

Sentencing Council consultation on Motoring Offences Response from Cycling UK November 2022

Introduction

Cycling UK was founded in 1878 and has over 70,000 members and supporters. Cycling UK's central charitable mission is to make cycling a safe, accessible, enjoyable and 'normal' activity for people of all ages and abilities. Our interests cover cycling both as a form of day-to-day transport and as a leisure activity, which can deliver health, economic, environmental, safety and quality of life benefits, both for individuals and for society. Cycling UK is a member of the Walking and Cycling Alliance (along with the Bicycle Association, British Cycling, Living Streets, Ramblers and Sustrans).

Cycling UK has long been concerned about the failings of road traffic law and the penalties associated with it. The legal framework suffers from the following inter-related key failings:

- A lack of clarity over the definition of the terms 'dangerous' and 'careless' driving. These definitions are supposed to be 'objective' – i.e. driving is supposed to be '[dangerous](#)' if it has objectively caused 'danger' (of injury or of serious damage to property) that would have been "obvious to a competent and careful driver", with the definition having nothing to do with the state of mind of the driver. However this is undermined by the fact that '[careless](#)' and 'dangerous' driving are differentiated in law by whether the driving fell 'below' or 'far below' what would be expected of 'a competent and careful driver'. All three of these terms are wide open to subjective interpretation by prosecutors, magistrates, judges and juries, and hence to huge inconsistencies in how they are applied (e.g. as documented in Cycling UK's report '[Failure to see what's there to be seen](#)'). This problem is exacerbated by the fact that the lesser offence is still termed 'careless' driving, which appears to imply, wr that it can still be preferred where a 'dangerous' error arose purely from a 'careless' moment of inattention.
- An over-reliance on custodial sentencing and a serious under-use of driving bans.
- A startling reluctance on the part of the courts to impose driving bans, e.g. regularly allowing appeals against them on the grounds that they would cause "exceptional hardship" – see Cycling UK's '[Exceptional hardship?](#)' report.
- The penalties available for breaching driving bans are also inadequate. Where drivers fail to respect a driving ban, then custodial sentences really are essential to protect the public from drivers who display repeated disregard for their safety and legal responsibilities towards other road users.
- Finally we point to huge disparities in the maximum sentences available for offences which involve causing death, as compared with causing serious injury by equally bad driving. This makes it very difficult for the Sentencing Council or the courts to approach sentencing in a rational way. We suspect one of the reasons why the courts have been reluctant to go close to previous maximum sentence (i.e. 14 years) for the offence of causing death by dangerous driving – and why we very much doubt that increasing this to a life sentence will have much impact – is because the courts are all too aware how much more limited their sentencing powers would be if the victim had happened to survive.

We recognise of course that the Sentencing Council's remit limits its ability to address most of these problems, several of which would require parliamentary action to amend primary legislation. It is for this reason that Cycling UK continues to press for the wider

review of road traffic offences and penalties that the Government first [promised in 2014](#), which ministers [promised again in late 2021](#), but which has still not commenced (despite ministerial suggestions that it would get underway [in the first half of 2022](#)).

Nonetheless, we believe the Sentencing Council could do more to move the sentencing framework in the right direction, and could avoid doing things which take it in the wrong direction.

Key points

We urge the Sentencing Council:

- To strengthen the role of driving bans as a sentencing option for motoring offences in general – though with custodial sentences still being used for ‘high’ (and in some cases ‘medium’) culpability instances of the most serious offences. The key exception should be those offences involving disregard of past driving bans – for which we urge that the guideline should suggest higher custodial sentences than those currently proposed.
- NOT to increase the custodial sentencing for ‘lesser culpability’ offences involving causing death by dangerous driving, and for both ‘lesser’ and ‘medium’ culpability offences involving causing death by careless driving. These are all categories of offences for which driving bans (rather than custody) should be the primary sentencing option, even where they involve causing death. (N.B. We would ultimately prefer to avoid custodial sentencing in all but exceptional cases involving driving that is deemed to be merely ‘careless’. However that will only become possible once the terms ‘careless’ and ‘dangerous’ driving have been redefined or replaced, so that the term ‘careless’ driving is no longer routinely debased in law).
- To categorise offences that involve deliberate actions as being at least ‘medium culpability’ if they involve driving that is deemed to be ‘dangerous’, and ‘high culpability’ where these offences are classed merely as ‘careless’ driving.
- To raise concerns with Government and/or Parliament (as the Council sees fit) about the growing disparities between:
 - Offences that result in death and in serious injury respectively, even though they involve equally bad driving; and
 - The many types of offence where the courts are unlikely to be consistent in determining whether the driving was ‘careless’ or ‘dangerous’, particularly given the likely nervousness of magistrates, judges and juries when considering handing down ‘dangerous’ driving convictions where this could now result in anything up to a lifetime’s custodial sentence;
- To join Cycling UK and other road safety groups in urging the Government to address these disparities and other flaws in the legal framework, through its planned review of road traffic offences and penalties.

