



AVZ Blog (June 2021) Driving bans - underused and inconsistent

We know that active travel increased last year as did extreme speeding, with the Department for Transport (DfT) monitoring the former and police reporting the latter. And the DfT announced last week that cyclist deaths had jumped very substantially – by 40% (from 100 to 140 fatalities) in 2020. Now more than ever, our roads need to both be safe and feel safe, especially for people new to cycling. So how did the courts do with taking unsafe drivers off our roads?

Not good. To be fair, disqualifications¹ fell by 15% whilst prosecutions and convictions for motoring offences decreased by 27% (slightly less than the decline for total prosecutions which dropped by 30%). But driving bans remain used almost exclusively for those offences where they are legally required. Where magistrates had the discretion to impose a ban, they very rarely use it.

Of the 462,744 drivers convicted at court for motoring offences in 2020, only 60,200 (13%) were banned. Over five times as many had their driving licenses endorsed with penalty points (317,736). But of the bans given, 86% were for offences where they were mandatory.

It gets worse. New data from the Ministry of Justice (MoJ) reveals wide variation between courts in the share of drivers being banned. Here Action Vision Zero argues that driving bans are too few, too short and too inconsistent across the country. This is particularly important for speeding and careless driving, two key offences for reducing danger on our roads.

¹ These disqualifications are for individual offences and not totting up. This article is not about “hardship exemptions” which the Magistrates Association and Sentencing Council have addressed recently. Whether or not their revised guidance will have any difference is too early to see.

Speeding

Despite the reports of increases in extreme speeding during lockdown, only 2% of speeding convictions at court in 2020 resulted in a ban, the same as in previous years.

