

FIVE FLAWS: FAILING LAWS

How and why the Police, Crime, Sentencing and Courts Bill must tackle five failings of road traffic law in Great Britain



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In 2017, Abdul Sujac seriously injured a pedestrian in London and pleaded guilty to ‘careless driving’. With nine points on his licence for that, while driving less than a year later at 68mph in a 30mph street and swerving in and out of the traffic, he killed pedestrian Laura Ann Keyes as she crossed the road. Sujac, it seems, loved filming himself driving dangerously and illegally – he’d captioned one of his videos: “ABDUL ripping the road 146mph”; and another “9 points ain’t stopping me from driving”.

Why hadn’t this driver already been banned?

In 2015, caught at least eight times to date for using a mobile phone at the wheel and twice sent on a driver awareness course, Christopher Gard drove along the A31 texting a friend about dog-walking. Having failed to notice several other cyclists, he hit and killed rider Lee Martin. Although Gard had already totted up enough points for automatic disqualification, he was still in possession of a valid driving licence. **Why had this driver been able to persuade magistrates that it would cause him ‘exceptional hardship’ if they took his licence away?**

In 2020, Agnieszka Poczowska was knocked from her bike while on her way to work as a carer. She suffered such serious injuries that she later died. Nevertheless, the driver fled the scene and, shortly afterwards, hit and injured another cyclist and fled again. **Why didn’t this driver care about the consequences of leaving someone to suffer or, potentially, die?**

Sam Harding died in 2012 when driver Kenan Aydogdu opened his car door in front of him in London, knocking him off his bike and under a bus. Aydogdu had deliberately darkened his side windows with tinted film, reducing what he could see from his driving seat to such an extent that he’d committed a ‘construction and use’ offence. As the maximum penalty for car-dooring is only £1,000, the CPS prosecuted him for the far more serious offence of manslaughter. Acquitted of this, Aydogdu ended up with a £200 fine for the car-dooring offence. Sam’s father despaired about the huge chasm between these two charges and their penalties (the maximum for manslaughter is life). **Is a nominal fine of under £1,000 commensurate with how serious the consequences of negligently opening a vehicle’s door can be for others?**

In 2017, while overtaking a car and a lorry on the A2070 in Kent, driver Ayasha Penfold collided head-long with cyclist John Durey although he would have been visible to her for at least 45 seconds. It wasn’t raining, and the road was clear and straight. Penfold was convicted of causing Mr Durey’s death by ‘careless’ driving but spared a spell in prison. **Is this kind of driving really ‘careless’? Isn’t it ‘dangerous’?**

Please see footnote for links to the cases above.¹

¹ Abdul Sujac: [standard.co.uk/news/crime/jailed-killer-driver-who-boasted-of-doing-146mph-and-sent-bragging-videos-of-dodging-ban-on-whatsapp-a3966506.html](https://www.standard.co.uk/news/crime/jailed-killer-driver-who-boasted-of-doing-146mph-and-sent-bragging-videos-of-dodging-ban-on-whatsapp-a3966506.html); Christopher Gard: [cyclinguk.org/news/magistrates-allowed-texting-driver-keep-licence-lee-lost-life](https://www.cyclinguk.org/news/magistrates-allowed-texting-driver-keep-licence-lee-lost-life); ‘Hit & run’: [crimestoppers-uk.org/campaigns-media/news/2020/nov/cheshire-reward-after-mum-of-three-killed-while-cycling-in-hit-and-run](https://www.crimestoppers-uk.org/campaigns-media/news/2020/nov/cheshire-reward-after-mum-of-three-killed-while-cycling-in-hit-and-run); Kenan Aydogdu: [cyclinguk.org/cycle/car-door-dangers](https://www.cyclinguk.org/cycle/car-door-dangers) / [standard.co.uk/news/crime/motorist-who-knocked-cyclist-under-bus-had-only-17-vision-through-car-s-tinted-window-8399206.html](https://www.standard.co.uk/news/crime/motorist-who-knocked-cyclist-under-bus-had-only-17-vision-through-car-s-tinted-window-8399206.html) ; Ayasha Penfold: [metro.co.uk/2018/06/08/driver-20-spared-jail-for-killing-cyclist-while-overtaking-7616488/](https://www.metro.co.uk/2018/06/08/driver-20-spared-jail-for-killing-cyclist-while-overtaking-7616488/)

FIVE FLAWS: FAILING LAWS

Foreword

We often hear calls for certain crimes to be taken seriously, for more enforcement and tougher penalties. But too often many of us take a different approach to road crime. It isn't always seen as real crime.

When people say they have no criminal convictions, they often mean they have no convictions except for road traffic offences. They wouldn't contemplate breaking into someone's house and would deeply resent any suggestion they were 'criminals'. Yet they can still imagine that they, their friends, colleagues or family might drive too fast, irresponsibly, while too tired to concentrate, or even dangerously. They don't see these as real crimes.

For the families of those who've died in road collisions, the apparent tolerance of road crime is baffling because they live with the consequences of someone else's bad driving. But it's precisely because magistrates, jurors and people involved throughout the criminal justice process don't always think of road traffic offenders as proper criminals that it's especially important for our road traffic laws and the associated penalties to be clear, objective, and consistently applied.

Tragically, they're not, and worse still, this has been known for years. In May 2014, the then Justice Secretary Chris Grayling promised a full review of road traffic offences and penalties, something that many road safety and victims' charities had long called for. Seven years later, waiting for this review has been like *Waiting for Godot*, Samuel Beckett's play where there is nothing to be done, and nothing ever happens.

The Police, Crime, Sentencing and Courts Bill now before Parliament does propose changes to maximum sentences for certain offences, plus one new road traffic offence, but nothing to address some of the fatal flaws in our road traffic laws.

Whilst we still need the full review of road traffic offences and penalties first promised seven years ago, some of those flaws could be fixed by amendments to the current Bill. I know: the Bill deals with many other serious issues, so why should MPs concern themselves with road traffic offences?

They should and must because in Britain every year around 1,700 people are killed and 26,000 seriously injured in road traffic collisions. This remains the biggest killer of young people aged 5 -29. So, if you're an MP, the consequences of road crime do and will continue to affect your constituents.

It's so common that we sometimes accept it, but we shouldn't. We require a framework for dealing with road traffic offences that takes dangerous drivers off the roads, prioritises the reduction of danger on those roads and considers irresponsible and dangerous driving both objectively and consistently.

It's time to fix the fatal flaws in our road traffic laws.

Duncan Dollimore, head of campaigns, Cycling UK

Wider support for a review of traffic offences and penalties

In this report, we set out five flaws in the legal framework of road traffic offences and penalties. To address them, Cycling UK has partnered with British Cycling, Living Streets, the Road Danger Reduction Forum and RoadPeace to propose amendments to the Police, Crime, Sentencing and Courts Bill:



“We need to remove the most dangerous drivers from our roads, to make them safer for everyone. We cannot sustain a world where a busy life is still a credible excuse for driving fast and driving dangerously. Cars should be guests on the majority of our local roads and driven with care on all others. Driving is a privilege not a right and people who abuse that privilege should expect to have it taken away. There is an urgent need for a comprehensive review of road traffic offences and penalties.”

