

SAVE YOUR DRIVING LICENCE

THIS IS INFORMATION ONLY AND WE STRONGLY SUGGEST THAT YOU CONSULT A SOLICITOR IN ALL AND ANY CIRCUMSTANCES

WE DO NOT CONDONE SPEEDING AND WE ACTUALLY PROMOTE SAFE DRIVING

THE SPEEDING LAWS ARE THERE FOR THE PROTECTION OF YOUR LIFE AND OTHERS AROUND YOU – DO NOT SPEED.

INNOCENT DRIVERS - GET YOUR SPEEDING TICKET CANCELLED

What must the officer do, and what should you do

When you are being reported for speeding, the Police Officer must tell you:

"That you will be reported for consideration of the question of prosecuting you for exceeding the speed limit." It must either be given verbally or in writing at the time, or in writing within fourteen days or a summons be issued within fourteen days.

Following this Notice of Intended Prosecution, he should then caution you by saying, "You do not have to say anything, but it may harm your defence if you do not mention when questioned, something you later rely on in Court. Anything you do say may be given in evidence."

Under Section 1 of the Road Traffic Offenders Act, 1988, section 1, it states, " A person shall not be convicted of an offence to which this section applies, (speeding, dangerous driving, careless driving, failing to conform to traffic lights, failing to conform to stop signs, continuous white lines in the middle of the road and other mandatory road signs) unless the Notice of Intended Prosecution was given.

Be careful, some Police Forces do have the N.I.P.(Notice of Intended Prosecution) printed on the HO/RT/1 producer form or on specially printed forms for speeding offences.

What to do if you are caught

Firstly, not enough people who are innocent and get a speeding fine fight it in court; they simply accept it, get the points and pay the fine - it is actually illegal to plead guilty when you may not/ are not guilty.

What if you're not guilty? If in doubt, fight it. The worst thing that can happen is that you will be convicted of your original offence. You can get a heavier fine and more points in court, but unless you were doing silly speeds, it's unlikely.

Here are some steps you can take.

What to do at the scene

It is critical that you start contesting your ticket at the scene of the alleged offence if you feel the ticket is unjustified. You must judge the officer's temperament and situation and decide for yourself.

1. You can deny it outright and tell him you weren't speeding (IF YOU FEEL THAT YOU WERE NOT), that you checked the speedometer. DO NOT get into an argument, but do not admit guilt. This is unlikely to prevent him from giving you a ticket, but you can tell judge at a trial that you were not speeding and you checked the speedometer, you can have the officer confirm that in your cross examination of him. This will serve to make your case stronger.
2. Be honest and admit guilt. If you are stopped by a traffic officer, then you are going to get a ticket anyway so this is a stupid approach. If it is a normal officer, you may get off for being honest. This approach relies on luck. Forget fighting it in court if you admit guilt.

NEVER admit guilt, even if you do not intend fighting it, none of the “I have a plane to catch, I'm late for work, my house is on fire”. The Police would be foolish to fall for lies and we suggest that you never lie to the Police.

All speed-pacing police cars have to have their Speedo's measured and certified. Only traffic police cars are done, and the Speedo will have increments of 1 mph's. If you are stopped by a non-traffic officer, and told that he/she followed you and you were speeding, simply ask as a matter of course when his Speedo was last calibrated. It is likely he will let you go since normal police (Beat) cars do not have certified Speedo's; theirs is the same as yours and mine.

NEVER surrender your licence at the roadside; you will get a chance to take it to a police station. Surrendering your licence at the roadside is an admission of guilt. Surrendering it at a police station later is just abiding by the law.

If you are given a ticket, study it carefully before leaving the scene. The officer will ask if you have questions about the ticket, and you will:

DO NOT get cocky at the scene; you have nothing against the police officer, he/she is only doing his/her job. It is the system that you want to fight (legally I mean!) if you feel your not guilty.

If you were caught on a Radar gun

Ask to have a look at the radar gun and check that the gun displays the speed that you were stopped for. If possible, get the make, model and serial number of the radar gun. Ask the officer to demonstrate that the radar gun is calibrated (he will probably not do this, if not assume it is not calibrated and use it as evidence).

