



# Justice outcomes for road traffic crimes

An analysis of Scottish road safety sentencing data,  
carried out by Cycling Scotland

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## Key messages

- Scottish road safety data shows poor or illegal driving behaviours are the most frequent cause of fatal and serious injury collisions.
- Road traffic offences recorded by the police have fallen significantly since 2013/14, with a resulting 36% drop in road traffic court convictions and a 19% drop in driving disqualifications (bans) issued.
- Similarly, the number of licence holders with penalty points has fallen by 45% since 2014.
- The number of offences of dangerous/careless and drink/drug driving recorded have increased since 2017 and Police Scotland should continue to focus limited resources on the most serious offences.
- The majority of driving bans are issued by courts when this is obligatory, for offences such as drink/drug driving and dangerous driving.
- Only 13% of those convicted of careless driving are banned. Similarly, only 6% of speeding convictions result in a ban.
- Increasing the use of driving bans for those convicted of the more serious instances of careless driving and speeding will reduce casualties by removing those drivers who pose the greatest risk from our roads.
- Lengthy driving bans are rare and there is scope for more people who commit the most serious offences, especially if repeatedly, to be banned for longer and so eliminate the risks they pose to other road users and themselves.

## Key facts

- Less than a third of drivers convicted of causing death by careless dangerous driving actually have to re-sit a driving test. Only 2% were banned for longer than 10 years.
- Over 10 years, 70,000 people were convicted in court of driving offences serious enough for a driving ban, creating a risk to themselves and other people. Only 121 people, or 0.2% received a lifetime driving ban.
- Over 40% of drivers deemed responsible for fatal crashes in 2015-20 had previous driving convictions.

## Introduction

In 2019/20<sup>1</sup>, 27,434 people were prosecuted at court for road traffic crimes/offences and 25,763 were convicted. In addition, 3,279 people were given fiscal fines and 7,951 were given fixed penalties as an alternative to court.

1.5% of people received a custodial sentence, 5% received a community sentence, while 89% were given a fine. 6,516 drivers (25%) were disqualified from driving, with 50% of bans issued for drink/drug driving offences.

Recent [analysis of fatal collisions](#) in Scotland highlighted that ‘a large number of drivers/riders at fault had previous convictions for driving related offences including dangerous driving, careless driving, drink driving and speeding.’ The report recommended a ‘review of penalties’ to ensure the criminal justice system is effective in addressing and preventing behaviours which cause road harm. As it stated: “It is evident that a large number of drivers who have been at fault for fatal collisions have previously been convicted for driving related offences and, therefore, have not been deterred by the punishments received in the earlier instances.”

[RoadPeace](#), the national charity for road crash victims, has conducted research into justice outcomes for road traffic offences as part of its [Justice Campaign](#). Research has focused on criminal justice data for England & Wales (E&W), with the most recent data (2018) highlighting concerns regarding a reduction in the use of driving bans (disqualification) to deter offenders.

## Scottish criminal justice data

The DVLA regularly publishes Driving licence data which shows the volume of driving licences and those with penalty points for GB. This data can be filtered to show Scottish data.

Scottish Government publishes data on road traffic crimes and offences in:

- [Recorded crime in Scotland](#) – volume of crimes/offences recorded by police
- [Criminal Proceedings in Scotland](#) – volume of proceedings, convictions, fiscal fines/fixed penalties
- [Criminal disposals dashboard](#) – volume of custodial, community and DVLA disposals (driving record endorsed, penalty points imposed or disqualified)

Unlike England & Wales, the Scottish published data does not include details of the volume of driving disqualifications imposed and their duration. Where this data is referred to it was sourced via Freedom of Information (FOI) request.

The historical relationship between police recorded offences, court convictions and driving bans issued is complex and influenced by changes in police practice and the Covid pandemic. Consequently, careful analysis of related datasets is required to draw accurate conclusions.

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<sup>1</sup> Data in the Covid period, 2020/21 and 2021/22 is not wholly comparable with the preceding years.

## Findings

### Recorded road traffic offences

Due to new police targets, recorded traffic offences in 2013/14 were exceptionally high (with a large volume dealt with by fixed penalty ticket and therefore seen as more minor). These targets were subsequently removed, and numbers fell dramatically in the immediately following years and more steadily between 2016/17 and 2023/24, by 19% (to 112,000 or 26,000 fewer offences). This has similarly impacted on the consequent volume of convictions. This is different to the experience of E&W where the volume of offences and convictions have remained fairly stable in comparison.