Nick Chamberlin, Policy manager, British Cycling



“While we all share our roads, we do not share the risk. Pedestrians cause the least road danger but account for disproportionately more casualties than would be expected for the distance travelled. Vulnerable pedestrian groups – children and older people – are particularly at risk on our roads.

“A full review of road traffic offences and penalties is essential if we are to make walking safer for everyone.”

Stephen Edwards, Interim CEO, Living Streets



“It is vital in a civilised society for people to be able to move around with minimal threat of harm from other road users, and for them to have justice when collisions do occur.

“However highways and vehicles are engineered, there is always the potential for road users – essentially those in charge of motorised vehicles – to endanger, hurt or kill other road users. To properly regulate this it is crucial that there is a real prospect of law enforcement and deterrent sentencing – which at present is not the case. To progress we will require problems in the existing system to be addressed: we therefore support this campaign by Cycling UK with others as a necessary move forward.”

Dr Robert Davis, Chair, Road Danger Reduction Forum



“The current framework of road traffic laws needs an overhaul. As the national charity for road crash victims, RoadPeace speaks to bereaved families and seriously injured people every day, many of whom feel like the justice system has let them down.

“Whilst an appropriate length for prison sentences remains important, the bulk of the injustice lies with an appropriate charge being given in the first place. Reviewing the definitions of careless and dangerous driving, longer mandatory driving bans, a closing of the exceptional hardship loophole, and reforming the charges for the most cowardly of crimes – leaving the scene of a fatal or serious injury collision – will go a long way to addressing the issues.

“Ultimately the wider review of offences promised in 2014 is required to comprehensively address the injustices faced by victims, and deal effectively with road crime.”

Victoria Lebec, Head of Policy, Campaigns and Communications, RoadPeace

We have also spoken with other road safety and motoring organisations who were keen to support the broad thrust of this report and in principle back calls for a full review of road traffic offences and penalties:



“In order to achieve zero road deaths by the end of the decade, we need to look at all aspects of road safety including penalties and punishments.

“Deterring people from acting in a dangerous manner could help force many to think again and behave sensibly.”

Edmund King OBE, AA president



“Every death and catastrophic injury from a road crash causes untold heartache and is a tragedy for victims and their loved ones. We must not accept carnage on our roads as an inevitable part of life.

“It beggars belief that thousands of people are still behind the wheel despite having 12 or more points on their licence. Too many people are still allowed to drive who should not be on the roads. Crash victims and their loved ones are being let down by the criminal justice system, which often fails to treat road traffic offences as seriously as other crimes. An ineffective criminal justice system for traffic offenders does not contribute to road safety.

“Dealing effectively with drivers who break the law, particularly repeat offenders and those responsible for killing and maiming, is a vital part of creating safe roads.”

Alex Close, Head of public affairs, Brake



“PACTS would welcome a review of road traffic laws and sentencing. Effective road traffic law is a crucial part of enabling people to use the roads safely and efficiently.

“A joint review of road policing is underway, and the policing inspectorate (HMICFRS) has called for substantial improvement.

“The other side of the coin is good traffic law, law which makes clear what is expected of road users and enables the police and courts to operate effectively.

“Currently, some drivers do not take enough care. In the most tragic cases, the families of victims are left feeling that justice has failed them. PACTS wants to see more effective sentencing which deters and prevents re-offending. Technology offers new options. We have called for alcohol interlocks for drink drivers.

“Perhaps serial speeding offenders should drive only vehicles with mandatory speed limiters?”

David Davies, Executive director, PACTS (the Parliamentary Advisory Council for Transport Safety)



“Everyone who uses the roads has a shared responsibility for safety and those that break the law should suffer the consequences. It’s important to review existing laws from time to time to ensure they are clear and robust enough to prevent illegal behaviour, reduce the number of collisions and, ultimately, save lives.”

Nicholas Lyes, Head of roads policy, RAC



“The framework of road traffic law is complicated with many interactions between elements, which is why, notwithstanding the merits the specific issues that Cycling UK is raising may have, we support the call for a comprehensive review of road traffic offences and penalties.”

Steve Gooding, Director, RAC Foundation

Introduction

The Police, Crime, Sentencing and Courts Bill has hit the headlines, although not principally, if at all, for Part 5 on road traffic offences. But this is one of the aspects of the Bill that strikes home with Cycling UK and our partners.

For years, we have highlighted persistent weaknesses in the legal system's response to motoring crime and, lately, drawn MPs' attention to the deficiencies and opportunities of this particular Bill at its 2nd reading.²

This report shows why we need a wider review of road traffic offences and penalties in Great Britain³, but focusses on five fundamental flaws that could be addressed through amendments to the Bill. These centre on:

- Driving bans
- Pleas of 'exceptional hardship'
- Hit and run
- Car-dooring
- Definitions of 'careless' and 'dangerous' driving.

These are our primary concerns, so we're devoting this document to them rather than to the Bill's proposals to: increase maximum sentences for 'causing death by dangerous driving' offences; and to create an offence of 'causing serious injury by careless driving'. While we comment on these elsewhere, we feel the real imperative is for the new legislation to tackle the five areas of concern listed above.

Equally, this report should be read in the context of wider calls for the Government to keep its promises and launch a full review of road traffic offences and penalties. As discussed in the Foreword and in section 5, we believe this is as crucial as it's ever been.

Please also see our more technical briefing on our proposed amendments, produced in collaboration with our partners, Living Streets, British Cycling, RoadPeace and the Road Danger Reduction Forum.⁴

Below, we outline why our recommendations are important not only to us and the cause of road danger reduction, but to everyone whose mission it is to see active travel thrive in Britain for the good of our health and environment.



Photo: Shutterstock

² cyclinguk.org/blog/what-could-police-bill-do-cycling-and-road-safety

³ The bill does not apply in Northern Ireland

⁴ cyclinguk.org/blog/what-could-police-bill-do-cycling-and-road-safety

Background and shared visions

Cycling UK has championed the cause of cycling for more than 140 years. We are an independent, democratic and expert organisation, and our activities reflect the commitment of our members, volunteers and partners to make cycling mainstream.

Our vision is for people of all ages, backgrounds and abilities to cycle safely, easily and enjoyably. This dovetails perfectly with the visions of the Governments in Great Britain:

- **England:** “We want – and need – to see a step-change in cycling and walking in the coming years.” Gear Change: A bold vision for cycling and walking, Department for Transport, July 2020.⁵
- **Scotland:** “... over the next 20 years, Scotland will see a continued transformation in transport where sustainable travel options are people’s first choice if they need to travel.” National Transport Strategy, Transport Scotland, February 2020.⁶
- **Wales:** “... we want walking and cycling to become the preferred ways of getting around over shorter distances.”⁷ Welsh Government, 2016.