If you were caught on a LIDAR gun

Ask to have a look at the radar gun and check that the gun displays the speed that you were stopped for. If possible, get the make, model and serial number of the laser unit. Note the positioning of the unit in relation to the sun or any other bright red or white light. LIDAR uses infrared light and does not work as well when aimed into infrared light sources like the sun or high beam headlights. Ask when the unit was last calibrated. Ask to see a demonstration of the calibration. The same notes apply for the RADAR gun. These however, are not tuned by forks (I do not know how they are done).

YOU MUST MAKE NOTES AT THE SCENE. The officer certainly will. In court you may be asked if the notes were made while the events were still fresh in your mind. If you want to use the notes, then the answer must be a yes. Note the following:

- The answers to any questions you asked the officer.
- Any items you noted above.
- Positions of OTHER CARS. You may be able to claim that he metered someone else, but stopped you (particularly lorries, since radar is good at locking into a larger object)..

- The weather conditions.
- The time and date.
- Your direction of travel and the source and destination.
- The lane you were in and the name of the road, also the area.
- The officer's direction of travel and lane, or note if he was parked
- A brief physical description of the officer so you recognise him in court.
- Take the officer's number and the number on his car.

If you were caught on a Camera

This is where many people admit to an offence when they may not be guilty at all. Many of the new fixed speeding cameras take your picture from behind and often with the vehicles head restraint in the way it is hard to tell who is driving.

If you are the only person that drives your/ is insured to drive your car then it is pretty obvious that it must have been you driving and you must take your punishment, but.....

If you were caught by a speeding camera on a local road or within say 5 miles of your home address and the vehicle is insured for say you and your wife then it may be the case that you are unable to say who was driving at that time (I know that I don't remember all the exact dates and times that I drive my wife's car) and just because you may be the registered keeper of the vehicle it does not make you automatically responsible for the fine!

You MUST inform the courts if you do know who was driving or you must write back saying you do not know who was driving at the time the offence was committed, having take every reasonable step to find out who was driving. If you cannot ascertain who was driving then you cannot legally admit to the offence and also I doubt that the CPS will want to prosecute you if you have taken all reasonable steps to find out who was driving.

The Magistrates certainly will not want you to plead guilty if you think you are not and they will not allow you to do so if they feel you are just admitting guilt to "get it over and done with"!

Preparing for trial

Examine the ticket a few times. Look for mistakes on the ticket such as a wrong name, time, date, or location. If there are any, you should tell them to the Magistrate.

Gather evidence, you should write to the police and ask for at least the following items:

- Copy (both sides) of the calibration certificate.

It is also recommend that you return to the scene and take pictures of the area, including any signs, which indicate the law. Make sure that your pictures are clear. It is always best to use a Polaroid as digital images "can" be altered.

In Court

Check in with the prosecutor and usher and make sure you are on the case list, and that he knows you have appeared for court. This is just to make your presence known.

Courtesy and Appearance

Do not underestimate the impression of a shower, clean shave, haircut, and nice suit and tie at the trial. Magistrate's courts are built on respect and dressing in appropriate attire will always show you have respect for the court. You must also be courteous to the magistrates and officers of the court. If you annoy the Magistrates it really will not help your case.

In court there are a number of people; the magistrates (usually three of them) or a Judge (very rare), the court Usher, the CPS and a court legal advisor.

The CPS is there to prosecute you. The Magistrates are there to decide if you are guilty or not and decide on the punishment, the Usher is there to make sure that the right people are in the right place at the right time and the court legal advisor is there to advise the Magistrates, but if you are unrepresented in court they will help you through when it is your turn to speak etc etc. The legal advisor will NOT give you legal advice regarding what you should say. The Magistrates and every other person in that court want justice and that is all. It matters not if the outcome is guilty or not guilty as long as justice is correctly served.

What is "Reasonable and Prudent?"

There are lots of idiots on the roads who floor the pedal and go shooting by everyone. Not everyone is like this, however. There are plenty of people who drive at a "reasonable and prudent" rate, regardless of the posted limit. It's impossible for a set speed limit to be able to apply to every time of the day and the situation. For example, you're going down a busy city street with the speed limit posted at 30. There are a lot of pedestrians and bicycles, and traffic is busy. It's a situation where going at the posted limit or less is the best option. How about when you're on a country road with miles of straight stretches and no vehicles as far as eye can see, yet the speed limit is only 60? You will find out that your driving performance and the number of tickets you get in your lifetime depends not on your following of the posted limits, but your ability to judge the situation and drive at a speed fitting for it. Police themselves regularly use common sense for what speed is suitable, which is why they frequently let people get away with highway speeds 10 mph over the limit, as long as the driving situation doesn't make that speed dangerous.