Speeding disqualifications at Court, by Police Force Area 2016-2020

	Sentenced					Disqualified					Disqualified %					
	2016	2017	2018	2019	2020	2016	2017	2018	2019	2020	2016	2017	2018	2019	2020	4 yr change
Avon and Somerset	6,081	5,844	7,061	5,620	4,348	82	120	106	96	95	1%	2%	2%	2%	2%	1%
Bedfordshire	3,602	3,511	3,419	4,162	2,715	51	53	72	41	25	1%	2%	2%	1%	1%	0%
Cambridgeshire	2,824	3,102	3,403	3,266	2,254	84	56	68	45	33	3%	2%	2%	1%	1%	-2%
Cheshire	4,322	4,926	5,425	3,536	3,984	58	56	85	48	57	1%	1%	2%	1%	1%	0%
Cleveland	575	789	793	825	573	7	12	9	19	10	1%	2%	1%	2%	2%	1%
Cumbria	1,909	1,947	2,312	1,779	1,648	76	52	55	45	41	4%	3%	2%	3%	2%	-1%
Derbyshire	1,619	1,239	1,174	1,859	1,192	30	36	19	36	14	2%	3%	2%	2%	1%	-1%
Devon and Cornwall	4,674	3,389	3,813	5,094	4,406	123	102	111	94	91	3%	3%	3%	2%	2%	-1%
Dorset	1,950	1,970	2,015	2,376	1,507	74	49	72	69	70	4%	2%	4%	3%	5%	1%
Durham	352	363	530	1,408	611	8	7	12	24	22	2%	2%	2%	2%	4%	1%
Dyfed-Powys	2,411	1,476	1,535	2,567	2,470	41	22	18	30	17	2%	1%	1%	1%	1%	-1%
Essex	6,227	5,935	6,605	7,482	4,698	238	232	162	73	73	4%	4%	2%	1%	2%	-2%
Gloucestershire	889	1,066	927	1,084	1,322	37	25	23	32	15	4%	2%	2%	3%	1%	-3%
Greater Manchester	5,123	4,916	5,850	5,023	2,521	67	74	69	60	49	1%	2%	1%	1%	2%	1%
Gwent	1,748	1,598	1,884	2,828	2,277	42	56	52	50	36	2%	4%	3%	2%	2%	-1%
Hampshire	4,258	4,015	4,424	4,201	4,604	181	151	193	142	68	4%	4%	4%	3%	1%	-3%
Hertfordshire	2,859	3,132	2,856	3,071	2,076	45	101	62	61	19	2%	3%	2%	2%	1%	-1%
Humberside	3,468	2,657	3,441	2,942	2,851	89	83	85	85	64	3%	3%	2%	3%	2%	0%
Kent	4,061	2,996	2,788	4,999	4,209	347	194	155	266	167	9%	6%	6%	5%	4%	-5%
Lancashire	6,027	5,024	6,490	7,523	6,503	86	95	54	79	45	1%	2%	1%	1%	1%	-1%
Leicestershire	2,225	2,476	2,365	2,679	2,269	53	70	56	47	43	2%	3%	2%	2%	2%	0%
Lincolnshire	3,741	3,838	3,869	3,777	5,737	54	64	42	73	22	1%	2%	1%	2%	0%	-1%
Merseyside	7,393	7,958	5,061	5,077	5,014	58	61	77	70	47	1%	1%	2%	1%	1%	0%
Metropolitan	14,399	18,476	20,029	20,038	17,341	354	530	589	420	276	2%	3%	3%	2%	2%	-1%
Norfolk	1,453	1,737	2,201	3,424	4,032	54	33	63	87	80	4%	2%	3%	3%	2%	-2%
North Wales	3,414	3,314	4,249	3,344	3,571	79	81	107	51	51	2%	2%	3%	2%	1%	-1%
North Yorkshire	4,008	5,411	5,493	5,816	4,394	130	114	119	116	90	3%	2%	2%	2%	2%	-1%
Northamptonshire	2,058	1,226	1,545	1,639	2,154	79	43	93	216	188	4%	4%	6%	13%	9%	5%
Northumbria	2,495	3,251	2,663	2,367	2,050	59	99	75	80	44	2%	3%	3%	3%	2%	0%
Nottinghamshire	6,583	4,347	4,927	4,365	4,108	83	75	92	57	59	1%	2%	2%	1%	1%	0%
South Wales	7,265	7,029	7,695	6,977	7,069	76	73	61	38	39	1%	1%	1%	1%	1%	0%
South Yorkshire	4,084	3,413	2,714	2,609	1,919	68	38	38	33	32	2%	1%	1%	1%	2%	0%
Staffordshire	4,842	2,427	3,433	3,505	2,987	132	143	121	179	139	3%	6%	4%	5%	5%	
Suffolk	1,374	1,576	2,305	2,719	3,142	64	35	37	37	50	5%	2%	2%	1%	2%	-3%
Surrey	3,268	2,205	2,040	1,962	1,291	121	54	180	193	65	4%	2%	9%	10%	5%	1%
Sussex	4,198	4,501	3,768	4,785	3,874	65	79	66	78	49	2%	2%	2%	2%	1%	0%
Thames Valley	9,839	7,482	5,889	6,086	5,800	300	312	264	235	191	3%	4%	4%	4%	3%	0%
Warwickshire	1,656	1,768	1,465	1,240	701	52	69	92	86	76	3%	4%	6%	7%	11%	8%
West Mercia	4,236	3,424	3,549	4,073	2,394	132	153	120	188	74	3%	4%	3%	5%	3%	0%
West Midlands	5,444	6,303	3,665	3,719	2,346	111	107	79	56	39	2%	2%	2%	2%	2%	0%
West Yorkshire	8,781	7,530	12,781	13,115	10,713	220	122	250	195	132	3%	2%	2%	1%	1%	-1%
Wiltshire	241	281	514	503	418	53	67	102	64	49	22%	24%	20%	13%	12%	-10%
England & Wales	167,976	159,868	168,965	175,464	150,093	4163	3998	4205	3994	2846	2%	2.5%	2.5%	2.3%	1.9%	-1%

Remember that the vast majority of the 150,000 drivers convicted of speeding at court will have been caught at such high speeds that a Fixed Penalty Notice or NDORS course was not allowed. This includes those going 50mph or more in a 30mph limit, an increase that can mean death or lasting disability to a pedestrian. Yet even at this speed, magistrates do not have to disqualify and can give six penalty points instead.

