

Title: Consultation on driving offences and penalties relating to causing death or serious injury

IA No: MoJ029/2016

RPC Reference No:

Lead department or agency: Ministry of Justice

Other departments or agencies:

Impact Assessment (IA)

Date: 24/11/2016

Stage: Consultation

Source of intervention: Domestic

Type of measure: Other

Contact for enquiries:

Summary: Intervention and Options

RPC Opinion: Not Applicable

Cost of Preferred (or more likely) Option

Total Net Present Value	Business Net Present Value	Net cost to business per year (EANDCB in 2014 prices)	One-In, Three-Out	Business Impact Target Status
N/A	N/A	N/A	Not in scope	Non qualifying provision

What is the problem under consideration? Why is government intervention necessary?

Victims' families, campaign groups and MPs have raised concerns that the current maximum penalties for causing death or serious injury by driving and current sentencing practice are too lenient and should be on a par with the sentencing for homicide offences. The government wants to make sure that the penalties available to the courts are proportionate and reflect the seriousness of the offences committed and that appropriate offences are available.

What are the policy objectives and the intended effects?

The objective of the consultation is to make sure that the options available to the courts to punish drivers who cause death or serious injury on the roads are proportionate and reflect the seriousness of the offences committed, and provide surviving victims and their families with a greater understanding and a sense that justice has been done. We invite respondents to the consultation to submit their views, respond to government proposals and/or provide further options.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

The consultation invites views on the following:

Option 0 - Do nothing. Continue to rely on existing offences under current road traffic legislation to provide the courts with powers to punish offenders who kill or cause serious injury on the roads.

Option 1 - Any combination or all of the following proposals for Parliamentary consideration:

- A. increase the maximum penalty for the offence of causing death by dangerous driving (currently 14 years);
- B. increase the maximum penalty for the offence of causing death by careless driving when under the influence of drink or drugs (currently 14 years);
- C. create a new offence of causing serious injury by careless driving;
- D. increase the minimum period of disqualification for driving offences that result in death.

Additionally, the government will consider other options that may arise from responses to the consultation.

Will the policy be reviewed? It will/will not be reviewed. **If applicable, set review date:** Month/Year

Does implementation go beyond minimum EU requirements?

N/A

Are any of these organisations in scope?

Micro
No

Small
No

Medium
No

Large
No

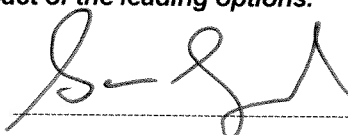
What is the CO₂ equivalent change in greenhouse gas emissions?
(Million tonnes CO₂ equivalent)

Traded:
N/A

Non-traded:
N/A

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

**Signed by the responsible
SELECT SIGNATORY:**

 **Date:** 11/12/2016

Summary: Analysis & Evidence

Policy Option 1

Description: Legislative changes to driving offences and penalties relating to causing death or serious injury

FULL ECONOMIC ASSESSMENT

Price Base Year 15/16	PV Base Year 16/17	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: -84.9	High: -24.6	Best Estimate: -54.7

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	N/A	£3.5m	£3.6m
High	N/A	£12.1m	£12.2m
Best Estimate	N/A	£7.8m	£7.9m

Description and scale of key monetised costs by 'main affected groups'

This option illustrates a package of four different potential legislative changes – measures A, B, C and D. In the above table, they are presented in combination, but for the individual measures the costs to the Criminal Justice System (CJS) are modelled in this IA as follows:

A: £0.2m - £0.4m prison costs per annum at steady state

B: £0 per annum at steady state

C: £3.4 - £11.8m total costs to the CJS per annum at steady state

D: impact has not been monetised

Other key non-monetised costs by 'main affected groups'

For measures A and B there may be costs to the National Probation Service (NPS) due to offenders spending longer on probation. These have been monetised for measure C. For all measures, there might also be some one-off transitional costs associated with the preparation of new training or guidance material for HM Courts and Tribunal Service (HMCTS).

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	N/A	N/A	N/A
High	N/A	N/A	N/A
Best Estimate	N/A	N/A	N/A

Description and scale of key monetised benefits by 'main affected groups'

It has not been possible to monetise the benefits for these measures.

Other key non-monetised benefits by 'main affected groups'

- The new policies could contribute to providing justice for victims and their families, and increase levels of public confidence in the justice system
- The new policies may deter individuals from driving dangerously and carelessly (although the evidence on this is not clear)
- The new policies could result in safer roads as there may be fewer dangerous drivers driving on them due to an incarceration effect (although the evidence on this is not clear)

Key assumptions/sensitivities/risks

Discount rate (%) 3.5

- For all measures, sentencing data for 2015 for England and Wales has been used as a proxy so it is possible that the volume of the offenders convicted and the sentence given will vary in the future
- In relation to measures A and B, each case would be considered on its merits. However, for the purposes of this assessment, we have assumed that increasing maximum penalties would only impact those in the top third of cases involving custodial sentences
- For measure C, we assume a transfer of cases from the existing offence of careless driving to the new offence of causing serious injury by careless driving. There may also be a transfer of cases from the existing offence of causing serious injury by dangerous driving, although this has not been modelled

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:			Score for Business Impact Target (qualifying provisions only) £m:
Costs: N/A	Benefits: N/A	Net: N/A	N/A

Evidence Base (for summary sheets)

Introduction

1. Concerns have been raised by victims' families, campaign groups and MPs that the maximum penalty for causing death by dangerous driving is not severe enough and does not adequately reflect the consequences of the offending behaviour. The current maximum penalty is 14 years' imprisonment. It has been suggested that this should be increased to have the same maximum penalty as manslaughter (life imprisonment).
2. If the penalty for this offence was increased it then raises the question of whether the maximum penalty for the offence of causing death by careless driving when under the influence of drink or drugs which also has a 14 years' maximum penalty, should be increased in line or whether a distinction in the maximum penalties is justified by a difference in the level of culpability of the driver.
3. Currently there are two driving offences of causing serious injury. The Legal Aid, Sentencing and Punishment of Offenders Act 2012 created the offence of causing serious injury by dangerous driving which has a maximum penalty of 5 years' imprisonment and the Criminal Justice and Courts Act 2015 created the offence of causing serious injury when driving disqualified with a maximum penalty of 4 years' imprisonment. It has been suggested that the creation of these new offences for dangerous and disqualified driving leaves a gap in the law relating to careless driving that results in serious injury.
4. The current maximum penalty for careless driving is an unlimited fine but in some cases the harm caused by the driving can result in serious and also permanent injury. A maximum penalty for a new offence of causing serious injury by careless driving would have to balance the high level of harm caused and low culpability of the driver and take account of existing maxima for other related offences. For reference, Table 1 below lists the current serious driving offences and the maximum penalty for each offence.
5. To note, the proposals outlined in the consultation apply to Great Britain but this Impact Assessment (IA) focuses on the effects for England and Wales. We will consider further the likely impacts these proposals will have in Scotland in parallel with the consultation.

