

Information and advice for bereaved families and friends following death on the road in Northern Ireland

For more help and emotional support call our helpline

0808 8000 401

or email helpline@brake.org.uk

Go to www.brake.org.uk/support for this pack online

For a children's support book call 0808 8000 401

Produced by



Funded by



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Working in partnership

Introduction

This guide aims to help you if someone close has been killed in a road crash, or if you are caring for someone bereaved in this way. It has been produced by the charity Brake, with funding from the Police Service of Northern Ireland.

What to read now

If you have been bereaved in the past few hours or days, turn to the section labelled 'What happens now?' (If you don't feel able to read on right away, ask someone else to read these pages for you.)

The rest of this guide provides information and advice on many other issues you may face at different times.

The yellow book in the front inside cover provides advice on coping after such a terrible bereavement. An audio version is available at www.brake.org.uk/support.

Who can help you now

For emotional support, information and practical help from Brake and other agencies now or later, contact the Brake helpline on 0808 8000 401 or helpline@brake.org.uk or turn to the section labelled 'Useful organisations'.

For information about support you can expect from criminal justice agencies, turn to page 1.

If you need extra copies of this guide for others, call the Brake helpline on 0808 8000 401.

This guide is also online at www.brake.org.uk/support.

The online version contains hyperlinks to the websites referred to in this guide.



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Other Brake guides

Brake produces other free guides which may help you, depending on your circumstances:

- *Someone has died in a road crash* (book for children and their carers)
- *Information and advice for bereaved families and friends following death on the road in England and Wales* (if the crash happened in that country)
- *Information and advice for bereaved families and friends following death on the road in Scotland* (if the crash happened in that country)
- *Information and advice following a serious injury in a road crash* (online only)
- *What happens in an Intensive Care Unit?* (online only)

You can view these guides online at www.brake.org.uk/support or call the Brake helpline on 0808 8000 401 to request copies to be sent to you.

Your contacts and notes

Your contacts

You can use the space below and overleaf to record names and phone numbers of people you may want to talk to over the coming weeks and months.

Your right to support from criminal justice agencies

It is best practice for the police to assign a Family Liaison Officer (FLO) to you. An FLO is a police officer trained to help bereaved people with procedures immediately following the crash and during the police investigation. If you are not assigned an FLO, ask if this is possible. Whether or not your police contact is an FLO, they should be able to help you with immediate things, such as seeing a loved one's body and answering, where possible, questions you have about the crash. Your police contact should also be able to keep you informed of the police investigation and any court dates and help you manage any contact with the media (see page 29).

Your entitlement to support from the police and other criminal justice agencies is outlined in the government's *Victim Charter: A charter for victims of crime (2015)*. To read the full charter, or a summary, go to www.justice-ni.gov.uk/publications/victim-charter.

Police guidelines called the Authorised Professional Practice (APP) also state that the police should provide you with the pack you are reading now and tell you about the Brake helpline, which you can contact for additional specialist support on 0808 8000 401. Police standards when liaising with you are also laid out in the *Family Liaison Officer Guidance*.

All three guidance documents can be downloaded from www.brake.org.uk/support or ask your police contact.

Your police contact

Police contact name

Station phone number

Mobile number

Pager

Times they can be contacted

Email

If you wish, your police contact may be able to tell other people about a death for you.



Police officer in charge of the investigation

(Senior Investigating Officer)

Name

Phone

Email

Coroner's office (see page 68)

Name

Phone

Email

Hospital or mortuary staff

Name

Phone

Email

Funeral organiser

Name

Phone

Email

Victim and Witness Care Unit case officer (see page 37)

Name

Phone

Email

Solicitor helping you with a compensation claim (see page 74)

Name

Phone

Email

Charities and other organisations helping you

(see page 83-88 for contact details)

Organisation

Name

Phone

Email

Website

Organisation

Name

Phone

Email

Website

Organisation

Name

Phone

Email

Website

Organisation

Name

Phone

Email

Website

Health professionals helping you (see the enclosed yellow book, *Coping with grief*, for information on how to get this help)

Organisation

Name

Phone

Email

Website

Organisation

Name

Phone

Email

Website

Organisation

Name

Phone

Email

Website

Faith or spiritual leader

Name

Phone

Email

You may wish to use the blank pages that follow to write down questions you want to ask and information you have been told by these people and others.

It's also helpful to keep copies of any letters or documents you receive in a safe place.

A series of horizontal dotted lines for taking notes, spanning the width of the page.

Lined area for taking notes, consisting of 30 horizontal dotted lines.

A series of horizontal dotted lines for taking notes.

A series of horizontal dotted lines for taking notes.

A series of horizontal dotted lines for writing notes.

What happens now?

What happens now?

What happens to a loved one's body

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Organ or tissue donation

A loved one may have made a decision to donate organs or tissue from their body to help others live, or you may want to consider donation.

Donation of organs is only possible if a loved one died in hospital, but donation of tissue or eyes may be possible after a death at the roadside.

If a loved one died in hospital, and if organ donation is possible, medical staff will support you and provide you with the information you need to consider donation. If a loved one had expressed a wish to donate by joining the NHS Organ Donor Register, you will still be involved before organ donation takes place. Medical staff may want to talk to you about your loved one's decision and may need some information about your loved one's lifestyle before donation takes place.

If a loved one has died outside of a hospital, and you want to consider donation, you need to act quickly – within 24 hours of the death. You or your funeral director can call the Tissues National Referral Centre on **0800 432 0559** for further information and support.

Organs or tissue are removed with care and do not delay burial or cremation arrangements. You can still see a loved one's body afterwards if you choose.

For more information about organ and tissue donation, go to **www.organdonation.nhs.uk**

Seeing a loved one's body

After someone dies suddenly or unexpectedly their body is taken to a hospital mortuary or a local mortuary.

You can decide whether or not to see a loved one's body. To help you make this decision, and if you didn't see a loved one in hospital or at the roadside before their death, you can ask your police contact or medical staff to tell you about injuries to a loved one's body and what their body looks like.

Sometimes, the bodies of people killed in road crashes have few visible injuries because injuries are internal. Sometimes bodies are very badly damaged. If a body is badly damaged, medical staff may cover the most damaged areas with a sheet. You can ask which areas of a body will be covered or uncovered. Sometimes the whole body is very badly damaged. Sometimes a body is a different colour, due to internal bleeding or bruising.

You may choose to see a loved one's body to say goodbye. Or you may choose to remember someone as they were. The decision is yours. You can take your time to decide. If a loved one's body is in a hospital, there may be a bereavement officer or hospital chaplain who can support you at this time. You can ask if this support is available.

Touching a loved one's body

If you decide to see a loved one's body, you may wish to touch their body. If you want to do this, talk to your police contact or medical staff. Sometimes, bodies of people killed in road crashes are very delicate because they are damaged, or bodies should not be touched for reasons to do with a police investigation. If you touch a loved one's body, it may help to remember their body will feel cold.

Identifying a loved one's body

The police sometimes require a family member to identify a person who has died. If the police ask you to do this, they may ask you to identify your loved one's body or identify them from their belongings. If you do not want to see a loved one's body but you are asked to identify their body, ask the police if there is anyone else who could do this for you. Alternatively, you may be able to identify the body through an internal glass window (at the mortuary), or by photograph or by video recording. In rarer instances, a body is harder to identify due to injuries sustained. In this case, police may ask you to help identify a loved one through dental records or by providing a sample of their DNA (for example, from a hairbrush or toothbrush).

Post-mortem examination

After someone dies on the road, there is likely to be a post-mortem examination of their body. This is a medical examination to determine the cause of death. A post mortem includes examination of body organs, tissues and fluids and is carried out by a specialist doctor called a pathologist. It takes place at the Regional Forensic Mortuary in Belfast.

A post-mortem examination is carried out on behalf of the coroner. The coroner is a special judge who investigates all sudden deaths (see page 68). Usually the coroner asks the pathologist to open and examine inside the body. The body is then closed again. This is called an invasive autopsy. Some people have objections, for faith or other reasons, to an invasive autopsy. If you have objections, or concerns about the way it will be carried out, you should tell the coroner's office or your police contact as soon as possible so they can take into account your views. A post-mortem examination may still be required.

Usually a post-mortem examination includes toxicology tests. This means that the pathologist takes samples of blood and urine, and possibly other samples such as stomach contents, fluid from an eye and pieces of tissue, to find out if they contain any toxic substances, such as alcohol or drugs. Your police contact should tell you if the coroner has ordered toxicology tests. Your police contact should also tell you if any samples have been taken to help determine the cause of death.

You should be informed about whether a post mortem will take place by your police contact.

If a post-mortem examination is carried out, you may be contacted by a Coroners Liaison Officer who is assigned by the coroner's office. More information about the coroner's office is available on page 68. Your police contact can tell you how to get in touch with the coroner if you haven't been contacted by them directly.

Representation at a post-mortem examination and second post-mortems

You are legally entitled to be represented by a medical professional during a post-mortem examination. Your representative could be a GP or another pathologist of your choice. If you have told the coroner that you wish to be represented, your police contact should tell you when and where the post-mortem examination is taking place.

If you are not satisfied with the information you receive about the cause of death, you may be able to ask for a second post-mortem examination, carried out privately for you by a pathologist of your choice, and funded by you. This requires the agreement of the coroner. If you have a solicitor (see page 25) they will be able to instruct a pathologist on your behalf and advise you of the cost.

In some instances a second post-mortem examination may be carried out on behalf of someone who is accused of a criminal offence in connection with the death. This requires the agreement of the coroner.

Organ or tissue samples

Most post-mortem examinations involve taking small tissue samples, known as 'tissue blocks'. These are less than six millimetres thick and are embedded in wax or resin. From them, very small amounts of tissue, thinner than a hair, are placed on glass slides so they can be examined under a microscope. These slides help confirm the cause of death. Taking tissue samples does not disfigure a body. A pathologist may need to retain an organ temporarily, so they can examine it closely.

After the post-mortem examination you can decide if any retained tissue or organs should be reunited with the body, which may mean you have to delay a burial or cremation. You can proceed with a burial or cremation earlier and arrange for any retained tissue or organs to be disposed of by the pathologist in a respectful way. Your police contact should explain these options to you and discuss what you want to do. Sometimes medical staff want to keep tissue samples for research, education or training purposes. They can do this only with the prior authorisation of the person who died (if they were an adult) or their nearest relative.

The law on organ and tissue retention is explained in the Human Tissue Act 2004, available to download through www.brake.org.uk/support. The coroner or the pathologist can provide more information about your case.

Delays to a burial or cremation

A burial or cremation can only take place once the coroner has given permission for the body to be released. To find out how long a post-mortem examination will take, or if you have objections to a burial or cremation being delayed, talk to your police contact.

The post-mortem examination report

You are entitled to, and can ask for, a copy of a loved one's post-mortem examination report, usually for free. You may or may not want to see it. The coroner's office can arrange for it to be sent to your GP who can help explain it. A pathologist may also be able to meet with you at their offices to discuss the report. Sometimes you cannot have the report until after any criminal proceedings are finished.

If a loved one died before emergency services reached them, the pathologist may be able to tell you information, if you want to know, regarding your loved one's death, for example how fast they lost consciousness.

Return of a loved one's personal belongings

The police, hospital officials or mortuary staff may be holding personal belongings of a loved one who has died, such as a bag, mobile phone, clothes or jewellery. You can ask if they are holding any belongings. You may decide you want all, some or none of them returned. If you are using a funeral director, you can ask them to collect any personal belongings for you when they collect the body.

Personal belongings, particularly clothes, are often damaged or blood-stained in crashes. Before deciding if you want certain belongings, you may want to ask about the condition of them.

If you want something returned that has been blood-stained, you can choose whether you want it returning just as it is, or cleaned first. Some people don't want a loved one's clothes cleaned because the clothes may carry the smell of that person. Some clothes may be very badly damaged and you may want them cleaned or not returned at all. The police may or may not charge you a fee for any cleaning you want them to do.

If a loved one who has died was in a vehicle, you can ask your police contact to check if any belongings are still in that vehicle (for example, in the boot or glove compartment of a car) and ask for these to be returned to you.

Sometimes belongings are kept temporarily by the police because they need them as evidence as part of their investigation. Once the police investigation and any resulting criminal prosecution is finished, these belongings can be returned if you want them. Belongings should not be disposed of by police, medical or mortuary staff without consent.

A police manual called *Family Liaison Officer Guidance* advises the police to consult with you about the return of belongings. You can view this guidance at www.brake.org.uk/support.

Many people treasure the smell of a loved one who died. You may wish to preserve their smell for a while by storing clothing they recently wore in an odour-free zip-locked bag.

Visiting the crash site

If you were not in the crash, you may or may not want to visit the place it happened. If you want to visit, your police contact can tell you the precise location if you do not know it and tell you any dangers such as parking problems, lack of pedestrian access or fast traffic. They may be able to accompany you to ensure your safety and answer questions you may have about the site.

If the crash site is far away and not accessible by public transport, your police contact or someone else may be able to drive you there. You may want them to do this if you do not drive, do not feel able to drive because of the shock, or you can't drive because your vehicle was damaged in the crash.