Yet reality is not in the same league as these shared ambitions: typically (i.e. pre-lockdown), probably only around six in a hundred adults rode their bikes at least once a week.⁸

For the ninety-four out of a hundred people who rarely if ever cycled, the disincentives are many and varied, but we know that at least three-fifths of the public have annually agreed over the last decade that it’s ‘too dangerous’ to cycle on the roads.⁹

‘Too dangerous’ usually means the fear of being injured or worse by drivers going too fast, coming too close or not looking properly. It’s a fear common to many adults, both on their own accounts and whenever they see a child off for a walk that involves crossing roads or for a cycle ride.

Of course, millions of cycling trips pass uneventfully, not to say enjoyably every day, and anxiety should not exaggerate the dangers. But these anxieties are not empty: mile for mile, cyclists and pedestrians are far more likely to be killed or seriously injured on British roads than car occupants:

Relative risks: number of killed or seriously injured (KSI) casualties per billion miles, GB 2019	
Car driver	31
Pedestrian	539
Cyclist	1,284

Figure 1

⁵ [gov.uk/government/publications/cycling-and-walking-plan-for-england](https://www.gov.uk/government/publications/cycling-and-walking-plan-for-england)

⁶ transport.gov.scot/publication/national-transport-strategy-2/

⁷ [gov.wales/active-travel-action-plan](https://www.gov.wales/active-travel-action-plan)

⁸ [cyclinguk.org/statistics](https://www.cyclinguk.org/statistics)

⁹ DfT. National Travel Attitudes Study: Wave 1 statistical release, May 2019 / Wave 3, Table NTAS0101a, August 2020. [gov.uk/government/statistical-data-sets/national-travel-attitudes-study-ntas](https://www.gov.uk/government/statistical-data-sets/national-travel-attitudes-study-ntas)

And, not surprisingly, most collisions that result in a fatal or seriously injured cyclist or pedestrian involve someone driving a motor vehicle:

Cyclist and pedestrian casualties in collisions by vehicle involved, GB 2019				
	Number	Percentage in collisions involving		
		Motor vehicle(s)	Cycles	Pedestrian/ no other vehicle
CYCLISTS				
Killed	100	85%	1%	14%
Seriously injured	4,332	92%	1%	7%
PEDESTRIANS				
Killed	470	99%	1%	N/A
Seriously injured	6,688	98%	2%	N/A

Figure 2

Source for the tables above: Reported Road Casualties Great Britain, DfT.¹⁰

Heeding government advice and covering as many journeys as practical by bike shouldn't be a matter of gritting your teeth, shutting your eyes and hoping for the best; or, indeed, of scrapping the idea and concluding that it would be (and feel) a lot safer – for you at least – to take the car instead.

And it certainly shouldn't take a pandemic, lockdown and far quieter roads for cycling to surge (temporarily or not) on the public highway to a level not seen since the 1960s.¹¹

Instead – along with good infrastructure, and improved training and testing – it should be a matter of knowing for sure that the law recognises motoring crime as real crime and, when you're doing something as ordinary as cycling or walking, that the system protects you from threatening, illegal and downright dangerous driving behaviour.

But that's not what the legal system is doing.

Laura Ann Keyes (19, a musical theatre student out with friends), Lee Martin (48, enjoying a cycling event), Sam Harding (25, who worked for a tourism firm and was on his way to move in with his girlfriend), Agnieszka Poczowska (41, a mother of three, cycling to work as a carer) and John Durey (69, skilled engineer, grandfather to a child he'd never get to know, out riding his bike) are just a handful of the victims it's let down.

¹⁰ [gov.uk/government/collections/road-accidents-and-safety-statistics](https://www.gov.uk/government/collections/road-accidents-and-safety-statistics). Tables RAS 30070 & 40004.

Notes: 'Motor vehicles' include cars, motorcycles, vans, HGVs, buses, coaches, and a small number of 'other' or unknown vehicles (type not reported by the police). Seriously injured figures have been adjusted by the DfT to account for changes to the way that many police forces now report on severities.

¹¹ DfT. Road Traffic Estimates: Great Britain 2020. [gov.uk/government/statistics/road-traffic-estimates-in-great-britain-2020](https://www.gov.uk/government/statistics/road-traffic-estimates-in-great-britain-2020).

Their cases illustrate five flaws in the system that this Bill, if amended, could address:

- The underuse of disqualification to protect the public from bad drivers
- The 'exceptional hardship' loophole that keeps letting bad drivers who should be disqualified back on the road
- 'Hit and run' sanctions not tough enough to make all drivers stay at the scene if they know – or ought to know – that they've seriously hurt or killed someone
- A belittling penalty for 'car-dooring', an offence that can leave victims dead
- The confusing definitions of 'careless' and 'dangerous' driving.

1. Driving bans

What do we want to see?

We want to see the justice system make considerably more use of driving bans.

To complement this, the system needs to come down more heavily on those who breach their bans, so we recommended increasing the maximum sentence for driving while disqualified and introducing a minimum driving ban.¹²

Why do we want to see it?

Any dithering about imposing a timely ban on drivers who have endangered others or hurt someone cannot possibly serve the interests of road safety.

Some bans are mandatory for certain offences and others are (or should be) automatic when a driver tots up twelve or more points. Courts also have a discretionary power to disqualify people convicted of an endorsable offence, instead of imposing penalty points.

But, whatever leads a bad driver to the certainty or possibility of disqualification, removing their licence until they can prove they've reformed seems the most sensible response. It makes sense not only from a penalty and public messaging point of view, but also because it helps protect people and makes for a less hostile road environment for all road users, but especially for active travel.

Those fearing that driving bans are only popular among road safety campaigners but not with the public will be reassured by a YouGov survey we commissioned in 2018: it showed that over three-quarters of respondents agreed that drivers convicted of causing a serious injury should face an automatic minimum ban, and 83% agreed those who have killed should be automatically disqualified.¹³

In view of the above, Cycling UK is deeply alarmed by Ministry of Justice figures:

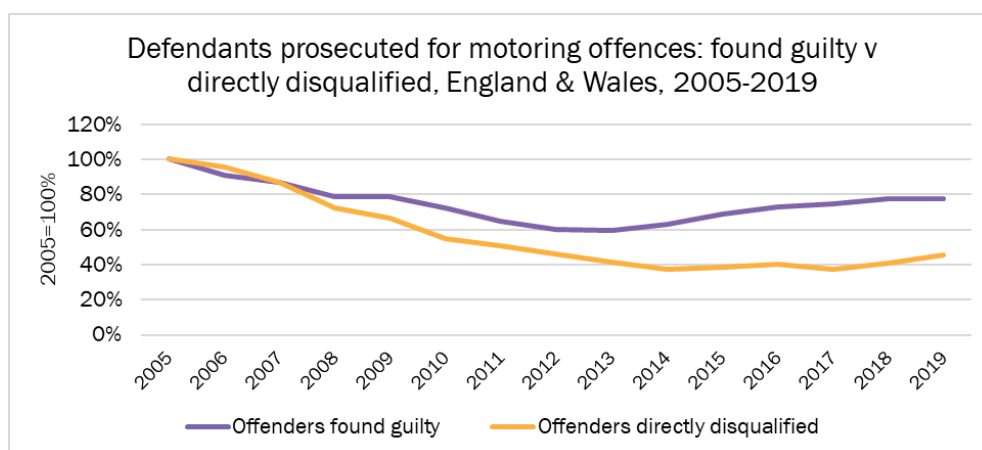


Figure 3

¹² We suggest increasing the maximum sentence for driving while disqualified from six months to three years; and introducing a three-year minimum driving ban for this offence, or ten years where the offender had previously committed this offence or any offence listed in Road Traffic Offenders Act s34 subsection 3.

