



**Causing Death by Driving
England & Wales**

**Sentencing Guide
for Bereaved Families**

August 2017

Foreword

If you have been bereaved by a road crash, then please accept our deepest condolences. Road deaths are sudden, violent deaths. The devastation is further aggravated by families rarely having the chance to say goodbye.

And whilst road deaths have halved since RoadPeace was founded in 1992, this provides no comfort to those families whose loved ones are still being killed on our roads, especially those deaths caused by the actions of another.

Drivers should be held accountable for their actions, particularly when they result in death. Their poor choices and mistakes can end another's life and shatter a family forever.

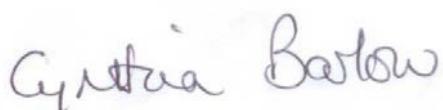
This guide presents the government's latest data on the use and length of prison sentences and driving bans for the most common Causing death by driving offences. It also includes data on suspended sentences and community sentences.

RoadPeace works to reduce the suffering of victims. This includes helping bereaved families avoid being misled about possible punishments that could be given to those convicted of causing a death.

At present, bereaved families are given information on the maximum sentences possible by law, but these are of little relevance as the vast majority of sentences are much lower than the maximum in law. We hope that the information in this guide will help spare bereaved families further shock and disappointment at the sentencing.

This guide was first published in 2015. This update is based on the most recently published statistics of the Ministry of Justice, for the year ending December 2016.

RoadPeace has a range of support services available to help families cope with the aftermath of a road death, please contact us to find out more and how we can help you on this unchosen journey.

A handwritten signature in blue ink that reads "Cynthia Barlow".

Cynthia Barlow, OBE
RoadPeace Chair



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Introduction

This guide explains how sentences are decided by the courts for causing death by driving offences and gives details of the sentences given in England & Wales last year (2016). Sentencing information here covers the four most common offences:

- ▶ *Causing death by dangerous driving*
- ▶ *Causing death by careless driving under the influence of drink or drugs*
- ▶ *Causing death by careless driving*
- ▶ *Causing death by driving unlicensed, disqualified or uninsured drivers*

For each offence, we have provided both the relevant section of the sentencing guidelines and the sentencing data from the latest year. The sentencing data is published by the Ministry of Justice¹.

How sentences are decided

The maximum and minimum sentences for an offence are determined by law. The Judge (or magistrates) decides what sentence is given. They follow sentencing guidelines. These promote greater consistency in the way similar cases are handled and increase public understanding of the sentencing process. The current guidelines² were produced in 2008.

Here we explain the main steps involved in sentencing for causing death by driving³.

Step 1: Determine level of seriousness and starting point.

All causing death by driving offences are very serious in their impact as they all involved loss of life. The level of seriousness of the offence itself is judged in relation to the culpability of the offender. General factors affecting seriousness include:

- Awareness of risk (e.g. a prolonged, persistent and deliberate course of very bad driving),
- Effect of alcohol or drugs
- Inappropriate speed of vehicle
- Seriously culpable behavior of offender, e.g. aggressive driving, or driving while using a hand-held mobile phone, driving whilst avoidably distracted or knowingly suffering from medical condition or lack of sleep
- Victim, e.g. failing to have proper regard to vulnerable road users

For each offence, the level of seriousness gives the starting point for the sentence, e.g. 36 weeks custody or 3 years custody, and a sentencing range⁴.

Step 2: Consider aggravating and mitigating factors.

Aggravating factors are features of the case that indicate a higher level of culpability or blame. For example, blame will be greater if there were multiple deaths and the risk of this was foreseeable. Aggravating factors will tend to push the sentence higher within the sentencing range or to the next sentencing level.

Mitigating factors suggest a lower level of blame and reduce the sentence. These could include:

- very serious injury to the offender,
- the deceased being family or in a close personal relationship with the offender (particularly where driver culpability is low),
- the driver was not the solely responsible for the collision or the driver had limited driving experience.

¹ MoJ (2017a)

² Sentencing Council (2008)

³ More information is available from the website of the Sentencing Council. This includes a short film explaining how sentences are determined (Sentencing Council, 2016).

⁴ Guidelines are for first time offenders and for those aged 18 or over. Sentencing above the sentencing range can be given to repeat offenders.



