



**HMA**

**v**

**Scott Andrew William Manson**

3 July 2009

**Today at Edinburgh High Court Lord Pentland sentenced Scott Andrew William Manson detention for two and a half years and disqualified him from holding or obtaining a driving licence for seven years after he was found guilty after trial of causing the death of Abigail Wendy-Jade Simpson, severely injuring Marc Edward Pollard and Deniz Alexandra Turanli and injuring Hazel Mary Robertson Keeton on the Thurso to Castletown A836 road and on Main Street, Castletown, Caithness on 6 October 2007.**

**On sentencing Lord Pentland made the following statement in court:**

“Scott Andrew William Manson you stand convicted by the jury of causing the death by dangerous driving of Abigail Wendy-Jade Simpson.

In imposing sentence on you I take account of the following factors which are, in my judgement, relevant to an assessment of the quality of your driving at the time of the offence and hence of your culpability:

- Firstly, you allowed your car to be overloaded by permitting Marc Pollard to travel in the boot; obviously in those circumstances he was not restrained by a seat belt. This was highly dangerous and irresponsible conduct on your part. You drove the car for a significant period of time with Marc Pollard in the boot. There was expert evidence at the trial that this overloading would have made the car more difficult to control, at the margins of safe driving in particular. Whatever the attitude of your passengers may have been, it was unquestionably your responsibility to ensure that you did not drive with an unrestrained passenger in the boot.
- Secondly, you overtook another car (driven by a young man known to you) as you approached Castletown at or near to a point in the road where the speed limit reduces from 60 mph to 30 mph. This reduction in the speed limit was clearly marked by a series of warning signs. This stretch of road was very familiar to you. For you to have overtaken at that point was clearly dangerous.
- Thirdly, having overtaken, the speed of your car as you approached and attempted to negotiate the right hand bend coming into Castletown was excessive and dangerous.

- Finally, you lost control of your car on the bend and caused it to collide with a wall and a lamp post with devastating consequences. Not only was Abigail tragically killed, but two of your passengers were seriously injured and another suffered less serious injuries.

It seems to me that this is not a case in which it can be said that the accident occurred because of momentary inattention on your part or due to an excusable error of judgment caused by unexpected driving or road conditions. Rather you took a deliberate decision to drive while the car was dangerously overloaded and you took a conscious decision to overtake when it was unsafe so to do, as you should have appreciated. From the evidence about the overtaking of the other car and the speed of your own vehicle, it is difficult to avoid concluding that you gave in to a temptation to show off in front of your passengers. Regrettably, you chose to disregard much of what you must have been taught while learning to drive so shortly before the accident.

I take fully into account everything that has been said on your behalf by Mr Prais QC, as well as the detailed contents of the Social Enquiry Report. I have read and carefully considered all the positive references produced on your behalf. It is clear that your dangerous driving has caused great pain and suffering, not only to Abigail's family but also to your own family. I note that you blame yourself for the subsequent death of your mother and that your own mental health has been seriously affected. I am willing to accept that the culpability of your conduct is mitigated by your inexperience as a driver and, to some extent, by your youth. I acknowledge also that you are a young man of good character from a supportive family background. I accept that you are genuinely remorseful and take full responsibility for your actions. I acknowledge that your sincere sense of strong personal guilt will remain with you for the rest of your life. Overall, I accept that there is considerable mitigatory material.

Balancing all these considerations as best I can, I have reached the conclusion that only a prison sentence will adequately mark the dangerous and irresponsible nature of your driving and its tragic consequences. Young and inexperienced drivers, in particular, must appreciate that dangerous driving of the type in which you indulged gives rise to serious risks to public safety and that it is the duty of the Courts to discourage such irresponsible conduct.

In the whole circumstances, the sentence I impose is a period of two and a half years' detention in a Young Offenders' Institution. That sentence will run from today's date. Had it not been for the mitigating factors I have identified, the sentence would have been significantly longer.

I shall disqualify you from holding or obtaining a driving licence for seven years and thereafter until you have sat and passed the extended test of competence to drive. I shall order your licence to be endorsed accordingly."