

End of the Road?

We are almost all of us drivers and all therefore must adhere to the UK's strict driving laws or one day we may be caught out, putting our jobs and livelihoods at risk

For many people a driving licence is essential for their work, commuting and for their family and social life. Ever increasing volumes of traffic on the road, together with speed cameras and other detection devices, all mean that even careful and responsible motorists may sooner or later need advice and help.



For those who travel long distances on a regular basis, it would not be difficult to accumulate 12 or more penalty points during a three year period. In such circumstances, the law generally requires Magistrates to disqualify the driver for a minimum of 6 months. However, if we are able to persuade the Court that the individual would face exceptional hardship, disqualification may be avoided or reduced.

Equally, an individual speeding charge can, in itself, lead to disqualification if the speed is high. It may be possible to defend such a charge and this will involve obtaining all possible disclosure from the prosecution and possibly instructing an expert. If this is not possible, the length of effect of the disqualification period can often be minimised.

Road traffic law is not straight forward, it is constantly changing and there are a lot of misunderstandings and rumours about what may constitute a defence. Below are examples of other assistance we frequently provide to our clients:

Driving without due care/fail to stop/fail to report

Driving without due care cases require skilful defence as a bad case can result in heavy penalty points or even a ban. Sometimes fail to stop/fail to report cases are brought where a driver is unaware that a minor accident has occurred.

Excess alcohol

Most people will know that a conviction for driving with excess alcohol inevitably involves a disqualification. Likewise, failing to give a sample for analysis may result in a driving ban. By contrast being in charge of a motor vehicle with excess alcohol can sometimes successfully be defended or disqualification avoided.

There are many myths about excess alcohol cases. For example: -

1. The police are not generally allowed to stop a driver to administer a random breath test. However, if they do the evidence obtained can generally still be used.
2. A driver who is arrested is not necessarily entitled to legal advice before giving a sample of breath.
3. A driver does not have an automatic right to give an alternative sample (i.e. blood or urine) but may have such a right in certain circumstances.

4. Consumption of medication etc will very rarely be relevant.
5. A defence relating to post driving consumption of alcohol involves detailed evidential considerations as well as the instruction of a scientist.

Road traffic law and your licence

We have a long established road traffic law department and if you are looking for representation or just advice please contact Chris Wright who has more than 30 years' experience in this area of law. He is a Solicitor Advocate with a Higher Court qualification giving him Rights of Audience in the Higher Court in criminal matters equivalent to a Barrister.

Initial advice by telephone is free. If we think you do not need legal representation we will tell you so. If, on the other hand we advise that you should consider it we will give a quotation or estimate of cost.

How we can help you

Initial telephone advice on straightforward matters is free of charge.

Some matters are complicated and cannot be dealt with on a preliminary basis by telephone and in those cases an initial meeting will be charged at an hourly or half hourly rate the fee for which would be made clear in advance.

On certain guilty pleas or simple contested matters a fixed fee can be agreed whereas in more complicated or demanding cases an hourly rate will apply.

We will make our basis of charging clear to you and will do our best to give an estimate of costs which will be updated periodically in longer cases.

Thorough preparation of your case gives the best prospect of a successful outcome, so don't delay. If you have a pending road traffic case then give us a call today.

Call 020 8363 4444 and speak to Chris Wright or Kelly Emery. Alternatively email Chris on christopher.wright@curwens.co.uk

Curwens
Solicitors