

# Caught on camera!?



The scene from the 1975 TV series *Fawlty Towers* where John Cleese's character, Basil Fawlty, violently beats his car with a branch after it breaks down is regularly voted one of Britain's most popular comedy moments. Ironically, the veteran comic, who lives in Bath, found himself in a little 'off screen car trouble' when he was accused of speeding on the A4 between Bath and Bristol. A source said that Mr Cleese owned the car but was not driving when it was photographed by a static camera at Saltford on the 6 November 2010. The Weston-super-Mare born actor was summonsed to Bath Magistrates Court for speeding and also failing to provide the identity of the driver. However, on the 15 June 2011 the case was dropped when at a hearing the Magistrates heard that a fixed penalty notice had been paid.



Such allegations are not reserved solely for Monty Python stars. As a driver you could easily find yourself in a similar position where your vehicle is clocked by a camera but the police do not stop you. However, many people are not aware that there are very precise procedures that need to be followed by both the police and the registered keeper of the vehicle following a speeding allegation via camera.

## Caught speeding by camera, but not stopped - what happens next?

Well in such cases, the police must send a form called a Notice of Intended Prosecution to the registered keeper of the vehicle within 14 days of the incident or the case against you is over. The document should contain details of where the alleged offence took place and at what date and time. If these details are inaccurate this may form grounds for asking for the matter to be dropped.

### Be aware of extra documentation!

Almost always in the same envelope as the Notice of Intended Prosecution there will be a form asking for the identification of the driver at the time of the alleged speeding. The registered keeper will be given 28 days to complete this. Not returning the form fully completed within this time period is a separate offence to the matter of speeding and is called 'failing to identify the driver'. This offence carries 6 penalty points on your licence or a discretion to disqualify, and a fine of up to £1000.

### Unsure who was driving at the time?

Quite often it is very difficult for the registered keeper to know with certainty who was driving at the time of the alleged speeding where multiple parties are entitled to drive the vehicle. The good news is that if the court can successfully be persuaded that you sincerely could not say who was driving despite your best efforts there will be no penalty and furthermore you may recover the costs you have paid to your legal team in defending your case.

### Your right to query the speeding allegation

Sometimes in relation to speeding allegations clients tell us that they are certain that they simply were not speeding on that occasion and that therefore the camera must be wrong. In such a case it is worthwhile checking the camera was properly calibrated as is required. Ultimately it may be necessary to bring in an expert who can analyse the camera itself to establish whether it was working properly. If matters progress to trial then in relation to handheld speed measuring devices the police can be questioned as to whether they used these machines properly.

### What happens if you have 12 penalty or more points on your licence?

If the points incurred now mean that you have accumulated 12 penalty points or more then normally the court must disqualify for at least a six month period. However, if the court can be persuaded that this could cause 'exceptional hardship' to the driver or others then the court may allow someone to continue to drive with 12 or more penalty points. In reality the concept of exceptional hardship means

hardship that affects the licence holder or others in a way that goes beyond normal hardship. If exceptional hardship is shown then the court must reduce any disqualification or, as is more likely, choose not to disqualify at all.

### Free initial advice from a solicitor

If you have been accused of speeding, or failing to provide the driver's details within the set period of time or any other road traffic offence, contact Motoring Law Defence for free initial advice. We specialise in defending all types of road traffic allegations, particularly exceptional hardship cases. To date we have a 95% case win track record with regards to exceptional hardship arguments.

So the next time you find yourself accused of a road traffic offence do not reach for a branch to beat your car, but instead give us a ring! For further information please telephone Philip Hatvany, Road Traffic Solicitor, at Motoring Law Defence on 01225 442 925 or via email at [advice@motoringlawdefence.com](mailto:advice@motoringlawdefence.com)



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