Roger Geffen
Policy Director, Cycling UK

Causing death by dangerous driving

According to Action Vision Zero's response to this consultation, 94% of those convicted for this offence in 2021 received a custodial sentence. We believe this figure is far too high. It is wholly at odds with the idea that someone can drive in a way that objectively causes 'danger' that would be 'obvious to a competent and careful driver', without them being a 'dangerous person' who needs to be locked up for the public's protection.

We suspect it would be much easier to persuade jurors to apply the law as it was intended to be applied, if a much greater proportion of 'dangerous' driving convictions – even in fatal cases – led to substantial driving bans, rather than almost invariably attracting custodial sentences.

This problem is set to become even more acute with the introduction of the new life-time maximum sentence for this offence. This merely creates an even greater incentive for drivers to plead (and jurors to accept) that their driving was merely 'careless', even in cases where it caused 'danger' that would have been 'obvious to a competent and careful driver.' We fear this will further undermine the principles which underpinned the drafting of the Road Traffic Act 1991 (when 'dangerous' driving offences replaced 'reckless' offences).

We therefore urge the Sentencing Council NOT to ratchet up the custodial sentences for 'lesser culpability' instances of this offence – see in particular our response to Question 3. This is one respect in which the draft guidelines risk making the functioning of the legal framework even more problematic than at present.

Question 1: do you agree with the proposed culpability factors for this and other guidelines involving dangerous driving? If not, please tell us why.

We agree with the list of 'high culpability' factors. However we would add that driving while knowingly disqualified should also be a 'high culpability' factor. It should not merely be an aggravating factor.

However the 'medium culpability' factors mix some that clearly involve deliberate decisions to drive in a way that is potentially dangerous (i.e. the 3rd to 7th bullet points), whereas others involve causing serious danger without any obviously 'reckless' intent (to use pre-1991 legal terminology). Hence a custodial sentence should at least be considered for the 3rd to 7th bullet-points, whereas the 1st and 2nd should only attract a custodial sentence where other factors are present (e.g. past offending or concurrent offending). We therefore propose moving the 1st and 2nd bullet-points to the 'lesser culpability' category, perhaps deleting the word "highly".

We agree that, where vulnerable road users (e.g. pedestrians, cyclists or equestrians) are involved as victims, this should be an aggravating factor (see our response to question 5 below). However we also suggest that wilful disregard for the safety of a vulnerable road user should be a determinant of high culpability.

We therefore suggest splitting the first 'high culpability' bullet-point, and adding some words to the 2nd part of it, as follows:

- "Deliberate decision to ignore the rules of the road in ways that cause obviously foreseeable serious danger"
- "Deliberately driving in a manner which endangered other road users, particularly vulnerable road users such as pedestrians, cyclists or equestrians."

N.B. The first of these suggested bullet-points covers situations of deliberate rule-breaking – e.g. driving at high speed on empty streets at night-time – where this might not necessarily cause actual danger; whereas the second covers situations where it would have been obvious to driver that other road users were present, particularly vulnerable road users, and they were actually endangered by his or her driving.

Question 2: do you agree with this approach to harm for this and other causing death guidelines? If not, please tell us why.

We agree that the harm caused (which is self-evidently death in the case of the offence of causing death by dangerous driving) should not be a factor in determining culpability.

On the other hand, we believe that the outcome plays too large a role in step 2 of the process. Unfortunately, only Parliament can close the massive gaps in sentencing available for offences which involve death and those which ‘only’ involve serious, slight or no actual injury.

Question 3: do you agree with these sentence levels? If not, please tell us why.

No, not at all. Given the supposedly ‘objective’ definition of ‘dangerous driving’ offences, we strongly disagree with the draft guideline’s assumption that even ‘lesser culpability’ instances of this offence will attract custodial sentences.

