

AVZ Briefing: Short sentences and motoring offences

22nd February 2024

Key points

- The UK government is legislating to [suspend custodial sentences of 12 months](#) and under, except for exceptional circumstances, e.g. risk of physical harm.
- Whilst very few motoring offences (less than 1%) involve a custodial sentence, [84% are for 12 months and under](#).
- With motoring offences, this change will affect:
 - the summary offences that have a maximum custodial sentence of six months, i.e. drink/drug driving, fail to stop, disqualified driving.
 - dangerous driving, as whilst it has a maximum custodial sentence of two years, over three quarters of the custodial sentences given are for 12 months or less (76%).
- AVZ welcomes the government responding to the evidence which shows custodial sentences have a higher reoffending rate and so are counter-productive. This adds to the case for much greater use of disqualification.

Short sentences

In 2023, the government announced its intention to legislate against the presumption of custodial sentences for 12 months or less. In the [Sentencing Bill](#), “the Government is to legislate to introduce a duty on the courts to suspend short sentences of 12 months’ custody or less”.

Why?

In their [Sentencing Bil Factsheet: Short Sentences](#), the government has stated that:

- *Our statistics show the shorter the prison sentence the more likely someone will go on to reoffend.*
- *More than half of offenders serving a sentence of less than 12 months go on to commit another crime. For those serving a sentence of six months or less it is 58%. Meanwhile, for offenders punished with Suspended Sentence Orders with requirements that are served in the community, the reoffending rate is 24%.*
- *The facts are clear – short prison sentences leave offenders stuck in a revolving door of re-offending.*

Impact on motoring offences

Very few motoring offences result in a custodial sentence (see Table 1). Fewer than one percent of those convicted at court for a motoring offence go to prison. But this policy change will affect the vast majority of them. Of the custodial sentences given for motoring offences, [84% were for 12 months or under in 2022](#).

Summary offences carry a maximum custodial sentence of six months. These include:

- Disqualified driving
- Drink/drug driving
- Fail to stop.

Disqualified driving accounted for 31% of custodial sentences given for motoring offences in 2022, whilst drink/drug driving related offences accounted for 18%. Fail to stop offences made up one half of a percent of custodial sentences for motoring offences.

Speeding, which accounts for more motoring offence court convictions than any other offence (35% total), does not have any custodial sentence possible.

Dangerous driving

Dangerous driving is the only motoring offence which accounts for many custodial sentences (30% total) and carries a longer maximum custodial sentence (two years).

But even with dangerous driving, over three out of four sentences are for 12 months or under (76%). So, this policy change has substantial implications for sentencing of dangerous driving as well.

See Figure 1 to see the share of dangerous driving custodial sentences for 12 months or under by magistrate area. In three areas (Wiltshire, Dyfed-Powys and Gwent) it is 100% whilst only in Durham is it less than half (48%).

