

Charged with Drinking & Driving – What happens now?

Anyone who is driving, or who is in charge of a motor vehicle (eg sitting in the driving seat), may be required by the police to provide a breath test. The police are not supposed to stop a vehicle for a “random” breath test but may do so because of the manner of driving or because of a defect on the vehicle. The police may then conduct a roadside breath test if it is suspected that alcohol has been consumed.

If the breath test is found to be above the limit, or there is a refusal to take a test, the motorist will be arrested and taken to a police station where a further specimen of breath will be required, using an *Intoximeter* (a more accurate non-portable device).

Failure to give a sample of breath will normally end in a charge of failing to give a sample, which results in the same consequences as being over the limit. If a sample is given and is over the limit then the motorist will be charged. However, if it is between 40 and 50 micrograms (mcgs) the motorist must be offered the option of providing an alternative specimen of either blood or urine. The choice of sample (Blood or urine) taken is ultimately a police decision, but it must take in to account any medical conditions notified to them by the motorist. It is always wise to take up this option, when it is available, as it will take the place of the sample of breath and may sometimes result in a lower reading.

If the motorist is subsequently charged for drink/drive offences a Court date is often given just a few days later.

In terms of penalty, this will depend largely upon the level of the sample reading.

- The maximum penalty is a fine of £5000 and/or 6 months imprisonment, but imprisonment would normally only apply to a very serious case.
- The majority of cases are dealt with by a fine and disqualification for a minimum of one year. The disqualification period can be reduced by participation in a drink/drive rehabilitation course, which may be offered by the Court, resulting in the period of disqualification being reduced by 25%.

‘Being in charge of a motor vehicle whilst possessing excess alcohol’ is a different situation and can sometimes be defended upon the basis that there was no likelihood of driving whilst still above the limit.

There are numerous other offences under the Road Traffic Regulations, such as:

- Those relating to speeding,
- Driving without due care,
- Defective parts in the vehicle
- Defective documentation, e.g. the absence of insurance, tax, MOT and driving licence being the most common.

A separate article is available covering some of these matters.

Curwens can help you in many of these situations but most of all you will want an honest appraisal of the situation you face and an outline of the options available.

Representations by Curwens may result in acquittal, reduction in the period of disqualification or any financial penalty awarded against you.

CALL NOW or request a call back at a time convenient to yourself

Disclaimer

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