We urge that offences in the ‘lesser culpability’ category, and potentially the first two bullet-points of the ‘medium culpability’ category, should normally attract non-custodial sentences (unless other factors are present, e.g. past driving offences).

At the same time though, it should be made abundantly clear that long driving bans will be a key element of the sentencing for these offences.

The starting points and category ranges for the ‘medium’ and ‘high culpability’ categories should then be expanded accordingly.

We recognise that there will be some unease at our suggestion that the custodial sentencing ‘starting point’ for ‘lesser’ culpability ‘dangerous’ offences should be below that for higher category ‘careless’ offences. As we argue below, this is regrettably necessary until the law is clarified sufficiently to prevent the all-too-common situation where drivers are convicted for ‘careless’ offences even though their driving had caused ‘danger’ that would have been ‘obvious to a competent and careful driver.’ However, we reiterate that, where the danger has not obviously been caused wilfully (i.e. by what would once have been termed ‘recklessness’), the most important element of the sentencing should be a driving ban, not custody. We would obviously recommend that offences that are deemed to be ‘dangerous’ should attract longer driving bans than those which are deemed to be merely ‘careless’.

Question 4: do you agree with the approach to multiple deaths for this and other causing death guidelines? If not please tell us why.

We do not agree. The only good reason to treat multiple deaths as more serious than a single death is where the driver failed to observe or respect the safety of not just one person but a group of people (and particularly where it involved a group of vulnerable road users).

Question 5: do you agree with these aggravating and mitigating factors? If not, please tell us why.

We reiterate our agreement that, if the victim was a vulnerable road user, this should be treated as an aggravating factor. However, as stated previously, we also propose that wilful disregard for the safety of vulnerable road users should be a factor indicating higher culpability, and not just an aggravating factor.

Whilst we agree that mental disorders and learning disabilities should be treated as factors reducing seriousness or reflecting personal mitigation, they may nonetheless require consideration of longer driving bans, not as punishment but in the interests of public protection. This should be seen as being similar to the need to withdraw driving licences from people whose eyesight or other medical conditions impedes their ability to drive safely.

Question 6: do you have any further comments on the proposed guideline for causing death by dangerous driving?

We believe the guideline should emphasise more clearly the role that substantial driving bans can play as a key element in the sentencing of 'dangerous' driving offences of lesser culpability.

Causing death by careless driving

We really struggle with this offence, indeed we opposed its creation in the first place. It is hard to imagine a scenario in which a person's legally-culpable driving could cause death (or indeed serious injury) without that driving being 'dangerous' according to the correct legal definition of this offence (i.e. if it encompassed any driving that caused 'danger' that would have been 'obvious to a competent and careful driver').

We strongly agree with the views of [Lord Hope of Craighead](#) and other Peers (as expressed in the Lords debate on the proposed introduction of the offence of 'causing serious injury by careless driving') that drivers should not face prison for an offence that is called 'careless'.

Nonetheless we recognise that, until the definitions of 'careless' and 'dangerous' driving are amended or replaced, the courts will doubtless continue to hand down 'careless' driving convictions in large numbers of cases that ought correctly to be deemed 'dangerous' driving. Hence the sentencing guideline has to make provision for custodial sentences in the most serious of these cases, at least for the time being.

Question 7: do you agree with the proposed culpability factors for careless driving offences? If not, please tell us why.

No. Even if we allow for the fact that the courts will inevitably convict for this offence in situations which ought to attract 'dangerous' convictions, it is wholly unacceptable that the third to eighth bullet-point are classified as being merely 'medium' culpability. These have to be classed as high culpability offences as they will usually have been deliberate actions, which indicate the kind of recklessness that at least requires consideration of a custodial sentence.

We therefore propose that the 'medium culpability' category should include only the 1st, 2nd and last bullet-points listed. Then, as per our response to Question 8, the 'medium' and lesser' culpability categories should both be assumed to normally attract non-custodial sentences, but with longer driving bans for the former than for the latter.

Question 8: do you agree with these sentence levels? If not, please tell us why.

No.

Until such time as the courts cease to hand down 'careless' convictions for the 'medium culpability' offences listed in bullet-points 3 to 8 (which we believe should be 'high culpability'), then the starting point for such offences should be 3 years. We say this despite also arguing that the legal framework should ultimately cease to use custodial sentencing for offences that are deemed to be merely 'careless' (with only limited exceptions, e.g. whether other offences are present).