¹³ cyclinguk.org/drivingsurvey

Although the graph above shows that the number of offenders directly disqualified by the courts in England and Wales (rather than through the totting up system) has been creeping up since 2015, the figures for 2019 are still 54% down on 2005.

Discounting all offences but the most serious committed by any given driver, around a fifth of motoring offenders were directly disqualified by the courts in 2005. This figure now stands at around one in ten, and has done so since 2014:

Motoring offenders: defendants found guilty v directly disqualified by the courts, 2005 & 2019			
	2005	2019	Decline between 2005 & 2019
Found guilty	811,536	631,008	-22%
Directly disqualified	155,484	70,756	-54%
% disqualified	19%	11%	

Figure 4

Source for graph and table: Ministry of Justice Criminal Justice Statistics. ¹⁴

The number of people found guilty has declined too, but by much less (-22%) and, in fact, has risen since 2014.

Bans are crucial in our view, but the Bill focuses instead on custodial sentences, mirroring the narrow spotlight the justice system always seems to put on locking up the most extreme of road traffic offenders rather than dealing effectively with everyday acts of irresponsible and dangerous driving. All such acts can, and all too often do, end in tragedy if someone else happens to be in the wrong place at the wrong time.

While we and our partners cautiously support the Bill’s proposals to increase the maximum prison sentences for ‘causing death by dangerous driving’ and for ‘causing death by careless driving while under the influence of drink or drugs’, the length of custody in a few high-profile cases is not our prime concern. Rather, it is the underuse of bans.

In any case, most offenders are by no means ‘dangerous’ in other respects, only morphing into a public menace when behind the wheel. Imprisoning them is not always appropriate, let alone a practical or palatable, response. They simply need to be banned

¹⁴ [gov.uk/government/collections/criminal-justice-statistics-quarterly](https://www.gov.uk/government/collections/criminal-justice-statistics-quarterly). Notes: i. This table covers ‘principal offences’ only (i.e. if a defendant is found guilty of more than one offence, the data include the offence with the most severe penalty). ii. The MoJ says “There are known issues with the disqualification data; for example, there are cases where an offender is not recorded as having been disqualified for an offence where a disqualification should be mandatory.” iii. Offenders may still be disqualified under section 35 of the Road Traffic Offenders Act 1988 (penalty point system) if they have accumulated enough points. iv. Although the Ministry of Justice has published figures for 2020, these have been excluded because of the unusual circumstances caused by the pandemic (motor traffic decreased during lockdown).

from the roads and not allowed back until they can prove themselves to be safe and responsible drivers.

Of course, a move to maximise the use of bans will be compromised if the deterrents for breaching them are weak. Driving while disqualified is akin to contempt of court, so we think that courts should be allowed to impose heavier penalties on people who disregard their bans, particularly for serial offenders.

2. 'Exceptional hardship'

What do we want to see?

When an offender tries to avoid a ban by arguing 'exceptional hardship', we want the courts to stop taking commonplace hardship into account instead – i.e. hardship of a kind that most drivers are likely to experience should they lose their licence.

To help the courts decide which circumstances are genuinely exceptional, the law should specify examples, including:

- economic circumstances or location of residence that would make it exceptionally hard to access key services (e.g. grocery, postal, banking, healthcare services); or
- hardship that would be incurred by the offender's family or others who are disabled and depend on them for care.

Why do we want to see it?

Pleading that disqualification would cause 'exceptional hardship' is something that many offenders routinely do, and they don't appear to need much of a fair wind for it to work a treat. In fact, it is the frequency of these pleas and their success that makes a mockery, a travesty even, of the term 'exceptional' when applied in this context.

Records from HM Courts and Tribunals Service do not categorise 'exceptional hardship' pleas specifically, but they do note cases where there are grounds for mitigating 'the normal consequences of a driving conviction'. From this we find that over a ten-year period (2011-20), there were 83,581 cases with "no disqualification due to mitigating circumstances".¹⁵ This amounts to 8.4k people a year.

Snapshots of DVLA data also tell us that thousands of people with 12 or more points are still entitled to drive. What's more, the number rose significantly between February 2014 and November 2018 (from 7,156 to just over 11,090):

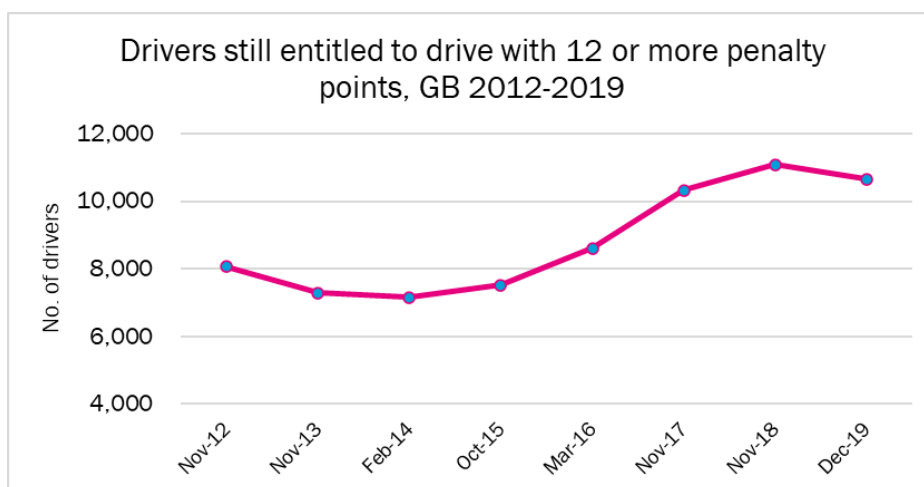


Figure 5

¹⁵ Answer to a PQ from Lord Berkeley, 3/4/2021. questions-statements.parliament.uk/written-questions/detail/2021-05-20/HL423

As at December 2019, 10,652 people were still allowed to drive with 12 or more points on their licence, some with an extreme tally:

Drivers still entitled to drive by number of penalty points, December 2019	
No. points	No. drivers
12	7,135
13-19	3,281
20-29	193
30-39	35
40-66	8

Figure 6

Source for the graph and table above: DVLA GB Driving licence data¹⁶

While some of these people may no longer be driving through ill health, personal choice or other reasons, and a few may have managed to avoid the court process somehow, there is every reason to suppose that many are still happily enjoying the privilege.