Table 1: Road traffic offences and penalties

Provision	Offence	Mode of trial	Max. Penalty
Road Traffic Act 1998 (RTA) section 1	Causing death by dangerous driving.	On indictment.	14 years' imprisonment.
RTA section 3A	Causing death by careless driving when under influence of drink or drugs.	On indictment.	14 years' imprisonment or a fine or both.
RTA section 3ZC	Causing death by driving: disqualified drivers.	On indictment.	10 years' imprisonment or a fine or both
RTA section 2B	Causing death by careless or inconsiderate driving.	(a) Summarily. (b) On indictment.	(a) 12 months' imprisonment* (in England and Wales) or 6 months (in Scotland) or the statutory maximum fine or both. (b) 5 years' imprisonment or a fine or both.
RTA section 1A	Causing serious injury by dangerous driving.	(a) Summarily. (b) On indictment.	(a) 12 months' imprisonment* or the statutory maximum

			fine or both. (b) 5 years' imprisonment or a fine or both.
RTA section 3ZD	Causing serious injury by driving: disqualified drivers.	(a) Summarily. (b) On indictment.	(a) On conviction in England and Wales: 12 months' imprisonment* or a fine or both. On conviction in Scotland: 12 months or the statutory maximum fine or both. (b) 4 years' imprisonment or a fine or both.
RTA section 3ZB	Causing death by driving: unlicensed or uninsured drivers.	(a) Summarily. (b) On indictment.	(a) 12 months' imprisonment* (in England and Wales) or 6 months (in Scotland) or the statutory maximum fine or both. (b) 2 years' imprisonment or a fine or both.
RTA section 2	Dangerous Driving	(a) Summarily. (b) On indictment.	(a) 6 months' imprisonment or the statutory maximum fine or both. (b) 2 years' imprisonment or a fine or both.
RTA section 4(1)	Driving or attempting to drive when unfit to drive through drink or drugs.	Summarily.	6 months' imprisonment or level 5 fine on the standard scale or both.
RTA section 103(1)(b)	Driving while disqualified.	(a) Summarily, in England and Wales. (b) Summarily, in Scotland. (c) On indictment, in Scotland.	(a) 6 months' imprisonment or level 5 fine on the standard scale or both. (b) 6 months' imprisonment or the statutory maximum fine or both. (c) 12 months' imprisonment or a fine or both.
RTA section 3	Careless, and inconsiderate, driving.	Summarily.	Level 5 fine on the standard scale

* In relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003, the reference to 12 months is to be read as a reference to 6 months'.

Policy objective:

- This IA is published alongside the consultation 'Driving offences and penalties' which seeks feedback and views on the potential for change to the current legislation for serious driving offences where death or serious injury has occurred. The purposes of sentencing are set out by section 142 of the Criminal Justice Act 2003 as the punishment of offenders, the reduction of crime (including its reduction by

deterrence), reformation and rehabilitation of offenders, protection and the making of reparation by offenders to persons affected by their offences. The policy objective is to make sure that the options available to the courts to punish drivers who cause death or serious injury on the roads are proportionate and reflect the seriousness of the offences committed, and provide surviving victims and their families with a greater understanding and a sense that justice has been done.

Rationale for intervention:

7. The conventional economic approach to government intervention is based on efficiency or equity arguments. The government may consider intervening if there are strong enough failures in the ways that markets operate (e.g. monopolies overcharging consumers) or if there are strong enough failures in existing government interventions (e.g. waste generated by misdirected rules). In both cases, the proposed intervention should avoid creating a further set of disproportionate costs and distortions. The government may also intervene for equity (fairness) and redistribution reasons (e.g. to reallocate goods and services to the more needy group in society).
8. The rationale for the current consultation is based on both efficiency and equity grounds: the current law needs to be re-considered to ensure that it is effective and efficient while ensuring that offenders are both consistently and fairly dealt with. In particular, the government wants to make sure that the penalties available to the courts are proportionate and reflect the seriousness of the offences committed and that appropriate offences are available.

Description of options:

9. Following the review of driving offences and penalties the government is consulting on potential change to current legislation for serious driving offences where death or serious injury has occurred.
 - Option 0 – do nothing
 - Option 1 - Implement any or all of the following elements:
 - A. increase the maximum penalty for the offence of causing death by dangerous driving;
 - B. increase the maximum penalty for the offence of causing death by careless driving when under the influence of drink or drugs;
 - C. create a new offence of causing serious injury by careless driving;
 - D. increase the minimum period of disqualification for driving offences that result in death.
10. Additionally the government will consider other responses that may arise from responses to the consultation.

Cost-Benefit analysis

Option 0 – Do nothing

11. This would involve maintaining the status quo. Under this option, the existing offences would not be amended and no new offences would be added to statute.
12. Because the do-nothing option is compared against itself, its costs and benefits are necessarily zero, as is its Net Present Value (NPV).

Option 1 – Implement any or all of the following elements

Measure A: Increase the maximum sentence length for offence causing death by dangerous driving from 14 years to life imprisonment

Monetised Costs

13. In order to estimate the additional costs we compare the estimated costs and benefits of increasing the maximum penalty to life imprisonment to maintaining the current 14 year maximum.

14. A change in the maximum custodial sentence length for this offence is likely to increase the average custodial sentence length (ACSL) above its current level if offenders are given longer sentences than they receive at present. We assume that all other variables remain constant – the number of offenders sentenced and who receive the various different disposal types. As such, any change in costs for the Crown Prosecution Service (CPS), legal aid funds, or Her Majesty's Courts and Tribunals Service (HMCTS) are not anticipated.
15. Accordingly, we are able to use the sentencing distribution for the current offence to approximate the revised ACSL arising from an increase in the maximum penalty. This current sentencing distribution is summarised below in Table 2¹.
16. Table 2 shows that the vast majority of offenders committing this offence in England and Wales receive a custodial sentence. Some receive a suspended sentence order or a community order, but all other disposal types are very rare.

Table 2: Sentencing distribution for offence causing death by dangerous driving in England and Wales, 2005-2015²

Offence	Causing death by dangerous driving										
	YEAR										
Data	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Proceeded against	273	269	276	266	252	196	177	163	144	176	188
Found Guilty	255	223	233	221	225	154	114	116	109	123	122
Sentenced	254	223	233	221	233	158	115	116	110	123	122
Custody	238	210	214	206	218	140	110	111	104	116	114
Suspended sentence	9	6	14	9	14	11	4	3	4	7	7
Community sentence	5	4	1	2	0	4	1	1	1	0	0
Fine	1	2	3	3	0	1	0	0	1	0	0
Absolute discharge	0	0	0	0	0	1	0	1	0	0	1
Conditional discharge	1	0	1	0	1	0	0	0	0	0	0
Otherwise dealt with	0	1	0	1	0	1	0	0	0	0	0
Average custodial sentence length (months)	44.8	43.7	44.1	48.8	44.2	49.1	48.7	49.5	52.4	61.5	57.1
12 months or less	22	20	18	13	22	5	1	1	3	3	3
12 months - 4 years (inclusive of 4 years)	128	126	123	102	121	78	62	66	53	39	52
4 years - 10 years (inclusive of 10 years)	88	62	66	87	73	55	46	42	47	72	57
Over 10 years and less than life	0	0	0	0	2	1	0	1	1	2	2
Indeterminate sentence	0	2	7	4	0	1	1	1	0	0	0
Life	0	0	0	0	0	0	0	0	0	0	0

