

Driving whilst Disqualified



Mander Cruickshank
Solicitors

Overview

Driving whilst Disqualified is a serious offence which can see an offender sent to prison. With a growing number of people being banned from driving it comes as no surprise that the number of people driving whilst disqualified is increasing, as is the number who are caught and prosecuted for this offence.

What is the chance of being caught?

The chance of being caught is greater now than ever before thanks to the array of equipment available to the Police. The most powerful tool the Police have is the Automatic Vehicle Registration Recognition System that is fitted to the majority of Police cars and is also being installed on numerous static sites throughout the country. In simple terms, a camera fitted to the Police car or elsewhere, scans the registration number of any vehicle in its field and then, via the DVLA database, establishes whether that car is taxed, insured, MOT'd and to whom it is registered. If there is any concern as to the legality of the vehicle, a message is automatically sent to the Police who will then stop the vehicle.

What happens if I get caught?

Driving whilst disqualified is an arrestable offence so it won't be a case of a stern ticking off at the side of the road. Offenders will be arrested immediately and then processed via the Police system which can be an alarming experience for those unfamiliar with the process of being taken back to the Police station in handcuffs, finger printed, DNA tested, searched, photographed and then held in a cell prior to a taped interview being undertaken. If you are fortunate, you will then be bailed to attend Court. If however the custody sergeant decides that there is a risk of you committing any further offence, he can refuse bail and you can be held at the Police station until the prison van arrives to take you to Court.

What is the maximum punishment?

A prison sentence is a real possibility, particularly if the Court feels that by driving you have shown disrespect to the Court that imposed the original suspension. If the Court decides to impose a prison sentence, that will have an immediate effect. Alternatively, the Court can adjourn the case in order to obtain pre-sentencing reports from the probation service but can still impose a prison sentence as and when the report is received. If you are fortunate enough to avoid prison, then expect either a community order (with unpaid work or other attachments such as a curfew order) to be imposed, together with a fine and for your period of disqualification, to be extended.

What can a solicitor do to help?

Although it is a very serious offence, with the correct preparation and representation, there are various ways to persuade the Court to adopt a more sympathetic approach. Each case is decided on its merits but if you are intending to convince the Court that leniency should be applied, it would be prudent to obtain detailed legal advice as soon as you can, although the nature of the offence means that this will often be only a few days in advance of the hearing. Our Criminal Defence Department has decades of experience dealing with these types of cases, and would be happy to provide you with a free consultation to discuss legal aid eligibility or to provide you with a costs estimate and advice.



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