

## Further comments on aggravating and mitigating factors

### Aggravating factors:

- Victim was a vulnerable road user, including pedestrians, cyclists, horse riders
- Disregarding warnings of others
- Driving for commercial purposes
- Driving an LGV, HGV or PSV etc  
*Add Private Hire Vehicles (Dr Adam Snow) – they have an extra duty of care to passengers*
- Other driving offences committed at the same time as the careless driving  
*Bring out driving whilst disqualified here in particular (Highbury Corner Magistrates)*
- Blame wrongly placed on others
- Failed to stop and/or assist or seek assistance at the scene  
Passengers, including children
- Vehicle poorly maintained  
*Be clear this is not cosmetic issues but poor maintenance not amounting to MOT failures – heating/defrosting problems, badly working windscreen wipers (CPS)*
- Serious injury to one or more victims, in addition to the death(s) (see step 5 on totality when sentencing for more than one offence)
- Offence committed on licence or while subject to court order(s)  
*This is irrelevant to driving and shouldn't be considered (Prison Reform Trust)*

### Suggestions for additional aggravating factors:

- *[In dangerous driving] include "more than one vehicle damaged" (West London Bench)*
- *Never passed test or disqualified (Lilian Hobbs JP)*
- *Lack of insurance (Amanda Seims)*
- *Vehicle itself uninsured as an agg factor in death by driving whilst unlicensed/uninsured and evidence of previous knowledge that vehicle was uninsured (eg police warning) (MIB)*
- *Victim is emergency worker/police officer (Alistair Borland)*
- *Add "uncooperative, including no comment interviews (Chris Barrow)*

### Factors reducing seriousness or reflecting personal mitigation

- No previous convictions or no relevant/recent convictions
- Impeccable driving record
- Actions of the victim or a third party contributed significantly to collision or death  
*This might be used for victim blaming (John Courouble)*  
*Rewrite to "Actions of another driver contributed significantly to collision or death" (Brake)*

- Offence due to inexperience rather than irresponsibility (where offender qualified to drive)  
*Include counterpart of advanced age (Nigel Woolf JP)*
- Genuine emergency  
*This means one life prioritized over another (Brake)*  
*Provide examples: childbirth, escaping road rage, on route to hospital with serious injury? (Prison Reform Trust); also raised in road testing*
- Efforts made to assist or seek assistance for victim(s)
- Remorse
- The victim was a close friend or relative
- Serious medical condition requiring urgent, intensive or long-term treatment
- Age and/or lack of maturity
- Mental disorder or learning disability
- Sole or primary carer for dependent relatives  
*Then they should have been particularly careful (multiple respondents)*

Further points on mitigating factors:

- *Good character/exemplary conduct arises in some guidelines, but not others. Clarification required for what falls within this factor, especially noting the potential for disparities (Prison Reform Trust)*