

Debate Pack

Number CDP-0217 (2022)

By Dr Roger Tyers,

Anastasia Lewis,

Douglas Pyper,

Georgina Sturge

7 January 2022

E-petition debate on police powers to suspend driving licenses

1	Background	2
2	Parliamentary Questions	7
3	Parliamentary Debates	9
4	Press/blog articles	10
5	Further Reading	11

1

Background

An e-petition ([548682¹](#)) on giving police officers the power to immediately suspend driving licences will be debated in Westminster Hall on Monday January 10 at 4:30pm. The debate will be opened by Christina Rees MP on behalf of the Petitions Committee. The Library has prepared the following material about the petition, along with information on relevant current offences and police powers.

1.1

The petition

The title of petition 548682 is “Tom’s Law - Give police the power to suspend driving licences”. It received 104,868 signatures and was closed on 25 March 2021. The full text is as follows:

We want police officers to be able to provide a suspension notice from the moment an offender is caught drink, drug or dangerous driving until they appear in court. It would then be for the judge to decide whether a ban continues or they are able to continue to drive again.

On 24th February 2019, Tom McConnachie was killed in a hit and run by a drink driver who left Tom fatally injured in the road and drove to Okehampton and set fire to the vehicle. The offender was able to continue driving for 11 months before being disqualified as only a court can disqualify a driver.

With Tom's Law we want police officers to be able to issue a suspension notice to an offender when arrested at the road side to stop them from driving until they attend court to protect other road users.

The Department for Transport produced a Government response to the petition on 11 February 2021, as follows:

Ministers are aware of the tragic circumstances surrounding the death of Tom McConnachie and extend their sympathy to family and friends.

This case involved failing to stop at the scene of collision. Another petition regarding the sentencing of drivers who cause death and fail to stop has recently gained over 100,000 signatures and will now be considered for debate in Parliament.

The Road Safety Statement 2019 sets out the Government commitment to reducing road casualties and supporting responsible road users by identifying and prosecuting the few who make our roads less safe for the many. The Department of Transport have also established a combined roads policing

¹ E-petition Number 548682 “[Tom’s Law - Give police the power to suspend driving licences](#)” Closed 25 March 2021

project team with the Home Office and the NPCC [the National Police Chiefs Council], with a broad aim to improve road safety by adopting a new collaborative and evidence-led approach to road traffic enforcement.

It established a Roads Policing Review driven by DfT, Home Office and the police. In addition, the Government has published a Call for Evidence on roads policing and a summary of responses will be published in late Spring.

Where there is evidence that the driver caused harm, there are a range of other offences available. Failure to stop will be treated as a further and aggravating factor in the sentencing decision, including the common law offence of perverting the cause of justice which has a maximum penalty of life imprisonment. The maximum penalty for failure to stop and report offences is six months' imprisonment.

Turning to the suggestion that in certain circumstances a driving ban should be imposed pending investigation and trial, under the Bail Act 1976, the police can impose bail conditions for particular purposes, one of which is to ensure there is no further offence committed while on bail. A driving ban as a condition of police bail may be appropriate for some cases. Decisions on when to use these powers are operational matters for the police, and the rights of a defendant, not yet convicted, and the potential benefits to public safety from reducing the risk of further offences have to be balanced. The magistrates' courts also have the power to impose an interim driving disqualification before sentencing in a case or transferring the case to another court.

The Government take this issue seriously and the Department for Transport is looking into the issue of fail to stop collisions and whether there are further options that can be pursued.

1.2

Relevant road traffic offences

Penalties for road traffic offences (apart from drink driving) are a reserved power in Great Britain, and the UK Government legislates for England, Wales and Scotland on this area of law. Both the Road Traffic Act 1988 (RTA) and the Road Traffic Offenders Act 1988 (RTOA)², which cover these relevant offences, apply to England, Wales and Scotland.

Table 1 below summarises relevant offences and their respective maximum sentences. Under the Police, Crime, Sentencing and Courts Bill (PCSC Bill)³, currently going through Parliament, the maximum penalties for causing death by dangerous driving, or for causing death by careless driving under the influence of drink or drugs, would rise from 14 years to life imprisonment.