In addition there are personal mitigating factors: good driving record, helping at the scene and remorse. Remorse does not have to be confirmed by the bereaved family.

Step 3: Reduce for guilty plea.

If an offender pleads guilty at an early stage, the sentence will be reduced. This is standard policy and applies to all sentencings. Early guilty pleas are encouraged by the government. The general argument for this is that victims and witnesses are spared having to appear at court to testify and it reduces costs to the police and Crown Prosecution Service. Sentencing guidelines give a 33% discount for a guilty plea at the first opportunity (for offences occurring after 1 June 2017, the first opportunity is by the plea hearing), 25% after the trial date is set and 10% on the day of trial. The discount can be reduced to zero if the plea was entered during the course of the trial⁵. This reduction applies only to the punitive elements of the penalty (such as prison sentence), not ancillary orders such as driving bans (see next).

Step 4: Indeterminate or extended sentence.

Consider if the offender meets the criteria for an indeterminate or extended sentence. This is very unlikely with causing death by driving convictions.

Step 5: Apply the totality principle.

If an offender is being sentenced for more than one offence, the court is required to ensure that the total sentence is just and proportionate to the offending behaviour⁶. Multiple offences could mean more than one person killed or different offences committed.

Sentences are almost always given to run concurrently, e.g. overlap with each other. This is also standard practice within the criminal justice system. Consecutive sentencing, where sentences are added together, are considered if the offences involved different actions, such as Causing Death by Careless Driving and Failing to stop. But even in these cases, sentences should be expected to be given to run concurrently.

Step 6: Consider compensation and ancillary orders.

These are restrictions placed on the offender in addition to their main sentence. Sentencing guidelines state that all causing death by driving convictions should carry a disqualification, with a minimum of one year for the either-way offences and two year minimum for the indictable only offences⁷.

For offences committed on or after 13 April 2015, any driving ban period imposed by the court must be extended by half of any custodial term. For example where a court imposes a 12 month custodial sentence and a disqualification period of 24 months, the ban will be extended to 30 months. This is so that the ban period is not shortened by the period the offender is in custody.

In addition, the court can require that the disqualification to continue until the offender passes an extended driving test.

Step 7: Reduction for time in remand or bail.

It is rare that those accused of causing a death by driving are held on remand in custody. But any time spent on curfew is taken off the sentence imposed by the court. The same applies to any interim driving ban given.

⁶ Sentencing Council (2017)

⁷ In exceptional circumstances, points may be given.



Guidelines and Sentences for Specific Offences

Causing death by dangerous driving

The offence of *Causing death by dangerous driving* is committed under section 1 of the Road Traffic Act 1988 when the offender's driving is a cause or factor in the death of another person and the driving was dangerous.

Dangerous driving is defined as driving of a standard that falls far below what would be expected of a competent and careful driver and it would be obvious to a competent and careful driver that driving in that way would be dangerous. Sometimes driving is very clearly dangerous. At others, it can be debated whether the driving is dangerous or just careless.

Sentencing Guidelines – *Causing death by dangerous driving*

Maximum penalty: 14 years imprisonment
Minimum disqualification: 2 years with compulsory extended re-test

Nature of offence	Starting point	Sentencing range
Level 1 The most serious offences encompassing driving that involved a deliberate decision to ignore (or flagrant disregard for) the rules of the road and an apparent disregard for the great danger being caused to others	8 years custody	7-14 years custody
Level 2 Driving that created a <i>substantial risk</i> of danger	5 years custody	4-7 years custody
Level 3 Driving that created a <i>significant risk</i> of danger (Where the driving is markedly less culpable than for this level, reference should be made to the starting point and range for the most serious level of <i>Causing death by careless driving</i>)	3 years custody	2-5 years custody
Additional aggravating factors	Additional mitigating factors	
1. Previous convictions for motoring offences, particularly offences that involve bad driving or the consumption of excessive alcohol or drugs before driving 2. More than one person was killed as a result of the offence 3. Serious injury to one or more victims, in addition to the death(s) 4. Disregard of warnings 5. Other offences committed at the same time, such as driving other than in accordance with the terms of a valid licence; driving while disqualified; driving without insurance; taking a vehicle without consent; driving a stolen vehicle 6. The offender's irresponsible behaviour such as failing to stop, falsely claiming that one of the victims was responsible for the collision, or trying to throw the victim off the car by swerving in order to escape 7. Driving off in an attempt to avoid detection or apprehension	1. Alcohol or drugs consumed unwittingly 2. Offender was seriously injured in the collision 3. The victim was a close friend or relative 4. Actions of the victim or a third party contributed significantly to the likelihood of a collision occurring and/or death resulting 5. The offender's lack of driving experience contributed to the commission of the offence 6. The driving was in response to a proven and genuine emergency falling short of a defence	

