

ORAL QUESTION FOR TUESDAY 18th MARCH 2025

The Connétable of St. Helier will ask the following question of H.M. Attorney General –

“Will H.M. Attorney General advise whether there are any plans to review sentencing guidelines for causing death by dangerous driving and to introduce permanent driving bans in cases of reckless or dangerous driving; and if not, why not?”

In accordance with Standing Order 63(9) the attached written answer has been provided to this Oral Question.

63(9). If any Oral question has not been asked before the end of the 2 hours and 20 minutes allowed, the Member of the States who was due to answer it must provide a written response to the Greffier for distribution as soon as practicable.

Answer

Sentencing guidelines for calculating the length of driving bans for the offence of causing death by dangerous driving are issued by the Magistrate’s Court and are referred to by the Royal Court when sentencing cases of causing death by dangerous driving. The Attorney General can move for permanent driving bans in appropriate cases, but it is for our courts to decide on sentences and whether their own guidelines need to be reviewed. I am not aware of any such plans.

There is no offence of reckless driving. The offence is careless driving which is a less serious offence than dangerous driving.

The Road Traffic (Jersey) Law 1956 already allows for the imposition of a lifetime driving ban for causing death by dangerous driving, as well as other serious motoring offences resulting in death or serious injury, and also for dangerous driving and drink driving. Under the same Law, the Courts can impose lengthy periods of disqualification, and in a recent case ordered a ban of 12 years with a compulsory re-test.

A lifetime ban is an exceptional penalty. I am aware of only one case in Jersey from 2009 where the court imposed a lifetime driving ban on an offender. The approach of English courts is similar: a lifetime ban should only be passed in exceptional circumstances and requires psychiatric evidence and/or previous convictions which indicate that the offender will indefinitely be a danger to the public if allowed to drive.

Jersey courts, like English courts, recognise the importance of the rehabilitation of offenders, including the ability of an offender to be rehabilitated as a driver, which a lifetime ban would prevent.