



Shakespeare Business Centre
245a Coldharbour Lane
London SW9 8RR

info@roadpeace.org
www.roadpeace.org
Tel: 020 7733 1603

Driving bans given at court, England and Wales (2018)

Key points

- Whilst driving bans rose by 9% from 2017, this increase is due to the introduction of one offence
- The long term trend of bans being rare and becoming rarer continues. Since 2008, they have dropped by 54% whilst motoring offence convictions only decreased by 3%.
- Most bans given are for offences where bans are mandatory, including
 - 70% bans are for drink/drug driving, with over half for drink driving
 - 6% bans are for dangerous driving
- Where bans are discretionary, they are very rarely used and this is worsening
 - Only 2% of drivers convicted at court for speeding are banned, down from 5% in 2008.
- If bans were still given at the same rate as 2008, another 17,000 drivers would have been taken off our roads in 2018.
- Driving bans are rarely long. Only five lifetime driving bans were given last year, and another 35 were banned for 10 years and over but less than life. The most common ban duration reported was for between one year and under two years., which accounted for 1/3 of all bans.

RoadPeace calls

The justice system needs a rethink on driving bans. They are a punishment that truly fits the crime. Driving is a restricted activity, not a right, and a license should be withdrawn when it has been misused. RoadPeace continues to call for much greater use of driving bans. This includes short and long bans, and lifetime for the worst offenders.

- Lifetime bans. Causing death by dangerous driving and Causing death by careless driving whilst under the influence should incur a lifetime ban.
- Longer. The Sentencing Guidelines should recommend longer driving bans for the more serious offences.
- Short. With summary offences, even short bans, if given frequently, should deter law breaking. Where a serious injury has resulted by careless driving or using a mobile phone, driving bans should be given.

Drivers arrested on suspicion of any offence that carries an obligatory ban should be banned immediately. This should be a driving license condition, not a sentence imposed before a conviction.

Judges need to be trained upon the importance of driving bans as a deterrent. Where bans are obligatory, exceptions should only be allowed with the fitting of a speed limiter or journey data recorder. And when offenders are requesting early return of their license, victims should be consulted, as they are with early release from prison.

Introduction

In 2018, over 691,000 drivers were prosecuted at court for motoring offences in England and Wales. Over 89% were convicted. Of these 559,000 offenders, 63,342 were disqualified from driving (11%). In comparison, 94% were fined and 1% were sent to prison. For every driver banned at court, another six were just given penalty points (MoJ, 2019).

For the courts, bans remain peripheral, used mainly for a small group of offences for which they are obligatory, and not always then. Moreover, the proportion of drivers receiving bans has continued to decline over the last decade.

Which offences result in the most bans

Causing death by driving offences (nearly) always result in a ban, these offences account for only 0.5% of all bans. Most common are drink driving offence categories, see Figure 1. Bans for *Driving with alcohol in the blood above the prescribed limit* make up over half the overall total.