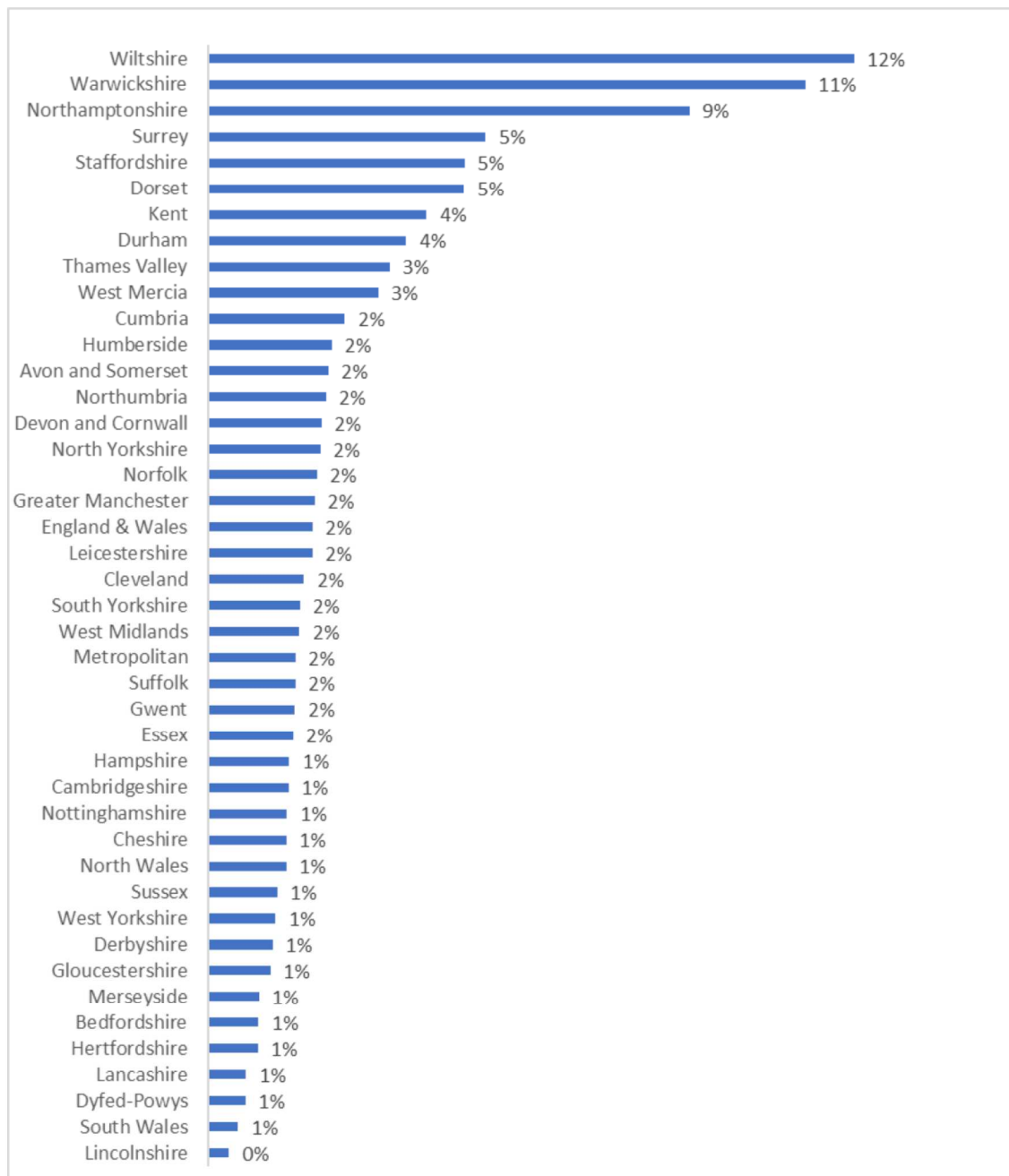
If they do disqualify, Magistrates Sentencing guidelines for speeding² suggest it be for 7-56 days . Guidelines do state that “*where an offender is driving grossly in excess of the speed limit the court*

² <https://www.sentencingcouncil.org.uk/offences/magistrates-court/item/speeding-revised-2017/>

should consider a disqualification in excess of 56 days”). This is less than two months. In 2020, over 95% of those banned for speeding were banned for under six months – this is the shortest time span reported by the MoJ. Only five drivers were banned for longer than one year - in all of England and Wales.

