



Shakespeare Business Centre  
245a Coldharbour Lane  
London SW9 8RR

[info@roadpeace.org](mailto:info@roadpeace.org)  
[www.roadpeace.org](http://www.roadpeace.org)  
Tel: 020 7733 1603

## Causing death by driving (2010)

### Summary

The Ministry of Justice (MOJ) has published statistics summarising causing death by driving convictions for the second year in which the two new causing death by driving charges<sup>1</sup> were used. RoadPeace and CTC, and the Cyclist Defence Fund have been worried about how the new Causing Death by Careless or inconsiderate Driving was being used. The 2010 conviction statistics confirm our concerns were well founded with a large drop in the number of drivers convicted of Causing Death by Dangerous Driving (down 112) and an large increase in the number of drivers convicted of Causing Death by Careless or Inconsiderate Driving (up 160). In 2010, Causing Death by Careless Driving became the most common causing death by driving charge. It is not possible to know how many of these involved a guilty plea or an initial charge of Causing Death by Dangerous Driving.

### Introduction

In 2010, a total of 544 drivers were convicted of causing a death. This is an increase of 18% on the 461 drivers convicted in 2009. This was the second year the new charges of Causing Death by Careless or Inconsiderate Driving and Causing Death by Driving Whilst Unlicensed, Disqualified or Uninsured were used. As the comparison with 2009 shows, there has been a substantial change in how frequent these charges are used.

This briefing includes a summary of the convictions and conviction rate first and then the sentences incurred by those convicted of the four main causing death by driving charges:

- Causing Death by Dangerous Driving (175 convicted)
- Causing Death by Careless Driving Whilst Under the Influence (42 convicted)
- Causing Death by Careless Driving (253 convicted)
- Causing Death by Driving Whilst Unlicensed, Disqualified or Uninsured (68 convicted)

### Convictions

#### Causing Death by Dangerous Driving

Whilst 175 drivers were convicted of Causing Death by Dangerous Driving in 2010, another 99 were acquitted of the charge. The conviction rate was 64%. The number of drivers

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<sup>1</sup> Causing Death by Careless or Inconsiderate Driving and Causing Death whilst Driving while Unlicensed, Disqualified or Uninsured.

convicted of this charge decreased by 39% compared to the previous year with 287 convictions in 2009.

### **Causing Death by Careless Driving Whilst Under the Influence**

Some 44 drivers were convicted of causing a death by careless driving whilst impaired, with another 5 found not guilty. The conviction rate was 89%. With only 35 drivers convicted of this charge in 2009, this represents an increase of 20%. However, this is still less than one driver a week convicted of causing a death whilst impaired.

### **Causing Death by Careless of Inconsiderate Driving**

This was the most common causing death by driving charge in 2010 with a total of 253 drivers convicted. This charge can be heard in either the Magistrates Court or the Crown Court, if the driver chooses to be tried by a jury or the Magistrates believe it should be decided by the higher court.

At the Magistrates Court, 70 drivers were found guilty and 7 drivers had their charges withdrawn or dismissed. At the Crown Court, another 183 were found guilty and 99 were acquitted.

The 253 convictions represent a huge increase compared to in 2009 when only 93 drivers were convicted of this charge. This represents an increase of 172%. It is not possible to know how many of the convictions involved a guilty plea.

### **Causing Death by Driving Whilst Unlicensed, Disqualified or Uninsured**

This is another either way charge, and similar to the Causing Death by Careless Driving charge, the majority is heard in the Crown Court. Whilst 22 were convicted in the Magistrates Court and 3 had the charge withdrawn or dismissed, another 46 were convicted in the Crown Court and a further 11 were acquitted. The 68 drivers convicted of this charge in 2010 was over twice as many as the 32 convicted in 2009 (113%).

### **Other charges**

In addition to these four charges, another four drivers were convicted of the charge Aggravated Vehicle Taking. These cases refer to when a fatality occurs after a motor vehicle has been taken without permission. Around 10-15 drivers will also have been convicted of manslaughter.

### **Sentences**

#### **Causing Death by Dangerous Driving**

Of the 141 drivers sentenced for this charge (other 34 drivers convicted but not yet sentenced in 2010) sentencing when 2010 ended), 126 received a custodial sentence (89%), and another 12 received a suspended sentence. Two drivers were given community orders and one driver was fined. No driver was sent to a Young Offender's Institute.

Almost two-thirds of drivers convicted of this charge were given a custodial sentence of over three years, including 31% given over five years. Less than 1 in 20 (4%) were given a custodial sentence of under one year.

### **Causing Death by Careless Driving Whilst Under the Influence**

Of the 35 drivers sentenced, 34 (97%) received a custodial sentence whilst one driver was given a suspended sentence.

Over 70% were given custodial sentences of over three years with almost one in four (24%) given a custodial sentence of over five years. No drivers were given sentences of less than 12 months and only 6 (18%) were given sentences of between 12 and 24 months.

### **Causing Death by Careless Driving**

The most common sentence for this charge remains a community order with 78 drivers... Another 51 drivers were given suspended sentences and a total of 33 received a custodial sentence (12%). This is a big increase on the three drivers who were imprisoned for this charge in 2009 but it is to be expected if the increase in convictions was due to more borderline cases being charged with only Causing Death by Careless Driving.

Amongst those drivers convicted in the Magistrates Court, only 6% were given a custodial sentence compared to 20% of drivers convicted of this charge who were sentenced in the Crown Court.

The longest prison sentence given was for between three to five years and another two drivers were imprisoned for between two to three years. The most common custodial sentence was for under one year with half of all drivers imprisoned for Causing Death by Careless Driving receiving this. Another 42% were given between one and two years in prison.

### **Causing Death by Driving Whilst Unlicensed, Disqualified or Uninsured**

Of the 27 drivers sentenced, 14 were imprisoned and another two were given a suspended sentence. Ten drivers received a community order and one driver was fined.

Over half of those drivers sentenced in the Crown Court received a custodial sentence (52%), compared to only 6% sentenced at the Magistrates Court.

Almost all drivers imprisoned for this charge were given prison sentences of under one year (94%) with only one driver getting a longer sentence (between one and two years).

**Source:** All data is from the Ministry of Justice (2011)

**Note: This briefing has been funded by a grant from the Network for Social Change which is supporting RoadPeace's work to increase the transparency and accountability around criminal prosecution of motoring offences**