You may or may not want to place flowers or something else at the crash site. See page 31 for information on roadside memorials.

How did a loved one die?

If you were not in the crash yourself, you may or may not want to know the details of how a loved one died. You may want to know about medical treatment given at the roadside or in a hospital, and whether a loved one said anything or was unconscious during this time.

Sometimes it is possible to meet and talk to people who provided help at the crash site, such as a paramedic or a fire officer, or members of the public who provided first aid. If you want to do this, your police contact will be able to find out if this is possible. Alternatively, your police contact may be able to ask these people questions on your behalf.

If a loved one died in hospital you can ask to talk to doctors or nurses who provided treatment. Alternatively, your GP may be able to find out about treatment given and explain it to you.

You can also, if you are the next of kin, get a copy of a medical report prepared by the hospital on care and treatment given. This requires the agreement of the coroner. The report can be requested by you or your solicitor (see page 25) and there may be a fee. This report may use medical terms unfamiliar to you, so you may want to ask a hospital doctor or your GP to explain it to you. You may not be able to get full details of treatment until after the coroner's investigations into the death are finished.

If you have a concern that a hospital treated your loved one inadequately, you may wish to consult a personal injury solicitor (see page 74). In some cases, a medical negligence claim can be brought.

Why did the crash happen?

It is common to want to know straight away what happened and who was involved. The police will carry out an investigation into the crash and collect evidence (see page 33). If it appears someone may have committed an offence, criminal charges may be brought (see page 36).

If a solicitor is working on your behalf to find out if you can claim compensation (see page 74) they will need information from the police (including names of people involved, witness statements, and evidence such as photographs). It is important that your solicitor requests and gets information as soon as possible.

You can ask your police contact questions at any time during the police investigation. They may not have much information at first and may not be able to tell you certain things until their investigation is complete, but should tell you as much as they can.

What happens to a vehicle involved in the crash?

If a person who died was in a vehicle or on a motorbike or bicycle, it should be taken away for examination by the police along with any other vehicles involved in the crash. The police examine vehicles involved in fatal crashes to find out if they were mechanically defective, and to get more information about what happened in the crash.

Vehicles may be kept until the end of the police investigation and any resulting criminal prosecution. Sometimes the police have to take vehicles apart to find out what happened. Your police contact can tell you where vehicles are being stored and what is happening to a vehicle. If you were not in the crash, you may want to see a vehicle. You can ask your police contact to arrange this. Many vehicles involved in crashes are very badly damaged, although some are not. Ask your police contact to tell you in advance what a vehicle will look like.

You can pay for an independent examination of a vehicle if you or your solicitor (see page 25) think this is necessary. If you wish to do this, talk to your police contact.

Practical issues

Practical issues

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Registering a death

If you are the next of kin of the person who died then you will need to register the death. Once the coroner's investigations are complete, you will be contacted by the district registrar, who will tell you to go to the registrar's office to register the death.

Once the death has been registered, you can obtain a certified copy of the entry in the register, which is called a 'death certificate', from the General Register Office in Belfast. You can do this either online, by phone, by post or in person. For more details go to www.nidirect.gov.uk.

You may need proof of the death sooner than this, for example to enable you to move money between bank accounts or claim benefits (see page 26). In this case, you can ask the coroner to give you a 'certificate of evidence of death'. This is free. For information on how to contact the coroner see page 68.

For more information on registering a death, contact your district registrar or call the General Register Office for Northern Ireland on 0300 200 7890 or go to www.nidirect.gov.uk.

Talking to motor insurers

If a person who died was driving a vehicle then you, or someone on your behalf, needs to tell their motor insurer that they have died. The police can give you basic details that the motor insurer needs, such as the details of another driver. You do not have to tell the motor insurer what happened in the crash. You only need to say that the crash is being investigated by the police (see page 33).

The motor insurer may offer you a solicitor to help you find out if you have a compensation claim. It is up to you whether you choose this solicitor or a different solicitor. See pages 74-76 for important advice on choosing the right solicitor for you.

Whether or not a person who died was driving a vehicle, you are advised to consult a solicitor of your choice as soon as possible. It may be possible, at no cost to you, to make a significant claim for compensation from the motor insurer of a vehicle that contributed to the crash (see pages 74-76).

At any stage you may be contacted by the other side's motor insurer, offering you money in settlement for any compensation claim you may have. If this happens, you are strongly advised not to accept this money. Do not sign any forms they send you. A settlement they offer may be lower than the amount that a solicitor could obtain for you.

Telling others

There may be people other than relatives and friends who may need to be told about a death quite soon. You can choose to tell these people yourself or ask someone to do it for you. These people may include:

- employers (if you are employed you may be entitled to immediate bereavement leave or be given permission to take your holiday entitlement now; some employers and trade unions also have benevolent funds that provide support to families of employees who have died);
- school, college or nursery (teachers can provide valuable support);
- life insurance and pension companies (the sooner you inform these companies, the sooner you can go ahead with any possible claims from these plans);
- bank or building society;
- mortgage or loan provider;
- landlord;
- housing department or housing association (if a person who died was living in social housing);
- utility providers (for example, gas, electricity and phone), particularly if a person who died lived alone;
- benefit providers (see page 26);
- HM Revenue and Customs (if a person who died paid tax);
- Passport Office (if a person who died had a passport);
- DVLA (if a person who died had a driving licence);
- social clubs that a person who died attended.

Arranging a burial or cremation

A body's burial or cremation can take place once a coroner has given permission (see page 15).

Arrangements for a body to be buried or cremated, and arrangements for any funeral service or gathering in their memory, are usually overseen by a close relative. If you are the person making arrangements, consider any instructions that the person who died left in a will (see page 25) or elsewhere, or told anyone. You may also want to consult other people who were close to the person who died. A cremation can only go ahead if close relatives do not object. If the person who died followed a religion, there may be religious practices to follow.

Making decisions at this time can be hard. You may find it easier to make decisions and share tasks with other close family or friends. People in the same family sometimes have different or strong views on what should be done. Discussing options and making decisions together can help.

Alternatively, you may choose to let someone else make decisions.

Some people hold more than one memorial event, so everyone gets an opportunity to say goodbye in a way that has meaning to them.

You, or someone else responsible for the dead person's estate, is responsible for ensuring the cremation or burial happens, and deciding how. This means that, as long as you choose a legal method, no-one (including friends, family, a faith leader or a funeral director) can compel you to do it in a particular way.

Using a funeral director

Many people arrange a burial or a cremation with the help of a funeral director. A funeral director's services usually include, among other things, looking after the body prior to burial or cremation, arranging for you to view a loved one's body, providing you with a choice of coffins, shrouds or urns to buy, liaising with the burial ground or crematorium on your behalf if necessary and transporting the body.

If you decide to use a funeral director, and are considering which one to use, you may want to choose one who is a member of an association and follows a code of practice.

The following associations provide lists of members:

- National Association of Funeral Directors
T: 0121 711 1343 W: www.nafd.org.uk and www.funeral-directory.co.uk
- National Society of Allied and Independent Funeral Directors
T: 0345 230 6777 or 01279 726 777 W: www.saif.org.uk
- The Good Funeral Guide W: www.goodfuneralguide.co.uk
- Fair Funerals Campaign T: 0208 983 5030 W: fairfuneralscampaign.org.uk

Some people choose not to use a funeral director because they want to manage arrangements themselves. Some people choose to use a funeral director only for certain things, such as looking after the body or helping with the paperwork that needs to be completed after a death. You can get advice on managing arrangements yourself from the charity the Natural Death Centre. Go to www.naturaldeath.org.uk or call 01962 712 690.

Some people choose not to use a funeral director because arrangements are being managed by a faith leader.

Burial grounds

Your local authority or funeral director can provide you with lists of local cemeteries and church graveyards. Some burial grounds may already be full. The person in charge of a burial ground can tell you.

There may also be the option of burial in a woodland. This provides a natural setting for burial, while also using the land to grow plants and encourage wildlife. The Natural Death Centre can tell you if a natural burial is possible. Call 01962 712 690 or go to www.naturaldeath.org.uk.

Ashes

If your loved one's body is being cremated, then their ashes can be scattered in a place of your choice or garden of remembrance, buried in a cemetery or graveyard, or kept by you. You need to get permission from any landowner before making arrangements to scatter or bury ashes.

Coffins and shrouds

Bodies can be placed in coffins made from a range of materials, including cardboard. The body can alternatively be wrapped in a shroud before being buried or cremated. You can buy coffins and shrouds from a funeral director, over the internet or make your own. There are rules governing the covering of bodies. If you are not using a funeral director, you can get advice from the Natural Death Centre (see above).

The websites www.funeral-directory.co.uk, www.yourfuneralchoice.com and beyond.life compare prices and services of funeral directors in your area.

Paying for a burial or cremation

You may be able to get help paying for all or some of the costs of a burial or cremation if:

- you are on a low income and receive certain benefits, and you are responsible for paying for the funeral of a close relative or friend. You may be eligible for a ‘funeral payment’ to help with the essential costs of a funeral. (To find out more, go to www.nidirect.gov.uk and search ‘funeral payment’);
- the person who died was signed up to a scheme providing payment for such costs. This scheme could be part of an employment package, a personal pension plan, or an insurance plan;
- the person who died had paid in advance for their own burial or cremation through a payment plan. Some credit union accounts also make a payment towards funeral costs when the account holder dies. (Some payment plans may only pay for the use of a particular funeral director.)

If you aren’t eligible for this help, you should still keep receipts of costs in case you can claim them back later. You may be able to do this if someone is found to have been responsible for a death as part of a claim by you for compensation (see next page and page 74).

Direct funerals or cremations

One option for reducing the cost of a funeral is a burial or cremation without any mourners present. This is sometimes called a ‘direct’ funeral or cremation. The funeral director makes arrangements with the crematorium or burial site, collects the body, and returns ashes from the crematorium in an urn. Many people who choose this option still have a memorial ceremony, but hold it on a different day, later on.

A funeral director should be able to advise you on ways to lower the cost of a burial or cremation. The Natural Death Centre lists funeral directors specialising in direct funerals. Call 01962 712 690 or go to www.naturaldeath.org.uk.

Hiring a solicitor

Many people bereaved by a road crash benefit from hiring one or more solicitors as soon as possible. The earlier you consult a solicitor, the sooner they can consider your case and the greater the chance they will be able to help you. An initial consultation with a solicitor should be free.

Different solicitors specialise in different areas of law. A personal injury solicitor is the best person to advise you on whether you can claim compensation and pursue any claim for you (see page 74). Sometimes a lot of money can be claimed, so it is important to find out. You may also need advice from a solicitor specialising in wills. Depending on your circumstances, you may also need specialist advice regarding issues around an inquest, a post-mortem examination, a criminal case, or a death that happened abroad.

Wills

If you are the next of kin of an adult who has died, or you have been appointed as their representative, you need to find out if they made a will. Copies of wills may be held by a bank, solicitor or accountant, or at the home of the person who has died, or they may have been deposited with the Probate Office in Belfast or the District Probate Office in Londonderry. For more information go to www.nidirect.gov.uk and search for 'wills'.

A will appoints a person or people (known as an executor) to administer the estate of a person who has died (everything they owned). It also gives instructions on how possessions and money should be distributed and may also include instructions about their burial or cremation and any funeral.

Wills can be complicated. Sometimes there is no will. Whether or not there is a will, a specialist solicitor can give you advice on what you need to do. The Law Society of Northern Ireland provides details of solicitors who specialise in wills. Go to www.lawsoc-ni.org/solicitors or call 028 9023 1614.

You can usually meet with a solicitor for free to decide if you want to use them or not. If you hire them, their legal costs are usually paid from the estate of the person who died. You can also contact your local Advice NI member (www.adviceni.net/content/members) or law centre for free advice. To find details of the law centre nearest to you, go to www.adviceni.net or call 028 9064 5919.

Benefits

Some people qualify for benefits after being bereaved. You may be able to claim benefits for all sorts of reasons, for example if a partner has died, or you are bringing up children on a low income.

If a person who has died was claiming benefits or a state retirement pension, or if you were receiving benefits for them, you need to let their benefits office know about the death.

To find out if you can claim any benefits, contact your local benefits office as soon as possible. You can also call the Benefit Enquiry Line on 0800 220 674, or visit www.nidirect.gov.uk. You can also contact your local Advice NI member for free advice (www.adviceni.net).

Financial issues

Many people find their bereavement causes financial issues; for example, if a person who died was working and provided income. Some bereaved people struggle to pay bills at this time.

Some bereaved people also find they are managing finances for the first time, because this was a task undertaken by a person who died. Understanding finances that someone else previously managed can be challenging, particularly at such a difficult time.

The following organisations can give advice:

Charities offering advice:

- StepChange Debt Charity (0800 138 1111 or www.stepchange.org)
- Advice NI (0800 028 1881 or www.adviceni.net/advice/debt)

Government-established advice service:

- Money Advice Service (0800 138 7777 or www.moneyadvice.service.org.uk)

If you are pursuing a claim for compensation, it is sometimes possible to obtain an early partial payment, to help with immediate financial needs. Your solicitor can advise you (see page 74).

