

Behind the Headlines

Sentencing after fatal crashes

October 2025





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Foreword from our Chairs

Every death on our roads is a tragedy; a preventable loss that leaves families and communities shattered. Yet too often, those affected are left questioning whether justice has truly been done.

The All-Party Parliamentary Group (APPG) for Cycling & Walking and the APPG for Transport Safety jointly commissioned this study to look beyond the headlines to understand how our justice system responds when lives are lost through dangerous or careless driving. Behind each statistic is a story of grief and frustration, and too many families feel that the punishment does not fit the crime.

This report shows that while sentencing guidelines are generally being applied, the law itself is not always equipped to deliver justice. The difference between “careless” and “dangerous” driving is inconsistently interpreted; plea bargains and charging decisions can distort outcomes; and delays in investigations leave victims waiting years for answers. The justice system can and must do better.

We call for a system that prioritises fairness, consistency, and prevention: one that keeps the most dangerous drivers off our roads, supports young and inexperienced motorists, and treats road deaths with the same seriousness as any other form of unlawful killing.

This work sheds light on the areas of our justice system that require reform to protect life and restore confidence.

If we are serious about ending the epidemic of road deaths, we must learn from these cases, resource investigations properly, and create a culture where safety and responsibility are non-negotiable.

Fabian Hamilton MP

**Chair, All-Party Parliamentary
Group for Cycling & Walking**

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“We believe this research represents a vital step in improving understanding, transparency, and ultimately outcomes within the criminal justice process following road deaths.”



Howard Jones
RoadPeace



Sally Moore
Leigh Day



Foreword from our Co-Sponsors

As co-sponsors, RoadPeace and Leigh Day Solicitors are proud to support this important report, Behind the Headlines: Sentencing after Fatal Crashes.

Every road death is a tragedy, one that devastates families and communities, and one that demands both justice and change. This report shines a necessary light on how the justice system in England and Wales responds to these cases, examining not only sentencing practices but also what more can be done to ensure accountability, fairness, and ultimately, safer roads for all.

At RoadPeace, we know from our work with bereaved families that how the justice system responds to a road death profoundly shapes their ability to cope and rebuild a new version of their lives. Sentencing is not only about punishment, but also about recognition, that a life lost on our roads matters, and that society takes that loss seriously.

At Leigh Day, we have long represented victims and their families affected by serious road collisions. We see first-hand the need for a system that both supports victims and acts as a genuine deterrent to dangerous behaviour behind the wheel. We hope that this important report will ensure that justice for road crash victims is meaningful and effective and that the recommendations to make our roads safer for all are taken on board and implemented.

Both RoadPeace and Leigh Day witness firsthand the day-to-day delays and lack of capacity within the criminal justice system which cause bereaved families further anguish on top of having to come to terms with the death of their loved one. We wholly support the recommendations that road deaths are given the same resourcing as deaths caused by criminal acts of violence. We also implore police forces across the country to adopt consistent, open and clear communication with bereaved families and those supporting them during the process.

Together, we believe this research represents a vital step in improving understanding, transparency, and ultimately outcomes within the criminal justice process following road deaths. It also reinforces the urgent need for ongoing reform, to prevent further tragedies and to support those who live with their consequences every day.

We thank the authors and contributors for their commitment to this work and for giving voice to the experiences and concerns of road crash victims and their families.



This study explored the reporting of sentencing of offenders for causing death by driving offences in England and Wales, primarily during the year 2024. Every death on the road is a tragedy and must be taken seriously, both to ensure that bereaved victims feel that justice is done, and to learn lessons to improve road safety for the future. The justice system in England and Wales is now more punitive than it has ever been towards drivers who kill, with the maximum sentence for the most serious offences having been increased to life imprisonment, but there is no evidence that this impacts driver behaviour and reduces harm on the roads. Having examined more than 200 cases of death on the roads, this report presents lessons to be learned to improve the justice system's response to road death.

Sentences for road death as reported in the online press show that, on the whole, the Sentencing Council's guidelines are being followed, leading to examples of the worst cases of road death being sentenced to more than the previous maximum penalty of 14 years' imprisonment, in line with sentences for manslaughter.

The study identified some "outlying" cases where questions can be raised as to the appropriateness of the sentencing. It should be stressed that these are few and far between. Beyond these, there is some variability between sentences, but this can usually be explained by divergent factors reflecting the reality that every road death is unique. The current sentencing guidelines allow judges to take a nuanced approach to sentencing. The report sets out the facts of a number of cases in order to allow the reader to assess the extent to which the difference or similarities in facts give rise to proportionate sentences. They bring to light some issues that suggest that changes are needed, not to prison sentences, but to other features of the justice system, as set out below.

Are drivers prosecuted for the appropriate offence?

Although the sentencing guidelines are, in the most part, being carefully applied, judges can only sentence for the offence charged and convicted. Overall, the evidence is that the CPS has become more robust than in the past in charging the offence of causing death by dangerous driving and maintaining that charge. Of 126 cases charged with causing death by dangerous driving, 11 resulted in a conviction for another offence: nine as a result of

accepting a plea to that other offence, and two as the result of the defendant being acquitted of the more serious offence at trial, and convicted instead of causing death by careless driving. Overall, 79% of defendants pleaded guilty to the offence charged, which is higher than the 70.5% of defendants convicted of one of the three main causing death offences in 2024.

There is, however, a small number of examples within the sample where the blurring of the line between falling below and falling far below the standard of a competent and careful driver – the tests for careless and dangerous driving – resulted in the defendant being sentenced for an offence which did not, on the face of it, reflect their culpability. This occurred both as a result of a guilty plea being accepted to causing death by careless driving on charge of causing death by dangerous driving (so-called **plea bargains**) and as a result of jury trials ending in acquittal for the more serious offence. In the majority of cases, however, the defendant pleads guilty to the offence charged. There were a small number of cases in which the defendant pleaded guilty where they have been **overcharged**, meaning they ended up being sentenced for a more serious offence than they might have faced after trial. This inconsistency in charging decisions, although not

widespread, provides some cause for concern. Cases involving cyclists and motorcyclists, as vulnerable road users, were more likely to result in a plea bargain, indicating that the CPS might sometimes be overcharging defendants in such cases. The study illustrates that cyclists are at risk of becoming victims of motorists failing to pay sufficient attention to the road around them, but not necessarily driving in contravention of other rules such as the speed limit. As such, the death of cyclists may result in comparatively lower sentences to reflect the lower level of culpability involved. Pedestrians, on the other hand, whilst also sometimes being the victims of inattention, are more often the victims of driving at a speed significantly in excess of the speed limit, resulting in higher sentences for some of the drivers involved. However, it was not always the case that speed well in excess of the speed limit (as well as being inappropriate for the road conditions), was sentenced particularly robustly. A speed as high as nearly double the speed-limit (55-59mph in a 30mph limit) was seen to get as little as 18 months' imprisonment when it was charged as careless, rather than dangerous, driving.



In order to ensure that the more culpable drivers are sentenced for the more serious of the two offences, the law should be reviewed. The current test is dependent upon a decision-maker's interpretation of the standard of a competent and careful driver, and this test is not applied consistently. We propose that dangerous driving and careless driving be replaced by the following:

Dangerous driving – a driver commits this offence when they deliberately breach a “must”/“must not” rule of the Highway Code in circumstances which give rise to a risk of injury to others.

Negligent driving – a driver commits an error while driving which breaches a “must”/“must not” rule of the Highway Code, but does not deliberately breach the rule, in circumstances which give rise to a risk of injury to others.

This would allow those who drive at speeds that are obviously in excess of the speed limit to be charged and convicted for the more serious offence. It does not mean that every case of speeding would amount to dangerous driving.

Recommendation 1

The offences of careless and dangerous driving, and causing death by careless and dangerous driving, should be redefined.

What is the appropriate court to deal with cases of death by driving?

The vast majority of cases in the report were sentenced at the Crown Court,¹¹ but small number were tried and sentenced in the magistrates' court. Those sentenced at the magistrates' court are more likely to raise questions about appropriate sentencing. Because these cases do not have to be tried at the Crown Court, they do not currently fall within the Unduly Lenient Scheme, so cannot be referred to the Court of Appeal by the Attorney General to ask that a sentence be increased.

Recommendation 2

Causing death by careless driving should only be tried and sentenced in a Crown Court, in order to mark the seriousness of the offence and to enable it to come within the Unduly Lenient Sentencing Scheme.

How do we manage the greater risks presented by young drivers?

The status of the defendant as a young driver is one of the mitigating factors in sentencing common to all criminal offences, including those of causing death by driving. This study examines seventeen cases in which the driver of a car or van was aged 19 or below at the time of the collision, nine of which involved the death of at least one other young passenger in the defendant's car. The majority of these involved excess speed, with some also affected by drink or drugs. Whilst it is important that drivers who kill face justice after the event, it is preferable that we as a society find ways to minimise the likelihood of deaths being caused on the roads by supporting young drivers to gain experience of driving in a way that does not put others at risk.

Recommendation 3

Implement stronger licensing requirements to support young drivers.

Do we let drivers who kill drive again?

Given that some drivers found to be at fault for causing a fatal collision have demonstrated that they are not safe to be behind the wheel, this raises questions around whether the authorisation to drive should be removed, and when. Disqualification from driving is mandatory as part of the sentencing of these cases, but judges have discretion to disqualify for longer than the mandatory period. There was only one case in the sample which resulted in the offender being disqualified from driving for life. This case resulted in the second highest custodial sentence for causing death by dangerous driving (18 years) and there is no doubt it was a very serious case. However, there were other cases in which the defendant also had previous convictions and had shown they posed an ongoing risk to the public, but where a lifetime ban was not given. Greater use of lengthy and lifetime bans should also be used in response to repeat offenders before they kill. To encourage this, the Sentencing Code should be amended to provide statutory guidance on when

Recommendations

a lifetime ban is appropriate. This should include cases where a driver is yet to kill, in order to be preventative. Technology such as electronic tagging should be employed to assist with the enforcement of driving bans.

The extent to which there was consistency in the period of disqualification ordered was difficult to assess, given that the courts and the press were not always clear in communicating the length of time for which the driver would be disqualified after release from prison. The law on this, and the need to calculate an extension period under s.35A Road Traffic Offenders Act 1988, is extremely complex. This does not help victims or the public to understand what the impact of the sentence will be on an offender’s ability to drive lawfully after they are released from prison.

Finally, there are questions raised in some cases as to whether a suspect driver involved in a fatal collision should have been permitted to continue driving after the collision, whilst awaiting trial. Some have even gone on to commit further offences before they were sentenced. Whilst the presumption of innocence must be respected, where it can be shown that a suspect is likely to commit further offences while awaiting trial, they should lose their licence to drive in order to protect the public.

Recommendation 4
Judges should make greater use of lifetime driving bans.

Recommendation 5
Judges, on passing sentence, should be required to express disqualification from driving as a length of time upon release from prison.

Recommendation 6
Magistrates should be empowered to impose post-charge bail conditions that prevent the suspect from driving whilst awaiting trial.

Is justice delayed, justice denied?

Analysis of the cases in the sample raises one particular issue not directly related to sentencing or the law. The time it took for a case to reach sentence varied hugely from case to case, with the quickest case taking only 39 days from fatal collision to sentence at court, and the longest taking over five years. Whilst the causes of delays in the criminal justice system, as identified by Sir Brian Leveson in his recent review, apply to cases of causing death by driving just as they do any other crime, there are likely additional reasons for delays which stem from society’s willingness to tolerate violent death on the roads more than other violent death. Police resourcing of Serious Collision Investigation Units and the value placed on those who do the difficult job of investigating these tragic occurrences,



including forensic collision investigation, needs attention. Although not forming part of the sample for this study, the tragic deaths of Nuria Sajjad and Selena Lau in Wimbledon, and of Harry Dunn, highlight the challenges faced in the investigation of road death. The delays in investigation are not only difficult for bereaved families to bear, but they are also unfair to drivers under suspicion.

Recommendation 7
The investigation of road death should be given equal weight as the investigation of any other unlawful death. To facilitate this:

- Police forces should ensure that Serious Collision Investigation Units are appropriately resourced.
- The career path for forensic collision investigators should incentivise such experts to become qualified and receive appropriate remuneration.

How do we deter drivers from being distracted by their phones?

The use of a mobile phone was mentioned in a small number of the cases, in the most part in relation to offenders being sentenced for causing death by dangerous driving. Although mobile phone use can be used to evidence careless and dangerous driving, enforcement of the specific mobile phone use offence is the primary way the law seeks to

prevent road deaths caused by driver distraction. The current mobile phone offence provides some deterrence to those who hold a mobile phone in their hand and use it whilst driving, but the current offence definition lacks clarity. At present, most police forces do not take action against drivers who touch their phone whilst it is in a cradle, despite the obvious risk involved. The current grey area surrounding the meaning of “handheld” needs to be resolved to prevent the use of phones that then leads to death on the roads.

Recommendation 8
The mobile phone offence should be amended to ensure that the police can take action against drivers who touch their phone whilst driving, even if it is in a cradle.



The risk of being killed on the road is far higher than the risk of being killed as a victim of any other type of violence. There were 1,633 fatalities on Britain's roads in 2024,^[2] compared to 570 homicide offences^[3] recorded by the police in the year to March 2024.^[4] As such, road death creates a great deal of work for the criminal justice system – starting with an in-depth investigation by the police before a decision is taken as to whether charges should be brought against a surviving driver – and causes immeasurable suffering to those affected by losing a loved one. Understandably, many bereaved victims find it difficult to come to terms with their sudden loss and look to the court system to bring justice to those responsible. This study set out to analyse press reports of sentencing decisions resulting from convictions for the causing of death using a motor vehicle, focussing on the offences of: causing death by dangerous driving (CDDD)^[5]; causing death by careless driving whilst under the influence of drink or drugs (CDCDUI)^[6]; and causing death by careless driving (CDCD),^[7] in order to shed light on the range of sentences passed in such cases and to assess the application of the Sentencing Council guidelines to those offences. Before a description of the methodology is given, a brief overview of sentencing guidelines and relevant offence definitions is provided. Note that although the offences in this study exist north of the border in Scotland, the different criminal justice system

and separate sentencing guidelines^[8] that apply there mean that the study was confined to cases from England and Wales. The sentencing guidelines for the three main offences in England and Wales appear in Appendix B below.

Maximum penalties and the Sentencing Council

The maximum sentence for both CDDD and CDCDUI was increased from 14 years to life imprisonment by sections 86 and 87 of the Police, Crime, Sentencing and Courts Act 2022, effective from 28 June 2022. New Sentencing Council guidelines came into effect a year later, on 1 July 2023.^[9]

As a result, the offences of CDDD and CDCDUI now carry the same maximum penalty as manslaughter. As such, the law has almost come full circle since the first statutory offence of causing death by driving was created in 1956. At that time, there was a perceived reluctance on the part of juries to convict drivers of manslaughter because of a mentality of “there but for the grace of God go I”, and a separate offence of CDDD was created with a maximum penalty of only five years' imprisonment. This was increased to 10 years by the Criminal Justice Act 1993, and then to 14 years by the Criminal Justice Act 2003. The Road Traffic Act 1991 created a new offence to punish those who drink-drive and cause

death, requiring also that the driver commits the offence of careless driving. Three more causing death by driving offences were created by the Road Safety Act 2006 and the Criminal Justice and Courts Act 2015. CDCD carries a maximum penalty of five years' imprisonment, whilst causing death by driving when unlicensed or uninsured^[10] carries a maximum penalty of 2 years' imprisonment, and driving when disqualified^[11] now carries a maximum of 10 years' imprisonment. In passing any sentence the courts “must . . . follow any sentencing guideline . . . unless the court is satisfied that it would be contrary to the interests of justice to do so”.^[12]

The sentencing guidelines for causing death by driving offences now follow the same structure as all recent sentencing guidelines issued by the Sentencing Council. The Sentencing Council is an independent, non-departmental public body which operates as an arm's-length body of the Ministry of Justice. It develops sentencing guidelines for criminal offences, with a view to ensuring consistency in sentencing. When developing guidelines, it consults widely with members of the public before issuing a definitive guideline. Guidelines are constructed taking account different levels of harm caused to the victim, combined with how blameworthy the offender is (referred to in the guidelines as culpability). For causing death by driving offences, the harm is the same (death); the

key to determining the length of any sentence are the factors that relate to culpability. A judge must, for the offence of CDDD, determine which of three levels of culpability applies (A-C). There are also three levels of culpability to choose from for CDCD, and at present it is a judge or a bench of magistrates who decide which level applies, depending on whether the case is heard in the Crown Court or the magistrates' court.^[13] We propose that all cases of CDCD should be heard in the Crown Court by a judge. For CDCDUI, always sentenced by a judge in the Crown Court, culpability is determined primarily on the basis of the amount by which the driver has exceeded the drink-drive limit, or whether there is evidence of substantial impairment or multiple drugs consumed, which is then combined with other culpability factors. The current guidelines were consulted on between July and September 2022.

For CDDD and CDCDUI, the starting point and category range track the starting point and upper range limit as for gross negligence manslaughter (12 years starting point, with a range of up to 18 years).^[14] It is possible for judges to sentence beyond the top of the range in the very worst cases, particularly where more than one death occurs, as illustrated by the case of Iqbal,^[15] relating to the sentence of the driver who caused the death of Frankie Jules-Hough. In that case, the Court of Appeal was clear that the notional sentence, before giving the

offender credit for his guilty plea, should have been 20 years (starting point of 18 years, increased by three years due to the multiple aggravating factors, and then reduced by one year due to the limited mitigating factors present). This case is also an illustration of the way in which credit for a guilty plea is dealt with by the courts of England and Wales. In any case in which a defendant pleads guilty, their sentence will be reduced proportionately, depending on the point at which such a plea was indicated. If indicated at the first opportunity, a reduction of one third will be made.^[16] If the defendant admits to the offence at a later stage of the proceedings, they will receive a discount of one-tenth to one-quarter, with a discount of one-quarter being applied where the plea is entered at the second hearing, after which a sliding scale applies. This discount applies to all offences and is recognised under the Sentencing Code,^[17] whether the sentence takes place in the magistrates' court or Crown Court.

It should be noted although CDDD and CDCD now share the same maximum penalty as manslaughter, life imprisonment is rarely passed in a case of manslaughter, with only four cases of manslaughter resulting in a life sentence in the year 2024. ^[18] Thus, whilst it might be possible to see sentences for both manslaughter and the causing death by driving offences that exceed 20 years, this would only be in the very worst case. In the context of road deaths, such sentences are likely to be reserved for cases where a motor vehicle has been used as a weapon of offence, when a charge of manslaughter is warranted, and the guidelines for unlawful act manslaughter ^[19] would be applied.

The way in which the increase in maximum penalty for CDDD to life imprisonment has impacted on the sentencing guidelines is set out below in Table 1:

Culpability	Old guidance from 2008	New Guidance from July 2023
A High	8 years (7-14 years) Starting point (range)	12 years (8-18 years)
B Medium	5 years (4-7 ywears)	6 years (4-9 years)
C Lesser	3 years (2-5 years)	3 years (2-5 years)

It should be noted that it would not be possible for a judge to sentence an offender to more than 14 years imprisonment if the fatal collision took place before 28 June 2022. Some of the cases in our sample involved collisions that did occur before that date. However, the new sentencing guideline, which came into effect on 1 July 2023, before any of the cases were sentenced, should have been applied to any case sentenced after that date, irrespective of when the collision occurred, according to the Court of Appeal.^[20] In such a case, the sentencing range for Culpability A would be 8-14 years.

Where a defendant is sentenced for more than one offence arising from the same collision, perhaps because there were multiple deaths, or other victims suffered serious injury, or the defendant was convicted of both CDDD and causing death by driving when disqualified, for example, then the length of time spent in prison will be determined by the sentence for the 'lead' offence (the most serious offence – CDDD in this example). If a sentence is passed for additional offences, it will be served concurrently rather than consecutively. This is a general principle of sentencing law that applies in England and Wales. Any additional deaths or injuries are taken into account as an aggravating factor in sentencing for the lead offence under the guidelines.





Suspended sentences

Where a judge or magistrate is of the view that the appropriate sentence is a custodial sentence of two years or less,^[22] they will consider whether the sentence should be suspended. A suspended sentence is a custodial sentence, but it will be served in the community so long as the offender abides by the requirements set by the court. Only if the conditions of suspension are breached will the offender be taken into custody.

The Sentencing Council provides guidance to sentencers when deciding whether to suspend a sentence. The judge or magistrate should have regard to factors for and against suspension. Factors indicating that it may be appropriate to suspend a custodial sentence are that: there is a realistic prospect of rehabilitation in the community; the offender does not present a high risk of reoffending or harm; strong personal mitigation; or where immediate custody will result in significant harmful impact upon others (e.g., dependent children). In a case of causing death by driving, the main factor indicating that it may not be appropriate to suspend a custodial sentence is that the seriousness of the offence (i.e., a death has been caused) means that appropriate punishment can only be achieved by immediate custody. In cases of CDCD where the culpability of the offender is low, the judge or magistrate may decide to suspend the sentence, particularly in cases where the offender has no record of prior offending, and has a clean driving record.

