

Annex A: Illustration of Cases

These two illustrations show how the the current law restricts the Courts from imposing a lower sentence, in less egregious cases.

Case #1	<p>The accused was a taxi driver. He failed to conform to a red traffic light signal at a T-junction at Bukit Batok West and collided into an oncoming motorcar which had the right of way.</p> <p>The victim sustained the following injuries: neck and shoulder pain, with numbness in one half of his body. He received a total of 25 days of medical leave from four visits to the clinic and hospital^[1]. When the victim was assessed subsequently, he was found to have made a full recovery.</p> <p>While this is considered “grievous hurt” due to the victim receiving at least 20 days of medical leave, the overall injury was not severe based on the injury report and the victim’s full recovery.</p> <p>If the accused had been convicted for dangerous driving causing grievous hurt, he would have been subject to a mandatory minimum imprisonment term of one year and a mandatory minimum disqualification order of 8 years.</p> <p>With our proposed amendments, if convicted for the same offence of dangerous driving causing grievous hurt, the mandatory minimum sentence and mandatory minimum disqualification period will no longer apply. The Courts will consider the full circumstances of the case and determine an appropriate sentence.</p> <p>^[1] Under section 320(h) of the Penal Code, any hurt which endangers life, or which causes the sufferer to be, during the space of 20 days, in severe bodily pain, or unable to follow his ordinary pursuits, is designated as grievous hurt.</p>
Case #2	<p>The accused was a lorry driver. He failed to exercise care when making a left turn and collided into the victim. The victim was a cyclist who had cycled from the footway onto the road without stopping^[1], and was crossing the road from the accused’s left to right.</p> <p>The victim sustained a right fibula fracture^[2], multiple abrasions and contusions to her elbows, shoulder and both hands. She was given 3 days of hospitalisation leave. She was treated conservatively, i.e. non-invasive treatment.</p>

If the accused had been convicted for careless driving causing grievous hurt, he would have been subject to a mandatory minimum disqualification order of 5 years.

With our proposed amendments, if convicted for the same offence of careless driving causing grievous hurt, the mandatory minimum disqualification period will no longer apply. The Courts will consider the full circumstances of the case and determine an appropriate disqualification period.

^[1] Under the Road Traffic (Pedestrian Crossings) Rules, a cyclist who crosses at any other place than a pedestrian crossing should yield the right of way to all vehicles.

^[2] Under section 320(g) of the Penal Code, any fracture or dislocation of a bone, is designated as grievous hurt.