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Briefing Note

Punishments for Careless Driving

Labour providers who transport workers should ensure all their drivers are made aware of these offences and instruct them in writing not to commit actions which may be regarded as “avoidable distractions”.

Motorists who kill while avoidably distracted at the wheel now face prison under new careless driving laws which came into force on August 2008 under the Road Safety Act 2006.

The new offences, for the first time, allow courts to imprison drivers who cause deaths by not paying due care to the road, or to other road users. They are designed to plug the gap in current legislation and so prevent drivers who kill walking away from court with just a fine.

Avoidable distractions which courts will consider when sentencing motorists who have killed include:

- using a mobile phone (calling or texting)
- drinking and eating
- applying make-up
- anything else which takes their attention away from the road judged to have been avoidable.

The new laws will also penalise uninsured, disqualified or unlicensed drivers who kill.

The new offences will carry custodial sentences of:

- up to five years for causing death by careless driving
- up to two years for causing death by driving while unlicensed, disqualified or uninsured.