Disqualification from driving

Disqualification from driving is an ancillary order that must be made on conviction for any death by driving offence. There are mandatory minimum periods of disqualification that must be applied to causing death by driving offences, and any longer period of disqualification is at the discretion of the sentencer. The mandatory period for CDDD and CDCDUI is five years, increased from two years by the Police, Crime, Sentencing and Courts Act 2022. The mandatory period for CDCD is 12 months.^[23] That said, the exact period of disqualification beyond the statutory minimum is at the judge's discretion. The Sentencing Guidelines do not provide guidance similar to that for prison sentences. It is possible for a lifetime ban to be imposed, but these are extremely rare.^[24]

The law relating to disqualification from driving in these cases is extremely complicated. Under s.35A of the Road Traffic Offenders Act 1988 (RTOA) the court must extend the period of disqualification in order to avoid the driving ban being significantly diminished during the period that the offender is in custody. There is little point in banning a driver for the period in which they are in prison, so the judge must think about how long the drivers should be banned for after release from on. What has made the job of the courts particularly difficult in relation to CDDD and CDCDUI is that at the same time that the maximum penalties were increased for

these offences, the same statute also increased the minimum term that such an offender would have to serve. Previously, offenders would have to serve a half of their sentence. Following the enactment of the Police, Crime, Sentencing and Courts Act 2022, they should now serve two-thirds of their sentence if they are sentenced to seven years or more. This has the knock-on effect of requiring judges to extend the period of disqualification under s.35A RTOA to take account of that change. They must consider how long they think the offender should be disqualified for, and then work out when they will be released from prison, to ensure they add an extension period to the ban that means the offender will be disqualified for the desired period from release.^[25] Some judges were slow to take note of this change, with a number of cases in the Court of Appeal in recent years having to correct the period of disqualification to take account of the increased extension period.^[26] The Sentencing Council issued further guidance on disqualification from driving earlier this year.^[27]

Appeals against sentence

In the event that it is thought that the judge has failed correctly to apply the sentencing guidelines, an appeal against sentence may be launched. An offender sentenced in the Crown Court may appeal against their sentence to the Court of Appeal Criminal Division. The Court of Appeal will decide whether the sentence imposed was “not justified by law”, was “manifestly excessive” or “wrong in

principle”. If the court decides that one of these tests is met, it can reduce the sentence accordingly. It is also possible in some cases for the prosecution or members of the public, including bereaved victims, to request that the Attorney General consider referring a sentence to the Court of Appeal as unduly lenient under the Unduly Lenient Scheme (ULS). In relation to offences of causing death by driving, this only applies to CDDD and CDCDUI, as the power to refer a case is limited to offences triable only on indictment. A reference has to be made within 28 days of sentence, and the test is whether a sentence “falls outside the range of sentences which the judge, applying his [sic] mind to all the relevant factors, could reasonably consider appropriate”.^[28] We propose that in future CDCD should be made an indictable only offence and fall within the ULS. It is known that of the cases in the sample for this study, there were six cases where the sentence was appealed at the Court of Appeal. Of these, three were appeals by the defendant. One of these appeals was dismissed;^[29] in the other two the original sentence was quashed and a lesser sentence imposed.^[30] The other three appeals were made under the Unduly Lenient Sentence scheme.^[31] All three resulted in the Court of Appeal agreeing that the original sentence was indeed unduly lenient and substituting it for a longer sentence.^[32] These cases will be discussed in the section on qualitative assessments below.



The law relating to causing death by driving

There now exist five separate causing death by driving offences in statute. In addition to this, where a death is caused by the use of a motor vehicle, the driver could be charged with the common law offences of murder or manslaughter where the elements of those offences can be proved. In order to inform understanding of the application of the law and sentencing, a very brief summary of the offences is provided. For each of these offences, it must be proved that the deceased died as a result of the defendant's driving; the difference in charge is based on the level of culpability involved. The offences are triable on indictment only (in the Crown Court), with the exception of CDCD and causing death by driving whilst unlicensed or uninsured, which may be heard in the magistrates' court or the Crown Court.^[33]

Causing death by dangerous driving (CDDD)

This is seen as the most serious statutory offence of causing death by driving. It requires proof that the defendant's driving fell far below the standard of driving of a competent and careful driver. This standard is not defined further in statute, but case law has led to the CPS developing a list of examples of such driving.^[34] Some of these examples are used by the Sentencing Council to determine the level of culpability of the offence (e.g., racing or competitive driving; speed which is particularly

inappropriate for the prevailing road or traffic conditions; disregard of warnings from fellow passengers; driving when knowingly deprived of adequate sleep or rest). Dangerous driving also requires that it would be obvious to a competent and careful driver that driving in that way would be dangerous. Dangerous here refers to a danger of injury to any person or serious damage to property. There were 117 convictions for CDDD in the sample.

Causing death by careless driving (CDCD)

Where driving is judged to fall below the standard of a competent and careful driver, but not far below that standard, careless driving is committed. Prior to this offence being created in 2006, those drivers guilty of driving without due care and attention who caused death could only be prosecuted for the offence of careless driving, and punished in the magistrates' court by way of a fine and penalty points. The Road Safety Act 2006 created CDCD as a triable-either-way offence with a maximum penalty of five years' custody when sentenced in the Crown Court. Again, the CPS provides examples of driving that would evidence careless driving (e.g. speeding, which is not aggravated by the prevailing road or traffic conditions, but which is inappropriate; momentary inattention; misjudgements such as proceeding without sufficient caution from a side road). There were 65 convictions for CDCD in the sample.

Causing death by careless driving whilst under the influence of drink or drugs (CDCDUI)

This offence requires that the driver fell below the standard of the competent and careful driver, and also that the driver:

- a) Was unfit through drink or drugs; or
- b) Had consumed so much alcohol that showed a blood (breath or urine) alcohol concentration above the prescribed limit, which is currently 80mg/100ml blood; or
- c) Has in his [sic] body a specified controlled drug; or
- d) Has failed to provide a specimen of blood for analysis; or
- e) Has refused to give permission for a laboratory test of a specimen of blood.

Essentially, the offence is one where a driver has driven carelessly, and has committed a drink or drug driving offence, and has caused death. However, where dangerous driving can be proven (i.e., the driver has not only driven below the standard of a competent and careful driving, but far below the standard), it is likely that CDDD will be charged. Although this carries the same maximum penalty, the offence of CDDD is seen as more serious, and it can be noted that driving whilst impaired by drink or drugs helps a judge determine the culpability level for a CDDD offence (driving that is highly impaired by consumption of alcohol and/or drugs falls within

culpability A for CDDD; otherwise such driving falls within culpability B when combined with other factors evidencing dangerous driving). There were 25 convictions for CDCDUI in the sample.

Causing death by driving: unlicensed or uninsured (CDUD)

This offence, created by the Road Safety Act 2006 inserting s.3ZB into the Road Traffic Act 1988, covers those who are involved in a fatal collision when they should not have been driving, because they do not have a valid licence or insurance. It is very rarely charged following the Supreme Court decision of Hughes,^[35] and carries a maximum penalty of only two years. That case established that the defendant must have driven in such a way that their driving could be criticised, even though it does not meet the test for careless driving. Consequently, there will be very few cases that fall within this narrow margin. In many cases, a driver will be charged with one of the above causing death offences, and also charged with driving while uninsured or driving otherwise than in accordance with a licence. These may receive 'no separate penalty' but will likely aggravate the sentence overall. There were no cases in this project where this was the lead offence charged.



Methodology

Causing death by driving: disqualified (s.3ZC)

This was originally part of the offence under s.3ZB above, but was separated out in 2015 and given a far higher sentence of 10 years. As with the s.3ZB offence, it must be proved that the driving can be criticised for some reason other than the fact the driver was disqualified. However, unlike s.3ZB it is likely to be charged instead of / in addition to CDCD, because it carries a far higher maximum penalty. In many cases, though, the driving falls far below the standard of a competent and careful driver and CDDD is charged.^[36] There was only one case in the sample for this study where the offence under s.3ZC was charged as the main causing death offence.

Murder

Murder, as the most serious offence carrying a mandatory life sentence, requires that the defendant caused death and it can be proved that in doing so they intended to kill or cause grievous bodily harm. There was one case in the current sample where murder was charged, but the defendant was acquitted of murder by a jury. The defendant had pleaded guilty to CDDD and was sentenced for that offence^[37]

Manslaughter

There are two relevant species of manslaughter that apply in the context of road death: gross negligence manslaughter and unlawful act manslaughter. Gross negligence manslaughter may be charged where there is evidence of a very high degree of negligence, making the case one of the utmost gravity.^[38] Unlawful act manslaughter, on the other hand, is charged where the defendant has used a motor vehicle as a weapon, and there is insufficient evidence of an intention to kill or cause GBH needed to prove murder. There were no cases in the sample where a driver was charged or convicted of manslaughter. Manslaughter is a lesser included offence for murder, so it would have been possible for the jury to have convicted of manslaughter in the one case where there was a charge for murder. However, the jury convicted instead of CDDD.^[39]

The Government publishes official Criminal Justice System statistics on a quarterly basis,^[40] from which basic information can be taken about the number of offences resulting in conviction and sentence. From these, general trends regarding sentencing practice can be tracked, but they do not provide any qualitative information regarding the cases that have been sentenced. It is impossible to know whether like cases are being sentenced in a similar way; to glean the extent to which cases sharing similar facts are being sentenced consistently and proportionately. Ideally, an assessment of sentencing practice would be conducted through court observations, but this would be lengthy and resource intensive. Instead, for this study, a Google alert was set up to capture as many online press reports as possible of cases sentenced for the relevant offences. In all, 203 cases were collected,^[41] relating to fatal collisions occurring from 18th May 2019 to 6th November 2024. The majority of these were sentenced in 2024,^[42] with 38 sentenced more recently in 2025, and four from the last quarter of 2023.

Online reports came from a range of sources, in the most part local or national newspapers, but also police force’s own press releases were used. Sometimes multiple sources for the same story were analysed in order to obtain as much detail as possible. A number of details were captured about each case and entered into a spreadsheet for statistical analysis. These included: Facts relating to the defendant (name, gender, age, previous convictions);

facts relating to the deceased (name and age where reported, mode of transport/status as a road user); date of collision; date of sentence; offence(s) charged; plea; offence convicted; sentence (immediate custody/suspended sentence and disqualification from driving); whether driving in excess of the speed limit (and by how much); whether alcohol or drugs were involved; whether the driver was unlicensed, uninsured or disqualified from driving; mention of factors that feature in the sentencing guidelines (e.g. momentary inattention;

disregarding the warning of others; competitive racing; use of a mobile phone etc.) and a summary of the circumstances of the collision as reported.

Quantitative statistical analysis was conducted to establish any patterns in sentencing, after which qualitative analysis of the cases was performed.

Limitations

There are a number of limitations with this method. The main limitation is that the data is reliant on accurate court reporting. The granularity of details varied hugely and, in several cases, we are aware of inaccurate reporting (where possible, facts were verified by accessing multiple reports of the same case). In particular, it should be noted that the driving cases in this sample are not necessarily representative of road death cases. Whether a news outlet decides to publish a report of a sentencing decision in a court case will depend on multiple factors, ranging from whether they had a journalist available to attend court that day, through to the perceived public interest in the case. However, this study does not purport to provide an accurate picture of the tragedy of road death in general, but specifically seeks to assess the extent to which the available cases sharing similar factors are treated consistently within the criminal justice system. Even then, though, relying on press reports does not provide the level of information about a case that will be considered by a judge who has sat through a trial or heard submissions in a sentencing hearing and is best placed to decide the appropriate sentence to the offence convicted. Having said that, the study does bring additional issues to light, as discussed towards the end of the report.

Each road death is unique and no two cases are exactly the same. Given the vast number of variables recorded, a great deal of variability could also be expected from the statistical data. The overall conclusion is that, in the most part, the sentencing guidelines are being applied appropriately. There exist, however, certain “outlying” cases where, from more qualitative analysis, questions can be raised as to the appropriateness of the sentencing. It should be stressed that these are few and far between. Otherwise, there is some variability between sentences, but this can usually be explained by divergent factors. In the first instance some general statistical data will be presented, and related to each of the offences, after which the qualitative analysis will be offered under different themes.

General Statistical Data

As a snapshot of cases resulting in conviction for causing death by driving offences, it is worth considering some of the basic characteristics of these cases leading to conviction in the sample. 198 of the cases involved only one defendant (97.5%); five cases involved two defendants. In the vast majority of incidents, the defendant was driving a car (78.8%). In 26% of cases the media did not report the type of road on which the incident occurred, but for where this was noted the most common location was on ‘A’ roads (27%), ‘B’ roads (7.8%), junctions or traffic lights (6.9%), pavements, footpaths or bus stops (i.e. pedestrian spaces) (6.9%), or pedestrian crossings (6.9%). The age of the defendant ranged from 16^[43] to 96, with a mean

age of 37. Defendants were most commonly aged between 25 to 44 (48.6%), although there was also a high proportion of defendants aged under 21 (25.5% - see further below). In most cases there was only one deceased victim (92.8%). 12 cases had two deceased victims (5.8%) and 3 cases had more than two victims (1.5%). Based on cases with only one deceased, victims were aged between 0 and 92, with a mean age of 44. Victims commonly came from all age ranges. 11.7% of deceased victims were under the age of 18. In total there were 223 deceased victims. Just over one quarter of victims were pedestrians; just over one fifth were passengers in the defendant’s car. In a further fifth of cases, the victim was the driver or passenger in another car. Cyclists and motorcyclists accounted for 12% and 10% of victims respectively^[44] Most of the defendants were charged and convicted of only one offence (58.7%); in the remaining cases the defendant was charged with multiple offences. In the case of 12 defendants the charges were reduced to lesser offences (5.8%). Most commonly this was in cases where the defendant pleaded not guilty to CDDD (and in some cases causing serious injury by dangerous driving (CSIDD)) and guilty to the lesser charge of CDCD (and in some cases causing serious injury by careless driving (CSICD)) – this occurred for 9 defendants.

The most commonly charged offences were CDDD (37.3%), CSIDD (15.5%) and CDCD (14.7%) – see

Table 2: Offences charged and frequencies – all charges combined

	Frequency	Percent
CDDD	147	37.3
CDCD	58	14.7
CDCDUI	24	6.1
CSIDD	61	15.5
CSICD	7	1.8
CSI Disqualified driving	1	0.3
Causing bodily harm by wanton / furious driving	1	0.3
CDUD (Uninsured)	19	4.8
CDUD (Unlicensed)	1	0.3
CDUD (Uninsured and unlicensed)	4	1.0
CD by disqualified driving	5	1.3
Dangerous driving	1	0.3
Drink/drug drive	7	1.8
Fail to stop	13	3.3
Failure to report accident	3	0.8
Failure to provide specimen	2	0.5
Driving whilst uninsured	14	3.6
Driving whilst unlicensed	3	0.8
Driving whilst disqualified	4	1.0
Driving other than in accordance with a licence	1	0.3
Perverting the course of justice	3	0.8
Dishonestly failing to disclose information	1	0.3
Fraudulently using trade plates	1	0.3
Possession with intent to supply Class B drug / Cannabis	2	0.5
Possession Class A drug	2	0.5
Possession Class B drug	4	1.0
Theft of Vehicle	1	0.3
Aggravated TWOC	2	0.5
Murder	1	0.3
Causing GBH	1	0.3
Total	394	



As noted above, the Road Safety Act 2006 created new ‘causing death by driving’ offences related to underlying offences which signify that the defendant should not have been driving at the time of the collision; i.e., they were disqualified, unlicensed or uninsured. In the sample for this study, there were 11 cases in which the driver was disqualified when he (they were all men) caused death. Of these, 8 were convicted of CDDD, one of CDCDUI, and in only one case was causing death by disqualified driving the lead offence.^[45] Causing death by disqualified driving was charged as a secondary offence (in addition to CDDD) in a further 3 cases, and disqualified driving was prosecuted in 4 cases. Causing death by driving when unlicensed or uninsured was not the lead offence in any of the cases, but it was charged alongside other causing death offences in 24 cases. Further, driving whilst uninsured was charged in addition to a causing death offence in 14 cases, and driving other than in accordance with a licence (unlicensed driving) was charged in 3 cases. This demonstrates that there is still some inconsistency in the way in which the CPS choose to select charges where they have evidence that a driver involved in a fatal collision should not have been driving for one of the three reasons, with some charging multiple counts of causing death offences and others charging the separate underlying offences.^[46]

Of the 207 defendants, 199 (95.7%) were convicted in the Crown Court, with 165 (79.3%) pleading guilty to the charges, 10 pleading guilty – but to a lesser offence, and 28 defendants pleading not guilty. The high rate of guilty pleas has an impact on

sentence, given that, depending on when the plea was entered, the defendant will receive credit for their plea with a discount on sentence (see above). The majority of defendants were given a custodial sentence (75%). For those defendants that received a custodial sentence, this ranged from 210 days to 6996 days, with a mean sentence of 2505 days (which is approximately 6.7 years). The length of disqualification could only be calculated for those where the disqualification period was expressed as being set upon release from prison. For those where a definitive disqualification was reported as being set by the judge (82%) the period ranged from 365 days to 6935 days (excluding one ban for life), with a mean disqualification period of 2591 (approximately just over 7 years).

Factors relevant to sentencing, as set out in the sentencing guidelines, were mentioned in many cases. Table 3 provides the frequency with which certain factors were mentioned in media reports in relation to convictions for the three main offences. Most of these are statistically insignificant, but it can be seen that excess speed was a significant factor in relation to all three offences. Nearly a quarter of those guilty of CDDD and CDCDUI had previous convictions, with the majority of these being for motoring offences.^[47] Whilst drugs or alcohol were naturally a factor in all CDCDUI convictions, they were also a factor in more than a third of CDDD convictions. Defendants were driving uninsured in 14% of CDCD cases and 16% of CDDD cases. Some of these will be discussed further in the qualitative analysis below.

Table 3: Frequency of factors relevant to sentencing

CDCDUI

Factor	Number of Defendants where this was identified	% of Defendants from total of 25
Use of mobile phone	1	4.0
Consumption of drugs/ alcohol	25	100
Police evasion	2	8.0
Racing another vehicle	0	0.0
Disregard warning from passengers	2	8.0
Excess speed	11	44.0
High rate’ speeding	2	8.0
Defective vehicle / dangerous load	1	4.0
Medical condition / fatigue	2	8.0
Failure to stop	2	8.0
Momentary lapse of concentration	1	4.0
Defendant uninsured	1	4.0
Defendant unlicensed	2	8.0
Defendant disqualified	1	4.0
Previous convictions	6	24

CDCD

Factor	Number of Defendants where this was identified	% of Defendants from total of 65.
Use of mobile phone	1	1.5
Consumption of drugs/ alcohol	3	4.6
Police evasion	0	0.0
Racing another vehicle	0	0.0
Disregard warning from passengers	1	1.5
Excess speed	17	26.2
High rate’ speeding	6	9.2
Defective vehicle / dangerous load	2	3.1
Medical condition / fatigue	3	4.6
Failure to stop	5	7.7
Momentary lapse of concentration	7	10.8
Defendant uninsured	9	13.9
Defendant unlicensed	5	7.7
Defendant disqualified	0	0.0
Previous convictions	5	7.7

CDDD

Factor	Number of Defendants where this was identified	% of Defendants from total of 117
Use of mobile phone	9	7.7
Consumption of drugs/ alcohol	40	34.2
Police evasion	11	9.4
Racing another vehicle	6	5.1
Disregard warning from passengers	1	0.9
Excess speed	76	65.0
High rate’ speeding	55	47.0
Defective vehicle / dangerous load	7	6.0
Medical condition / fatigue	2	1.7
Failure to stop	23	19.7
Defendant uninsured	19	16.2
Defendant unlicensed	6	5.1
Defendant disqualified	9	7.7
Previous convictions	29	24.8



Statistical data relating to sentencing

Cases were analysed primarily on the basis of the offence that was sentenced in any particular case. As one would expect, given the sentencing guidelines, there is a significant relationship between the offence (based on conviction) and the outcome in terms of type of sentence given. Defendants sentenced for CDDD and CDCDUI are significantly more likely to receive a custodial sentence – 95% and 88% respectively compared to only 34% of offenders sentenced for CDCD. Offenders convicted of CDCD are significantly more likely to receive a suspended sentence.

Table 4: Type of sentence by offence
Sentencing outcome (other than disqualification)

Sentencing outcome (other than disqualification)	CDCD	CDCDUI	CDDD	Total
Custodial sentence	22	22	113	157
Suspended sentence with unpaid work and / or rehab activity days	30	3	2	35
Suspended sentence only	12	0	2	14
Fine only	1	0	0	1
Total	65	25	117	207

Owing to reporting practices, we cannot rely heavily on the differences between some of these categories. Although 12 cases were recorded as ‘suspended sentence only’ it may well be that there were other elements to the sentence passed in court which were simply not recorded and reported in the press.

There is one case in this table which, on the face of it, failed to follow the sentencing guidelines in that it was only reported that a fine was given. This will be discussed below.^[51]

In relation to disqualification from driving, given the lack of clarity in the way in which the courts explain the process of determining the length of disqualification, and the way in which this is then reported in the press, it cannot be confirmed whether all cases in the sample took account of the new rules relating to the extension periods of disqualification being calculated based on offenders serving two-thirds rather than one half of their sentence. However, the basic premise is that the longer the period in prison, the longer the period of disqualification should be. Table 5 shows the relationship between the average custodial sentence and the average period of disqualification in cases from our sample.

Table 5: Relationship between custodial sentence length (in days) and length of disqualification period (in days)

Primary conviction	Mean sentence length (sample size)	Mean disqualification period (sample size)	Size of effect
CDCD	628 (22)	908 (56)	small
CDCDUI	2010 (22)	2628 (19)	moderate
CDDD	2980 (11)	3587 (93)	large

As expected, there is a significant statistical relationship between custodial sentence length and the disqualification period for both CDDD and CDCDUI, but not for CDCD (for which only one third of defendants received a custodial sentence, and when they did this sentence tended to be much lower than the other two offences).

It is possible for an offender to avoid mandatory disqualification if they are able successfully to plead ‘special reasons’. These must relate to the offence; circumstances peculiar to the offender cannot constitute special reasons. It is not known whether special reasons were successfully pleaded in any of the sample. There were at least 11 cases in which a driving ban was not mentioned in the press report, but that does not mean that it was not given. An extended retest must be imposed on those offenders guilty of CDDD or CDCDUI, and is discretionary for those guilty of CDCD. Again, it is not possible to know from the media reports whether an extended retest was imposed when it should have been, or the frequency with which it was imposed for CDCD, given that failure to mention it does not mean it was not imposed (this was only mentioned in a total of 37% of all cases in the sample). Official data for each of the offences sentenced in 2024 will be provided below.