The Death Notification Service is a free service that allows you to notify a number of banks and building societies about a person's death, at the same time. To find out more, call 0333 207 6574 or go to www.deathnotificationsservice.co.uk.

Stopping unwanted mail

You may find it upsetting to receive junk mail, email or sales calls for someone who has died. One way to reduce the chance of this is to register, for free, with The Bereavement Register. Call 0800 082 1230 or go to www.thebereavementregister.org.uk.

You can also stop unwanted sales calls, mail and faxes by registering with:

- Telephone Preference Service (0345 070 0707 or www.tpsonline.org.uk)
- Mailing Preference Service (0207 291 3310 or www.mpsonline.org.uk)
- Fax Preference Service (0345 0700 702 or www.fpsonline.org.uk)

You may have to re-register with these services every few years.

The above services may not stop all unwanted correspondence, but will reduce the chance of it happening.

Social media

Communicating with friends, family or colleagues through social media (such as Facebook and Twitter) is an important part of many people's lives. You may find comfort and support through your use of social media at this time.

It is important not to make comments publicly on websites that could create problems for a police investigation, a criminal trial or a compensation claim. If you wish to discuss such things with people who are close to you, it is safest to do so only through private messaging or email.

There are many websites that encourage people to state their views on public forums (for example, on news websites). These forums often contain a variety of views, some of which may not be sensitively worded nor fair comment. They may contain incorrect information. A driver who has caused a crash may also post things on their own social media accounts that you may find upsetting.

For your well-being, you may choose to avoid sites which could contain insensitive posts or incorrect information, and only visit places on the internet where you feel safe, supported and can trust what you are reading.

If you feel you are suffering online harassment, for example threats to harm you physically, talk to the police.

Your case in the media

Journalists from newspapers, or radio or TV programmes, often want to cover crashes and court cases. You cannot stop the media from reporting on your case or publishing your name and where you are from. Journalists may publish or broadcast stories about your case without talking to you, or they may phone you, knock on your door, or approach you at a court hearing for a comment. They may ask you for a photograph or home video of someone who has died. They may ask to interview you or photograph you.

Different people feel differently about the media. You may feel grateful for media coverage, or dislike it, or feel disappointed that there isn't more media coverage. It is up to you whether you talk to journalists or not. You may decide to talk to journalists to help raise awareness of road safety, or to help find witnesses to the crash. You may find that you prefer to talk to some journalists but not to others. You may decide not to talk to journalists for personal reasons.

If you aren't contacted by journalists but want media coverage, you can contact them. You can ring up, email or write to journalists. Alternatively, your solicitor (see page 25) or the police (see next page) may be able to help you liaise with journalists.

Ask your police contact or your solicitor (see page 25) if there is anything you shouldn't talk about to journalists. If someone is accused of causing a death, it is important not to make comments that could create problems for a police investigation, a criminal trial or a compensation claim.

Police help with the media

The police can often help you to manage your relationship with the media, particularly in the first few days after the crash or around any court case. A police manual called *Family Liaison Officer Guidance* says police should work with you to develop a 'media strategy' that takes into account your views on media coverage. You can download this manual at www.brake.org.uk/support.

The police often release their own media statements about crashes and resulting court cases to the media, and will be able to give these to you. Your police contact should be able to pass on to the media any written statement you want to make, any photograph you want to see published or home video you want broadcast. In some cases the police also organise press conferences for bereaved families. This might happen at the end of a court case, or to appeal for witnesses.

Choosing a photo or home video

When choosing a photo or home video of someone who has died to pass on to the media, you may wish to consider how they would have wanted to be remembered. Your police contact can arrange for a photo to be altered if necessary – for example, taking a loved one's image from a group photo.

A few families have given the media a photo of a loved one's dead body, or of them critically ill in hospital before they died. They have done this as part of an appeal for witnesses or to explain to the public the horror of road crashes. You can ask the media to use a photo for a specific purpose and on just one occasion, accompanied by specific words from you, and then ask for the photo not to be used again. If you would like a photo to be used on just one occasion, you should agree this with the journalist who contacts you, before the photo is used. It is advisable to have a record of this agreement, for example by asking the journalist to email you, or asking the journalist if you can record their verbal agreement on your mobile phone.

You can release a photo to just one journalist or lots of journalists. Your police contact may be able to help.

You are advised not to give original photos or home videos to the media in case they lose them. Newsrooms can be hectic, messy places. The police should be able to make copies for you.

Being interviewed by a journalist

Being interviewed by a journalist can be hard, particularly if they are a stranger and they want you to talk about how you feel. It can be particularly hard to do interviews that are being broadcast on radio or TV. If you decide to talk to a journalist, it can help to ask in advance what questions they want to ask, and to think what you might want to say. If you are doing an interview at a radio or TV station, you might want to take a friend for support, or if you would prefer, ask for the interview to be done at your home.

Making a comment or complaint about the media

If you are unhappy with a journalist's conduct or think that a journalist has published or broadcast something that is incorrect or unfair, you can make a complaint to the relevant publication or TV or radio station.

If you are complaining about a publication, address your complaint to the editor and publisher. If you are complaining about a TV or radio station, address your complaint to the director. Sometimes the media offers to print or broadcast an apology. A newspaper or magazine may offer to print a letter from you.

Journalists are governed by national codes of practice that require them to respect the privacy and feelings of bereaved people.

- The Independent Press Standards Organisation (IPSO) regulates the Editors' Code of Practice, a set of rules that newspapers or magazines who are members of IPSO must follow. To read this code and find advice about dealing with media attention, or complain if you think a journalist has broken this code, go to www.ipso.co.uk. IPSO can help with unwanted press attention or harassment concerns and has a 24-hour helpline 07799 903 929.
- The Ofcom Broadcasting Code governs TV and radio journalists. To read this code and make a complaint if you think a journalist has broken this code, go to www.ofcom.org.uk or call 0300 123 3333.

Some people bereaved by a road crash wish to campaign for road safety. Pages 83 and 84 give details of organisations that can help you do this.

Roadside memorials

Some people bereaved in road crashes wish to place flowers and other things at the place where a loved one has died, in their memory. Some people see this as an important expression of their grief. You may or may not want to do this.

Many local authorities allow small temporary memorials such as flowers and cards. Some local authorities grant permission for small permanent memorials, such as a plaque on a grass verge, or depending on the location, larger memorials such as a bench. However, some local authorities may not allow roadside memorials, and some may even restrict the length of time that flowers can be placed at the site of a crash.

If you want to seek permission for a roadside memorial, you need to talk to the relevant local authority to find out what they allow.

You may want to ask someone else to talk on your behalf to your local authority about roadside memorials. The Brake helpline can do this for you. Your solicitor, police contact, or another support agency may also be able to help.

If cards or notes are placed by other people, you may want to ask your police contact to retrieve them after a period of time and give them to you.

Website memorials

Some people bereaved in road crashes decide to have a website in memory of a person who died, and publish memories, poems, messages, pictures or videos on this website. There are several organisations dedicated to providing this service for you, including ones that are free or low cost. You can ask a funeral director about these services. The Brake helpline can also put you in touch with these services, call 0808 8000 401.

If the crash happened abroad

If a loved one has died abroad, there may be many added complications, such as different legal procedures or a language barrier.

The Brake helpline works with the Foreign & Commonwealth Office (FCO) to provide emotional and practical support to families and friends, who live in the UK, of anyone killed in a road crash abroad.

If you are receiving assistance from the FCO you should have been offered Brake's support. If not, you can call the helpline on 0808 8000 401 (Monday-Friday, 10am-4pm) or email helpline@brake.org.uk.

You can also ask for support from FCO Consular staff based at British Embassies, High Commissions and Consulates overseas, and in London in the Consular Directorate of the FCO.

Consular staff can:

- give you information about burial or cremation in the country in which someone died, or information about transporting the body and personal belongings back to the UK;
- advise you how to register a death in the country where the person died;
- help you transfer money from the UK to pay costs;
- offer basic information about the local police system and legal system, including the availability of any legal aid;
- provide you with details of local lawyers, interpreters and funeral directors.

Consular staff cannot investigate deaths abroad nor give legal advice. If you have concerns about legal issues, a solicitor with experience of dealing with deaths abroad can advise you (see page 25).

Foreign & Commonwealth Office (FCO) guidance called *Support for British nationals abroad: A guide* explains what support is available to family and friends if a loved one has died abroad. This guidance is available online at www.gov.uk/government/publications/support-for-british-nationals-abroad-a-guide.

For more information about coping with death abroad, go to www.gov.uk/publications/coping-with-death-abroad.

You can contact the FCO for help and advice from anywhere in the world by calling 0207 008 1500 or go to www.gov.uk/government/organisations/foreign-commonwealth-office. To find your nearest British embassy, High Commission or Consulate, go to www.gov.uk/world/embassies.

If the person who died had travel insurance, it is advisable to contact the insurer as soon as possible, in case there is a possibility of a claim.

Criminal investigation and charges

Criminal investigation and charges

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The police investigation

A death on the road is investigated by the police. The police have a duty to try to find out what happened by gathering evidence. A police investigation can take several months.

Your police contact should be able to explain the procedures involved in the police investigation to help you understand how long it will last.

Giving a statement

The police may take statements from a number of different people. If you were involved in the crash, you saw the crash, or you saw vehicles before or after the crash, you may be asked to give a statement. If you were not involved in the crash, but knew the movements of a loved one on the day they died, you may be asked to give a statement too. If you give a statement, the police will write down and may record what you say.

If you have made a statement, a lawyer, or more than one lawyer, may want to interview you too. This is an essential part of the investigation and helps lawyers understand the evidence you are providing. Your contact details remain confidential – they cannot be given to someone accused of a crime.

It may be possible for a relative or friend to attend an interview with you to offer support. If you want to be accompanied ask if this is possible. If you have particular communication needs you may also be entitled to assistance from an interpreter or intermediary (someone who helps communicate to you questions the police ask, and communicate back your answers).

The police may also offer you the opportunity to make a Victim Personal Statement (see page 37).

If you give a statement, you may or may not be required, at a later date, to give evidence in court. See page 56 for information about giving evidence in court and support to help you do this.

Physical evidence

Crash investigation officers, who are usually specially-trained police officers, or employees of other specialist agencies, investigate a crash in order to identify the cause and obtain evidence. These experts may photograph, measure and video the scene of a crash and examine vehicles involved (see page 19). They may examine belongings of people in the crash, such as mobile phones.

Medical evidence

Medical evidence may be provided by personnel who tended to a loved one at the crash or in hospital, and by the pathologist who did the post-mortem examination (see page 14). Medical evidence can include alcohol and drug tests on drivers involved.

If the crash involved someone driving for work

If the crash involved someone driving for work, the Health and Safety Executive for Northern Ireland (HSENI) may get involved in the investigation. HSENI inspectors aim to identify any failure by an employer to ensure effective health and safety procedures were in place and followed. The investigation will usually be conducted jointly with the police. The police will be able to tell you if the HSENI are involved. The HSENI can take enforcement action against an employer. For more information about the HSENI go to www.hseni.gov.uk.

If the crash involved drugs or alcohol

If the police suspect that the crash involved drugs or alcohol, they will test drivers as soon as possible after arrest with a breath test or by taking samples of blood or urine. Breath tests provide an immediate result but samples of blood or urine are sent for analysis. The results of tests for blood or alcohol will be used to determine whether police charge or report the driver. You may or may not be told the results of tests for blood or alcohol.

The police report

If the police investigation finds any evidence that suggests a crime may have been committed, this evidence is compiled into a report that is sent to the Public Prosecution Service (PPS), the agency responsible for bringing prosecutions (see next page). The report is also sent to the coroner. You are not entitled to see this report but your police contact should tell you about any relevant information that it contains.

If you wish to find out more about the police report, you or a solicitor you are using (see page 25) can ask the police.

Standards have been set for fatal road crash investigations in a police document called the Authorised Professional Practice (APP): Investigation of fatal and serious road collisions. You can access this through www.brake.org.uk/help-for-victims/14-services-for-victims/243-agencycodes.

The Public Prosecution Service

The Public Prosecution Service (PPS) is responsible for prosecuting criminal cases investigated by the police in Northern Ireland. It works from regional offices.

If the police investigation indicates that the conduct of someone, or several people, or in some cases a company, amounted to a crime, the police will submit an investigation file to the PPS. The PPS will then review the case and decide whether or not to prosecute. The purpose of a criminal prosecution is to find out if someone has broken the law and appropriately sentence them. PPS lawyers, called public prosecutors, apply two key tests when deciding whether a person should be prosecuted:

1. Is there enough evidence against the defendant?

The PPS must consider there is enough evidence to charge someone, whether the evidence can be used in court, and whether the evidence is reliable and credible. There must be sufficient evidence for a 'reasonable prospect of conviction'. (This is different to the way a court decides whether to convict a person. A court should convict someone only if there is enough evidence to make the court sure they are guilty.)