So, what in general are drivers likely to allege and magistrates likely to accept as ‘exceptional’ hardship? To give us an idea, Cycling UK has searched the media online and compiled a case study report.¹⁷

We found that offenders typically argued that losing their licence would mean: businesses going bust; lost jobs or contracts; finances plummeting; relationships floundering; mortgage/loan repayments racking up unpaid.

Many pleas wove in innocent third parties too: children not getting to school or after-hours sports; frail relatives missing hospital appointments; employers, clients, patients, pupils, sponsors, associates and colleagues left unsupported; charities’ fortunes dwindling (the cry of celebrity speeders, mainly).

Sometimes they even did what the law does not technically allow, namely referring to circumstances they’d relied on within the last three years to avoid an earlier ban. A touch of creative recycling does wonders sometimes.

The media didn’t often report on whether other ways of travelling about came up in court. But, clearly, the driving privilege all too easily trumped

¹⁶ DVLA. data.gov.uk/dataset/d0be1ed2-9907-4ec4-b552-c048f6aec16a/gb-driving-licence-data, Table DRL0131. 2020 figures show that 8,911 people with 12 or more points still held a valid licence, but this was not a ‘normal’ year. The DVLA states: “1. The presence of valid driving entitlement does not mean that all individuals are actively driving, are resident in the UK or have not deceased. Neither the DVLA nor DfT would recommend that users rely on these data being a true reflection of the number of active driving license holders or drivers in Great Britain. [...] 2. The statistics provided are likely to include cases where drivers have received court sentences including disqualification, supervision orders, community punishment orders or imprisonment. Where sentences have been imposed other than through the totting up process, the penalty points follow standard periods of validity according to the offences concerned. Following the period of disqualification imposed, drivers can re-apply for their licence meaning that they can have a high number of valid penalty points and current entitlement to drive, even though the sentence of the court has been served.”

¹⁷ Cycling UK. ‘Exceptional’ hardship? July 2021. cyclinguk.org/exceptional-hardship

trains/buses/taxis/walking/cycling/asking someone else to take over driving duties/hiring a chauffeur (if wealthy), just as it trumped the ongoing risk that these irresponsible drivers posed to others and, indeed, to all the children/vulnerable people some claimed that they (and only they) could ferry around in their cars.

By and large, these 'exceptional hardship' scenarios came not only with a suspicion of hype, but also little, if any, sense of the 'exceptional': the drivers in question would have been no significantly worse off than most others who are facing what was intended to be, but is no longer in practical terms, an automatic ban for totting up 12 points or more. And, surely, there's little point in penalties that don't bite.

After all, a ban is a direct consequence of committing an illegal act. Claims that the personal impact on the offender would be 'exceptional' should wash only exceptionally, not routinely.

The law already dictates that the courts should take no account of 'hardship, other than exceptional hardship' when deciding whether to disqualify a driver.¹⁸ Our findings told us, however, that they constantly accept pleas based on prophecies that have no place at all on the 'exceptional' spectrum.

With this in mind, Cycling UK responded in January 2020 to a consultation from the Sentencing Council for England and Wales on changes to its guidelines for magistrates.

The Council subsequently made it clear that courts should not accept assertions of 'exceptional hardship' so lightly or without challenge. Apart from being much tougher on the need for proof, the Council states:¹⁹

"Almost every disqualification entails hardship for the person disqualified and their immediate family. This is part of the deterrent objective of the provisions combined with the preventative effect of the order not to drive."

"Courts should be cautious before accepting assertions of exceptional hardship without evidence that alternatives (including alternative means of transport) for avoiding exceptional hardship are not viable".

"Loss of employment will be an inevitable consequence of a driving ban for many people. Evidence that loss of employment would follow from disqualification is not in itself sufficient to demonstrate exceptional hardship".

It is too early to tell whether these revised sentencing guidelines are making any difference to the numbers of offending drivers who avoid bans, but we are in no doubt that the law has to catch up with them by reinforcing the definition of 'exceptional hardship'.

¹⁸ Road traffic Offenders Act 1988, s35.

legislation.gov.uk/ukpga/1988/53/part/II/crossheading/disqualification

¹⁹ sentencingcouncil.org.uk/explanatory-material/magistrates-court/item/road-traffic-offences-disqualification/3-totting-up-disqualification/

In doing so, it will help eliminate the truly exceptional hardship suffered by people who are hurt or bereaved by bad drivers whose licence should have been, but wasn't, taken away.

Speaking to The Sunday Times in May 2021 about speeding drivers, Detective Chief Superintendent Andy Cox of Lincolnshire Police, said:

“Because of the cultural perceptions that it’s ‘just’ a traffic offence, sometimes magistrates allow them [drivers who have totted up 12 or more points] to continue to drive, [...] they had a chance to reflect and change their behaviour, but continued to drive in that risky, selfish manner.”

Of bereaved families and people permanently disabled after collisions, DCS Cox added: “Where’s their voice in that exceptional hardship defence?”

[thetimes.co.uk/article/driving-too-fast-is-worse-than-carrying-a-knife-7vxjw6zxm](https://www.thetimes.co.uk/article/driving-too-fast-is-worse-than-carrying-a-knife-7vxjw6zxm)

For a compilation of ‘exceptional’ hardship case studies, see: cyclinguk.org/exceptional-hardship

3. Failure to stop and report ('hit and run')

What do we want to see?

We want to see a new offence of 'Failure to stop and give particulars after accident involving actual or potential serious or fatal injury or to report accident', with a maximum sentence of 14 years' custody.

Why do we want to see it?

It is one thing to scrape a car's paintwork in a supermarket car park, say, and bolt away before anyone's sees; but it's quite another to hit and injure someone seriously or fatally, and leave without calling the emergency services or reporting the collision immediately to the police.

Yet failing to stop after a relatively trivial, damage-only incident and failing to stop after a hitting another human being are both covered by one offence with a maximum custodial sentence of six months. This penalty simply does not reflect how serious the latter kind of incident is.

The Motor Insurers' Bureau (MIB), which handles more than 15,000 claims a year from victims of 'hit and run' drivers, says:²⁰

"The physical and emotional impact suffered by these victims and their families is often long-term and exacerbated by the fact that the culprit did not stop at the scene."

This is by no means in the same class as discovering a mysterious scrape on the paintwork of a car.

Fleeing the scene in an attempt to escape justice for a serious motoring crime isn't just an act of cowardice. It's also callous, both to the victims left suffering and in need of urgent help, and to anyone bereaved by the collision, who could be left anxiously waiting for justice that may never come.

Even if they haven't experienced a traumatic 'hit and run' themselves, thousands of people want the law to toughen up on it: Matt and Paul, both in their twenties and out on their motorbikes, died following 'failed to stop' collisions. Their parents' petition to Parliament, which called for tougher sentences for failing to stop after a fatal collision, attracted 104,324 signatures in 2020.²¹ This qualifies it for a debate (awaited).