Source: Sentencing Guidelines Council (2008)



What happens at Court

How often prosecuted

- ▶ There were 229 prosecutions for *Causing death by dangerous driving* begun in 2016, but only 164 reached the Crown Court, with 65 presumed downgraded to *Causing death by careless driving* or dropped.
- ▶ *Causing death by dangerous driving* prosecutions are on the increase, up 50% from a low of 144 in 2013.

Chances of conviction

- ▶ Of the 164 cases prosecuted at Crown Court, 157 ended in a conviction (96%).
- ▶ This does not include those cases which were downgraded to the lesser charge of *Causing death by careless driving*.

Sentences given

- ▶ Almost all convicted drivers were sentenced to immediate custody (153, 97%)
- ▶ A few were given a suspended sentence (3, 2%).
- ▶ The average custodial sentence length given was 58.8 months, almost five years.
- ▶ The most common custodial sentence was 3+ to 5 years (55, 36%).
- ▶ Only one driver was given sentence of 10 years or over, whilst another 23 were sentenced for between 7+ to 10 years (15%).

Driving bans

- ▶ 154 received bans.
- ▶ 72% of drivers were banned for an unknown period. This is believed due to the requirement to take an extended driving test before they could apply for return of their license. All drivers banned for this offence were required to take an extended test before they could apply for return of their driving license.
- ▶ 23 received bans between 2 and 10 years.
- ▶ 7 drivers were banned for over 10 years.
- ▶ Two drivers were banned for life.

Table 1: *Causing death by dangerous driving: Proceedings and convictions*

Proceedings	Convictions	Conviction rate (%) ¹
229	157	69%

¹ Based on proceedings at the Magistrates Court



Table 2: Causing death by dangerous driving – Sentences

Immediate Custody	Suspended Sentence	Community Sentence	Fine	Conditional Discharge
153	3	0	0	0

Conditional Discharge	0%
Fine	0%
Community Sentence	0%
Suspended Sentence	2%
Immediate Custody	98%

Table 3: Causing death by dangerous driving - Custodial sentences

12 months and under	12+ to 18 months	18+ to 24 months	2+ to 3 years	3+ to 5 years	5+ to 7 years	7+ to 10 years	10+ years, not Life	Life
2	3	11	22	55	36	23	1	0

Life	0%
10+ years, not Life	1%
7+ to 10 years	15%
5+ to 7 years	24%
3+ to 5 years	36%
2+ to 3 years	14%
18+ to 24 months	7%
12+ to 18 months	2%
12 months and under	1%

Table 4: Causing death by dangerous driving - Endorsements, bans and driving test requirements

No endorsement, No ban	Endorsement, No ban	Bans							Driving test requirement
		Period unknown	Under 1 year	1+ to 2 years	2 to under 5 years	5 to under 10 years	10 years and over, not Life	Life	
1	2	111	0	0	11	23	7	2	150

Life	1%
10 years and over, not Life	5%
5 to under 10 years	15%
2 to under 5 years	7%
1+ to 2 years	0%
Under 1 year	0%
Period unknown	72%

Ban duration (%)



Causing death by careless driving under the influence of drink or drugs

This offence is defined under section 3A of the RTA 1988. There are three elements:

- the driving has caused the death of another person; and
- the driving was without due care and attention or without reasonable consideration for other road users; and
- the driver is either unfit through drink or drugs, or the alcohol concentration is over the prescribed limit, or there has been a failure to provide a specimen.