And there was a wide range across the country with the share of drivers being banned, as seen here:

Percent of Speed limit convictions at Court resulting in disqualification (2020)



Source: MoJ (2021) Motoring Tables

Wiltshire reported the highest share (12%) but this is influenced by the very low number of drivers prosecuted for speeding there. Warwickshire was second with 11%, followed by Northamptonshire (9%). At the other end of the spectrum were seven police areas where magistrates banned less than 1% of drivers convicted of speeding.

Careless driving

The ban rate was higher with careless driving (5%). But as with speeding, those convicted at court will involve the more harmful cases of careless driving. These include those resulting in serious injury or which started out as a dangerous driving arrest, with much overlap between the charging standards³ for careless and dangerous driving.

With careless driving⁴, Magistrates Sentencing Guidelines refer to three levels of seriousness. It is only the most serious, Category 1, with both high harm and culpability, where magistrates are advised to **consider** a disqualification. Unlike with speeding, no guidance is given on the length of the ban.

But the bans are short. Almost 60% are for six months or less. Just 10% are over one year.

Offenders directly disqualified from driving, England and Wales (2020)

Motoring offence	Offenders Endorsed Without Direct Disqualification (3)	Total Offenders Directly Disqualified (4)	Period of disqualification													Offenders Directly Disqualified with a Driving Test Requirement		Until driving test passed (6)
			Under 6 Months	6 Months to under 1 Year	Over 6 Months & under 1 Year	1 Year	Over 1 Year & Under 2 Years	2 Years & Under 3 Years	3 Years	Over 3 Years & Under 4 Years	4 Years & Under 5 Years	5 Years & Under 10 Years	10 Years & Over, Under Life	Life	Not known	Disqualified with a Driving Test Requirement	Disqualified with a Driving Test Requirement	
01. Causing death by dangerous driving	-	154	-	-	-	1	-	3	-	1	2	9	7	1	130	154	130	
02. Causing death by careless driving under influence of drink or drugs	-	19	-	-	-	-	-	-	-	-	1	1	-	-	17	19	17	
03. Causing death by careless or inconsiderate driving	8	103	-	-	-	25	15	8	4	2	-	-	-	1	48	45	39	
03a. Causing death by driving without due care / consideration while over prescribed limitspecified controlled drug	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
04. Causing death by driving unlicensed or uninsured drivers	-	2	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-	
04a. Causing death by driving whilst disqualified	-	1	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	
05. Causing death by aggravated vehicle taking	-	1	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	
06. Causing serious injury by dangerous driving	29	268	-	1	-	2	1	12	5	6	6	8	-	-	227	212	206	
07. Cause serious injury by driving whilst disqualified	-	7	-	-	-	-	-	2	0	0	1	0	0	0	4	4	4	
08. Causing bodily harm by furious driving	5	2	-	-	-	1	-	1	0	0	0	0	0	0	0	0	0	
09. Causing danger by interfering with a vehicle, road or traffic equipment	-	4	-	-	-	1	2	0	0	0	0	0	0	0	1	1	1	
10. Dangerous driving	-	3,454	3	3	12	312	267	252	66	92	41	28	5	5	2,368	3,454	2,368	
11. Driving with alcohol in the blood above the prescribed limit	55	26,540	14	5	2	5,076	13,946	3,369	2,320	1,186	403	166	10	-	43	82	15	
12. Driving with alcohol in the blood above the prescribed limit specified limit	28	12,935	5	-	-	8,275	2,285	614	1,506	102	94	30	3	-	21	28	11	
13. Other offences related to drink or drug driving caused death	1,506	5,618	241	229	57	1,379	1,738	808	746	152	174	65	5	1	25	32	11	
14. Using or causing others to use a handheld mobile phone whilst driving	2,555	13	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
15. Careless driving offences (excl. mobile phone offences)	7,368	442	121	141	30	103	28	11	3	-	2	-	1	-	2	11	2	
16. Failing to stop or provide information after accident	1,404	364	60	166	38	84	19	8	4	-	-	2	-	-	3	6	3	
17. Theft of a motor vehicle / aggravated vehicle taking	43	1,015	28	56	33	484	127	94	31	29	7	5	1	1	119	125	78	
18. Driving licence related offences	6,416	4,652	517	780	395	878	889	517	224	176	113	96	7	-	60	82	23	
19. Vehicle insurance offences	71,354	1,471	555	564	75	202	31	35	6	-	1	-	-	-	2	9	2	
20. Vehicle registration and excise licence offences	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
21. Work record and employment offences	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
22. Fraud, forgery, etc. associated with vehicle or driver records	2	3	-	1	-	2	-	-	-	-	-	-	-	-	-	-	-	
23. Defective vehicle parts	3,728	23	17	6	-	-	-	-	-	-	-	-	-	-	-	-	-	
24. Vehicle test offences	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
25. Speed limit offences	141,996	2,846	2,720	91	13	17	2	2	-	-	1	-	-	-	-	7	-	
26. Neglecting road regulations (other than speeding)	12,328	92	87	-	-	3	-	-	-	-	-	-	-	-	2	2	2	
27. Failing to supply information as to identity of driver when required	67,338	187	76	74	7	22	3	4	-	-	1	-	-	-	-	1	-	
28. Miscellaneous (other) motoring offences	540	3	-	3	-	-	-	0	0	0	0	0	0	0	0	0	0	
Total	316,734	60,239	4,455	2,122	662	16,870	19,353	5,738	4,915	1,746	846	411	40	9	3,072	4,274	2,912	

