminology. There is nothing accidental about a driver choosing to leave a person seriously, if not fatally injured. Our call is for the new offences to refer to collision (or crash), not accident. Ideally this would apply to all road traffic legislation.

Collision investigation

Quality assurance. We have met with several police services, solicitors, and PCCs about our campaign. This includes the larger forces of MPS, West Midlands, Avon and Somerset. We have not found any that were able to prove they were demonstrating good practice with investigating fatal and serious ‘hit-and-runs’.

Outcomes. Nor were they able to provide information on the outcomes of their investigations—not how often they were able to identify the driver, do this in time for them to be drink drive tested, able to prove causation, etc. At the request of Mark Shelford, the Avon and Somerset PCC, we have drafted a list of key indicators to be monitored.

Treatment of victims

Rights. When does a family bereaved by a ‘hit-and-run’ qualify as a victim of crime? When the police prove the driver knowingly left the scene? When a driver is charged? This is not made clear in the MoJ’s Victims Code.

Support. PCCs have raised the problem of lack of funding to provide specialist support for families of those seriously injured. Whilst police provide Family Liaison Officers to bereaved families, not all are able to offer this for families of those suffering life-threatening injuries.

Civil compensation. There are different compensation procedures in cases where the driver has not been identified. In these, the Motor Insurer’s Bureau is in charge and cases can take much longer to resolve as there are not the same time restrictions.

Action Vision Zero calls

Criminal prosecution

1. **New charges.** Two new charges of Failing to remain at the scene of a fatal or serious injury collision should be introduced as soon as possible.
2. **Reduced reporting time.** The maximum time allowed to report a casualty collision should be reduced to two hours.
3. **Interim licence suspensions.** Driving licences are a permit, dependent on certain conditions. We believe these conditions should include not being under arrest for any serious motoring offence. This means driving licences would automatically be suspended after such an arrest.
4. **Appropriate terminology.** New legislation to refer to collision, not accident.

Collision investigation

5. **Good practice.** The NPCC should identify what good practice looks like with investigating fatal or serious injury collisions. This would include CCTV retrieval, drug driving testing, training, etc.
6. **Outcomes.** Police should report the outcomes of their 'hit-and-run' investigations so it is possible to know how often offenders are identified and sanctioned.

Treatment of victims

1. **Treatment of victims.** PCCs and police should err on the side of compassion and treat all victims of crashes as victims of crime, until the contrary is proven. This includes those bereaved or injured by a driver failing to remain at the scene of the crash. The Victims' Code should be revised or supplemented by more information on crash victims, including when they qualify as crime victims and information on civil compensation.
2. **Civil compensation.** Procedures should be revised with better treatment of victims

Note: This briefing was written by Amy Aeron-Thomas, Action Vision Zero Traffic Justice Coordinator and Lucy Harrison, RoadPeace West Midlands Local Group Coordinator.