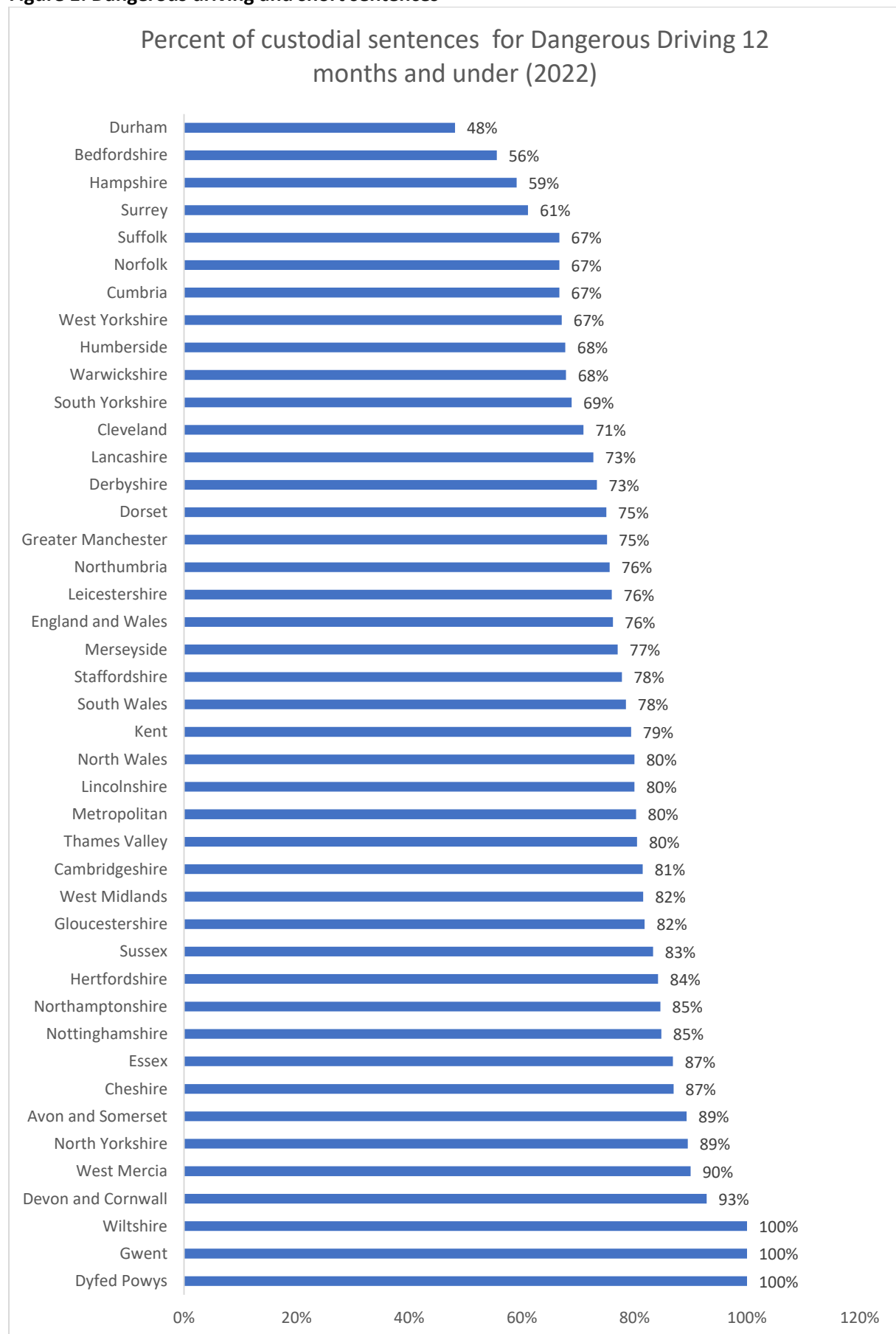
Table 2 shows the custodial sentence lengths given for dangerous driving by court area, with only 15 sentences given for the longest sentence possible, i.e. over 18 months-two years.

AVZ conclusion

This policy change is supported. Prison is costly and ineffective in terms of deterring re-offending. AVZ, along with many others, including Cycling UK, argued for the sentencing guidelines for Dangerous Driving to be widened with greater use of non-custodial sentences.

This shift should also strengthen the case for much greater use of disqualifications and for longer durations as well. But more will also be required from other non-custodial punishments, such as community sentences, to ensure the harm caused by dangerous and drink/drug drivers is sanctioned properly.

Figure 1: Dangerous driving and short sentences



Source: [MoJ \(2024\)](#)

Table 1: Custodial sentences given for motoring offences, England and Wales (2022)

	Up to and incl 1 month	Over 1 month and up to and incl 2 months	Over 2 months and up to and incl 3 months	Over 3 months and up to 6 months	6 months	Over 6 months and up to and incl 9 months	Over 9 months and up to 12 months	12 months	Over 12 months and up to and incl 18 months	Over 18 months and up to and incl 2 years	Over 2 years and up to and incl 3 years	Over 3 years and up to 4 years	4 years	Over 4 years and up to and incl 5 years	Over 5 years and up to and incl 6 years	Over 6 years and up to and incl 7 years	Over 7 years and up to and incl 8 years	Over 8 years and up to and incl 9 years	Over 9 years and up to and incl 10 years	Over 10 years and up to and incl 15 years	Total
Disqualified driving	147	501	432	623	25	1	1														1730
Dangerous driving	3	17	41	102	195	333	227	329	375	15											1637
Theft/taking of vehicle related offences	40	67	76	110	50	59	29	54	67	20	23	7	2	2	1						607
Drink driving	43	80	118	156	4			1													402
Failing without reasonable excuse to provide a specimen for a laboratory test or two specimens for analysis of breath if at the relevant time driving or attempting to drive a motor vehicle	31	94	115	91	2																333
Drug driving	62	67	55	70	1			1	1												257
Causing serious injury by dangerous				1	1	7	6	11	47	47	84	22	3	1							230
Causing death by dangerous driving									5	3	21	11	5	19	21	13	14	15	3	4	134
Causing death by careless or				3	1	12	2	1	7	4	1	1			1						33
Failing to stop after accident	1	7	7	12	1																28
Causing death by careless driving when under the influence of drink or									1		2	1	1	4	2	1	2	1			15
Being in charge of a motor vehicle and failing to provide a specimen for a laboratory test or two specimens for analysis of breath if at the relevant time driving or attempting to drive a motor vehicle	11	3																			14
All other offences	18	17	17	21	3	7	2	4	4	5	3	2	1	1	1	0	0	1	0	0	107
Total	356	853	861	1189	283	419	267	401	507	94	134	44	12	27	26	14	16	17	3	4	5527

