

**REPLY BY THE PRESIDENT OF
THE COMMITTEE *FOR* HOME AFFAIRS
TO QUESTIONS ASKED PURSUANT TO RULE 14 OF THE
RULES OF PROCEDURE BY DEPUTY R LE BRUN**

Question

As part of the Committee's current review of sentencing policy, is the Committee satisfied that, under Guernsey law, there is no minimum penalty for causing death by dangerous driving, meaning that a person may be convicted of causing the death of another human being through dangerous driving without being sentenced to a single day in prison, without paying a single pound in fines and, where the court finds special reasons, without even losing their driving licence?

If so, what is the Committee's justification for maintaining a sentencing framework that permits a person convicted of causing death by dangerous driving to receive no mandatory punishment whatsoever?

Further, has the Committee considered whether a number of recent sentencing outcomes for offences involving dangerous driving, driving without due care and attention, drink-driving, and driving resulting in serious injury risk undermining public confidence in the justice system, particularly where vulnerable road users have suffered serious injuries yet no period of driving disqualification has been imposed?

Does the Committee believe that allowing a driver who has admitted responsibility for conduct that has caused serious injury to another road user to continue driving without disqualification sends an appropriate message about the responsibilities that accompany the privilege of holding a driving licence?

More generally, what message does the Committee believe is sent to the public when individuals who drive dangerously, including after consuming alcohol, cause serious collisions, serious injuries, or substantial damage, yet receive penalties which many members of the public would regard as little more than a slap on the wrist?

Does the Committee accept that a motor vehicle is a fast-moving, heavy and potentially lethal machine, capable of causing catastrophic injury or death when operated irresponsibly, and that the ability to drive on public roads should therefore be regarded as a privilege rather than a right?

Finally, as part of its sentencing review, will the Committee consider recommending reforms to strengthen penalties and disqualification powers for the most serious driving offences, including the introduction of provisions similar to those available in Jersey permitting lifetime driving disqualifications, particularly where dangerous driving has resulted in death,

serious injury, repeated offending, drink-driving, or conduct demonstrating a clear disregard for the safety of other road users?

Would the Committee also be willing to receive and consider submissions from members of the public on these matters as part of its sentencing review?

Answer

Sentencing is a matter for the Courts, and it is not for the Committee to comment on specific cases or recent sentencing outcomes.

The Committee has prioritised an independent Review of Sentencing this term and preliminary work has been undertaken to identify the key parameters of the review and the likely implications for timescales and costs. The review will take an holistic approach, acknowledging the interaction of sentencing within the wider context of justice.

It would be premature for the Committee to comment on individual offences and sentences that they might attract.

The Committee has already agreed that consultation will be a key part of the Review. The Committee will publish more details as the Review develops.