

RoadPeace

the national charity for road crash victims
supporting crash victims reducing road danger



Victim surcharge and speeding

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The £15 Victim Surcharge should be extended to speeding drivers, on the assumption that road crash victims would benefit, unlike the current situation.

Much, if not most, of the money raised by the Victim Surcharge already comes from law breaking motorists. Some 200,000 motorists are fined each year for offences such as drink driving, careless driving and licence offences. Yet none of this money has been invested in improving support services for road crash victims.

It gets worse. Road crash victims are already discriminated against by the justice sector in that they are treated as victims of accidents and do not receive the same basic support services as do other victims of crime. Those injured in crashes are excluded from Victim Support's mandate and from the Ministry of Justice's Code for Victims. If you are injured in a crash by a drink driver you do not receive the same support as if you had your mobile phone snatched.

Victims of crashes deserve support services and who better to pay than law breaking motorists. Why should law abiding tax payers, many of whom respect speed limits or do not even own a car, pay this cost when it has been caused by criminal behaviour?

Amy Aeron-Thomas, Executive Director

Since it was first proposed, RoadPeace has argued that the victim surcharge should be extended to all speeding penalties with road crash victims benefiting along with other victims. We have also called for Victim Support's mandate to be extended to include victims of crashes, both bereaved and injured, who should be treated as victims of crime until it is proved that no crime was involved.

When there was hypothecation with safety camera fines ringfenced for safety measures, we called for fines to be shared with emergency services and trauma rehabilitation clinics, as in other countries, in an attempt to remind law breaking drivers of the consequences of their actions.

Know the facts: Victim surcharge and speeding drivers

As with many road safety discussions, there seems to be more emotion than evidence leading to a debate flawed with inaccuracies and inconsistencies.

1. **Who pays the surcharge?** Introduced in April 2007, the £15 victim surcharge applies to all fines, including fixed penalties. But to date, it has only been applied to those who are fined by a court. Although the founding legislation allowed for it to be imposed on fixed penalty notices, the explanatory note states that the surcharge should only apply where the offences were **persistent and serious**.
2. **Who benefits from the Victim Surcharge?** The money does not go directly to victims of crime, but to support programmes for victims. This includes funding independent domestic violence advisors and strengthening witness care units in courts.
3. **Law breaking motorists already pay.** The latest statistics show that in 2006, almost 200,000 drivers were fined in court in for such offences as drink driving (64k), careless driving (23k) and licence offences (98k) (MOJ 2008). They will have paid the Victim Surcharge.
4. **How much has it raised?** In the two years of operation, it has raised £7 million. It was expected to raise much more (£16 million). If all drivers fined by the courts paid the Victim Surcharge, this would amount to at least £3 million a year. Thus, much, if not most, of the Victim Surcharge is from law breaking motorists.
5. **But no real benefits for road crash victims.** The majority of the money raised by the Victim Surcharge comes from driving offences. Yet apart from paying for the guide given to bereaved families after a fatal crash, none of the money has been allocated to help road crash victims. Instead it has gone to improve the support services for victims of sexual and domestic violence, murder and manslaughter.
6. **Only crimes with victims pay the surcharge? Wrong.** Some, including the Automobile Association, have argued that the Victim Surcharge is only justified if there is a victim. Yet many of those already paying the Victim Surcharge have not caused physical injury to anyone. Take drink driving for instance. The Department for Transport (DfT) has reported that there were 14,0200 reported casualties from drink driving but over 64,000 were fined for drink driving (DfT 2009, MOJ 2008). Thus three out of four drink drivers fined did not cause any physical injury to anyone but still had to pay the Victim Surcharge.
7. **Speeding--a victimless crime?** Speeding drivers account for over 3 times as many deaths as from stabbings and over 15 times as many deaths as from gun crime (MOJ, 2008). But drink driving and exceeding the speed limit is like carrying a knife - no-one may be injured by just the act itself, but the risk for injury is dramatically increased. However speeding is a much more common and deadlier problem.

There are also many who are not injured but are intimidated by speeding drivers, with this affecting their daily life. This includes all those too scared to cycle because of speeding

drivers and the many school children who are driven to school by their parents, because of their fear of speeding drivers. The government's definition of violent crime and domestic violence does not require physical injury to have occurred, just the threat of physical injury. Speeding, particularly in urban areas, should qualify as a violent crime by this definition.

8. **Unfair or beneficial to motorists?** We should also remember who these road crash victims are. The majority are motor vehicle occupants. Drivers and their passengers will benefit from this move, if the money goes to road crash victims.

Law abiding motorists are not fined. Less than 10% of motorists each year pay a speeding fine. There are over 30 million motorists, some 3 million fined but the number of fines paid will be less than 2.5 million.

Let's get the terminology correct. All muggers are pedestrians but not all pedestrians are muggers. So too should we refer specifically to law breaking motorists, and not drivers in general.

9. **Funding gap or Equity gap?** Revenue raising or self financing? This move would help close the equity gap between victims of crashes and those of other crimes. Road crash victims are excluded from Victim Support, the ~~independent~~ charity that receives over £30 million a year from government. There is no government funded helpline for road crash victims and the RoadPeace helpline often receives referrals from Victim Support.

10. **Increased deterrence.** Lastly, it should not be forgotten that an increased fine should serve as a deterrent to speeding. Increased deterrence is needed with speeding being the most common crime and one that has a low penalty. Penalties for bus lane violations and parking fines in urban areas are much greater than speeding fines, especially if not paid promptly or if towing is involved. There is also no increase in the penalty for repeat speeding offences, unlike with other crimes such as drink driving.