17. As Table 2 illustrates, between 2005 and 2015, at most 2% of offenders sentenced to custody for causing death by dangerous driving received a custodial sentence of over 10 years. Further breakdown of the data shows that, in 2015, none of the offenders sentenced to custody for this offence received the maximum penalty of 14 years. The ACSL for this offence in 2015 was 57.1 months (i.e., just under five years). Offenders who have received an imprisonment for public protection (IPP) sentence, which are here recorded as having an indeterminate sentence, have been excluded from the analysis. This is because, by definition, such offenders are exceptions in the system, and, further since 2012 it is no longer possible to receive an IPP sentence.
18. For the subsequent analysis, volumes and sentence lengths from 2015 in England and Wales have been used.
19. For modelling purposes we have assumed that measure A would only impact those that currently receive a sentence close to the maximum: those that currently receive a sentence length which is equal to or above 9.3 years to reflect the top third of the maximum penalty of 14 years. This is because we have assumed that an individual who would have received a short sentence in the

¹ Further breakdown on Criminal Justice Statistics, Ministry of Justice (MoJ), 2005-2015.

² ACSL excludes life and indeterminate sentences.

absence of an increased maximum penalty would not receive a longer sentence. However, we recognise that this assumption is subject to uncertainty as the actual impact will depend on sentencing behaviour. We therefore relax this assumption in the 'Sensitivity Analysis – Measures A and B' section below (paragraphs 50-55).

20. Due to the uncertainty surrounding the impact of any change on the ACSL, we have calculated higher and lower estimates. For the lower estimate we took the current ACSL but increased the length of those who are serving a sentence of at least 9.3 years by 25%. For the higher estimate we adopted the same methodology, but increased the length of those who are serving a sentence of at least 9.3 years by 50%.
21. These assumptions are detailed in Table 3. As is explained in paragraph 19, they are working policy assumptions.

Table 3: Key assumption for measures A and B

Variable	Low	High
Average Custodial Sentence Length (ACSL)	25% increase in baseline ACSL	50% increase in baseline ACSL
Sentence Distribution	No change	No change
Group affected by ACSL change	Only offenders sentenced to a custodial sentence of at least 9.3 year	Only offenders sentenced to a custodial sentence of at least 9.3 years

22. As previously explained, the main impact on the criminal justice system (CJS) is anticipated to arise as a result of convicted offenders spending longer in prison (as reflected in the increased ACSL). In the lower estimate, the new ACSL is estimated to be 58.8 months, whilst for the higher estimate, the new ACSL is estimated to be 60.4 months, with no individuals serving a life sentence under either scenario.
23. In steady state, we calculate the prison cost of this policy to be £0.2 million (8 prison places) per year at the lower estimate and £0.4 million (16 prison places) per year at the higher estimate. Like all costs in this IA, both these costs are given in 2015/16 prices and they have been rounded to the nearest £100,000. These costs are based on the annual average cost of a prisoner being £22,000³, as they are in the rest of the IA.
24. This cost will however take time to build up. This is because the Ministry of Justice (MoJ) would incur additional costs only once offenders begin to serve longer in prison as compared to what they would have served had the maximum penalty not been increased.
25. For both the higher and lower estimates, we do not expect to incur costs until the financial year 2023/24, assuming the increased maximum penalty was implemented in the financial year 2018/19.
26. The 10 year figures are given in the tables below. The lower estimate is given in Table 4⁴. Under this scenario, the NPV is £0.3 million (20 prison places) over 10 years. The higher estimate is given in Table 5. The NPV under this scenario is £0.5 million (31 prison places) over the 10 years. Both these discounted costs and the real costs are given in 2015/16 prices.

Table 4: Final outcomes for measure A in England and Wales - lower estimates, in £ million, rounded to nearest £100,000

	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Total
Prison Places	0	0	0	0	0	0	0	5	8	8	20
Real prison cost	0	0	0	0	0	0	0	0.1	0.2	0.2	0.5
Discounted prison cost	0	0	0	0	0	0	0	0.1	0.1	0.1	0.3

³ Cost per prisoner as published by NOMS is £22,407. The unrounded figure has been used in calculations.

⁴ Figures may not sum due to rounding.

Table 5: Final outcomes for measure B in England and Wales - higher estimates, in £ million, rounded to nearest £100,000

	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	Total
Prison Places	0	0	0	0	0	0	0	5	11	16	31
Real prison cost	0	0	0	0	0	0	0	0.1	0.2	0.4	0.7
Discounted prison cost	0	0	0	0	0	0	0	0.1	0.2	0.3	0.5

27. It should be noted that steady state would only be reached in 2025/26 under the lower estimate scenario, and in 2026/27 under the higher estimate scenario (assuming implementation in the financial year 2018/19).

Non-monetised Costs

28. It is likely that there would be small costs to the National Probation Service (NPS) due to offenders spending longer on probation as a result of an increase in sentence length; particularly if offenders are sentenced to life imprisonment, as, in such cases, if and when they are released, they would spend the rest of their life on licence. However, as we predict only a small number of offenders to be affected, we expect these costs would be negligible.
29. Offenders sentenced to life imprisonment have Parole Board hearings once they have reached the minimum term imposed (the tariff). Therefore, if an offender received a life sentence there would be a resource impact on the Parole Board. However, as it is potentially unlikely that an offender would receive life imprisonment for a driving offence apart from some exceptional cases, the costs to the Parole Board have not been modelled.
30. We would not expect an increase in the maximum penalty to result in higher payments made by the MoJ to the Community Rehabilitation Companies (CRCs) who, along with the NPS, manage offenders serving a community order, a suspended sentence, or their licence period. This is because CRC payments are based on starts (i.e. how many people start being managed by CRCs in any year) and we expect that these would remain unchanged (only the time spent on probation is predicted to change).
31. There may be some one-off costs associated with the preparation of new training or guidance material for HMCTS.

Non-monetised Benefits

32. It has not been possible to monetise the benefits from measure A.
33. Increasing the maximum penalty for this offence may contribute to providing justice for victims and their families and increased levels of public confidence in the justice system.
34. There may be possible benefits to CJS agencies and society through reduction in driving offences from deterrence and possible short term reductions in driving offences due to incarceration of offenders. However the evidence of the existence and scale of deterrent and incarceration effects is weak and mixed respectively. As a result we have not quantified this.

Measure B: Increase the maximum sentence for the offence of causing death by careless driving when under the influence of drink or drugs from 14 years to life imprisonment

Monetised Costs

35. The methodology used to calculate the effect of measure B is the same as the one used to calculate the impact of measure A.

36. The current sentencing distribution for the offence causing death by careless driving under the influence of drink or drugs in England and Wales is summarised below in Table 6⁵.

