



ROAD TRAFFIC OFFENCES

Birds | Solicitors

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A Guide to Our Services

Motoring and Road Traffic

Offences: Our Experience

Birds Solicitors has a wealth of experience in representing individuals charged with various motoring or road traffic offences. The firm is regularly instructed in such usually in a private capacity but under legal aid in more serious such cases and especially those involving a death as a result of allegedly poor driving.

Motoring or driving related offences can range from minor offences like speeding to very serious offences like causing death by dangerous driving.

However we appreciate that even minor offences can be very significant to the individual and can have a profound effect on personal life and employment when a license is affected.

We regularly represent individuals charged with these types of offences and our experienced team of advocates are very familiar with the special challenges and complications that can arise.

It is our aim to make the process as painless as possible and to explain matters and guide you through your options as clearly as we can to resolve your case as economically and efficiently as possible.

Types of Common Offences

Speeding

There are various offences relating to speeding, dependant on whether it was alleged to have occurred on a restricted road, through a fixed or temporary speed restriction, on a motorway or because the vehicle itself carries a limit (eg. goods vehicles, coaches or when towing caravans).



Things to consider:

- Have you been told or received a letter explaining the intent to prosecute?
- Were you the driver?
- Do you think the alleged speed is correct?
- Was it a police hand-held laser gun, a camera or a police sighting?
- Are there any speed limitation signs on that stretch of road?
- Was it an emergency situation?

- Do you have any witnesses to what happened?
- Do you intend to plead guilty by post?

Sentencing is normally to a fine and between 3 and 6 points depending on circumstances but, in the most serious cases, the court can consider a ban.

Legal Aid is not normally available for this offence but we usually provide advice, assistance and representation at court for a single fixed fee. Please call to discuss the needs of your particular circumstances.

Drink or Drug Driving

Whether you are over the limit as a result of alcohol consumption or the new drug testing suggests that you have consumed something that could impair your driving, you are now facing the immediate loss of your and therefore, by their nature, these offences have serious implications for your immediate future.

However this is not always the case and there are sometimes special reasons why you should not lose your license even if you are over the limit.

Things to consider:

- Were you actually driving or in charge of the vehicle?
- Was the vehicle on a road or public place?

- Do the circumstances make the reading sound implausible?
- Are their health reasons why you struggled with the procedure?
- Had you consumed the drink or drugs after you had finished driving?
- Was there an emergency?
- Did someone put something in your drink without you knowing?
- Did the vehicle move only a very short distance?



Sentencing often depends on how far over the limit you were found to be but, unless there are certain special reasons not to, always results in a ban of at least 12 months. It could also include a fine, unpaid work in the community or in the most serious cases a short prison sentence.

Legal Aid is often granted in these cases, subject to a means test, and we would be happy to guide you through the application to ensure that your defence costs are

covered in this way. Please call to discuss the needs of your particular circumstances.

Documentary Offences

Perhaps you have not returned the form you received in the post which asked you to name the driver at the time of an incident, or you haven't passed on your insurance details after an accident. Maybe you had no insurance or it has run out or been invalidated for some reason. Have you forgotten to pay your Road Tax or is the vehicle's MOT out of date? Was your license only provisional and you didn't have "L" plates or a qualified driver with you?

Things to consider:

- Could your vehicle be exempt from MOT or Road Tax?
- When did you receive the papers?
- Are the vehicle details recorded correctly?
- Were you driving a company vehicle for work?
- Was there an administrative error with the insurance renewal?
- Is your license issued in a foreign jurisdiction?

Sentencing for these offences is restricted to a fine, although license offences and insurance offences also attract between 6

and 8 points and for serious or repeated offending they can sometimes also involve a ban.

Legal Aid is not normally available for this offence but we usually provide advice, assistance and representation at court for a single fixed fee. Please call to discuss the needs of your particular circumstances.



Mobile Phones

With the rise of smart phones, more and more of our lives involve the use of hand held electronic devices: from diary alerts, texts and calls, to internet surfing, music, cameras and satellite navigation. Inevitably these distractions can cause problems whilst driving and it is very common to be prosecuted for doing so.

Things to consider:

- Was the vehicle being driven at the time?
- Was the device actually being used?
- Was it an emergency?

- Was it unsafe or impractical (for example for the supervisor of a learner driver) to cease driving first?

Sentencing for this offence is to a fine and 3 points, although the court does have the discretion to disqualify in the most extreme cases.

Legal Aid is not normally available for this offence but we usually provide advice, assistance and representation at court for a single fixed fee. Please call to discuss the needs of your particular circumstances.

Careless or Dangerous Driving

These types of offences could be as momentary as hitting the curb whilst changing the radio channel or as sustained as driving along a footpath and killing a pedestrian. They cover a huge variety of circumstances, possibilities and harm but they are all judged on whether and by how much the standard of your driving fell below that of a reasonably competent and careful driver.

Things to consider:

- What actually happened?
- Are there any independent witnesses?
- Was any mechanical fault or defect known beforehand?

- Who was responsible for the maintenance of the car?
- Was there a medical reason for the manner of the driving?
- Was the driving as part of a sporting event?
- Was there an emergency?
- Was there a reasonable alternative available?
- Was the incident caused by something other than the vehicle or the manner of its being driven?

The maximum sentence for death by dangerous driving is 14 years imprisonment, along with a ban and points, but these offences can range to very minor incidents of careless driving resulting in a fine and between 3 and 9 points.

Legal Aid is often granted in these cases, subject to a means test, and we would be happy to guide you through the application to ensure that your defence costs are covered in this way.

Disqualified Driving

This is one of the more serious offences, in so much as it is a failure to comply with a court order, and the sentencing can be tough as a result.

Things to consider:

- When and where was the ban imposed?
- Was there an emergency?
- Were you the driver?
- Were you aware of the ban?
- Was there a problem getting your license back at the end of the banned period?

Sentences are often community penalties of unpaid work with either 6 points or an extension to the period of the ban but, for a second or subsequent offence, a custodial sentence is likely. Mitigation is very important and we offer comprehensive assistance to help you minimise the outcome in your case.

Legal Aid is often granted in these cases, subject to a means test, and we would be happy to guide you through the application to ensure that your defence costs are covered in this way.

Other Matters

Should you have been summonsed for a different offence, such as failing to stop at a red light, parking or obstruction, forged documents, vehicle interference or driving with mechanical defects, do please give us a call and we will be happy to discuss your particular needs, and how we may assist you.



Contact Birds Solicitors for further advice

Chris Coss has been defending motoring and road traffic cases for many years and regularly represents clients charged or summonsed for such offences at police stations and Magistrates' Courts across London and the South East..



If your case cannot be funded under legal aid, please call us to discuss fees on a private basis.

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