Sentencing Guidelines – *Causing death by careless driving under the influence of drink or drugs*

Maximum penalty: 14 years imprisonment

Minimum disqualification: 2 years with compulsory extended re-test

The legal limit of alcohol in 35µg breath (80mg in blood and 107mg in urine)	Careless/inconsiderate driving arising from momentary inattention with no aggravating factors	Other cases of careless/inconsiderate driving	Careless/inconsiderate driving falling not far short of dangerousness
71µg or above of alcohol/high quantity of drugs OR deliberate non-provision of specimen where evidence of serious impairment	Starting point: 6 years custody Sentencing range: 5-10 years custody	Starting point: 7 years custody Sentencing range: 6-12 years custody	Starting point: 8 years custody Sentencing range: 7-14 years custody
51-70 µg of alcohol/moderate quantity of drugs OR deliberate non-provision of specimen	Starting point: 4 years custody Sentencing range: 3-7 years custody	Starting point: 5 years custody Sentencing range: 4-8 years custody	Starting point: 6 years custody Sentencing range: 5-9 years custody
35-50 µg of alcohol/moderate quantity of drugs OR test refused because of honestly held but unreasonable belief	Starting point: 18 months custody Sentencing range: 26 weeks- 4 years custody	Starting point: 3 years custody Sentencing range: 2-5 years custody	Starting point: 4 years custody Sentencing range: 3-6 years custody
Additional aggravating factors		Additional mitigating factors	
<ol style="list-style-type: none"> 1. Other offences committed at the same time, such as driving other than in accordance with the terms of a valid licence; driving while disqualified; driving without insurance; taking a vehicle without consent; driving a stolen vehicle 2. Previous convictions for motoring offences, particularly offences that involve bad driving or the consumption of excessive alcohol before driving 3. More than one person was killed as a result of the offence 4. Serious injury to one or more persons in addition to the death(s) 5. Irresponsible behaviour such as failing to stop, falsely claiming that one of the victims was responsible for the collision 		<ol style="list-style-type: none"> 1. Alcohol or drugs consumed unwittingly 2. Offender was seriously injured in the collision 3. The victim was a close friend or relative 4. Actions of the victim or a third party contributed significantly to the likelihood of a collision occurring and/or death resulting 5. The driving was in response to a proven and genuine emergency falling short of a defence 	

Source: Sentencing Guidelines Council (2008)



What happens at Court

How often

- ▶ There were 20 prosecutions *Causing death by careless driving under influence of drink or drugs* initiated in 2016.
- ▶ But there were 32 convictions, with the others resulting from prosecution initiated in 2015 but convicted in 2016, or a plea being accepted for *Causing death by careless driving whilst under the influence of drink or drugs* in lieu of *Causing death by dangerous driving*.

Sentences given

- ▶ Nearly all those convicted (29) were given immediate custody.
- ▶ One driver was given a suspended sentence whilst another given a community sentence.
- ▶ Four drivers were given a sentence of less than 2 years.
- ▶ 14 received sentences of more than 3 to 5 years.
- ▶ The average custodial sentence was 45.5 months.

Driving bans

- ▶ All convicted drivers received a driving ban.
- ▶ Half (16) were banned for an unknown period. This is believed due to the extended driving test requirement.
- ▶ Where specified, the most common ban period was 5 to 8 years.
- ▶ Almost all (31) were also required to take an extended driving test before they could get their license back.

Table 5: *Causing death by careless driving under influence of drink or drugs: Proceedings and convictions*

Proceedings	Convictions	Conviction rate (%) ¹
20	32	n/a

¹ Based on proceedings at the Magistrates Court



Table 6: Causing death by careless driving under the influence of drink or drugs – Sentences

Immediate Custody	Suspended Sentence	Community Sentence	Fine	Conditional Discharge
29	1	1	0	0

Table 7: Causing death by careless driving under the influence of drink or drugs - Custodial sentences

12 months and under	12+ to 18 months	18+ to 24 months	2+ to 3 years	3+ to 5 years	5+ to 7 years	7+ to 10 years	10+ years, not Life	Life
0	1	3	7	14	2	2	0	0

Table 8: Causing death by careless driving under the influence of drink or drugs - Endorsements, bans and driving test requirements

No endorsement, No ban	Endorsement, No ban	Bans							Driving test requirement
		Period unknown	Under 1 year	1+ to 2 years	2 to under 5 years	5 to under 10 years	10 years and over, not Life	Life	
0	0	16	0	1	6	8	1	0	31



Causing death by careless or inconsiderate driving

The offence of *Causing death by careless or inconsiderate driving* is defined under section 2B of the RTA 1988. There are two elements:

- the offender’s driving causes the death of another person
- they were driving without due care and attention

In law, a driver is driving without due care and attention “if (and only if) the way he or she drives falls below what would be expected of a competent and careful driver”.

