

Road Traffic Law – Death During Motoring Offences

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Overview

- Introduction – Case example
- Structured approach to sentencing cases involving driving death
- Case law for death cases and current trends for sentencing
- Proposed changes to Road Traffic Law 2026

Introduction

- Case Study - Death by driving, case example.

Key Objectives for Sentencing Dangerous Driving cases

- Ensure the safety of all road users
- Deter high risk behaviour and protect the public from dangerous drivers
- Greater punishment to reflect the devastation caused to families and significant others

Penalties upon conviction

Before 28th June 2022

- Maximum sentence - 14 Years
- Mandatory Disqualification from Driving - 2 yrs with a compulsory extended driving test

After 28th June 2022

- Maximum sentence – Life imprisonment
- Mandatory Disqualification from Driving - Minimum of 5 yrs with an extended re-test

Additional implications - the effects of being arrested, investigated and charged

- Police station interview
- Attendance at coroners hearing (inquest)
- Impact on insurance
- Costs can be applied for against the defendant at Court
- Civil damages claims will follow
- Reputational damage

Structured Approach to Sentencing (Coroners and Justice Act 2009)

Sentencing Council for England and Wales – Structured Decision Model and Guidance Notes

Step 1 - Determining the offence category

- Culpability
- Harm

Step 2 - Determining starting point and category range

- Entry point (working entry point)
- Factors increasing / decreasing seriousness (Aggravating and Mitigating factors)

Step 3 - Assistance given to the Prosecution (this can go beyond the direct facts of the case and could include other crimes)

Step 4 - Reduction for Guilty Plea

- Case of R v Plaku [2021] EWCA 568 means that you should take legal advice before the first Court appearance.

Step 5 - Dangerousness (should the Court impose an extended sentence)

Step 6 - Totality (the global picture)

Step 7 - Disqualification, compensation and other ancillary orders

Step 8 - The Judge will give reasons for the decision (the Judgement)

Step 9 - Other considerations – time in custody/on bail/tagging gives a final reduction

Final Decision -The sentence of the Court

'Case Law' applying the Legislative Guidance

When Legislation is made by Government it is interpreted by the Courts and case law is created

- Archbold Review
- Wilkinson Road Traffic Law
- Banks on Sentencing
- Criminal Law Review
- Criminal Law Weekly
- Crimeline – ***My thanks to Mr Andrew Keogh (author) for allowing extracts to be used here***

Current Criminal Law Sentence Cases Relevant to Death on the Roads

Speed Limits and Traffic Signs

Rex v Mahmood [2025] EWCA Crim 1267

Facts

- Mr. Mahmood drove at excessive speeds (over 60mph in a 30mph zone), performed dangerous manoeuvres, overtook and undertook vehicles, and ran red lights over a period of about seven minutes before fatally striking Ms Andrew as she crossed the road with her dog. Mahmood attempted to hide evidence by removing and discarding his dash cam after the collision. He was arrested at the scene and later pleaded guilty to causing death by dangerous driving.

Sentence – 4yrs Imprisonment and 7yrs Disqualification

Appeal to Court of Appeal

- The Court of Appeal found that the sentencing judge had correctly identified Category A features under the Sentencing Council's guideline for causing death by dangerous driving, which carries a starting point of 12 years' custody (range: 8–18 years). Aggravating factors included Mahmood's previous conviction for dangerous driving and his attempt to conceal evidence. Mitigating factors included his motivation (rushing home after learning his brother was gravely ill), his remorse, and his personal circumstances (bereavements and health issues). However, the Court held that the original sentence was unduly lenient and outside the appropriate range

The Court substituted a sentence of six years and four months' imprisonment (reflecting a 20% reduction for the guilty plea) and increased the driving disqualification to eight years and two months

Driving Under the Influence of Alcohol or Drugs

Entwistle [2016] EWCA Crim 487

Facts

- On 5 October 2015 the appellant, Gareth David Entwistle, was sentenced for the offence of causing death by careless driving when under the influence of drink or drugs contrary to section 3A of the Road Traffic Act 1988. From the back calculation, it was estimated that the level at the time of the collision was at least 132 milligrams per 100 millilitres of blood, the prescribed limit being 80 milligrams per 100 millilitres, and that reading is equivalent to a reading of 57 micrograms per 100 millilitres of breath.

Sentence

- Sentenced to 5 1/2 years' imprisonment. For the summary offence of driving when his blood alcohol level exceeded the statutory limit contrary to section 5(1)(a) of the same Act there was no separate penalty. He was disqualified from driving for a period of 5 years.
- The effect of drink impaired his ability to cope with the consequences of losing control of his vehicle on a bend. Earlier on he had narrowly avoided an accident when he tried to overtake a tractor. That should have served as a reminder to take care on that road, but it had had no effect upon him. The judge said that the victim's injuries were such that she died at the scene and that her family now lived in a state of despair.

Court of Appeal

- 'We allow the appeal, to the extent only that the sentence will be reduced from 5 1/2 years to one of 5 years' imprisonment. Otherwise, we consider there is not the slightest criticism to be made of the sentencing judge, who in our judgment approached a difficult sentencing exercise, in a case of great human tragedy, involving the loss of one life and the damaging imprisonment of another, with great sensitivity. To that extent only, this appeal is allowed.'

