

STATES OF JERSEY



ROAD TRAFFIC: OFFENCES AND PENALTIES

**Lodged au Greffe on 19th March 2025
by Deputy C.D. Curtis of St. Helier Central
Earliest date for debate: 22nd April 2025**

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to request the Minister for Infrastructure to create a new offence under the Road Traffic (Jersey) Law 1956 for failing to stop and report an accident following a serious or fatal injury with the penalties for such an offence to include, but not be limited to, a lifetime driving disqualification and to bring any necessary legislation to implement such offence before the Assembly.

DEPUTY C.D. CURTIS OF ST. HELIER CENTRAL

Re-issue Note

This Proposition has been re-issued to re-direct the request to the Minister for Infrastructure.

REPORT

Jersey has the highest road casualty rate in Britain. During the last five years there have been 9 fatalities and 242 serious injuries, and almost 1000 slight injuries.

As stated in Jersey's first comprehensive Collision and Casualty Reduction Plan, ensuring that the judicial process is robust for those who break traffic laws is essential to upholding justice for victims. Driving is not a right but a privilege, and justice is not served for victims left to die, or for their families, when the person responsible is allowed to drive again.

The offence of Causing Death by Dangerous Driving was introduced in 1997 and the penalties have remained the same since then i.e. maximum 10 years imprisonment and minimum 2 years disqualification from driving with the Court having discretionary power regarding the length of any disqualification

A lifetime driving ban for individuals who cause serious injury or death by dangerous driving and fail to stop and report the accident is a serious legal measure, but it can be justified for several reasons:

1. Public Safety

- **Risk to others:** Dangerous driving, especially when it results in serious injury or death, shows a reckless disregard for public safety. Allowing someone who has demonstrated such behaviour to drive again could pose a threat to others on the road.
- **Increased potential for harm:** If an individual has already shown a willingness to endanger others, they may be more likely to repeat dangerous driving behaviours, making it essential to keep them off the road permanently to reduce the risk of further harm.

2. Moral Responsibility and Accountability

- **Failure to stop and report:** When a driver fails to stop and report an accident after causing serious injury or death, it demonstrates a lack of moral responsibility and empathy for the victim(s). It can be seen as a deliberate attempt to evade accountability and avoid the consequences of their actions. Currently it may seem to the driver who has just caused serious injury or a fatality that if they leave the scene of the accident rapidly, they may never get caught. Then if they are apprehended the sentence for not stopping and reporting an accident is at a maximum six-month imprisonment and a level three fine. Whereas if the driver knows that they will receive a lifetime driving ban if they don't stop and report, they may be more likely to do so. This could save lives.
- **Justice for victims:** A lifetime driving ban acts as a form of justice, particularly for the victims and their families. It sends a clear message that those who cause harm through negligence or recklessness cannot escape the consequences of their actions.

3. Deterrence

- **Discouraging dangerous driving:** A lifetime driving ban serves as a strong deterrent for others who might be tempted to engage in similar reckless behaviour. If people know that causing serious injury or death through dangerous driving could lead to a permanent ban, they may think twice before acting irresponsibly behind the wheel.
- **Discouraging hit-and-run behaviour:** The combination of a lifetime driving ban and legal consequences for not stopping and reporting an accident reinforces the message that fleeing the scene of a serious incident will not go unpunished and will result in severe long-term consequences.

4. Public Confidence in the Justice System

- **Reinforcing the seriousness of the crime:** A lifetime driving ban emphasizes the severity of the offense, highlighting that driving is a privilege and not a right, and a person should lose that privilege if they cause serious harm while driving and they fail to stop and report the accident. It demonstrates the justice system's commitment to addressing the dangers posed by irresponsible drivers.
- **Ensuring justice for victims:** A lifetime ban also reflects society's commitment to ensuring that individuals who cause harm in such an extreme manner face significant consequences that align with the gravity of their actions. No family or close friends of a victim of a serious road traffic accident should have to see the perpetrator driving a vehicle at a future date

5. Psychological Impact

- **Inability to re-offend:** A lifetime ban guarantees that the individual will not have the opportunity to cause further harm through driving, which ensures that they cannot reoffend and put other people at risk.

6. Preventing Future Legal Violations

- **Pattern of behaviour:** Those who engage in dangerous driving and then fail to stop and report an accident may have a history of reckless behaviour or show tendencies that indicate they may break the law again. A lifetime driving ban ensures that they are permanently removed from situations where they can engage in illegal driving behaviours.

These reasons underline the importance of severe legal penalties for driving that results in serious injuries or death, ensuring that individuals who pose a serious risk to others are held accountable for their actions and preventing future harm

Various incidents in the past have resulted in the creation of new offences, for example:

A fatal road crash on St. Clement's Coast Road in 2011 prompted the consideration of the new offence.

- A Ministerial Decision dated 13 April 2015 ([Road Traffic \(Jersey\) Law 1956: Amendment: Causing Death or Serious Injury](#)) – the Minister approved the new offences and changes to levels of penalties.

Considering the exceptionally high number of road casualties in Jersey, there is no time to be lost in implementing measures to reduce serious injuries or death, and a lifetime ban for those who cause serious injury or death by dangerous driving and who fail to stop and report the incident, may assist in reducing numbers while affording greater justice to victims and families.

Financial and staffing implications

Financial and staffing implications would be limited to legislative drafting time

Children's Rights Impact Assessment

A Children's Rights Impact Assessment (CRIA) has been prepared in relation to this proposition and is available to read on the States Assembly website.