



**Drink Driving Offences**

**Frequently Asked Questions**

## Drink Driving

Did you know that drink driving is a criminal offence? Exceeding the legal alcohol limit and getting behind the wheel of any vehicle is a serious offence and comes with penalties that can significantly impact on your day to day life.

Drink driving penalties can vary depending upon the circumstances of the incident. Punishments can include disqualification, a lifetime ban, community service, a fine or imprisonment.

You may think that alleged offences of drink driving are open and shut cases, but often there are potential legal arguments that can be exposed as a defence in order to win your case and either prevent or decrease the severity of your penalty.

As specialist drink driving solicitors, the Just Motor Law team carefully evaluates the circumstances surrounding the offence and the legal procedures, we are here to provide you with the legal guidance and expertise you need.

In this free guide our team of motoring law specialists tackle the most frequently asked legal questions regarding drink driving offences.

### What is the current legal limit?

The current legal limits which a driver is allowed to consume alcohol before getting behind the wheel is:

- 35 micrograms of alcohol in 100ml of breath;
- 80mg of alcohol in 100ml of blood;
- 107mg of alcohol in 100ml of urine.

It is important to remember that although these are the current legal limits it is almost impossible for you to accurately gauge whether or not you are under, or over, the limit. The best advice is to avoid drinking completely if it is your intention to drive.

## What is the penalty for being convicted of drink driving?

Drink driving convictions can come with serious consequences as the offence carries a mandatory period of disqualification. These can include:

- Disqualification for a minimum of 12 months. The minimum disqualification increases to 3 years if you have a previous relevant conviction within the last 10 years and increases to a minimum of 5 years if you have 2 relevant convictions within the last 10 years; and
- A fine of up to £5000;
- A community sentence such as unpaid work in the community;
- An electronically monitored curfew;
- Up to 6 months imprisonment.

In addition to a criminal conviction, the consequences can also include:

- Risk to your employment if you are banned from driving;
- Risk of increased insurance premiums following a period of disqualification;
- A criminal record that will only become 'spent' (ie no longer disclosable) after the time scales set out in the Rehabilitation of Offenders Act 1974.

## What is a 'Special Reasons Argument'?

There are some cases where the circumstances of the alleged offence can minimise the sentence or prevent any sentence being passed at all. This is referred to as the '*Special Reasons Argument*'. It is used when the defendant pleads 'guilty' but the circumstances of the offence are deemed 'special' in law. These can include, but not limited to;

- Drinking a beverage without knowing it contained alcohol;
- Consuming a higher percentage alcoholic drink than you realised;
- Having your drink spiked;
- Having to take to the wheel after consuming alcohol due to an emergency which required you to drive and where no other option of transport was available;
- Where the distance driven is 'short'.

In order to support the *Special Reasons Argument* there must be sufficient evidence to present to the Courts. The Just Motor Law team has vast experience in recognising cases where the *Special Reasons Argument* can be applied.

## Can a drink driving conviction effect my employment?

Yes. Being found guilty of drink driving can affect your employment status.

Withholding any information regarding known convictions can amount to a criminal offence. An employer who discovers an employee, or future employee, carries a criminal conviction has the discretion to instigate disciplinary proceedings or withdraw an offer of employment, if the conviction is not 'spent' by virtue of the Rehabilitation of Offenders Act 1974.

There are particular job roles which are considered 'exempt' under the Rehabilitation of Offenders Act 1974, you are obligated to declare any convictions to employers even when they have become spent. The exempt roles include, but are not limited to:

- Those which involve working with children and other vulnerable groups, such as teacher and social worker;
- Professions associated with the justice system such as solicitors, police, court clerk, probation officer, prison officer and traffic warden;
- Doctors, dentists, chemists, nurses or paramedics;
- Accountants;
- Veterinarians;
- Managers of unit trusts;
- Those who apply to work as an officer of the Crown;
- Employees of the RSPCA or SSPCA;

**Just Motor Law is a specialist legal service that provides expert advice and representation to motorists across the UK. Our success has been built upon our commitment to our clients, providing expert knowledge and advice when it is needed most.**

Just Motor Law is a dedicated team of experienced lawyers that provide expert advice and representation to motorists who are alleged to have committed a driving offence. The team defends motorists from across the UK, providing specialist advice on all motoring offences including speeding, failing to stop, no insurance, drink or drug driving.

We understand that losing your driving licence can heavily impact on your day to day life. Finding the right lawyer to act for you is crucial to avoid a motoring conviction and more importantly, to avoid driving disqualification.

We also aim to give advice with regards to motoring offences in order to prevent drivers falling foul of the law.

If you find yourself accused of any motoring offences, Just Motor Law provides an exclusive and transparent service where you always know the financial cost of your case from the outset, with no hidden surprises. We provide:

- **Direct access to a specialist motoring lawyer**
- **FREE initial telephone advice**
- **24/7 advice line**
- **FREE police station representation**
- **Day to day support and advice**
- **Great value legal service**

**For more information contact our team today**

enquiries@justmotorlaw.co.uk

T: 0151 608 9078

[www.justmotorlaw.co.uk](http://www.justmotorlaw.co.uk)

## Client Testimonials

“Having been personally recommended to Just Motor Law from a colleague, I would definitely continue to pass the recommendation on. From sending the court paperwork over to them – I didn’t have to do another thing and got an amazing result that I am very pleased with! Thanks for your help.”

**G McGowan**

“I instructed Just Motor Law in relation to an offence of failing to identify the driver and was told from the very early stages in my proceedings that I had a good case. As advised, my case was dropped on the day of trial following Matt's excellent representation in court.

Both Matt and Natali did an excellent job on my case and will definitely be recommending them to my friends and business associates. Thank you so much.”

**M Campbell**

“It is tremendously overwhelming to receive a NIP from the Police and of course your first response is to panic. Luckily I had the insight to contact Just Motor Law, and they helped me through the minefield of legal jargon and quite simply, did a stunning job proving that I wasn't speeding and wasn't even on the road the alleged offence took place!

I would definitely recommend Just Motor Law to friends and colleagues.”

**D Fryer**

“I had four offences of failing to identify the driver all of which carry a punishment of six penalty points for each offence. After many months of pressure being placed on the CPS for their evidence, all four offences were dropped at court by the prosecution.

I am so happy with the advice and representation received from the Just Motor Law legal team. Without them I would have been disqualified from driving for six months, would have lost my job and been unable to pay my mortgage!”

**J Mee**

**Important Information - Disclaimer** This publication contains general information only. Nothing in this publication constitutes legal advice. You should consult a suitably qualified lawyer on any specific legal problem or matter.