**BEWARE THAT SPEEDING IS ILLEGAL AND WE DO NOT
CONDONE IT**

Final Word from a Traffic Officer

"I would make a personal comment that it matters not if people contest the speed at the scene; it happens all of the time. If the equipment has been tested properly then there should be no problem.

More often if a speed is contested and the defence requests an expert witness then they will end up paying the bill if found guilty. This is what happened in the case of the individual who ended up with legal expenses totalling £15,000 contesting the accuracy of the LTI 20-20 in 1999. Remember your chances of being found not guilty at Court are very very slim.

If you genuinely believe that you are innocent, then please fight it, but if not be warned that it can cost you dear. I would add that I believe that police officers should use the equipment properly because motorists are NOT criminals they are in most cases decent people who have infringed Traffic Law.

If you state that you checked your speedometer and it did not say the same as the speed detection it matters not because the defence can only challenge the operation and accuracy of the device being used.

There is no obligation for the police officer to show the recorded speed, because in the case of a follow check that would not be possible and in any event the officers will not reveal when a device was last calibrated other than in Court. I accept that we do show the speed recorded as a matter of best practice and in cross-examination this can be confirmed with the defence, as this will strengthen the prosecution case as to being open and honest.

As for trying to get the officer to let you off a speed, it will most likely fail, if you are stopped you will almost certainly receive a ticket or a summons and any admission that perhaps your attention wandered might leave you open to a more serious offence, perhaps Driving Without Due Care and Attention?

I guess we might be impressed with a really original excuse but you'll have to be good as we've heard just about every combination going and in most languages including sign, repeatable and otherwise. I would say that when someone becomes abusive a professional officer would not react other than remain calm and deal with the individual, as he should.

At the end of the day just being really honest might just do the trick because then no one feels insulted or undermined, not the police officer because he knows and not the driver because he knows. A very remote possibility but its human nature and there are no hard and fast rules.

Whatever peoples views are, unless drivers and riders take a slightly different approach to speed then the chances of losing your licence will increase as the speed limits decrease, it is already happening.

Regards Human Rights

Thousands of people have recently been issued a Notice of Intended Prosecution (NIP) for an alleged minor speeding offence. Where the NIP states that the speed limit was allegedly exceeded, the following advice is given as a procedure to adopt.

Procedure

Company Owned Vehicle

Company receives a demand for information on the driver of a vehicle at a time, date and place as stated on the form.

At this stage the form asks for details of the driver of the vehicle. This form must be completed by the company, not the driver, and returned to the sender.

All Vehicles

Driver receives Notice of Intended Prosecution. The driver must complete all relevant sections on the form and return it to the sender.

The driver may later receive a fixed penalty ticket accompanied by a 'Conditional Offer' to pay a fixed penalty fine and/or attend a 'Speed Awareness Course' in place of penalty points.

The driver writes a letter to the authority requesting evidence concerning the alleged offence, e.g. copy photograph, certificate of compliance for the camera (if appropriate) and a copy of the Police Officer's statement -as required for lawful and necessary corroboration -if a mobile camera is involved. The driver may then receive a letter stating that the request is denied -stating words to the effect that photographic evidence can only be seen when a decision is made to prosecute and summons the driver to appear before a Court. This letter should also detail a denial for the other items of evidence, but often fails to mention them.

It is only at this stage that the alleged driver should consider sending to the authority, the letter as shown below.

It is advisable that all correspondence be delivered via Recorded Delivery.

Start Letter

Dear Sirs,

I acknowledge receipt of your letter-dated.....in, which you allege that I have committed a speeding offence. That letter does not provide, or offer to provide, any evidence that I have indeed committed such an offence.

I regard your allegation with the utmost concern as I am being asked to make a very important decision, which could very seriously affect my future quality of life. I shall be grateful therefore if you will advise me where, in law, does it state or allow for

evidence against a suspect to be deliberately withheld following, or during, the process of an official demand for the payment of money (in this case a £60.00 fixed penalty (or) £95.00 (the figures need to be as they have been given to you in letters from the police).

