

# Unlawful killing verdicts in RTA inquests

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October 17, 2012

Emma Zeb, member of our Personal Injury Team summarises the High Court's guidance on using unlawful killing verdicts in RTA inquests.

The High Court have provided guidance on whether it is appropriate for a verdict of unlawful killing to be returned in an inquest where there is evidence that death was caused by the offence of causing death by dangerous or careless driving.



R (on the application of Sophie Wilkinson) v HM Coroner for Greater Manchester South District & Wendy Livesley [2012] EWHC 2755

There has for some time been a conflict amongst Coroner's as to whether evidence that a driver has committed the offence of causing death by dangerous driving contrary to section 2 B of the Road Traffic Act 1988 is sufficient to justify a verdict of unlawful killing at an inquest. The High Court have for now settled the dispute.

In brief the circumstances of the accident that lead to the inquest are that whilst driving on the M60 in snowy and icy weather conditions Ms Wilkinson's vehicle spun out of control and struck a stationary vehicle on the motorway hard shoulder. In the process a vehicle recovery technician working on the stationary vehicle was killed. There was no criminal prosecution against Ms Wilkinson. At the inquest the Coroner directed the Jury that they could return a verdict of unlawful killing if they were sure that the offence of causing death by dangerous driving had been committed.

Following a Judicial Review of the matter the High Court handed down Judgment on 11 October 2012 to the effect that the verdict of unlawful killing should be restricted to murder, manslaughter, corporate manslaughter and infanticide. Cases of bad driving having caused death should only be regarded as unlawful killing for the purposes of an inquest if they satisfy the ingredients for manslaughter (gross negligence manslaughter). It is worth noting therefore that the present guidance on this issue in Jervis (12<sup>th</sup> edition 2002) remains sound.

The judgment is reported at [2012] EWHC 2755 and is available [here](#).

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**17/10/12**

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