Conversely, dangerous/careless driving and drink/drug driving detections have increased between 2016/17 and 2023/24 by 12% (to 13,140 or 1,447 more offences) and 36% (to 8,041 or 2,124 more offences), respectively. This has arguably been influenced by the introduction of a fixed penalty ticket (FPT) for careless driving, as well as drug driving legislation enacted in late 2019, with detections for drug driving approaching those for drink driving.

The other fatal 5 offences have seen steady reductions in detections though, reducing by around 50% between 2016/17 and 2023/24: speeding (to 15,064 or 19,000 fewer offences), seatbelt (to 2,254 or 2,248 fewer offences) and mobile phone (to 3,538 or 3,171 fewer offences). This does not include Safety Camera offence data.

The increases in detections for the most serious offences, including dangerous/careless driving and drink/drug driving are positive and the right focus for limited police resources. Police Scotland officer numbers have reduced by around 1000 since 2017, impacting on levels of road traffic enforcement.

### Court convictions

Significant reductions in the volume of recorded road traffic offences in the last 10 years have had a consequent impact on the number of court convictions. Between 2013/14 and 2019/20 (pre-Covid) court convictions fell by 36%, with 14,556 fewer people convicted. Much of this change can be explained by the large volume of speeding, mobile phone, seatbelt and unlawful use of vehicle (document) offences processed through the courts in 2013/14, often resulting from unpaid fixed penalty tickets. More recently, between 2016/17 and 2019/20 there were 16% or 4,844 fewer people convicted.

In contrast, convictions for more serious offences such as dangerous/careless driving and drink/drug driving have remained relatively stable.

### DVLA penalty points

England & Wales and Scotland have seen similar rises in the number of driving licences held (full & provisional) in the last 10 years (2014-2024), with 4.2m held in Scotland, and the proportion of licence holders with points is similar in 2024 (195,000 licence holders in Scotland have points).

2024 data shows England & Wales has seen a marginal (8%) increase in the number of licence holders with points since 2015. In contrast, numbers in Scotland have fallen by 40%

since 2015 (14% since 2019) and in 2024 there are 134,000 fewer licence holders in Scotland with points compared to 2014.

This corresponds with the fall in recorded offences highlighted above and bears comparison with court disposal data, which shows a 34% drop in DVLA disposals in Scotland's JP courts between 2017/18 and 2022/23.

In 2024, the proportion of licence holders in Scotland with specific ranges of penalty points is roughly similar to those for England & Wales, with the vast majority (160,338 or 81%) holding 3-5 points.

## Driving bans

The most Scottish recent data regarding driving bans is from 2021/22 and was obtained via FOI. Data for 2020/21 and 2021/22 shows a large drop in offences processed through courts due to Covid.

In the period 2013/14 to 2019/20 (prior to Covid) the number of driving bans issued in Scotland reduced by 19% (from 8,000 to 6,516, with 1,484 fewer people banned), while road traffic court convictions dropped by 36% (from 40,319 to 25,763, with 14,556 fewer people convicted). This in contrast to England & Wales where a long-term large reduction in bans issued has far exceeded the marginal drop in convictions.

In 2021/22, 6,204 people in Scotland were issued with a driving ban and the data highlights which offences attract the most driving bans:

- Drink/drug driving (54% of all bans issued in 2021/22 or 3,372 people)
- Dangerous driving (13% or 808 people)
- No insurance (13% or 799 people)
- Driving while disqualified (7% or 461 people)
- Careless driving (5% or 321 people)
- Speeding (4% or 244 people)

The data shows that for offences with obligatory disqualification, the majority of those convicted are banned, with rates remaining consistent in the 10 years to 2021/22:

- Causing death by dangerous/careless driving (97% of convictions resulted in a ban)
- Dangerous driving (95%)
- Drink/drug driving (97%)

Conversely, in the same 10-year period, for offences dealt with at court for which disqualification is discretionary, bans are issued much less frequently:

- Careless driving (only 13% or 321 out of 2,506 people convicted in 2021/22 were banned)
- Speeding (only 5% or 244 out 4,465 people convicted in 2021/22 were banned)

Only a proportion of recorded careless driving (27%) and speeding (20%) offences are processed through the courts, with the greater majority of offences dealt with by way of police issued fixed penalty ticket. In many cases, the offences progressed to court will be the most serious.