Further, whereby failure to pay that money on demand will expose the person suspected of that offence to a possible fine of up to £1000.00 (plus costs) at a Magistrates' Court, an amount that is in excess of 16 times (or 11 times) (respectively) the amount of money previously demanded.

This, in my view, could potentially be a criminal offence in itself, the offence of demanding money with menaces. It is also arguably a breach of my human rights in that I am being subjected to unreasonable and possibly unlawful pressure by being placed into a 'pay us now and save yourself harassment later' position.

I am entitled, in law, to all and any evidence that I have committed the offence complained of before I pay any money to you -not just at Court, but as soon as you issue me with a fixed penalty (or offer me a speed awareness course).

I look forward to your response.
Yours faithfully

End Letter

Further information: It is advised that all threats received after this letter is sent, be ignored -a letter will probably be received with words to the effect, "we are complying with the regulations so pay up within seven days or a court case will be prepared" etc...

To date, there have been no prosecutions of any alleged (minor speeding) offender who has compiled and sent a letter similar to the above; which is your legal right!

This was another piece of advice that has been seen and may be useful. This was an answer to someone posting of an Internet forum about receiving a NIP in the post regarding a speeding ticket from a fixed speeding camera that uses image evidence.

What proof do they have that:

1. The vehicle in the picture is yours and not a clone? -Unlikely
2. The speed trap device is accurate? – A possibility
3. The proper guidelines have been followed? -Worth asking
4. You were actually driving the car at the time? – Only you know that!

Letter 2 Start

Reply to the NIP stating - ONLY IF THIS LETTER IS CORRECT FOR YOUR SITUATION. BEWARE PERJURY IS A SERIOUS OFFENCE.

Dear Sirs,

I am unable to provide you with the information you require as I cannot confirm who the driver of the vehicle was at the time of the alleged offence. I have taken all reasonable steps to ascertain who the driver was but as the vehicle is insured for (fill in the details) and the alleged offence was committed locally it has been impossible to say if it was either (name the insured people who could have driven the vehicle). We have discussed the date and time of the alleged offence and we have come to the conclusion that at the time of the alleged offence it could have been any one of the above people driving the vehicle.

We would like to get this matter dealt with correctly but based on the information supplied then we are unable to confirm or deny who was driving.

Yours Sincerely

Letter 2 Ends

To summarise

1. Do not just accept a speeding NiP is correct, it may not be.
2. Demand to see ALL the evidence against you.
3. Demand verification that all procedures have been followed and that the equipment is calibrated.
4. Ask what proof, rather than circumstantial evidence, they have that they have identified the vehicle correctly.
5. Ask what proof they have as to the identity of the driver.

Driving by the Rules

Motoring Laws

The following is only a selection of the important UK motoring laws in summary form.

Fixed penalties for motoring offences

Non-endorsable / endorsable

A police officer decides

A cheaper option

Multi-offence conviction

Accumulation of points

Speed limits.

Evidence in speeding cases
Penalty points system

Fixed penalties for motoring offences

There are two main groups of motoring offences for which a Fixed Penalty Notices (FPN) may be issued.

For minor offences involving no licence endorsements, the FPN will be £20.00 outside London and £40.00 for a Red Route offence.

These offences range from improper parking to the non-wearing of a seat belt. In Scotland the scheme is much wider.

For some more serious offences involving the endorsements of penalty points on licences, the FPN will be £60.00. If payment is made within 28 days that will be the end of the matter.

More serious offences are outside the scope of the FPN schemes so penalty points may only be imposed by a court.

Non-endorsable / endorsable

In the case of non-endorsable offences involving stationary vehicles (e.g..Parking), FPN may be fixed to a vehicle by a traffic warden or a police officer.

In the case of other minor offences related to driving a vehicle, but not involving licence endorsements (e.g.. Not wearing a safety helmet or driving the wrong way in a one-way street), a FPN may be given to the driver but only by a uniformed police officer.

To challenge a Penalty Charge Notice (PCN) or have mitigating circumstances considered, write to the council whose address is on the back of the ticket. If they refuse to cancel the ticket you can take up an appeal with an independent tribunal.

In the case of endorsable offences coming within the scheme, only a uniformed police officer is able to give a FPN

Traffic wardens may, however, issue notices for parking in pedestrian crossing areas, subject to local policy. The police officer will want to examine the driver's licence in order to check any penalty points, because a FPN cannot be given for an offence, which would take the total points to 12 or more, as this generally requires disqualification to be ordered by a court.