37. As Table 6 illustrates, nearly all offenders convicted of causing death by careless driving when under the influence of drink or drugs receive a custodial sentence. Receiving any other disposal type is very rare. In 2015, no offenders sentenced to custody received the maximum penalty of 14 years. Between 2005 and 2015, no offender sentenced to custody for this offence received a custodial sentence of over 10 years. The ACSL for this offence in 2015 was 53.5 months (just under 4.5 years). Offenders who have received an imprisonment for public protection (IPP) sentence, which are here recorded as having an indeterminate sentence, have been excluded from the analysis. This is because, by definition, such offenders are exceptions in the system, and, further since 2012 it is no longer possible to receive an IPP sentence.

Table 6: Sentencing Distribution for offence causing death by careless driving when under the influence of drink or drugs in England and Wales, 2005-2015⁶

Offence	Causing death by careless driving when under the influence of drink or drugs										
	YEAR										
Data	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Proceeded against	54	62	40	27	29	34	37	19	26	17	23
Found Guilty	66	65	67	46	35	41	35	23	29	25	21
Sentenced	66	65	67	46	35	41	35	23	29	25	21
Custody	62	64	65	45	33	40	35	21	27	24	20
Suspended sentence	2	1	1	1	2	1	0	0	1	0	1
Community sentence	0	0	0	0	0	0	0	1	1	1	0
Fine	2	0	1	0	0	0	0	1	0	0	0
Absolute discharge	0	0	0	0	0	0	0	0	0	0	0
Conditional discharge	0	0	0	0	0	0	0	0	0	0	0
Otherwise dealt with	0	0	0	0	0	0	0	0	0	0	0
Average custodial sentence length (months)	42.4	40.8	39.2	46.6	51.9	45.5	52.3	52.1	61.3	54.3	53.5
12 months or less	0	1	9	0	3	0	0	0	1	2	0
12 months - 4 years (inclusive of 4 years)	45	49	42	31	14	25	23	9	9	11	9
4 years - 10 years (inclusive of 10 years)	17	13	13	14	15	14	12	12	17	11	11
Over 10 years and less than life	0	0	0	0	0	0	0	0	0	0	0
Indeterminate sentence	0	1	1	0	1	1	0	0	0	0	0
Life	0	0	0	0	0	0	0	0	0	0	0

38. For the subsequent analysis, volumes and sentence lengths from 2015 in England and Wales have been used.

39. For modelling purposes we have assumed that measure B would only impact those that currently receive a sentence close to the maximum: those that currently receive a sentence length which is equal to or above 9.3 years to reflect the top third of the maximum penalty of 14 years. However, we recognise that this assumption is subject to uncertainty as the actual impact will depend on sentencing behaviour. We therefore relax this assumption in the 'Sensitivity Analysis – Measures A and B' section below (paragraphs 50-55).

40. Due to the uncertainty surrounding the impact of any change on the ACSL, we have calculated higher and lower estimates. The working policy assumptions adopted in order to calculate these higher and lower estimates are the same as those used when calculating measure A, which are outlined in Table 3.

41. As previously explained, the main impact on the CJS is anticipated to arise as a result of convicted offenders spending longer in prison (as reflected in the increased ACSL).

⁵ Further breakdown on Criminal Justice Statistics, Ministry of Justice (MoJ), 2005-2015.

⁶ ACSL excludes life and indeterminate sentences.

42. We calculate this cost to be £0 in steady state. This is because no offender sentenced in 2015 received a custodial sentence of at least 9.3 years.
43. As we have calculated the increased ACSL based only on increasing the sentence lengths of those who received a custodial sentence of at least 9.3 years, this means that we have assumed that there would be no impact on ACSL, and, therefore, no monetised costs.

Non-monetised Costs

44. If offenders were to receive longer custodial sentences, then there are likely to be small costs to the NPS due to offenders spending longer on probation. However, as we predict only a small number of offenders would be affected, we expect these costs to be negligible.
45. As is explained in paragraph 30 in the 'non-monetised costs' section for measure A, we would not expect to incur higher CRC costs even if offenders do receive longer sentences as, even under such a scenario, starts should remain unchanged.
46. There may be some one-off costs associated with the preparation of new training or guidance material to HMCTS.

Non-monetised Benefits

47. It has not been possible to monetise the benefits from measure B.
48. Increasing the maximum penalty for this offence may contribute to providing justice for victims and their families and increased levels of public confidence in the justice system.
49. There may be possible benefits to CJS agencies and society through reduction in driving offences from deterrence and possible short term reductions in driving offences due to incarceration of offenders. However the evidence of the existence and scale of deterrent and incarceration effects is weak and mixed respectively. As a result we have not quantified this.

Sensitivity Analysis – Measures A and B

50. As is explained above, the potential outcomes of increasing a maximum penalty would be highly dependent upon sentencing practice. The methodology and outputs presented above are based on an assumption that only those who currently receive a long sentence would experience an increase in sentence length should the maximum penalty be increased. The thinking behind this assumption is explained in the 'Monetised Costs' sections above for measures A and B.
51. However, there are a plethora of ways in which judges could, in reality, react to the prospective policy changes. In order to illustrate the possible differences that these distinct behaviours could have on outcomes, the outcomes if judges do not alter their sentencing behaviour at all and the outcomes if judges increase the sentence length of all offenders will now be explained briefly.
52. If judges did not change their sentencing patterns following the change to the maximum penalty, then the sentencing outcomes and distributions for the offences causing death by dangerous driving and causing death by careless driving when under the influence of drink or drugs would be unchanged from that which is described above. There would therefore be no change in prison places or costs. This scenario is titled 'Sensitivity scenario 1' in Tables 7 and 8 below.
53. Alternatively, judges could react by sentencing all offenders more severely (as opposed to only those receiving a custodial sentence of at least 9.3 years as modelled in the main body of this IA). If, for example, judges increased the custodial sentences of all offenders by 25% then annual prison costs would increase by £1.5 million (68 prison places) for the offence causing death by dangerous driving, and £0.25 million (11 prison places) for the offence causing death by careless driving when under the

influence of drink or drugs. These are steady state values. This scenario is titled 'Sensitivity scenario 2' in Tables 7 and 8 below.

54. Tables 7 and 8 below summarise the outcomes for the four scenarios (lower estimate, higher estimate, sensitivity scenario 1, sensitivity scenario 2) that have been discussed above. Any other scenario that may arise as a result of the responses to the consultation are unknown and therefore have not been costed. The two middle columns in each table correspond to what has been modelled in the main body of the IA for the respective measures. The net impact on the prison costs and corresponding prison volumes are given in the steady state.

55. It should be noted that, as is previously discussed, all costs to the CJS other than prison costs have been omitted from these calculations as we expect these costs to be negligible under the four scenarios displayed in Tables 7 and 8.

Table 7: Sensitivity analysis for measure A in England and Wales

	Sensitivity scenario 1	Lower estimate	Higher estimate	Sensitivity scenario 2
ACSL (months)	0	1.6	3.3	14.3
Prison places	0	8	16	68
Real prison cost (£ million, rounded to nearest £100,000)	0	0.2	0.4	1.5

Table 8: Sensitivity analysis for measure B in England and Wales

	Sensitivity scenario 1	Lower estimate	Higher estimate	Sensitivity scenario 2
ACSL (months)	0	0	0	13.4
Prison places	0	0	0	11
Real prison cost (£ million, rounded to nearest £10,000)	0	0	0	0.25

Measure C: Creating a new offence of causing serious injury by careless driving

Monetised Costs

56. In order to estimate the additional costs and prison places of measure C, we compare the estimated costs and benefits to the 'do nothing' option of maintaining the status quo.