This contrasts with dangerous driving, where the standard of driving must fall far below what would be expected of a competent and careful driver. Though the courts are given guidance on this, differences in interpretation are common.

Sentencing Guidelines – Causing death by careless or inconsiderate driving

Maximum penalty: 5 years imprisonment
Minimum disqualification: 12 months, discretionary re-test

Nature of offence	Starting point	Sentencing range
Careless or inconsiderate driving falling not far short of dangerous driving	15 months custody	36 weeks-3 years Custody
Other cases of careless or inconsiderate driving	36 weeks custody	Community order (HIGH) - 2 years Custody
Careless or inconsiderate driving arising from momentary inattention with no aggravating factors	Community order (MEDIUM)	Community order (LOW)-Community order (HIGH)
Additional aggravating factors	Additional mitigating factors	
<ol style="list-style-type: none"> 1. Other offences committed at the same time, such as driving other than in accordance with the terms of a valid licence; driving while disqualified; driving without insurance; taking a vehicle without consent; driving a stolen vehicle 2. Previous convictions for motoring offences, particularly offences that involve bad driving 3. More than one person was killed as a result of the offence 4. Serious injury to one or more persons in addition to the death(s) 5. Irresponsible behaviour such as failing to 	<ol style="list-style-type: none"> 1. Offender was seriously injured in the collision 2. The victim was a close friend or relative 3. The actions of the victim or a third party contributed to the commission of the offence 4. The offender’s lack of driving experience contributed significantly to the likelihood of a collision occurring and/or death resulting 5. The driving was in response to a proven and genuine emergency falling short of a defence 	

Source: Sentencing Guidelines Council (2008)

What happens at Court

How often

- ▶ The offence of *Causing death by careless driving* had prosecutions initiated 215 times.
- ▶ But there were 225 convictions, with at least ten charges of *Causing death by dangerous driving* presumed to have been downgraded.
- ▶ There were 225 convictions for *Causing death by careless driving*. But this will include cases where the driver was prosecuted for *Causing death by dangerous driving* but found guilty of *Causing death by careless driving*.
- ▶ One in four cases were prosecuted at the Magistrates Court, where the maximum custodial sentence is six months for an offence (12 months for multiple offences).

Sentences given

- ▶ 55 drivers were given immediate custody (24%) and 84 were given a suspended sentence (37%).
- ▶ Another 80 were given a community sentence (35%).
- ▶ Average length of custodial sentence was 14.5 months, up from 10.4 months in 2014.
- ▶ One driver was given a custodial sentence of 3+ to 5 years, and another two imprisoned for 2+ to 3 years.
- ▶ The most common prison sentence given was for 12 months and under (28, 12%).
- ▶ Another 13 were given prison sentences of 12+ to 18 months (6%), whilst 11 received 18+ to 24 months (5%).

Driving bans

- ▶ A minimum one year ban is set in legislation. The law requires a 12 month disqualification unless there are exceptional circumstances. But 16% of drivers convicted of this offence were not banned: 11 (5%) received neither a ban nor an endorsement, whilst 25 (11%) received only an endorsement.
- ▶ One driver was banned for life whilst another was banned for over 10 years.
- ▶ The most common ban duration reported was from 2 to under 5 years.
- ▶ 72 (32%) of those banned were required to take an extended driving test before getting their license back.