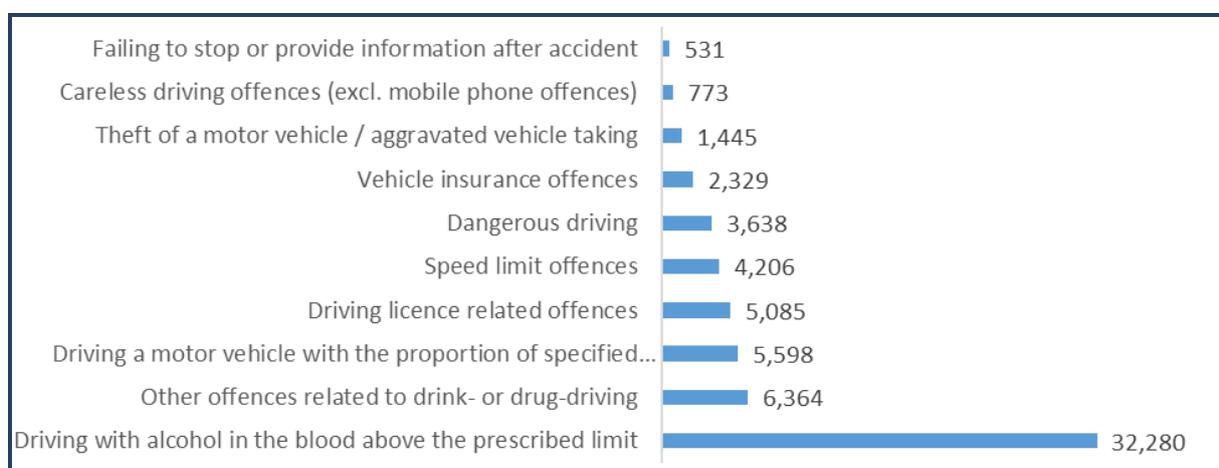


Figure 1 Motoring offences with the most disqualifications, 2018

Ban duration

Figure 2 shows the distribution of bans, with over 75% are between one and three years, reflecting the relatively longer bans for drink-driving offences. There are very few very long bans, only five for Life and 35 for 10 years or more (but not life). Bans under six months are mainly for speeding.

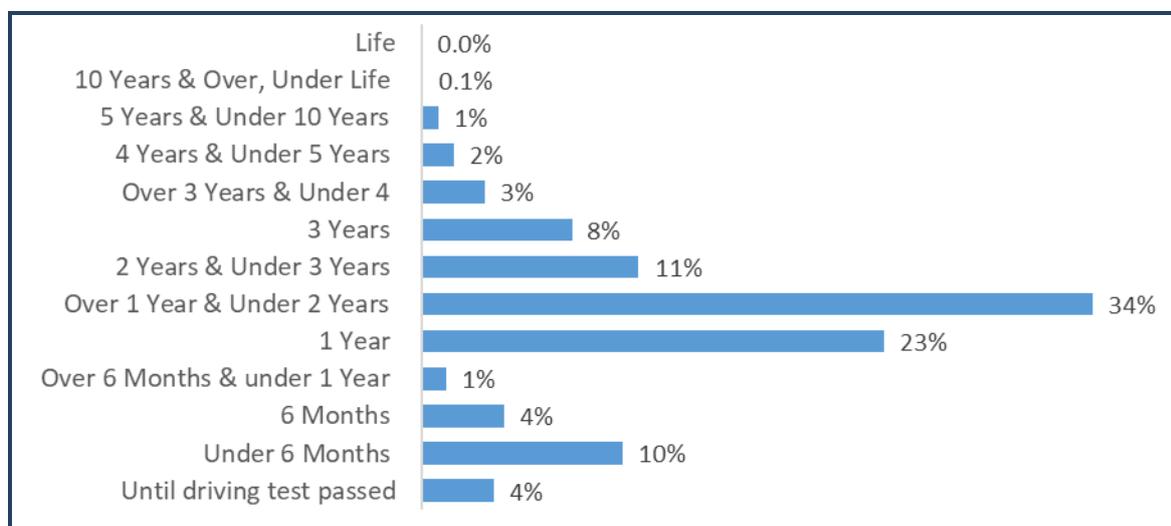


Figure 2 Distributions of ban durations, all offences, 2018

Changes since 2017

There has been a small increase in the total number of motoring prosecutions in the last year, rising by 21,000 (3%) to just over 691,000. The number of drivers banned increased 9%, by 5,243 to 63,342, see Appendix 1.

The new total cannot be seen as the start of a new trend. Total disqualifications, dropped from over 155,000 in 2005 to around 65,000 in 2013 (MoJ, 2016) and have fluctuated only slightly since, see Figure 3 below (MoJ, 2019). The new total is within this range. Moreover, the change in bans since 2017 is almost entirely attributable to *Driving a motor vehicle with the proportion of specified controlled drug above specified limit*. This is a relatively new offence, where findings of guilt increased by 4,584 in 2018 and nearly all (98%) of those sentenced are banned.

Long term trends in disqualifications

Between 2008 and 2018, the number of disqualifications given by the courts fell from over 112,000 to just over 63,000 (MoJ, 2019).

