

## Drink Driving Magistrates' Court Hearing

### **What can I expect at the Court hearing?**

#### **What will the procedure be if I am pleading guilty?**

Most drink driving offences are dealt with at the first hearing. The hearing will normally take place just a few days after the offence so you need to use the time available to prepare properly. It is not uncommon for disclosure of the prosecution case to be handed to you immediately prior to the hearing and you will be expected to familiarise yourself with the documentation and commence the hearing straight away.

If you are pleading guilty, the Court will then wish to hear your mitigation and will impose a punishment as soon as your submission has been heard. It is extremely unlikely that adjournments will be granted prior to sentencing.

#### **How long will the hearing last?**

Hearings of this nature are normally fairly swift. 15 to 30 minutes is the norm.

#### **If a ban is imposed, when does the disqualification commence?**

Any disqualification has an immediate effect. This means that you will not be allowed to drive home. Likewise, the Court will not agree to any request that the disqualification be postponed.

#### **Will I be given the opportunity to put forward my case?**

#### **Will the Magistrates listen to what I have to say?**

You will be given the opportunity to plead your case and the Court does have to listen to your explanation and submission as long as it is relevant. That said, for a guilty plea, the Magistrates have clear guidelines on their sentencing powers and will dismiss any issues raised that are not relevant or do not assist them in deciding how to deal with your case.

#### **What mitigating factors can I put before the Court?**

Mitigation varies on each individual's situation and circumstances. As a general rule, you will need to explain how the offence occurred, the implication any punishment will have and what steps will be taken to prevent any further errors. However, it is important that the submission you make is relevant and addresses only the issues that are pertinent to your particular case. It is always seek sensible to seek guidance in this regard as you do not wish to risk irritating the Magistrates or making the situation worse by putting forward a plea that is not beneficial.



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**Will the Court assist me with my case?**

No. There is no reason for either the Court or the Magistrates to assist you at all. The general approach is that there is adequate time from the date of the charge to the hearing for you to obtain assistance and prepare your case fully. Whilst there is no reason why you should not represent yourself, it is not the responsibility of the Court to run your case for you.

**Will a letter of reference from my employer help my case?**

The Court will consider a letter of reference but obviously, the content is the critical issue.

**Drink driving is totally out of character for me, will character references assist my case?**

You can produce character references and they will be taken into consideration but again, it is the quality of those references that is the important factor.

**Do I have to attend the Court or can I send in a letter of mitigation?**

Drink driving is dealt with by way of a formal charge so you will be bailed to attend a hearing. You cannot deal with the matter by letter as that would breach your bail terms. You must attend personally. Failure to do so will result in a warrant being issued for your arrest.

**Can I get the hearing transferred to my local Court?**

No, unless there is an exceptional reason.

**Will the Magistrates or anybody else ask me questions?**

Yes. The Magistrates, Court Clerk and the Prosecuting Barrister can seek clarification or indeed challenge any aspect of your evidence.

**How would I benefit from representation if I am pleading guilty?**

Appearing in Court can be a nerve racking experience at the best of times so having a Barrister (Counsel) present will ease a lot of the pressure but additionally, should also ensure that the manner in which the case against you is presented and the response you make is fully in your favour. Counsel can quite often discuss matters at Court with the prosecutor and agree an opening statement which could well exclude anything that is particularly detrimental. Likewise, as Counsel is used to presenting cases, there is little doubt that your submission will deal with exactly the issues that the particular Court finds appropriate. All of this will affect the punishment imposed and should result in a reduced ban and fine.

**Guilty Charge - Barrister Representation Service**

[www.motorlawyers.co.uk/services/courtgcharge.htm](http://www.motorlawyers.co.uk/services/courtgcharge.htm)



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**Do I have to have a Barrister present, can I represent myself at the hearing?**

There is no obligation to have legal representation at Court and there is no reason why you cannot represent yourself, as long as you are fully prepared in advance. **Motor Lawyers** can assist you by compiling a complete Script that is unique to your case and explains how to present matters, what evidence you need to rely upon and also a personalised submission that you could make to obtain the best possible outcome. **Motor Lawyers** can advise you on tactics and procedural requirements as well as particular issues that affect decisions at the Court you are attending.

**Guilty Charge - Self Representation Service**

[www.motorlawyers.co.uk/services/courtgcharge.htm](http://www.motorlawyers.co.uk/services/courtgcharge.htm)

**What if I plead not guilty?**

If you wish to plead not guilty, you will still have to attend the hearing but the matter will then be adjourned in order for a full trial to take place. You will be allowed to continue driving, pending the outcome of the trial, but at the final hearing you will need to have produced all available evidence and prepared your case fully for the Court.

**Not Guilty Charge - Total Assistance Service**

[www.motorlawyers.co.uk/services/courtngcharge.htm](http://www.motorlawyers.co.uk/services/courtngcharge.htm)



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