57. It should be noted that the creation of a new offence with a 4 year maximum penalty is being outlined here to demonstrate the upper end cost scenario. A lower maximum sentence would result in lower costs to the CJS⁷ and reduced pressure on prison places. The impacts of a maximum penalty of 2 years' imprisonment are analysed in the 'Sensitivity Analysis – Measure C' section below (paragraphs 73-75).

58. The standard approach to estimating the costs to the CJS of a new offence typically relies on the use of a proxy offence that most accurately reflects the behaviour captured by the new offence, including the progression through the CJS and the maximum custodial sentence length. We were not able, however, to identify a proxy offence with a 4 year maximum custodial sentence and sufficient amount of data available that would mirror the behaviour under the new offence. We have therefore decided to use separate proxies for the progression of cases through the CJS and the ACSL.

⁷ The CJS encompasses the Crown Prosecution Service (CPS), Her Majesty's Courts and Tribunals Service (HMCTS), the Legal Aid Agency (LAA) and the National Offender Management Service (NOMS).

59. In order to model the progression of cases through the CJS, we use the offence of dangerous driving as a proxy for the new offence. The offence of dangerous driving is triable either way with a 2 year maximum sentence.⁸ In 2015, approximately 49% of cases were tried in the Magistrates' Courts and 51% in the Crown Courts⁹. 39% of those proceeded against were sentenced to immediate custody and 56% were sentenced to a community order or a suspended sentence¹⁰. We assume the same proportions for the new offence.
60. We do not have a suitable proxy with the same maximum custodial sentence. Although the offence of causing serious injury when driving whilst disqualified has a maximum penalty of 4 years' imprisonment, the offence was only commenced in April 2015¹¹, so we lack sufficient data in order to use it. Instead, we use a two-step approach to calculate the ACSL for the proposed offence. We base our approach on three different driving offences that provide sufficient amount of data. Firstly, we calculate the ratio of the ACSL of causing serious injury to causing death by dangerous driving and apply it to the ACSL of causing death by careless driving¹². This gives an estimated ACSL of 5.8 months. Then we calculate the (simple) average of this ACSL and the ACSL for causing death by careless driving (14.4 months). This gives an estimated ACSL for the new offence of 10.1 months. We assume that offenders serve half of their sentence in custody and the remainder on licence.
61. As above, we address the uncertainty around the number of expected prosecutions by estimating lower and higher estimate volumes.
62. We calculate lower estimate volumes for the proposed new offence by taking the proceedings for causing serious injury by dangerous driving as a proportion of proceedings for causing death by dangerous driving. Data for 2015 shows that there are approximately 45% more proceedings for causing serious injury than for causing death by dangerous driving. This is applied to the number of proceedings for causing death by careless driving. We estimate that there could be around 290 offenders proceeded against each year in the lower estimate scenario.
63. For the higher estimate, we calculate the proportion of non-fatal dangerous driving offences that cause serious injury.¹³ In 2015 roughly 7% of non-fatal dangerous driving offences caused serious injury. By applying this proportion to the number of proceedings for careless driving we estimate that there could be around 1,020 offenders proceeded against each year.
64. We calculate the central estimate by taking the mid-point between the higher and lower estimates. It is estimated that around 655 offenders could be proceeded against each year.

Table 9: Estimated annual volume of proceedings and disposals in England and Wales – causing serious injury by careless driving, with a maximum 4 year custodial sentence, rounded to the nearest 5

	Lower Estimate	Central Estimate	Higher Estimate
Proceeded against	290	655	1020
Found guilty	285	640	995
Community sentence	55	130	200
Suspended sentences	105	240	370
Immediate custody ¹⁴	115	255	400

⁸ In triable either way cases, defendants can elect to stand trial in the Crown Court or they can be sent for trial in the Crown Court because the offence is deemed serious enough. More complex cases tried in the Crown Court are usually associated with longer hearing time that results in substantially higher costs to the CJS. For further information and definitions please see Annex B.

⁹ Further breakdown of Criminal Justice Statistics, Ministry of Justice (MoJ), 2015 and MoJ internal analysis, 2015.

¹⁰ Further breakdown of Criminal Justice Statistics, Ministry of Justice (MoJ), 2015 and MoJ internal analysis, 2015.

¹¹ Serious driving offences, House of Commons Library, Briefing Paper, Number SN01496, 7 December 2015

¹² The offence of causing death by dangerous driving has a 14-year maximum custodial sentence, and the ACSL in 2015 was 57.1 months. The offence of causing serious injury by dangerous driving has a 5-year maximum custodial sentence, and the ACSL in 2015 was 23.2 months. The offence of causing death by careless driving has a 5-year maximum custodial sentence and the ACSL in 2015 was 14.4 months.

¹³ We define non-fatal dangerous driving offences as the sum of dangerous driving and causing serious injury by dangerous driving.

¹⁴ Number of offenders who were sentenced to custody, not equivalent to the number of prison places.

65. We assume that the offenders proceeded against for the proposed offence would come from the pool of offenders currently proceeded against for careless driving (a summary only offence)¹⁵. This means that we would not expect any new proceedings, but that there would be a transfer from the general offence to a new offence of causing serious injury.
66. We are also aware that there could be a transfer of cases between the currently existing offence of causing serious injury by dangerous driving and a new offence of causing serious injury by careless driving. The number of offenders proceeded against for the offence of causing death by dangerous driving declined by 70¹⁶ within 2 years of commencement of the new offence of causing death by careless driving¹⁷. If a similar trend is observed for the new offence any additional costs would be lower than estimated.
67. We estimate that the overall additional cost to the CJS of measure C would be between £3.4m and £11.8m (central estimate of £7.6m), per year in the steady state (2023/24)¹⁸ in 2015/16 prices, including 50-170 (central estimate of 110) additional prison places in the steady state. Further information can be found in the Assumptions and Risks section. Costs over the 10 year appraisal period are presented in Annex A.

Table 10: Additional costs in the steady state in England and Wales, breakdown by agency, in £ million, rounded to the nearest £100,000¹⁹

CJS Agency	Lower	Central	Upper
CPS	0.5	1.1	1.7
HMCTS	0.3	0.6	1.0
LAA ²⁰	1.0	2.1	3.3
NOMS ²¹ PRISON	1.1	2.4	3.8
NOMS PROBATION	0.6	1.3	2.0
Total	3.4	7.6	11.8

Non-monetised costs

68. There might be some one-off transitional costs associated with the preparation of new training or guidance material.

Non-monetised benefits

69. It has not been possible to monetise the benefits from measure C.
70. Measure C would, for the first time, introduce the possibility of a prison sentence for drivers who caused serious harm while driving carelessly and close a perceived gap in the law.
71. Creating a specific offence for causing serious injury by careless driving could contribute to providing better justice for victims and their families and increase levels of public confidence in the justice system.