2. Is it in the public interest for the PPS to bring the case to court?

If someone has died as a result of a crime, a prosecution is usually in the public interest.

Following a review of the evidence, the PPS selects the most appropriate charge to reflect the seriousness and extent of any offending.

The PPS acts on behalf of the public interest, not on behalf of victims or victims' families. However, when deciding if a prosecution is in the public interest, the public prosecutors should take into account any views that you or others have expressed.

Whether or not a criminal prosecution will happen in your case depends on the circumstances of the crash.

If the PPS plans to issue a summons for an offence that can only be dealt with in a Magistrates' Court, they must do so within six months of evidence of the date of the offence, or within six months from the time when the offence was committed. More serious charges can be brought later.

Victim and Witness Care Unit

To help you understand the prosecution process, you should be appointed a case officer who works for a Victim and Witness Care Unit (VWCU). The VWCU is run by the PPS and the police. Your police contact should let you know when the VWCU has received details about your case. You can contact the VWCU yourself or you can ask your police contact to contact the VWCU on your behalf.

You should receive a letter from the PPS within 10 days of a suspect being charged by the police or within 10 days of the police submitting an investigation file. This letter should give you information about the role of the PPS, the judicial process, how you can request a meeting and other agencies that can support you.

Your VWCU case officer should keep you informed, using your preferred means of contact (telephone, letter or email) and at a preferred time of day where possible, about:

- whether there has been a decision to prosecute or not;
- court proceedings;
- the outcome of a prosecution and any appeal.

If the PPS decides not to prosecute, it must say why. You should be informed of this decision and given reasons by your VWCU case officer. You can ask for more detailed information about the decision and request a meeting with the PPS. You can also ask the PPS to review its decision.

Victim Personal Statements

If a decision is taken to prosecute someone for a crime committed against you, then you should be offered the opportunity to make a Victim Personal Statement (VPS). This gives you an opportunity to explain in writing, before sentence is imposed, how the crash has affected your life, physically, emotionally, socially, financially, or in any other way. You can write your own VPS or someone else can help you write down what you want to say. Your police contact can also help you write your statement.

A VPS becomes part of the case papers and may be read out in court. You will not be asked to read out your VPS in court. You may be asked questions about the content of your statement by the judge or the defence lawyers. As part of their sentencing comments, the judge may talk about your VPS. If you do not want your comments to be talked about in court, you should say this in your statement.

You do not have to make a victim statement if you do not want to. It will not damage a case in any way or affect whether anyone is found guilty or not guilty of a crime.

If you wish to make a VPS, please talk to your police contact or a charity that supports victims of crime.

**Victim Support NI is one independent charity that can help you prepare your VPS. Its help is free and confidential.
Call 028 9024 3133 or 02871 370086 or go to www.victimsupportni.com.**

Charging someone and the possibility of bail

Someone who is charged with an offence is often called 'the accused'.

The accused person may be arrested by the police and taken to a police station to be interviewed. After the interview, they may be charged or they may be released until a report has been submitted to the PPS. Alternatively, the accused person may be issued with a court summons requiring them to attend court. The summons describes the offence and the date and venue of the first court hearing.

An accused person may be remanded in custody (imprisoned) or given bail (allowed to remain free before their case is heard). The accused will be granted bail unless the court has reason to believe they:

- would not attend a court appearance;
- would commit an offence while on bail;
- would interfere with witnesses;
- would obstruct the course of justice.

People on bail are required to:

- turn up, when required, to court hearings;
- comply with the law;
- not interfere with witnesses or obstruct the course of justice;
- make themselves available to the court as and when necessary.

Conditions may be attached to bail, such as limiting where the accused can live, or preventing them coming near you or your home or near someone else. A person on bail can also be electronically tagged. A court may require an accused person to refrain from driving as a condition of bail, but only if it considers that it is necessary to prevent the accused person from committing further offences. Otherwise, an accused person who is on bail and who possesses a valid driving licence will be allowed to continue driving while awaiting trial. It may or may not be possible to disqualify an accused person later if they are convicted in court.

The accused person may apply for bail at different stages of the case, even if it has been refused earlier. The accused may appeal against a decision not to grant bail. If bail is still refused on appeal, the accused can ask for the decision to be reviewed, but only if there has been a change in circumstances. If bail is granted, the prosecution can only appeal against the decision in rare circumstances.

If the accused is granted bail and their behaviour causes you concern, for example you see them driving in a way that you consider dangerous, or if they threaten you, report it immediately to your police contact.

Changes to charges

Sometimes, if the accused is facing a serious charge, the lawyers representing the accused ask the PPS for the charge to be changed to a less serious charge, on the basis of the evidence of the case. This request can happen before a case goes to trial.

The PPS may decide to continue prosecuting the accused for the serious charge or may reduce the charge. Their decision is based on the evidence and what is in the public interest.

Criminal charges that may follow death on the road

The following pages list some of the criminal charges that are available to the PPS following death on the road, and maximum penalties. Many people find it helpful to know that:

- Maximum penalties are fixed by law and vary for different charges, sometimes significantly. Courts often impose penalties lower than the maximum.
- Some charges mention the death or deaths, but others do not. Sometimes the only charges that can be brought by the PPS do not mention the death or deaths.
- Sometimes several charges are brought, sometimes against different people.

Brake's helpline on 0808 8000 401 is for anyone who has been bereaved in a road crash, whether you contributed to causing the crash or not.

Causing death or grievous bodily injury by dangerous driving

Article 9 of the Road Traffic (NI) Order 1995 (SI 1995 No. 2994 NI 18)

The law states that: 'A person who causes the death of, or grievous bodily injury to, another person by driving a mechanically propelled vehicle dangerously on a road or other public place is guilty of an offence.'

The definition of dangerous driving is that:

- a) the way a person 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 also dangerous driving if it would have been obvious to a competent and careful driver that driving a vehicle in its current state (for example, with defective brakes or other defective safety-critical components) would be dangerous.

This offence is tried in a Crown Court. The maximum penalty is a prison sentence of 14 years and/or an unlimited fine. The driver must be disqualified from driving for a minimum period of two years unless there are special reasons not to disqualify. The court must also order the driver to be disqualified until s/he passes the appropriate driving test. In rare cases where the driver is not disqualified, the driver's licence must be endorsed with between three and 11 penalty points.

Causing death or grievous bodily injury by careless or inconsiderate driving

Article 11A of the Road Traffic (NI) Order 1995 (as introduced by article 52 of the Criminal Justice (NI) Order 2008)

The law states that: 'A person who causes the death of, or grievous bodily injury to, another person by driving a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, is guilty of an offence.'

The law distinguishes between 'dangerous' driving and 'careless or inconsiderate' driving. The definition of careless and inconsiderate driving is that the standard of a person's driving fell below (rather than far below) what would be expected of a careful and competent driver.

This offence can be tried in either a Crown Court or a Magistrates' Court. The maximum penalty is a prison sentence of five years and an unlimited fine in the Crown Court, or a prison sentence of six months and a maximum fine of £5,000 in a Magistrates' Court. The driver must be disqualified from driving for a minimum period of one year. In rare cases where the driver is not disqualified, their driver's licence must be endorsed with between three and 11 penalty points.

Causing death or grievous bodily injury by careless driving when under the influence of drink or drugs

Article 14 of the Road Traffic (NI) Order 1995

The law states that: 'If a person causes the death of, or grievous bodily injury to, another by driving a mechanically propelled vehicle on a road or other public place without due care and attention, or without reasonable consideration for other persons using the road or place, and he is, at the time when driving, unfit to drive through drink or drugs, or he has consumed so much alcohol that the proportion in his breath, blood or urine exceeds the prescribed limit, or he is required to provide a specimen but without reasonable excuse fails to provide it, or he is required by a constable to give permission for a laboratory test of a specimen of blood but without reasonable excuse fails to do so, he is guilty of an offence.'

If a driver is proven to have had more than the legal limit for alcohol in their system at the time of the crash, the prosecution does not have to prove the driver's driving ability was impaired.

This offence is tried in a Crown Court. The maximum penalty is a prison sentence of 14 years and an unlimited fine. Anyone convicted must be disqualified from driving for a minimum period of two years unless there are special reasons not to disqualify. In rare cases where the driver is not disqualified, their licence must be endorsed with between three and 11 penalty points.

Causing death or grievous bodily injury by driving: unlicensed, disqualified or uninsured drivers

Article 12B of the Road Traffic (NI) Order 1995 (as introduced by Article 53 of the Criminal Justice (NI) Order 2008)

The law states that: 'A person is guilty of an offence under this Article if he causes the death of, or grievous bodily injury to, another person by driving a motor vehicle on a road and, at the time when he is driving, the circumstances are such that he is committing an offence under –

- a) Article 3(1) of the Road Traffic (NI) Order 1981 (driving otherwise than in accordance with a licence),
- b) Article 90 of that Order (using a motor vehicle while uninsured or unsecured against third party risks), or
- c) Article 168A(1)(c) of that Order (driving while disqualified).'

It is possible that a driver may not be charged with this offence if their driving was without fault (for example, if the person they hit and killed caused the collision themselves because they were drink driving).

In 2013 a judge ruled that driving without a licence or insurance would not be enough to hold the driver criminally responsible for causing a death if their driving was otherwise blameless.

This offence can be tried in either a Crown Court or a Magistrates' Court. The maximum penalty is a prison sentence of two years and an unlimited fine in the Crown Court, or a prison sentence of six months and a maximum fine of £5,000 in a Magistrates' Court. The driver must be disqualified from driving for a minimum period of one year. In rare cases where the driver is not disqualified, the driver's licence must be endorsed with between three and 11 penalty points.

Murder and manslaughter charges

Common Law

Murder is committed when there was intention to kill a victim or cause grievous bodily harm. This would mean that the driver had purposefully used their vehicle as a weapon. Charges of murder are rarely brought against drivers following a fatal road crash.

There are two types of manslaughter charge that could be brought against a driver who has caused death. 'Unlawful act manslaughter' is committed when the accused caused loss of life through an illegal action, such as using a vehicle to attack or frighten someone (but with no intention to kill or cause grievous bodily harm).

'Gross negligence manslaughter' is committed when it is proven that the accused's driving: caused the victim's death; fell far below the standard of a careful and competent driver; involved an obvious and serious risk of death; and was a gross breach of a 'duty of care' owed by the driver to the person who died. Gross negligence manslaughter is a very serious charge and is only appropriate in cases where evidence shows that the accused's driving was highly likely to cause a death.

The offences of murder and manslaughter are tried in a Crown Court. Murder carries a mandatory life sentence. Manslaughter has a maximum penalty of life imprisonment. Anyone convicted must be disqualified from driving for a minimum period of two years and then required to pass a driving test to regain a full driving licence, unless there are special reasons not to disqualify. In rare cases where the driver is not disqualified, their driver's licence must be endorsed with between three and 11 penalty points.

Wanton or furious driving causing bodily harm

Section 35, Offences against the Person Act 1861 (as amended by the Road Safety Act 2006, section 28)

Bad driving offences under the Road Traffic Act must involve a motorised vehicle, and take place on a public road or in a public place. By contrast, the offences of 'Wanton or furious driving causing bodily harm', as well as the offences of murder or manslaughter, do not have these restrictions. They can be committed even if the offender is using a non-motorised vehicle, such as a bicycle. They can also be committed wherever the driving takes place, including on private land. This offence is normally only directed by the PPS when it is not possible to prosecute an offence under the road traffic legislation.

This offence is tried in the Crown Court. The maximum penalty is a prison sentence of two years and/or an unlimited fine. Anyone convicted of this offence will not be disqualified from driving, but their driver's licence will be endorsed with between three and nine penalty points if driving a mechanically propelled vehicle.

Corporate manslaughter and corporate homicide

Corporate Manslaughter and Corporate Homicide Act 2007

The law states that: ‘An organisation is guilty of an offence if the way in which its activities are managed or organised: (a) causes a person’s death, and (b) amounts to a gross breach of a relevant duty of care owed by the organisation to the deceased.’

A ‘duty of care’ is defined as a duty owed by an organisation to its employees or contractors, a duty owed as the occupier of premises or other duties described in law that relate to the running of the organisation.

An organisation is guilty of a ‘gross breach’ of a relevant duty of care if its conduct fell far below what would be reasonably expected. For example, if a company failed to ensure a vehicle it was operating had serviced brakes, and the vehicle lost control and killed someone.

This offence is tried in a Crown Court, and the director of the PPS must give consent for the trial to take place. Any penalty is against the company, not individuals working for the company. The court may impose an unlimited fine. The court may also impose a remedial order (where an organisation must make changes to prevent future breaches of health and safety laws) and a publicity order (where an organisation must publicise the details of its offence).

Gross negligence manslaughter by company employees

Common Law

Individuals within companies can be prosecuted for gross negligence manslaughter (see page 45) if their actions were criminal and directly led to a fatal crash. For example, if a boss of a lorry company told a driver not to take their legally-required rest breaks and the driver fell asleep at the wheel, or if they told their mechanic not to replace worn brakes on a lorry and these brakes failed. Companies can also be prosecuted for gross negligence manslaughter if an individual found guilty of the offence plays a significant role in the management of the organisation’s activities.