Source: MoJ (2021) Overview Tables

³ <https://www.cps.gov.uk/legal-guidance/road-traffic-charging>

⁴ <https://www.sentencingcouncil.org.uk/offences/magistrates-court/item/careless-driving-drive-without-due-care-and-attention-revised-2017/>

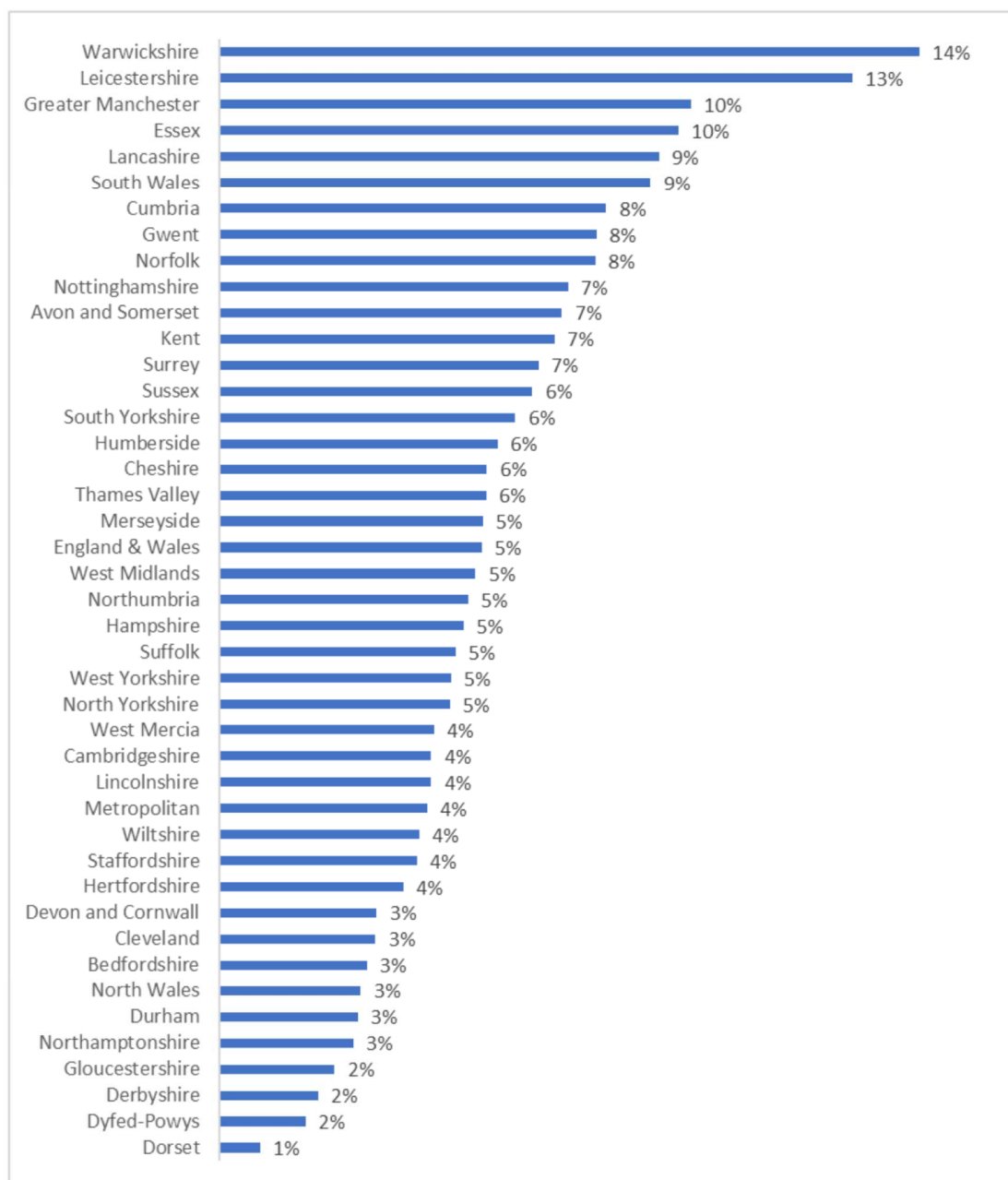
And again, there is wide variation across the country.