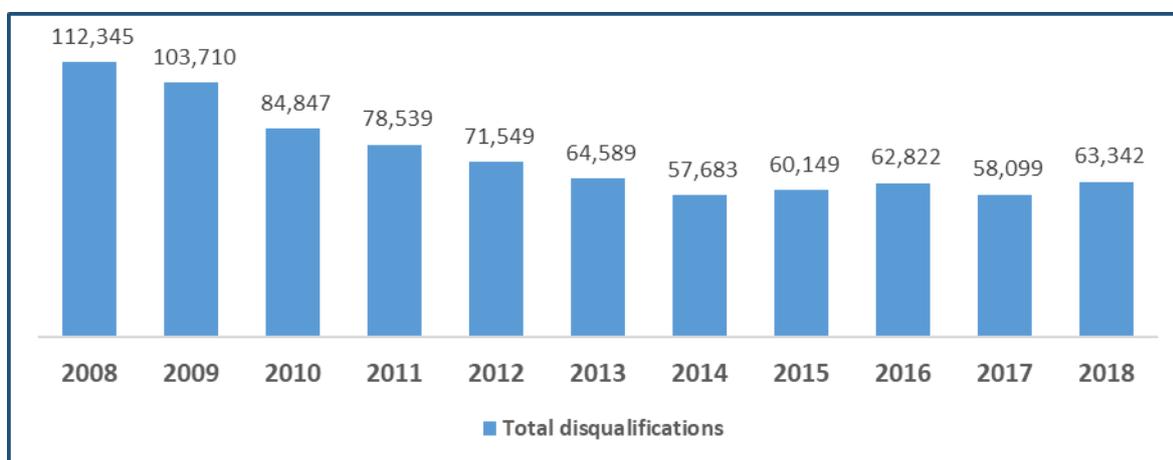


Figure 3 Disqualifications for motoring offences, 2008-18

Part of the fall is due to a 3% reduction in the number of motorists being found guilty at court, down from 640,000 to 619,000, in the same period, see Appendix 2. But bans are down (54%), much more than this. The overall ban rate has fallen from 18% to 10%: In 2008, one motorist in five sentenced in court was banned; in 2018, it was one in ten.

The decline in both the number of bans and the proportion of motoring offences that result in a ban is explained by two sets of changes:

- The shifting balance between different offences within the overall total
- Decline in the ban rates for certain key offences

Details of statistics on all motoring offences are in Appendix 1 and Appendix 2. Eleven key offences accounted for all but a thousand of the 63,342 bans given at court. Table 1 how numbers sentenced, bans and ban rates changed between 2008 and 2018.

Table 1 Offences accounting for greatest number of bans, 2008 and 2018

Offence/Offence Group	2018			2008			Difference from 2008		
	Banned	Sentenced	Ban Rate	Banned	Sentenced	Ban Rate	Banned	Sentenced	Ban Rate
Driving with alcohol in the blood above the prescribed limit	32,280	33,693	96%	61,265	62,646	98%	-28,985	-28,953	-2%
Other offences related to drink- or drug-driving	6,364	8,708	73%	8,974	10,521	85%	-2,610	-1,813	-12%
Driving a motor vehicle with the proportion of specified controlled drug above specified limit	5,598	9,728	58%	0	0		N/A	N/A	N/A
Driving licence related offences	5,085	14,781	34%	9,661	39,879	24%	-4,576	-25,098	10%
Speed limit offences	4,206	168,967	2%	6,690	122,509	5%	-2,484	46,458	-3%
Dangerous driving	3,638	3,638	100%	3,663	3,664	100%	-25	-26	0%
Vehicle insurance offences	2,329	149,299	2%	14,445	146,797	10%	-12,116	2,502	-8%
Theft of a motor vehicle / aggravated vehicle taking	1,445	3,593	40%	4,227	9,210	46%	-2,782	-5,617	-6%
Careless driving offences (excl. mobile phone offences)	773	10,389	7%	1,238	15,679	8%	-465	-5,290	0%
Failing to stop or provide information after accident	531	2,918	18%	538	4,254	13%	-7	-1,336	6%
Sub-total	62,249	405,714	15%	110,701	415,159	27%	-48,452	-9,445	-11%
Total All Offences	63,342	619,242	10%	112,345	639,840	18%	-49,003	-20,598	-7%

Source: MoJ (2019)

Bans and ban rates in 2018

Drink and drug driving offences are the three most important, with a combined share of 70%:

- Over half of all bans (32,280, 51%) were for one offence, *Driving with alcohol in the blood above the prescribed limit*.
- *Other offences related to drink- or drug-driving* (6,364, 10%)
- *Driving a motor vehicle with the proportion of specified controlled drug above specified limit* (5,598, 9%)

Ban rates - the percentage of those sentenced that are banned is high for all three offences, though it is only mandatory for the first.