If an individual is found guilty of gross negligence manslaughter, the maximum penalty is life imprisonment. If a company is found guilty, it can receive an unlimited fine.

Aggravated vehicle taking (often called 'joy riding' in the media)

Articles 172A and 172B, Road Traffic (NI) Order 1981

This offence is committed when a person takes a vehicle without the owner's consent or other lawful authority for his own or another's use, or, knowing that any vehicle has been taken without such authority, drives it or allows himself to be carried in it or on it and at any time after the vehicle was unlawfully taken, whether by them or by another, and before it was recovered:

- a) the vehicle was driven dangerously on a road or other public place; or
- b) owing to the driving of the vehicle, grievous bodily injury or death was caused to any person (Article 172B); or
- c) owing to the driving of the vehicle, damage was caused to any property other than the vehicle; or
- d) owing to the driving of the vehicle, damage was caused to the vehicle.

An Article 172A offence does not require a specific level of injury to have been caused.

Article 172A offences are tried in both Crown Courts and Magistrates' Courts. Article 172B offences are tried in a Crown Court only.

The maximum sentence in a Crown Court is 14 years' imprisonment if a death was caused and an unlimited fine. The maximum sentence in a Magistrates' Court is six months' imprisonment and a £5,000 fine.

The driver must be disqualified for a minimum of one year. If dangerous driving is proven the convicted person must pass an extended driving test before a full driving licence can be obtained. In rare cases where the driver is not disqualified, the driver's licence must be endorsed with between three and 11 penalty points.

Failing to stop or report an accident (often called 'hit and run' in the media) *Article 175, Road Traffic (NI) Order 1981*

A driver involved in a crash causing death, injury or damage is required to stop, remain at the scene and give their details. If they don't, they are required to report the crash to a police officer 'as soon as reasonably practicable'. This offence is committed if a driver doesn't do this.

Offences under this section are tried in a Magistrates' Court. The maximum penalty is a prison sentence of six months and a fine of £5,000. The driver can be disqualified from driving. If not, their licence must be endorsed with five to 10 penalty points.

Charges for killing someone by using a defective vehicle

If an unsafe vehicle (for example, a vehicle with defective brakes) has caused a death, then a charge, or range of charges, depending on the case, may be brought against the driver, the owner of the vehicle if different (for example, the boss of a company running a fleet of vehicles), or anyone else considered responsible.

It may be possible, for example, to bring charges of causing death or grievous bodily injury by dangerous driving (see page 41), aiding and abetting (see page 52), or corporate manslaughter (see page 47).

There may be a charge of failing to comply with Construction and Use Regulations. These impose requirements relating to safety critical components such as brakes, tyres, lights, steering, tachographs (which record driving time of commercial vehicles) and speed limiters (which restrict speed on commercial vehicles).

In addition, bosses of lorry and bus companies must hold a special licence issued by the Department of the Environment for Northern Ireland, Transport Licensing and Enforcement Branch. The Department has the power to take these licences away from bosses who break safety rules (see page 87).

Breaches of Construction and Use Regulations are heard in a Magistrates' Court. There is a range of maximum fines which can be imposed for different Construction and Use offences, the highest of which is £5,000. It may also be possible to disqualify an offender from running a company.

Charges that do not mention death or injury

The following charges do not mention death or injury, but are sometimes brought against a driver who was involved in a fatal crash:

- **Dangerous driving**

Article 10 of the Road Traffic (Northern Ireland) Order 1995; and

- **Careless or inconsiderate driving**

Article 12 of the Road Traffic (Northern Ireland) Order 1995.

In some cases, there is evidence that a driver was driving dangerously or carelessly before or after the crash, but there is no evidence to prove dangerous or careless driving at the time of the crash. In these cases, the PPS may only be able to bring charges of dangerous driving or careless driving, rather than the more serious charges of 'causing death by dangerous driving' or 'causing death by careless or inconsiderate driving'.

Dangerous driving can be tried in either a Crown Court or a Magistrates' Court. The maximum penalty is a prison sentence of five years and an unlimited fine in the Crown Court, or a prison sentence of six months and a fine of £5,000 in a Magistrates' Court. The driver must be disqualified from driving for a minimum of one year unless there are special reasons to impose a shorter disqualification or no disqualification. The driver must pass an extended driving test before they can regain a full driving licence.

Careless or inconsiderate driving is tried in a Magistrates' Court. The maximum penalty is a fine of £5,000. The driver can be disqualified from driving, or, if not, their licence must be endorsed with between three and nine penalty points.

Driving otherwise than in accordance with a licence

Article 3(1) the Road Traffic (NI) Order 1981

A person commits this offence if they drive when they do not hold a driving licence, or if they do not comply with the conditions of their licence.

This offence is tried in a Magistrates' Court. The maximum sentence is a fine of £1,000 and three to six penalty points. The driver may be disqualified.

Driving while disqualified

Article 168A(1)(c) the Road Traffic (NI) Order 1981

If a person drives during a period when they are disqualified from driving they commit this offence.

When tried in the Crown Court, the maximum sentence is two years' imprisonment and/or an unlimited fine. If tried in a Magistrates' Court, the maximum sentence is six months' imprisonment and a fine of up to £5,000. The driver can be disqualified from driving. In rare cases where the driver is not disqualified, the driver's licence must be endorsed with six penalty points.

Driving without motor insurance

Article 90 the Road Traffic (NI) Order 1981

If a person drives a vehicle on a road, or any other public place without motor insurance, they have committed this offence.

This offence is tried in a Magistrates' Court. The maximum sentence is a fine of up to £5,000 and six months' imprisonment. The driver may be disqualified from driving or the driving licence endorsed with between six and eight penalty points. However, if the driver is being tried for additional serious offences it may be heard in the Crown Court together with those offences.

Aiding and abetting

Someone who encourages another person to commit an offence may also be guilty of that offence. For example, if a passenger in a vehicle encourages the driver to drive dangerously, the passenger may be guilty of aiding and abetting the dangerous driving. Generally, the same penalties apply, although length of licence disqualification may differ. This can also apply in the case of a company that uses drivers (such as a lorry or bus operator) and allowed those drivers to drive dangerously, or use vehicles in a dangerous condition. The company, or a manager within the company, may be charged.

Bringing a private prosecution

It is sometimes possible for a member of the public, rather than the PPS, to prosecute another person for a criminal offence. This is called a private prosecution. This process is very costly and you cannot claim legal aid. The PPS has the authority to take over any private prosecution and either continue or discontinue its prosecution. All cases in the Crown Court have to be prosecuted by the PPS.

Sometimes, the government introduces new offences, or changes the definition of an offence, or changes an offence's maximum penalty.

Further information on all charges can be found in a document called Road Traffic Policy. Access this document at www.brake.org.uk/support.

Court cases

Court cases

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Attending court

Criminal cases and appeals are held in public courtrooms. This means that, if you want to, you can attend, although you don't have to unless you are called as a witness (see page 56). The information below can help you decide if you want to go or not, and help prepare you if you do decide to go.

Support in court

If you decide to attend a court hearing, it may help to have support. Your police contact may be able to come with you. You can also bring friends and family. The court will try to find places for everyone to sit, although maximum numbers will be restricted by seats available.

The voluntary organisation Victim Support Northern Ireland provides a support service in court called the Witness Service. This service provides a safe space, separate from the public areas, for victims of crime and witnesses aged over 18 attending court, and family members if space is available. If you are under 18, the Young Witness Service, provided by the children's charity NSPCC, may be able to help. You don't have to be a witness to use these services. Both services provide trained volunteers who can support you in court and give you information about court procedures. They can arrange an accompanied visit to the court before the hearing, to familiarise yourself with court facilities. Many people find this helpful.

For details of your local Witness Service, go to www.victimsupportni.com/help-for-witnesses. For information on the Young Witness Service, go to www.nspcc.org.uk and search for 'witness service'.

Seeing the accused or their friends around the courthouse

If you were not in the crash, court may be the first place that you see the accused or any of their friends. Many people find this hard. If the accused is on bail, they will be able to use the public areas of the court, such as any cafe. The Witness Service may be able to accompany you if you need to use the same public areas. The Witness Service also provides private, secure waiting rooms for victims and witnesses.

Where you can sit in the courtroom

In the courtroom, you, and anyone supporting you, as well as friends of the accused and any journalists can sit in the public gallery. (If you are a witness, you will not be able to go in until you have given evidence.)

It may be possible for you to be seated away from the accused's friends in court. You can ask court staff or the Witness Service about this.

If the accused is a young person, their hearing may be held in the Youth Court. Youth Courts are held in private, but you can ask for permission to sit at the back of the court.

**In court, the accused person is referred to as the defendant.
This is because they are defending the case against them.**

What you may see and hear, and how you may feel

Evidence is presented in court for the benefit of the judge and jury or district judge. Sometimes you may not be able to see evidence being discussed (such as diagrams or videos). If you can see evidence, some of it may be particularly upsetting. You may also strongly disagree with some things said in court by a lawyer for the defendant.

If you think you may get upset and need to leave the courtroom, you can. You are allowed to leave and re-enter a courtroom quietly. While you are in court, you are required to sit quietly and not talk. People who disturb court proceedings can be asked to leave.

You should switch off your phone, tablet or other electronic device before you enter the courtroom. You are usually allowed to take notes in court, but sometimes there are legal reasons that prevent this. You should check with court staff before taking notes. You are not allowed to take photos or make sound recordings in court.

Understanding what is happening in court

The Public Prosecution Service (PPS) should keep you informed of what is happening at court and answer any questions you have. If you are unsure who to talk to, you can ask your Victim and Witness Care Unit case officer (see page 37), or Witness Service or police contact.

Courtroom changes and delays

Sometimes a court building has many courtrooms in it. Sometimes the courtroom in which your case will be heard changes. Sometimes the start time of a hearing is delayed or a hearing is postponed to another day. Your police, Witness Service or PPS contact should be able to keep you up to date with what is happening.

If you are asked to be a witness in court

If you are a witness, you will have already given a statement (see page 33). In some cases, this statement can be used as your evidence in court. In other cases, you may have to give evidence in court.

Being a witness in court is a new experience for most people. You can discuss any concerns you have about giving evidence with your Victim and Witness Care Unit case officer (see page 37). Alternatively, you can talk about your evidence to your PPS contact or, if you are under 18, the NSPCC (see page 53).

You can also go to www.nidirect.gov.uk and type 'witness' into the search box for more information on being a witness.

Your local Witness Service or Young Witness Service should be able to help (see page 53).

Special measures for vulnerable or intimidated witnesses

Witnesses who are vulnerable or feel intimidated may be able to give evidence with the assistance of special measures.

These measures include screening (so you cannot see the defendant and they cannot see you), live television links, hearings in private, use of an intermediary (someone who helps communicate to you questions you are being asked by the court, and communicate back your answers) and allowing a video-recorded statement to act as evidence at trial.

The court has to follow legal guidelines regarding who is eligible for special measures. If you want to find out if you can use any special measures, talk to your Victim and Witness Care Unit case officer, the PPS or your police contact. The PPS prosecutor has to apply to the court for use of special measures, and the court decides whether they will allow you to use them or not.

Courts where charges are heard

Depending on the charge and the age of the defendant, cases are heard either in a Magistrates' Court or a Crown Court. Each court has different procedures and different sentencing powers.

Less serious offences, known as 'summary offences', are heard in a Magistrates' Court.

More serious offences, known as 'indictable offences', are heard in a Crown Court.

Some offences are known as 'hybrid' offences. The Public Prosecution Service (PPS) will make a decision about which court is the most appropriate to prosecute these offences. The PPS will often choose to prosecute such cases in the Magistrates' Court but can send a case directly to a higher court. If a hybrid offence is prosecuted in the Magistrates' Court, but the court subsequently thinks the case, because of its seriousness, cannot be dealt with adequately at this level, it can send the case up to a Crown Court.

Preliminary hearings and length of trials

Before the main trial goes ahead, a prosecution may start with one or more short hearings that don't include witnesses being called. These short hearings have several purposes, including giving the lawyers an opportunity to raise and discuss legal arguments that may affect the case and discuss the availability of witnesses. The objective of these hearings is to help a trial proceed smoothly without unnecessary delays.

Cases can take longer than expected to come to court. This may be for many reasons, such as a need to trace witnesses or obtain documents prior to a court hearing. Court hearings may also start late, be cut short or be postponed.

Your Victim and Witness Care Unit case officer (see page 37) will be able to explain to you what is likely to happen at a planned hearing and how a case is progressing.

What happens in a Magistrates' Court?

A case heard in a Magistrates' Court is usually determined by a District Judge who is legally qualified.

The judge decides whether the defendant is guilty or not (unless they have pleaded guilty). They decide sentences with the help of guidelines. There is no jury. The judge may wear judicial robes, but does not wear a wig.

Magistrates' Court hearings and trials

The defendant is required to appear in a Magistrates' Court to plead guilty or not guilty. (The court sometimes allows an adjournment so the defendant can decide their plea.)

