

ROAD TRAFFIC ACT 1985 (AMENDMENT) ORDER 2025 CONSULTATION DOCUMENT

INTRODUCTION

The purpose of this consultation exercise is to comply with the Council of Ministers Public Engagement and Consultation Principles (October 2017) and to provide an opportunity for the wider consideration of these proposals. This exercise sets out a brief background to the proposed legislation, outlines proposed changes, and poses a series of questions in respect of the proposals.

By way of background, the Isle of Man Courts of Justice recently considered a death by dangerous driving matter and its subsequent appeal. Following consideration of the case there has been a general interest in the level of the punishment for the offence due to differences between the Isle of Man punishments and those in place in the United Kingdom.

This consultation paper will focus on the maximum punishments for the following offences

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- (a) causing death by dangerous driving (section 1); and
- (b) causing death by careless driving when under influence of drink or drugs (section 3A)

which are contained within schedule 6 to the Road Traffic Act 1985.

It is the Departments intention to align the maximum punishments for these offences with the same offences contained in the Road Traffic Offenders Act 1988 (of Parliament). The UK changed the maximum punishments for these offences in 2022 through the Police, Crime, Sentencing and Courts Act 2022 (of Parliament).

Increasing the maximum punishments to life imprisonment for these offences will provide the courts with enhanced powers to sentence appropriately for the most serious cases.

CAUSING DEATH BY DANGEROUS DRIVING – SECTION 1

The maximum punishment for this offence on the Island is currently 14 years or a fine or both. The maximum punishment in the UK for this offence, prior to change in 2022, was 14 years. Following the 2022 change the maximum punishment is imprisonment for life.

It has been suggested that the maximum punishment for causing death by dangerous driving should be increased from 14 years' imprisonment to life imprisonment. This would mean the offence has the same maximum penalty as manslaughter.

It should be noted that increasing a maximum penalty does not guarantee increased sentence lengths. This will enable the courts to impose any length of sentence up to life imprisonment. Any decisions on the appropriateness of a sentence remain with the Deemster and will be made on a case by case basis in light of the circumstances of the individual case.

The Department is seeking views on whether the existing maximum penalty for causing death by dangerous driving provides the court with sufficient powers to reflect the seriousness of the offending. Therefore, the Department is proposing to amend the existing punishment for section 1 (causing death by dangerous driving) offence from 14 years or a fine or both to imprisonment for life.

Question 1 – Do you agree or disagree with the proposal to increase the maximum punishment for causing death by dangerous driving from 14 years or a fine or both to imprisonment for life?

Please provide your reasons for your response.

CAUSING DEATH BY CARELESS DRIVING WHEN UNDER INFLUENCE OF DRINK OR DRUGS – SECTION 3A

The maximum punishment for this offence on the Island is currently 14 years or a fine or both. The maximum punishment in the UK for this offence, prior to the change in 2022, was 14 years or a fine or both. Following the change in 2022 this was changed to imprisonment for life or a fine or both.

Increasing the maximum punishment to life imprisonment for causing death by dangerous driving would mean that offence carrying a higher maximum punishment than the offence of causing death by careless driving under the influence of drink or drugs.

This raises the question of whether the maximum penalty for causing death by careless driving under the influence offence should also be increased or whether that distinction is justified because it reflects a difference in the level of culpability of the driver.

The Department is seeking views on whether these two offences should have the same level of seriousness and if so, whether any changes to the maximum punishment for one offence should be reflected in changes to the maximum punishment for the other.

It should again be noted that increasing a maximum punishment does not guarantee increased sentence lengths as decisions on the appropriateness of a sentence remain with the Deemster and will be made on a case by case basis in light of the circumstances of the individual case.

Therefore, the Department is proposing to amend the maximum punishment for section 3A (causing death by careless driving when under influence of drink or drugs) offence from 14 years or a fine or both, to imprisonment for life or a fine or both.

Question 2 – Do you agree or disagree with the proposal to increase the maximum punishment for causing death by careless driving when under the influence of drink or drugs from 14 years or a fine or both to imprisonment for life or a fine or both?

Please provide your reasons for your response.

OTHER RELATED MATTERS

In addition to the specific proposals outlined above, the Department welcomes views on any other aspects of road traffic legislation that may be relevant to the offences discussed in this consultation.

We encourage respondents to share any insights, experiences, or suggestions that may help inform future legislative developments in this area.