Other offences contributing significantly to the total include:

- *Dangerous driving*, with few sentenced (3,638) but a high ban rate (100%)
- *Speed limit offences*, with many sentenced (149,299) but a low ban rate (2%)
- Each accounted for a similar percentage of the overall total.

Changes since 2008

The overall drop in bans from 2008 (down 48,452, 44%) is a product of what happened for the individual offences. As noted above, the introduction in 2015 of the offence *Driving a motor vehicle with the proportion of specified controlled drug above specified limit* added to total bans. The other offences all saw ban reductions, either due to the numbers sentenced or due to a reduction in the ban rate or both, see last three columns of Table 1 above.

Decline in both numbers sentenced and the ban rate

- *Driving with alcohol in the blood above the prescribed limit* (bans down 28,985, 47%): this was very largely a reflection of the fact that the numbers sentenced almost halved, though there has also been a small reduction in the ban rate from 98% to 96%.
- *Other offences related to drink- or drug-driving* (bans down 2,610, 29%): there was smaller relative drop (17%) in the numbers sentenced but the ban rate also dropped from 85% to 73%.
- Theft of a motor vehicle / aggravated vehicle taking (bans down 2,782, 66%). Sentenced down 61%. Ban rate down 6%.
- Careless driving offences (excl. mobile phone offences) (bans down 465, 38%). Sentenced down 34%. Ban rate down marginally.

Numbers sentenced and ban rates move in opposite directions

- *Speed limit offences* (bans down 2,484, 37%): Despite the 38% increase in the numbers sentenced, the decrease in the ban rate from 5% to 2% more than offset this.

- *Vehicle insurance offences* (bans down 12,116, 84%): The small increase in the numbers sentenced was more than offset by the decline in the ban rate from 10% to 2%
- *Driving licence related offences* (bans down 4,576, 47%). Sentenced down 63%. Ban rate up 10%.
- *Failing to stop or provide information after accident* (bans down 7, 1%). Sentenced down 31%. Ban rate up from 13% to 18%.

No significant change

- *Dangerous driving* (bans down 25, 1%). Sentenced down 1%. Ban rate unchanged.

RoadPeace discussion

Driving bans are an important sanction for traffic law enforcement and traffic justice. They underscore the fact that driving is a licenced activity, not a right. Yet bans have been used less and less frequently. A decline in bans due to an improvement in driving standards would be welcome. However, there is good reason to believe that much of the drop in driving bans between 2008 and 2018 was the result of either:

- a decline in prosecutions, that can be linked to reduced enforcement capacity, or
- a reduced willingness of magistrates to give disqualify drivers.

At the heart of the reduction in sanctions is the decline in breath tests, which have dropped nearly 50% since their peak in 2009 (Home Office, 2018). These directly underpin the decline in prosecutions and bans for drink-drive offences.

They also indirectly underpin many of the driving licence related bans. Because drink drivers account for most of the bans and these bans are long, these drivers now make up approximately 80% of those with a current ban from court at any one time. Drink-drive prosecutions are therefore the main determinant of the size of the pool of banned drivers, i.e. those who could be banned again for driving without a license.

The decline in breath tests reflects the capacity of traffic police, which has been eroded by a decline in traffic officer numbers and the frequent diversion of those that remain to other activities (Hymas & Kirk, 2018). So, this decline in bans should be seen as a symptom of wider problems.

The reduction in ban rates, on the other hand, is of direct concern in itself. If the ban rates had remained unchanged from 2008, there would have been 17,000 (28%) more bans in 2018.

The largest decline in ban rates (from 10% to 2%) was for the group of vehicle insurance related offences. Over the period, there was a shift between offences within this group - *Using motor vehicle uninsured against third party risks* declined from nearly 100% to 60% of the total as the new offence *Keeping vehicle which does not meet insurance requirements* became more common (MoJ, 2019). But, this could explain no more than half of the drop in the ban rate for the group.

The change where this has had the largest impact road danger is speeding. As RoadPeace has argued in detail before (RoadPeace, 2016), the worst speeders are prosecuted at court, as they are ineligible for an FPN fine or attendance of an NDORS course. This can be because they are repeat offenders or simply driving above the speed limit by too wide a margin. Many would therefore be at medium or high level of seriousness, where disqualification is an option (Sentencing Council, 2018). In 2008, one speeding motorist in 18 taken to court was being disqualified. In 2018, this had fallen to one in 40.