If the defendant pleads guilty, the judge will hear the facts of the case before sentencing. The case can be adjourned prior to this to enable background reports to be prepared about the defendant.

If the defendant pleads not guilty then a date is usually set for a trial (this is also known as a 'contested hearing' or 'contest') and the case is adjourned until that date. Magistrates' Court trial dates may be set some time ahead to allow lawyers time to prepare. Sometimes trial dates are postponed, occasionally this happens at the last minute.

The lawyers who speak in court for each side are either barristers or solicitors. Barristers specialise in speaking in court. Solicitors may also speak in court. This often happens in a Magistrates' Court. The defendant may choose to speak for themselves.

The lawyer for the PPS presents evidence against the defendant. The lawyer defending the defendant then presents their case.

Both sides may call witnesses to give evidence, such as police crash investigation officers and eye witnesses. Photographs, videos and diagrams may be shown. Both sides can ask questions or put statements to witnesses who have been called by either side. The judge can also ask witnesses questions. If both sides agree in advance of the trial that a written statement given by a witness is not going to be challenged in court, then witnesses may not be required to attend court, and their written evidence can be read out instead.

The defendant can choose not to give evidence. If they do give evidence, they can also be questioned.

After the evidence has been presented, the lawyers sum up their cases and the judge considers the verdict. If found guilty, the offender is sentenced by the judge. See pages 61 to 63 for information on verdicts and sentencing. Sentencing may be postponed until a future hearing.

What happens in a Crown Court?

Most cases heard in Crown Courts are determined by judges and juries. The judge decides on matters of law and the sentence if a defendant pleads guilty, or is found guilty after a trial.

The judge and the lawyers who present evidence in Crown Courts wear robes and judicial wigs.

If the defendant pleads not guilty, their guilt or innocence is determined at trial by jury. A jury is made up of 12 members of the community, chosen at random from the electoral register. Sometimes particular jurors are dismissed prior to the trial on the request of a lawyer and replaced. A jury will be directed by the judge to try to reach a unanimous verdict, meaning all jurors reach the same verdict. However, in some cases judges allow a jury to reach a majority verdict with 10 of the 12 jurors in agreement.

Crown Court hearings and trials

Before a Crown Court hearing takes place, the defendant must appear at least once in a Magistrates' Court, where the charge is read out and the evidence is presented to the judge. This is called Committal Proceedings. After this, the case normally goes to the Crown Court, if the judge considers that there is sufficient evidence for a trial.

The first hearing at Crown Court is called the 'arraignment', which is when the defendant must enter a plea of guilty or not guilty. If the defendant pleads guilty, the judge will pass sentence (see pages 62 and 63). This may be on a later date. If the defendant pleads not guilty, a date is set for trial. A trial date may be many weeks or months ahead. Sometimes additional hearings take place before a trial so lawyers and the judge can discuss certain legal matters.

At a Crown Court trial the evidence for the prosecution is presented by a barrister instructed by the PPS. Barristers specialise in representing people in court. The defendant usually hires a solicitor to represent them and may also hire a barrister to speak in court.

The lawyers present evidence to the judge and jury to support their cases. Photos, videos and diagrams may be shown to the jury. The lawyers may read statements from witnesses and call witnesses to give evidence in court, such as police crash investigation officers and eye witnesses.

The lawyers representing either side, and the judge, can ask any witness questions. The defendant can choose not to give evidence. If they do give evidence, they can also be questioned.

After the evidence has been presented the lawyers make closing speeches. Then the judge sums up. The jury retires to consider its verdict. This may take some time.

If the verdict is guilty, the judge considers the sentence. The judge may hear arguments by the defence in support of a lighter sentence. The judge may delay sentencing to consider the case (see page 62).

Sometimes new evidence emerges that means the case cannot continue, or that some of the charges cannot be made at that time.

Youth Courts

Youth Courts deal with young people aged between 10 and 17 charged with criminal offences. Youth Courts are part of Magistrates' Courts. A judge sits with up to two specially-trained lay magistrates to hear a case. If a young person is charged with an offence which, in the case of an adult, would be tried in a Crown Court, the judge may send them for trial at a Crown Court.

If a young person is aged 17 to 21 and found guilty of an imprisonable offence, they may be sent to the Young Offenders' Centre (YOC) instead of prison. The YOC is a secure facility like a prison and is run by the Prison Service.

If a young person is aged 10 to 17 and found guilty of an imprisonable offence, they may be sent to the Juvenile Justice Centre. This is a secure facility like a prison. The Juvenile Justice Centre is run by the Youth Justice Agency, which is a government agency responsible for reducing youth crime.

You can find more information about the youth justice system at www.justice-ni.gov.uk.

The verdict

At trial, there are three possible verdicts: guilty, not guilty, and, in some cases, guilty of a lesser offence. Sometimes, no verdict can be reached. In this case, a retrial often happens. Sometimes during a trial the defendant changes their plea. They might decide to plead guilty after previously pleading not guilty. Or they might decide to plead guilty to a lesser offence.

If the verdict is not guilty, the defendant goes free. Even if new evidence emerges against them, they cannot be tried again (except in very rare circumstances).

Pleas in mitigation and background reports

Before an offender is sentenced, their lawyer will advise the judge or magistrate about any 'mitigating' factors that they think might reduce the sentence, such as an offender's stated remorse or personal circumstances.

The judge or district judge may ask for background information about the offender. Sentencing may be delayed until a later date so this background information can be provided and the judge or magistrate can give further thought to the sentence.

Sentencing

Any sentence imposed is decided by the judge.

When sentencing, the judge may take various things into account, including:

- any 'pleas in mitigation' or the findings of background reports (see page 61);
- Victim Personal Statements (see page 37);
- whether the offender pleaded guilty or not. If the offender pleaded guilty, the sentence can be discounted (reduced);
- the level of sentences in similar cases in the past. This is called 'case law' or precedent;
- the maximum sentence set by Parliament for the offence;
- the powers of the court. The Crown Court can impose higher penalties than a Magistrates' Court;
- whether a warning, community sentence (see page 63) or fine are appropriate rather than prison

A court will rarely impose the maximum penalty and sometimes imposes a much lower penalty. If you don't understand the basis for a sentencing decision, talk to the PPS. If you are unhappy with a sentence, you can make a comment or complaint. See page 72 for how to do this.

Community sentences

Often a road traffic offender is given a community sentence (often called a community order) rather than a prison sentence. This means they have to serve their sentence in the community rather than in prison, under the supervision of the Probation Board for Northern Ireland.

The judge can impose a probation order (which means the offender is supervised while in the community), a community service order (which means the offender must do 40-240 hours of unpaid work), or a combination order (which includes both supervision and unpaid work, as well as focused work to reduce the likelihood of reoffending). The offender may have to abide by a curfew (which means they must stay indoors at certain times) or they may have to undertake programmes to address offending behaviour (for example, a drug or alcohol programme). If an offender fails to comply with the requirements, they may have to go back to court and may receive a different sentence.

For more information, go to www.nidirect.gov.uk and search for 'probation and community sentencing'.

Restorative justice

Restorative justice provides an opportunity to meet or communicate with an offender to explain the impact of their crime on you. It also aims to help offenders take responsibility for their actions and make amends.

An example of restorative justice could include a meeting with an offender, guided by a trained facilitator. In this meeting you explain how the crime has affected you, and the offender explains their actions and apologises. Another example could be letter correspondence, or audio or video recordings, between you and the offender. You will have the opportunity to consider and discuss what will work best for you. Your involvement in restorative justice is entirely voluntary. If you are offered it (by the Probation Board or prison service), you may want to consider it carefully, and how it may make you feel. If you aren't offered restorative justice but you want it to take place, you can talk to the PPS (see page 36) or your police contact.

Section 8 of the *Victim Charter: A charter for victims of crime (2015)* explains more about restorative justice and is available from www.justice-ni.gov.uk.

For more information about the criminal justice process, go to www.ppsni.gov.uk.

Appeals by an offender

Following a criminal case a convicted person may appeal against their conviction (if they had pleaded not guilty at trial) or their sentence or both.

If in custody, they can also apply for bail and in some cases may be released while waiting for their appeal.

If the case was heard in a Magistrates' Court

An appeal by someone against their conviction or sentence in a Magistrates' Court will be heard in a County Court by a judge who sits alone (unless it is an appeal from the Youth Court when the judge sits with two lay magistrates). In the case of an appeal against a conviction, there may be a retrial, with witnesses called again. The judge has the power to uphold or quash the conviction. In the case of an appeal against a sentence, the judge can change it to a more lenient or more severe sentence, or keep it the same.

Rarely, a case is heard in the Court of Appeal instead. This happens if it is being argued that a conviction was incorrect because the Magistrates' Court misinterpreted a law. If the Court of Appeal finds this to be true, it can order a retrial in the Magistrates' Court.

If the case was heard in a Crown Court

Many appeals by people against their conviction or sentence in a Crown Court are not given permission by the courts to go ahead.

If an appeal does go ahead following a conviction in a Crown Court, it is heard in the Court of Appeal. The Court of Appeal has various powers. These include upholding the conviction, changing the conviction to a conviction for a different offence, quashing the conviction, changing the sentence, acquitting the person, or ordering a re-trial.

Appeals by the prosecution

The prosecution has no automatic right to appeal a conviction or a sentence in a Magistrates' Court. However, in limited circumstances involving an error of law, the prosecution may appeal a Magistrates' Court decision. This appeal is made to the Crown Court.

The PPS has no power to appeal against a verdict of not guilty in a Crown Court.

The Director of Public Prosecutions can refer a sentence imposed by a Crown Court to the Court of Appeal on the basis that the sentence was 'unduly lenient'. If you think a sentence for a charge heard in the Crown Court was too lenient you can also write to the Director of Public Prosecutions or the Attorney General for Northern Ireland expressing your concerns.

Appeals to the House of Lords

Either the prosecution or the offender may appeal to the House of Lords where there is a point of law being questioned that is of general public importance.

When can appeals be lodged?

All appeals must be lodged within 28 days of a sentence being imposed and sometimes sooner. Appeals to the High Court (judicial review) must be brought within three months.

You can talk to your police or PPS contact to find out if an appeal has been lodged and the progress of any appeal. They can also tell you the date of an appeal, if you want to go, or its outcome if you don't want to go.

Talk to your Victim and Witness Care Unit case officer (see page 37) to find out if an appeal has been lodged and the progress of any appeal. You can read more about appeals in the *Victim Charter: A charter for victims of crime (2015)*, available from www.justice-ni.gov.uk.

Challenging a decision through judicial review

The judicial review process is used to challenge a decision made by a public body or authority. A few bereaved families have used judicial review to challenge a decision made by the Public Prosecution Service not to prosecute a serious charge. If a challenge is successful, the High Court has the power to rule that the PPS should reconsider bringing a serious charge. The process is very costly unless you can qualify for legal aid.

Will a prisoner serve their whole sentence in prison?

Some offenders will be released automatically halfway through their sentence or in some cases earlier.

An offender who is sentenced to less than 12 months in prison will be released automatically halfway through their sentence. If an offender commits another offence before the end of their sentence they may be required to serve the rest of their sentence in custody as well as being punished for the new offence.

An offender who is sentenced to 12 months or more in prison will serve half their sentence in prison and the rest in the community. During the period in the community they will be supervised by a probation officer and have to meet certain conditions, such as a curfew or attending a programme to address their behaviour (for example, a drink-driving awareness programme). If an offender fails to comply with conditions, they may be sent back to prison for the remainder of their sentence.

Offenders who receive a 'life' sentence will have a minimum custodial period set by the court. Once this minimum period is up, the offender may be released unless they are considered to be a risk to the public. If the offender commits another offence at any time after their release, they may be sent back to prison.

Some offenders may be released from prison for short periods on a temporary licence during their prison sentence. This could be for reasons such as to attend a funeral, have medical treatment, or to prepare them for their return to life in their community. Prisoners must return to prison at the end of a temporary licence.

Will I be told when a prisoner is going to be released?

You can sign up to a Prisoner Release Victim Information Scheme if the offender is over 18 and has been sentenced to six months or more imprisonment.

This scheme informs you of the month and year that the offender is due to be released. You will also be able to voice any concerns you have about an offender's release in writing.

You can also sign up to receive information, or voice any concerns, if an offender has been sentenced to a period of supervised probation (see page 63). You can choose to be informed about any changes to the probation order, such as a breach of its conditions, revocation or recall to prison.

This scheme may be particularly appropriate if the offender normally lives in your community and you are worried that they may pose a danger to you or people around you when they are released.

The Prisoner Release Victim Information Scheme is run by Northern Ireland Prison Service and Probation Board Northern Ireland. For more information and to register, call 0300 1233 269 or email victiminfo@pbni.gsi.gov.uk. You can also register online at www.pbni.org.uk.

For further information go to www.nidirect.gov.uk. You can also use this site to get in touch with the Prison Service or Probation Board if you are worried about something, for example if you have received unwanted contact from an offender.

Coroners

Coroners are special judges who investigate violent or unnatural deaths or deaths where the cause is unknown. This is likely to include most road deaths. Coroners have a legal qualification. They are appointed by the Northern Ireland Judicial Appointments Commission.

