

Mitchell Solicitors

Motoring Offences

Information for Clients

Why Instruct Mitchell Solicitors?

From our offices in Luton, Stevenage and Harpenden, Mitchell Solicitors provides the very best advice and representation in Criminal matters, both Legal Aid and privately-funded.

Our Criminal Defence Team has been defending successfully in serious, complex and high-profile criminal cases including murder and fraud for many years, establishing a superb reputation in criminal defence work. We provide a quality service from the Police Station to the Court of Appeal in Legal Aid and privately funded cases.

The loss of a driving licence can have a devastating effect upon an individual, their personal life, their employment, and have a consequential affect upon their business or the business in which they work. Our proven track record in helping people keep their licences has enabled us to build a strong reputation in this area of law. We will fight for you where others won't. Unlike many national firms, we will not refer work to self-employed agents. We will allocate you a specialist lawyer who will be available to you throughout the process.

It is vital to consider whether a road traffic prosecution has been correctly brought before the Courts and to assess all relevant lines of defence. It is also relevant to recognise that many road traffic offences are viewed as serious and can result in a sentence of imprisonment being imposed upon conviction. We advise on the full range of offences from Speeding to Death by Dangerous Driving.

To assist you, we have set out some examples below to provide an indication of our costs. Please remember that each case is different and we will always provide you with a quotation tailored to your requirements. Those figures included below are intended for guidance only.

Our Fees

Initial Advice and Consultation

We would normally conduct this work on a fixed fee basis.

Our fees (from)	£300
VAT on above at 20%	£60
Totals costs (from)	£360

Our initial advice includes: receiving your papers, considering your case and advising you either by telephone or at our office. This will include initial advice on possible defences and a likely sentence, if pleading guilty.

Court Appearance: Guilty Plea

We would normally conduct this work on a fixed fee basis.

	Single Hearing	Two Hearings
Our fees (from)	£500	£800

VAT on above at 20%	£100	£160
Totals costs	£600	£960

This work involves all steps outlined for initial advice (above) but also includes the management of your case, meeting you at court, representing you and dealing with your case as a priority on the day. The above represent the starting fees for this type of work and there may be additional factors in your case that increase the fees such as representation at a non-local court.

Court Appearance: Exceptional Hardship Cases

Ordinarily anyone who receives 12 or more penalty points via 'totting up' procedures is liable for disqualification from driving. However, it may be possible to avoid a disqualification by successfully arguing 'exceptional hardship' before the court. We would normally conduct this work on a fixed fee basis. Each case is different and we will provide you with a quotation tailored to your requirements.

Our fees (from)	£900
VAT on above at 20%	£180
Totals costs	£1,080

Our team can provide expert representation in such cases. This includes a conference call, as required, and the preparation of written submissions to the Court to assist your evidence, attending upon you on the day at court and presenting your case to the court. We will also advise you on your rights of appeal, if necessary.

Court Hearing: Special Reasons Argument

In certain road traffic matters it can be argued that despite an individual's guilt to the offence there are 'special reasons' whereby the subsequent penalty can be avoided altogether or reduced. Our team can provide expert representation in such matters, which can be very technical. We would normally conduct this work on a fixed fee basis. Each case is different and we will provide you with a quotation tailored to your requirements.

Our fees (from)	£900
VAT on above at 20%	£180
Totals costs	£1,080

Our services would include initial consultations, preparatory work for the hearing and representing you at the hearing.

Court Hearing: Not Guilty Trial

We are regularly instructed to challenge cases at trial. Typically, these involve costs of £2,000 (plus £400 VAT) along with the costs of any experts' reports. However, the costs can be considerably above this if there are additional complexities.

Some Trial matters will not be suitable for fixed fee arrangements and we will need to work on an hourly rates basis. We would need to assess your case before we are able to give a more accurate time and cost estimate. An indication of our hourly rates is set out below. The rates that apply will depend on who deals with your matter, the complexity of the case, time

estimate and court location. Our fees would not be inclusive of travel, mileage or disbursements, which may include expert reports.