A police officer decides

Whether the offence involves points or not, only a police officer can decide when to give a FPN. A driver cannot demand such an opportunity to avoid prosecution in a court.

In the case of an endorsable offences, the driver will be asked to surrender his/hers licence to the police officer on receiving the FPN.

If a driver has not got his/her licence with them, they will issue a "Provisional Fixed Penalty Notice" requiring him/her to take it to a police station of their choice, (other than one in Scotland), within 7 days and, provided endorsement does not bring the number of penalty points to 12 or more, the provisional fixed penalty will be converted to a substantive one. The licence will be returned after the penalty points have been endorsed and the penalty has either been paid or registered as a fine.

If a fixed penalty is not paid, or a court hearing not requested within 28 days by the registered owner of the vehicle, the penalty will be increased by 50% and registered as a fine after which the court will be able to use all its powers to enforce payment.

The motorist is under no obligation to pay a fixed penalty if he/she considers himself/herself innocent of any offence charged and the right to elect trial in court is clearly stated in the notice. He/she has 28 days to decide what to do -pay the penalty or take the matter to the court.

A cheaper option

Generally speaking, payment of the fixed penalty is likely to be a cheaper option than contesting the matter in court, where there is a risk of costs being awarded against the motorist. Whilst attendance at court is usually unnecessary if pleading guilty to a relatively minor offence, the motorist still suffers inconvenience and anxiety prior to the court hearing -he/she has to consider preparing a statement of mitigating circumstances; there is the inevitable wait before being informed of the fine imposed and the need to arrange prompt payment after notification. This can be avoided if the motorist accepts the fixed penalty. Seek advice in this case from a legal department.

Multi-offence conviction

On conviction of more than one offence on the same occasion, penalty points are only be imposed in respect of the offence receiving the highest number of points.

Accumulation of points

Disqualification for at least 6 months will follow the accumulation of 12 penalty points within the period of 3 years -for instance four 3 point speeding offences committed.

Once this has happened the points will cease to count and after the expiry of the disqualification the driver starts again with a 'clean slate'.

If the driver has 12 points or more has already had a disqualification within 3 years preceding the commission of the latest offence he/she will be disqualified for at least 12 months. If he/she has had two or more he/she will be disqualified for at least 2 years.

The courts have the power to order shorter disqualification or no disqualification if exceptional hardship is involved but their powers to do so are restricted.

IF YOU ARE UNDER THREAT OF DISQUALIFICATION DUE TO TOTTING UP OF PENALTY POINTS (FOR THE FIRST TIME) AND IF YOU ARE BANNED IT WILL CAUSE "EXCEPTIONAL HARDSHIP" THEN YOU SHOULD BE ABLE TO AVOID THE BAN.

Exceptional hardship is a case that you can plead in court when you attend. You can say I wish to plead exceptional hardship when you are allowed to take the witness stand and give evidence. Offenders will not be able to plead the same mitigating circumstances more than once in three years.

NOTE - Penalty points for each offence, which do not result in disqualification -in other words, those who do not add up to 12 within 3 years -will cease to count 3 years after the date of the offence. You can apply to the DVLA (Swansea) for the removal of the points after 4 years from the date of the offence.

The Road Traffic (New Drivers) Act 1995 This Act will affect you if you pass your first driving test on or after 1 June 1997. If you incur penalty points in the two-year period immediately following your first successful driving test, and your penalty points add up to 6 or more (including any that were incurred within 3 years of the latest conviction) your licence will be revoked by DVLA. You will then have to obtain a provisional licence, drive as a learner and pass the theory and practical test again in order to regain your full driving licence. Passing the re-test will not remove the penalty points from your licence, and if the total reaches 12, you are liable to be disqualified by a court.

However, in order to prevent the loss of a driving licence, the Defendant must show the implications and effect of a disqualification would go far beyond that which would normally be anticipated. The Court will automatically assume that any suspension will result in hardship and will emphasise that that is the purpose of a disqualification. However, if it can be established that the implications would go beyond that which would normally be anticipated by way of a ban, it is feasible that the Court would accept those circumstances as being "exceptional" and sufficient to justify a punishment other than a licence suspension.

What if I can show I will lose my job as a result of a driving ban?