² [Road Traffic Act 1988](#); [Road Traffic Offenders Act 1988](#)

³ [Police, Crime, Sentencing and Courts Bill \[HC\] 2019-21, 2021-22](#). For more information on Road Traffic offences in the PCSC Bill see [Police, Crime, Sentencing and Courts Bill: Part 5 Road Traffic](#) Commons Library Briefing Paper CBP-9166, 12 March 2021

Table 1: Summary of relevant offences and sentences

Offence	Maximum sentence ⁴
Failing to stop/report an accident	Six months' imprisonment and/or an unlimited fine
Careless driving	Unlimited fine
Dangerous driving	Two years' imprisonment and/or an unlimited fine
Causing death by careless driving	Five years' imprisonment
Causing death by dangerous driving	14 years' imprisonment and/or an unlimited fine (to rise to life imprisonment under PCSC Bill)
Causing death by careless driving under the influence of drink or drugs	14 years' imprisonment and/or an unlimited fine (to rise to Life imprisonment under PCSC Bill)

Further information on sentencing guidelines for road traffic offences for fatal collisions can be found in the Commons Library [Debate Pack on E-petitions 323926 and 575620](#) (published 10 November 2021).⁵

1.3 Current police powers

Police bail

As noted in the Government's response to the petition, a driving ban can be imposed as a condition of bail. Bail can be granted either by the courts, under the Bail Act 1976, or the police, using powers in the Police and Criminal Evidence Act 1984 (PACE).

The police can grant bail either pre-charge or post-charge. Pre-charge bail can include 'street bail': where a constable releases on bail a person who is arrested somewhere other than at a police station. When releasing a person on street bail a constable may impose as conditions of the bail "such

⁴ Excluding licence points/disqualification periods which may also apply.

⁵ [E-petitions 323926 and 575620, relating to road traffic offences for fatal collisions: Westminster Hall debate](#) Commons Library Debate Pack CDP-0181, 10 November, 2021

requirements as appear to the constable to be necessary” to, among other things, “secure that the person does not commit an offence while on bail”.⁶

In order to release a person on street bail, the constable must be satisfied that releasing the person on bail is necessary and proportionate in all the circumstances, having regard, in particular, to any conditions of bail which would be imposed. Release on street bail must be authorised by an officer of the rank of inspector or above, having considered any representations made by the person.

The Home Office has only recently started to publish statistics on pre-charge bail as part of its annual ‘Police powers and procedures statistics.’⁷ These are considered ‘experimental’ statistics and are incomplete since not all forces in England and Wales submitted data.

These statistics are not published for individual offences. In the year ending March 2021, based on a subset of 40 police forces in England and Wales, there were 93,066 individuals released on pre-charge bail for offences in the category of violence against the person, the category which covers causing death by drink- or drug-driving.⁸

There is no information published as to how often this pre-charge bail included restrictions, such as a driving ban. In response to a Parliamentary question on the use of this power in 2015, the Parliamentary Under-Secretary (Department for Transport) reported that his understanding was that the power was “rarely used.”⁹

In response to a more recent Parliamentary question, it was stated that “Information on the number/proportion of persons released on pre-charge bail with restrictions are not collected, nor are information on specific details of pre-charge bail restrictions.”¹⁰

Between 2016 and 2020, there were 113 prosecutions for causing death by careless driving while under the influence of alcohol or drugs and in 105 of these the accused was released on bail or otherwise not remanded.¹¹

⁶ Police and Criminal Evidence Act 1984, [section 30A\(3B\)\(b\)](#)

⁷ Home Office, [Police powers and procedures England and Wales statistics](#) (latest 2020-21 at time of writing)

⁸ Ibid. ‘Experimental statistics: Pre-charge bail statistics data tables, police powers and procedures, year ending March 2021’, table PCB.09

⁹ [HC17436](#), ‘Driving: disqualification’, Answered 2 December 2015

¹⁰ [HC199312](#), ‘Bail’, Answered 10 December 2018

¹¹ This includes prosecutions for ‘Causing death by driving without due care / consideration while over prescribed limit - specified controlled drug’ and only includes cases where this was the principal (most serious) offence that a defendant was charged with. Source: Ministry of Justice, [Criminal justice statistics quarterly: December 2020](#), Remands: Magistrates’ Court data tool

Revocation of licence for poor eyesight

Police officers can test drivers' eyesight with the standard eyesight for driving: asking them to read a number plate from 20 metres¹². If the driver fails, then the police can notify the DVLA electronically, allowing a notice of revocation of the licence to be issued to the motorist within hours.

