

CRIMINAL JUSTICE AND COURTS ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Criminal Justice

Driving offences

Section 29: Offences committed by disqualified drivers

277. *Section 29* makes the offence of causing death by driving while disqualified an indictable only offence and increases the maximum penalty for such conduct to 10 years' imprisonment. It also creates an offence of causing serious injury by driving while disqualified - an either way offence with a maximum penalty of 4 years' imprisonment.
278. *Subsection (1)* adds new sections 3ZC and 3ZD to the Road Traffic Act 1988. Section 3ZC creates a separate offence of causing death by driving while disqualified (previously an offence under section 3ZB). Section 3ZD creates a new offence of causing serious injury by driving while disqualified.
279. In both new sections, the requirement that death or serious injury must be caused by driving means that for a person to be convicted of these offences there must be something open to proper criticism in the way in which he or she was driving which contributed more than minimally to the death or serious injury (as per *R v Hughes* [2013] UKSC 5).
280. *Subsection (2)* amends Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 which specifies how offences in the Road Traffic Act 1988 will be tried, what the maximum penalties will be upon conviction and whether the offence requires disqualification and endorsements on the licence.
281. A person charged with an offence under section 3ZC will be tried on indictment in the Crown Court and, if convicted, will be liable to a maximum custodial sentence of 10 years' imprisonment or an unlimited fine or both.
282. A person charged with an offence under section 3ZD may either be tried summarily in the magistrates' court or on indictment in the Crown Court.
283. If tried summarily in England and Wales, the maximum penalty on conviction is 6 months' imprisonment or a fine not exceeding the statutory maximum or both (see *subsection (3)*). But the maximum custodial sentence will rise to 12 months when section 154(1) of the Criminal Justice Act 2003 is commenced and the maximum fine that may be imposed will become unlimited when section 85 of the Legal Aid, Sentencing and Offenders Act 2012 is commenced.
284. If tried summarily in Scotland, the maximum penalty is 12 months or the statutory maximum or both.

*These notes refer to the Criminal Justice and Courts Act 2015
(c.2) which received Royal Assent on 12 February 2015*

285. If tried on indictment, the maximum penalty is 4 years' imprisonment or an unlimited fine or both.
286. A conviction for an offence under section 3ZC or 3ZD will also lead to a mandatory period of disqualification and an obligatory endorsement of between 3 and 11 points on the licence.
287. *Subsection (4)* introduces Schedule 6 which contains further amendments relating to the offences under section 3ZC and 3ZD.
288. *Subsection (5)* provides that the new provisions in section 3ZC and 3ZD will only apply to offences which are committed on or after the date of commencement.