The Court will take this into account but that alone is not sufficient to justify the Court exercising discretion. The Defendant has to show more than the potential loss of job or employment and as most courts will point out, the Defendant would have undoubtedly been aware of the effect that a ban would have on employment before the offence was committed.

What defences are available? How do I defend an allegation?

The way to defend an allegation will vary according to the nature of the offence. Any defence must be absolute, meaning that the allegation is denied in its entirety and

although the burden of proof would normally be on the prosecution to prove the case, for all intents and purposes, the Defendant will have to ensure that his defence covers all aspects of the allegation in order to have any prospect of an acquittal or not guilty decision.

It needs to be understood that there is a distinct difference between defending an allegation, a plea of mitigation, special reasons and exceptional hardship.

What is a Plea in Mitigation or Mitigating Circumstances?

If you have pleaded guilty, or have been found guilty, before the Court imposes any punishment, you will be given the opportunity to put forward a plea of mitigation. The purpose of this is to convince the Court to impose the most lenient punishment possible. It can be dealt with by way of personal attendance or at the Court's discretion, in writing by way of a letter of mitigation.

What Are Special Reasons?

In the normal course of events, when a Defendant is guilty of an offence their licence will be endorsed. Special reasons occur when the Court concludes that there are particular circumstances that are sufficient not to order an endorsement or disqualification. If the Court finds that there are Special Reasons, although the Defendant will be found guilty, no penalty points will be endorsed. Special Reasons cannot be used to reduce the number of points, if the Court finds Special Reasons, there must be no endorsement at all. Accordingly, a person could admit that an offence has been committed, but argue that there are special reasons as to why there should be no endorsement. Special Reasons do not amount to a "defence" as otherwise the Defendant could not admit or would be found not guilty of the offence.

What is the process at the Court hearing?

The vast majority of cases are dealt with in the Magistrates' Court in England and Wales and the Sheriff's Court or District Court in Scotland. The process is fairly straight forward in that you will be given an opportunity to present reasons why you should not be disqualified from driving but the Court is only there to consider that submission and impose a punishment; there is no reason for the Court to provide you with assistance. Consequently, if you are not fully prepared, and do not raise a compelling submission, your case could be dealt with very quickly with a ban being imposed purely on the basis that you did not take the opportunity to plead for your licence. This will be the only opportunity that you will get to retain your licence.

You can be cross-examined by both the Court and the prosecution. If you bring witnesses to speak on your behalf, you will be expected to question them and they can also be subject to cross-examination

You should expect the hearing to last between 30-60 minutes but if you are not prepared, and the Court concludes that you have nothing worthwhile to say, a decision will be made far more quickly.

Speed limits

The speed limit on a Motorway / Dual Carriageway 70mph and that on other roads 60mph. Only roads subject to a lower limit have to be marked by signs. A general speed limit of 30mph applies on roads having street lighting provided by means of lamps placed 200 yards or less apart unless there are de-restriction signs. On other roads where the speed limit is in excess of 30mph a motorist shall not be convicted for exceeding the speed limit unless 'repeater' signs are erected. I suggest if you have any doubt to get a copy of the 'Highway Code'

Evidence in speeding cases

The opinion of two people (not necessarily police officers) is enough to secure a conviction. Alternatively, the court will usually accept the evidence of one police officer who followed the accused and was watching a speedometer, or who noted the speed on equipment. If the limit was exceeded by only 5mph or less the motorist will usually be given a caution.

Speeding is an absolute offence and it is no defence to argue that the speeding did not cause any danger. If danger was caused then it is likely that the more serious charges of careless or dangerous driving may also be brought. It is extremely difficult to defend a speeding charge successfully.

Usually it is alleged that the motorist was exceeding the limit by at least 10mph so it is difficult to argue that this was a mistake or that the police officer's speedometer was inaccurate. It is particularly difficult to defend a charge if the motorist was caught in an electronic trap (e.g. Radar, laser & Gatso), since all such speed measuring devices are Home Office approved and few magistrates are prepared to accept the argument of mistaken identity.

Penalty points system

Offences attracting penalty points, together with details of the points, which will be imposed, are listed in the following chart. No disqualification may be ordered unless there is an order for endorsement. Some offences carry a compulsory order for disqualification and the court must impose this unless there are 'special reasons' for not doing so.