Meanwhile the starting point for the remaining 'medium culpability' offences (as well as those of lesser culpability) should be a non-custodial sentence, with driving bans being the most important component of sentencing for these offences.

Question 9: do you have any further comments on the proposed guideline for causing death by careless driving?

We reiterate the comments at the start of section of this response relating to this offence (i.e. before our response to Question 7).

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

Question 10: do you agree with the proposed sentencing levels? If not, please tell us why.

We reiterate our concern (see also question 7) that the third to eighth bullet-points in the 'medium culpability' list should be classed as high culpability offences, as they will usually have been deliberate actions.

However, if that is addressed, we believe the sentences are reasonable (including those which would then apply for the remaining 'medium culpability' offences).

Question 11: do you have any further comments on the proposed guideline for causing death by careless driving whilst under the influence of drink or drugs?

This is an offence for which it is particularly important that the guideline should give strong advice on the use of driving bans.

In particular, those with a known addiction who are at risk of reoffending should not be permitted to drive again until they are sufficiently free of their addiction, or able to manage it, that this is no longer a serious risk.

Causing serious injury by dangerous driving

Question 12: do you agree with the proposed harm factors for offences involving serious injury? If not, please tell us why.

We agree with the distinction between category 1 and category 2 harm. However we note that this distinction (e.g. between life-threatening or permanent injury and other injuries) has far less of an impact on sentencing than the distinction between causing serious injury and causing death.

We therefore urge the Sentencing Council to highlight to Government and Parliament the incongruous nature of the statutory sentencing framework – i.e. where causing death can attract a life sentence, while causing life-changing injury can attract no more than a 5 year maximum penalty – so that these anomalies can be addressed in the future.

Question 13: do you agree with the proposed sentencing levels? If not, please tell us why.

No. We reiterate our concern (expressed previously in response to question 3) that ‘lesser culpability’ instances of this offence are assumed to attract custodial sentences. We propose a similar remedy to that proposed in answer to questions 1 and 3.

Question 14: do you have any further comments on the proposed guideline for causing serious injury by dangerous driving?

We reiterate our concern that the guideline should emphasise more clearly the role that substantial driving bans can play as a key element in the sentencing of ‘dangerous’ driving offences of lesser culpability.

Causing serious injury by careless driving

We reiterate the points made at the start of our response to the proposed guideline for causing death by careless driving. If the legal term ‘dangerous’ driving was being applied correctly, it is very hard to imagine how serious (let alone fatal) injury could be caused by criminally culpable driving that was not ‘dangerous’.

Regrettably though, this problem will continue to occur until Parliament clarifies or amends the definitions of ‘careless’ and ‘dangerous’ driving. Hence the Sentencing Guideline for this offence needs to allow for custodial sentences in ‘higher culpability’ cases, including the kinds currently listed in the 3rd to 8th bullet-points of the ‘medium culpability’ category (which should be moved to the ‘higher culpability’ category). Non-custodial sentencing should be the norm for the remaining ‘medium’ and all ‘lesser’ culpability offences.

Question 15: do you agree with the proposed sentence levels? If not, please tell us why.

No. As argued in response to Question 8, the guideline should set non-custodial sentences as the norm for both the ‘medium’ and ‘low’ culpability categories, while making driving bans the main element of sentencing for all offences in all three culpability categories.

Question 16: do you have any further comments on the proposed guideline for causing serious injury by careless driving?

We reiterate the need to shift the emphasis more towards driving bans for any offence which is deemed to be merely ‘careless’ (while recognising that, until the legal framework is reformed, the courts will continue to use it for some offences that ought to be classed as ‘dangerous’ driving).

Causing injury by wanton or furious driving

Question 17: do you agree with the proposed culpability elements? If not, please tell us why.

We reiterate our suggestions made in response to question 1, namely to:

- Add driving while knowingly disqualified to the 'high culpability' category;
- Split the 'higher culpability' category's first bullet-point into two bullet-points, with the first referring to deliberately driving in a manner likely to cause unspecified danger, while the second covers situations where the driver was aware of the presence of people who were likely to be endangered by their driving, particularly if those people were vulnerable road users.
- Move the 1st and 2nd bullet-points of the 'medium culpability' category to the 'lesser culpability' category (perhaps deleting the word "highly");

Question 18: do you agree with the proposed harm elements? If not, please tell us why.