Causing death by Dangerous Driving

Official data can give us some indication of how the increase in maximum penalty, and the new sentencing guidelines, may have impacted length of sentences imposed, as seen in Table 6:

Table 6: Official data on custodial sentences for CDDD

Sentence length	2018	2019	2020	2021	2022	2023	2024
12 months			2				
Over 12 months and up to and including 18 months	3	4	5	1	5	1	
Over 18 months and up to and including 2 years	7	5	4	4	3	3	3
Over 2 years and up to and including 3 years	20	23	32	21	21	21	7
Over 3 years and up to 4 years	15	16	15	12	11	9	14
4 years	12	8	11	9	5	5	5
Over 4 years and up to and including 5 years	21	22	17	21	19	19	16
Over 5 years and up to and including 6 years	20	20	23	26	21	22	18
Over 6 years and up to and including 7 years	17	14	9	16	13	15	13
Over 7 years and up to and including 8 years	18	20	10	10	14	20	30
Over 8 years and up to and including 9 years	7	10	9	7	15	15	23
Over 9 years and up to and including 10 years	3	5	1	4	3	18	27
Over 10 years and up to and including 15 years	4	16		3	4	30	32
Over 15 years and less than life							7
Grand Total	147	163	138	134	134	178	195

We can see from this a significant increase in the number of cases sentenced to more than 9 years’ imprisonment from 2023, when the new maximum and guidelines came into effect.

Table 7 provides a summary of prison sentences imposed in the sample for the 117 cases resulting in conviction for CDDD.

Table 7: Custodial sentences for CDDD in the sample Sentence length

Sentence length	Frequency	Percent
Over 18 months up to/including 2 years	2	1.7
Over 2 years up to/including 3 years	5	4.3
Over 3 years up to 4 years	6	5.1
4 years	6	5.1
Over 4 years up to/including 5 years	9	7.7
Over 5 years and up to/including 6 years	11	9.4
Over 6 years and up to/including 7 years	8	6.8
Over 7 years and up to/including 8 years	19	16.2
Over 8 years and up to/including 9 years	10	8.5
Over 9 years and up to/including 10 years	9	7.7
Over 10 years and up to/including 15 years	21	17.9
Over 15 years and less than life	7	6.0
Total custodial sentences	111	94.9
Suspended sentence imposed	4	3.4
Total	117	100.0



Greater granularity as to the period in custody is provided than in the official statistics, in order to dig deeper into the longer sentences imposed. Further qualitative analysis of the cases receiving longer prison sentences is provided below.

Guilty plea to CDDD

All of the cases where a suspended sentence was given on a charge of CDDD were cases where the defendant had pleaded guilty. How common are guilty pleas on a charge of CDDD?

Sex	Guilty plea	Not Guilty plea	Not known/NA	Total
Male	216 (71%)	40	47	303
Female	37 (65%)	9	11	57
Not known	6	1	0	7
Total	259 (70.5%)	50	58	367

Table 8 provides a summary of all cases sentenced for a causing death by driving offence in the Crown Court, split by sex and plea. As can be seen, 70.5% of defendants plead guilty to the offence. The number of women offenders is far smaller than men, but slightly fewer of them choose to plead guilty (65% vs 71%).

Table 8: Official data on plea by sex at Crown Court for causing death by driving offences in 2024

Table 9 provides us with a breakdown of the number of male and female defendants, and how they pleaded from the cases in our sample. As can be seen, a higher proportion of the defendants in our sample pleaded guilty than the national average for 2024.

Table 9: Sex of defendant and how they pleaded

Sex	How did they plead?				
	Guilty plea	Guilty but to lesser offence	Not guilty plea	Unknown	Total
Male	142 (79%)	9	26	3	180
Female	22 (81.5%)	1	2	2	27
Total	164 (79%)	10	28	5	207

As noted above, entering a guilty plea to the offence charged leads to a defendant receiving a discount on their sentence, depending on when they first indicate such a plea. This is true of all criminal cases, and although not uncontroversial, is seen to benefit both the criminal justice system and victims, by saving court time and the trauma of a trial, while at the same time demonstrating that the defendant recognises they have done wrong. However, it means that the strength of the evidence is never tested in court. For death by driving cases, unlike some other serious offences, the question is not who caused a particular harm, but what offence might have been committed by the driver, if any. The assessment for the jury is whether the defendant's driving fell below or far below the standard of a competent and careful driver. This is not a clear-cut matter, but one which requires the jury to apply their own understanding of the standard of a competent and careful driver to the facts. Where the defendant pleads guilty, they accept that their driving falls sufficiently below the required standard to have committed the offence. It is never possible to know if the jury would have agreed with the defendant that their driving satisfied the test.

Disqualification from driving for CDDD

Looking at the official data, we can see that periods of disqualification have increased significantly in line with custodial sentences since the new sentencing guidelines took effect:

Table 10: Official data on disqualification for CDDD

Length of disqualification	2017	2018	2019	2020	2021	2022	2023	2024
Under 6 months	0	1	0	0	0	0	0	0
1 year	1	0	0	1	0	0	0	0
Over 1 year and less than 2 years	0	0	0	0	0	0	1	
2 years and less than 3 years	2	2	3	4	8	18	10	4
3 years	5	3		1	19	14	10	4
08: Over 3 years and less than 4 years	4	2	5	4	2	6	5	4
4 years and less than 5 years	12	5	10	7	12	20	15	6
5 years and less than 10 years	42	49	38	33	54	64	86	95
10 years and less than life	10	13	12	10	6	17	53	85
Life	0	0	0	0	0	0	2	2
Length unknown - Until driving test	107	79	101	83	43	0	0	0
Length unknown	4	1	1	1	1	0	0	0
Not applicable	6	2	3	1	1	1	1	2
Grand Total	193	157	173	145	146	140	183	202



Length of disqualification

Table 11 provides the length of disqualification imposed for CDDD in the sample, where known:

Table 11: Sample data on disqualification period for CDDD

Primary conviction	Frequency	Percent
2 years and less than 3 years	1	0.9
Over 3 years and less than 4 years	1	0.9
4 years and less than 5 years	3	2.6
5 years and less than 10 years[52]	43	36.8
10 years and less than life	51	43.6
Total	99	84.6
Unknown	18	15.4
Total	117	100.00

Unknown is the number of defendants, convicted of CDDD, whose length of disqualification was not reported in the media (including those who were disqualified for a period only upon release from prison, but insufficient details were reported to calculate an approximate disqualification).



We can see from this table that in five cases the date of the offence had taken place before the increase in mandatory disqualification had come into effect. We will look at the case resulting in a lifetime ban in more detail below.

Causing death by careless driving whilst under the influence of drink or drugs

Again, official data can give us some indication of how the increase in maximum penalty, and the new sentencing guidelines, may have impacted sentence length:

Table 12: Official data on custodial sentences for CDCDUI

Sentence length	2018	2019	2020	2021	2022	2023	2024
Over 12 months and up to and including 18 months					1		
Over 18 months and up to and including 2 years	2	2		2		1	
Over 2 years and up to and including 3 years		1	7	3	2	5	2
Over 3 years and up to 4 years	1	4		1	1	1	4
4 years	2				1		2
Over 4 years and up to and including 5 years	3	8	1	4	4	6	2
Over 5 years and up to and including 6 years	6	2	3	4	2	2	3
Over 6 years and up to and including 7 years		1	1		1	1	1
Over 7 years and up to and including 8 years	4	1	1	1	2	3	2
Over 8 years and up to and including 9 years	1		1	1	1	1	1
Over 9 years and up to and including 10 years	1						2
Over 10 years and up to and including 15 years							
Grand Total	20	19	14	16	15	20	19

It is notable from this table that there is not the same pattern for CDCDUI as for CDDD – i.e., there is not the same dramatic increase in long custodial sentences from 2023. This is likely because the worst cases of intoxicated driving causing death are prosecuted as CDDD rather than CDCDUI. It can be seen that the numbers of offences are relatively low. If we compare this to the cases in our sample, we can see that this study was likely able to capture all the instances of this offence sentenced in 2024:

Table 13: Custodial sentences for CDCDUI in the sample

	Frequency
Over 2 years up to/including 3 years	2
Over 3 years up to 4 years	4
4 years	2
Over 4 years up to/including 5 years	4
Over 5 years and up to/including 6 years	3
Over 6 years and up to/including 7 years	2
Over 7 years and up to/including 8 years	2
Over 8 years and up to/including 9 years	1
Over 9 years and up to/including 10 years	2
Total	22
Suspended sentence	3
Total	25



This follows the pattern of the official data, with sentences being spread between 2 and 10 years’ custody in fairly equal measure. However, a large percentage (68%) of offenders were sentenced to a period of disqualification of 5-10 years:

Table 14: Disqualification period for CDCDUI in sample

	Frequency	Percent
2 years and less than 3 years	2	8.0
3 years	1	4.0
5 years and less than 10 years	14	56.0
10 years and less than life	4	16.0
Unknown	4	16.0
Total	25	100.0

Unknown is the number of defendants, convicted of CDCDUI, whose length of disqualification was not reported in the media (including those who were disqualified for a period only upon release from prison, but insufficient details were reported to calculate an approximate disqualification).

Causing death by careless driving

This offence is triable either way, meaning that some cases are tried and sentenced in the magistrates’ court, some are tried and sentenced in the Crown Court, and some are tried in the magistrates’ court and then committed to the Crown Court for sentence. A case is sent to the Crown Court if the magistrates feel they do not have sufficient sentencing powers to reflect the culpability of the offending.^[53] Whilst in most cases it was possible to discern which court had sentenced an offender in the current sample, it was not always possible to know whether a case sentenced in the Crown Court had been tried there, or had been committed for sentence after a trial concluded or plea was entered in the magistrates’ court. Although magistrates can commit to the Crown Court where it is thought that their sentencing powers are insufficient, it is also clear that not every case that is committed to the Crown Court receives a sentence in excess of magistrates’ powers.

We can see from the official data how the lengths of custodial sentences have changed over the years:

Table 15: Official data on custodial sentences for CDCD

Sentence length	2018	2019	2020	2021	2022	2023	2024
Over 1 month and up to and including 2 months				1			
Over 2 months and up to and including 3 months	1						
Over 3 months and up to 6 months	1	2	3	1	3		
6 months	7	1	5	2	1		2
Over 6 months and up to and including 9 months	12	10	13	10	12	9	9
Over 9 months and up to 12 months	7	4	5	4	2	4	3
12 months	3	3	3	9	1	3	4
Over 12 months and up to and including 18 months	9	9	4	13	7	11	8
Over 18 months and up to and including 2 years	7	5	5	6	5	2	3
Over 2 years and up to and including 3 years	1	2	3	2	1	4	8
Over 3 years and up to 4 years	1	1			1		2
Over 5 years and up to and including 6 years[54]					1		
Grand Total	49	37	41	48	34	33	39

The official data suggests that there were 165 cases of CDCD proceeded against in 2024, and 156 cases sentenced that year (NB this shows an extremely high conviction rate). There were 58 cases of CDCD ending in convictions in the magistrates’ court, with 40 of these being committed for sentence in the Crown Court and only 18 sentenced in the magistrates’ court. Of those 18 cases, ALL resulted from guilty pleas.^[55]

By contrast to the 39 cases sentenced to immediate custody, there were 105 cases that received a suspended sentence for this offence in 2024. It is worth noting, however, that contrary to what one might expect given the overall more punitive approach taken by the sentencing guidelines that came into effect in 2023, the number of suspended sentences was considerably more in 2024 than the previous seven years.^[56] It is not known whether this was influenced by pressure on the prison system.

It does not come as a surprise, then, that there were more cases in the current sample that received a suspended sentence than an immediate custodial sentence:

Table 16: Sentences for CDCD

	Frequency	Percent	Valid Percent
Over 6 months up to/including 9 months	6	9.2	27.3
Over 9 months up to 12 months	2	3.1	9.1
12 months	3	4.6	13.6
Over 12 months up to/including 18 months	4	6.2	18.2
Over 18 months up to/including 2 years	4	6.2	18.2
Over 2 years up to/including 3 years	2	3.1	9.1
Over 3 years up to / including 4 years	1	1.5	4.5
Total custodial sentence	22	33.8	100.0
Suspended sentence	42	64.6	
Total ^[57]	65	100.0	

As noted above, the mandatory period of disqualification for CDCD is 12 months. We can see from table 17 that 12% of offenders received not more than the mandatory period. A third of such offenders received a disqualification period of between two and three years.

Table 17: Disqualification length for CDCD in sample

	Frequency	Percent
1 year	8	12.3
Over 1 year and less than 2 years	14	21.5
2 years and less than 3 years	19	29.2
3 years	7	10.8
4 years and less than 5 years	2	3.1
5 years and less than 10 years	5	7.7
10 years and less than life	1	1.5
Unknown	9	13.8
Total	65	100.00

Unknown is the number of defendants, convicted of CDCD, whose length of disqualification was not reported in the media (including those who were disqualified for a period only upon release from prison but insufficient details reported to calculate an approximate disqualification).



Having looked at the statistical data, further insights were gleaned by looking more carefully at individual cases and comparing cases sharing similar characteristics. Note that in the discussion below, D denotes the defendant/offender in the case, and V denotes the deceased victim. We start by looking at the end result and comparing cases with similar sentences (either very high or low), before taking cases with similar factors to assess any patterns in approach to sentencing.

CDDD: High culpability cases

Presented below are the cases leading to the highest sentences in the sample. The focus here is on sentences above the previous maximum penalty of 14 years' custody.

None of the convictions for CDCDUI resulted in a prison sentence higher than the previous maximum sentence of 14 years imprisonment. The highest sentence for CDCDUI was 9 years' custody, suggesting that there was little need to increase the sentence for CDCDUI. The reason for this is that any case that warrants more than 14 years in terms of culpability would be charged as CDDD (note that one third of cases of CDDD involved alcohol or drugs).

There were, however, eight cases in which the defendant was convicted of CDDD and was sentenced to more than 14 years' custody. However, there may additionally have been instances where the starting point was set at more than 14 years, but this was reduced in order to give credit for a guilty

plea. That said, all but one of the eight cases above 14 years did in fact receive credit for a guilty plea. It is worth considering the facts of these cases to gain an understanding of the combination of factors that are likely to lead to such high sentences.

19 years - Joe Lewis Tyler^[58] drank five pints of lager and four Sambuca and Jagerbomb shots, as well as taking cocaine and cannabis. He drove at 90mph in a 50mph limit before colliding with a taxi as it pulled out of the entrance to a school, killing the occupants, and caused injury to his own passenger. In this case D pleaded guilty to three counts of CDDD and three counts of CDUD (uninsured), as well as one count of CSIDD. At the time of writing this is the highest known sentence for CDDD ever (sentenced August 2024). Despite this fact, V's family attempted to have the sentence reviewed under the Unduly Lenient Scheme, but it was not taken up by the Attorney General. Tyler was disqualified from driving for 17 years.

18 years - Garry Robinson^[59] is the only driver to be banned for life. Again, D pleaded guilty to CDDD. D's car collided with two other vehicles, but details are very scant. D killed two young passengers, and injured another, as well as injuring the driver of another vehicle. D was found to be ten times the limit for benzoylecgonine (cocaine); it was described that he had been on a 'three-day bender before the crash'. One article notes that other passengers had told him to slow down before he crashed, and describes excessive speed and losing control of the car while negotiating a bend, with one passenger suggesting speeds of 110-120 mph at one point.

Forensics showed that the speed upon impact was 76mph. D had five previous convictions including two for drink driving.

Notably, the cases of Robinson and Tyler have a number of shared characteristics. In both cases D had taken drugs and was driving at speeds well above the speed limit. Multiple lives were lost, and D entered a guilty plea.

18 years - Barancan Nurcin^[60] drove a stolen van the wrong way on the M25 causing two deaths and injuring four others. He was also uninsured and unlicensed. He pleaded guilty to: two counts of CDDD; two counts of CDUD (uninsured); two counts of CDUD (unlicensed); four counts of CSIDD. At the time of the incident D was serving a 15-month suspended sentence for GBH, causing that sentence to be activated. He was also on bail for a public order offence. Nurcin left the scene of the crash, leaving his dead friend in the passenger seat. D's licence had been revoked in 2021 for drug-driving. At the time of the sentence in June 2024 it was reported to be the longest ever sentence for CDDD (but see Joe Lewis Tyler above). He was disqualified for 20 years.

18 years - Mark Plimmer^[61] lost control of his car at speed (81mph in 40mph limit) and collided with two parked cars, just as the driver and passengers were about to get into one of them. V was trapped under his car. D failed to stop, attempting to evade police. Plimmer had been drinking, failed to give a specimen and lied to the police. Unlike the other defendants who received 18-19 years in custody, D

pleaded not guilty and so will not have benefited from a sentencing discount. He was disqualified for 12 years.

17 years - Darryl Anderson^[62] drove at 141mph on the A1(M) and crashed into a car killing a baby and a woman. He pleaded guilty to two counts of CDDD. He was found to have 95µg alcohol / 100ml breath (nearly 3 times the limit) and had been using WhatsApp. D initially denied driving and claimed that a hitchhiker was driving, before admitting his guilt. Anderson was disqualified for 21 and a half years (highest ban other than life). What is surprising about this case is the speed with which it was concluded, given the delays experienced in general in the criminal justice system (see further below in the section Justice Delayed).

16 years - Kevin Marsh^[63] had drunk gin and taken cocaine. He was found to have been driving at 52-54mph in a 30mph limit on a tight bend, at which point he crashed into a bin lorry. His passenger was killed, and he initially blamed her for grabbing the steering wheel. He offered a plea to CDCDUI on a charge of CDDD, but this was rejected. Consequently, he did not receive a guilty plea discount after conviction. He was disqualified for 18 years.^[64]

15 years - Christopher Latham^[65] was driving at ‘extreme speed’ (at least 70mph in a 30 limit) when he collided with a lamp post and brick wall at a roundabout. D had three passengers in the car, one of whom died at the scene. A second woman was also seriously injured. Latham could be heard on the recording of the phone call to emergency services offering someone money to get him away from the scene. D fled the scene but was later located and arrested. He pleaded guilty to CDDD and CSIDD, and was disqualified for 17 yrs.

15 years - Sharjeel Shahzad^[66] killed a two-year-old child after driving a stolen Porsche on false plates at 48mph in a 30mph limit, and losing control on a bend. D fled the scene and was arrested two days later, having been identified from DNA on the driver’s airbag. D initially denied the offence but changed his plea to guilty to one count of CDDD, two counts of CSIDD, disqualified driving and failure to stop. Shahzad was sentenced to 15 years and 4 months custody and disqualified for 18 years 3 months. The judge described him as dangerous; he had been caught for a number of serious driving offences (including dangerous driving resulting from a police chase of a stolen vehicle) prior to the fatal collision. The judge identified no mitigation other than the discount for a guilty plea (although not full 1/3; it is unclear how much).

All of these cases quite clearly fell within Category A culpability on the sentencing guidelines, given that they shared multiple factors placing them in that category. The judge was then able to move up from the starting point due to the addition of aggravating factors (e.g. serious injury to one or

more victims; other offences committed at the same time as dangerous driving; passengers in the offender’s vehicle; and in some cases, blame wrongly placed on others; failed to stop and/or obstructed or hindered attempts to assist at the scene). It is proposed that a lifetime ban would have been appropriate in each of these cases.

CDDD on a Murder charge

The case of Keaton Muldoon^[67] was the only case in the sample where the driver who caused death was charged, not with an offence under the Road Traffic Act, but with murder. Given that the CPS were of the opinion they had a realistic prospect of proving to a jury that Muldoon killed with intent to do at least grievous bodily harm (GBH), one might imagine that this would be a case in which the defendant was judged to be of very high culpability. As such, one might also expect that he would be sentenced to one of the highest sentences for CDDD when the jury acquitted of murder.

Muldoon was driving a Land Rover Discovery when he collided with an e-bike, killing the pillion passenger. Muldoon failed to stop and handed himself in to the police a few days later. He was charged with murder in relation to the death, and with causing GBH with intent in relation to the rider of the bike, who lost his leg. Muldoon pleaded guilty to CDDD and CSIDD so that when he was acquitted by the jury of the more serious offences, he fell to be sentenced for these less serious offences. Muldoon had been dealing drugs and pursued the e-bike after lights were shined in his car. The judge described the incident in which V died as a “pursuit in anger, which

took place over a mile”, and said that D performed a “dangerous manoeuvre on a narrow country lane”. The pursuit lasted two minutes and twenty seconds. The judge said he agreed with the jury’s verdict that Muldoon had no intention to hurt anybody, but wanted to teach them a lesson by chasing and frightening them, rather than having rammed the bike on purpose.^[68] Muldoon was sentenced to 5 years and 3 months’ custody and disqualified for 12 and a half years. There is no case charged as CDDD which is similar on its facts to compare this with directly, but looking at the end result it appears that the judge placed the case within category B, rather than category A culpability. Without having heard the evidence at trial, it is difficult to understand how pursuing an e-bike down a narrow country lane for more than a mile does not equate to the highest level of culpability. It implies that the judge was not of the opinion that this was a “prolonged, persistent and deliberate course of bad driving”, nor that it involved a “deliberate decision to ignore the rules of the road and disregard for the risk of danger to others”.

CDDD: Low culpability cases

At the opposite end of the spectrum, there were a few cases in which the offender did not receive a sentence of immediate custody. CDDD is such a serious offence that a suspended sentence rather than immediate custody might be seen to be an unexpected result. It is worth examining the four cases that resulted in such a sentence:

1. June Mills (96 years old)^[69] pleaded guilty to CDDD and was given an 18-month suspended sentence. D mounted the kerb after applying too much acceleration. She reported that the pedal “fell” beneath her foot and she panicked. She collided with two pedestrians on the pavement, trapping V under her car. Judge Medland explained the suspended sentence, saying: “Bearing in mind the imposition guidelines, the pre-sentence reports, the abundance of references and, if I might add, plain common sense, it would not profit anybody to make that an immediate sentence, nor would that be a just outcome.” D was disqualified for the mandatory 5 years.

2. Gillian Dungworth (40)^[70] pleaded guilty to CDDD. She was sentenced to 2 years’ custody suspended for 2 years and disqualified for 5 years. D turned her car across the path of an oncoming cyclist. V would have been visible for four seconds before the crash. Judge Richardson said the case was “tragic”, describing Dungworth as a “respectable” woman who had driven her car “very badly for a few seconds”.