Justice Campaign Briefing

Appendix 1 Offenders directly disqualified from driving at all courts, 2008-18

Motoring offence	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Change 2008-18
Causing death by dangerous driving	221	233	158	113	113	107	120	121	154	191	157	-64
Causing death by careless driving under influence of drink or drugs	46	35	41	35	22	29	24	21	32	22	21	-25
Causing death by careless or inconsiderate driving	4	67	193	192	198	168	137	137	190	161	162	158
Causing death by careless driving while over prescribed limit - specified controlled drug	-	-	-	-	-	-	-	-	-	-	-	-
Causing death by driving unlicensed or uninsured drivers	-	9	16	16	8	8	1	1	2	3	5	5
Causing death by driving whilst disqualified	-	-	-	-	-	-	-	-	-	-	-	-
Causing death by aggravated vehicle taking	4	8	5	5	3	6	1	2	-	-	2	-2
Causing serious injury by dangerous driving	-	-	-	-	-	5	144	217	252	306	304	304
Cause serious injury by driving whilst disqualified	-	-	-	-	-	-	-	2	1	2	4	4
Causing bodily harm by furious driving	3	4	1	5	3	1	3	1	2	1	2	-1
Causing danger by interfering with a vehicle, road or traffic equipment	-	1	3	-	-	1	2	2	-	4	1	1
Dangerous driving	3,663	3,376	3,025	2,787	2,655	2,480	2,517	3,076	3,536	3,826	3,638	-25
Driving with alcohol in the blood above the prescribed limit	61,265	59,110	49,580	46,890	43,966	39,799	35,125	34,986	35,045	32,316	32,280	-28,985
Driving a motor vehicle with the proportion of specified controlled drug above specified limit	-	-	-	-	-	-	-	1,422	1,994	61	5,598	5,598
Other offences related to drink- or drug-driving	8,974	8,280	2,699	2,688	5,054	6,307	5,920	6,149	6,720	6,306	6,364	-2,610
Fail to give permission for a laboratory test on a blood specimen having caused death	-	-	-	-	-	-	-	-	-	-	-	-
Using or causing others to use a handheld mobile phone whilst driving	325	258	268	214	138	61	39	33	22	23	1	-324
Careless driving offences (excl. mobile phone offences)	1,238	1,237	1,007	895	854	795	716	776	857	793	773	-465
Failing to stop or provide information after accident	538	671	557	516	486	444	376	446	509	498	531	-7
Theft of a motor vehicle / aggravated vehicle taking	4,227	4,063	3,145	3,153	2,700	2,241	1,914	1,934	1,962	1,755	1,445	-2,782
Driving licence related offences	9,661	8,569	6,750	5,742	5,017	4,468	3,639	3,573	4,446	4,792	5,085	-4,576
Vehicle insurance offences	14,445	10,614	7,095	6,035	4,526	3,698	3,012	2,505	2,472	2,579	2,329	-12,116
Vehicle registration and excise licence offences	8	4	9	5	3	-	-	-	-	-	-	-8
Work record and employment offences	1	-	1	-	1	-	1	-	-	-	-	-1
Fraud, forgery, etc. associated with vehicle or driver records	9	13	2	7	7	2	3	4	3	6	3	-6
Defective vehicle parts	95	110	99	95	61	62	52	34	20	19	22	-73
Vehicle test offences	6	2	1	4	-	5	1	-	-	1	-	-6
Speed limit offences	6,690	6,363	9,574	8,707	5,325	3,599	3,622	4,267	4,163	3,999	4,206	-2,484
Neglecting road regulations (other than speeding)	349	279	299	201	188	93	76	213	149	146	174	-175
Failing to supply information as to identity of driver when required	434	237	148	218	201	186	215	215	279	274	230	-204
Miscellaneous (other) motoring offences	139	167	171	16	20	24	23	12	12	15	5	-134
Total	112,345	103,710	84,847	78,539	71,549	64,589	57,683	60,149	62,822	58,099	63,342	-49,003