Disqualification remains obligatory for certain offences (e.g. dangerous driving, or drinking and driving as opposed to being drunk in charge), so, in general terms, penalty points will only be endorsed in cases where the licence endorsement is obligatory and the qualification is discretionary but not imposed. If a previous drink driving offence took place during the 10 years preceding the current offence, the court must disqualify for at least 3 years.

Penalty Points

2 points

Play Street offences

3 points

Driving with uncorrected defective eyesight.

Exceeding a speed limit (dealt with by a fixed penalty) i.e. £40.00 fine payable within 28 days.

Failure to obey sign exhibited by school crossing patrol.

Contravention of pedestrian crossing regulations.

Contravention of traffic regulations on special roads (e.g. motorways).

Contravention of certain construction and use regulations (e.g. dangerous condition, defective breaks, steering or tyres).

Leaving a vehicle in a dangerous position and stopping within the confines of a Pelican/Zebra crossing.

Failure to give information.

3 -6 points

Learner motorcyclist with a passenger.

Driving otherwise than in accordance with a Licence (e.g. under age, unsupervised in car, no 'L' plates. Exceeding a speed limit (Summons).

3 -9 points

Careless or inconsiderate driving.

3 -11 points

Dangerous driving (Disqualify for 12 months minimum, unless special reason and order extended re-test Custodial sentence may apply).

4 points

Refusing roadside breath test.

5 -10 points

Failing to stop after an accident (Discretionary Disqualification).

Failing to report an accident to the police (Discretionary Disqualification).

6 points

Driving while disqualified by order of court (Discretionary Disqualification).

6 -8 points

Using, or causing of permitting use of, motor vehicle uninsured and unsecured against third party risks (Discretionary Disqualification).

10 points being in charge of a motor vehicle when unfit through drink or drugs (Discretionary Disqualification. Custodial sentence may apply) Being in charge of a motor vehicle with alcohol above the prescribed limit (Discretionary Disqualification. Community penalty or Custodial sentence may apply).

Failing to provide specimen for analysis in 'in charge' cases (Discretionary Disqualification. Custodial sentence may apply).

Number Plates and the Law

Display of Registration Marks for Motor Vehicles (Except Motorcycles)

VEHICLE REGISTRATION MARKS including marks offered for sale And purchase through the DVLA's Sales Schemes must be displayed in accordance with Regulations 17-22 inclusive and Schedule 2 of the Road Vehicles (Registration and Licensing) Regulations 1971 (as amended) (Obtainable from HMSO)

The Regulations specify that marks must conform to either one of two groups of provisions (provisions for embossed/pressed plates in section EMBOSSED PLATES below)

Group 1 : Characters 89mm (3 1/2") high, Character width 64mm (2 1/2") (except figure "1" stroke width 16mm (5/8"))

Group 2 : Characters 79mm (3 1/8") high, Character width 57mm (2 1/4") (except figure "1" stroke width 14mm (9/16"))

NOTE:

It is an OFFENCE to alter, rearrange or misrepresent letters or number in order to form names or word.

Characters must not be moved from one block to the other e.g. A242 ABC must not be displayed as A242A BC

OFFENDERS are liable to a MAXIMUM FINE of up to £1000 and in some cases the mark may be WITHDRAWN. Vehicles with illegally displayed number plates may now FAIL the MoT test.

For vehicles first registered on or after 1.1.1973. The characters must be black; the background must be reflex-reflecting material, white at the front and yellow at the rear.

Each number plate shall be permanently and legibly marked in such a position as to be clearly visible when the number plate is fitted to the vehicle, with the following information:

- 1) The name, trademark or other means of identification of the maker
- 2) the number of the British Standard, i.e. BSAU 145a

Embossed or Pressed Number Plates

Where each letter or number is 79mm (3 1/8") high

For embossed or pressed the space between the group of letters and group of figures 33mm (1 5/16") may be exceeded by not more than 21mm (27/32").

The space between the nearest parts of two adjoining figures '1' shall not be less than 11mm (7/16") nor more than 54mm (2 1/8"), and the space between the nearest part of figure '1' and the nearest part of any other figure shall not be less than 11mm (7/16") and not more than 33mm (1 9/32").

Where each letter or number is 89mm (3 1/2") high

For embossed or pressed the space between the group of letters and group of figures 38mm may be exceeded by not more than 24mm (15/16").