3. May Mustey (45)^[71] pleaded guilty to CDDD and was sentenced to 20 months’ custody, suspended for 18 months. She was disqualified for 5 years. D failed to clear her misty windows when returning to her car in the car-park of a supermarket. She consequently failed to see V walking close to her car, and ran over V’s feet, causing her to fall and bang her head.

4. Simon Cheeseman (43)^[72] pleaded guilty to CDDD and was given a 12-month suspended sentence. D failed to see V on his motorcycle, despite him wearing high-vis jacket and the front light on the motorbike being illuminated, and turned across V’s path. It is not clear why Cheeseman was disqualified for 4 years, rather than the 5-year mandatory period.

These cases warrant further discussion. What these cases tell us is not necessarily that the judge failed to follow sentencing guidelines^[73] or was too ‘soft’. Rather, some of these cases may suggest inconsistency in charging decisions. The sentences suggest that the judge may have seen the case as one more appropriate for a charge of CDCD than CDDD.

That is not true of Mills, however. The CPS charging guidance provides the case of Attorney General’s Reference No.4 of 2000^[74] as an example of when a driver has made a mistake or an error of judgement that is so substantial that it can be classed as dangerous driving, even for a short time. We see this example of unintentionally pressing the accelerator in another case in the current sample, which was the subject of an appeal against sentence. In the case of Bridget Curtis,^[75] D was dropping her daughter off at the hospital. After the daughter got out of the car, D turned in her seat to try to reach a bag on the back-seat and unintentionally hit the accelerator. The car engine was on and D had not placed the

vehicle in neutral or park. The car shot forwards and mounted the kerb, injuring a man before striking the pushchair of the 9-month-old V and throwing her out of it. The car came to a stop when it hit a tree. D was 71 at time of sentence, and held a clean driving licence with no previous convictions. She pleaded guilty to CDDD and was originally sentenced to 4 years' imprisonment and disqualified for 8 years (6 years plus 2-year extension). She appealed her sentence. The Court of Appeal agreed with the judge that this was a Category B case of CDDD in terms of culpability, on the basis that D had pressed the wrong pedal for 4-5 seconds and this was far from a negligible period (although the term 'momentary inattention' was also used). However, it was inattention and confusion which caused the tragedy, and the judge had taken too high a starting point. The Court set out the aggravating and mitigating factors as follow. Aggravating factors: vulnerable V, and a second person injured. Mitigating factors: good driving record and genuine remorse. The Court determined that these balanced each other out. This left a sentence of 4 years before the discount for a guilty plea was applied (the range is 4-9 years for category B). The Court determined that the judge was correct to apply a discount of 25%; therefore, a sentence of 3 years was warranted. The Court quashed the sentence of 4 years and reduced the custodial sentence to 3 years. The period of disqualification was reduced to one of 7 and a half years. There are likely factors that distinguish this case from that of Mills, although it is difficult to assess this given that less detail is provided in the press report for Mills than the Court of Appeal judgment for Curtis. The case of Dungworth can be compared with

that of Moran, another case in the sample. Trevor Moran was driving his car when he made a turn across the path of a cyclist. There are few details related to this case, but what is clear is that when charged with CDDD, the male driver offered a plea to CDCD, which was accepted. As such, this was one of seven cases in the sample in which a 'plea bargain' was entered into. Like Dungworth, he was given a suspended sentence, but for only 12 months (no details were given of his disqualification). We can see, then, that the sentence was not heavily influenced by the offence to which D pleaded guilty. The fact that the CPS chose to accept a plea to the lesser offence for Moran does suggest, however, that CDCD was the more appropriate charge. It might be worth noting that the CPS decided on a charge of CDDD in the case of Dungworth despite the fact that V's family wrote to the CPS to say they felt no-one was to blame for the crash.

There appears to be a gender element to this. It is striking that all but one of these defendants receiving a suspended sentence for CDDD was a woman. It is worth noting that only 27 (13%) of the 207 defendants in the sample were women. Official data shows that in 2024, of those sentenced for causing death offences, 62 were female, 312 were male (8 unknown).

CDCD: Plea bargains

There have been repeated calls, particularly from victims' groups, for the law on careless and dangerous driving to be clarified. There is a potential 'grey' area where a case might fall within the top end of careless driving, or the bottom end of dangerous driving, with disagreement over how far below the required standard the offender has driven. This leads to disquiet in some cases where it is felt that the CPS 'undercharge' some offenders, by charging CDCD when CDDD should be prosecuted, or charge CDDD before accepting a guilty plea to CDCD. The extent to which this is a problem is not entirely clear.

In the current sample, there were seven cases in which the Crown accepted a plea to CDCD on a charge of CDDD. Of these seven, two involved the death of cyclists, and four involved the death of motorcyclists. These are summarised below:

1. Ethan Burdett^[76] failed to respond quickly enough to stationary traffic in front of his HGV on the M25, and collided with the rear of a minibus, shunting it into a car in front. Four passengers in the minibus died. D was charged with four counts of CDDD and multiple counts of CSIDD, and in the first instance his plea to CDCD was rejected. However, after the CPS reviewed CCTV evidence which suggested that D's view of the traffic ahead of him may have been obstructed by the vehicle in front of his lorry, the plea was accepted. Burdett was sentenced to 3 years' custody after a sentence discount was applied, and disqualified for 4 years and 6 months. There seems little to criticise here in terms of the judge's sentence. However, there were potentially issues here with the CPS decision-making process. This made it difficult to manage expectations for bereaved families.

2. Allan Davis^[77] was riding his motorbike, when he overtook a car on a blind section of road and collided with another motorcyclist riding in the opposite direction. Davis was volunteering as a marshal for a charity bike ride when the crash happened. He was sentenced to 12 months' custody suspended for 2 years and disqualified for 2 years. The sentencing judge said that D's view ahead was obscured by the road's gradient, and so he should not have overtaken. However, the mitigating factors included D's charity work and remorse.

3. Trevor Moran^[78] (discussed in the previous section) turned across the path of a cyclist. Moran pleaded guilty to CDCD on a charge of CDDD and was given a 12-month suspended sentence. There are few facts provided other than an aggravating factor that D had 13 previous convictions for 30 offences. It is also mentioned that the judge commented that V was "appropriately dressed".

4. Fiaz Hussain^[79] pulled out in his car into the path of a cyclist. Hussain claimed that he had been blinded by the sun and did not see V. He pleaded guilty to CDCD on a charge of CDDD and was given a 6-month suspended sentence. The mitigation in this case included a "spotless record" and that D had showed "great remorse" and had lost his employment as a taxi driver. Given that D was sentenced on the basis of momentary inattention, and there seems to be nothing on the facts that would suggest greater culpability, it might seem incongruous that he had been charged with CDDD.

5. Liane-Jade Russell^[80] changed lanes into the inside lane and collided with a motorcyclist as he undertook. D indicated immediately before changing lanes. V had been exceeding the speed limit, and experts agreed it was a momentary mistake by D. It was also reported that "ambiguity" over the



bus lane contributed to the collision. Russell was given a 5-month suspended sentence and disqualified for 18 months. Again, it is difficult to understand the decision to charge CDDD in the first instance, given the facts as reported.

6. Elizabeth Pass (77 years old)^[81] turned right out of a side road and cut across the path of a motorcyclist. V was riding within speed limit. D pleaded guilty to CDCD but the Crown rejected this plea initially. At trial the Crown accepted an application from the defence of no case to answer on the CDDD charge. D was given an 18-week suspended sentence and was disqualified for 3 years.

7. Ian Brotherton^[92] was a PC driving a marked police van at 47 mph in a 30mph zone whilst responding to an emergency call (report of a child being strangled). He did not stop at a red light and struck V's moped. He was given a 6-month suspended sentence and disqualified for 30 months. The judge noted that: "While driving guidance permits officers to pass through red lights and travel above the speed limit where necessary in the circumstances, it is never justified if the officer's manner of driving endangers other road users." D was also subject to a police misconduct hearing in March 25. He was found guilty of gross discreditable misconduct and was dismissed from the police. It can be noted that according to the Independent Office for Police Conduct (IOPC), on average 28 road deaths per year result from police-related road traffic incidents.^[83]

These cases raise questions over whether the CPS are overcharging defendants in some cases. The Code for Crown prosecutors gives guidance that prosecutors should select charges which reflect the seriousness and extent of the offending, and give the court adequate powers to sentence. It is also noted that prosecutors should never proceed with a more serious charge just to encourage the defendant to plead guilty to a less serious one. At the same time, prosecutors must take account of any relevant change in circumstances as the case progresses after charge. In cases of road death, it is unlikely that a suspect will be held in police custody during the course of an investigation. They are likely to be released under investigation whilst the police investigation progresses, meaning that the CPS will not be under pressure to make quick decisions as to charge.^[84] In most cases it will be advisable for the CPS to delay their decision to prosecute until the police investigation is complete and the forensic collision report has been reviewed by the officer in the case. This may well be frustrating for victims' families who are awaiting news on the progress of a case, but in the long-term it is better that the CPS make their decision based on all the evidence, rather than making a pre-emptive decision only to have to reverse that decision once further evidence comes to light. These cases, in which there seems to have been little evidence of CDDD rather than CDCD, suggest that there are issues with prosecutorial decision-making, and this may be influenced by issues with delays in the police investigation (see further below under the heading Justice Delayed).

Jury trials for CDDD ending in conviction for CDCD

Aside from these seven cases of 'plea bargains', D pleaded guilty to the offence charged in the vast majority of cases. 81% of defendants charged with CDDD pleaded guilty;^[85] with just under 15% facing trial for that offence and being convicted of that offence by a jury. Thus, in the majority of cases it is still the case that the CPS seem to be making appropriate decisions. The CPS should only charge an offence if they judge that there is a 'realistic prospect of conviction' after making an objective assessment of the evidence and the impact of any defence. There were only a very small number of cases where the prosecution seems to have misjudged the strength of the evidence,^[86] leading to conviction by a jury for CDCD on a charge of CDDD:

Malickh Amon^[87] drove at 50mph in a 30mph limit and struck a pedestrian crossing the road. He failed to stop. He pleaded not guilty to CDDD and a jury found him not guilty of that offence, but convicted him of the lesser included offence of CDCD. He was sentenced to 2 years' custody, incorporating a guilty plea discount, due to the fact that he had offered a plea to CDCD prior to trial. He was also disqualified for 3 years. The judge appears to have placed the case into category A culpability, which was appropriate.

Sabir Sharif (19 years old)^[88] was speeding at 50mph in a 20mph limit and had driven through a red light prior to the fatal collision, as a pedestrian began to cross the road ahead. As V crossed, D braked and reduced his speed to 35mph, but did not avoid her. Sharif pleaded not guilty to CDDD, and the Crown rejected his plea to CDCD. He was acquitted of CDDD and convicted of CDCD by the jury. He was given a suspended sentence of 18 months and disqualified for 2 years and 6 months. The judge placed the driving in category A, just below dangerous driving, where the starting point is 2 year's custody. The judge was of the opinion that the aggravating factors (including that V was a vulnerable road user) and the mitigating factors (no previous convictions; remorse) balanced each other out. A 25% reduction was

given for his guilty plea, and the judge was of the view that there was a low risk of reoffending (although it can be noted that D was caught driving without insurance after the collision). The sentence was suspended "by the narrowest of margins" due to D's age and concerns over his welfare (suicidal thoughts). This case should be considered alongside others involving young drivers, discussed below.

The prosecution of these cases for CDDD cannot be criticised, given the evidence of the standard of driving involved, even if the jury did not agree with the CPS assessment.

CDCD: Low culpability

The offences involving the highest culpability for CDCD are likely those that were initially charged as CDDD. What might be seen as the lowest culpability cases?

The sentencing guidelines suggest that offences which the judge assesses to fall within category C in terms of culpability – those where the standard of driving was just over the threshold for careless driving, or where there was a momentary lapse of concentration – should be given a starting point of 26 weeks' custody with a category range of a medium level community order to one year's custody. It should be remembered that any term of imprisonment of two years or less can also be considered for suspension. In the sample, there were 12 cases of CDCD where the custodial sentence was suspended. It is not always obvious from the facts reported why the decision is taken to suspend a sentence in some cases and not others. However, the following cases provide some illustration.

Christian Ciolompea,^[89] a Romanian HGV driver, was merging on to the A57 from the slip road without checking that the nearside lane was clear, and collided with V's car. V's family asked the judge to show compassion to D. Ciolompea pleaded guilty to CDCD and was sentenced to 6 months' custody, suspended for a year. Nottinghamshire Police said that V's family may speak to D through a restorative justice programme.

Similarly, V's family did not want to see Jake Barton^[90] sent to prison. Barton had thrown his pillion passenger, who was his girlfriend, from his



motorbike and into the path of a car when he failed to brake in time and collided with the rear of another car. D pleaded guilty and was sentenced to 26 weeks' custody, suspended for 18 months, and disqualified for 18 months.

Mohamed Mahamoud and Mahad Ciid^[91] were drivers of separate vehicles sentenced for causing the death of an elderly pedestrian in unfortunate circumstances. Mahamoud pleaded not guilty and was convicted of CDCD at trial; Ciid pleaded guilty to CDCD and avoided a trial. Mahamoud received the higher sentence of 15 months' custody suspended for 2 years, while Ciid was sentenced to 6 months' custody suspended for 12 months. Each was disqualified from driving for the period during which their sentence was suspended (2 years for Mahamoud and 12 months for Ciid). This reflects the fact that Ciid was given credit for his plea, as well as Mahamoud's greater culpability. Mahamoud was driving at 40mph in a 30mph limit as he approached a traffic-light controlled junction. He failed to slow down as the lights changed to amber, when he was 90 metres from the junction. At the same time, Ciid pulled his taxi from the middle lane to the nearside lane, without indicating, and stopped abruptly at the now red lights. Mahamoud slammed on his brakes and hit the taxi in a glancing blow, before veering onto the pavement and colliding with the traffic light. This caused the traffic light to fall, striking the pedestrian, who was waiting to cross the road, on the head. Mahamoud's sentence was suspended after the defence urged the judge to do so as he was the primary carer for his father, as well as the fact that he did not present a risk to the public. Both defendants had fled the civil war in

Somalia and suffered personal difficulties. There was one case that appears on the face of it to fall outside the sentencing guidelines, given that press reports fail to mention any suspended sentence or community order. Unfortunately, there is also very little detail around this case. Reports mention only that the deceased was a pensioner who was crossing the road and was struck by a car driven by Bramley Bince-Butcher.^[92] We are only told about D being fined and disqualified for 12 months.

This last case, along with the case of Jake Barton mentioned above, were two of only seven cases in the sample that were sentenced at the magistrates' court.^[93] Five of the seven sentences were suspended. Two more of these cases are discussed below in relation to young drivers (Joseph Pickett and Alfie Swann.)

CDCDUI cases

As noted above, a considerable number of the cases charged as CDDD involved cases where D was above the prescribed limit for intoxicants. Where it is thought that the prosecution can prove that D fell far below the standard of a competent and careful driver, CDDD will likely be charged, leaving a charge of CDCDUI for cases where it can be proved that an intoxicated defendant drove below the relevant standard. There were 25 cases where the defendant was convicted of CDCDUI, some of which are worth examining. The first case is one where it might be seen as surprising that a charge of CDDD was not preferred:

Nirvair Lall^[94] was driving at 76mph in a 30mph limit when he lost control of the car and crashed into a tree, killing his passenger. A blood test showed he had a blood/alcohol concentration of 122mg/100ml (the legal limit is 80mg/100ml). Lall was charged with CDCDUI and pleaded guilty. He was sentenced to 4 years' custody and disqualified for 7 years. The defendant and deceased victim had been convicted of a robbery three years prior, when they had assaulted a man in order to take his motorbike. Their accomplice had died riding it away. Presumably this would have been an aggravating factor in sentencing.

Another case provides a clearer example of where CDCDUI is an appropriate charge given the lack of evidence of dangerous driving. Michael Burgess,^[95] driving his car, pulled straight out in front of a motorcyclist, who did not have time to stop. Burgess tested positive for cannabis and was convicted of CDCDUI at trial. He was sentenced to 6 years' custody and disqualified for 8 years.

The following cases also suggest a rather low sentence for the offence, although both have in common the fact that the deceased was a friend/loved one of the drivers:

Liam Beaumont and Liam Wallis^[96] were tried in relation to the death of the same victim. The defendants had been out drinking with the deceased. They left the pub with V travelling as a passenger in D2's van and D1 driving a car. D2 overtook D1 at a speed too fast for the conditions, causing D2 to lose control, with the van leaving the

road and landing on its roof in a dyke. V drowned. Both defendants, who were under 25 years of age, pleaded guilty to CDCDUI and were each sentenced to 18 months' custody, suspended for 20 months and 2 years respectively. Each were also ordered to take a rehabilitation course (26 and 20 sessions respectively) and were disqualified for 2 years 6 months and 3 years. Given that both defendants had previous convictions for non-driving (violent) offences, the sentences seem light. It was reported that Wallis was "just under twice" the legal limit, while a back-calculation found that Beaumont had a blood/alcohol concentration of 90mg/100ml, as well as traces of cocaine and cannabis being found in his blood.

Paula Rendell^[97] drove at a speed of 58mph in a 40 limit when under the influence of alcohol. She drove over a humpback bridge and failed to negotiate a bend, crashing into a tree and killing her passenger, who was also her fiancé. Rendell was driving V's car because he was disqualified and had asked her to drive, after she had drunk two vodka and cokes at the pub and they had bickered. Rendell pleaded guilty to CDCDUI and was sentenced to 2 years' custody, suspended on the grounds that she had to care for her son. She was disqualified for 6 years.

Aggravating and mitigating factors in sentencing

At this point It is worth stepping back to consider the influence of some of the factors that move a sentence up and down from its starting point, once the level of culpability has been determined.

Aggravating factors: vulnerable road users

There are various aggravating factors that applied in a number of cases. The focus for the discussion that follows is on the aggravating factor that the victim was a vulnerable road user. Under the previous sentencing guidelines, this was a factor that influenced the level of culpability in the case and so influenced the starting point for any sentence. Now, however, it operates to move a sentence up from the starting point once the level of culpability has been decided. None of the cases in the sample involved horse riders, but there were several cases involving pedestrians, cyclists or motorcyclists.

Pedestrians

Some cases involving pedestrians have already been discussed. It can be noted that the two cases discussed above where the defendant was charged with CDDD but convicted of CDCD after trial were both cases in which the driver had collided with pedestrians after speeding at 50mph (Amon and Sharif). The case that appears to depart from the sentencing guidelines was another case involving the death of a pedestrian (Bince-Butcher). There were other cases involving pedestrians from all three offence groups worth a mention. They are listed in order of ascending sentence.

Darren Cooper^[98] pleaded guilty to CDCD after he struck and killed a pedestrian whilst driving at an estimated speed of 55-59mph in a 30mph limit. There seems to have been a lack of evidence in this case. The pedestrian, who appeared to have been drunk, was seen on CCTV staggering on the pavement before the crash, and there was an assumption that she had then staggered into the road, although this was not captured by video and there were no witnesses to the collision. Cooper pleaded guilty to CDCD and was sentenced to 18 months' custody, suspended for 2 years. The case was described as a tragic "accident". This case might be compared with others where, perhaps quite rightly, a speed of nearly double the limit was taken to demonstrate higher culpability and, in some cases, dangerous rather than careless driving.

Charles Pickering^[99] was driving at 60mph in a 40mph zone at night when he struck a pedestrian crossing the road. It was found that the tinted windscreen of his car would have impeded his vision. Pickering pleaded guilty to CDCD and was sentenced to 18 months' custody and disqualified for 3 years, with an extension period of 9 months. These two cases of Pickering and Cooper appear to be consistent with each other, as well as the case of Amon, above, where D had pleaded not guilty to CDDD and was convicted of CDCD and had his 18-month sentence suspended.

Marc Large^[100] drove through an amber light and crashed into two pedestrians crossing the road. It was reported that Large claimed to be blinded by the sun (it is not clear if this is during

police interview, or at trial), although there was evidence that he was on a hands-free call which ended four seconds before the crash. At trial, the defence claimed D was lacking concentration for a "matter of seconds". The judge said Large had made a conscious decision to make an unsafe manoeuvre. Large had been charged with CDCD and pleaded not guilty. He was convicted after trial and sentenced to 18 months' custody and was disqualified for 2 years.

Simon Mumford^[101] was driving a bus back to the depot. On approach to a red light at a pedestrian crossing he was seen on CCTV reading a piece of paper in his hand for four seconds. He failed to see a pedestrian who had started to cross as the lights changed from red to amber, and hit her. He pleaded guilty to CDCD and was sentenced to 2 years' custody and disqualified for 6 years.

Michael Brunt^[102] was, driving at 43-47mph in a 30mph zone when he collided with a pedestrian crossing the road. A breath test gave a reading of 46µg of alcohol to 100ml breath (the limit is 35 µg). He pleaded guilty to CDCDUI and was sentenced to 2 year and 6 months' custody and was disqualified for 7 years and 3 months.

Dale Hilton^[103] collided with a pedestrian crossing the road. Hilton said he assumed V had seen his car and so did not take evasive action. He was found to have benzoylecgonine (cocaine) in his blood. Hilton had assisted V after the collision but had to wait three hours for an ambulance. At trial, a Home Office pathologist gave evidence that earlier medical intervention "could possibly have altered the outcome." Hilton had pleaded not guilty to CDCDUI and was convicted by the jury with a 10-2 majority. He was sentenced to 4 years' custody and disqualified for 5 years.

Evie Wiles^[104] ignored a red light and collided with a pedestrian crossing the road. During a police interview, she admitted to accelerating in order to make it through the traffic lights as they changed to amber on her approach. Investigations showed that her mobile phone had been active around the time of the collision, with WhatsApp messages being sent and received, leading the judge to conclude that she had been distracted. Wiles was convicted of CDDD after trial and sentenced to 5 years and 6 months' custody (to serve half) and disqualified for 5 years and 30 months.