Yes.

Question 19: do you agree with the proposed sentence levels? If not, please tell us why.

Yes.

Question 20: do you have any further comments on the proposed guideline for causing injury by wanton or furious driving?

Although not relevant to the Sentencing Council's role, we note that this offence can be used either where the offender is a cyclist or other non-motorised road user, or whether an offence is committed somewhere other than in a public place. In both situations, a 2-year maximum sentence will occasionally be wholly inadequate in the most serious cases. This too is a reason why a wider review of offences and penalties is needed.

Dangerous driving

Question 21: do you agree with the proposed harm factors? If not, please tell us why.

Yes.

Question 22: do you agree with the proposed sentence levels? If not, please tell us why.

We agree with the proposed sentence levels as far as they go, but would emphasise the need for the guideline to say more about the use of driving bans for this offence.

Question 23: do you have any further comments on the proposed guideline for dangerous driving?

No.

Causing death by driving: disqualified drivers

Question 24: do you agree with the proposed culpability factors? If not, please tell us why.

We agree with the culpability factors. However we suggest adding a further 'high culpability' factor for cases where the driver is known to have driven on more than one occasion while disqualified.

Question 25: do you agree with the proposed sentence levels? If not, please tell us why.

No. Having urged that the guideline should place far greater emphasis on driving bans (rather than custody) for most other offences, this is one offence where the guideline really needs to use the full range of custodial sentencing powers available.

The guideline for causing serious injury by dangerous driving gives a 4-year starting point for offences involving both high harm and high culpability. This is only slightly below the 5-year maximum for that offence. It therefore makes no sense that the 'high culpability' starting point for this offence is only half of the already-inadequate 10-year maximum sentence.

We therefore urge that the high-culpability starting point for this offence is raised to 8 years, with the medium culpability being raised to 5 years.

Question 26: do you agree with the proposed aggravating and mitigating factors? If not, please tell us why.

As a point of detail, we suggest that the first of the statutory aggravating factors for this offence should be described as "other previous convictions", given that (as stated in the following 'note'), those convicted for this offence will inevitably have least one previous conviction which led to them being disqualified in the first place.

For the same reason, we question why "no previous convictions" is listed here as a factor reducing seriousness – though we could understand if it said "no *other* previous convictions".

We also reiterate the point made in response to question 5 about the approach to mental disorders or learning disabilities. Whilst these should rightly be seen as mitigating factors, they may also necessitate a stronger approach to driving bans, not as punishment but for the public's protection.

Question 27: do you have any further comments on the proposed guideline for causing death by driving whilst disqualified?

No.

Causing serious injury by driving: disqualified drivers

Question 28: do you agree with the proposed sentence levels? If not, please tell us why.

Yes.

Question 29: do you have any further comments on the proposed guideline for causing serious injury by driving whilst disqualified?

No.

Causing death by driving: unlicensed or uninsured drivers

Question 30: do you agree with the proposed culpability factors? If not, please tell us why.

We agree with the listed culpability factors but would suggest an additional ‘medium culpability’ factor where the driver drove unlicensed or uninsured on more than one occasion, and a ‘high culpability’ factor where they drove unlicensed or uninsured on multiple occasions and/or over a long time-period.

Question 31: do you agree with the proposed sentence levels? If not, please tell us why.

Yes. However we reiterate our call for the guideline to say more about the role of driving bans for higher-culpability offences (particularly those involving repeat offending and/or over a prolonged period, as per our response to question 30).

Vehicle confiscation is another sentencing option that should be recommended in higher-culpability instances of this specific offence.

Question 32: do you have any further comments on the proposed guideline for causing death by driving whilst unlicensed or uninsured?

No.

Driving or attempting to drive with a specified drug above the specified limit

Question 34: do you agree with the proposed culpability factors? If not please tell us why.

Question 35: do you agree with the proposed harm factors? If not please tell us why.

We do not understand why the harm factors listed here are not treated as culpability factors. Unlike the harm factors identified for other offences, they relate to the offence itself, rather than its outcome.

Question 36: do you agree with the proposed sentence levels? If not please tell us why.

Yes, we agree with the proposals.

We note though that the guideline for this offence includes recommended disqualification time-periods. We therefore do not understand why this approach is not taken for other offences.

