

Annex B – Causing death by dangerous driving

Causing death by dangerous driving

Road Traffic Act 1988 (section 1)

Triable only on indictment

Maximum: life imprisonment, minimum disqualification of 2 years with compulsory extended re-test

Offence range: x – xx years' custody

This is a specified offence for the purposes of sections 266 and 279 (extended sentence for certain violent, sexual or terrorism offences) of the Sentencing Code.

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.	
A- High Culpability	<ul style="list-style-type: none">• Deliberate decision to ignore the rules of the road and disregard for the risk of danger to others.• Prolonged, persistent and deliberate course of dangerous driving• Consumption of substantial amounts of alcohol or drugs leading to gross impairment• 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
B- Medium culpability	<ul style="list-style-type: none">• Brief but obviously highly dangerous manoeuvre• Engaging in a brief but avoidable distraction• Driving knowing that the vehicle has a dangerous defect or is dangerously loaded• Driving at a speed that is inappropriate for the prevailing road or weather conditions, although not greatly excessive• Driving whilst ability to drive is impaired as a result of consumption of alcohol or drugs

	<ul style="list-style-type: none"> • Disregarding advice relating to driving when taking medication or as a result of a known medical condition which significantly impaired the offender's driving skills • Driving when knowingly deprived of adequate sleep or rest • The offender's culpability falls between the factors as described in high and lesser culpability
C- Lower culpability	<ul style="list-style-type: none"> • Standard of driving was just over threshold for dangerous driving • Momentary lapse of concentration

HARM

For all cases the harm caused will inevitably be of the utmost seriousness. The loss of life is taken into account in the sentencing levels at step two.