Michael Atkinson^[105] was driving at 43mph in a 30mph zone when he collided with a pedestrian who was wheeling her bicycle across the road. Atkinson was over the limit for drink and drugs, and had been disqualified three years prior. Atkinson pleaded guilty to CDCDUI^[106] and was sentenced to 9 years and 3 months' custody, and disqualified for 11 years and 11 months.

Joshua Gregory^[107] took a car from his employer without consent and used it to drive around Nottingham. He tried to evade police when he was seen to be swerving in the road, giving rise to a chase during which Gregory's speed exceeded 80mph in a 30mph limit and he ignored red lights and no entry signs. He struck a pedestrian using a pedestrian crossing and did not stop. When he then collided with a traffic light, he ran away and was chased down on foot by officers. He admitted that he had been drinking. Gregory pleaded guilty to CDDD, failure to stop at the scene of an accident and CDUD (without insurance) and was sentenced to 9 years' custody, after a discount of 25% was given for his guilty plea. The sentence was referred to the Court of Appeal by the Solicitor General under the Unduly Lenient Scheme. The Court of Appeal was of the view that six factors from culpability A under the sentencing guidelines were present. The aggravating factors were that the victim was a vulnerable road user, D wrongly placed blame on others, and failure to stop. The mitigating factors were that D was remorseful and suffered from PTSD as the result of an assault he suffered in 2014. The judgment makes it clear that the starting point for sentencing was too low, in that the multiplicity of category A factors should have increased the starting point to 16 years. The mitigation reduced this to 14 and a half years before a 25% discount was given for D's guilty plea. D's sentence was consequently increased to 10 years and 10 months' imprisonment.^[108]

Christopher Daly^[109] accelerated up to 44-56mph in a 30mph limit when the traffic lights he was approaching changed to amber. He drove through a red light and struck a pedestrian crossing the road. He then failed to stop and initially denied being the driver, but was linked to the van by fingerprints. Daly was convicted of CDDD after trial and had also pleaded guilty to causing death by driving when uninsured and disqualified. He was sentenced to 12 years' custody and disqualified for 16 years^[110] on

release.

Ashir Shahid^[111] was estimated to be driving at between 58mph and 71mph in a 30mph zone in dark, wet conditions, when he struck a pedestrian as she crossed the road on a zebra crossing. Video clips were recovered from Shahid's mobile phone and that of his passenger (his brother) which showed him driving erratically and at speed. An emergency C-section had to be carried out on the pedestrian, who gave birth to a baby son. Tragically the baby died five hours and 38 minutes after being born. Although the mother survived, the death of her baby meant that Shahid was charged with both CDDD and CSIDD. Shahid pleaded guilty and was sentenced to 13 years' imprisonment and was disqualified for 15 years and one month.^[112]

Riders of two-wheeled vehicles

Cyclists, whether pedal or motorcyclists, might be the victims of the ‘looked but failed to see’ phenomenon. In cases which luckily do not end in a fatality, these are often referred to as ‘SMIDSY’ (“Sorry Mate I Didn’t See You”). Such cases that tragically end in a fatality are likely to fall within the grey area between careless and dangerous driving, with several charged as CDDD but resulting in a plea being accepted to CDCD (see above: Davis, Russell, Pass, Brotherton, Davis, Hussain and Moran). The issues are obviously different when comparing cyclists to motorcyclists, given the speed of the vehicles involved.

Pedal Cyclists

There were only two cases in the sample in which the defendant was charged with CDDD and in which the prosecution accepted a plea to CDCDUI.^[113] One of these involved the death of a cyclist. Matt Bates^[114] was distracted by selecting a song on his phone and failed to see a cyclist riding properly ahead of him in the road. He was three times over the limit for cocaine and had his children in the back of the car. He was sentenced to 3 years 9 months' custody, and disqualified for 5 years on release from prison. This suggests that the judge placed him in category B or C for culpability, bearing in mind that he will have been given a sentencing discount due to his guilty plea. Given the CPS were of the opinion they had sufficient evidence to charge CDDD, one might expect this case to be sentenced within category A of the guidelines. It is assumed that the judge assessed this to be a case where D engaged in a “brief but avoidable distraction”, although reports that the evidence showed he had been using his phone “throughout the seven minutes prior to the crash” would suggest that it was more than a “brief” distraction. Without having heard the evidence in court, this sentence is one that might be viewed at the lower end of what could be considered proportionate to D’s culpability.

Hussain (above) was one case where D claimed not to have seen two cyclists due to having been “blinded by the sun”. This was also the defence initially put forward by Jonathan Sumner^[115] in a police interview. In that case Sumner had been driving a tractor towing a field roller. The collision

investigation report showed that the cyclists would have been in view for 210m, that D was exceeding the 20mph speed limit for the tractor by 10mph, and that he had been using his phone just before the crash. Sumner pleaded guilty to CDDD and CSIDD (the second victim was seriously injured) and was sentenced to 8 years and 6 months' custody and disqualified for 5 years on release. Sumner appealed against his sentence, but the Court of Appeal dismissed his appeal.^[116] The Court was of the view that the trial judge was not wrong to place this case within category A culpability (agreeing that it either fell at the very top of culpability B or at the bottom of culpability A), pointing to D’s speed, especially having failed to adjust his speed to cope with the restricted vision caused by the sun, and had not pulled down his sun visor or put on his sunglasses. A sentence of 10 years after trial would have been appropriate, leading to the sentence of 8 years 6 months once 15% was deducted for Sumner’s guilty plea.

One defendant was unable to see a cyclist he killed, not because of the sun, but due to his poor eyesight. James Wardle (83 years old) ^[117] collided with a cyclist from behind and failed a roadside eye-test. He pleaded guilty to CDCD and was handed a 5-month custodial sentence suspended for 18 months by magistrates. He was disqualified from driving for 5 years. This is one example that supports the proposal regarding older drivers from the Government to be set out in the Road Safety Strategy, as reported on 10th August. It might be noted that Wardle was driving home from the hospital and the Government should also consider what alternative forms of transport to and from hospital such elderly drivers might take.

Another elderly defendant was Elizabeth Ryley (76 years old) ^[118] who attempted to overtake the car in front of her in the vicinity of a junction, crossing the hatch markings in the centre of the road, and collided with the rear of a cyclist who was in the filter lane in the centre of the road signalling to turn right. Ryley pleaded guilty to CDCD, having initially denied being at fault, and was sentenced to 9 months' custody, suspended for 2 years. Presumably the court felt that D should never drive again, and although she was not given a life ban, the 10-year disqualification is likely to have the same effect. Where excessive speed is a factor in the collision

between a car driver and a cyclist, this may result in a conviction for CDDD. Aaron Metcalfe^[119] was driving at 54mph in a 30mph limit when a cyclist moved from the footpath on Metcalfe’s nearside onto the road in order to cross it near a traffic island. The cyclist did so without looking but, as the judge commented: “the fact of the matter is that your excessive speed was the major cause of this accident.”^[120] Metcalfe had originally offered a guilty plea to CDCD on a charge of CDDD, but this was rejected by the CPS and he later changed his plea to guilty to CDDD. He was sentenced to 4 years' custody and disqualified for 4 years, and a deprivation order made on his car. This case can be compared with that of Galer, below (a young driver), who was speeding at 46mph in a 30mph limit and was charged with CDCD, resulting in a custodial sentence of 9 months.

Finally, it is important to mention the case of Asolo-Ogogua. D was a bus driver who fell asleep at the wheel and failed a drug test, having taken cannabis the night before. He allowed the bus to drift across the carriageway and mounted the pavement, killing a 9-year-old cyclist. He pleaded guilty to CDDD was sentenced to 4 years' custody.^[121] His sentence was referred to the Court of Appeal under the ULS and was subsequently increased to 6 years and 8 months.^[122]

Motorcyclists

Raymond Dagnall (79 years old) ^[123] had an unblemished driving record of 34 years when he pulled out onto the road into the path of a motorcyclist. He pleaded guilty to CDCD and was sentenced to 12 months' immediate custody. The judge said that D’s driving, although a single error of judgement, was a very serious error falling just below the threshold for dangerous driving and therefore fell within category A, with a starting point of 2 years. The judge added 6 months due to the aggravating factor of V being a vulnerable road user, before reducing the sentence by 6 months back to 2 years due to mitigating factors, including D’s remorse and diagnosis of anxiety and PTSD. A guilty plea discount of 1/3 was given and the judge reduced the sentence by another 4 months as an “act of mercy”. The judge noted that all three factors indicating it may be appropriate to suspend sentence were present, but took the view that

appropriate punishment could only be achieved by immediate custody. None of the other factors indicating it may be appropriate not to suspend the sentence were present. Dagnall appealed against his sentence to the Court of Appeal. The defence had accepted it was more than a momentary lapse of concentration, but submitted it was a case of an unsafe manoeuvre or positioning. The Court of Appeal seem to agree, placing it within category B as a bad case of executing an unsafe manoeuvre justifying some uplift. This led to an increase from the 1 year starting point to 18 months. This was to reflect that it was a case which fell in the upper part of category B; it was then reduced to 1 year to reflect the balance of the aggravating and mitigating factors. It was said that the one aggravating factor (vulnerable road user) was outweighed by “powerful” mitigating factors of D’s genuine and considerable remorse and the extent to which he had suffered as a result of the collision. The court substituted the custodial sentence of 12 months with a suspended sentence of 8 months. Dagnall was disqualified for 7 years. There were also two cases involving motorcyclists who were killed after being involved in a separate incident and were not seen in time by the defendant drivers (Newman and Arendt), who were charged with CDCD.

Both Fay Newman^[124] and Tomasz Arendt^[125] were sentenced to immediate custody. Neman was convicted of CDCD after she collided with V and his motorbike. Moments before, V had come off his bike and was lying in the carriageway. Newman, who had overtaken the traffic then queueing in lane one of the dual-carriageway, struck him in lane two.

Newman was sentenced to 20 months’ immediate custody and disqualified from driving for 2 years and 10 months. Similarly, Arendt was convicted following a trial for CDCD after he was involved in a fatal collision with a motorcyclist who had come off his bike. The deceased had lost control and crossed into the oncoming lane, falling from his bike. Arendt failed to see other road users warning him of V’s presence in the road, and collided with him. He was sentenced to 9 months’ immediate custody (no mention of disqualification). It is not entirely clear why these offenders warranted immediate custody, as compared to other cases where custody was suspended. It was reported on 15 August 2025 that Newman died in prison on 20 July. Her death is being investigated by the Prisons and Probation Ombudsman.

Mitigating factors

One common mitigating factor mentioned in many cases was the presence of remorse. In several cases, particularly of CDCD, the defendant had a good driving record. In some, the defendant had made efforts to assist or seek assistance for the victims. Two factors have been selected here for further discussion: age; and actions of the victim or a third party contributed significantly to the collision or death.

Age: Young drivers

Recent high-profile cases have highlighted the particular risks taken by newly-qualified young drivers, with a call from several quarters for the introduction of a Graduated Driver Licensing (GDL) Scheme to help to tackle the problem, as has been

successful in a number of other jurisdictions such as Canada and Australia. There are a number of cases in the current sample that support the need for action to be taken to support young drivers in making safer choices. There were 17 cases in which the driver of a car or van was aged 19 or younger.^[126] These are presented below, both for the purposes of reflecting upon appropriate punishments, but also with a view to adding to the debate around whether the regulation of young drivers needs further thought in order to prevent such tragedies. In many of these cases the defendant had killed one or more of their friends (note that another mitigating factor in sentencing is where the victim was a ‘close friend’). The sentences for teenage drivers^[127] range from suspended sentences for CDCD, through to lengthy prison sentences for CDDD. The following are ordered from most to least serious, based on sentence.^[128]

Thomas Johnson (17 years old) ^[129] inhaled nitrous oxide from a balloon and canister whilst driving, as evidenced by footage from a passenger’s phone. He was driving at up to 87mph in a 30mph limit and was travelling at just under 100mph shortly before he lost control on a bend and hit a lamp-post and then a tree. His three passengers were killed. This happened at night, with only one of four in the car wearing a seatbelt. Johnson pleaded guilty to three counts of CDDD and was sentenced to 9 years and 4 months’ custody, and was disqualified for 11 years and 11 weeks.

Harley Whiteman (19 years old) ^[130] was driving well above the speed limit (witnesses estimated 40-60mph in a 20mph limit) and trying to squeeze past parked cars on the High Street. D failed to slow down when a car approached from the opposite direction and he swerved to avoid it, hit the kerb and struck a 13-year-old boy standing outside a shop with his friends. D did not stop, but returned to the scene and argued with those providing assistance to V. Whiteman refused to comply with a request for a breath alcohol test when he was arrested. He said he had taken a line of cocaine and drunk four pints of lager. Whiteman pleaded guilty to CDDD and failure to provide a specimen, and was sentenced to 6 years and 9 months’ custody, and disqualified from driving for 8 years and 4 months. This is one of the cases where the sentence was amended by the Court of Appeal,^[131] in this case because the Solicitor General referred the sentence under the Unduly Lenient Scheme. On appeal his sentence was increased to 9 years’ custody

and his period of disqualification amended to 11 years.

Shangeeth Sathyanathan (19 years old) ^[132] drove on the wrong side of the road at 75mph in a 30mph zone and collided with a car, killing the passenger and seriously injuring the driver. D pleaded guilty to CDDD, CSIDD and no insurance. He was sentenced to 9 years’ custody and was disqualified for 12 years and 6 months.

Tyrone Moran (18 years old) ^[133] drove at 60mph in a 30mph limit and struck a pedestrian as she crossed the road. D abandoned his car and ran off (failed to stop). Moran pleaded guilty to CDDD and was sentenced to 6 years and 9 months’ custody and was disqualified for 5 years.

Finley Lintott-Warrillow (19 years old) ^[134] drove at 87mph in a 30mph limit and lost control of his car, killing one passenger and causing serious injury to the other. He pleaded guilty to CDDD and was sentenced to 6 years and 8 months’ custody, and disqualified for 8 years and 4 months.

Owain Hammett-George (17 years old) ^[135] was driving at 70-78mph in a 30mph limit when he lost control and smashed into the concrete pillar of a garage, killing two of his passengers. It was reported that he had started driving dangerously as soon as he passed his test, with his father having previously taken penalty points on his behalf. The collision in this case occurred on 31 May 2022, just one month before the maximum penalty was raised from 14 years to life imprisonment. D pleaded guilty to two counts of CDDD and one count of CSIDD. The judge in this case said that had D been an adult at the time of the offence, he would have given him the maximum sentence of 14 years. In the event, D was sentenced to 6 years’ custody and was disqualified for 8 years.

Logan Addison (17 years old) ^[136] killed his girlfriend, a passenger in his car, when he lost control of his car and hit an electricity pole. Witnesses saw him driving at speed and dangerously. Following the fatal collision, he showed no remorse or change to his behaviour: he filmed himself wheel-spinning car around car park and seven weeks after the incident he was charged with driving without insurance and driving without due care and attention. Addison pleaded not guilty to CDDD and was convicted at trial. He was sentenced to 5 and a half years’ custody and disqualified for 8 years on release Lewis

Samuels Lewis (17 years old) ^[137] had passed his driving test only 11 weeks before the fatal collision. At a ‘car meet’ he was driving at “vastly excessive speed” (70mph in a 30mph limit) and showing off. He collided with another vehicle, and then with spectators, killing one pedestrian and seriously injuring two others. D pleaded guilty to one count of CDDD and one count of CSIDD. He was sentenced to 5 years’ custody and disqualified for 9 years and 3 months.

Thomas Gibson (18 years old) ^[138] inhaled nitrous oxide from balloons and then mounted the pavement, driving into an elderly pedestrian and another man. He was seen by witnesses to be driving “far in excess” of the speed limit, and swerving from side to side (fishtailing), with a balloon in his hand, inhaling as he drove. Police found several NOS cannisters in his vehicle. D was remorseful, had no previous convictions and had only passed his test three weeks before. D pleaded guilty to CDDD and was sentenced to 4 years and 6 months’ custody, and disqualified for 7 years 3 months.

Jack Tomlinson (18 years old) ^[139] had been drinking in a pub when he drove with friends in the North Yorkshire Moors National Park and collided with a tree, killing one of his passengers. A blood test showed he would have been “well over the limit” for alcohol at the time of the crash, and he was also more than twice the limit for cannabis. Eleven days prior, D had been caught drug driving in a separate incident and was on bail at the time of the fatal crash. Two other passengers were seriously

injured in the collision and D had been warned not to drive whilst at the pub. D pleaded guilty to CDCDUI and was sentenced to 3 years 9 months’ custody. It was reported that the judge stated that due to the “inexcusable” delay in the case reaching the courts^[140] and the “strong mitigating factors”, particularly Tomlinson’s mental-health and cognitive issues (D had attempted suicide), he would reduce the jail sentence “accordingly”. What stands out about this case is that Tomlinson was charged with CDCDUI rather than CDDD.

Jessica Higgs (19 years old) ^[141] was driving a van when witnesses saw it veer across the central white line and crash into an oncoming car. Both occupants of the car were killed. Higgs was found to be over the limit for benzoyllecgonine, the substance that appears in the body after cocaine use. Higgs pleaded guilty to two counts of CDCDUI and was sentenced to 3 years 5 months’ custody and disqualified for 6 years and 8 months. Idrees

Ibn-Haroon (18 years old) ^[142] was driving at 48-56mph in a 30mph limit when he lost control on a bend and collided with an oncoming car. The two passengers in D’s car were killed. They were not wearing seatbelts, and as he was an adult and they were children (13 and 16 years of age), it was his responsibility to make sure they were. Ibn-Haroon had ignored a passenger’s pleas to slow down (aggravating factor) but was previously of good character and was remorseful (mitigating factors). D was charged with two counts of CDCD and pleaded guilty. He was sentenced to 2 years and 8 months’ custody, and was disqualified for 3 years. The judge said: “The facts are depressingly familiar to this

court. It is a fact that young men such as yourselves get behind the wheel of a car, which in the wrong hands can become a lethal weapon, drive very badly, put people at risk, and put yourself at risk.” This was the second highest custodial sentence for CDCD.^[143] It appears to be on the border between careless and dangerous driving.

Kayn Galer (19 years old) ^[144] was driving at 46mph in a 30pmh limit when he hit a 13-year-old crossing the road on his bike. At the point of impact, D’s speed had reduced to 29mph. D then sped off with a smashed windscreen. The judge stated that D was unable to stop in time due to his excess speed. Galer had come to the attention of the police previously for racing. D changed his plea to guilty to CDCD, dangerous driving, failure to stop and driving without insurance. He was sentenced to 9 months’ immediate custody and disqualified for 3 years. The charge of dangerous driving related to D’s driving after the collision, when he left the scene. The aggravating factors included failure to stop, other offences committed at the same time, and that V was a vulnerable road user. Mitigating factors will have included D’s remorse and young age.

Joseph Pickett (19 years old) ^[145] was driving at 43-54mph in a 30mph limit when he lost control of his car and crashed into trees, killing one of his passengers and injuring others. D had passed his driving test only 3 weeks before. Pickett’s commanding officer in the military praised his exemplary character. D pleaded guilty to CDCD and was sentenced to 10 months’ custody, suspended for 24 months, and was disqualified for 2 years. This does appear to be a low sentence, particularly if we take into account that the CPS was reported to write to V’s family to say that it fell just below the standard required to prove CDDD. If that is true, it seems particularly surprising that this was one of a small number of cases sentenced in the magistrates’ court. If the CPS thought it ought to be sentenced within category A culpability, it would be expected that representations be made that the case be committed to the Crown Court for sentence.

Luke Ford (18 years old) ^[146] was driving a van in which V was one of two passengers. V was described as D’s 17-year-old best friend, and was not wearing seatbelt (which, given his age, was D’s responsibility). D lost control on a bend and collided with a tree and electricity utility box. CCTV nearby showed D driving at 50.8mph in a 30mph limit.

Nitrous oxide was found at the crash scene, but Ford tested negative in a roadside drugs test. It was reported that he refused to give police the passcode for his mobile phone (it is unclear as to whether the police were able to analyse his phone at a later date). D claimed that he had slammed on the brakes but they did not work. Ford pleaded guilty to CDCD and was sentenced to a three-year community order and disqualified for 3 years. This case raises questions about how the criminal justice system can respond to cases involving nitrous oxide. It is a drug that leaves the body quickly and will not show up in any drug tests, meaning that it is difficult to prove as an aggravating factor in the event that D denies taking it.

Alfie Swann (19 years old) ^[147] had passed his test two months before pulling out from a side road and colliding with a cyclist, whom he had not seen. This was attributed to his lack of experience. He was not speeding, and it was stated that he was not distracted^[148] or under the influence of drink or drugs. As such, this is different to the above cases, all of which involved considerable excess speed. D was described as being helpful to police, showed remorse and good character. Swann pleaded guilty and was given a 2-year community order.

Whilst the above cases provide examples of the full range of culpability for causing death by driving, as demonstrated by the range of sentences passed, what they all have in common is the age and inexperience of the driver judged to be at fault. Lower sentences are to be expected for young drivers, given that sentencing guidelines are clear that age and immaturity act as a mitigating factor in sentencing. Several of these cases have given rise to bereaved families joining the call for graduated driving licences (GDL). Although the Government has stated that it is not in favour of a GDL scheme, these cases suggest that this decision ought to be reviewed. Whilst the details of any GDL scheme need to be debated, the RAC Foundation has drafted a firm proposal to help focus the debate. This suggests that 17-19 year olds should not be entitled to carry any passengers 25 or under unless accompanied by an older adult.^[149] Had such a rule been in place, it is arguable that deaths could have been prevented in nine of the case listed above, in which a driver of that age caused the death of one or more individuals whilst having young passengers in their car.

