

Causing Serious Injury by Dangerous driving

It is a criminal offence to cause serious injury by dangerous driving.

It is not disputed that D** was driving the car which hit V**.

Nor is it disputed that V** was seriously injured when hit by the car D** was driving.

The only issue is whether he was driving dangerously

Someone drives dangerously, if, and only if

(a) the way in which he drove fell far below what would be expected of a competent and careful driver; and

(b) it would be obvious to a competent and careful driver that driving in that way would be dangerous.

It is a high threshold.

When you decide whether or not D** was driving dangerously, you should concentrate on the nature of his driving, rather than his state of mind.

It is an objective test – in other words, consider the position from the view point of a competent and careful driver.

D**'s belief that he was driving safely, whether genuine or not, is not a relevant factor.

It is not disputed that D** was exceeding the ** miles per hour speed limit. That is one factor which you must take into account. However, the fact that someone is exceeding the speed limit does not automatically mean that he is driving dangerously. It may be that a driver is driving a little over the speed limit, but is not driving dangerously. However, evidence that a driver was breaking the speed limit may be an indication that he was travelling too fast for the conditions and that his choice of speed was dangerous.

D** says that he was driving fast because he was trying to escape from a man who had threatened him with a gun. The prosecution dispute this. If you are sure that he was not threatened by a man with a gun, ignore this. However, if he may have been threatened, you should consider how a competent and careful driver would have driven in the circumstances.

Feelings of anger because someone had thrown something at the car cannot amount to a defence.

So, the key question for you to answer, having regard to all the evidence and the directions which I give you is

Was D** driving dangerously when he hit V**?

If you are sure that the answer is “yes”, he is guilty. If the answer may be “no”, he is not guilty.