Note: The Government have created an 'Open Consultation' (7th January 2026). Part of this relates to the legal limit of alcohol consumed by drivers (see Gov.uk website)

Use of Mobile Phones and Other Distractions

- **R (Olins) v Lavender Hill Magistrates Court 7th February 2025 EWHC 263 (Admin) KBD**

Facts

- This was an application by Andrew Olins to compel the Lavender Hill Magistrates' Court to "state a case" after they refused, labelling the request as "frivolous." The application was made because Mr. Olins' was convicted for using a mobile phone while driving, contrary to Regulation 110 of the Road Vehicles (Construction and Use) Regulations 1986.
- Mr. Olins argued, that he was not **using** the phone in the prohibited manner, as he only "**held it to prevent it from slipping off the seat**" while using a Bluetooth hands-free system. The court examined whether **holding the phone** constituted "**using**" it under the regulation and whether there were **special reasons*** to avoid the usual penalties.

Court of Appeal

- The Appeal Court (KBD) upheld the conviction. They concluded that **holding the phone while using it via Bluetooth constituted an offence**. The matter was remitted to the Magistrates' Court for reconsideration of the penalty, including whether special reasons existed.

***Note** - Special Reasons are a mitigating factor not amounting to a defence in law.

Vehicle in a Dangerous Condition

Stewart [2016] EWCA Crim 2238

Facts

- The offender began working as an agency driver for a company based in Altrincham. He was for this purpose provided with an Inveco rigid flat back lorry to drive. The trailer of that vehicle was fitted with a crane and two outrigger arms that were available for use to stabilise the trailer when the crane was in use. The outrigger arms swung out at right angles from under the chassis and they would rest on the ground when in use. When not in use they had to be secured against the body of the trailer to prevent them from swinging out when the trailer was in motion. The offender was qualified to drive this kind of lorry.
- On 4th June 2015 the transport manager for the company specifically asked the offender if he first wanted to take this particular lorry, which he was being required to use that day, into the yard to check the operation of the securing mechanisms on the crane and outriggers. The offender declined that offer, saying that he was familiar with the mechanisms and did not need to practice on that particular vehicle.
- His first job that day was in Preston. His second job was to collect some items, described as 'street furniture' and in effect being in the form of metal railings, from Asda in Altrincham. That job took longer than expected. It required the offender to deploy the crane and the outriggers. After completing this task the offender failed to stow the crane itself away correctly, with the result that it obscured the view which he had through his offside wing mirror. The offender also entirely failed to apply any of the three locking mechanisms that would have been necessary to secure the nearest outrigger arm in place.
- Natalie Thorpe had a 12-year-old son. On 4th June 2015, at around 5 o' clock, she had finished her work as the manageress of a dress agency. She set out to walk home. She was standing waiting at a pelican crossing on Dunham Road in Altrincham when the offender drove by in his lorry. The offender had by this stage been driving for about a mile-and-a-half. On the final right-hand bend, before reaching the pelican crossing, the outrigger arm slid from its housing so that it protruded nearly 1.6 metres out from the side of the trailer. It was calculated that the offender would have been able to see the outstretched arm in his wing mirror, had he been paying attention, for a period of about 9.32 seconds before the fatal impact. As the offender drove past the pelican crossing the outrigger arm struck the crossing stanchion and demolished it. The outrigger arm then struck Ms Thorpe. She suffered fatal injuries and was pronounced dead at the scene.

Sentence

- Sentence of 4 years 6 months (following trial)

Court of Appeal

- Sentence quashed and replaced with sentence of 7 years. 'In our judgment, this was a shocking case of dangerous driving. As the judge rightly emphasised, a heavy goods vehicle, over and above a vehicle such as a car, is capable of being in effect a very dangerous weapon. There is a particular responsibility on drivers of such vehicles, given the size and weight and nature of those vehicles, to drive in a manner which respects the safety of others'

Licensing and Driver Requirements

Price and Anor [2025] EWCA Crim 871

Facts

- The case arose from a fatal high-speed road accident in which the applicants, both inexperienced and ***unlicensed and uninsured drivers***, were racing on public roads. They crashed and this resulted in the death of a passenger, Ella Smith, and serious injuries to others, including one of the applicants. Emma Louise Price and Jago Jo Clarke, both aged 19 at the time of the offence in June 2021, appealed the sentence.
- Both charged, in addition to the driving, with the document offences. This created a serious aggravating feature to the substantive driving charges.

Sentence

- Both applicants were convicted of causing death by dangerous driving and causing serious injury by dangerous driving. Price was also convicted of causing death by driving whilst unlicensed and uninsured, and both received substantial custodial sentences (10 years for the lead offence, with concurrent sentences for the others). They were also disqualified from driving for 11 years.

Court of Appeal

- The Court found the sentencing judge had properly applied the guidelines and given appropriate weight to all mitigating factors. The reduction from the notional starting point (likely above 14 years) was substantial and justified.

Proposed Changes to Road Traffic Law

The Law is constantly developing to meet the current demands of society:

'Restriction Zones' and 'Driving Related Exclusion Areas' (Sentencing Act 2026 – commencement order TBA)

- Preventing drink drivers entering 'Nightlife areas'
- Restricting routes taken

Driving Test Bookings

- Only students will be permitted to book test (Spring 2026)
- Theory test will adopt questions relating to use of Defibrillators, First Aid and CPR

Eyesight Test

- Eyesight testing for the over 70's (under consultation January 2026)

MOT, Tax and Insurance Enforcement

- Expanded use of ANPR to track down offenders

Strengthened Police Powers (Crime and Policing Bill 2025 -26)

- Power to seize vehicles increased, by removing delays eg 24hrs waiting time to remove uninsured car from the highway.



Thank You For Listening
Questions?