Additional issues



Contribution of others to the fatal collision

There were a number of cases in which the contribution of others to the fatal collision acted as a mitigating factor in sentencing. It is worth highlighting that many fatal collisions occur as a result of a number of contributing factors coming together at a particular point in time; given the number of vehicles on the roads it is not uncommon for the actions of more than one driver to have contributed to any collision. Where that is the case, it is appropriate for any one driver's sentence to be reduced to reflect the fact that they were not the only cause of the fatality. In a civil case, the contribution made by others can be recognised by the reduction of liability on a percentage basis. In a criminal case, on the other hand, the driver is either guilty of an offence or not, and the only way to acknowledge multiple causes is through sentencing. Without wanting to victim-blame, it is sometimes the case that the driver most at fault for a collision is killed (as, for example, in the case of Hughes,^[150] where the Supreme Court quashed the defendant's conviction on the basis that he did not cause the collision and it was the deceased who was entirely to blame). In other cases, responsibility for the collision might be shared between multiple drivers prosecuted for causing death (as in the cases of Liam Beaumont and Liam Wallis, and Mohamed Mahamoud and Mahad Ciid, above). In some, the responsibility might be shared between the defendant driver and the deceased victim. That can be seen in the case of Kyle Buckley.^[151]

Buckley attempted to overtake V's car when V lost control of his vehicle and left the road. It was reported that the main cause of the collision was that V was impaired by drugs. However, Buckley was criticised for continuing with the overtake when he should have abandoned it. Buckley pleaded guilty to CDGD^[152] and was sentenced to 3 years and 8 months' custody, and disqualified for 6 years and 8 months. The high sentence in this case was influenced by the fact that D failed to stop, he was also convicted of aggravated vehicle taking, having taken his girlfriend's car without permission, and was unlicensed and uninsured. This was balanced against the "significant mitigation" that V himself contributed to the collision.

Analysing the cases reaching court for causing death by driving offences has given the opportunity to think about how we might better use the criminal law to address some issues that arise. We have seen that one of those issues is the increased risk posed by young drivers, leading to a recommendation to reconsider the GDL debate. There are two other issues that are discussed here, given that they arise in this sample of cases. The first is the question of when a lifetime ban on driving might be warranted. The second is the question of how the law deals with the risky activity of use of a mobile phone whilst driving.

Lifetime bans

There was only one case in the sample which resulted in the offender being disqualified from driving for life. This was Garry Robinson, who also received a custodial sentence of 18 years, and there is no doubt this was a very serious case. Importantly, Robinson had previous convictions for drink-driving. However, there were other cases in which the defendant also had previous convictions and had shown they posed a risk to the public, but where a lifetime ban was not given.

The Court of Appeal recognises that disqualification for life is possible, but describes it as "a highly exceptional course" which "may be appropriate in a case where the danger represented by the offender is an extreme and indefinite one."^[153] The

Court of Appeal case of Noble^[154] was one such case where disqualification for life was necessary in order to protect the public. The reluctance of the courts to apply a life-ban stems from concern that an offender's inability to drive will impede their rehabilitation. It is also the case that many involved in the administration of justice do not accept that disqualification from driving, as an ancillary order, should be seen as having the purpose to punish the offender rather than simply to reduce future risk. However, recent guidance from the Sentencing Council now highlights that lengthy disqualification can be justified by the need for punishment and public protection.^[155] Given the challenges faced by the criminal justice system in terms of prisons being at capacity, there is an argument to be made that disqualification from driving might be able to mark the seriousness of an offence of causing death by driving, not necessarily through longer prison sentences, but through taking away the authorisation to drive. If social media is anything to go by, this suggestion would be supported by a large portion of the public. At the same time, where an offender has clearly shown they are unsafe behind the wheel, that too is a reason to remove their ability to drive permanently. Recent guidance from the Sentencing Council suggests that:

"Lifetime disqualifications will generally be inappropriate unless there is:

- *Psychiatric evidence and/or*
- *Evidence of many previous convictions*

Indicating that the offender would be a danger to the public indefinitely if allowed to



drive.^[156]

In the previous section we saw that in the case of Kyle Buckley, the defendant shared responsibility for the collision with the deceased, which acted as a mitigating factor in sentencing. However, given that he had previous convictions for 44 offences, with the implication being that most of these were motoring offences, it could be argued that although Buckley's prison sentence was appropriately lower than it would have been without V's contribution to the collision, his past history combined with the present offence demonstrated that he was a danger to the public and warranted a lifetime ban.

Sharjeel Shahzad, who killed a two-year-old child after driving a stolen Porsche on false plates was disqualified for 18 years 3 months. Given his history of offending, though, it might be argued that a life time ban was warranted. Another such case is that of Christopher Daly, who was disqualified for 16 years. In relation to his history, it was reported that:

In 2003, he was ordered not to drive until he passed an extended retest, but he has never done so, meaning that he has not legally been able to drive for around 21 years.

His criminal record includes entries for driving without a licence and insurance in 1999 and drink driving, driving while disqualified and driving without insurance in 2001. Daly was then handed nine months in 2002 for dangerous driving and was punished again in 2006 for drink driving, driving while disqualified and driving without insurance.

He was locked up for 30 months later the same year for drug trafficking, an offence which saw him imprisoned once more in 2010. A further appearance came in 2011 for driving without a licence and insurance before he was sent to prison again for drug trafficking later that year. Another conviction for drug driving and driving without a licence and insurance followed in August 2022.

Although it might be argued that the evidence is that such an offender will continue to drive despite being disqualified, it is surely appropriate that a life-ban be imposed. It is recommended that there be a further debate about the circumstances in which lifetime bans would be appropriate, given that some bereaved families would welcome such a penalty being mandatory in all cases of death by driving.^[157]

Mobile phone use

Mobile phone use is one of the 'fatal four' offences on which the police focus their enforcement efforts, knowing that it is one of the most dangerous distractions to drivers. Although use of a mobile phone is a separate offence,^[158] subject to a fixed penalty of a £200 fine and 6 points on a driver's licence, it is also evidence that the driver has fallen below the standard of a competent and careful driver, or far below that standard.^[159] As such, it appears on the CPS's list of examples of behaviour that can evidence careless driving and dangerous driving, and the offences of CDCD and CDDD.^[160] Use of a mobile phone is also a factor for a judge in

assessing culpability when applying the sentencing guidelines for those offences. In the current sample, a mobile phone was mentioned in the reports relating to the sentencing of at least nine cases of CDDD, one case of CDCD and one case of CDCUI.

Despite the existence of a specific offence, use of a mobile phone whilst driving is prevalent across the country. In the absence of a serious collision resulting in death or serious injury, in most cases such use, if it comes to the attention of the police, will be dealt through the specific offence rather than being charged as careless or dangerous driving. The offence of use of a mobile phone exists in an attempt to deter drivers from doing what can amount to a dangerous activity. As such, it is important that the offence is clearly defined to make it clear to drivers what is and is not acceptable. Although experts would argue that use of a mobile hands-free is equally as dangerous as holding a phone whilst driving,^[161] the law is clear that this does not amount to such an offence. However, there is a huge degree of uncertainty regarding what is covered by the offence. Despite an amendment to the law as an attempt to clarify its application,^[162] there remains a degree of confusion over what is required, as demonstrated by the recent case of *Olins*.^[163] One question that has yet to be settled by the courts is whether it is an offence to 'touch' a phone whilst driving when it is in a cradle. Police forces will not prosecute such use, following CPS advice. Yet, when we look at the cases in this sample (e.g. that of *Evie Wiles*) where phone use was detected, it is not at all clear that these offenders, who have caused death, would have been in breach of the provision that outlaws phone use behind the

wheel. That is because in most cases where the police are investigating phone use following a fatal collision, it will not be possible for them to establish whether the phone, when in use, was in a cradle or in the defendant's hand. Given the obvious danger involved in texting whilst driving, even with a phone in a cradle, it is essential that the specific offence be



amended to make it clear that such behaviour can be prosecuted. The judge in the case of Jack Tomlinson, above, pointed to the “inexcusable delay” in the case coming to court as a factor that was taken into consideration in sentencing. In that case, the defendant was being sentenced more than three years after the fatal collision occurred. How common is it to have such a delay in proceedings? As recognised by the appointment of Sir Brian Leveson to conduct a review of the criminal courts, delayed justice is a serious problem in this jurisdiction, resulting in a crisis for criminal justice.^[164] With the issue of delays in mind, further analysis was done of the time it took for a case to reach completion in terms of a sentence. The results are presented in Table 18.

Table 18: Delays by offence convicted

		CDCD	CDCDUI	CDDD	Total
Time from Collision to sentencing categorised	Up to 6 months	1	1	21	23
	6 months+ to 1 year	9	0	8	17
	1 year+ to 18 months	18	5	27	50
	18 months+ to 2 years	13	7	20	40
	2 years+ to 3 years	17	11	30	58
	3 years+ to 4 years	7	1	6	14
	More than 5 years	0	0	2	2
Total		65	25	114	204

Although the two longest delays related to a charge of CDDD, it can also be seen that a case of CDDD was statistically more likely than the other offences to reach sentence within 6 months or less. The mean time to sentence was shortest where the defendant was sentenced for CDDD (578 days) compared to CDCD (661 days) and CDCDUI (716 days). There were of course more cases of CDDD, but it was also the case that CDCD cases were more likely to take longer than 3 years to reach sentence (10.8% compared to 7% of CDDD). As expected, there was a statistically significant difference between time to sentencing and plea, with the proportion of cases where D pleaded not guilty being overrepresented in the cases taking longer to reach sentence.

The case with the longest time (5 and a half years) between collision and sentence for a causing death offence was that of Hughie Coyle,^[165] but that was not a typical case. Coyle had already been sentenced for the serious injuries he had caused to his victim before the victim succumbed to his injuries and died. Coyle had been driving whilst disqualified and had fled from an unmarked police car on the motorway. He entered the service area of the M2 at around 45mph (speed limit of 10mph) and ploughed into V’s van on 18 May 2019. V suffered catastrophic injuries, including broken ribs and spine, and he was left brain damaged and paralysed. Coyle was sentenced in August 2020 to 40 months and 2 weeks’ custody for CSIDD and driving while disqualified, as well as 8 months consecutive for an unrelated offence of assault occasioning actual bodily harm. V died in July 2022 and Coyle was released from prison the following month, only to

face a charge of CDDD. In deciding the appropriate punishment for CDDD, the judge took into account the jail term already served, D’s guilty plea, the “significant and relevant” delay in being charged, and D’s genuine remorse and progress, resulting in Coyle receiving a shorter sentence for CDDD than he had received for CSIDD. He was given 2 years and ten months in custody, and disqualified from driving for 9 years and 6 months. Taken out of context, this sentence may appear relatively light, given the number of aggravating factors involved, but the judge faced a difficult decision in reaching a proportionate sentence to take into account time served, the attempt Coyle had made to rebuild his life, and the fact he had not reoffended since release.

The case which took the second longest time to reach sentence was that of Max Anderson^[166] The collision took place in September 2019, and Anderson was sentenced in January 2025. Anderson was over the limit for drugs and tried to overtake a bus, losing control and skidding to the wrong side of the road, where he struck a road sign and embankment causing a head-on collision with another vehicle. He had been advised previously not to drive because of his drug taking behaviour. Anderson pleaded guilty to CDDD and was sentenced to 6 years’ custody and disqualified for 9 years. It is not known why the case took so long to reach its completion.

At the other end of the spectrum, the case of Daryl Anderson, discussed above, took only 39 days from the collision for the defendant to be sentenced. Anderson pleaded guilty and was sentenced to

17-years' imprisonment; this was not only the quickest case, but one of the most serious. It is almost unfathomable that a case should progress through the criminal justice system to the Crown Court so quickly, but the case illustrates that justice can be achieved without delay. The speed with which this case was dealt with was likely influenced by the availability of a photograph taken by Anderson himself, showing that he was driving at twice the speed limit.

The second shortest time between collision and sentence was 96 days. Mohamed Mahari,^[167] a food delivery driver, did not see a pedestrian as he turned into a side road, crashing into her as she crossed the road in the dark and rain. Mahari pleaded guilty to CDCD and causing death by driving whilst uninsured (he was insured for domestic, but not business, use). The case was one described as momentary inattention and it was clear that the judge placed the offence in the lowest category of culpability. Mahari was sentenced to 7 months' custody and disqualified for 18 months.

What, then, explains the very long delays in many of the cases that on average took around a year and a half to reach sentence, with many taking much longer? It must be remembered that COVID will have had an impact on those cases that took place in 2020, but there was only one case in the sample where the collision took place that year. The majority of collisions occurred in 2022 or 2023, with 28 occurring in 2021, 26 in 2024 and even five as recently as 2025. It may be that delays caused by the back-log of cases since COVID are lessening, but there are also likely other reasons for the delays

which means that the average time to sentence is likely to remain at around a year and half. Some of the reasons for these delays have come to light through the high-profile cases of the deaths of Nuria Sajjad and Selena Lau, and of Harry Dunn.

Nuria Sajjad and Selena Lau were two school girls killed when the driver of an SUV left the road in Wimbledon and smashed through the fence surrounding the school at which they were pupils on 6th July 2023. A woman was arrested on suspicion of CDDD and was released under investigation. This is common practice in fatal collision investigations, given that the forensic collision investigation report takes considerable time to be completed. However, although forensic collision investigation is naturally complex, it would seem that in this case a shortage of Forensic Collision Investigators exacerbated the delay, with it being reported in April 2024 that the Met "confirmed the delay was due to a lack of specialist investigators and said it was trying to address the problem".^[168] The Metropolitan Commissioner Sir Mark Rowley noted that "There is currently only one path to qualify as a Forensic Collision Investigator (FCI) available in the UK, which is a six-year part time course from De Montfort University... This means there are very few individuals who have specialist skills needed to progress these investigations and the MPS currently takes up approximately 20% of course places as we are seeking to increase the number of investigators".^[169] Consequently, although the CPS announced in June 2024 that no further action would be taken against the driver in the case, the family questioned whether the investigation had been carried out thoroughly, and the driver was rearrested in January

2025 and remains on bail until further investigations are completed.^[170] Although the family's "dismay" at having to wait so long for answers two years on from the collision is understandable,^[171] the cases in this sample show that it is unfortunately not particularly unusual.

In response to what Commissioner Rowley has said in relation to the Wimbledon case, the Head of Studies on the course at De Montfort University has said:

Whilst Sir Mark was correct in what he said about the proportion of Metropolitan Police officers studying at that time, one should not take that as an indication that the shortage of practitioners is due to a lack of availability of places on training programmes. I acknowledge that whilst the Forensic Collision Investigation Network (FCIN) had the national lead on FCI training, the De Montfort University programmes were, for a period, oversubscribed, however this has not been the case in recent years.

Since the restructuring of the FCIN in 2022 and the return to Police forces of what training FCI's require to be deemed by their own force to be qualified, there has been a marked drop off in those continuing to higher levels of study (foundation and Honours degrees). Since the intake for the start of the 2022 academic year, and for all subsequent academic years there have been spare places available at all levels of study. The 2025 academic intake will see all levels of study on De Montfort University's programme running at less than 50 percent capacity with some levels as low as 10%.^[172]

This issue of lack of forensic collision investigators is one that is a problem across many forces, and not just in the Met. The APPG on Miscarriages of Justice Westminster Commission on Forensic Science^[173] identified that there is a national shortage of forensic collision investigators.^[174] Rather than the problem lying with lack of available places on the appropriate course, it was identified that there is little incentive for officers to become Forensic Collision Investigators, and there is no official accreditation for the role, with it being stated that "there is little benefit in undertaking the long training required if you wish to be promoted out of roads policing."^[175]

The solicitor representing the families in the Wimbledon case, Trevor Sterling, has identified that it takes "a year to a year and a half typically for forensic examiner's reports to be prepared."^[176] This did not, however, used to be the case 10-20 years ago. Previous studies on the prosecution of drivers arising from fatal collision investigations certainly demonstrate that it has long been the case that many cases hinge on the conclusions of the collision investigation report prepared by the Forensic Collision Investigator, and that guilty pleas are often delayed until the defence have access to the report.^[177] However, previously this would lead to potential delays of a few months, rather than years. This shortage in Forensic Collision Investigators was nevertheless foreseen. In 2012, a number of lawyers interviewed as part of an AHRC funded study^[178] raised the question of succession management, concerned that many Forensic Collision Investigators were due for retirement nationally. It was expressed that outside police Collision Investigation Units these officers do not enjoy the reputation that they deserve and that their significance is overlooked in terms of ensuring that sufficient resources are dedicated to training their replacements. This was further hinted at in 2015, when in a joint inspection of the investigation and prosecution of fatal road traffic incidents, Her Majesty's Crown Prosecution Service Inspectorate (HMIC) and Her Majesty's Constabulary Inspectorate (HMIC) noted that most of the areas they visited "had recently reviewed their operational models in order to accommodate reduced expenditure with each adopting a different solution. We saw evidence that this had negatively impacted on the investigation of road deaths but we were assured that this will continue to be closely monitored by forces".^[179] It appears that we are now seeing the impact of the reduction in resource. The Westminster Commission on Forensic Science warns that "lowering the quality of investigations and the qualification requirements for investigators once again risks increased failures in investigations, and potentially, miscarriages of justice."^[180] It was also noted that the Forensic Regulator Codes of Practice does not yet apply to Forensic Collision Investigators, albeit that the Regulator "encourages" compliance in readiness for its inclusion in a future version of the Code.

The problem with the under-resourcing of Serious Collision Investigation Units (SCIUs) and Forensic Collision Investigators can further be seen in the review of the police investigation into the death of Harry Dunn commissioned by the new Chief Constable of Northamptonshire Police. Anne Sacoolas was convicted in her absence of causing the death of Harry by careless driving, and was sentenced to 8 months' imprisonment, suspended for 12 months. Whilst there were a number of issues raised by the review of the case, particularly relating to confusion over the defendant's diplomatic immunity, for the purposes of the current report the following conclusion is worth noting:

It is clear from the personnel spoken to during this review, who work in the SCIU, that they feel somewhat undervalued, and it is felt there is a lack of recognition around the unique skillset required to investigate offences of this nature. The review has found that this is not unique to Northamptonshire Police. As a result, a number of recommendations within this review will seek to address this issue by assessing the training requirements within the SCIU's, and ensuring the skillsets are commensurate with what is required for investigations of this nature.^[181]

Ultimately, given that around 1700 people are killed on the roads of Great Britain every year, it is incumbent upon the Government to ensure that police forces are appropriately resourced in order to allow for the effective and comprehensive investigation of all road deaths.

One further issue was raised by the review of the investigation into the death of Harry Dunn. In that case Anne Sacoolas was not arrested at the scene of the collision. Had she been arrested and released on bail, some of the other difficulties of that case may not have arisen. However, it is not uncommon for drivers under suspicion for CDCD not to be arrested. The police have the power to arrest suspects under s.24 of the Police and Criminal Evidence Act 1984, but can only do so if it is necessary to make an arrest for one of a number of reasons. The main reason for arresting a suspect in a fatal collision is the need "to allow the prompt and effective investigation of their conduct." However, where a driver has provided their details and has cooperated with police at the scene, it may be felt that arrest is not necessary and that the suspect, who might themselves be in need of medical attention or be suffering from trauma, should be allowed to go home on the basis that they will assist the police with their inquiries in the coming days and weeks. There is, though, good reason to suggest that the presumption should be that in most cases where an initial examination of the scene suggests that the surviving driver might be at fault, they should be arrested.

Suspects that are arrested are usually interviewed quickly and then either released on bail awaiting charge, or "released under investigation" (RUI). In a road death case, it is likely to be decided that RUI is appropriate, as happened in the Wimbledon case. This is because a suspect released on bail should be charged within 28 days. As we can see, most collision investigations will take far longer than 28 days to complete, meaning that the evidence

available to the CPS to decide on an appropriate charge will not be forthcoming by the deadline. It is also the case that the police will not usually see the need to apply conditions to bail as they might do in other cases, so they are likely to go down the RUI route. Leveson has recently highlighted that there are problems with RUI, and has recommended that the College of Policing make it clear that RUI is no longer appropriate.^[182] That is likely to prove problematic for road death investigations. In many cases it is difficult to assess whether the offence committed might be one of careless or dangerous driving until the collision reconstruction is completed and the forensic collision investigator has submitted their report. As such, it is preferable that Leveson's alternative recommendation be adopted: that RUI is subject to statutory provisions through amendment of the Policing and Crime Act 2017.

Recommendations

The issues raised in this report give rise to eight recommendations relating to achieving justice in cases of road death.

Recommendation 1

The offences of careless and dangerous driving, and causing death by careless and dangerous driving, should be redefined.

It is proposed that dangerous driving and careless driving be replaced by the following:

Dangerous driving – a driver commits this offence when they deliberately breach a “must/must not” rule of the Highway Code in circumstances which give rise to a risk of injury to others.

Negligent driving – a driver commits an error while driving which breaches a “must/must not” rule of the Highway Code, but does not deliberately breach the rule, in circumstances which give rise to a risk of injury to others.

Recommendation 2

Causing death by careless driving should only be tried and sentenced in the Crown Court, in order to mark the seriousness of the offence and to enable it to come within the Unduly Lenient Sentencing Scheme.

Recommendation 3

Implement stronger licensing requirements to support young drivers.

Recommendation 4

Judges should make greater use of lifetime driving bans.

Recommendation 5

Judges should be required to express disqualification from driving as a length of time upon release from prison.

Recommendation 6

Magistrates should be empowered to impose post-charge bail conditions that prevent the suspect from driving whilst awaiting trial.

Recommendation 7

The investigation of road death should be given equal weight as the investigation of any other unlawful death. To facilitate this:

Police forces should ensure that Serious Collision Investigation Units are appropriately resourced.

The career path for forensic collision investigators should incentivise such experts to become qualified and receive appropriate remuneration.

Recommendation 8

The mobile phone offence should be amended to ensure that the police can take action against drivers who touch their phone whilst driving, even if it is in a cradle.



Acknowledgements

Report author: Professor Sally Kyd, University of Leicester.

