



Understanding the legal framework



Terminology

- Summary only/ either-way/ indictable
- Undercharging/ downgrading
- Dangerous/ careless driving



Dangerous vs Careless

Careless or inconsiderate driving - Driving that falls below what would be expected of a careful and competent driver. A person is to be regarded as driving without reasonable consideration for other persons only if those persons are inconvenienced by his driving.

Dangerous driving – Driving that falls far below what would be expected of a competent and careful driver, and it would be obvious to a careful and competent driver that driving in that way would be dangerous. ‘Dangerous’ refers to danger either of injury to any person or of serious damage to property.



Who makes charging decisions?



CPS

Sentencing

Driving offence	Prison	Driving Ban	Penalty Points	Trial
Causing death by dangerous driving	14 years	Minimum 2 years Compulsory re-test	3-11	On indictment
Causing death by careless driving	5 years	Minimum 1 year Discretionary re-test	3-11	Either way
Causing serious injury by dangerous driving	5 years	Minimum 2 years Compulsory re-test	3-11	Either way
Dangerous driving	2 years	Minimum 1 year Compulsory re-test	3-11	Either way
Careless driving	£5,000	Discretionary	3-9	Summary only

CTC's briefings

- Common driving offences
- Traffic law and enforcement
- Traffic police and other enforcement agencies
- Prosecutors and the courts
- The legal framework and sentencing policy

<https://www.ctc.org.uk/campaigning/views-and-briefings>

