

*These notes refer to the Road Safety Act 2006 (c.49)
which received Royal Assent on 8 November 2006*

ROAD SAFETY ACT 2006

EXPLANATORY NOTES

NEW OFFENCES

Section 20: Causing death by careless, or inconsiderate, driving

68. *Subsection (1)* of this section inserts new section 2B in the RTA, which makes provision for a new criminal offence of causing death by careless, or inconsiderate, driving.
69. *Subsection (2)(a)* amends section 24(1) of the RTOA to provide that conviction of an offence under section 2B may be an alternative verdict where a charge under section 1 RTA (causing death by dangerous driving) has been unsuccessful.
70. *Subsection (2)(b)* amends section 24(1) RTOA to provide that conviction of an offence under section 3 RTA (careless, and inconsiderate, driving) may be an alternative verdict to conviction of an offence under section 2B.
71. *Subsection (2)(c)* amends section 24(1) RTOA to provide that conviction of an offence under section 2B may be an alternative verdict to conviction of an offence under section 3A (causing death by careless driving when under the influence of drink or drugs).
72. *Subsection (3)* provides for sections 11 and 12(1) RTOA to apply to the offence under section 2B. Section 11 provides a mechanism for proving who was driving the car whereby this is certified by a constable. Section 12(1) relates to proving the identity of a driver in summary proceedings whereby the accused has stated in writing that he was the driver.
73. *Subsection (4)* creates an entry in Schedule 2 to the RTOA, making provision for the section 2B offence to be triable either way and setting out the maximum penalties available on summary conviction (12 months' imprisonment in England and Wales, 6 months' imprisonment in Scotland and/or a fine of £5,000) and on indictment (5 years or a fine or both). It also sets out that the offence will be subject to mandatory disqualification and endorsement and sets the range of penalty points available for this offence (3-11).
74. *Subsection (5)* inserts a reference to section 2B into sections 16 and 17 of the Coroners Act 1988 to provide for the adjournment of inquests in the event of criminal proceedings.
75. *Subsection (6)* inserts a reference to section 2B into Schedule 3 to the Crime (International Co-operation) Act 2003 to provide that the Secretary of State may inform the authorities of a third country state where one of that state's nationals is disqualified from driving as a consequence of that offence.