

# LEGAL EAGLE

Got yourself a legal question and need an answer?  
Just ask our very own legal eagle, Gwyn Lewis...



*Drivingoffence.com* is a division of Burton Copeland LLP, a leading law firm in the North West. This dedicated Road Traffic Unit, which boasts a team of experienced advocates and national coverage, has an enviable track record in the defence of speed camera offences, and the bunch of regulations with which the motorist and the transport industry has to cope.

Gwyn Lewis, the lead principal, has been a specialist in this area for some 22 years

and is described in Chambers UK Guide to the Legal Professions a leader in the field who is 'resourceful and resolute'.



## TAKEN FROM BEHIND

**Q** After meeting an oncoming car on a single-track road, I decided to slowly reverse so that he could pass. Unfortunately a car came flying round the corner and hit the back of me. No one was hurt, but the driver said it was my fault for reversing. The onus of blame is usually on the driver who goes into the back of someone. Is this the case here?  
Phil, Shropshire

**A** This seems to be a civil dispute as to who is at fault for insurance claims. The liability would have to be established by a civil court. It would seem that if the police have not raised a charge of driving without due care and attention against either driver, then they have therefore concluded that no one is at fault from a criminal perspective.



## AMBULANCE CHASER

**Q** I was driving along a 40mph dual carriageway recently, when an ambulance came up behind me. To move over safely, I had to accelerate past two cars on the inside lane. As I did so I was flashed by a speed camera. The notice of intended prosecution came through ten days later indicating I'd been summoned for doing 48mph. I had two witnesses in the car at the time. Can I appeal against this?  
Mark, London

**A** "Special reason" exists. A special reason is a factor that is specific to the commission of the offence that would give the Magistrates the discretion not to punish you. In this instance the special reason is the urgent need to move over so that you were out of the way of an

emergency vehicle. The court would decide if a special reason exists based on whether there was any way that you could have avoided accelerating past the vehicles to your left, for example by decelerating and then pulling in behind them

**A** In order to appeal against a punishment for this offence, it would require committing the matter to Magistrates' Court, otherwise you would have to take the fixed penalty of three points and £60 that should be offered for the speeding offence.

There are various technical defences to speeding allegations when a speed can be challenged, however in this situation if you do not deny the speed alleged then you can argue that a "special

