



Speeding: Don't know who the driver was



Q: As part of our coach operation we have a number of fleet cars that are used by drivers, office staff and managers for business matters.

We have received a number of speeding fines over the last 12 months for these vehicles which we have paid. We have been asked to provide details of who was driving a particular vehicle but we are unable to do so as the cars are used by a number of people. We have now received a summons stating that we will be prosecuted for failure to supply the details of the driver. What can we do?



A: This is a situation which occurs in the transport industry on a relatively regular basis. Where a driving offence has been committed the vehicle owner is required by law to provide details of the individual who was driving the vehicle at the time.

In most situations this is relatively straightforward as the vehicle owner is usually the person who was driving it at the time when the alleged offence was committed. Alternatively, if it was not the owner who was driving the vehicle at the time there would only be a small group of people who could have been driving it.

Where a request to identify the driver has been made and the owner knows the identity of the said drivers these details should be



Number of speeding tickets received

provided to the relevant parties.

However, where there is a situation whereby, after conducting an investigation, it is not possible to accurately identify the driver, this should be communicated with all supporting documentation. The prosecuting authorities/court will then take this into consideration and any prosecution would likely be ceased.

I can't pay fine: What can I do?



Q: I was recently convicted of a relatively minor motoring offence. I received four points on my licence and was fined a total of £1,250. At the end of the hearing the magistrates asked when I could pay the fine by and I said within a month. I have now lost my job and I am unable to pay the fine. What can I do?



A: If you are convicted of an offence and receive a fine the courts will ask how quickly you can pay the fine. It is always my advice that you should pay the fine as quickly as possible as failure to pay a court fine will result in further action taken against you by the court.

Where a situation arises similar to that above it is very important that the individual contacts the court/fine collection unit as soon as possible. The driver should state the reason why he is asking for an extension of time and provide all supporting documentation such as, in this case, evidence that he is not working, his new income and outgoings etc.

The court then will look again at the fine and come to an arrangement with the individual so that payment can be made over a longer period of time.

I cannot state enough how important it is that, if you are in such a situation, you should contact the court as soon as possible as the sooner you make contact the easier it will be to deal with matters.

How do I avoid losing my home?

Q: I appreciate this is not a road transport related question but I would like to ask it anyway. I have recently run into trouble in relation to paying my mortgage. I was made redundant and was off work for about six months. I am now back at work but fell behind with my mortgage payments. I am ignoring the correspondence from the mortgage company as I don't know what to do or say. Please can you advise?

A: Obviously all readers will be well aware of the current recession, which is impacting on all sectors of the economy. Unfortunately redundancies are all too common and this can have a financial impact on individuals.

The driver in this situation needs to deal with the correspondence from the mortgage company. Although he is behind with his payments, it may be possible to

enter into an agreement with his lender to deal with the situation. It is essential that the lender is contacted immediately and provided with all the relevant information such as current income and length of time that he was unemployed for.

The earlier contact is made the greater the chance an agreement can be reached to ensure that matters are dealt with accordingly. Communication between all parties is the key in these situations and readers should not be afraid to contact the institutions concerned.

What can I expect when I attend court?

Q: About 12 months ago I witnessed a serious assault while carrying out my duties as a coach driver.

I have been asked to attend court to give evidence. I have spoken to the court but it has provided me with little information about what to expect. Can you help?

A: Most courts if not all have witness services which, when you attend court on the day, will support you and look after you. On the day of the hearing you should report to the information desk, which will put you in the

right direction. Make sure you identify yourself as a witness.

Once you have been met by a member of the court witness service you will be taken to a separate room to wait until you are called to give evidence.

When you are called to give evidence you will be taken into court where you will usually be met by an usher. You will be asked if you wish to swear or affirm the oath.

Generally you will stand in a witness box and will be asked questions by the prosecution and defence lawyers. You may also be asked questions by the judge.

Direct all answers to the judge. If you don't know the answer, say so and, if you don't understand the question, ask for it to be repeated. Never try to make-up an answer. Make sure you talk clearly so that all people in the court room, which is generally a busy and noisy place, can hear your answer.

If you have any questions at any times while in court ask any member of the court staff who will be able to help.

Andrew Sanderson
Solicitor



Legal Jottings is brought to you through CDC's partnership with leading transport lawyer, Andrew Sanderson.
Tel: 07801 537 154 Email: andrew.sanderson@hammonds.com

Angela Hughes BLUE BADGE TOURIST GUIDE

For London

Coach Drivers Club Member

Tel: 01323 641146 • Mobile 07712 194433

Email: angela.hughes@virgin.net

Guided walks, Coach Tours & visit London's Attractions

Barbara Barwick-Nicholson BLUE BADGE GUIDE

Yorkshire – Northumbria

Coach Drivers Club Member

Tel: 01535 633276 • Mobile 0777 806 1961

Email: barbara.bbg@virgin.net

www.barbara-bluebadge-guide.co.uk

Roger Bailey BLUE BADGE TOURIST GUIDE

Heart of England

Coach Drivers Club Member

Tel: 024 7669 1212

Email: bluebadgecov@aol.com