With thanks to the assistance of:

Dr Sarah Hodgkinson (Research Associate)
Professor Jose Pina-Sánchez (University of Leeds)

Appendix A: Names of the victims killed in the cases

Terry Abson	Ross Brown
Claire Adkins	John Brunt
Aqeel Akhtar	Timothy Burgess
Jennifer Allen	David Burrows
Alana Armstrong	Paul Bush
Cameron Arneaud	Laura Carrillo-Sanchez
Christopher Arnett	Sandra Chamberlain
Choudhary Ashraf	Paul Chaplin
Michelle Atherton	Liberty Charris
Dexter Augustus	Luke Clarke
Valerie Ayres	Rebecca Comins
Martyn Ball	Trina Cook
Colin Banks	Ben Corfield
Pauline Bark	Darron Coster
Robert Baron	Harry Coupland
Alliyah Bell	Brandon Cousens
Nick Bennell	James Cressey
Ada Bicakci	Vincent Cullinane
Alice Birchall	Nicole Cummings
Zachary Blades	Adam Cunliffe
Sally Blew	Marie Cunningham
Linda Boore	Droy Darrock-York
Angela Boyack	Daniel Davies
Stephen Boyack	Kaitlyn Davies
Christopher Boyle	Felix Davies
Patrick Bowyer	Rowan Day
Lee Bozier-Lown	Cristopher De Carvalho Guedes
Catherine Bradford	Fahad Dek
Louis Brown	Thomas De Lacy

Brian Dewey
Sandra Diplock
Jessica Dominy
Courtney Donnelly
Amallia Elmasry
Janet Emmett
Gareth Evans
John Evans
Martin Fletcher
Laura Ford
Grace Foulds
Lisa Gardiner
Ethan Goddard
Jason Goodall
Ian Gooden
Jasmine Gower
Stuart Graham
Mary Grazulis
Hilary Grieve
Teresa Grimes
Andrew Hadley
David Hain
Mabli Cariad Hall
Raymond Hammil
Daniel Hancock
Samuel Harding
Paul Hart
Zoe Hawes
Courtney Hemming

Edward Hickey
Rohan Hicks
Jane Hickson
Richard Hill
Kaylan Hipsley
Beryl Howard
Jack Howe
William Hubbard
Thelma Huse
Mariah Hussein
Christine Ibbotson
Hamse Ismail
Oshada Jayasundera
Byron Jeanes
Clive Jones
Elaine Jones
Olive Joseph
Brenda Joyce
Marzena Kaczorowska
Surinder Kaur
Shiraz Ali Khan
Laonie Kennard
Mark Kenny
Karen Kimblin
Harry Kinney-Ryan
Athira Anilkumar Laly Kumari
Gina Lands
Adrian Lane
Edward Langworthy
Connor Lapworth
Vincent Lawrence
Margaret Lee
Charlie Lowe
Martin Lyons
Michael Lupton
Demi Mabbitt
Lucy Machin
Steven Martin
Helen Matthews
Corey Mavin
Patrick McDonald
Gregg Lewis McGuire
Jonathan Mills
Tony Mist
Sofka Mitkova
Ahmed Moneer
Keely Morgan

Emma Morris
Ian Morris
Paul Morton
Abigael Muamba
John Murkin
Charles Needham
Gregory Newcombe
Robin Newman
John Newton
Charalambos Nicolaou
Irslaan Nowkhaiz
Kiara O’Lisa
Alisha Osman
Gwendoline Owen
Nicholas Page
Leo Painter
Robert Palmer
Cain Parker
Chris Parsons
Philip Plews
Doris Post
Callum Powell
Alan Preston
Elliot Pullen
Attila Radi
Salma Rafique
Andrew Rayner
Lee Rayner
Ray Rennalls
Julia Relph
Connor Richards
Jeremy Richardson
Tracey Rimmington
Bradley Roberts
Brian Robinson
Ben Rogers
Jack Ryan
Vanessa Sagnay de la Bastida
Joe Scott
Jordan Sheehy
John Shelton
James Sheridan
Inderjot Singh
Shehbaz Singh
Adam Sissons
Martin Skinner
Emma Smallwood

Harry Smart
Aaron Smith
Jennifer Smith
Joan Spence
Jack Stabler
George Stevenson
Glyn Straw
Adeline Stuart-Watt
Paul Summers
Donald Sutherland
Jordan Talbot
Owen Tagg
Cliff Tamou
Johb Treeby
Mariana Faustino Valente
Grace Vater
Lily-May Vaughan
Kevin Viles
Jac Walters
Karlene Warner
Briony Watkins
Aidan Webb
Gemma Whitehead
Helen Wickham
Alice Williams
Robert Williams
Phyllis Willis
Susannah Wilson
William Wilson
Terence Wragg
Benjamin Wright
Lijuan Wu
Stephen Young
Marcin Zablonity
Mariusz Zak

Appendix B: Sentencing Guidelines

Taken from the Sentencing Council’s website.

Causing death by dangerous driving

Step 1 – Determining the offence category

Culpability

Where there are factors present from more than one category of culpability, the court should weigh those factors in order to decide which category most resembles the offender’s case.

A

- 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
- Obviously highly dangerous manoeuvre
- Prolonged use of mobile phone or other electronic device
- Driving highly impaired by consumption of alcohol and/or drugs
- Offence committed in course of evading police
- Racing or competitive driving against another vehicle
- Persistent disregard of warnings of others
- Lack of attention to driving for a substantial period of time
- Speed significantly in excess of speed limit or highly inappropriate for the prevailing road or weather conditions

B

- Use of mobile phone or other electronic device (where not culpability A)
- 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 (where not culpability A)
- Driving impaired by consumption of alcohol and/or drugs (where not culpability A)
- Driving significantly impaired as a result of a known medical condition, and/or disregarding advice relating to the effect of a medical condition or medication
- Driving when deprived of adequate sleep or rest
- Disregarding a warning of others
- The offender’s culpability falls between A and C

C

- Standard of driving was just over threshold for dangerous driving

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.

Step 2 – Starting point and category range

Having determined the category at step one, the court should use the corresponding starting point to reach a sentence within the category range in the table below. The starting point applies to all offenders irrespective of plea or previous convictions.

An adjustment from the starting point, upwards or downwards, may be necessary to reflect particular features of culpability (for example, the presence of multiple factors within one category, the presence of factors from more than one category (where not already taken into account at step 1), or where a case falls close to a borderline between categories).

The starting points and category ranges below relate to a single offence resulting in a single death. Where more than one death is caused and they are charged in separate counts, or where another offence or offences arising out of the same incident or facts is charged, concurrent sentences reflecting the overall criminality will be appropriate.

Where more than one death is caused but they are all charged in a single count, it will be appropriate to make an upwards adjustment from the starting point within the relevant category range before consideration of other aggravating features and mitigation. The court may conclude that it would be contrary to the interests of justice for the final sentence to be limited to the offence range for a single offence. See the Totality guideline and step six of this guideline.

	Culpability	
A	B	C
Starting point 12 years’ custody	Starting point 6 years’ custody	Starting point 3 years’ custody
Category range 8 – 18 years’ custody	Category range 4 – 9 years’ custody	Category range 2 – 5 years’ custody

Factors increasing seriousness

Statutory aggravating factors:

- Previous convictions, having regard to a) the nature of the offence to which the conviction relates and its relevance to the current offence; and b) the time that has elapsed since the conviction
- Offence committed whilst on bail

Other aggravating factors:

- Victim was a vulnerable road user, including pedestrians, cyclists, horse riders, motorcyclists etc
- Serious injury to one or more victims, in addition to the death(s) (see step 6 on totality when sentencing for more than one offence)
- Driving for commercial purposes
- Driving a goods vehicle, PSV etc
- Other driving offences committed at the same time as the dangerous driving
- Blame wrongly placed on others
- Failed to stop and/or obstructed or hindered attempts to assist at the scene
- Passengers in the offender’s vehicle, including children
- Vehicle poorly maintained
- Offence committed on licence or while subject to court order(s)

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions or no relevant/recent convictions
- Good driving record
- Actions of the victim or a third party contributed significantly to collision or death
- Offence due to inexperience rather than irresponsibility (where offender qualified to drive)
- Genuine emergency
- 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 (which may be applicable to offenders aged 18-25)
- Mental disorder or learning disability
- Sole or primary carer for dependent relatives
- Pregnancy, childbirth and post-natal care
- Difficult and/or deprived background or personal circumstances
- Prospects of or in work, training or education

Appendix B: Sentencing Guidelines

Causing death by careless driving whilst under the influence of drink or drugs

Culpability

There are two aspects to assessing culpability for this offence.

1) The court should first determine the standard of driving with reference to the factors below, which comprise the principal factual elements of the offence. Where an offence does not fall squarely into a category, individual factors may require a degree of weighting before making an overall assessment and determining the appropriate offence category. A combination of factors in any category may justify upwards adjustment from the starting point before consideration of aggravating/mitigating factors.

2) Factors relevant to the presence of alcohol or drugs or a failure to provide a sample for analysis should then be considered to identify the appropriate offence category and starting point of sentence in accordance with the table at step two.

High
Standard of driving was just below threshold for dangerous driving and/or includes extreme example of a medium culpability factor
Medium
- Unsafe manoeuvre or positioning - Engaging in a brief but avoidable distraction - Driving at a speed that is inappropriate for the prevailing road or weather conditions - Driving vehicle which is unsafe or where driver's visibility or controls are obstructed Driving in disregard of advice relating to the effects of medical condition or medication (where the medication does not form a basis of the offence) - Driving whilst ability to drive impaired as a result of a known medical condition - Driving when deprived of adequate sleep or rest - The offender's culpability falls between the factors as described in high and lesser culpability
Lesser
- Standard of driving was just over threshold for careless driving - Momentary lapse of concentration

Step 2 – Starting point and category range

The starting points and category ranges below relate to a single offence resulting in a single death. Where another offence or offences arise out of the same incident or facts, concurrent sentences reflecting the overall criminality will ordinarily be appropriate.

Where more than one death is caused, it will be appropriate to make an upwards adjustment from the starting point within or above the relevant category range before consideration of other aggravating features. In the most serious cases, the interests of justice may require a total sentence in excess of the offence range for a single offence. See the Totality guideline and step six of this guideline.

	High culpability	Medium culpability	Lesser culpability
The legal limit of alcohol is 35µg breath (80mg in blood and 107mg in urine)			
H71µ or above of alcohol OR	Starting point 12 years' custody	Starting point 9 years' custody	Starting point 6 years' custody
Deliberate refusal to provide specimen for analysis OR			
Evidence of substantial impairment and/or multiple drugs or combination of drugs and alcohol	Category range 8 – 18 years' custody	Category range 6 – 12 years' custody	Category range 5 – 10 years' custody
51- 70 µg of alcohol OR	Starting point 9 years' custody	Starting point 6 years' custody	Starting point 4 years' custody
Any quantity of a single drug detected	Category range 6 – 12 years' custody	Category range 4 – 9 years' custody	Category range 3 – 7 years' custody
	Starting point 6 years' custody	Starting point 3 years' custody	Starting point 1 year 6 months' custody
36-50 µg of alcohol	Category range 4 – 9 years' custody	Category range 2 – 5 years' custody	Category range 26 weeks – 4 years' custody

Appendix B: Sentencing Guidelines

Factors increasing seriousness

- Statutory aggravating factors:**
- Previous convictions, having regard to a) the nature of the offence to which the conviction relates and its relevance to the current offence; and b) the time that has elapsed since the conviction
 - Offence committed whilst on bail

- Other aggravating factors:**
- Victim was a vulnerable road user, including pedestrians, cyclists, horse riders
 - Disregarding warnings of others
 - Driving for commercial purposes
 - Driving LGV, HGV, PSV
 - Other driving offences committed at the same time as the careless driving
 - Blame wrongly placed on others
 - Failed to stop and/or assist or seek assistance at the scene
 - Passengers, including children
 - Vehicle poorly maintained
 - Serious injury to one or more victims, in addition to the death(s) (see step 6 on totality when sentencing for more than one offence)
 - Offence committed on licence or while subject to court order(s)

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions or no relevant/recent convictions
- Impeccable driving record
- Alcohol or drugs consumed unwittingly
- Actions of the victim or a third party contributed significantly to collision or death
- Offence due to inexperience rather than irresponsibility (where offender qualified to drive)
- Genuine emergency
- 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

Causing death by careless driving

Step 1 – Determining the offence category

The court should determine the offence category with reference only to the factors in the tables below. In order to determine the category the court should assess culpability and harm.

Culpability	
Where there are factors present from more than one category of culpability, the court should weigh those factors in order to decide which category most resembles the offender's case.	
A	• Standard of driving was just below threshold for dangerous driving and/or includes extreme example of a culpability B factor
B	• Unsafe manoeuvre or positioning • Engaging in a brief but avoidable distraction • Driving at a speed that is inappropriate for the prevailing road or weather conditions • Driving impaired by consumption of alcohol and/or drugs (see step 5 on totality where this is the subject of a separate charge) • Driving vehicle which is unsafe or where driver's visibility or controls are obstructed • Driving impaired as a result of a known medical condition and/or in disregard of advice relating to the effects of medical condition or medication • Driving when deprived of adequate sleep or rest • The offender's culpability falls between the factors as described in culpability A and C
C	• Standard of driving was just over threshold for careless driving • Momentary lapse of concentration

Step 2 – Starting point and category range

Having determined the category at step one, the court should use the corresponding starting point to reach a sentence within the category range in the table below. The starting point applies to all offenders irrespective of plea or previous convictions.

An adjustment from the starting point, upwards or downwards, may be necessary to reflect particular features of culpability and/or harm (for example, the presence of multiple factors within one category, the presence of factors from more than one category (where not already taken into account at step 1), or where a case falls close to a borderline between categories).

The starting points and category ranges below relate to a single offence resulting in a single death. Where more than one death is caused and they are charged in separate counts, or where another offence or offences arising out of the same incident or facts is charged, concurrent sentences reflecting the overall criminality will be appropriate.

Where more than one death is caused but they are all charged in a single count, it will be appropriate to make an upwards adjustment from the starting point within the relevant category range before consideration of other aggravating features and mitigation. The court may conclude that it would be contrary to the interests of justice for the final sentence to be limited to the offence range for a single offence. See the Totality guideline and step five of this guideline.

Culpability		
A	B	C
Starting point 2 years' custody	Starting point 1 year's custody	Starting point 26 weeks' custody
Category range 1 – 4 years' custody	Category range 26 weeks – 3 years' custody	Category range Medium level community order – 1 year's custody

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Factors increasing seriousness

Statutory aggravating factors:

- Previous convictions, having regard to a) the nature of the offence to which the conviction relates and its relevance to the current offence; and b) the time that has elapsed since the conviction
- Offence committed whilst on bail

Other aggravating factors:

- Victim was a vulnerable road user, including pedestrians, cyclists, horse riders, motorcyclists etc
- 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)
- Disregarding warnings of others
- Driving for commercial purposes
- Driving a goods vehicle, PSV etc
- Other driving offences committed at the same time as the careless driving
- Blame wrongly placed on others
- Failed to stop and/or obstructed or hindered attempts to assist at the scene
- Passengers in the offender's vehicle, including children
- Vehicle poorly maintained
- Offence committed on licence or while subject to court order(s)

Factors reducing seriousness or reflecting personal mitigation

- No previous convictions or no relevant/recent convictions
- Good driving record
- Actions of the victim or a third party contributed significantly to collision or death
- Offence due to inexperience rather than irresponsibility (where offender qualified to drive)
- Genuine emergency
- 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 (which may be applicable to offenders aged 18-25)
- Mental disorder or learning disability
- Sole or primary carer for dependent relatives
- Difficult and/or deprived background or personal circumstances
- Prospects of or in work, training or education

- [1] This aligns with the official data on where such cases are sentenced. In 2024, 165 cases for CDCD were proceeded against at court. Of these, 105 were committed for trial at the Crown Court, and 58 cases were tried in the magistrates' court (57 of which pleaded guilty), with 40 of these being committed for sentence at the Crown Court after conviction. Only 18 were sentenced in the magistrates' court.
- [2] DfT, Reported Road Casualties in Great Britain, <https://www.gov.uk/government/statistics/reported-road-casualties-great-britain-provisional-results-2024/reported-road-casualties-in-great-britain-provisional-estimates-2024>
- [3] "Homicide" incorporates the offences of murder, manslaughter and, infanticide.
- [4] In 262 cases the weapon used was a knife or sharp instrument. Office for National Statistics (2025b), Homicide in England and Wales: Year ending March 2024 <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/homicideinenglandandwales/yearendingmarch2024>
- [5] Road Traffic Act 1988, s.1.
- [6] Road Traffic Act 1988, s.3A.
- [7] Road Traffic Act 1988, s.2B. 'Careless driving' is the term used as shorthand for the full offence title of driving without due care and attention. Note that the alternative is causing death by inconsiderate driving, but this version of the offence is rarely, if ever, charged.
- [8] Scottish Sentencing Council, Statutory offences of causing death by driving: sentencing guidelines, 2023, <https://www.scottishsentencingcouncil.org.uk/media/ytuhsyOm/statutory-offences-of-causing-death-by-driving-sentencing-guideline.pdf>.
- [9] <https://www.sentencingcouncil.org.uk/news/item/sentencing-guidelines-for-motoring-offences-published/> The Scottish

- Sentencing Council has also issued sentencing guidelines on some of these offences, which came into force on 16 January 2024: <https://www.scottishsentencingcouncil.org.uk/media/ytuhsyOm/statutory-offences-of-causing-death-by-driving-sentencing-guideline.pdf>. It is of note that the starting points and ranges in Scotland are lower than those in England and Wales.
- [10] Road Traffic Act 1988, s.3ZB.
 - [11] Road Traffic Act 1988, s.3ZC.
 - [12] Coroners and Justice Act 2009, s.125(1).
 - [13] Although the offence is currently triable either way, most cases are currently sentenced in the Crown Court. In 2024, 165 cases for CDCD were proceeded against at court. Of these, 105 were committed for trial at the Crown Court, and 58 cases were tried in the magistrates' court (57 of which pleaded guilty), with 40 of these being committed for sentence at the Crown Court after conviction. Only 18 were sentenced in the magistrates' court.
 - [14] <https://sentencingcouncil.org.uk/guidelines/gross-negligence-manslaughter/>
 - [15] [2023] EWCA Crim 1399.
 - [16] If the recommendations made by Sir Brian Leveson in his recent review of the criminal courts are adopted, sentences for the types of cases in this sample are likely to reduce, given that the majority of defendants plead guilty (see below). Leveson has recommended that the maximum reduction for entering a guilty plea should be increased to 40% if the plea is indicated at the first available opportunity: Ministry of Justice, Independent Review of the Criminal Courts: Part 1, July 2025, Recommendation 27. <https://www.gov.uk/government/publications/independent-review-of-the-criminal-courts-part-1>
 - [17] Sentencing Act 2020, s.73.
 - [18] In 2024, nine cases of manslaughter resulted in a sentence of over 15 years. The shortest sentence for manslaughter was 12

months’ custody. The most common sentence for manslaughter was 10-15 years’ custody. (NB these numbers exclude data for diminished responsibility manslaughter). This data is taken from: <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2024>

- [19] <https://sentencingcouncil.org.uk/guidelines/unlawful-act-manslaughter/>
- [20] In this table, the pre-existing guidelines appear in the second column, with the new guidelines in the third column for easy comparison.
- [21] Dancs [2023] EWCA Crim 1296; Ahmed [2023] EWCA Crim 1537. Ahmed illustrates the extent to which the new guidelines can be seen to have impacted sentencing. In this case the fatal collision occurred in July 2020, but the sentencing did not take place until August 2023. The trial judge had applied the old 2008 guidelines and sentenced the offender to 4 years’ imprisonment for CDDD. The Solicitor General applied to the Court of Appeal under the Unduly Lenient Scheme, resulting in the Court of Appeal quashing the sentence and applying the new 2023 guideline, imposing a sentence of 8 years’ imprisonment.
- [22] At the time of writing, clause 2 of the Sentencing Bill proposes that this be raised to 3 years, and under clause 1 there is a presumption that a sentence of 12 months or less be suspended (with exceptions).
- [23] Unless the offender has been disqualified two or more times for a period of at least 56 days in the three years preceding the commission of the offence, in which case the minimum period of disqualification is 2 years.
- [24] Official data suggest that for causing death by driving offences, there have only been five lifetime bans imposed since 2017: 1 in 2022, 2 in 2023, and 2 in 2024.
- [25] Yet more change to these rules may be coming if the Sentencing Bill is passed as

drafted. Under the Bill some offenders will be expected to be released after serving only one third of their sentence in prison, with clause 21 providing for changes to be made to s.35A RTOA to ensure that judges then take this into account in calculating the extension period for disqualification.

- [26] An example can be seen in one case in the sample appealed to the Court of Appeal: R v Sumner [2025] EWCA Crim 730.
- [27] <https://sentencingcouncil.org.uk/guidelines/driving-disqualification/>
- [28] AG’s Reference (No.4 of 1989) [1990] 1 WLR 41.
- [29] R v Sumner [2025] EWCA Crim 730.
- [30] R v Dagnall [2025] EWCA Crim 202; R v Curtis [2025] EWCA Crim 851.
- [31] Press reports suggest that bereaved families made requests to the Attorney General for their case to be referred to the Court of Appeal under the ULS in a further two cases, but these were declined.
- [32] R v Gregory [2024] EWCA Crim 749; R v Whiteman [2024] EWCA Crim 949; R v Asolo-Ogugua [2025] (judgment made on 6 August 2025; yet to be published).
- [33] These offences are currently classed as triable either way offences. We recommend that CDCD should be reclassified as indicatable only.
- [34] <https://www.cps.gov.uk/legal-guidance/road-traffic-fatal-offences-and-bad-driving>
- [35] [2013] UKSC 56. Only two cases of this offence were proceeded against in each of the years 2023 and 2024, according to official data.
- [36] Only 2 cases of this offence were proceeded against in each of the years 2023 and 2024, according to official data.
- [37] Keaton Muldoon, discussed below.
- [38] CPS Legal Guidance: <https://www.cps.gov.uk/legal-guidance/road-traffic-fatal-offences-and-bad-driving>
- [39] This is not unusual. There is little research

on “vehicular manslaughter”, but a study from a quarter of a century ago found that in the vast majority of cases where murder is charged as the result of the victim being struck by a motor vehicle, the end result is one of CDDD rather than manslaughter. See S.R. Cunningham, “The Reality of Vehicular Homicides: Convictions for Murder, Manslaughter and Causing Death by Dangerous Driving” [2001] Criminal Law Review 679. Anecdotal evidence does suggest some change in approach by prosecutors and jurors in more recent years, though, with more cases being prosecuted as murder or manslaughter (e.g. since January 2025: James Ward was acquitted of the murder of Kirk Marsden and will face a retrial on a charge of manslaughter at Preston Crown Court in November. Hassan Jhangur was found guilty of the murder of Chris Marriott earlier this year. Brett Delaney faces a manslaughter charge for the death of Suzanne Cherry. Keith McCarthy was cleared of the murder of Kerrin Repman but was convicted of manslaughter. Abdirahman Ibrahim was convicted of the murder of Liam Jones. There have also been court reports on such cases,

- [40] Ministry of Justice, Criminal Justice System statistics quarterly: December 2024, <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2024>
- [41] The number of cases does not necessarily correspond with the number of defendants sentenced in the data presented below. This is because there were five cases in which there were two drivers prosecuted and convicted for the same death.
- [42] For comparison, according to official statistics, 367 offenders were sentenced for causing death by driving offences in the Crown Court (including 49 that were committed for sentencing from magistrates’ court) in 2024. One case was discontinued in the Crown Court. 38 cases ended in acquittal.

