

Overview

When you are faced with a drink driving offence, it will be an extremely stressful and upsetting time. These types of offences come with a variety of different penalties and fines. Our job as your solicitor is to guide you through the process and to ensure that the correct procedures have been followed by the Police. As most driving offences will require a Court appearance, advice from an experienced solicitor is essential. At Mander Cruickshank Solicitors our experienced lawyers are accustomed to the legal processes and procedures so that we can quickly identify any issues and fight your corner. We have decades of experience in helping to keep drivers on the roads, or if a ban is inevitable, helping to keep the period of that ban as short as reasonably possible.

Failing to provide a specimen

If a person cannot or will not provide a specimen of breath, blood or urine when required to do so, the police may charge them with an offence. A driving ban of around 18 months is typical in this situation.

Most cases arise as people think that if they do not provide a sample then the police will struggle to prove that they were over the prescribed limit.

Defences arise when procedures have not been followed by the police, or when someone has a reasonable excuse for failing to provide a specimen. We have in depth knowledge of these procedures and defences and can provide expert help to you.

Drunk in charge of a motor vehicle

Drunk in charge is very different to drink drive and usually arises when the police cannot prove that the person actually drove the vehicle. Simply being near a vehicle when over the prescribed limit could be an offence if it is alleged that you were “in charge” of it at the time. These cases can be defended and convictions avoided if you have an expert solicitor help you demonstrate that there was never any chance of you ever driving the vehicle until such a time that the alcohol would be out of your body .

Excess Alcohol (aka over the limit)

If a person is over the limit then it is an offence to drive a motor vehicle on a public road or place where the public have access to. The procedures for arrest and taking an evidential specimen are very specific and if not properly complied with, the prosecution case can be fatally flawed. Our solicitors can assess your case and put forward appropriate arguments on your behalf.

Special Reasons

In certain circumstances it may be possible to avoid any disqualification even if you have been convicted of an offence if it can be proved 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 they may be an excuse for committing a driving offence.

Driving whilst unfit

These are cases where “impairment” must be proved, and are typically as a result of illegal drugs, legal medication or other factors.

What should you do?

Speak to us as soon as possible as early legal advice may save your licence, a fine, or even a prison sentence.

