

# CHRIS HUHNE AND VICKY PRYCE: LESSONS LEARNT

Chris Huhne, ex-cabinet minister and MP, and his ex-wife Vicky Pryce are just starting their eight month prison sentences imposed for perverting the course of justice. Chris Huhne persuaded Vicky Pryce to take points that should have been placed on his driving licence for a speeding offence in order for him to avoid a ban.

However, Mr Huhne was not alone in his thinking. In a recent survey two thirds of motorists said that they would be willing to take on penalty points for a friend or family member to ensure that person is not disqualified from driving. Until now the public has not realised that such actions, if found out, are almost always rewarded with prison sentences.

So what should someone do if they find themselves in the same position of having additional penalty points on their licence which will bring their total up to twelve or more. The law is clear that people in this position face a driving ban of at least six months. It was this ban that Mr Huhne was trying to avoid. There are however a number of legal possible escape routes whereby someone could keep their licence.

## Arguing exceptional hardship to keep your licence

If twelve or more penalty points are imposed on your licence you do not have to be disqualified from driving if the court finds that you or others would face exceptional hardship. An example of such an argument would be that if disqualified, the driver will lose his job.

## Possible defences in relation to a speeding allegation

Perhaps Chris Huhne should have looked more closely at the speeding allegation that was going to bring his total amount of penalty points to twelve or more to find out if there was a possible defence. Typical defences in relation to speeding allegations can include:

### Time limits – was the Notice of Intended Prosecution sent in time?

Chris Huhne was not stopped by the police when he was speeding. The first time he would have known he was officially being pursued for this offence would have been when a Notice of Intended Prosecution (NIP) was sent to his address. However, if the police sent the notice

more than fourteen days after the speeding offence to the registered keeper's address then the driver has a "cast iron" defence.

### Speed limit signage - does it comply with traffic regulations?

Other possible defences to speeding allegations can be in relation to inadequate signage. It was recently reported by the BBC how thousands of motoring speeding convictions on a stretch of the M42 motorway could be overturned because the font used to display the numbers on some variable speed limit signs may not have complied with traffic regulations. It has now been argued that any penalties handed out over the course of six years since the signs have been in place should be quashed. It is worth bearing in mind therefore that a traffic sign must be of the prescribed colour, type and size authorised by the Secretary of State.

### Speed cameras – are they being operated correctly?

Another possible defence to a speeding allegation could be in relation to the camera used to check the speed. Despite the government announcing major cuts in road safety funding a few years ago, figures suggest that fixed speed cameras continue to be used in various areas of England. There are actually more fixed camera sites now than there were in 2010. It is true that in Avon and Somerset, and Wiltshire all operational fixed speed cameras were switched off. However, in these areas mobile vans are being used to enforce speed limits. Many of the speed guns used from these vans work by sending a beam of infrared light which bounces off the suspected vehicle straight back to the machine. The gun calculates the speed by measuring the changing distance of the car. However, if the officer operating the gun accidentally moves the beam along the side of the car while taking a reading this could affect the results and if demonstrated before the court provide a possible defence to the speeding allegation. Dr Michael Clark, a leading expert in laser and traffic control demonstrated this using a speed gun down the side of a stationary car and clocking it doing 43MPH!

### What to do if you are accused of speeding?

If you are accused of speeding or any other road traffic offence do not make Mr Huhne's mistake and risk a possible prison sentence. Instead



contact one of our specialist road traffic solicitors at Motoring Law Defence for free initial advice. As can be seen a multitude of defences may be available, the above examples just being a few of them. Even if you are not actually in danger of being disqualified penalty points on your licence can make an enormous difference to your insurance premiums. Speeding, which accounts for almost two thirds of road traffic offences tends to increase premiums by more than a third. Even if it is apparent that you do not have a defence in relation to a speeding allegation we can still assist you by persuading the court to impose fewer penalty points than they would have done otherwise and by arguing that they should not disqualify.

For further information contact Philip Hatvany, Road Traffic Solicitor at Motoring Law Defence on 01225 442925 or via email at [advice@motoringlawdefence.com](mailto:advice@motoringlawdefence.com)



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