

SENTENCING GUIDELINES FOR COURTS DEALING WITH DRIVING OFFENCES RESULTING IN DEATH

In July 2008 The Sentencing Guidelines Council issued guidelines for Judges and Magistrates when sentencing drivers guilty of a driving offence which results in a death. They are given a clear message that such offences are serious and should receive appropriate sentences. Lengthy custodial sentences are recommended by the Sentencing Guidelines Council for cases involving:

- prolonged, persistent and deliberate bad driving
- driving while intoxicated or under the influence of drugs
- offenders who were distracted by a hand-held mobile phone when the offence was committed
- offenders who were reading or composing text messages whilst at the wheel

Clear advice on driving bans is also given. Magistrates and judges are reminded that disqualifications are effective from the day that they are imposed and will only be of practical effect if they extend beyond the period that will be served in prison.

The definitive guideline covers four offences:

- causing death by dangerous driving
- causing death by careless driving under the influence of alcohol or drugs
- causing death by careless driving
- and causing death by driving while unlicensed, disqualified or uninsured.

Chairman of the Council, Lord Phillips of Worth Matravers said: "Sentencing in cases where death results from the misuse of a car on the road are among the most difficult for judges and magistrates. [...] This guideline is designed to support sentencers in making the very difficult decisions that face them in these cases."

The full Press Release issued by the SGC on 15th July 2008 is available here for downloading; as well as a copy of the "Causing Death by Driving - Definitive Guideline" document.