

GUIDES • WHAT TO DO NEXT

Court summons for a driving offence: what to do next

This guide is for drivers who have received a court summons and need to decide what to do next. It explains the main options: pleading guilty with mitigation, preparing for exceptional hardship or special reasons applications, or pleading not guilty and defending the case.

Start with the hearing date

A court summons is formal court paperwork. Check the hearing date, time, court address and the exact charge. Do not ignore it. If you fail to respond or attend when required, the court may deal with the case without you or may issue a warrant for your arrest.

Before replying or attending court, complete my [free online assessment form](#) so I can review your case with you and discuss your best course of action.

The plea decision

You will need to decide whether to plead guilty or not guilty. If you plead guilty, the court may sentence you at the first hearing or adjourn the case to a later date. If you plead not guilty, the court will set a trial date and create a timetable for case preparation.

The right choice depends on the evidence, your penalty points, whether a ban is possible, and whether mitigation, exceptional hardship, special reasons or a defence may apply. If in doubt, complete the [free online assessment form](#) before entering your plea.

If you are pleading guilty: mitigation matters

If you plead guilty, the court will decide the penalty. You are entitled to make a plea in mitigation first. A plea in mitigation is an explanation of how and why the offence was committed and raises other relevant factors that may persuade the court to impose a more lenient and proportionate penalty.

I can prepare a professional plea in mitigation for you. Complete the [free online assessment form](#) and upload the summons, evidence, driving record information and any personal circumstances that may be

relevant. I can then review your position with you.

Do I need a solicitor if I'm pleading guilty?

Not necessarily. It's certainly not compulsory. It depends on several factors, including the likely sentence, and your own ability to understand the proceedings and speak up for yourself.

If the sentence is likely to involve imprisonment or disqualification, it would definitely be sensible to obtain professional advice and have legal representation at the hearing.

If that is not the case, and you can speak confidently in meetings, sales pitches, teaching or public speaking situations, you may be perfectly capable of representing yourself effectively.

With a professionally prepared plea in mitigation to read out to the court, and a procedure guide to explain what will happen and when to stand up and make your speech, you can say what a solicitor would say on your behalf for the cost of the preparation, but avoid the cost of professional representation at court.

If you would like to discuss representing yourself with my assistance to prepare, please complete the [free assessment form](#).

If you are not comfortable with the idea of representing yourself, then it would be sensible to instruct a solicitor to represent you. Complete the form, and we can discuss your case.

Exceptional hardship

If this case takes you to 12 or more penalty points (or 6 points for a new driver who passed their test less than two years ago), a minimum 6-month totting-up disqualification is mandatory. But the court has the discretion to waive or reduce the ban for good reason.

Check how many points you already have: [see my FAQ on checking your penalty points →](#)

Exceptional hardship applications explain the serious consequences a ban will have beyond the obvious inconvenience of disqualification. Several factors can be relevant, like severe loss of employment and income, loss of a business with an impact on employees, a relative with essential medical or care needs and no viable transport alternative, etc. Exceptional hardship needs clear evidence and careful preparation.

Complete the [free online assessment form](#) before the hearing. I can then advise what evidence may be needed and whether representation at court is likely to help.

Special reasons

Special reasons are not a defence. They focus on how the offence occurred and the special reasons and circumstances why a ban or points should not be imposed when they normally would. Examples can include emergencies, mistaken belief the driver was insured, or a soft drink unknowingly spiked with alcohol. If the application is accepted, it may allow the court to avoid or reduce penalty points or disqualification in suitable cases. These cases need evidence and careful legal argument.

If you think special reasons may apply, complete the [free online assessment form](#) before the hearing.

If you want to plead not guilty

If you plead not guilty, the court will set a trial date, usually with a timetable for case preparation. The prosecution must prove its case, but a not guilty plea should be based on a realistic defence with supporting evidence.

Although you can represent yourself at trial, it is generally wiser to instruct an experienced advocate to represent you.

Before pleading not guilty, complete the [free online assessment form](#) and upload the court papers. I can review the evidence and advise whether the case appears defensible.

Final point

A court summons for a driving offence should be dealt with promptly and carefully. If you have received one, complete my free online assessment form before entering a plea or attending court so I can help you decide the safest and most effective strategy.

[Start the free online assessment](#)

Disclaimer: This guide is for general information only and does not provide legal advice. Every case depends on its own facts, evidence and deadlines. You should not rely on this guide as a substitute for advice on your specific circumstances.

THE FOUR STAGES

What to do when you receive a...

1

NIP

Notice of Intended
Prosecution

2

FPN

Fixed Penalty Notice

3

SJPN

Single Justice Procedure
Notice

4

Summons

Court Summons