Source: Criminal Justice system statistics quarterly: December 2018, Overview Tables, Table A6.5A

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/802323/overview-tables-dec-2018.ods

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Appendix 2 Offenders sentenced at all courts, by motoring offence, 2008 to 2018

Motoring offence	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Change 2008-18
Causing death by dangerous driving	221	233	158	115	116	110	123	122	157	191	157	-64
Causing death by careless driving under influence of drink or drugs	46	35	41	35	23	29	25	21	32	22	21	-25
Causing death by careless or inconsiderate driving	4	73	236	232	224	199	164	173	226	187	184	180
Causing death by careless driving while over prescribed limit - specified controlled drug	-	-	-	-	-	-	-	-	-	-	-	-
Causing death by driving unlicensed or uninsured drivers	-	10	22	18	15	12	1	2	5	3	8	8
Causing death by driving whilst disqualified	-	-	-	-	-	-	-	-	-	-	-	-
Causing death by aggravated vehicle taking	4	9	5	7	4	6	3	2	-	-	2	-2
Causing serious injury by dangerous driving	-	-	-	-	1	25	177	268	301	359	356	356
Cause serious injury by driving whilst disqualified	-	-	-	-	-	-	-	2	2	3	4	4
Causing bodily harm by furious driving	11	12	4	7	8	5	5	5	8	5	4	-7
Causing danger by interfering with a vehicle, road or traffic equipment	124	134	98	103	79	74	69	62	57	47	31	-93
Dangerous driving	3,664	3,484	3,175	2,919	2,788	2,674	2,688	3,361	3,852	3,829	3,638	-26
Driving with alcohol in the blood above the prescribed limit	62,646	59,786	50,564	47,562	44,659	40,718	37,866	37,584	36,559	33,885	33,693	-28,953
Driving a motor vehicle with the proportion of specified controlled drug above specified limit	-	-	-	-	-	-	-	1,438	4,948	5,144	9,728	9,728
Other offences related to drink- or drug-driving	10,521	9,833	3,999	4,108	6,504	7,936	7,959	8,444	8,956	8,640	8,708	-1,813
Fail to give permission for a laboratory test on a blood specimen having caused death	-	-	-	-	-	-	-	-	-	-	-	-
Using or causing others to use a handheld mobile phone whilst driving	25,010	30,182	32,548	28,969	22,135	17,473	16,025	16,093	11,961	8,330	85	-24,925
Careless driving offences (excl. mobile phone offences)	15,679	16,421	16,034	14,945	13,448	12,503	12,353	12,497	12,173	11,357	10,389	-5,290
Failing to stop or provide information after accident	4,254	5,667	5,353	4,753	4,309	4,078	3,796	3,847	3,749	3,450	2,918	-1,336
Theft of a motor vehicle / aggravated vehicle taking	9,210	8,822	7,674	7,296	6,203	5,372	5,221	5,162	4,981	4,492	3,593	-5,617
Driving licence related offences	39,879	34,928	29,840	24,030	19,970	17,816	15,972	14,984	15,367	15,109	14,781	-25,098
Vehicle insurance offences	146,797	132,670	111,220	95,787	91,425	110,843	118,262	123,385	133,154	143,209	149,299	2,502
Vehicle registration and excise licence offences	86,041	96,219	97,504	86,070	72,973	55,182	46,636	48,843	64,578	82,350	89,686	3,645
Work record and employment offences	1,645	1,538	1,138	1,021	883	791	613	655	518	522	341	-1,304
Fraud, forgery, etc. associated with vehicle or driver records	751	540	470	384	363	321	270	247	234	245	291	-460
Defective vehicle parts	7,289	8,323	8,379	7,675	6,799	7,109	6,905	5,736	5,447	4,435	4,466	-2,823
Vehicle test offences	6,819	5,198	3,456	2,618	1,866	2,470	2,556	2,652	4,548	3,769	3,668	-3,151
Speed limit offences	122,509	123,348	116,186	112,009	113,407	115,936	148,428	166,698	167,982	159,869	168,967	46,458
Neglecting road regulations (other than speeding)	26,109	28,309	26,653	24,056	19,406	16,690	16,952	21,282	21,352	20,557	19,485	-6,624
Failing to supply information as to identity of driver when required	43,641	32,573	33,575	50,200	52,815	50,687	54,372	73,321	78,142	79,033	83,731	40,090
Miscellaneous (other) motoring offences	26,966	38,870	38,295	11,444	9,314	11,801	14,729	13,783	14,089	11,244	11,008	-15,958
Total	639,840	637,217	586,627	526,363	489,737	480,860	512,170	560,669	593,378	600,286	619,242	-20,598