Hourly rate	£225
VAT on above at 20%	£45
Totals costs	£270

Please note that the above fees are legal fees and exclude disbursements for expert reports and medical records. Furthermore, these fees are purely for indicative purposes and are subject to a formal consultation and assessment of your case.

Key stages involved in 'Summary Only' Guilty Pleas matters

The key stages of your matter are based on the presumption that you have entered a guilty plea and have a date for your hearing. They typically include:

- Meet with you to provide instructions on what happened;
- Consider initial disclosure, and any other evidence and provide advice;
- Arranging to take any witness statements. This would be charged on an hourly rates basis at the charging rates set out in the table below;
- Explain the court procedure to you so you know what to expect on the day of your hearing, and the sentencing options available to the Court;
- Conduct any further preparatory work, obtain further instructions from you, if necessary, and answer any follow up queries you have;
- Attend court on the day, meet with you before going before the court. We anticipate being at court for half a day.
- Discuss the outcome with you. If advice is required on appeal, this will carry an additional cost.

Additional Costs (Disbursements)

Disbursements are costs related to the matter that are payable to third parties, such as: counsel's fees, courier costs, travel costs, etc. and do not make up our legal fees. We expect client to make a payment on account in advance of us instructing an expert.

Typically, experts may be called to conduct alcohol back calculations, lung function tests and drug calculations, for example. Disbursements will vary from matter to matter, some will attract VAT while other may not. On a guilty plea matter, for example, disbursements will usually only include travel costs if we need to represent you at a non-local court. On trial matters there be counsel or experts' fees involved as set out below.

For a typical not guilty plea matter, we would expect to see some (or all) of the following disbursements:

- Counsel's fees;
- Expert fees;
- Added value service fees (such as fees for expedited trials);
- Photocopying;
- Costs of travel to and from hearings or offsite meetings. Travel costs being fares, parking charges or mileage at £0.45p per mile (plus £0.09 per mile VAT)

Very occasionally an expert report may be required in such cases the likely cost of which is likely to range from £750 - £2000 (plus VAT of £150 - £400 at 20%). Should counsel be instructed to conduct the trial their fees will also be classed as a disbursement and will range from between £500 - £1500 (plus VAT of £100 - £300 at 20%), depending on the nature and complexity of the matter.

What is included?

- Attendance and/or preparation;
- Considering evidence;
- Taking your instructions;
- Providing advice on likely sentence;
- Attendance and representation at a single hearing at a local Magistrates Court.

What is not included?

- Instruction of any expert witnesses;
- Taking statements from any witnesses;
- Advice and assistance in relation to a Special Reasons² or exceptional hardship hearing³;
- Advice or assistance in relation to any appeal.

How long will my case take?

It is very difficult to provide a precise timescale of when your hearing will take place. Summary-only road traffic cases take between one week and three months to conclude depending on the court listings. Most offences of this nature when someone pleads guilty can be dealt with at a single hearing.

Most cases of this nature where a not guilty plea is entered will require two hearings: a plea and case management hearing then the trial itself. Depending on how busy the Court is then your trial may not be listed for 2-3 months.

Our Motoring Offences Specialist

Simon Hancock Consultant Solicitor

Called to the bar in November 2003, then cross qualified as a solicitor and admitted onto the roll in July 2006. Criminal duty solicitor status followed shortly afterwards. He also specialises in fraud, serious crime, regulatory, business and financial offences. Highly personable, proactive and client oriented, he provides concise advice and excellent representation at crown, magistrates' and youth court.

Notes

A **summary only** offence is an offence which can only be tried in the magistrates' court. There are exceptions. Under the Criminal Justice Act 1988 (CJA 1988) offences specified in the Act can be tried on indictment by a jury if they are linked to an offence triable only in the Crown Court. The principal summary only offences are:

- driving whilst disqualified
- careless and inconsiderate driving
- failing to give information as to the identity of the driver
- failing to stop or report, and
- speeding.

Last updated: December 2023