¹⁵ A summary only motoring offence with no custodial sentence is unlikely to attract any legal aid and hence would only result in costs to the CPS and HMCTS. Legal Aid, NOMS Probation and NOMS Prison costs would only accrue for a new offence of causing serious injury by careless driving.

¹⁶ Declined from 266 to 196.

¹⁷ Although other factors may also have contributed to this reduction.

¹⁸ Costs are rounded to the nearest £100,000.

¹⁹ Figures may not sum due to rounding.

²⁰ Legal Aid Agency

²¹ National Offenders Management Service

72. There may be possible benefits to CJS agencies and society through reduction in driving offences from deterrence and possible short term reductions in driving offences due to incarceration of offenders. However the evidence of the existence and scale of deterrent and incarceration effects is weak and mixed respectively. As a result we have not quantified this.

Sensitivity Analysis – Measure C

73. As initially stated in paragraph 57 an option with a 4 year maximum custodial sentence is being outlined here to demonstrate a high end cost scenario. In case an offence with a lower custodial sentence is considered both prison costs and the number of prison places in the steady state will be lower. We address the uncertainty around the maximum custodial sentence proposed for this offence by costing a 2 year maximum sentence option and present the estimates below.

74. We estimate that the overall additional cost to the CJS of the 2 year maximum option would be between £2.9m and £10.2m (central estimate of £6.5m) per year in the steady state (2023/24) in 2015/16 prices, including 30-100 (central estimate of 60) additional prison places in the steady state. We have assumed the same progression through the CJS as for the 4 year maximum offence, but a lower ACSL (5.8 months) to reflect the lower maximum penalty. As a result of this assumption, costs to CPS, HMCTS, LAA and NOMS probation remain the same, the only difference stems from prison costs and the number of prison places.

75. Further information can be found in the Assumptions and Risks section. Costs over the 10 year appraisal period are presented in Annex A.

Table 11: Additional cost in the steady state for the 2 year maximum sentence in England and Wales, breakdown by agency, in £ million, rounded to the nearest £100,000²²

CJS Agency	Lower	Central	Upper
CPS	0.5	1.1	1.7
HMCTS	0.3	0.6	1.0
LAA	1.0	2.1	3.3
NOMS PRISON	0.6	1.4	2.2
NOMS PROBATION	0.6	1.3	2.0
Total	2.9	6.5	10.2

Measure D: Increase the minimum period of disqualification for driving offences that result in death.

76. The consultation paper seeks views on increasing the minimum period of disqualification for offenders convicted of any causing death by driving offence and what the minimum period should be. Increasing the disqualification period may increase the likelihood of further offences on release for some of these offenders which could then impact upon the CJS, HMCTS and prisons in particular. This impact assessment has not monetised the impacts of raising the minimum disqualification period due to uncertainty over volumes of potential future offences. We will, however, seek to gather evidence and will do so as part of the consultation.

Summary: Measures A, B and C

77. Table 12 and Table 13 below give the final outcomes if measures A, B and C are assessed in combination. Table 12 presents the combined estimated annual volume of proceedings and disposals for these measures, and Table 13 presents the combined annual cost to the CJS for these measures. All values are steady state values and costs are given in 15/16 prices.

²² Figures may not sum due to rounding.

Table 12: Combined estimated annual additional volumes for measures A, B and C in England and Wales, rounded to the nearest 5

	Lower Estimate	Central Estimate	Higher Estimate
Community sentence	55	130	200
Suspended sentences	105	240	370
Immediate custody	115	255	400
Prison places	60	120	185

Table 13: Additional cost in the steady state for measures A, B and C, breakdown in England and Wales by agency, in £ million, rounded to the nearest £100,000

CJS Agency	Lower	Central	Higher
CPS	0.5	1.1	1.7
HMCTS	0.3	0.6	1.0
LAA	1.0	2.1	3.3
NOMS PRISON	1.3	2.7	4.1
NOMS PROBATION	0.6	1.3	2.0
Total	3.5	7.8	12.1

Assumptions & Risks

78. The analysis in this IA is based on a number of assumptions and each has an associated risk. The main risks and assumptions are set out in Table 13.

79. More detailed assumptions, and the associated risks, are available on request.

Table 13: Main Assumptions and Risks

Assumptions	Risks
<ul style="list-style-type: none"> 2015 MoJ Criminal Justice Statistics data are used to identify the volumes, disposals and the sentence lengths of individuals proceeded against. 	<ul style="list-style-type: none"> Every effort has been made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by courts. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.
<ul style="list-style-type: none"> The impact assessment has used data to assess impacts on England and Wales only. 	<ul style="list-style-type: none"> As any changes to road traffic offences and penalties resulting from this consultation would also be applied in Scotland, actual costs and benefits may be different to those estimated
<ul style="list-style-type: none"> Future volumes are based on 2015 volumes. 	<ul style="list-style-type: none"> Volumes may deviate from 2015 values in the future, which will impact on the costs and benefits outlined in

	the body of the IA (could be higher or lower in reality).
<ul style="list-style-type: none"> CPS, HMCTS, legal aid, probation and prison unit costs, where used in the modelling, are in 2015/16 prices. 	<ul style="list-style-type: none"> Total costs may be higher or lower if CPS, HMCTS, legal aid, probation or prison unit costs change in the future.
<ul style="list-style-type: none"> The prison cost used in calculations is £22,407, which is the average cost per prisoner as published by NOMS (2015/16). 	<ul style="list-style-type: none"> Actual prison costs could differ from this in the future.
<ul style="list-style-type: none"> Modelling was based on an assumption that there will be no change in the rates of early guilty pleas. 	<ul style="list-style-type: none"> If there is a change in the rates of early guilty pleas then costs could be higher or lower.
<ul style="list-style-type: none"> The analysis for measures A and B are based on small volumes. 	<ul style="list-style-type: none"> Small volumes are more susceptible to fluctuations, which increases the room for error in our estimations of future volumes.
<ul style="list-style-type: none"> For measures A and B, it was assumed that the split of offenders prosecuted in the Crown and Magistrates' Courts remains unchanged. 	<ul style="list-style-type: none"> A change in the split will affect total costs.
<ul style="list-style-type: none"> The analysis is based on the proportion of offenders who were found guilty in 2015. 	<ul style="list-style-type: none"> A higher or lower proportion of offenders could be found guilty in the future, which would impact on costs and benefits.
<ul style="list-style-type: none"> For measures A and B, the analysis is based on the distribution of disposal types in 2015. 	<ul style="list-style-type: none"> The distribution of disposal types could change in the future, which could have an impact on the costs estimated in the main body of the IA.
<ul style="list-style-type: none"> The ACSL's used are based on 2015 data. 	<ul style="list-style-type: none"> The ACSL could fluctuate in the future, which would impact on costs.
<ul style="list-style-type: none"> For measures A and B, it was assumed that there was no impact on HMCTS. 	<ul style="list-style-type: none"> There may in fact be an impact on HMCTS, which would in turn impact overall costs.
<ul style="list-style-type: none"> Our modelling is based on particular assumptions of sentencing practice. 	<ul style="list-style-type: none"> Sentencing practice may deviate from what has been modelled, which could mean that total costs are higher or lower than those estimated. Sensitivity analysis has been undertaken to highlight this uncertainty and to demonstrate a range of possible outcomes.
<ul style="list-style-type: none"> It has been assumed that all offenders given standard determinate sentences are released from custody 	<ul style="list-style-type: none"> If offenders serve a different proportion of their sentence in prison then prison costs may be higher or

