

YOU SAY CARELESS, I SAY DANGEROUS

What do the CPS Charging standards say?

CARELESS DRIVING

■ **overtaking on the inside;**

■ **driving inappropriately close to another vehicle;**

■ **inadvertently driving through a red light;**

■ **emerging from a side road into the path of another vehicle;**

■ **tuning a car radio; when the driver was avoidably distracted by this action;**

■ **using a hand-held mobile phone or other hand-held electronic equipment** when the driver was avoidably distracted by that use (note that this is an offence itself under Regulation 110 of the Road Vehicles (Construction and Use) (Amendment) (No. 4) Regulations 2003). If this is the only relevant aspect of the case it is more appropriate to use the specific offence;

■ **selecting and lighting a cigarette** or similar when the driver was avoidably distracted by that use.

Source: CPS (2013), Road Traffic Offences – Guidance on Charging Offences arising from Driving Incidents, www.cps.gov.uk/legal/p_to_r/road_traffic_offences_guidance_on_prosecuting_cases_of_bad_driving/#a29

DANGEROUS DRIVING

■ racing or competitive driving;

■ failing to have a proper and safe regard for vulnerable road users such as cyclists, motorcyclists, horse riders, the elderly and pedestrians or when in the vicinity of a pedestrian crossing, hospital, school or residential home;

■ speed, which is particularly inappropriate for the prevailing road or traffic conditions;

■ aggressive driving, such as sudden lane changes, cutting into a line of vehicles or **driving much too close to the vehicle in front;**

■ **disregard of traffic lights** and other road signs, which, on an objective analysis, would appear to be deliberate;

■ disregard of warnings from fellow passengers;

■ **overtaking which could not have been carried out safely;**

■ driving when knowingly suffering from a medical or physical condition that significantly and dangerously impairs the offenders driving skills such as having an arm or leg in plaster, or impaired eyesight. It can include the failure to take prescribed medication;

■ driving when knowingly deprived of adequate sleep or rest;

■ driving a vehicle knowing it has a dangerous defect or is poorly maintained or is dangerously loaded;

■ **using a hand-held mobile phone or other hand-held electronic equipment** whether as a phone or to compose or read text messages when the driver was avoidably and dangerously distracted by that use; R v Browning (2001) EWCA Crim 1831, R v Payne [2007] EWCA Crim 157

■ driving whilst avoidably and dangerously distracted such as whilst reading a newspaper/map, talking to and looking at a passenger, **selecting and**

lighting a cigarette or by **adjusting the controls of electronic equipment such as a radio**, hands-free mobile phone or satellite navigation equipment;

■ a brief but obvious danger arising from a seriously dangerous manoeuvre. This covers situations where a driver has made a mistake or an error of judgement that was so substantial that it caused the driving to be dangerous even for only a short time. Cases that illustrate this principle include:

■ Att. Gens Reference No 32 of 2001 (2002) 1 Cr.App.R. (S) 121

(**offender failed to stop at a junction**

where there was a give way sign, failing to see a taxi that was being driven across the junction perfectly properly and colliding with it...