

THE HAZARDS OF BEING A MOTORIST

Question- I ALREADY HAVE 9 PENALTY POINTS ON MY LICENCE AND HAVE NOW BEEN FLASHED BY A SPEED CAMERA FOR SPEEDING.

IS THERE ANY RISK I COULD LOSE MY LICENCE ?

Answer- YES- YOU WILL LOSE YOUR DRIVING LICENCE FOR A MINIMUM PERIOD OF 6 MONTHS-UNLESS YOU CAN PERSUADE THE COURT THAT THIS WILL INVOLVE YOU IN EXCEPTIONAL HARDSHIP

WHAT SHOULD I DO ?

The above scenario is one I come across time and time again.

The legal position is quite clear in this situation. If you attain 12 or more penalty points within a period of 3 years, then the law is that you **must** be disqualified from driving for a minimum period of 6 months **unless** you can show that this would cause you “**exceptional hardship**”.

Establishing “hardship” is not enough as all such sentences are intended to cause hardship. You will need to establish “exceptional hardship”, which is something more than hardship.

There is no legal definition as to what constitutes “exceptional hardship”, and each case depends upon its own facts and circumstances. There have even been reported cases whereby the courts have held that even if your job depends upon you driving and you lose your job as a result eg HGV or Taxi driver, that this does not in itself necessarily result in exceptional hardship.

Your circumstances will therefore need to be looked at very carefully and your situation analysed to see whether you have grounds to establish exceptional hardship.

What the courts tend to look for is whether, if you are disqualified from driving for 6 months, this would result in innocent third parties suffering exceptional hardship eg employees of yours who would as a result be made redundant, or perhaps the effects on a member of the family who relies upon you for driving.

Unless handled and presented properly by someone who knows what is involved and what is required to persuade the court not to disqualify you for 6 months, then your case could go horribly wrong, resulting in you not only being disqualified from driving for 6 months, but also risking losing your job and livelihood, not to mention the horrendous financial repercussions if this situation were to occur.

Too often I have sat, cringing at the back of the court, watching people, representing themselves without a solicitor, and making a complete hash of an otherwise good case, simply because i)-they do not know what to say, ii)-what not to say iii)-what documents they need to present to the court in support of their case or iv)- how to properly present their case to the court.

For those reasons, you should always, in the first instance at least, consult a solicitor specialising in this area.

Your solicitor will discuss the details of the case with you and advise as to whether your circumstances are such that they may amount to “exceptional hardship” justifying the court not disqualifying you from driving for 6 months.

Many people in this situation, and not having been in this situation before, merely think that they will either simply get 3 points and that's the end of it, or that they believe (wrongly) that they can simply turn up at court, put forward any reason to avoid disqualification and get away with it.

That unfortunately, is not the case and people who attend court unrepresented thinking this, get the shock of their lives when they are disqualified from driving for 6 months with all the repercussions that may flow from such a period of disqualification.

The message is clear if faced with such a situation. You should first of all consult a solicitor and at least discuss the case with them so that you get proper advice. Depending upon that advice, you may then decide to engage the services of a solicitor to prepare and properly present your case at court. That way you at least stand a fighting chance.

There is nothing worse than having a good case, which is lost simply because of lack of knowledge as to what is required and poor presentation at court.

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