

Dangerous and Careless Driving?

There is a significant difference between dangerous driving and careless driving (properly referred to as driving without due care and attention). In court the prosecution has to show different things and the penalty for dangerous driving is much greater than for careless driving.

Dangerous Driving

Dangerous driving and causing death by dangerous driving are the two most serious moving road traffic offences. They are made even more serious if aggravated by drink or drugs.

Your driving is dangerous when: -

- It has fallen far below the standard that could be expected of a competent and careful driver, and
- Was obviously dangerous to competent and careful driver

The offence may be committed by: -

- Simply driving in a dangerous way - your case will depend on witness evidence.
- Driving a vehicle that is in a dangerous condition (even if you are driving normally otherwise)

Dangerous means there was a danger of physical injury (however minor) or serious

damage to property. The prosecution does not have to prove that anyone was actually injured, that damage actually took place or that anyone felt in danger.

The driving is judged objectively. In other words, what was going on in your mind will not be relevant as to whether your driving fell far below the expected standard.

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Dangerous driving may be dealt with by the Magistrates Court or by the Crown Court, depending on just how serious the allegations are. The maximum sentence in the Magistrates Court is imprisonment for up to six months and a fine of up to £5000. In the Crown Court, the maximum punishment is up to two years imprisonment and an unlimited fine.

In either court if you are convicted you will be disqualified from driving for at least a year unless there are special reasons. You will also have to undergo an extended driving re-test before you can drive again.



Careless Driving

You drive carelessly when the standard of your driving is lower than that of a reasonable, prudent and competent driver.

Careless driving is dealt with in the Magistrates Court. It will typically carry a fine and a penalty points endorsement on your licence. You can't go to prison for careless driving but you can lose your licence in serious cases.

Causing Death by Dangerous and Careless Driving and Related Offences

Causing death by dangerous driving carries a maximum term of imprisonment of 14 years and unlimited fine.

The Road Safety Act, which came into force in November 2006, created new offences of causing death: -

- By careless or inconsiderate driving, and
- By driving an uninsured or unlicensed vehicle, and
- Whilst being a disqualified driver

In the Magistrates Court the penalty is up to 12 months and disqualification and in the Crown Court up to 5 years imprisonment.

I like to help

I can help you by

- Guiding and assisting you through the police investigation, including the interviews
- Analysing the case against you - for example: how is the prosecution proposing to present the case in court?
- Assessing the evidence - for example: how many witnesses? What did they see? Were the events fresh in their minds when they made statements? Are they reliable?
- Considering whether expert evidence is required, which might include accident reconstruction or engineering
- Taking evidence at an early stage from witnesses who may help you whilst events are fresh in their minds