The coroner is required to confirm the identity of the person who died and find out how, when and where they died. Coroners reach conclusions called findings (see below). Coroners cannot find someone guilty of a criminal offence nor sentence them. This is the role of the criminal courts. Similarly, coroners cannot establish civil liability or award compensation. This is the role of the civil courts.

To help them find the cause of death, the coroner will often order a post-mortem examination of the body (see page 14). In some cases the coroner's investigation includes an inquest (see page 69). This will always happen if the death was from unnatural causes and if there was no criminal trial.

If someone is likely to face criminal charges for causing the death, the coroner will usually wait for criminal proceedings to finish before beginning their investigation. At this stage, the coroner will consider if an inquest should be held. The coroner is responsible for authorising the release of the body for burial or cremation and issues the relevant paperwork to enable the registration of a death (see page 20) after their investigation is complete.

Coroners are assisted by a coroner's liaison officer, who will contact the next of kin once the post-mortem examination is over. You can ask to talk to this officer at any time and they will try to answer any questions about the post-mortem examination and the coroner's investigation. You can contact the coroner's office on 0300 200 7811 or by emailing coronersoffice@courtsni.gov.uk.

Coroners' findings

A coroner's finding is a factual statement about the cause of death and the circumstances surrounding the death.

A coroner may say in their findings that a death was accidental even when someone is thought to have caused a death on the road. This can be upsetting, but criminal charges may still be brought (see page 38 for information about criminal charges and page 69 for information about the timings of criminal and coroner's proceedings), and you may still be able to pursue a claim for compensation (see page 74).

Inquests

Coroners sometimes reach their findings at public inquiries called inquests. Inquests are held in a courtroom. Their length depends on the case. Inquests after a death on the road are normally held in front of a coroner without a jury. However in certain cases, for example if the case raises concerns about public safety, a jury can be called. The coroner or their staff can tell you if this is the case.

Is there always an inquest?

The coroner will usually wait until criminal proceedings have finished before deciding whether to hold an inquest. The coroner may decide not to hold an inquest if they think the facts of the case were covered by a court hearing.

If there is no inquest, the coroner will close the case and will notify the registrar so that the family can register the death. The coroner will record the cause of death based on evidence they have on file, which is generally the findings of the post-mortem report.

If you think a court hearing failed to discuss all the aspects of your case and you think an inquest should take place, you can ask the coroner to consider holding an inquest. The coroner will take your views into account and makes the final decision about whether or not an inquest will be held.

What happens at an inquest?

At an inquest, witnesses are usually called to give evidence. The coroner will decide who should give evidence. This may include the police, medical staff, expert witnesses and eyewitnesses. Contributions may also be allowed by a relative, friend or legal representative of the person who has died (see page 71).

There may be particular people who you, or a solicitor representing you (see page 25), think are important witnesses. If so, you or your solicitor can suggest these people to the coroner. Anyone who may face, or who has faced, a criminal charge in connection with the case can be required to attend the inquest and be sworn in as a witness and face questions, although they have the right not to answer questions that may incriminate them.

With the permission of the coroner, witnesses may also be questioned by 'properly interested persons'. This could be you, or someone else close to the

person who died, or a lawyer representing you. For example, you may have a lawyer who is pursuing a compensation claim on your behalf who wishes to ask questions.

The coroner may also allow witnesses to be questioned by someone, such as a lawyer, representing a person accused of a criminal offence in connection with the death.

All questions must be about the facts of the death. The coroner will decide whether a question is relevant.

If you are organising a lawyer to speak on your behalf at an inquest, it is important to choose one with expertise in doing this. Go to www.lawsoc-ni.org for a directory of lawyers.

Legal aid for representation at an inquest is sometimes available. Your lawyer can find out if you are entitled to it.

The coroner will use the evidence provided by witnesses at the inquest to reach their findings (see page 68).

A coroner can write a letter to outline road safety concerns that arose during an inquest. They send this letter to any relevant authority, organisation or individual who may be able to address these issues. The coroner cannot force anyone to take steps to prevent future deaths. You can ask the coroner to provide you with a copy of any letter they send and replies received, although the coroner does not have to do so.

Attending an inquest

Inquests are public hearings you can attend, if you want to. As described on page 70, people known as ‘properly interested persons’ (including relatives of the person who died), are also entitled to representation by a lawyer.

The coroner's liaison officer should inform all interested persons (which includes the next of kin) of the date, time and venue of an inquest. If you are not told, you can ask the coroner's liaison officer.

For most people, attending an inquest is a new experience. You may wish to familiarise yourself with the courtroom in advance by visiting it. The coroner's liaison officer can arrange this.

Before an inquest, you, or a solicitor acting on your behalf, can request to see documents such as reports that are going to be presented at an inquest, to help you, or your solicitor, prepare for the inquest. The coroner decides whether to allow you to see such documents.

During the inquest, technical terms may be used. Coroners should try to explain terms so everyone can understand what is being discussed. You may find some evidence upsetting, for example descriptions of injuries or photographs. The evidence may include personal information about the lifestyle of the person who has died. If you get upset during an inquest, you can leave the courtroom at any time. If you do not want to miss anything, the coroner may be prepared to adjourn the inquest for a short time.

After an inquest is over, it is possible for you, or your solicitor, to obtain a copy of notes from the inquest, for a fee. A recording of the hearing may also be available. If you didn't attend the inquest, you may want to ask the coroner's officer what the notes or recording contain, in case there is anything you don't want to see or hear because it may distress you.

Because inquests are held in public, someone who may have caused the death, and their friends, may also attend. Journalists may attend and report on what happens and ask to talk to you (see page 28 for information on talking to journalists). You may wish to ask family or friends to attend the inquest with you for support. The coroner's liaison officer can tell you how many seats will be available.

Professional standards you can expect to receive from a coroner in Northern Ireland are available to read at www.brake.org.uk/support or go to www.courtsni.gov.uk for more information about coroners.

Having your say about criminal justice

If you have a comment or a concern about the criminal justice system you have a right to be heard and your point of view considered. Speaking up may also help improve criminal justice in the future.

You may have one or more points you wish to raise with one or more criminal justice organisations. Your first step should be to decide which organisation you need to contact. The Police Service of Northern Ireland (PSNI) is responsible for police family liaison (see page 1) and criminal investigations (see page 33).

The Public Prosecution Service is responsible for bringing prosecutions (see page 36). The Northern Ireland Courts and Tribunal Service is responsible for what happens in court (see page 53 onwards), although it is worth remembering that decisions by judges can only be challenged by appeal (see pages 64 and 65). The Northern Ireland Prison Service is responsible for what happens to an offender (see page 66).

Your next step is to find out the complaint policy of the organisation you want to contact. Different organisations have different complaint policies, and these policies explain how to have your say. You can usually find an organisation's complaint policy on its website, or ask a local official who works for that organisation to give you a copy.

A complaint policy usually asks you to submit comments in writing. It should explain who will respond (usually a complaints officer or someone close to your case) and how quickly. Whoever responds should aim to address your comments to your satisfaction.

If you would prefer a meeting, this may or may not be possible or appropriate depending on the complaint policy of the organisation, their resources, and the nature of your comments.

Professional standards

When preparing your comments, it is a good idea to read the government's Victim Charter, and other codes that set standards for criminal justice organisations to enable them to better meet victims' needs. Read the latest versions of these codes and standards at www.brake.org.uk/help-for-victims/14-services-for-victims/243-agencycodes.

If you are not satisfied with a response you receive

Complaint policies usually explain steps you can take if you are not satisfied with a response. Usually, this includes giving you the chance to have your comments considered by someone else, such as someone more senior.

If you are still not satisfied with another response you receive, a complaint policy may give you further opportunities, such as having your comments reconsidered by a specialist team, or by the boss of the organisation. There may also be an opportunity to have your comments considered by an independent agency. For example, the Police Ombudsman for Northern Ireland investigates complaints about the police.

Having your say to the government

Criminal justice organisations, such as the police and PPS, are set up and regulated by the government, and are the responsibility of particular government departments and their ministers.

If you feel your concerns have not been answered by a criminal justice organisation and you wish to raise your concerns with the government, you have a right to do this.

Any criminal justice organisation can confirm for you which government minister they report to, in which department, and how to contact that minister. For example, the Lord Chief Justice is responsible for judicial matters in Northern Ireland.

You may choose to contact a minister directly, or through your MP or MLA. You can also contact the Northern Ireland Public Services Ombudsman (NIPSO), which is responsible for investigating complaints about government departments. For more information go to www.nipso.org.uk.

You may also wish to join one of several organisations campaigning for criminal justice in road death cases. See pages 83 and 84.

Seeking help to have your voice heard

If you are not sure how to have your voice heard, or you need help preparing what you want to say, call the Brake helpline on 0808 8000 401. Its officers are experienced in helping you to get your thoughts across to the most appropriate people.

Can I claim compensation?

Can I claim compensation?

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Can I claim compensation?

There is no automatic compensation for people bereaved by a road crash. However, compensation can often be awarded through a legal process using civil law, pursued by a solicitor you hire.

To award compensation, civil law requires someone (usually a driver in the case of road deaths) to be found at least partly responsible for a death. Sometimes this is possible even if no-one was charged with a criminal offence.

Compensation is then usually paid by the responsible person's motor insurer. If they were uninsured, or are untraceable, then the money is usually paid by an organisation called the Motor Insurers' Bureau. (Find out more at www.mib.org.uk.)

Compensation can be awarded for different things (see pages 78 and 79). The amount of compensation awarded for these things is usually decided through negotiation, but sometimes by a court (see pages 80 to 82).

Even if you do not have funds to pay a solicitor, it is often still possible to pursue a claim for compensation if you have a good claim (see page 77).

Instructing a solicitor to pursue compensation

To pursue a claim for compensation, you need to instruct a solicitor.

You are advised to use a solicitor who specialises in fatal injury cases and who is qualified to act in the country which has jurisdiction. That normally means instructing a Northern Ireland qualified solicitor if the crash happened in Northern Ireland.

A solicitor you are considering using should agree to meet with you for free initially. You may wish to meet with more than one solicitor to ensure you are choosing the best one for you.

Here are some questions it is advisable to ask, to help you decide which solicitor to choose:

- Do you think I have a strong claim and are you willing to take on my case?
- Are you qualified to practise within the jurisdiction of the country where the crash occurred?

- What experience do you have in handling similar cases? Can you give me examples and their outcomes?
- How many similar cases have you handled in the past five years?
- What expertise do you have relevant to my case?
- What fees do you charge?
- What arrangements can you put in place for payment of these fees so that compensation I receive is not unduly reduced to cover legal fees, and so that I do not have to pay much, or any, legal costs if I lose? (See page 77 for more information on paying your solicitor.)
- Will you handle my case yourself entirely, or involve colleagues?
- If you plan to involve colleagues, how much will they be involved, and if a lot, can I meet them now?
- How will we communicate during the process? Will you be available to explain things to me and answer my questions regularly through meetings, emails or over the phone?
- Are you a member of APIL and/or MASS?

It is important you sign an agreement with your solicitor that you understand thoroughly and consider fair.

It is also helpful to keep notes of conversations with your solicitor and copies of correspondence, so you can keep track of your claim.

Do not delay

Do not delay consulting solicitors. If you have a good chance of compensation, the solicitor you choose will want to work on your case as soon as possible. It can take time to compile evidence to support your case, and the earlier you hire a solicitor, the sooner compensation can be awarded. Most claims for money must be submitted within three years of the date of the death, although sometimes claims must be made within two years. If the crash occurred abroad, time limits for claims may be shorter, and can be one year or less.

Complaining or changing solicitor

If, at any stage, you are unhappy with the service you are getting from your solicitor, you can ask to speak to the partner in the practice responsible for looking after clients; often called the complaints partner. If you remain dissatisfied, it may be possible to change solicitor. If you have a complaint about a personal injury solicitor, you can complain to the Law Society of Northern Ireland. Call 028 9023 1614 or go to www.lawsoc-ni.org.

Rogue offers of help

Sometimes a 'claims assessor', 'claims farmer', or 'claims management company (CMC)', may offer to pursue your claim for you, often on a no win, no fee basis. Often they are not personal injury solicitors, nor qualified or regulated to the same standards of solicitors.

You may also be approached by someone representing the motor insurance company of a driver you want to claim from, offering to settle your claim directly and quickly with you, without the need for you to instruct a solicitor.

Do not accept these offers of help. If you do, you will probably not be independently represented by a suitably qualified solicitor, and you may be awarded far less compensation than you are entitled to.

Paying your solicitor

There are various ways of funding a claim and it is crucial you talk to your solicitor about the options available. Make sure you understand exactly what you may have to pay.

Some people pay their solicitor as they go along, either because they have the funds to do so, or they have an insurance policy that covers legal costs and expenses. Your solicitor can help you check any insurance policies you have to find out if you are covered for legal fees.

Legal aid may be available to you. Your solicitor can tell you whether you are eligible for legal aid and help you complete the application forms.