Source: Criminal Justice system statistics quarterly: December 2018, Overview Tables, Table A6.3

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/802323/overview-tables-dec-2018.ods

Justice Campaign Briefing

Appendix 3 Changes in ban rates, 2008-18

Motoring offence	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Change in no.	Point change
Causing death by dangerous driving	100%	100%	100%	98%	97%	97%	98%	99%	98%	100%	100%	-64	0%
Causing death by careless driving under influence of drink or drugs	100%	100%	100%	100%	96%	100%	96%	100%	100%	100%	100%	-25	
Causing death by careless or inconsiderate driving	100%	92%	82%	83%	88%	84%	84%	79%	84%	86%	88%	158	-12%
Causing death by careless driving while over prescribed limit - specified controlled drug													
Causing death by driving unlicensed or uninsured drivers		90%	73%	89%	53%	67%	100%	50%	40%	100%	63%		
Causing death by driving whilst disqualified													
Causing death by aggravated vehicle taking	100%	89%	100%	71%	75%	100%	33%	100%			100%	-2	
Causing serious injury by dangerous driving					0%	20%	81%	81%	84%	85%	85%		
Cause serious injury by driving whilst disqualified								100%	50%	67%	100%		
Causing bodily harm by furious driving	27%	33%	25%	71%	38%	20%	60%	20%	25%	20%	50%	-1	
Causing danger by interfering with a vehicle, road or traffic equipment	0%	1%	3%	0%	0%	1%	3%	3%	0%	9%	3%	1	
Dangerous driving	100%	97%	95%	95%	95%	93%	94%	92%	92%	100%	100%	-25	0%
Driving with alcohol in the blood above the prescribed limit	98%	99%	98%	99%	98%	98%	93%	93%	96%	95%	96%	-28,985	-2%
Driving a motor vehicle with the proportion of specified controlled drug above specified limit								99%	40%	1%	58%		
Other offences related to drink- or drug-driving	85%	84%	67%	65%	78%	79%	74%	73%	75%	73%	73%	-2,610	-12%
Fail to give permission for a laboratory test on a blood specimen having caused death													
Using or causing others to use a handheld mobile phone whilst driving	1%	1%	1%	1%	1%	0%	0%	0%	0%	0%	1%	-324	
Careless driving offences (excl. mobile phone offences)	8%	8%	6%	6%	6%	6%	6%	6%	7%	7%	7%	-465	0%
Failing to stop or provide information after accident	13%	12%	10%	11%	11%	11%	10%	12%	14%	14%	18%	-7	6%
Theft of a motor vehicle / aggravated vehicle taking	46%	46%	41%	43%	44%	42%	37%	37%	39%	39%	40%	-2,782	-6%
Driving licence related offences	24%	25%	23%	24%	25%	25%	23%	24%	29%	32%	34%	-4,576	10%
Vehicle insurance offences	10%	8%	6%	6%	5%	3%	3%	2%	2%	2%	2%	-12,116	-8%
Vehicle registration and excise licence offences	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	-8	
Work record and employment offences	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	-1	
Fraud, forgery, etc. associated with vehicle or driver records	1%	2%	0%	2%	2%	1%	1%	2%	1%	2%	1%	-6	
Defective vehicle parts	1%	1%	1%	1%	1%	1%	1%	1%	0%	0%	0%	-73	
Vehicle test offences	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	-6	
Speed limit offences	5%	5%	8%	8%	5%	3%	2%	3%	2%	3%	2%	-2,484	-3%
Neglecting road regulations (other than speeding)	1%	1%	1%	1%	1%	1%	0%	1%	1%	1%	1%	-175	0%
Failing to supply information as to identity of driver when required	1%	1%	0%	0%	0%	0%	0%	0%	0%	0%	0%	-204	-1%
Miscellaneous (other) motoring offences	1%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	-134	
Total	18%	16%	14%	15%	15%	13%	11%	11%	11%	10%	10%	-49,003	-7%