

### **Dangerous driving**

It is not disputed that D\*\* was driving the \*car/van/lorry in question on \*\* when it \*\*hit a parked car.

So what, as a matter of law, is dangerous driving? For the purposes of this case, D\*\* is to be regarded as driving 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.

So, the key question for you to answer in relation to Count \*, having regard to all the evidence and the directions which I give you is

At the time of the collision D\*\* was driving dangerously?

If you are sure that D\*\* was driving dangerously, he is guilty of the count or charge on the indictment and you do not have to consider what I am about to say about the alternative offence of careless driving.

If you are not sure that he was driving dangerously, he is not guilty of dangerous driving, but you should consider whether or not he is guilty of careless driving.

Alternative not on indictment

If you are not sure that the defendant was driving dangerously, it is open to you to find him guilty instead of the lesser, alternative offence of careless driving.

That involves driving on a road without due care and attention. A driver is to be regarded as driving without due care and attention if (and only if) the way in which he drives falls below what would be expected of a competent and careful driver.

If you are not sure that he was driving dangerously, the key question for you to having regard to all the evidence and the directions which I give you is;

Was the defendant driving in a way which fell below what would be expected of a competent and careful driver?

If you are sure that the answer to that question is “yes”, he is guilty of careless driving. If the answer may be no, he is not guilty.