In its response to the petition, The Ministry of Justice stated that most of the 2,820 convictions in 2019 for failing to stop and report were for 'low level traffic incidents' (clipping wing mirrors, for instance). The Ministry also said:

²⁰ mib.org.uk/mib-insight/research-into-hit-and-run-helps-understand-why-drivers-fail-to-stop-after-an-accident/

²¹ petition.parliament.uk/petitions/323926

“Where there is evidence that the driver caused harm, there is a range of offences for which the driver may be charged including causing death or serious injury from dangerous or careless driving and the courts will treat the failure to stop as a further and aggravating factor in the sentencing decision. Where the driver takes action to avoid detection this may amount to perverting the course of justice, an offence which carries a life sentence maximum.”

But, as discussed elsewhere in this report, causing harm isn't always penalised adequately, while the fact that one offence covers anything from a 'low level' incident to something as major as a death, is distinctly questionable.

And, even in the unlikely event that drivers who flee the scene are running 'aggravating factors' and 'perverting the course of justice' through their heads, clearly it isn't enough to deter them.

Summarising research into 'hit and run', the MIB says these drivers appear to fall broadly into six categories:

- The 'oblivious' (thought the incident wasn't serious enough, and had no idea they had to report it)
- 'Rational escapists' (motivated by self-preservation – may be uninsured, or hiding some other crime)
- 'Panickers' (went into flight mode)
- 'Uncertain departers' (claim they had no knowledge of anything happening)
- The 'impaired' or 'non compos mentis' (under the influence)
- The 'intimidated' (couldn't face aggression from other road users).

Once again, the public perception that motoring offences aren't real crimes has a lot to answer for. One of the researchers, Dr Matt Hopkins of Leicester University, said it led to a "tendency for drivers to justify their behaviour." ²²

But what if the penalty for a motoring offence that causes so much trauma is so severe that it becomes widely recognised as a 'real crime' (as all motoring offences should be)?

What if drivers who flee the scene knowing that they've hurt someone seriously, or where this should have been reasonably obvious to them, could be sent to prison for up to 14 years?

Wouldn't the prospect of personal consequences like this urge the oblivious, the rational escapists, the panickers, the uncertain departers, the intimidated and maybe even the 'impaired' to grasp that abandoning someone they've seriously injured or killed is intolerable in its own right?

²² mib.org.uk/mib-insight/research-into-hit-and-run-helps-understand-why-drivers-fail-to-stop-after-an-accident/

4. Car-dooring

What do we want to see?

We want to see a new offence of ‘Causing death or serious injury by opening vehicle door’, with a maximum sentence of six months in the magistrates’ court or two years in the crown court.

Why do we want to see it?

Opening a motor vehicle door negligently may come across as an innocuous act, just one of those things. But it isn’t. At worst, ‘car dooring’ is lethal.

Cycling UK is especially concerned by this because we know that so many of its victims are cyclists and that the law fails to take this act of negligence seriously enough.

Over the last five years, almost 2,000 people were hurt in incidents in which police at the scene thought that ‘vehicle door opened or closed negligently’ was a contributory factor. Just over half of these were cyclists, five of whom died.

Number of reported casualties in incidents where the police recorded "vehicle door opened or closed negligently" as a contributory factor, GB 2015-2019 inc.				
	Fatal	Serious	Slight	TOTAL
Pedestrian	1	26	130	157
Motor cyclist	2	43	174	219
Cyclist	5	172	857	1,034
All road user types (inc. motor vehicle occupants)	13	314	1,638	1,965

Figure 7

Source: 2015-2018 Freedom of Information requests made by Cycling UK to the DfT; 2019 Reported Road Casualties Great Britain, Table RAS 50007. ²³

We’ve already mentioned Sam Harding, who died as a result of car dooring in 2012 (p1), but we’ll put two further names to the statistics to illustrate again just how severe the consequences of this crime can be, and how the law belittles them:

- In 2016, Sam Boulton was thrown into the path of a van when the passenger of a private hire car, parked on double yellow lines, opened her door outside Leicester train station. The passenger was fined £150 and the driver, Farook Yusuf Bhikhu (who pleaded not guilty) £955. After an unsuccessful appeal, he had to pay

²³ These figures come from forms that police officers fill in at the scene of a reported traffic crash (STATS19). By no means every incident is reported to the police, however, so the number of people hurt in ‘car-dooring’ cases is likely to be higher, if not much higher, than that stated here. / Given that the Fol figures we have used were not adjusted by the DfT to take account of changes in police reporting systems, we have used 2019 ‘unadjusted’ figures for these calculations.

another £300 in costs. Sam, a schoolteacher and artist, lost his life on his 26th birthday.²⁴

- Widowed by a car-dooring incident in 2014, May Hamilton said: “I am so disgusted with the way these deaths are trivialised with very minor charges.” The Crown Prosecution Service (CPS) considered prosecuting the driver who had killed May’s husband Robert, 76, for manslaughter but, without a realistic prospect of a conviction, a car-dooring offence was the safer option by far. The offender was fined a mere £305.²⁵

Cycling UK agrees with May Hamilton. The law trivialises these deaths by penalising offenders with small fines. In the three cases we mention, the penalty came nowhere near the paltry maximum of £1,000 (Farook Yusuf Bhikhu’s original outlay only added up to £955 because court costs of £625, plus a £30 victim surcharge, were added to the £300 fine for the offence).

Equally, the fact that it’s an offence under construction and use regulations²⁶ makes it seem like something which isn’t a ‘proper crime’, no worse than a regulatory error.

The alternative charge of manslaughter is so much higher on the offence ladder that the prospect of meeting the evidential test is a very long shot indeed (in one of the examples we mention above, the driver was acquitted of manslaughter and, in another, the CPS decided it was not worth pursuing).

This chasm must be closed by creating a new offence for injuring or killing someone by opening a vehicle door negligently, backed up with penalties tough enough to act as a clear-cut deterrent.

Cycling UK has done what it can to raise drivers’ awareness of how serious car-dooring can be and the best way of avoiding it through the ‘Dutch Reach’.²⁷ We’ve also pressed for revisions to the Highway Code²⁸, but we now need legislation to do its bit too and toughen up on those who endanger others by opening their car doors without thinking or looking properly.



²⁴ cyclinguk.org/press-release/2017-06-05/taxi-driver-convicted-‘car-dooring’-incident-caused-cyclist-death/ / cyclinguk.org/news/sam-boulton-commemorated-leicester-critical-mass-ride

²⁵ liverpoolecho.co.uk/news/liverpool-news/merseyside-woman-who-caused-cyclist-7729343

²⁶ It is an offence to open, or cause or permit to be opened, a car door so as to injure or endanger anyone ([§105. The Roads Vehicles \(Constructions and Use\) Regulations 1986](#) & [s42. Road Traffic Act 1988](#)).

²⁷ cyclinguk.org/dutchreach

²⁸ cyclinguk.org/safer-highway-code-cyclists

5. Definitions of ‘careless’ and ‘dangerous’ driving

What do we want to see?

Putting the Police, Crime, Sentencing and Courts Bill aside for a moment, we must stress again that what we want to see above all is a comprehensive review of road traffic offences.