It is also possible to pay your solicitor at the end of the case. If you win your case, the person you are claiming compensation from will probably have to pay some of your legal fees.

There are complex laws governing how solicitors are paid in compensation cases. It is important that you understand, from the beginning, how your solicitor intends to cover the costs of your claim and any fees you may personally be liable for, at any time, if you win or lose your claim.

It is particularly important that you do not sign an agreement that would result in your solicitor unreasonably taking an amount of your compensation if you win your case. You should also be protected from being liable for hefty legal costs if you lose your case.

Types of compensation

Some types of claims for compensation are listed below. Your solicitor may advise you to make one, several or none of these claims. All claims depend on liability being established.

1. Dependency claims

In certain circumstances, people who were financially reliant (or who had an expectation of becoming financially reliant) on a person who has died can claim for the loss of that support. This is called a financial dependency claim. The amount that can be claimed is not fixed. It depends on the amount of support provided by the person who has died and how that would have continued in the future.

A dependency claim often includes a claim for loss of income. This amount will be worked out according to how much the person who has died earned, how long they would have continued earning if they had not died and other factors.

A dependency claim may include a claim for loss of services provided, such as childcare, DIY, or other domestic jobs which were undertaken by a person who has died.

If you are making a dependency claim for yourself, or on behalf of others such as a child, your solicitor will help you consider all losses and help work out how much to claim in total. Evidence including income and employment records and household bills may be required to prove dependency claims.

2. Bereavement awards

Some people may be entitled to a fixed, statutory bereavement award, currently £15,100. This is only payable to the wife, husband or civil partner of someone who has died, or the parents of a child who has died. Your solicitor can tell you if you are eligible for this award.

3. The shock suffered by bereaved people

You may be able to claim money for the psychological injury you have suffered as a result of your bereavement. There are strict criteria about who can claim. If you do not meet these criteria you may not be able to claim, even though you have suffered significant trauma.

4. The suffering of someone who has died

If someone died after surviving for a period of time then it may be possible to claim compensation for their pain and suffering. The amount that can be claimed is based on the amount of time that the person suffered and the extent of their awareness or suffering.

5. Burial or cremation expenses

Reasonable costs of a funeral (burial or cremation) and associated expenses such as a gravestone can usually be claimed from a liable party. You should keep all receipts.

6. Claim for injuries

If you, or anyone close to you, were injured in the crash, it is important to find out if you can make a claim for those injuries and losses resulting from injuries. Your solicitor will advise you.

Fatal motor claim procedures

Preparing and negotiating your claim

Your solicitor will prepare your claim by collecting evidence, such as proof of past earning levels of the person who died.

Once your solicitor has prepared your claim, they will contact the motor insurer of the person from whom you are trying to claim (the other side).

If the other side admits liability and agrees to pay you money, it may make an offer, or several offers, which are lower than the amount your solicitor thinks you are due and has asked for. For example, if you are pursuing a loss of support claim, the other side may use information in medical and employment records of the person who has died to argue your claim is too high.

Most claims in which liability is admitted are settled through negotiation, without the need to go to court. You can refuse or accept any offer made. Your solicitor will advise you whether an offer is reasonable.

Knowing that lawyers and insurance companies are negotiating over the value of your loss can be distressing, particularly if your case takes time to be resolved. Ask your lawyer to keep you updated on a regular basis about how your case is progressing.

Offers made during negotiation

Both your solicitor, and the other side, can make offers of compensation during negotiations.

Either side has a right to accept or reject an offer. Your solicitor should explain any offer you receive, and help you decide your response.

In some cases a partial payment called an Interim Payment is made by the other side prior to a final payment, to help cover costs such as funeral expenses. This can be helpful for people facing financial hardship as a result of their bereavement.

The defendant (other side) may pay a sum into court of an amount which it thinks is sufficient to settle the claim in full. This is known as 'making a lodgement' or 'making a payment into court'. There are rules about how costs and expenses are affected by lodgements and payments into court and your solicitor can explain these to you.

Going to court

If your compensation cannot be agreed through negotiation, or if liability is not admitted, your solicitor may start legal action against the other side.

However, even after legal action has started, your solicitor is likely to continue to try to negotiate a settlement with the other side.

Sometimes, the other side will make an acceptable offer just before a case is heard in court.

If agreement cannot be reached, your claim will be heard in a County Court or the High Court by a judge.

Success in court is not guaranteed; you cannot pre-determine the decision of a judge. Court cases may also take a long time to be heard.

Cases brought on behalf of children are always decided in court. In most cases, money awarded to children is kept and administered by the court in a special account until the child is 18 years old.

Useful organisations

Useful organisations

For additional local organisations call the Brake helpline (see below) or talk to your Family Liaison Officer.

Charities for road crash victims:

Brake

Brake supports people bereaved and seriously injured by road crashes and campaigns for safe and healthy mobility for all. The charity's national freephone helpline is a quality accredited service for people affected by road death and serious injury, providing emotional and practical support, information, and access to local face-to-face support services, legal help and people who have suffered a similar bereavement. Its helpline officers can also speak on your behalf to officials to ensure your voice is heard, and help you access services available to you. Brake coordinates Road Safety Week, and runs road safety education programmes in schools, communities and companies. The charity also encourages government to improve road safety legislation and enforcement.

The charity provides many volunteering opportunities for bereaved families.

Helpline 0808 8000 401 (Mon-Fri 10am-4pm) or helpline@brake.org.uk
To donate, join, or volunteer, go to www.brake.org.uk or call 0148 455 9909.

RoadPeace

RoadPeace provides support and information to people bereaved or seriously injured by a road crash. They offer practical support with post-crash guidance reports and informative briefing papers; emotional support through a helpline and their befriender scheme (coordinated by staff with volunteers who have been affected by road death or injury); and advocacy assistance to support evidence-based campaigns for the improvement of post-crash responses. The charity coordinates remembrance activities, including Remember Me roadside plaques, and provides the bereaved and seriously injured with access to a network of peer support. RoadPeace promotes road danger reduction and updates to the justice system to make the legal standards and sentences after a crash fit for purpose. The charity supports active travel opportunities that give greater consideration to vulnerable road users and the environment.

Helpline 0845 4500 355 (Mon-Fri 9am-5pm) or helpline@roadpeace.org
Office 020 7733 1603 or info@roadpeace.org
www.roadpeace.org

SCARD (Support and Care after Road Death and Injury) working with CADD (Campaign Against Drinking and Driving)

Two charities working together to provide emotional and practical support to those who have lost a loved one, or been injured or affected by drunk or reckless driving. SCARD offers a helpline staffed by volunteers 365 days a year and access to free, face-to-face counselling sessions and legal advice. It also provides information on coroners and inquests, criminal and civil law, appeals and private prosecutions and can offer road safety education workshops for schools and organisations. With its sister charity CADD, SCARD offers road safety education and awareness-building workshops to groups and individuals, including anti-drink-drive workshops. SCARD holds an annual Oakleaf memorial service to remember road crash victims. Helpline 0345 123 5542 (7 days a week, 9am-9pm including bank holidays)

Office enquiries 01924 562252 or email info@scard.org.uk
www.scard.org.uk

Other organisations campaigning for road safety:

BUSK

Works to improve the safety of children and young people travelling by bus, coach, taxi and car. Offers support and guidance for parents about safety issues, legislation and the hiring of transport. Produces educational material for schools and co-ordinates School Transport Safety Week. Can put bereaved families in touch with other bereaved families.

Call 01495 981185 or email buskuk@btinternet.com
www.busk-uk.co.uk

RoSPA (Royal Society for the Prevention of Accidents)

RoSPA (Royal Society for the Prevention of Accidents)

RoSPA's road safety department raises awareness about the causes of road crashes and promotes measures to help prevent them. This charity does not provide support services for road crash victims.

Call 0121 248 2000 or email help@rospa.com
www.rospa.com

Organisations supporting people bereaved by any cause:

Cruse Bereavement Care

Call 0808 808 1677 or go to www.cruse.org.uk

For children and young people go to www.hopeagain.org.uk

The Samaritans

The Samaritans operates a 24-hour helpline for anyone in need.

Call 116 123 or go to www.samaritans.org

If your partner has died:

WAY (Widowed & Young)

www.widowedandyoung.org.uk

If a child or a child's relative has died:

Child Bereavement UK

Call 0800 028 8840 or go to www.childbereavementuk.org

The Child Death Helpline

Call 0800 282 986, or 0808 800 6019 if calling from a mobile, or go to

www.childdeathhelpline.org.uk

The Compassionate Friends

Call 0345 123 2304 (Mon-Fri 9.30-4.30), email info@tcf.org.uk or go to

www.tcf.org.uk

Care for the Family

Call 029 2081 0800 or go to www.careforthefamily.org.uk

Winston's Wish

Call 08088 020 021 or go to www.winstonswish.org

Organisations that support victims of crime

Victim Support NI

Emotional support and practical advice for victims of crime, plus help at court and advocacy services.

Call 02890 243133 or email info@victimsupportni.org.uk

www.victimsupportni.com

NSPCC Young Witness Service

Free, independent and confidential support and assistance for children and young people who have to attend court as witnesses in Northern Ireland.

www.nspcc.org.uk

Organisations campaigning for sustainable transport:

Campaign for Better Transport

Promotes sustainable and public transport.

www.bettertransport.org.uk

Living Streets

Promotes safety and accessibility for pedestrians.

www.livingstreets.org.uk

Sustrans

Making it easier for people to walk and cycle by creating spaces that are walkable and cycle-friendly; supporting communities to have the opportunity and ability to walk, cycle, scoot and wheel; and working with decision-makers to create policies that make walking and cycling a more attractive choice.

www.sustrans.org.uk

Government bodies with responsibility for road safety:

Police Service of Northern Ireland (PSNI)

The Road Policing branch of PSNI deals with issues concerning traffic policing, including equipment, policies and road safety initiatives.

You can write to PSNI, Brooklyn, 65 Knock Road, Belfast BT5 6LE.

www.psni.police.uk

Driver and Vehicle Agency (DVA)

The DVA is responsible for administering driving tests and annual vehicle tests (MOT), issuing licences, endorsements and disqualifications for private and commercial vehicles, and maintaining a register of drivers and vehicles.

It is responsible for carrying out enforcement checks on maintenance standards of trucks, buses, taxis, private cars and agricultural vehicles. It also

has responsibility for licensing companies to operate these vehicles, and has the power to take away an operator's licence. You can write to the Chief Executive,

County Hall, Castlerock Road, Waterside, Coleraine, Co. Londonderry BT51 3HS

Call 0300 200 7861 or email dva.customerservices@infrastructure-ni.gov.uk

www.nidirect.gov.uk

Transport NI

Transport NI, part of the Department for Infrastructure, is a government agency responsible for operating, maintaining and improving roads in Northern Ireland.

You may wish to contact them about the condition of a road, or an obstruction on the road where the crash occurred. You can write to Transport NI, Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB.

www.nidirect.gov.uk

The National Police Chiefs' Council

The National Police Chiefs' Council (NPCC) road policing committee has some responsibility for determining policing policy on traffic, drugs, alcohol and victim support. Other policies are determined by the Chief Constable of each force.

You can write to the Chair, NPCC Central Office, 1st Floor, 10 Victoria Street, London SW1H 0NN.

www.npcc.police.uk

Your political representatives

Your local councillor

If you are worried about a particular local traffic problem your local councillor may be able to help. You can find out their contact details by phoning your local council.

Your Member of Parliament (MP)

Your MP's job is to represent your interests in Parliament. You may want to write to or meet them to discuss any aspect of your case which you think they could act upon. You can find out the name of your MP by going to the website www.parliament.uk and clicking on 'contact us' and then entering your postcode in the box on the right or by calling Parliament on 020 7219 4272.

You can also call the freephone enquiry service on 0800 112 4272 or email hcenquiries@parliament.uk

Your Member of the Northern Ireland Legislative Assembly (MLA)

Your MLA's job is to represent your interests in the Northern Ireland Legislative Assembly. You may want to write to or meet them to discuss any aspect of your case that you think they could act upon. You can find out the name of your MLA by going to www.niassembly.gov.uk or calling 028 9052 1137. You can write to your MLA at the Northern Ireland Assembly, Parliament Buildings, Stormont, Belfast, BT4 3XX.

Organisations that are members of Advice NI can provide access to free, impartial and confidential advice, including on financial and legal matters. Go to www.adviceni.net to find your local Advice NI members.

See pages 72 and 73 for information on having your say about policing and justice issues.

Acknowledgments

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Advice NI

APIL (The Association of Personal Injury Lawyers)

Coroners' Service for Northern Ireland

Foreign & Commonwealth Office

General Register Office for Northern Ireland

Judicial Studies Board

MASS (Motor Accident Solicitors Society)

National Association of Funeral Directors

Natural Death Centre

NHS Blood and Transplant (Northern Ireland)

Northern Ireland Courts and Tribunals Service

Northern Ireland Prison Service

Northern Ireland Prisoner Release Victim Information Scheme

Police Ombudsman for Northern Ireland

Police Service of Northern Ireland

Probation Board for Northern Ireland

Public Prosecution Service Northern Ireland

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