

David Barton

motorists' lawyer



Speeding convictions outdated!

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Forget radar detectors and sat navs. Motorists in Manchester have found another useful tool for avoiding a speeding ticket - the calendar!

Greater Manchester police have taken the decision to abandon hundreds of cases against drivers because summonses were issued late.

David Barton a motorists Solicitor in Maidstone explains, "Police have the authority to require a registered keeper of a vehicle to state who was driving the vehicle on a particular date and time. It's called a 172 notice after the relevant section of the Road Traffic act, and it very commonly arrives after a vehicle has been photographed speeding.

"The law requires the registered keeper to comply within 28 days, and if he does not an offence is committed. It carries 6 points on conviction, so can quickly get someone half way to 12 and disqualification, or worse all the way there.

"If a registered keeper is to be prosecuted for failing to provide details of the driver, a summons must be issued within 6 months of the date of the offence. The person who fails to comply with the notice commits the offence on the expiration of the period of 28 days."

It's common practice though for forces to send out a reminder after the expiration of the first notice, giving a further 28 days. If the registered keeper still fails to comply them a summons is sent out. The summons though must arrive within 6 months of the end of the first 28 day notice period – that's when the offence is committed. Police in Manchester started the clock 28 days after the reminder period and thus the summonses arrived too late.

"Summonses issued late are invalid, simple as that." Said David. "Calculating the 6 months period from the end of the reminder risks the summons being issued late. This story emphasises the importance of carefully checking the calendar if you receive court and other paperwork."

ABOUT DAVID BARTON

David Barton is a motoring lawyer who specialises in driving offences in Kent.

Based in Maidstone, he has 30 years' experience of representing Kent motorists. He's an authority on how to stay safe – and legal – behind the wheel, and also has a wealth of knowledge on hot topics affecting anyone who drives.

David's website <http://www.motorists-lawyer-kent.co.uk/> has a lot of free downloadable helpsheets on common motoring law problems.