We’ve been waiting for this for some considerable time, (see timeline in Appendix), and have not stopped, and will not stop, pressing for it. A full review like this could transform road safety in a way that other, more narrowly focussed steps – this Bill included – simply cannot.

As Cycling UK explained in our evidence to the Department for Transport’s consultation on cycle safety back in 2018:²⁹

“Despite the fact that driving a motorised vehicle on a public road presents a risk to others, the cultural attitude to that risk is different. Lapses of concentration are regularly dismissed as ‘accidents’ or ‘carelessness’ rather than something that is avoidable, reflecting the attitude that an absence of care and the resultant collisions are inevitable.

“The legal framework should instead make it clearer that it is unacceptable to endanger other road users, and that road crime is real crime.

“Cycling UK has therefore long argued that a full review of road traffic offences and penalties is required, not least because the current legal definitions for ‘careless’ and ‘dangerous’ driving have led to confusion and inconsistency.”

The amendments we discuss below do not, therefore, render our calls for a wider re-evaluation of the legal framework redundant. If anything, it reinforces them.

Nevertheless, the Bill is a chance to make some headway. It could help make it easier for everyone applying the law to distinguish more easily between ‘careless’ and ‘dangerous’ driving by asking them to assess the behaviour against established and accepted standards:

For this, we propose that driving should be:

- **‘careless or inconsiderate’** if it involves a breach of the Highway Code that causes inconvenience, intimidation or danger to another road user
- **‘dangerous’** where such a breach would lead to a driver being failed automatically if they drove in that way during a driving test.

²⁹ cyclinguk.org/sites/default/files/document/2018/06/1806_cuk_response-to-dft-call-for-evidence_finalv2.pdf

Why do we want to see it?

Throughout this report, we've referred to 'dangerous' driving behaviour. We've also pointed out that large numbers of drivers who have driven 'dangerously' are not 'dangerous' people and, as such, are most appropriately penalised by bans rather than prison sentences.

But when we say 'dangerous', what do we mean? The law defines it as driving that:³⁰

“... falls far below what would be expected of a competent and careful driver, and it would be obvious to a competent and careful driver that driving in that way would be dangerous.”

The law also says that the term “refers to danger either of injury to any person or of serious damage to property”.

In most (although by no means all) fatal and serious injury cases, the driving involved unquestionably fits the definition above: it caused 'danger' (of injury or serious property damage) that should have been “obvious to a competent and careful driver”. The result is that someone was seriously injured or killed.

Despite this, we know that again and again offenders who have patently driven in this way are convicted not of 'dangerous' driving, but of 'careless' (or 'inconsiderate') driving instead.

It seems there are large inconsistencies in how prosecutors, judges and juries understand the terms “below”, “far below” and the standard that “would be expected of a competent and careful driver”.

Cycling UK has documented these inconsistencies through its Road Justice campaign and in its report 'Failing to see what is there to be seen'³¹. Consequently, there are huge disparities in charges and outcomes for what appear to be similar offences, leaving huge numbers of seriously injured or bereaved road crash victims suffering a second injustice when driving they considered to be dangerous is dismissed as being merely 'careless'.

According to the law, 'careless or inconsiderate' driving:³²

“...falls below what would be expected of a competent and careful driver.”

It also states: “A person is to be regarded as driving without reasonable consideration for other persons only if those persons are inconvenienced by his driving.”

Does this describe Ayasha Penfold's driving when she overtook a car and lorry and, for a whole 45 seconds, failed to see John Durey cycling along in the opposite direction on a straight road with good visibility and killed him headlong. No, surely this driver's behaviour was dangerous, yet she was convicted of the lesser 'careless' offence.

³⁰ Road Traffic Act 1988, as amended by the Road Traffic Act 1991. Section 2A
legislation.gov.uk/ukpga/1988/52/section/2A

³¹ Cycling UK. Failure to see what's there to be seen: how our justice system fails vulnerable road users fatally hit by drivers who didn't look or didn't see them. Nov 2018.

cyclinguk.org/sites/default/files/document/2018/11/1811_cuk_failing-to-see_rpt.pdf

³² legislation.gov.uk/ukpga/1988/52/section/37A

As Mr Durey's son, Oliver said:

“I cannot understand how this unnecessary, unforced overtaking manoeuvre can be considered anything other than dangerous. To me as a layman ‘careless’ is bumping into a post in a supermarket car park.”

Convicting for ‘careless’ rather than ‘dangerous’ driving, even when the driving in question falls squarely into the latter category, cannot be right.

Self-evidently, current legislation is not clear enough for courts, making it hard for them to decide which of the two legal definitions and their very different maximum penalties³³ is the more appropriate both for the driving behaviour and the driver in question.

One of the main problems is that the decision-making process is too open to subjectivity. Most likely drivers themselves, some jurors may be remembering times when they've done or nearly done the same thing at the wheel, but mercifully not hurt anybody.

Perhaps, more crucially, they may be watching an otherwise ordinary citizen in the dock, someone for whom they have empathy or even sympathy, who doesn't seem to be a ‘dangerous’ person in any other respect, who didn't mean to do it, who can't possibly be locked up for years on end.

Courts' reluctance to convict for ‘dangerous’ driving affects the prosecution services too. They may feel that a ‘careless’ charge has better chance of success, even when far less fitting.

Given this, Cycling UK has misgivings about the Bill's proposals to increase the maximum sentence for 'causing death by dangerous driving' from 14 years to life; and to introduce a new offence of ‘causing serious injury by careless driving’, with a maximum sentence of two years.

Combined, these moves will push the penalties for ‘dangerous’ and ‘careless’ driving offences even further apart. Courts and prosecutors may then grow even more likely to dismiss driving that manifestly fits the law's definition of ‘dangerous’ as ‘careless’.

Courts will still be troubled, if not more troubled, about the prospect of sending otherwise decent citizens to prison for ages if they opt for a ‘dangerous’ conviction; and prosecutors will still be worried, if not more worried, that a conviction for dangerous driving doesn't stand a chance with such reluctant juries.

But dangerous driving has a damaging impact on society, on our travel choices and, expressly, on its victims and those bereaved by offenders. The justice system can't afford to obfuscate or show undue leniency for any longer.

Apart from advocating the greater use of bans instead of prison sentences for all but the most extreme cases, Cycling UK believes that there's an urgent need for new definitions of ‘dangerous’ and ‘careless’ driving.

We think one of the best approaches is to stop expecting juries to assess driving by unclear definitions that leave too much room for subjectivity, and instead direct them to

³³ The maximum penalty for ‘causing death by dangerous driving’ is 14 years in prison; the maximum for ‘causing death by careless driving’ is five years in prison.

crossmatch the driving in question with the kind of behaviour that breaches the Highway Code and actions that would automatically fail a candidate taking their test:

- Committing a **breach of the Highway Code** in a way that results in inconvenience, intimidation or danger to one or more other road users = **careless, or inconsiderate driving**
- Committing a breach that would lead to **failing the driving test automatically** = **dangerous driving**.