This position is broadly similar to England & Wales, whilst noting that the proportion of convictions resulting in a ban is generally higher in Scotland.

## Duration of driving bans

The duration of driving bans issued in Scotland, as a proportion of the total number, have shown little change in the 10-year period to 2021/22.

In 2021/22:

- Bans of **2 years or less** accounted for 81% of all bans issued (4,966 people) - this correlates with the volume of drink/drug driving convictions (which account for 54% of bans issued) where the obligatory ban for a 1st offence is a minimum 12-months.
- **Over 2 years and less than 4** - 11% of bans issued (691 people)
- **Over 4 years to 10** - 2% of bans issued (128 people)
- **Over 10 years** - 0.2% (just 11 people)
- **Life** - 0.1% (just 6 people)
- **Until test passed** accounts for only 6% of bans issued (346 people).

The data (which is similar to the position in England & Wales) highlights that lengthy driving bans are rare. In the 10-year period to 2021/22, from a total of over 68,000 bans issued, only 95 people were banned for more than 10 years and 121 people were banned for life. There is clearly scope for a greater proportion of lengthy bans to be issued to those who commit the most serious offences, often repeatedly, and so eliminate the risks they pose to other road users.

## Contributory factors

Many of the contributory factors (CFs) assigned by police officers when recording a collision describe actions which constitute dangerous or careless driving. [Reported Road Casualties Scotland 2022](#) details how often these CFs are assigned, grouped in the following headings:

- Injudicious action (driver/rider) – assigned in 20% of killed or serious injury (KSI) collisions. This includes frequently recorded CFs such as *exceeding the speed limit* and *travelling too fast for the conditions* which together factored in 22% of fatal collisions.
- Driver/rider error or reaction – assigned in 54% of KSI collisions. This includes *failed to look properly* and *loss of control*.

- Behaviour or experience (driver/rider) – assigned in 19% of KSI collisions. This included actions considered *careless/reckless or in a hurry*.

The data highlights poor or illegal driving behaviours as the most frequent cause of fatal and serious injury collisions. Whilst most people convicted of dangerous driving offences receive a mandatory driving ban, on average only 13% of those convicted of careless driving are banned. Similarly, only 6% of speeding convictions result in a ban.

Data regarding the type of behaviours that result in dangerous or careless driving convictions is not available. Some information is captured in media reporting but tends to focus on high profile ‘death by driving’ offences or instances in which serious injury has been caused. Occasionally the media report on other instances, that do not involve injury, where they judge there is a public interest. Such reports can provide additional context to road traffic justice outcomes.

The following cases illustrate contrasting justice outcomes:

- Nov 2023, a van driver was found guilty of dangerous driving at Dumfries Sheriff Court having been detected driving with a limited view of the road due to a frost-covered windscreen. The driver was disqualified from driving for 12 months.
- Feb 2024, a driver was found guilty of dangerous driving at Kirkcaldy Sheriff Court having been detected driving at grossly excessive speed during a police pursuit. The driver was disqualified from driving for 16 months and ordered to do 200 hours community work.
- Mar 2024, a driver was found guilty at Selkirk Sheriff Court of careless driving following an incident in which they swerved across the road, drove in close proximity to other road users and entered a roundabout the wrong way. The driver was originally charged with dangerous driving and following the guilty plea was given 7 penalty points and a £750 fine.
- Apr 2024, a driver was found guilty at Greenock Sheriff Court of careless driving following an incident in which they lost control and crashed into another, stationary vehicle (no injury caused). The driver, who had a previous speeding conviction, received 6 penalty points and a £370 fine.
- Jun 2024, a driver was found guilty at Selkirk Sheriff Court of careless driving following an incident in which they narrowly avoided a collision with an oncoming vehicle during an overtake. The driver was originally charged with dangerous driving and following the guilty plea was given 4 penalty points and a £400 fine.



## Conclusion

As levels of road traffic enforcement have decreased so the number of convictions has similarly fallen. Limited resources and justice outcomes should be focused on those offences which cause the greatest harm to road users.

Poor or illegal driving behaviours are consistently recorded as the most frequent cause of fatal and serious injury collisions. Increasing the use of driving bans for those convicted of the more serious instances of careless driving and speeding will reduce casualties by removing those drivers who pose the greatest risk from our roads.

In addition, lengthy driving bans are rare and there is scope for those who commit the most serious offences, often repeatedly, to be banned for longer and so eliminate the risks they pose to other road users.

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