Question 37: do you agree with the proposed aggravating and mitigating factors? If not please tell us why.

The third bullet-point in the list of “other aggravating factors” should be amended from “Involved in accident” to “Involved in collision”. Road collisions should not be referred to as ‘accidents’ – see RoadPeace’s [‘Crash not accident’ briefing](#).

Question 38: do you have any further comments on the proposed guideline for driving or attempting to drive with a specified drug above the specified limit?

No.

Being in charge of a motor vehicle with a specified drug above the specified limit

**Question 39: do you agree with the proposed culpability factors? If not please tell us why.
Question 40: do you agree with the proposed harm factors? If not please tell us why.**

As with the guideline for 'Driving or attempting to drive with a specified drug above the specified limit' (see our response to questions 34 and 35), we do not understand why the harm factors listed here are not treated as culpability factors. Unlike the harm factors identified for other offences, these factors relate to the offence itself, rather than its outcome.

Question 41: do you agree with the proposed sentence levels? If not please tell us why.

Yes.

Question 42: do you agree with the proposed aggravating and mitigating factors? If not please tell us why.

Yes.

Question 43: do you have any further comments on the proposed guideline for being in charge of a motor vehicle with a specified drug above the specified limit?

No.

Disqualification

Question 44: do you agree with the proposed guidance on the approach to disqualification? If not please tell us why.

We welcome the Sentencing Council's recognition that "there would be merit in including guidance on disqualification in the motoring guidelines."

However the guidelines on driving bans are still presented as an afterthought, and are generally not integrated with the guidelines for each specific offence. The sentencing guidelines for the offences involving specified drugs above the specified limit are notable exceptions to this. However this merely raises the question as to why a similar approach cannot be taken for other offences. We believe it could and should be.

Regarding the disqualification guidance as currently drafted, we question the purpose of stating that disqualification periods should not be "longer than necessary", and that sentencers "should bear in mind the need for rehabilitation". Whilst true, these statements are equally applicable to custodial sentences. We therefore question why they are made solely in the section on disqualification.

Nor do we accept the statement that "there is no simple formula by which discretionary periods of disqualification can be calculated" – or that "broad ranges of disqualification period would be of little to no use for sentencers". Again, we do not see why these statements are any more true for disqualification periods than for custodial periods.

All of the above wording perpetuates the notion that disqualification is an option that should generally be avoided, rather than being in many cases a sentencing option that is preferable to custody. We therefore urge that it should all be deleted.

Equality and diversity

Question 45: are there any aspects of the draft guidelines that you feel may cause or increase disparity in sentencing?

We fear that the increased maximum penalties for causing death by dangerous driving, in the absence of a corresponding increase for causing serious injury by dangerous driving, will inevitably increase the disparities between the sentences for causing death and for causing serious (potentially life-changing) injury by equally bad driving.

We also fear that the number of culpability factors relating to causing death and causing serious injury by ‘careless’ driving – even though they will usually involve deliberate actions and will have caused death and serious injury (i.e. they objectively caused ‘danger’ that would almost certainly have been “obvious to a competent and careful driver). It is particularly alarming that some of these factors are even listed merely as ‘medium culpability’ factors (i.e. bullet-points 3 to 8 in the lists for both offences). This is likely to increase the disparities in sentencing for very similar offences, depending on whether the courts (or indeed the prosecutors) have deemed the offence to be ‘dangerous’ or merely ‘careless’. Such disparities could be huge in cases where death has been caused.

However, it is not directly within the gift of the Sentencing Council to address this. We can merely urge the Sentencing Council to raise concerns about these potential disparities, and add its voice to calls for a wider review of road traffic offences and penalties.

Question 46: are there any existing disparities in sentencing of the offences covered in this guideline that you are aware of, which the draft guideline could and should address?

Yes. We have already highlighted the huge disparities that can arise between very similar offences, depending on:

- whether they result in death or in serious injury; and
- whether prosecutors or the courts deem the offence to be ‘careless’ or ‘dangerous’ – e.g. see Cycling UK’s report [Failure to see what’s there to be seen](#).

Again though, the guideline can only go so far in addressing these disparities. We reiterate our call for the Sentencing Council to join the calls of Cycling UK and others for a wider review of road traffic offences and penalties.

Question 47: are there any other matters relating to equality and diversity that you consider we ought to be aware of and/or that we could and should address in the guideline?

No.