

# Penalty points or disqualification

People often believe that there is little a lawyer can do to assist with a road traffic offence, but this is not in fact the case. Motoring offences can be technical and confusing, they can have serious consequences. A knowledgeable lawyer can help you to navigate the process.

## The Police station

The police will often request that a driver attend the police station to answer questions about what happened. Often such interviews can be confusing and stressful. The answers that you give will be recorded and will be scrutinized with a view to prosecution. For this reason you should always request legal advice before you attend any appointment.

## The Court

You may be charged by the police and given a court date or you may receive a summons in the post. This means that you must attend court as you are being prosecuted for a motoring offence. You may feel that you are guilty and there is little to be gained from legal advice, however a good lawyer could help you to avoid disqualification or lower the financial penalty you receive.

## Exceptional Hardship

If a person accumulates 12 or more penalty points on their licence within a 3 year period then they will be disqualified from driving for at least 6 months unless they can convince the court that 'exceptional hardship' will be caused.

You would generally need to provide evidence from witness testimony that someone other than yourself is going to be significantly impacted by your ban. Hardship to you personally will not normally be sufficient but there are no definitive rules and we can advise you on how best to advance this argument.

### Special Reasons

Sometimes in a driving case you may have 'special reasons' as to why you acted in a certain way. This can involve emergency situations for example, or confusion over insurance payments. If you are successful in running this argument, then you could avoid penalty points or disqualification altogether.

The process will involve calling witnesses at a hearing and you are likely to need to give evidence yourself. Legal advice is crucial to establish whether there are any prospects of success and how the evidence should be set out.

There will be increased prosecution costs to consider if you are unsuccessful.

### Sentencing

Most people view the points or disqualification as the main punishment for a road traffic offence, but these are actually in addition to the sentence you receive. You will be sentenced to one of the following:

- Financial penalty
- Community order
- Suspended prison sentence
- Immediate prison sentence

You are also likely to be asked to pay something towards the prosecution costs of the case and possibly a victim surcharge.

In deciding the appropriate sentence, you will be invited to speak and explain your circumstances as well as those of the offence itself. Your lawyer can do this for you or you can of course represent yourself. This part of the process can have a significant impact on the final result.

### What next

If you are asked to attend the police station or you receive paperwork regarding a motoring offence then call us as soon as possible – if things are left to the last minute then it can be difficult for the case preparation to be undertaken in the time left.

Attending a police station or court is a daunting process for anyone but this is what we do every day – we are here to help, so please ask if you have any questions.