

Careless and Inconsiderate Driving

Driving a motor vehicle on the roads and public places can be a daunting task, and it is crucial that you drive with care and consideration for other road users. Under section 3 of the Road Traffic Act 1988, it is an offence to drive without due care and attention or without reasonable consideration for others on the road. In this blog, we will take a closer look at the two forms of driving that attract a conviction under this section, as well as the potential penalties that a driver could face if found guilty.

The Offences

The offences under section 3 of the RTA 1988 can be broadly classified into two categories – driving without due care and attention and driving without reasonable consideration. It is essential to understand the difference between these two forms of offence, as they are aimed at different types of conduct.

(a) Careless Driving (driving without due care and attention)

Careless driving refers to driving that falls below the expected standard of a competent and careful driver. The definition of careless driving is provided in section 3ZA of the RTA 1988. Although a breach of the Highway Code does not make a driver automatically guilty of careless driving, such a breach can still be used as evidence to support the prosecution's allegations of careless driving. The court will establish the standard of a competent and careful driver in a particular situation and compare it with the defendant's driving.

(b) Inconsiderate Driving (driving without reasonable consideration for other persons)

Inconsiderate driving refers to driving that causes inconvenience to other road users. The test for inconsiderate driving is much simpler, and if your driving can be said to have inconvenienced others, you are likely to be convicted of inconsiderate driving. This offence is often proven in court through the testimony of another road user. The wide phrasing of the offence means that all manner of driving can qualify as inconsiderate driving.

Sentencing

The Magistrates Court sentencing guidelines provide that a driver convicted for an offence under section 3 of the RTA 1988 can face a maximum sentence of a fine as well as an endorsement of the driver's license with the particulars of the offence. In addition, the court has the power of discretionary disqualification. If the driver is not disqualified, they are likely to receive 3-9 penalty points. Disqualification is usually reserved for the most serious cases of careless driving.

How can we help?

The above offences are serious which carry consequences that can have an impact on your life in many ways. If you have been accused of driving without consideration, it is important to have the right legal representation to ensure that your rights and interests are properly represented.

Navigating through the legal system and understanding your rights can be tricky and intimidating. That is why it is essential to find the right legal representation to help you through the process.

The right firm can help you make sense of the legal complexities involved in a case of this nature. This can include advice on the best way to defend your case, an assessment of your rights, and assistance in preparing your defence.

The experienced Motoring Team at Chadwick Lawrence LLP are available to help you with your case. We have a strong reputation for providing quality representation and understanding our clients' needs. The team also has an impressive track record for success in defending clients accused of driving without consideration.

If you have been accused of careless or inconsiderate driving, it is important to act quickly. Contact the experienced team at motoring@chadlaw.co.uk and explore your options for legal representation. With the right legal team on your side, you can feel confident that your rights and interests are properly represented.

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