Careless driving disqualifications at Court, by Police Force Area 2016-2020

	Sentenced					Disqualified					Disqualified %					4 yr change
	2016	2017	2018	2019	2020	2016	2017	2018	2019	2020	2016	2017	2018	2019	2020	
Avon and Somerset	265	286	275	271	254	24	27	24	23	18	9%	9%	9%	8%	7%	-2%
Bedfordshire	156	131	97	109	131	16	9	7	12	4	10%	7%	7%	11%	3%	-7%
Cambridgeshire	196	177	156	141	137	10	15	13	10	6	5%	8%	8%	7%	4%	-1%
Cheshire	235	179	188	160	217	14	14	9	4	12	6%	8%	5%	3%	6%	0%
Cleveland	75	66	47	43	31	3	1	1	3	1	4%	2%	2%	7%	3%	-1%
Cumbria	144	125	144	116	75	16	10	5	7	6	11%	8%	3%	6%	8%	-3%
Derbyshire	188	182	144	180	196	20	16	14	13	4	11%	9%	10%	7%	2%	-9%
Devon and Cornwall	271	239	280	305	277	21	24	20	23	9	8%	10%	7%	8%	3%	-4%
Dorset	155	195	153	138	119	5	7	12	7	1	3%	4%	8%	5%	1%	-2%
Durham	82	97	73	77	70	4	11	4	5	2	5%	11%	5%	6%	3%	-2%
Dyfed-Powys	229	153	161	159	169	3	3	5	6	3	1%	2%	3%	4%	2%	0%
Essex	495	389	358	445	442	59	44	33	28	42	12%	11%	9%	6%	10%	-2%
Gloucestershire	63	62	53	54	42	5	2	1		1	8%	3%	2%	0%	2%	-6%
Greater Manchester	367	334	315	201	164	33	32	27	21	16	9%	10%	9%	10%	10%	1%
Gwent	100	90	79	129	141	12	10	6	14	11	12%	11%	8%	11%	8%	-4%
Hampshire	342	253	224	207	99	26	13	30	19	5	8%	5%	13%	9%	5%	-3%
Hertfordshire	243	238	170	209	158	10	12	15	13	6	4%	5%	9%	6%	4%	0%
Humberside	208	169	162	207	174	18	9	10	8	10	9%	5%	6%	4%	6%	-3%
Kent	137	167	146	235	130	30	22	15	26	9	22%	13%	10%	11%	7%	-15%
Lancashire	285	310	288	344	143	16	20	19	17	13	6%	6%	7%	5%	9%	3%
Leicestershire	97	82	111	131	84	13	6	17	22	11	13%	7%	15%	17%	13%	0%
Lincolnshire	250	255	220	237	160	9	14	14	17	7	4%	5%	6%	7%	4%	1%
Merseyside	216	234	202	202	202	11	10	13	13	11	5%	4%	6%	6%	5%	0%
Metropolitan	2,517	2,375	2,326	2,268	1,281	168	188	173	121	55	7%	8%	7%	5%	4%	-2%
Norfolk	235	222	234	254	193	8	12	13	14	15	3%	5%	6%	6%	8%	4%
North Wales	240	215	231	206	137	7	12	7	8	4	3%	6%	3%	4%	3%	0%
North Yorkshire	220	245	138	178	84	23	13	11	8	4	10%	5%	8%	4%	5%	-6%
Northamptonshire	247	221	204	193	181	21	15	12	9	5	9%	7%	6%	5%	3%	-6%
Northumbria	252	263	195	154	136	25	16	26	20	7	10%	6%	13%	13%	5%	-5%
Nottinghamshire	200	164	126	123	111	12	11	19	5	8	6%	7%	15%	4%	7%	1%
South Wales	172	156	162	167	157	17	15	21	13	14	10%	10%	13%	8%	9%	-1%
South Yorkshire	231	173	123	149	98	16	7	16	13	6	7%	4%	13%	9%	6%	-1%
Staffordshire	498	400	280	217	98	15	20	7	13	4	3%	5%	3%	6%	4%	1%
Suffolk	178	158	174	204	164	10	6	10	7	8	6%	4%	6%	3%	5%	-1%
Surrey	224	228	180	228	106	14	16	7	8	7	6%	7%	4%	4%	7%	0%
Sussex	245	304	198	232	139	15	21	17	22	9	6%	7%	9%	9%	6%	0%
Thames Valley	260	324	226	245	181	11	29	24	20	10	4%	9%	11%	8%	6%	1%
Warwickshire	277	210	201	80	69	6	10	7	5	10	2%	5%	3%	6%	14%	12%
West Mercia	315	290	225	152	203	10	12	9	10	9	3%	4%	4%	7%	4%	1%
West Midlands	513	494	405	423	491	60	34	41	27	26	12%	7%	10%	6%	5%	-6%
West Yorkshire	370	297	515	490	605	29	20	32	33	29	8%	7%	6%	7%	5%	-3%
Wiltshire	180	205	199	178	97	12	5	7	11	4	7%	2%	4%	6%	4%	-3%
England & Wales	12,173	11,357	10,389	10,441	8,146	857	793	773	678	442	7%	7.0%	7.4%	6.5%	5.4%	-2%

