



## Driving offence changes

July 2022 update

On 28<sup>th</sup> June, the changes to driving offences in the Police, Crime, Sentencing and Courts Act were introduced. Here Action Vision Zero (AVZ) summarises the Ministry of Justice's (MoJ) [Police, Crime, Sentencing and Courts Act-Driving Offences Impact Assessment](#).

### Key points

- Causing Death by Dangerous Driving and Causing Death by Careless Driving Under the Influence of Drink or Drugs had their maximum sentence increased from 14 years imprisonment to lifetime. This is to affect those currently receiving near the maximum (i.e. 9 years and 4 months and over).
- New charge of Causing serious injury by careless driving introduced. This is expected to result in 1150 convictions a year, with all receiving a driving ban and 400 imprisoned.
- These changes are expected to contribute to delivering justice for victims but the MoJ's Impact Assessment notes that the evidence for any deterrence effect is weak.
- The Sentencing Council is to consult on these changes and other key motoring offences this year.

### Causing Death by Dangerous Driving and Causing Death by Careless Driving Under the Influence of Drink or Drugs

- These two offences have their maximum custodial sentences increased from 14 years to lifetime
- There is no change in the minimum mandatory two year driving ban

This change will affect very few offenders—only those receiving near the maximum possible (9 years 4 months after an early guilty plea discount). Between 2015-2019, this was an average of 8 offenders a year, with an average custodial sentence length of 132 months (11 years). This change was estimated to result in a 37.5% increase in the custodial sentence lengths for these offenders./

### Causing Serious Injury by Careless Driving

- This new charge is an either-way offence which means the accused or the magistrates can request it be heard in the Crown Court.
- It has a maximum custodial sentence of two years and a minimum disqualification period of one year.

Based on the experience of dangerous driving, this charge is expected to apply in 9.5% careless driving prosecutions. The MoJ expects the following annual outcomes:

- 1150 convictions
- 400 imprisoned with an average custodial sentence length of 5.6 months

- 350 suspended sentences
- 350 community sentences, and
- 50 fines.

### **Costs**

The cost over ten years is estimated at £107 million, including

- Average annual cost per prisoner place of £49k
- One-off construction cost of new prison place at £250,000

### **Non monetised benefits (Impact on justice and deterrence)**

The government's impact assessment stated:

*Increasing the maximum penalty for this offence may contribute to providing justice for victims and their families and increased levels of public confidence in the justice system. Longer sentences could act as a deterrent, though evidence for the deterrent effect of longer sentences is weak.*

It referenced the Institute of Justice in the United States which states that deterrence is more influenced by the likelihood of detection and prosecution than the severity of penalty.

### **AVZ view**

Causing Death by Dangerous Driving now has parity with manslaughter, in terms of the maximum custodial sentence. But it does not have parity with how the bereaved families are treated.

Manslaughter is a homicide offence and bereaved families are offered the support of a homicide caseworker. This is a national funded programme and is not extended to families bereaved by law breaking drivers, even those who now face lifetime custodial sentence.

Re Causing Death by Careless Driving Under the Influence of Drink or Drugs, AVZ does not see the need to increase its maximum custodial sentence. If the driving is that criminal, then it should qualify as Causing Death by Dangerous Driving.

With the new charge of Causing Serious Injury by Careless Driving, AVZ sees two key benefits. It

- recognises the harm caused by careless driving and
- it results in more unsafe drivers being taken off the road.

But AVZ thinks the maximum custodial sentence should have been six months, similar to that of drink/drug driving. Driving that deserves a longer custodial sentence should qualify as dangerous driving. Worse cases of careless driving should result in longer disqualifications. AVZ will be arguing for this approach in the consultation on motoring offences which the Sentencing Council has just launched.

Source: [Ministry of Justice \(2022\), Police, Crime, Sentencing and Courts Act-Driving Offences Impact Assessment](#).