Table 9: Causing death by careless or inconsiderate driving -- Proceedings and convictions

Proceedings	Convictions	Conviction rate (%) ¹
215	225	n/a

¹ Based on proceedings at the Magistrates Court



Table 10: Causing death by careless or inconsiderate driving – Sentences

Immediate Custody	Suspended Sentence	Community Sentence	Fine	Conditional Discharge
55	84	80	3	2

Conditional Discharge	1%
Fine	1%
Community Sentence	36%
Suspended Sentence	38%
Immediate Custody	25%

Table 11: Causing death by careless or inconsiderate driving - Custodial sentences

12 months and under	12+ to 18 months	18+ to 24 months	2+ to 3 years	3+ to 5 years	5+ to 7 years	7+ to 10 years	10+ years, not Life	Life
28	13	11	2	1	n/a	n/a	n/a	n/a

Life	0%
10+ years, not Life	0%
7+ to 10 years	7%
5+ to 7 years	7%
3+ to 5 years	48%
2+ to 3 years	24%
18+ to 24 months	10%
12+ to 18 months	3%
12 months and under	0%

Table 12: Causing death by careless or inconsiderate driving - Endorsements, bans and driving test requirements

No endorsement, No ban	Endorsement, No ban	Bans							Driving test requirement
		Period unknown	Under 1 year	1+ to 2 years	2 to under 5 years	5 to under 10 years	10 years and over, not Life	Life	
11	25	59	0	79	43	7	1	1	72

Life	1%
10 years and over, not Life	5%
5 to under 10 years	15%
2 to under 5 years	7%
1+ to 2 years	0%
Under 1 year	0%
Period unknown	72%

Ban duration (%)



Causing death by driving: unlicensed, disqualified or uninsured drivers

This offence is defined under section 3ZB of the Road Traffic Act 1988. A person is guilty if they cause the death of another person by driving a motor vehicle on a road while also committing any one of the following:

- 1) Driving otherwise than in accordance with a licence,
- 2) Driving while disqualified, or
- 3) Using motor vehicle while uninsured or unsecured against third party risks.

A 2013 Supreme Court decision provided a narrower interpretation of the circumstances in which a charge for this offence would be appropriate (UKSC, 2013). This made it explicit that the standard of driving had to contribute to the fatal crash to some degree.

Sentencing Guidelines – Causing death by driving: unlicensed, disqualified or uninsured drivers

Maximum when tried summarily: Level 5 fine and/or 6 months

Maximum when tried on indictment: 2 years

Nature of offence	Starting point	Sentencing range
The offender was disqualified from driving OR The offender was unlicensed or uninsured plus two or more aggravating factors from the list below	12 months custody	36 weeks-2 years custody
The offender was unlicensed or uninsured plus at least one aggravating factor from the list below	26 weeks custody	Community order (HIGH) to 36 weeks custody
The offender was unlicensed or uninsured – no aggravating factors	Community order (MEDIUM)	Community order (LOW) – Community order (HIGH)
Additional aggravating factors	Additional mitigating factors	
<ol style="list-style-type: none"> 1) Previous convictions for motoring offences, whether involving bad driving or involving an offence of the same kind that forms part of the present conviction (i.e. unlicensed, disqualified or uninsured driving) 2) More than one person was killed as a result of the offence 3) Serious injury to one or more persons in addition to the death(s) 4) Irresponsible behaviour such as failing to stop or falsely claiming that someone else was driving 	<ol style="list-style-type: none"> 1) The decision to drive was brought about by a proven and genuine emergency falling short of a defence 2) The offender genuinely believed that he or she was insured or licensed to drive 3) The offender was seriously injured as a result of the collision 4) The victim was a close friend or relative 	

Source: Sentencing Guidelines Council (2008)



What happens at Court

How often

- ▶ Since the 2013 decision by the UK Supreme Court, there has been a major decline in prosecutions of this offence.
- ▶ In 2016, of the seven drivers prosecuted for causing a death whilst driving illegally, five were convicted.

Sentences given

- ▶ Three were given a custodial sentence
- ▶ With a maximum two year custodial sentence, prison sentences were short, with two 12 months or under, and one given a prison sentence 12-18 months.

Driving bans

- ▶ Despite legislation stating a driving ban was mandatory, three drivers escaped a ban and were only given penalty points on their license.
- ▶ The only ban duration reported was from 2 to under 5 years.
- ▶ Only one driver was required to take an extended driving test.