- [43] Driver of a motorbike/moped.
- [44] Comparing these figures to official data in Road Casualties Great Britain, we see that the number of pedestrians tracks the proportion of fatalities relating to pedestrians annually (around 25%). The proportion of cyclists is over-represented (around 5% of deaths are cyclists in official data) and motorcyclists are under-represented (around 20% of deaths are motorcyclists). This might suggest that drivers of other vehicles are more likely to be found to be at fault for the death of pedal cyclists than of motorcyclists.
- [45] That was the case of Stephen Gaskell, who was prosecuted for the offence under s.3ZC Road Traffic Act 1988, as well as possession of a class B drug with intent to supply and uninsured driving. He entered a guilty plea and was sentenced to 5 years and 2 months’ custody and disqualified for 2 years on release. Few details are provided about the crash, other than Gaskell lost control of his car on the A427 at 10:30pm on a Sunday in September 2023, and crashed into a field, killing his passenger.
- [46] The introduction of the s.3ZB offence led to variations in charging practice as documented in: S. Cunningham, “Has law reform policy been driven in the right direction? How the new causing death by driving offences are operating in practice” [2013] Criminal Law Review 711-728.
- [47] The reliability of the press reports may be an issue here, in that it cannot be ascertained whether all previous convictions were mentioned in press reports. However, of the convictions for CDCDUI, 6 defendants were reported to have previous convictions: 2 for other motoring offences, 3 defendants had previous convictions for other (non-motoring) offences; and one had previous convictions for both motoring and non-motoring offences. Of the defendants convicted of CDDD, 29 had previous convictions. Of these, 26 had convictions for motoring offences, 11 had

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convictions for non-motoring offences, and 2 had convictions for both. It is suspected, however, that the number of cases where a defendant had motoring convictions in under-reported.

- [48] Where there is evidence that the defendant was over the prescribed limit for drink or drugs, then CDUI would normally be charged. These cases are those where although there may not have been evidence of the limit being exceeded, there was some mention of intoxicants.
- [49] Excess speed was taken to mean in excess of the known speed limit. It should be noted, however, that the sentencing guidelines refer to speed that is inappropriate for the conditions, which might be within the speed limit.
- [50] High-rate speeding was recorded where there was evidence that the defendant was driving 20mph or more above the speed limit. It should be noted that the wording of the factor pointing to category A culpability for CDD is “significantly in excess of speed limit or highly inappropriate for the prevailing road or weather conditions”.
- [51] The case of Bramley Bince-Butcher. See <https://www.bbc.co.uk/news/articles/ce8djex4p3zo> .
- [52] Five years is now the minimum period of disqualification. Six of the defendants were disqualified for exactly five years.
- [53] The current maximum that magistrates can pass is 12 months custody. For much of the relevant period (until November 2024, the maximum was only 6 months.
- [54] It is not clear why there was one case sentenced to more than five years’ imprisonment in 2022, since that exceeds the maximum penalty available.
- [55] Of these, 5 were female and 12 were male, with one defendant’s sex unknown.
- [56] The number of suspended sentences passed for CDCD in each year were: 77 in 2018; 61 in 2019; 50 in 2020; 80 in 2021; 64 in 2022; 72

in 2023.

- [57] The case of Bince-Butcher, bringing the total up to 65, was reported as resulting in a fine only.
- [58] The case of Joe Lewis Tyler. See <https://www.bbc.co.uk/news/articles/c623k2vyqpqo>
- [59] The case of Garry Robinson. See <https://www.bbc.co.uk/news/uk-england-tyne-68942426>
- [60] The case of Baracan Nurcin, See <https://www.bbc.co.uk/news/articles/cpr08wx8vlo>
- [61] The case of Mark Plimmer. See <https://www.bbc.co.uk/news/articles/cgj4l8x278o>
- [62] The case of Darryl Anderson. See <https://www.bbc.co.uk/news/articles/cnk4q7p8jnpo>
- [63] The case of Kevin Marsh. See <https://www.bbc.co.uk/news/uk-england-merseyside-67945864>
- [64] It is not clear from the press report in this case, and many of the cases, whether this was on release or includes the period of time D will spend in prison. We make a recommendation to clarify this in future cases.
- [65] The case of Christopher Latham. See <https://www.bbc.co.uk/news/articles/cy8yv9jzgdvo>
- [66] The case of Sharjeel Shahzad. See <https://www.bbc.co.uk/news/articles/cp82wyldz4lo>
- [67] The case of Keaton Muldoon. See <https://www.bbc.co.uk/news/articles/cvg4gz8829go>
- [68] If this was the case, it could provide grounds for a manslaughter conviction on the basis that D had used his car as a weapon to assault (cause apprehension of force) the victims. A manslaughter conviction would not necessarily have resulted in a longer sentence, however.
- [69] The case of June Mills. This defendant was the oldest driver ever known to be convicted of an of offence of causing death by driving. See <https://www.bbc.co.uk/news/articles/cdx90dy5qzzo>
- [70] The case of Gillian Dungworth. See <https://www.bbc.co.uk/news/articles/cl5y43nxgd9o>

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- [71] The case of May Mustey. See <https://www.bbc.co.uk/news/uk-wales-68800696>
- [72] The case of Simon Cheeseman. See <https://www.sussex.police.uk/news/sussex/news/court-results/driver-sentenced-for-causing-death-of-legend-grandfather/>
- [73] Although arguably in each of the cases other than Dungworth, the judge technically failed to follow the guidelines, given that the sentence fell below the bottom of the range (2 years) for the lowest culpability for CDDD. However, as noted above, it is possible for judges to depart from the guidelines if they give reasons.
- [74] [2001] EWCA Crim 780.
- [75] R v Curtis [2025] EWCA Crim 851.
- [76] The case of Ethan Burdett. See <https://www.bbc.co.uk/news/articles/cx82499wdelo>
- [77] The case of Allan Davis. See <https://www.yorkshireeveningpost.co.uk/news/crime/devastated-wife-of-grandad-biker-killed-on-leeds-road-says-ive-lost-my-soul-mate-4684743>
- [78] The case of Trevor Moran. See <https://www.yorkshireeveningpost.co.uk/news/crime/cyclist-killed-on-a-wakefield-road-by-driver-had-no-chance-court-is-told-4725049>
- [79] The case of Fiaz Hussain. See <https://www.bbc.co.uk/news/articles/c6298g40w0zo>
- [80] The case of Liane-Jade Russell. See <https://www.coventrytelegraph.net/news/local-news/meriden-mums-momentary-mistake-killed-29685741>
- [81] The case of Elizabeth Pass. See <https://www.stokesentinel.co.uk/news/stoke-on-trent-news/woman-76-admits-causing-bikers-9038440>
- [82] The case of Ian Brotherton. See <https://www.bbc.co.uk/news/articles/cnv3ygi4v5po>
- [83] <https://www.policeconduct.gov.uk/news/iopc-publishes-figures-deaths-during-or-following-police-contact-202425>
- [84] If, though, the suspect has been released on bail, this does mean that a time limit will

apply.

- [85] This aligns with the proportion of guilty pleas in the official statistics.
- [86] Of course, any case that resulted in complete acquittal would not appear in the sample. However, the official statistics show that around only 5% of prosecuted cases resulted in an acquittal in 2024.
- [87] The case of Malickh Amon. See <https://www.birminghammail.co.uk/news/midlands-news/lying-hit-run-killer-driver-29672030>
- [88] See <https://www.manchestereveningnews.co.uk/news/greater-manchester-news/student-who-killed-university-lecturer-30204404>
- [89] The case of Christian Ciolompea. See <https://www.bbc.co.uk/news/uk-england-nottinghamshire-68351762>
- [90] The case of Jake Barton. See <https://www.whitchurchherald.co.uk/news/24652858.spanish-womans-family-asks-court-not-jail-crash-driver/>
- [91] The case of Mohamed Mahamoud and Mahad Ciid. See <https://www.manchestereveningnews.co.uk/news/greater-manchester-news/two-drivers-who-caused-horror-30224453.amp>
- [92] The case of Bramley Bince-Butcher. See <https://www.bbc.co.uk/news/articles/ce8djex4p3zo>
- [93] It was noted above that only 18 cases of CDCD nationally were sentenced in the magistrates court in 2024.
- [94] The case of Nirvair Lall. See <https://www.westmidlands.police.uk/news/west-midlands/news/news/2024/november/drink-driver-jailed-for-christmas-day-collision/>
- [95] The case of Michael Burgess. See <https://www.bbc.co.uk/news/articles/cy0pj51d49go>
- [96] The case of Liam Beaumont and Liam Wallis. See <https://www.yorkshirepost.co.uk/news/crime/drink-driver-who-crashed-into-ditch-killing-his-best-friend-spared-prison-4804669>
- [97] The case Paula Rendell. See <https://www.bbc.co.uk/news/articles/cx82499wdelo>

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[bbc.co.uk/news/articles/c9ee9pkx247o](https://www.bbc.co.uk/news/articles/c9ee9pkx247o)

- [98] The case of Darren Cooper. See https://www.nottinghampost.com/news/local-news/speeding-van-driver-kills-woman-9488294?int_source=nba
- [99] The case of Charles Pickering. See <https://www.bbc.co.uk/news/articles/c8dq95ggjinmo>
- [100] The case of Marc Large. See <https://www.bbc.co.uk/news/articles/cjmxygdwlglo>
- [101] The case of Simon Mumford. See <https://www.bbc.co.uk/news/articles/cm2ey87dne7o>
- [102] The case of Michael Brunt. See <https://www.worksopguardian.co.uk/news/crime/retford-speeding-drink-driver-who-killed-68-year-old-pedestrian-is-jailed-4748198>
- [103] The case of Dale Hilton. See <https://www.northwales.police.uk/news/north-wales/news/news/2024/april/drug-driver-jailed/>
- [104] The case of Evie Wiles. See <https://www.bbc.co.uk/news/articles/cjew97pj245o>
- [105] The case of Michael Atkinson. See <https://www.bbc.co.uk/news/articles/ckgd3xi96nlo>
- [106] And either causing death by driving whilst disqualified or the lesser offence of disqualified driving. It is not clear from reports which were charged, but it is unlikely to have affected his sentence as the fact he was disqualified will have been taken into account when sentencing for the lead offence.
- [107] The case of Joshua Gregory. See <https://www.bbc.co.uk/news/uk-england-nottinghamshire-68682640>
- [108] R v Gregory [2024] EWCA Crim 749.
- [109] The case of Christopher Daly. See <https://www.bbc.co.uk/news/articles/ci4xy9eplx7o>
- [110] The reports on this point were contradictory. Another report stated he was disqualified for a 'total' of 14 years.
- [111] The case of Ashir Shahid. See <https://www.bbc.co.uk/news/articles/cvg013dq3ejo>
- [112] It might also be that this case is relevant to the discussion of young drivers below, as it is unclear as to Shahir's age at the time of the

offence in September 2024. He is reported to have been 20 years old at time of sentencing.

- [113] The other was the case of Tymon Turner who killed his friend (a passenger in his car) when he failed to negotiate a right-hand bend. He was not speeding, but had been warned not to drive, having taken alcohol, ketamine and MDMA. V was not wearing a seatbelt. Turner was sentenced to 4 years and 8 months' custody and disqualified for 5 years. See <https://www.walesonline.co.uk/news/wales-news/driver-said-i-just-killed-32066190>
- [114] The case of Matt Bates. See <https://www.bbc.co.uk/news/articles/cvg3ew478d5o>
- [115] The case of Jonathan Sumner. See <https://www.bbc.co.uk/news/uk-england-merseyside-67384172>
- [116] R v Sumner [2025] EWCA Crim 730.
- [117] The case of James Wardle. See <https://www.examinerlive.co.uk/news/local-news/elderly-driver-killed-yorkshire-cyclist-29471595>
- [118] The case of Elizabeth Ryley. See <https://www.bbc.co.uk/news/articles/cd6q5w9l1q8o>
- [119] The case of Aaron Metcalfe. See <https://www.hulldailymail.co.uk/news/hull-east-yorkshire-news/hull-driver-speeding-new-bmw-9063252>
- [120] Although the police have adjusted their use of language and now refer to collisions rather than accidents, that is not true of all judges. Judges should be reminded that collision is the preferred term in such cases.
- [121] The case of Martin Asolo-Ogugua. See <https://www.bbc.co.uk/news/articles/czelz5egg60o>
- [122] Court of Appeal judgment had not been made public at the time of writing. See <https://www.gov.uk/government/news/bus-driver-who-killed-child-after-taking-drugs-has-sentence-increased>
- [123] The case of Raymond Dagnall. See <https://www.bbc.co.uk/news/articles/c86346lxp1eo>
- [124] The case of Fay Newman. See <https://www.bbc.co.uk/news/articles/c3wep1q7v51o>

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- [125] The case of Tomasz Arendt. See <https://www.getsurrey.co.uk/news/surrey-news/careless-driver-killed-motorcyclist-a25-30303588>
- [126] In addition, there were three cases in which the defendant was a motorcyclist aged 16-18 at the time of the collision.
- [127] It is the age at which the collision occurred, rather than the age at the point of sentencing, that has been used for this purpose where possible. However, it is not always possible to confirm age at the time of the offence, as press reports often refer to age at the time of sentencing.
- [128] See also Sharif above, sentenced to 18 months' custody suspended for CDCD after being acquitted of CDDD.
- [129] The case of Thomas Johnson. See <https://www.bbc.co.uk/news/articles/c99xmzey88vo>
- [130] The case of Harley Whiteman. See <https://www.bbc.co.uk/news/articles/cv26j5n5wj3o>
- [131] R v Whiteman [2024] EWCA Crim 949.
- [132] The case of Shangeeth Sathyanathan. See <https://www.bbc.co.uk/news/articles/cp9n88vvrjno>
- [133] The case of Tyrone Moran. See <https://www.bbc.co.uk/news/articles/c0qOng5vgzxo>
- [134] The case of Finley Lintott-Warrillow. See <https://www.bbc.co.uk/news/articles/cx2v4p771rjo>
- [135] The case of Owain Hammett-George. See <https://www.bbc.co.uk/news/articles/cgl5048687no>
- [136] The case of Logan Addison. See <https://www.bbc.co.uk/news/articles/cew02k8pgxgo>
- [137] The case of Lewis Samuels. See <https://www.bbc.co.uk/news/articles/cwy3y9004q3o>
- [138] The case of Thomas Gibson. See <https://www.merseyside.police.uk/news/merseyside/news/2025/july-2025/driver-jailed-after-fatal-collision-in-waterloo/>
- [139] The case of Jack Tomlinson. See <https://www.bbc.co.uk/news/articles/cy8n7vwz54vo>
- [140] The issue of delays is discussed below.

- [141] Estimated age of Jessica Higgs. Higgs was 20 when sentenced in August 2024. The collision took place in May 2023. See <https://www.bbc.co.uk/news/articles/c6p2pzx72p7o>
- [142] The case of Idrees Ibn-Haroon. See <https://www.cheshire-live.co.uk/news/chester-cheshire-news/parents-schoolgirls-killed-cheshire-crash-28571699>
- [143] The highest sentence was the one imposed on Kyle Buckley sentenced to 3 years and 8 months, discussed below.
- [144] The case of Kayn Galer. See <https://www.bbc.co.uk/news/uk-england-tyne-66335933>
- [145] Estimated age of Joseph Pickett. Pickett was 20 when sentenced in January 2025. The collision took place in September 2023. See <https://www.bbc.co.uk/news/articles/cvgljd6vpxxo>
- [146] The case of Luke Ford. See <https://www.bbc.co.uk/news/uk-england-tees-68347873>
- [147] The case of Alfie Swann. See <https://road.cc/content/news/teenage-motorist-who-killed-cyclist-avoids-jail-309073>
- [148] Presumably this means that there was no evidence that he was using his phone at the time. It is impossible to say whether or not a driver is distracted; whilst use of a mobile phone is an obvious distraction and is outlawed for that reason, a driver may be distracted by all manner of 'lawful' things.
- [149] <https://www.racfoundation.org/wp-content/uploads/Safe-mobility-for-young-people-RACF-proposal-autumn-2024.pdf>
- [150] [2013] UKSC 56.
- [151] The case of Kyle Buckley. See <https://www.bbc.co.uk/news/uk-england-derbyshire-68226310>
- [152] Although there are discrepancies between different reports. The BBC reported he admitted CDDD, while the Derbyshire Times reported he pleaded guilty to CDCD. CDCD is likely to be correct, given that both reports also state he was sentenced for causing serious injury by careless driving.

Appendix C: References

- [153] Cooksley [2003] EWCA Crim 996 at [42].
- [154] [2002] EWCA Crim 1713
- [155] Sentencing Council, Driving Disqualification, effective from 1 April 2025: <https://sentencingcouncil.org.uk/guidelines/driving-disqualification/>
- [156] <https://sentencingcouncil.org.uk/guidelines/driving-disqualification/>
- [157] Independently of this study, which has been completed in the absence of political influence, a recent report has led the Conservative party to call for lifetime bans for the most dangerous drivers who cause death: <https://www.telegraph.co.uk/politics/2025/08/14/ban-britains-most-dangerous-drivers-for-life-say-tories/> This recommendation appears to have been influenced by a report entitled Cleared to Kill, released by Onward: <https://ukonward.com/reports/cleared-to-kill/>
- [158] Road Traffic Act 1988 s.41D and the Road Vehicles (Construction and Use) Regulations 1986 reg.110.
- [159] This was confirmed in the case of Barreto [2019] EWHC 2044 (Admin).
- [160] <https://www.cps.gov.uk/legal-guidance/road-traffic-fatal-offences-and-bad-driving>
- [161] D.L. Strayer, S.C. Castro and A.S. McDonnell, “The Multitasking Motorist” in A. Kiesel, L. Johannsen, I. Kock and H. Muller (eds), Handbook of Human Multitasking (2022).
- [162] Road Vehicles (Construction and Use) (Amendment) (No. 2) Regulations 2022/81
- [163] R (on the application of Olins) v Lavender Hill Magistrates’ Court [2025] EWHC 263 (Admin)
- [164] Ministry of Justice, Independent Review of the Criminal Courts: Part 1, July 2025, <https://www.gov.uk/government/publications/independent-review-of-the-criminal-courts-part-1>
- [165] The case of Hughie Coyle. See <https://www.kentononline.co.uk/sittingbourne/news/we-lost-dad-twice-driver-jailed-again-over-crash-after-gr-316589/>
- [166] The case of Max Anderson. See <https://www.portsmouth.co.uk/news/crime/man-jailed-for-six-years-after-causing-tragic-fatal-crash-near-goodwood-due-to-dangerous-drug-driving-4991432>
- [167] The case of Mohamed Mahari. See <https://www.bbc.co.uk/news/uk-england-merseyside-67628112>
- [168] Reported by the BBC: <https://www.bbc.co.uk/news/articles/crgy8nm84gyo>
- [169] Reported by the BBC: <https://www.bbc.co.uk/news/articles/crgy8nm84gyo>
- [170] Reported by the Guardian: <https://www.theguardian.com/uk-news/2025/jan/30/driver-of-car-that-crashed-into-wimbledon-school-killing-two-girls-released-on-bail>
- [171] <https://www.bbc.co.uk/news/articles/c89e1kynijko>
- [172] Craig Dawson, Head of Studies, Ai Training Services Ltd.
- [173] The Westminster Commission on Forensic Science Report, Forensic Science in England and Wales: Pulling Out of the Graveyard Spiral, June 2025 https://futurejustice.org.uk/wp-content/uploads/2025/06/FS_Digital.pdf
- [174] The Westminster Commission on Forensic Science Report, at 2.77.
- [175] The Westminster Commission on Forensic Science Report, at 2.50.
- [176] <https://www.bbc.co.uk/news/articles/crgy8nm84gyo>
- [177] S.R. Cunningham, Criminal Charges Brought in Cases of Road Death Incidents in the East Midlands: Implications for Law Reform, PhD Thesis, University of Leicester. 2004; S.R. Cunningham, Prosecuting Drivers Causing Death: Prosecutorial Decision-Making following the Road Safety Act 2006: Final Report to the Crown Prosecution Service, 2013. See also S. Cammiss and S. Kyd Cunningham, “Swift and Sure Justice? Mode of Trial for Causing Death by Driving Offences” (2015) 15(3) Criminology and Criminal Justice 321-339.
- [178] AHRC Early Career Fellowship awarded to S.R. Cunningham, Prosecuting Drivers Causing Death: Prosecutorial Decision-Making following the Road Safety Act 2006, RC Grant reference: AH/I023147/1, October 2011 – July 2012.
- [179] HMCPSI and HMIC, Joint Inspection of the Investigation and Prosecution of Fatal Road Traffic Incidents, February 2015, at 3.11.
- [180] The Westminster Commission on Forensic Science Report, Forensic Science in England and Wales: Pulling Out of the Graveyard Spiral, June 2025 at 2.79.
- [181] Investigative review of the fatal road traffic collision which resulted in the death of Harry Dunn, June 2025, p.5: <https://www.northants.police.uk/SysSiteAssets/foi-media/northamptonshire/harry-dunn-investigative-review>
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Behind the Headlines

sentencing after fatal crashes

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