



5 December 2016

Dear colleague,

### **CONSULTATION: DRIVING OFFENCES AND PENALTIES RELATING TO CAUSING DEATH OR SERIOUS INJURY**

I am writing to inform you that the government has today published a consultation on possible changes to the offences and penalties for those who kill or cause serious injury on the roads.

Sentencing for dangerous driving has been a matter of significant interest to many of you for some time. This consultation, details of which are outlined in more detail below, proposes raising the maximum penalties for some of the most serious driving offences and to create a new offence of causing serious injury by careless driving.

Most of the time, the vast majority of drivers drive well but there are occasions when even an error of judgment or loss of attention can have devastating consequences. The Government is absolutely committed to ensuring the legislative framework that the courts operate within reflects the seriousness of offending and the culpability of the offender and the proposals in this consultation are therefore intended to offer a proportionate response to these crimes.

This consultation delivers on our commitment to consult on penalties for dangerous driving offences by the end of the year and will be available at <https://consult.justice.gov.uk/digital-communications/driving-offences-causing-death-or-serious-injury>. In summary, the consultation addresses four main issues:

*The distinction between “careless” and “dangerous” driving.* What amounts to careless or dangerous driving is a particularly difficult area of road traffic law and is of significant concern for many victims of road traffic incidents. After careful consideration of the practicalities of the alternatives the consultation does not propose any changes to the law but seeks to explain and address misconceptions about the current law.

*A perceived “gap in the law” for causing serious injury by careless driving.* There are two existing offences of causing “serious injury”, relating to dangerous driving and disqualified driving. These have a maximum penalty of 5 and 4 years’ imprisonment respectively. However no equivalent offence exists with respect to careless driving. Currently if a victim suffers serious injury, which can include permanent injury, as a result of careless driving, the courts are restricted to the basic careless driving offence which has a fine as

the maximum penalty. The consultation asks if a new offence should be created with a maximum penalty of 2 or 3 years' imprisonment that reflects both the potential culpability and harm caused by the offence.

Maximum penalties for causing death. The maximum penalty for any driving offence where death is caused is often compared unfavourably with the life sentence available for murder or manslaughter. The consultation seeks views on increasing the current maximum penalty of 14 years' imprisonment to life imprisonment for causing death by dangerous driving and causing death by careless driving under the influence of drink or drugs.

Driving disqualifications. The length and application of obligatory disqualification from driving, particularly for offenders convicted of causing death by driving offences, is an emerging issue with road safety campaigners. In such cases the courts are obliged to impose a driving disqualification of a minimum 2 years, or minimum 3 years if the offender has a second or third conviction for certain offences within a 10 year period. The courts have been reluctant to impose very long or life bans, on the basis that the possibility of regaining a licence acts as an incentive to comply with the ban but there is an argument, set out in the consultation, for a longer minimum period of disqualification for anyone who is convicted of a driving offence that results in a death.

Whilst any changes are likely to require primary legislation I do not propose to commit the government to any legislative timetable at this point.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sam Gyimah', written in a cursive style.

**SAM GYIMAH MP**