Table 13: Causing death by driving: unlicensed, disqualified or uninsured drivers – proceedings and convictions

Proceedings	Convictions	Conviction rate (%) ¹
7	5	71%

¹ Based on proceedings at the Magistrates Court



Table 14: Causing death by driving unlicensed, disqualified or uninsured drivers – Sentences

Immediate Custody	Suspended Sentence	Community Sentence	Fine	Conditional Discharge
3	1	0	0	1

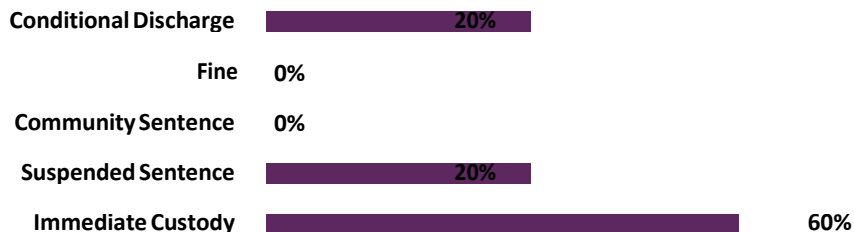


Table 15: Causing death by driving unlicensed, disqualified or uninsured drivers - Custodial sentences

12 months and under	12+ to 18 months	18+ to 24 months	2+ to 3 years	3+ to 5 years	5+ to 7 years	7+ to 10 years	10+ years, not Life	Life
2	1	0	n/a	n/a	n/a	n/a	n/a	n/a

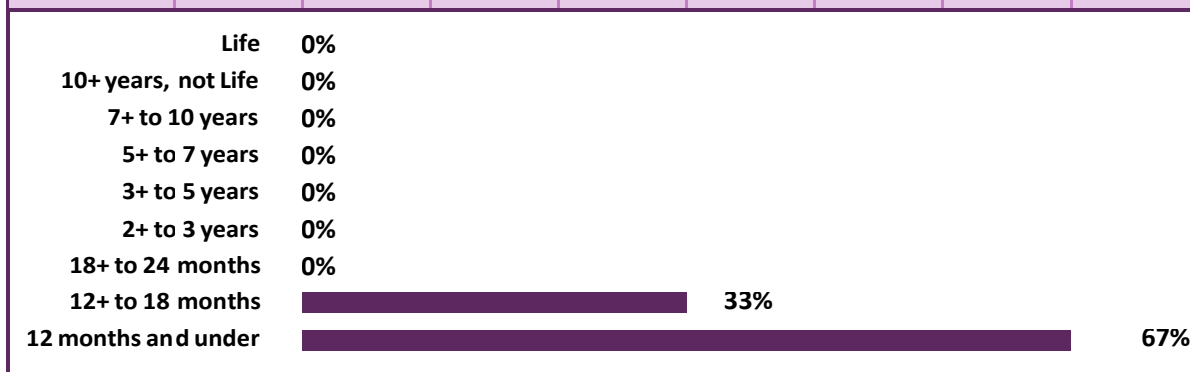
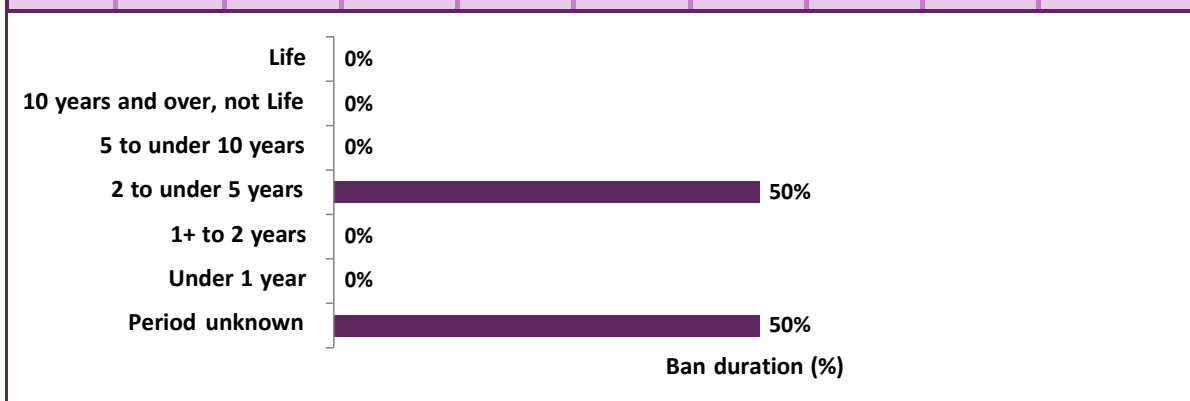