Conclusion

For the sake of safer road conditions, Cycling UK urges MPs to consider our proposed amendments to the Police, Crime, Sentencing and Courts Bill. They are designed to help:

- Stop the ongoing risk to the public of bad drivers by disqualifying many, many more of them at the earliest opportunity.
- Stop magistrates from letting motoring offenders off bans on grounds of 'exceptional hardship' when the hardship they claim is not at all 'exceptional'.
- Stop people opening car doors without looking properly by creating a new offence of 'Causing death or serious injury by opening vehicle door', with a sentence tough enough to act as a strong deterrent.
- Stop drivers from leaving the scene if they know, or ought to know, that they've seriously injured or killed someone by creating a new offence of 'failure to stop and give particulars after accident involving actual or potential serious or fatal injury or to report accident', with a maximum sentence of 14 years' custody.
- Stop people whose driving was manifestly dangerous being charged, prosecuted and convicted of 'careless' driving. This means making the distinction between 'careless' and 'dangerous' so much clearer that courts find it far less conflicting to apply.

Again, though, we must stress that the need for a comprehensive review of road traffic offences remains critical. It's been a long, long wait so far.

Cycling UK

June 2021

Appendix

Timeline: the wait for the Government's promised review of motoring offences and penalties

June 2013. Cycling UK's 'Road Justice' campaign is launched.
May 2014 – In response to campaigning by Cycling UK and its allies, Justice Secretary Christopher Grayling announces a full review of motoring offences and penalties to take place over the next few months. ³⁴
December 2014 – Cycling UK meets with Mike Penning MP, Minister of State for Policing, Criminal Justice and Victims to set out our concerns and proposals. Penning says the review could take up to a year. ³⁵
May 2015 – Christopher Grayling is replaced as Justice Secretary by Michael Gove. Following Cycling UK intervention, review is promised "in due course".
September 2015 – Cycling UK briefs MPs raising questions about the delay during a Westminster Hall debate on dangerous driving. Review promised "soon". ³⁶
July 2016 – Cycling UK briefs Peers raising questions at a House of Lords debate about the delay in progressing the review. A consultation, but not the remit, is promised before the end of the year. ³⁷
July 2016 – Michael Gove is replaced by Elizabeth Truss as Justice Secretary (with Grayling becoming Transport Secretary).
July 2016 – Cycling UK writes directly to Elizabeth Truss about the delayed review.
September 2016 - Cycling UK meets with Ministry of Justice (MoJ) officials, who indicated the public consultation on serious driving offences will commence before Christmas. ³⁸
December 2016 – MoJ commences a narrow and limited consultation, including proposals to increase maximum sentences for the most serious road traffic offenders, but not the full and comprehensive review of traffic offences and penalties repeatedly promised since 2014. ³⁹
February 2017 – Cycling UK responds to the MoJ consultation calling for: <ul style="list-style-type: none"> • A review of the distinction between 'careless' and 'dangerous' driving. • Legislative change to ensure greater use of disqualification as a sentencing option, and the removal of the exceptional hardship loophole. • A review of the scope of and penalties for the offence of car dooring. • An increase in the maximum penalties available for failing to stop after a collision.
<i>Continues overleaf</i>

³⁴ gov.uk/government/news/justice-for-victims-of-banned-drivers

³⁵ cyclinguk.org/news/20150313-victims-campaigners-invited-justice-manifesto-launch

³⁶ cyclinguk.org/news/20150918-mps-debate-dangerous-driving

³⁷ cyclinguk.org/blog/duncandollimore/gove-s-offences-review-going-nowhere

³⁸ cyclinguk.org/news/20161003-consultation-review-motoring-offences-start-xmas

³⁹ cyclinguk.org/press-release/2016-12-04/government-s-motoring-offences-review-falls-short-s-needed-truly-tackle-dr

<p>May 2017 – All Party Parliamentary group of MPs publishes the ‘Cycling and the Justice System’ report criticising the confusion and overlap between careless and dangerous driving offences, calling on the MoJ to review how these offences are being used and the declining use of driving bans as a penalty.⁴⁰</p>
<p>September 2017 – Having failed to progress the wider review of motoring offences and penalties for three years+, the Government announces that the Department for Transport (DfT) would be conducting an urgent review of cycling offences.⁴¹</p>
<p>October 2017 – MoJ publishes response to its limited consultation promising to introduce life sentences for those who cause death by dangerous driving, and for careless drivers who kill while under the influence of drink or drugs, and a new offence of causing serious injury through careless driving⁴² (still not introduced, but proposed in the Police, Crime, Sentencing and Courts (PCSC) Bill currently before Parliament) and confirming that it intends to give further consideration to the greater use of driving disqualification.⁴³</p>
<p>March 2018 – DfT publishes a call for evidence as part of a cycling & walking safety review.⁴⁴</p>
<p>June 2018 – Cycling UK responds to DfT’s call for evidence, repeating our previous calls for a wider review of road traffic offences and penalties.⁴⁵</p>
<p>November 2018 – DfT publishes its recommendations following the cycling and walking safety review without any specific recommendations relating to changes to road traffic offences or penalties.⁴⁶</p>
<p>November 2018 – In a debate on road justice, MPs criticise inconsistent road traffic laws⁴⁷ as Cycling UK, road Safety charity Brake, and road victims’ charity RoadPeace all call for the DfT’s cycling offences review to be widened into a review of all traffic offences and penalties.⁴⁸</p>
<p>May 2019 – MPs again call for greater use of driving bans in a parliamentary debate.⁴⁹</p>
<p>March 2019 – The Government publishes the PCSC Bill. The only substantive proposals concerning road traffic offences and penalties being at clause 64, to increase the maximum sentence for the offences of causing death by dangerous driving, or for causing death by careless driving whilst under the influence of drink or drugs, and at clause 65 the introduction of a new offence of causing serious injury by careless driving.</p>
<p>June 2021 – Over seven years since the Government promised a full review of traffic offences and penalties, we’re still waiting.</p>

⁴⁰ allpartycycling.org/resources/inquiries/justice/

⁴¹ cyclinguk.org/news/20170921-government-launches-“urgent-review”-cycling-offences

⁴² gov.uk/government/news/life-sentences-for-killer-drivers

⁴³ cyclinguk.org/blog/why-increasing-maximum-sentences-killer-drivers-doesnt-fix-problem

⁴⁴ gov.uk/government/consultations/cycling-and-walking-investment-strategy-cwis-safety-review

⁴⁵ cyclinguk.org/sites/default/files/document/2018/06/1806_cuk_response-to-dft-call-for-evidence_finalv2.pdf

⁴⁶

assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/758519/cycling-walking-investment-strategy-safety-review.pdf

⁴⁷ cyclinguk.org/news/mps-criticise-inconsistent-laws-road-justice-debate

⁴⁸ cyclinguk.org/sites/default/files/document/2018/11/1811_rg_dft_cycling-offences-full_confinal.pdf

⁴⁹ cyclinguk.org/news/mp-calls-greater-use-driving-bans

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