at 50% of sentence to serve the remainder of their sentence on licence.	lower than estimated.
<ul style="list-style-type: none"> Modelling takes account of only specific costs and benefits. 	<ul style="list-style-type: none"> There may be some other costs and benefits to society that have not been included.
<ul style="list-style-type: none"> For measures A and B, it has been assumed that only those who receive a custodial sentence of at least 9.3 years will be uptariffed to a longer sentence. 	<ul style="list-style-type: none"> Different uptariffing assumptions will impact on total costs and benefits. Sensitivity analysis has been undertaken to highlight this uncertainty and to demonstrate a range of possible outcomes.
<ul style="list-style-type: none"> For measures A and B, we have modelled ranges to illustrate different possibilities in uptariffing magnitudes (25% or 50%). 	<ul style="list-style-type: none"> Different upscaling magnitudes will impact on total costs and benefits.
<ul style="list-style-type: none"> For measure C, we have modelled three volume scenarios. We estimate the number of prosecutions per year to be 290 in the lower estimate scenario, 660 in the central estimate scenario and 1,020 in the higher estimate scenario. 	<ul style="list-style-type: none"> Volumes could fluctuate in the future, which would impact on costs.
<ul style="list-style-type: none"> For measure C, the ACSL's for a new offence were estimated using proxy offences. The ACSL for an offence with a 4 year maximum penalty is 10.1 months, the ACSL for an offence with a 2 year maximum penalty is 5.8 months. 	<ul style="list-style-type: none"> ACSL could fluctuate in the future, which would impact on costs.
<ul style="list-style-type: none"> For measure C, profiling for the number of prosecutions, prison places and CO/SSO starts was based on the number of prosecutions for the proxy offence of causing serious injury by dangerous driving, commenced in 2012. We have assumed that steady state was reached in 2015. 	<ul style="list-style-type: none"> The estimated numbers can be over-estimated if the steady state has not yet been reached.
<ul style="list-style-type: none"> For measure C, we assume that offenders proceeded against for the new offence come from the pool of offenders currently proceeded against for the general careless driving offence. It is also possible that there could be a transfer of some cases from the offence of causing serious injury by dangerous driving. 	<ul style="list-style-type: none"> Costs might be higher than estimated if new cases that would have not been prosecuted enter CJS.

<ul style="list-style-type: none"> • CPS, Legal Aid, HMCTS and NOMS cost assumptions have been agreed with the agencies. 	<ul style="list-style-type: none"> • Cost assumptions might change in the future, which would impact on costs.
<ul style="list-style-type: none"> • For measure C, it is assumed that around 49% of offenders are tried in the Crown Court and around 51% are tried in the Magistrates' Court. 	<ul style="list-style-type: none"> • More or less defendants could be tried in either courts, which would have an impact on the costs estimated.

Wider Impacts

80. In light of our obligations under the public sector equality duty in section 149 of the Equality Act 2010, an Equalities Statement is also published alongside the consultation. This considers the potential effects of our proposals according to the protected characteristics for which we have data: age, race and sex.

Monitoring and Review

81. A paper summarising the responses to this consultation will be published within three months of the closing date of the consultation. The response paper will be available on-line at <https://consult.justice.gov.uk/> If, following consultation, the government decides to opt for legislative change, objectives would be set and normal post-legislative scrutiny would be undertaken to establish whether those objectives had been met.

Annex A

Table A.1. Additional cost of a new offence of causing serious injury by careless driving (4 year maximum custodial sentence) over 10 year appraisal period assuming commencement in April 2018 in England and Wales, in £ million, rounded to the nearest £100,000¹

Lower Estimate	2018/2019	2019/2020	2020/2021	2021/2022	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28
Number of prosecutions	100	230	290	290	290	290	290	290	290	290
CPS	0.2 m	0.4 m	0.5 m	0.5 m	0.5 m	0.5 m	0.5 m	0.5 m	0.5 m	0.5 m
HMCTS	0.1 m	0.2 m	0.3 m	0.3 m	0.3 m	0.3 m	0.3 m	0.3 m	0.3 m	0.3 m
LAA	0.3 m	0.7 m	1.0 m	1.0 m	1.0 m	1.0 m	1.0 m	1.0 m	1.0 m	1.0 m
NOMS Prison	0.4 m	0.9 m	1.1 m	1.1 m	1.1 m	1.1 m	1.1 m	1.1 m	1.1 m	1.1 m
NOMS Probation	0.1 m	0.3 m	0.5 m	0.6 m	0.6 m	0.6 m	0.6 m	0.6 m	0.6 m	0.6 m
Total CJS Cost	1.1 m	2.5 m	3.4 m	3.4 m	3.4 m	3.4 m	3.4 m	3.4 m	3.4 m	3.4 m
Discounted Total CJS Cost	1.0 m	2.3 m	2.9 m	2.9 m	2.8 m	2.7 m	2.6 m	2.5 m	2.4 m	2.3 m
Central Estimate	2018/2019	2019/2020	2020/2021	2021/2022	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28
Number of prosecutions	220	510	660	660	660	660	660	660	660	660
CPS	0.4 m	0.8 m	1.1 m	1.1 m	1.1 m	1.1 m	1.1 m	1.1 m	1.1 m	1.1 m
HMCTS	0.2 m	0.5 m	0.6 m	0.6 m	0.6 m	0.6 m	0.6 m	0.6 m	0.6 m	0.6 m
LAA	0.7 m	1.7 m	2.1 m	2.1 m	2.1 m	2.1 m	2.1 m	2.1 m	2.1 m	2.1 m
NOMS Prison	0.9 m	2.0 m	2.6 m	2.6 m	2.6 m	2.6 m	2.6 m	2.6 m	2.6 m	2.6 m
NOMS Probation	0.1 m	0.5 m	0.8 m	1.1 m	1.1 m	1.1 m	1.1 m	1.1 m	1.1 m	1.1 m
Total CJS Cost	2.3 m	5.5 m	7.3 m	7.5 m	7.5 m	7.5 m	7.5 m	7.5 m	7.5 m	7.5 m
Discounted Total CJS Cost	2.1 m	4.9 m	6.3 m	6.3 m	6.1 m	5.9 m	5.7 m	5.5 m	5.3 m	5.1 m
Higher estimate	2018/2019	2019/2020	2020/2021	2021/2022	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28
Number of prosecutions	340	790	1,020	1,020	1,020	1,020	1,020	1,020	1,020	1,020
CPS	0.6 m	1.3 m	1.7 m	1.7 m	1.7 m	1.7 m	1.7 m	1.7 m	1.7 m	1.7 m
HMCTS	0.3 m	0.8 m	1.0 m	1.0 m	1.0 m	1.0 m	1.0 m	1.0 m	1.0 m	1.0 m
LAA	1.1 m	2.6 m	3.3 m	3.3 m	3.3 m	3.3 m	3.3 m	3.3 m	3.3 m	3.3 m
NOMS Prison	1.3 m	3.1 m	4.0 m	4.0 m	4.0 m	4.0 m	4.0 m	4.0 m	4.0 m	4.0 m
NOMS Probation	0.4 m	1.2 m	1.8 m	2.0 m	2.0 m	2.0 m	2.0 m	2.0 m	2.0 m	2.0 m
Total CJS Cost	3.7 m	8.9 m	11.8 m	12.0 m	12.0 m	12.0 m	12.0 m	12.0 m	12.0 m	12.0 m
Discounted Total CJS Cost	3.5 m	8.0 m	10.3 m	10.1 m	9.7 m	9.4 m	9.1 m	8.8 m	8.5 m	8.2 m

¹ Figures may not sum due to rounding.

