

Triable either way:

Maximum when tried summarily: Level 5 fine and/or 6 months

Maximum when tried on indictment: 2 years

- Must endorse and disqualify for at least 12 months. Must order extended re-test
- Must disqualify for **at least** 2 years if offender has had two or more disqualifications for periods of 56 days or more in preceding 3 years – **refer to page 184 and consult your legal adviser for further guidance**

If there is a delay in sentencing after conviction, consider interim disqualification

Offence seriousness (culpability and harm)

A. Identify the appropriate starting point

Starting points based on first time offender pleading not guilty

Examples of nature of activity	Starting point	Range
Single incident where little or no damage or risk of personal injury	Medium level community order	Low level community order to high level community order Disqualify 12 – 15 months
Incident(s) involving excessive speed or showing off, especially on busy roads or in built-up area; OR Single incident where little or no damage or risk of personal injury but offender was disqualified driver	12 weeks custody	High level community order to 26 weeks custody Disqualify 15 – 24 months
Prolonged bad driving involving deliberate disregard for safety of others; OR Incident(s) involving excessive speed or showing off, especially on busy roads or in built-up area, by disqualified driver; OR Driving as described in box above while being pursued by police	Crown Court	Crown Court

Offence seriousness (culpability and harm)

B. Consider the effect of aggravating and mitigating factors (other than those within examples above)

Common aggravating and mitigating factors are identified in the pullout card – the following may be particularly relevant but **these lists are not exhaustive**

<p>Factors indicating higher culpability</p> <ol style="list-style-type: none"> 1. Disregarding warnings of others 2. Evidence of alcohol or drugs 3. Carrying out other tasks while driving 4. Carrying passengers or heavy load 5. Tiredness 6. Aggressive driving, such as driving much too close to vehicle in front, racing, inappropriate attempts to overtake, or cutting in after overtaking 7. Driving when knowingly suffering from a medical condition which significantly impairs the offender's driving skills 8. Driving a poorly maintained or dangerously loaded vehicle, especially where motivated by commercial concerns <p>Factors indicating greater degree of harm</p> <ol style="list-style-type: none"> 1. Injury to others 2. Damage to other vehicles or property 	<p>Factors indicating lower culpability</p> <ol style="list-style-type: none"> 1. Genuine emergency 2. Speed not excessive 3. Offence due to inexperience rather than irresponsibility of driver
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**Form a preliminary view of the appropriate sentence,
then consider offender mitigation**

Common factors are identified in the pullout card

Consider a reduction for guilty plea

Consider ancillary orders, including compensation and deprivation of property

Refer to pages 168-174 for guidance on available ancillary orders

**Decide sentence
Give reasons**