Source: [MoJ \(2024\)](#)

Table 2: Dangerous driving custodial sentence lengths (2022)

Police Force Area	Up to and incl 1 month	Over 1 month and up to and incl 2 months	Over 2 months and up to and incl 3 months	Over 3 months and up to 6 months	6 months	Over 6 months and up to and incl 9 months	Over 9 months and up to 12 months	12 months	Over 12 months and up to and incl 18 months	Over 18 months and up to and incl 2 years	Not known	Total	Total imprisoned	% imprisoned	12 months and under	% 12 mo and under
Avon and Somerset			2	2	4	10	1	6	2	1	68	96	28	29%	25	89%
Bedfordshire			1	4		3	1	1	6	2	18	36	18	50%	10	56%
Cambridgeshire			2	3	3	6	4	4	5		30	57	27	47%	22	81%
Cheshire			2	1	4	5	1	7	3		41	64	23	36%	20	87%
Cleveland				4	6	4	3	5	9		55	86	31	36%	22	71%
Cumbria				1	3		3	1	4		33	45	12	27%	8	67%
Derbyshire				4	4	5	3	6	8		63	93	30	32%	22	73%
Devon and Cornwall					4	2	3	4	1		51	65	14	22%	13	93%
Dorset					1	1	1		1		15	19	4	21%	3	75%
Durham					2	1	3	7	14		25	52	27	52%	13	48%
Dyfed Powys					1						11	12	1	8%	1	100%
Essex		1		2	4	9	8	9	4	1	47	85	38	45%	33	87%
Gloucestershire				1	1	5		2	2		27	38	11	29%	9	82%
Greater Manchester	1	1	2	5	16	37	30	44	44	1	194	375	181	48%	136	75%
Gwent					2						5	7	2	29%	2	100%
Hampshire					3	6	2	2	9		36	58	22	38%	13	59%
Hertfordshire				1	2	7	3	3	3		37	56	19	34%	16	84%
Humberside				1	1	9	3	7	9	1	27	58	31	53%	21	68%
Kent		1	1	4	7	9		5	7		84	118	34	29%	27	79%
Lancashire		1	1	4	6	7	10	11	15		83	138	55	40%	40	73%
Leicestershire	1		3	1	4	4	4	2	6		39	64	25	39%	19	76%
Lincolnshire				1	3	1	3	4	3		15	30	15	50%	12	80%
Merseyside			4	6	7	11	11	8	14		70	131	61	47%	47	77%
Metropolitan		7	5	15	24	49	27	40	41		353	561	208	37%	167	80%
Norfolk		1			2	2	2	1	4		26	38	12	32%	8	67%
North Wales				3		2	2	5	3		30	45	15	33%	12	80%
North Yorkshire				1	6	6	3	1	2		23	42	19	45%	17	89%
Northamptonshire				1	1	2	1	6	2		45	58	13	22%	11	85%
Northumbria				1	8	6	6	10	10		88	129	41	32%	31	76%
Nottinghamshire		1		4	5	10	4	15	6	1	61	107	46	43%	39	85%
South Wales				4	9	23	8	18	16	1	95	174	79	45%	62	78%
South Yorkshire				3	7	9	11	12	17	2	70	131	61	47%	42	69%
Staffordshire		1	2	2	1	6	1	8	6		37	64	27	42%	21	78%
Suffolk		1				2	2	1	3		18	27	9	33%	6	67%
Surrey				1	1	5	4		7		32	50	18	36%	11	61%
Sussex			2	3	4	1	4	1	3		60	78	18	23%	15	83%
Thames Valley		1	3	1	4	10	5	9	7	1	73	114	41	36%	33	80%
Warwickshire			3	1	3	3	6	3	8	1	29	57	28	49%	19	68%
West Mercia		1	1	5	1	4	4	2	2		37	57	20	35%	18	90%
West Midlands			3	6	14	23	18	29	21		164	278	114	41%	93	82%
West Yorkshire	1		4	6	16	26	22	29	48	3	198	353	155	44%	104	67%
Wiltshire					1	2		1			32	36	4	11%	4	100%
England and Wales	3	17	41	102	195	333	227	329	375	15	2545	4182	1637	39%	1247	76%

Source: [MoJ \(2024\)](#)