

# Speeding (Revised 2017)

Road Traffic Regulation Act 1984, s.89(1)

Effective from: 24 April 2017

Triable only summarily:

Maximum: Level 3 fine (level 4 if motorway)

Offence range: Band A fine – Band C fine

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## Steps 1 and 2 – Determining the offence seriousness

The starting point applies to all offenders irrespective of plea or previous convictions.

Speed limit (mph)	Recorded speed (mph)		
20	41 and above	31 – 40	21 – 30
30	51 and above	41 – 50	31 – 40
40	66 and above	56 – 65	41 – 55
50	76 and above	66 – 75	51 – 65
60	91 and above	81 – 90	61 – 80
70	101 and above	91 – 100	71 – 90
Sentencing range	Band C fine	Band B fine	Band A fine
Points/disqualification	Disqualify 7 – 56 days <b>OR</b> 6 points	Disqualify 7 – 28 days <b>OR</b> 4 – 6 points	3 points

- Must endorse and may [disqualify](#). If no disqualification impose 3 – 6 points
- Where an offender is driving grossly in excess of the speed limit the court should consider a disqualification in excess of 56 days.

The court should then consider further adjustment for any aggravating or mitigating factors. The following is a **non-exhaustive** list of additional factual elements providing the context of the offence and factors relating to the offender. Identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment from the sentence arrived at so far.

### **Factors increasing seriousness**

#### *Statutory aggravating factors:*

- Previous convictions, having regard to a) the **nature** of the offence to which the conviction relates and its **relevance** to the current offence; and b) the **time** that has elapsed since the conviction
- Offence committed whilst on bail

#### *Other aggravating factors:*

- Offence committed on licence or post sentence supervision
- Poor road or weather conditions
- Driving LGV, HGV, PSV etc.
- Towing caravan/trailer
- Carrying passengers or heavy load
- Driving for hire or reward
- Evidence of unacceptable standard of driving over and above speed
- Location e.g. near school
- High level of traffic or pedestrians in the vicinity

### **Factors reducing seriousness or reflecting personal mitigation**

- No previous convictions **or** no relevant/recent convictions
- Good character and/or exemplary conduct
- Genuine emergency established

### **Step 3 – Consider any factors which indicate a reduction, such as assistance to the prosecution**

The court should take into account sections 73 and 74 of the Serious Organised Crime and Police Act 2005 (assistance by defendants: reduction or review of sentence) and any other rule of law by virtue of which an offender may receive a discounted sentence in consequence of assistance given (or offered) to the prosecutor or investigator.

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### **Step 4 – Reduction for guilty pleas**

The court should take account of any potential reduction for a guilty plea in accordance with section 144 of the Criminal Justice Act 2003 and the *Guilty Plea* guideline.

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### **Step 5 – Totality principle**

If sentencing an offender for more than one offence, or where the offender is already serving a sentence, consider whether the total sentence is just and proportionate to the overall offending behaviour in accordance with the *Offences Taken into Consideration and Totality* guideline.

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### **Step 6 – Compensation and ancillary orders**

In all cases, the court should consider whether to make compensation and/or other ancillary orders.

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### **Step 7 – Reasons**

Section 174 of the Criminal Justice Act 2003 imposes a duty to give reasons for, and explain the effect of, the sentence.