

ROAD TRAFFIC OFFENCES

I'VE BEEN CHARGED WITH A MOTORING OFFENCE WHAT NEXT?

The majority of road traffic offences result in a Fixed Penalty Notice (FPN) and are minor offences. The Police will issue an FPN either on the spot or through the post.

There are two types of FPN's

- Endorsable – this will be points on your licence and a fine
- Non-endorsable – a fine only
- Any points placed on your licence will stay there for between four and eleven years depending on the offence.

If you accept that you have done something wrong you can pay the fine and take the points. If you do not accept that you have done something wrong you can challenge the charge against you but this will mean you will need to attend Court. Offences that are dealt with at the Magistrates Court can result in an unlimited fine, a driving ban and even a prison sentence and criminal record.

USING A MOBILE PHONE WHILST DRIVING

The use of a mobile phone while driving is illegal and can be punished with penalty points and a fine. However, if the use of a mobile phone has led to another offence, such as careless or dangerous driving, the punishments will be more severe.

DRINK DRIVING OFFENCES

If you are found guilty of drink driving, you could face a fine, a ban or even imprisonment. The severity of the penalty will depend on individual circumstances and whether it is your first drink driving offence.

For example, simply being in charge of a vehicle while above the legal limit could lead to 3 months' imprisonment, a £2,500 fine and a driving ban, whereas driving while above the limit could result in a 6-month prison sentence, an unlimited fine and a one-year driving ban.

In certain situations, it may be possible to have a penalty reduced by taking certain actions, such as a [drink-driving rehabilitation schemes \(DDRS\)](#) course.



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DRUG DRIVING OFFENCES

It is illegal to drive while you are either:

- Unfit to do so because you are using legal or illegal drugs
- You have a certain level of illegal drugs in your blood

Even if your driving has not been affected, you can still face a severe penalty if tests indicate that you have taken drugs before getting behind the wheel.

Drug driving penalties could include a minimum 1-year driving ban, an unlimited fine, 6 months in prison and a criminal record.

FAILURE TO PROVIDE SPECIMEN

It is deemed a criminal offence if you are not able to provide a specimen of breath, blood or urine without a reasonable excuse.

The sentencing guidelines for failing to provide a specimen are wide ranging and open to interpretation, which means that it is vital to seek expert legal advice as soon as possible. It may often be the case that someone does indeed have a reasonable excuse for not providing a specimen which means that a charge for the offence may not lead to a conviction.

DRIVING WHILST DISQUALIFIED

Driving while you have been disqualified is a criminal offence which can result in various additional penalties. This may range from an extension to the original driving ban to even a prison sentence.

There are limited defences for driving while disqualified, which means that legal representation is absolutely essential if you are to avoid prosecution or receive a reduced penalty.

CARELESS DRIVING AND CAUSING DEATH BY CARELESS DRIVING

Careless driving is deemed to occur when the standard of driving falls below what is expected of a competent and careful driver. Being convicted of careless driving is likely to result in penalty points on your license, a driving ban and/or a fine.

However, causing death by careless driving is a much more serious offence which often leads to prison sentences.



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DANGEROUS DRIVING AND CAUSING DEATH BY DANGEROUS DRIVING

Dangerous driving is where the standard of driving falls far below what is expected of a competent and careful driver. This may include driving well above the speed limit, making aggressive manoeuvres, ignoring road signs or driving under the influence.

Causing death by dangerous driving is a serious criminal offence which could lead to fourteen years' imprisonment. It should go without saying, but expert criminal defence is necessary in these situations, primarily to prove that the driving was not dangerous, or that it did not contribute to the death.

LEGAL AID FOR DRIVING OFFENCES

If you are arrested or interviewed in relation to a potential driving offence, you are entitled to free legal representation. This may be through the use of the duty solicitor available in the police station, or you can request that a criminal defence solicitors represent you, with the cost of our representation being covered by legal aid.

Legal aid may cover some or all of your costs if you are prosecuted in a Magistrates' Court or Crown Court. This will likely depend on your financial situation and whether access to legal advice is considered to be in the interests of justice.

PRIVATELY FUNDED CRIMINAL DEFENCE

You can also opt to privately fund your defence and the likely costs can be found [here](#).

Driving offences, no matter what they relate to, can have potentially devastating consequences. This is especially true if the right legal support and representation is not sought out at the earliest opportunity.

At Stephen Rimmer, our dedicated team of landlord and tenant solicitors can provide expert advice about the best way of evicting a tenant and you can be assured that we will always have your best interests in mind.

Follow this link for a free initial 30-minute consultation or call us on 01323 644222 to see how we can help you.