The ability for the police to inform the DVLA electronically, and therefore speed up the revocation process, was informed by a procedural change in February 2013 introduced by the Coalition Government.¹³ Previously the police had to inform the DVLA of a failed roadside eyesight test by post or fax, which could take days.

This procedural change was later called 'Cassie's Law' by some commentators, as it was informed by the death of Cassie McCord. Cassie McCord, 16, died in 2011 when an elderly man, Colin Horsfall, lost control of his car in Colchester. He had failed a police eyesight test days earlier. The police had tried to persuade him to stop driving due to his poor eyesight, but were unable to legally force him to stop driving or suspend his licence. He was able to continue driving and the accident that killed Cassie McCord followed just days after. The BBC reported that by July 2015 the Police had used this power 631 times to revoke licences and were successful on 609 occasions.¹⁴

¹² DVLA Guidance [Driving Eyesight Rules](#), Accessed 21 December 2021

¹³ DVLA, DfT [Press release Safer drivers, safer roads](#) 7 February 2013

¹⁴ BBC News ['Cassie's Law': 609 drivers lose licence after eye test](#) 27 July 2015

2

Parliamentary Questions

[Dangerous Driving: Death](#)

13 July 2021 | House of Commons

Asked by: Charlotte Nichols (Lab)

To ask the Secretary of State for Transport, with reference to his Department's response of 24 March 2021 to the e-petition entitled Ryan's Law: Widen definition of death by dangerous driving, what options his Department has considered as part of its review of potential further options that might be used to respond such incidences.

Answering member: Rachel Maclean | Department for Transport

The Government takes road safety seriously and is aware of the traumatic effects of drivers failing to stop when a person is caused serious or fatal injury. The Department for Transport is exploring options that could be pursued in this area, including, but not limited to, the available penalties, and how the offence operates as part of longer-term and wider work on road safety.

[Criminal Justice System: Equal Treatment of Deaths and Injuries](#)

24 June 2021 | House of Lords | 813 c378

Asked by: Baroness Jones of Moulsecoomb (Green)

To ask Her Majesty's Government what steps they are taking to ensure that the criminal justice system treats deaths and injuries caused by motorists equally to those not caused by motorists.

Answering member: Lord Wolfson of Tredegar, the Parliamentary Under-Secretary of State | Ministry of Justice

My Lords, where there is evidence of an intention to kill or cause serious injury, offences committed by motorists will be prosecuted in the same way as other homicides or assaults. However, in the context of driving it is often difficult to ascertain the driver's state of mind or intentions. That is why the law contains additional road traffic offences that consider an objective test of the standard of driving, rather than the driver's subjective intent.

[Criminal Justice System: Equal Treatment of Deaths and Injuries](#)

24 June 2021 | House of Lords

Asked by: Baroness Kennedy of Cradley (Non-Afl)

My Lords, the noble Lord will be aware of the tragic death of Ryan Saltern. He was killed by a driver who failed to stop and report the accident, yet upon conviction the driver received only a four-month jail sentence, suspended for a year. With this case in mind, does the noble Lord agree that issues such as this should be addressed in the PCSC Bill, either through the creation of a hit-and-run offence or by ensuring that, in cases where someone is killed or seriously injured by a motorist, magistrates are required to send the person convicted to the Crown Court for sentencing?

Answered by: Lord Wolfson of Tredegar (Con)

My Lords, I am aware of that case, and I send my condolences to the family of Ryan

Saltern. Failure to stop offences are often referred to as hit and runs, but that is not really an accurate reflection of the offence. The offence is designed to deal with the behaviour relating to the failure to stop; it is not an alternative route to punish an offender for a more serious but not proven offence. As I said, where there is evidence that the driver caused harm, there are other offences they can be charged with, and the failure to stop will then be an aggravating feature in the sentencing for that offence.