The space between the nearest parts of two adjoining figures '1' shall not be less than 13mm (1/2") nor more than 60mm (2 3/8"), and the space between the nearest part of figure '1' and the nearest part of any other figure shall not be less than 13mm (1/2") and not more than 37mm (1 7/16").

Further Information: Extracts from form V796. Motor Cycles have separate provisions and are contained within schedule 2 of the Road Vehicles (Registration and Licensing) Regulations 1971 as amended, Via the HMSO or your local Vehicle Licensing Office. Information correct as of January 1999

A New Format from September 2001

From 1 September 2001, number plates will take on a new format. The present age identifier prefix letters run out next year. Vehicles registered, as new from 1 September 2001 will have number plates that include.

A two letter regional identifier -A two figure age identifier -Three random letters

The new format will make number plates easier to read and make them more memorable.

A New Font Style

From 1 March 2001, a new number plate font style is to be introduced. This will make it illegal for any vehicle being used on the public highway to have a number plate which does not conform to the

new style. Motorists whose vehicles bear number plates, which have been customised by means of stylised letters and figures such as italics or the placement of number plate fixing bolts, must replace them or risk prosecution.

The new mandatory font style is based on the 'Charles Wright' font as shown below:

The overall width of characters will be reduced from 57mm to 50mm.

GB Euro symbol

From 1 March 2001, motorists may if they wish, incorporate the GB Euro symbol onto their number plates. The display of national emblems on number plates will be prohibited. If desired they may be displayed, as now, on other parts of the vehicle.

The DVLA plans to work with the Association of Chief Police Officers (ACPO) to crackdown on drivers.

Many drivers alter the spacing and typefaces on number plates to spell names and messages. But some plates can make registration

numbers unreadable by speed cameras. Drivers who tamper with car number plates are likely to face prosecution in a new clampdown.

It is already an offence to make letters look like numbers and vice versa, but the Driver Vehicle Licensing Agency (DVLA) in Swansea has said it intends to crack down.

Thousands of personalised registration numbers are allowed -the DVLA sells assignment rights to attractive numbers and many people are prepared to pay high sums for novelty numbers.

But the problem is when people change the letter spacing and make the plate hard to read. Cars with these plates fail MOT tests and there is a maximum £1,000 fine.

Police concerns

A simple change in letter spacing can make 13 look like B or 8. The letter O can look like D, 12 can look like 15 and the letter S can get confused with the number

5.

Police are concerned that vehicles involved in hit and run accidents can be difficult to trace.

The DVLA plans to work with the Association of Chief Police Officers (ACPO) to crackdown on drivers.

From 1 March people without correctly displayed plates may have their registration marks withdrawn permanently without compensation.

Speeding

These are the views of one Traffic Officer - Take a read of them many of his comments will strike a chord!!

The following Comments are the views of one officer and do not represent the views of any other officer or Police Force in the UK

Ask your self-a question, "How good a driver am I?"
What makes you so good? Well very often drivers have a perceived perception of their skills based upon their own experiences and belief in their abilities.

If you are travelling 103 ft per second at what speed are you driving?

Need to look up the answer Mr Skilful driver?
Do you know how to read the speed of a bend accurately?
Do you know how the police operate speed detection devices, or do you believe that your alertness and observation will keep you one step ahead of the game?

Answer to consider. "Each and every time you decide to speed or break the rules of the road you will need to be lucky....."

The police only need to be lucky once...
Speeding is often seen as a part of every day motoring and enforcement as an irritation to driving. Drivers do not regard speeding as unlawful if the limit is only broken by an acceptable margin. That margin is very often set by the individual's conscience rather than by any passed law or enforcement process.
"The vehicle is designed to travel safely at much higher speeds"
"I know what I am doing"
"It's the other road users that are the problem"
Sound familiar...

These same drivers often complain of the speed of vehicles in their own street but are happy to do it in other streets its all-right but not in my back yard.

Speed enforcement is often regarded as the enemy and something to be beaten. The accident is never going to happen to you and if it does then it will be the fault of the other driver... Won't it?

This information is here to help and assist you if you are not guilty of the alleged speeding offence. This information is not here to help you break the law. Speeding is an offence and if you are guilty then you are guilty and you should take what ever punishment is given.

This information is not here as a total solution and nor is it legal advice. Only a qualified solicitor is able to offer you legal advice on each individual situation and we suggest that you take the time to talk to a solicitor every time.