

Annex A – Causing injury by wanton or furious driving

Causing injury by wanton or furious driving

Offences Against the Person Act 1861 (section 35)

Triable only on indictment

Maximum: 2 years' custody

Offence range: Band B fine – 2 years' custody

STEP ONE

Determining the offence category

CULPABILITY

The court should determine culpability by reference only to the factors below, which comprise the principal factual elements of the offence.

High

- Deliberate decision to ignore the rules of the road and/or disregard for the risk of danger to others.
- Prolonged, persistent and deliberate course of driving likely to cause a danger to others
- Driving grossly impaired by consumption of alcohol or drugs
- Offence committed in course of police pursuit
- Racing or competitive driving against another vehicle
- Disregarding warnings of others
- Lack of attention to driving for a substantial period of time
- Speed greatly in excess of speed limit
- Extreme example of a medium culpability factor

Medium

- Unsafe manoeuvre or positioning
- Engaging in a brief but avoidable distraction
- Inappropriate speed for the prevailing conditions
- Driving impaired by consumption of alcohol or drugs
- Visibility or controls obstructed
- Driving impaired as a result of a known medical condition
- Disregarding advice relating to the effects of medical condition or medication
- Driving when deprived of adequate sleep or rest

Lesser

- All other cases

HARM	
Category 1	<ul style="list-style-type: none">• Death• Grave and/or life-threatening injury caused• Injury results in physical or psychological harm resulting in lifelong dependency on third party care or medical treatment• Offence results in a permanent, irreversible injury or condition
Category 2	<ul style="list-style-type: none">• Other cases of serious harm
Category 3	<ul style="list-style-type: none">• All other cases