Table 16: Causing death by driving unlicensed, disqualified or uninsured drivers - Endorsements, bans and driving test requirements

No endorsement, No ban	Endorsement, No ban	Bans							Driving test requirement
		Period unknown	Under 1 year	1+ to 2 years	2 to under 5 years	5 to under 10 years	10 years and over, not Life	Life	
0	3	1	0	0	1	0	0	0	1



After sentencing-appeals and actual sentences served

Appeals against a sentence

The justice system allows appeals against a sentence from the offender, and in certain cases, from the prosecution side, as explained below.

Offenders can appeal to a higher court to have their sentences reduced. Appeals against sentences in Magistrates' courts are heard in the Crown Court. Appeals against sentences in the Crown Court are heard in the Court of Appeal Criminal Division. The offender will need to persuade the higher court that the lower court came to the wrong decision on the evidence.

Unduly lenient sentence

Families can write to the Attorney General and request an appeal an unduly sentence for convictions of the indictable offences of *Causing death by dangerous driving* or *Causing death by careless driving* Whilst Under the Influence of Drink/Drugs.

But no such right of appeal exists for *Causing Death by Careless Driving*, *Causing Death by Driving Whilst Unlicensed, Disqualified or Uninsured*, nor for the new charge of *Causing Death by Disqualified Driving*. These are all either-way offences and even if the trial is held in the Crown Court, there is no right to appeal—not on the prosecution side. This can cause families much grief. The Conservative Party 2017 Manifesto included the pledge to widen the offences which can qualify for Unduly Lenient Sentence. RoadPeace has called for this to include all causing death by driving charges.

Where it is possible to appeal an unduly lenient sentence, this must be done within 28 days of the sentence.

Sentences served

Families must also remember that it is government policy to release offenders from prison half-way through their custodial sentence. The remainder of the custodial sentence will be served on license and under supervision in the community.

Offenders can also apply for early return of their driving licence. Whilst bereaved families should be consulted over an early release from prison, they do not have to be informed of an application for an early return of the driving licence. No data is published on how often a driving license is returned early.

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Please see the RoadPeace website or contact us for more information. Any suggestions for how to improve this guide would be most welcomed by RoadPeace.



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## About RoadPeace

RoadPeace, the national charity for road crash victims, has been helping the families cope with the aftermath of road death and injury since 1992. We provide emotional support and information to help the bereaved and injured navigate the justice system. RoadPeace also campaigns for the justice system and society to reduce road danger and end the complacency towards road deaths.



## Look At Us

“One last chance” I thought,  
As I stared right at you across that cold court,  
The wooden surroundings, raised platform for the judge,  
“Look me in the eyes” – but your eyes would not budge  
From staring at the floor -  
I guess you were choosing to ignore  
Our family.

One last chance to look at us, with some sorrow or some sadness,  
16 family members sitting here, your actions turned us to madness.  
One last chance to say sorry, ease the sense of black,  
Even though “sorry” will not ever bring my brother back.  
But no, you just stare at the floor –  
I guess you are choosing to ignore  
That you killed him.

One last chance, I actually want to forgive,  
Free my heart, to continue to live,  
Adjust to this new world and  
Accept the pain that has unfurled  
All because you were driving at 93 miles per hour -  
Yet you behave like it is you that has reason to be feeling sour.  
So yes, just stare at the floor –  
I guess you are choosing to ignore  
What you did.

One last chance, for a damn apology, it was the least you owed,  
Because that was my beloved brother that you mowed  
Straight over, like his life was a zero –  
But we must listen to your previous good character. Are you some kind of hero?  
No, you are a killer. Where was his last chance?  
You could not even stop to call for the ambulance.  
Carry on and stare at the floor –  
I guess you are choosing to ignore  
My burning eyes...  
That see straight through your lies.

By Lucy Harrison whose brother was killed in 2014 by a speeding driver who absconded from the scene.