

Drink Driving

Overview

When you are faced with a drink driving offence this can be extremely stressful. These types of offences come with a variety of penalties and fines.

Our job as defence lawyers is to guide you through the process and to make sure that the correct procedures have been followed. As most driving offences require a Court appearance, advice from an expert lawyer is essential.

You need experts that are accustomed to the processes and also procedures so that we can quickly identify any issues and fight your corner.



Failing to provide an evidential specimen

In Drink drive cases, if a person cannot or will not provide a specimen of breath, blood or urine the police may charge them with this offence.

- Stopped by the Police
- Unable to provide a specimen required?
- Have you been charged anyway?

If that is the case you are facing a driving ban of around 18 months if not more.

This usually occurs where a defendant is suspected of drink driving, is arrested but refuses/fails to provide a specimen to allow the police to prove that they are over the prescribed alcohol level.

Defences can arise if the procedure is not properly conducted or if you had a reasonable excuse for failing to provide a specimen. We have in depth knowledge of these procedures and defences and can provide expert advice from the outset.

Drunk in charge of a vehicle

Drunk in charge is very different to a drink driving charge and usually arises when the police cannot prove the "driving" element of the offence. Simply being near a vehicle whilst over the prescribed alcohol limit could constitute an offence in law if it can be alleged that you were "in charge" of it at the time. These cases are always decided according to their particular facts but can be defended. A statutory defence is provided by the law and if carefully argued, convictions can be avoided.

Over the limit aka "Excess Alcohol"

If you are in excess of the prescribed alcohol limit it is an offence to drive a vehicle, on a public road or a place where the public have access.

The procedures for arrest and taking an evidential specimen are very specific and unique and if not properly complied with the prosecution case could be fatally flawed. Our defence lawyers can assess your case and put forward appropriate arguments on your behalf.

Special reasons

In certain circumstances it may be possible to totally avoid a disqualification even if you have been convicted of drink driving providing it can be demonstrated to the Court that "special reasons" apply to your case.

Special reasons do not apply exclusively to road traffic cases but are often applied in drink driving cases where there may be a partial excuse for committing a driving offence.

Driving whilst unfit

These cases are similar to drink driving cases although "impairment" must be proven by the Police and Crown Prosecution Service (CPS) in a very different way. The alleged impairment may be illegal drugs, legal medication or other factors.

What should you do?

Speak to a defence lawyer as soon as possible as early advice could save your licence, a fine or even a prison sentence.

Please feel free to discuss your own position and concerns.
Contact your nearest office on:

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