In Warwickshire, magistrates banned 14% of those convicted of careless driving, followed by Leicestershire (13%). This was much greater than Dorset where only 1% of careless drivers were banned or Derbyshire and Gloucestershire (2% banned). In Cleveland, Dorset and Gloucestershire, only one careless driver was banned in each of these areas in 2020.

Percent of careless driving convictions at Court resulting in disqualification (2020)



Source: MoJ (2021) Motoring Tables

Reform needed

At present it is essentially only those convicted of dangerous or drink/drug driving who are disqualified, and it is mainly the latter. Few sober drivers are banned, including those whose speeding could be deadly and whose driving borders on dangerous.

We need Magistrates Sentencing Guidelines to be updated and support the government's promotion of active travel. This means greater use of driving bans. Magistrates should be expected to impose a disqualification for the most serious categories of careless driving and extreme speeding. Any exemption should be conditional on the use of a speed limiter or journey data recorder. It should not take a dangerous driving conviction (which carries a 50:50 chance of a custodial sentence) before a sober driver is banned.

And more should be considered. Given the backlog in criminal courts aggravated by COVID, we need to be thinking about tougher out of court sanctions, including vehicle confiscations. The latter should not just be used with uninsured vehicles but also with drivers whose speed or carelessness threatens others.

AVZ wants to help local campaigners hold their Police and Crime Commissioners (PCCs) to account with reducing danger on our roads. As PCCs lead on local criminal justice partnerships, this should ensure that magistrates are better using their powers to get unsafe drivers off the roads.

We value transparency and give credit to the Ministry of Justice for improving their data. It is now possible to know how often driving bans are given by courts at the local level. This data used to be restricted to national level, i.e. England and Wales. They have provided the ban data for courts by police services going back to 2010.

AVZ is committed to increasing/improving the awareness of the detection and sanctioning of road traffic crime. We have analysed court statistics, including how causing death and serious injury is sentenced, and produced summaries of the prosecutions and convictions for motoring offences in each police service area. These will be sent to the respective Police and Crime Commissioners. If you would like to see the data on your police area, including on driving bans, contact [**amy@actionvisionzero.org**](mailto:amy@actionvisionzero.org).