Dangerous Driving

19 November 2020 | House of Commons | UIN 114910

Asked by: Colleen Fletcher (Lab)

To ask the Secretary of State for Transport, what recent discussions he has had with the Home Secretary on hit-and-run collisions involving (a) pedestrians, (b) cyclists and (c) motorcyclists in (i) Coventry, (ii) the West Midlands and (iii) England.

Answering member: Rachel Maclean | Department for Transport

The Secretary of State for Transport has had no recent discussions with the Home Secretary on hit-and-run collisions in these areas.

Dangerous Driving

16 October 2017 | House of Lords

Asked by: Baroness Jones of Moulsecoomb

To ask Her Majesty's Government what is their estimate of the number people (1) killed, and (2) injured, in 2016 in cases where the driver failed to stop after a collision; and how many of those cases resulted in a prosecution.

Answering member: Lord Callanan | Department for Transport

In 2016 there were 70 fatal and 1,173 serious casualties where the driver failed to stop after a collision. Prosecutions are a matter for the Ministry of Justice. Details of prosecutions are published on the Ministry of Justice website.

3

Parliamentary Debates

[Police, Crime, Sentencing and Courts Bill](#)

13 December 2021 | House of Lords | 817 cc93-126

Debate on Clause 66: Causing death by dangerous driving or careless driving when under the influence of drink or drugs: increased penalties.

[Road Traffic Offences: Fatal Collisions](#)

15 November 2021 | House of Commons | 703 cc111-132WH

Debate on E-petition 323926, started by Louise Smyth and Helen Wood, with the title “Tougher sentences for hit and run drivers who cause death”.

[Police, Crime, Sentencing and Courts Bill](#) [failure to stop after collisions]

08 Nov 2021 | House of Lords | 815 cc1448-1510

[Death by Dangerous Driving: Sentencing](#)

28 Feb 2018 | House of Commons | 636 cc362-7WH

4

Press/blog articles

[Tom's Law: Campaign sparked by death of Plymouth hit and run victim is going before parliament](#)

Cornwall Live

Carl Eve

11 February 2021

[MPs to debate Tom's Law next month after death of hit-and-run victim](#)

Stuart Abel

Plymouth Herald

9 December 2021

5

Further Reading

[E-petitions 323926 and 575620, relating to road traffic offences for fatal collisions: Westminster Hall debate](#) Commons Library Debate Pack CDP-0181, 10 November, 2021

Disclaimer

The Commons Library does not intend the information in our research publications and briefings to address the specific circumstances of any particular individual. We have published it to support the work of MPs. You should not rely upon it as legal or professional advice, or as a substitute for it. We do not accept any liability whatsoever for any errors, omissions or misstatements contained herein. You should consult a suitably qualified professional if you require specific advice or information. Read our briefing '[Legal help: where to go and how to pay](#)' for further information about sources of legal advice and help. This information is provided subject to the conditions of the Open Parliament Licence.

Feedback

Every effort is made to ensure that the information contained in these publicly available briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated to reflect subsequent changes.

If you have any comments on our briefings please email papers@parliament.uk. Please note that authors are not always able to engage in discussions with members of the public who express opinions about the content of our research, although we will carefully consider and correct any factual errors.

You can read our feedback and complaints policy and our editorial policy at commonslibrary.parliament.uk. If you have general questions about the work of the House of Commons email hcenquiries@parliament.uk.

The House of Commons Library is a research and information service based in the UK Parliament. Our impartial analysis, statistical research and resources help MPs and their staff scrutinise legislation, develop policy, and support constituents.

Our published material is available to everyone on commonslibrary.parliament.uk.

Get our latest research delivered straight to your inbox. Subscribe at commonslibrary.parliament.uk/subscribe or scan the code below:



 commonslibrary.parliament.uk

 [@commonslibrary](https://twitter.com/commonslibrary)