Table A.2. Additional cost of a new offence of causing serious injury by careless driving (2 year maximum custodial sentence) over 10 year appraisal period assuming commencement in April 2018, in £ million, rounded to the nearest £100,000²

Lower Estimate	2018/2019	2019/2020	2020/2021	2021/2022	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28
Number of prosecutions	98	227	292	292	292	292	292	292	292	292
CPS	0.2 m	0.4 m	0.5 m	0.5 m	0.5 m	0.5 m	0.5 m	0.5 m	0.5 m	0.5 m
HMCTS	0.1 m	0.2 m	0.3 m	0.3 m	0.3 m	0.3 m	0.3 m	0.3 m	0.3 m	0.3 m
LAA	0.3 m	0.7 m	1.0 m	1.0 m	1.0 m	1.0 m	1.0 m	1.0 m	1.0 m	1.0 m
NOMS Prison	0.2 m	0.5 m	0.7 m	0.7 m	0.7 m	0.7 m	0.7 m	0.7 m	0.7 m	0.7 m
NOMS Probation	0.1 m	0.3 m	0.5 m	0.6 m	0.6 m	0.6 m	0.6 m	0.6 m	0.6 m	0.6 m
Total CJS	0.9 m	2.2 m	2.9 m	2.9 m	2.9 m	2.9 m	2.9 m	2.9 m	2.9 m	2.9 m
Discounted Total CJS Cost	0.8 m	2.0 m	2.5 m	2.5 m	2.4 m	2.3 m	2.2 m	2.2 m	2.1 m	2.0 m
Central Estimate	2018/2019	2019/2020	2020/2021	2021/2022	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28
Number of prosecutions	221	510	657	657	657	657	657	657	657	657
CPS	0.4 m	0.8 m	1.1 m	1.1 m	1.1 m	1.1 m	1.1 m	1.1 m	1.1 m	1.1 m
HMCTS	0.2 m	0.5 m	0.6 m	0.6 m	0.6 m	0.6 m	0.6 m	0.6 m	0.6 m	0.6 m
LAA	0.7 m	1.7 m	2.1 m	2.1 m	2.1 m	2.1 m	2.1 m	2.1 m	2.1 m	2.1 m
NOMS Prison	0.5 m	1.2 m	1.5 m	1.5 m	1.5 m	1.5 m	1.5 m	1.5 m	1.5 m	1.5 m
NOMS Probation	0.1 m	0.5 m	0.8 m	1.1 m	1.1 m	1.1 m	1.1 m	1.1 m	1.1 m	1.1 m
Total CJS	1.9 m	4.6 m	6.2 m	6.4 m	6.4 m	6.4 m	6.4 m	6.4 m	6.4 m	6.4 m
Discounted Total CJS Cost	1.8 m	4.2 m	5.4 m	5.4 m	5.2 m	5.0 m	4.9 m	4.7 m	4.5 m	4.4 m
Higher estimate	2018/2019	2019/2020	2020/2021	2021/2022	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28
Number of prosecutions	344	793	1021	1021	1021	1021	1021	1021	1021	1021
CPS	0.6 m	1.3 m	1.7 m	1.7 m	1.7 m	1.7 m	1.7 m	1.7 m	1.7 m	1.7 m
HMCTS	0.3 m	0.8 m	1.0 m	1.0 m	1.0 m	1.0 m	1.0 m	1.0 m	1.0 m	1.0 m
LAA	1.1 m	2.6 m	3.3 m	3.3 m	3.3 m	3.3 m	3.3 m	3.3 m	3.3 m	3.3 m
NOMS Prison	0.8 m	1.8 m	2.3 m	2.3 m	2.3 m	2.3 m	2.3 m	2.3 m	2.3 m	2.3 m
NOMS Probation	0.4 m	1.2 m	1.8 m	2.0 m	2.0 m	2.0 m	2.0 m	2.0 m	2.0 m	2.0 m
Total CJS	3.1 m	7.6 m	10.1 m	10.3 m	10.3 m	10.3 m	10.3 m	10.3 m	10.3 m	10.3 m
Discounted Total CJS Cost	2.9 m	6.8 m	8.8 m	8.6 m	8.4 m	8.1 m	7.8 m	7.6 m	7.3 m	7.0 m

² Figures may not sum due to rounding

Annex B

Glossary

Cost per defendant: The cost per defendant is a cost per person proceeded against. It is a weighted cost that accounts for the proportion of defendants tried in the magistrates' and Crown Court, the proportion of offenders sentenced to each disposal and the average time those sentenced to a custodial sentence spend in prison. It tells you the average cost of a proceeding from the beginning of that proceeding to the end of the case (whether the offender is found guilty or not and accounting for the range of disposals possible).

Criminal Justice System: The CJS in England and Wales encompasses the Crown Prosecution Service (CPS), Her Majesty's Courts and Tribunals Service (HMCTS), the Legal Aid Agency (LAA) and the National Offender Management Service (NOMS).

Crown Court: The Crown Court in England and Wales deals with the more serious, triable either way or indictable cases, for example murder, rape and serious fraud/theft. In the Crown Court, whether the defendant is found guilty or not guilty is decided by a jury.

Disposal: The end result of a trial at court. In this case the disposals of interest are sentences, but other disposals are possible, for example where there is no finding of guilt and the defendant is acquitted.

Indictable Only Offence: An offence that is triable only in the Crown Court; all proceedings will start in the magistrates' court but will be sent straight for trial in the Crown Court.

Magistrates' Court: Magistrates in England and Wales cannot normally order sentences of imprisonment that exceed six months (or 12 months for consecutive sentences imposed for two or more either way offences). The magistrates' court deals with summary only offences. Some cases are triable-either-way which means they can be heard in either magistrates' courts or the Crown Court.

Proceeding: The start of legal action brought against somebody charged with committing a criminal offence.

Summary Only Offence: An offence that is triable only in the magistrates' court; all proceedings will start and end in the magistrates' court.

Triable Either Way Offence: An offence that is triable in either the magistrates' court or Crown Court. Some proceedings will start and end in the magistrates' court whereas others will start in the magistrates' court but end in the Crown Court. In triable either way cases, defendants can elect to stand trial in the Crown Court or they can be sent for trial in the Crown Court because the offence is deemed serious enough.