

GUIDES • SPEEDING EXPLAINED

Speeding offences & penalties: the complete guide

Important and practical information about speeding fines, penalty points, driving bans, speed awareness courses, court proceedings and possible defences — for drivers in England & Wales.

Introduction

The outcome of a speeding allegation depends on several factors, including the speed involved and speed limit, the driver's previous record, surrounding circumstances, and whether it can be dealt with by a fixed penalty or must be considered by a court.

This guide explains how speeding offences are dealt with, the penalties that may apply, and the options available to motorists facing an investigation or prosecution.

Quick Answers

Will I receive penalty points?

In many cases, yes. However, some motorists may be offered a Speed Awareness Course instead of points if they meet the relevant criteria.

Can I ask someone else to accept the points on their licence instead?

No. This is a serious criminal offence – perverting the course of justice. If you are caught, you will almost certainly be sent to prison. So may the person who agreed to help you.

Can I be banned from driving for speeding?

Yes. Serious speeding offences can result in immediate disqualification. Drivers who accumulate twelve or more penalty points in three years may also face a “totting up” disqualification.

Will I need to attend court?

Not necessarily. Many ‘low-level’ speeding cases are dealt with through fixed penalty procedures, online or on paper. More serious allegations may require a court hearing.

Can speeding allegations be challenged?

Some can be challenged, but the circumstances vary from case to case. The strength of any defence depends upon the evidence and the particular facts involved.

Do I need a solicitor?

Often, you don't. Many drivers deal with straightforward speeding matters themselves. However, legal advice may be particularly valuable where large fines or disqualification are a possibility, or where there are concerns about the evidence.

If you intend to plead not guilty and go to trial, legal advice and assistance are advisable.

The number of points endorsed on your licence and the size of the fine can be influenced by the explanation you give in your 'plea in mitigation', whether you provide it in writing or must attend court. Knowing what to say and not say is important. Legal advice can help.

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What happens after a speeding allegation?

Many drivers are unfamiliar with the process that follows a speeding allegation. Understanding the usual sequence of events can remove much of the uncertainty.

Although individual cases vary, speeding allegations commonly follow the stages set out below.

Stage 1: The Alleged Speeding Incident

A speeding allegation may arise following:

- Detection by a fixed speed camera;
- Detection by an average speed camera system;
- Detection by a mobile enforcement unit;
- Detection by police officers using approved speed detection equipment;
- Observation by police officers.

When stopped for speeding by the police at the roadside, you may be given a Road Traffic Offence Notice (RTON), which sets out the nature of the allegation.

However, the police don't need to provide this notice, and some police forces may only offer a verbal clarification of the action to be taken. Listen carefully to what you are told.

The police can also issue an on-the-spot Fixed Penalty Notice (FPN) for minor offences, and you may be required to take a breath test in certain circumstances.

In many cases, the driver may not realise an allegation has arisen until correspondence is received several days later.

Stage 2: Notice of Intended Prosecution

Where the offence is detected without the driver being stopped at the roadside, the registered keeper will often receive a Notice of Intended Prosecution ("NIP").

The purpose of the notice is to inform the recipient that prosecution for a specified offence is being considered. It is not a conviction, it is the start of a process.

The notice will usually contain:

- The date of the alleged offence;
- The time of the alleged offence;
- The location;
- Details of the vehicle involved;

- A requirement to identify the driver.

Many motorists focus entirely on the allegation itself and overlook the separate legal requirement to identify the driver. This can be a serious mistake.

More information about the Notice of Intended Prosecution can be found [here](#):

Read the guide: Notice of Intended Prosecution — what to do next →

Stage 3: Driver Identification Requirements

The recipient of a request for driver information is normally required to provide details of the driver within the specified period. This is usually 28 days, but check the deadline date.

Failing to respond is likely to result in prosecution for the separate offence of Failing to Identify the Driver. The penalty is six penalty points endorsed on the driver's licence, and a fine of up to £1,000.

For that reason, drivers should ensure that all correspondence is read carefully and dealt with promptly and fully.

Deliberately identifying the wrong driver is a serious criminal offence which is likely to result in imprisonment.

More information about the Driver Identification Requirement can be found [here](#);

Read the guide: Notice of Intended Prosecution & driver identification →

Stage 4: Assessment by the Police

Once driver details have been provided, the matter will be reviewed.

Depending upon the circumstances, one of several outcomes may follow:

- No further action;
- An offer of a Speed Awareness Course;
- A Conditional Offer of Fixed Penalty;
- A Single Justice Procedure Notice;
- Court proceedings.

The decision will usually depend upon factors such as:

- The recorded speed;
- The applicable speed limit;
- Previous course attendance;

- The driver's licence record;
- The seriousness of the allegation.

Many lower-level speeding allegations are resolved without court proceedings.

Where eligible, a motorist may receive either an Offer to attend a Speed Awareness Course or a Fixed Penalty Notice.

Option 1: Speed Awareness Course

A Speed Awareness Course may be offered instead of penalty points where the relevant criteria are met.

What is a Speed Awareness Course?

It is an educational programme designed to encourage safer driving behaviour.

Its purpose is not punishment. Instead, it seeks to improve awareness of speed limits, road conditions, risk factors and consequences.

Is everyone offered a course?

No. Eligibility depends upon various factors, including:

- The speed involved;
- The applicable speed limit;
- Existing driving record;
- Previous course attendance;
- Local policy requirements.

What Happens if You Complete the Course?

Where a course is completed:

- No penalty points are normally imposed for the offence;
- The matter is usually regarded as concluded.

For many drivers, this is an attractive outcome.

Is a Course Always Better than Points?

Not necessarily. Different motorists may have different priorities.

Some are primarily concerned with licence endorsements.

Others may focus on time commitments, cost or insurance implications.

The most suitable option depends on individual circumstances.

The driver is generally required to pay for the course, and the cost is often about the same as the fine for the speeding offence.

Common Questions About Courses

Do I have the right to go on a course?

No. Courses are generally offered at the discretion of the relevant authority where eligibility criteria are satisfied.

Can I choose a course instead of going to court?

Not usually. Courses are offered only in specific circumstances.

What happens if I ignore the offer?

Failure to respond may result in the opportunity being lost and alternative enforcement action being taken.

Completion of an approved course will normally avoid penalty points, but a fee is payable for the course, which is typically about the same as the fine imposed by a Fixed Penalty Notice.

Option 2: Fixed Penalty Notice

Instead of a course, you may receive a Conditional Offer of Fixed Penalty.

A fixed penalty is an administrative method for dealing with certain motoring offences online or by post, without requiring a court hearing.

This typically involves:

- A financial penalty (often but not always £100); and
- Penalty points on the driving licence (usually 3pts).

Acceptance and payment will conclude the matter without a court hearing.

A significant proportion of speeding allegations are dealt with through fixed penalty procedures. For many drivers, this represents the simplest route to resolving the matter.

Why Are Fixed Penalties Used?

The system is intended to deal efficiently with lower-level offending. This benefits both motorists and the court system by avoiding unnecessary hearings, time and expense.

Is Acceptance Mandatory?

No. However, declining a fixed penalty may result in a Single Justice Procedure Notice being issued instead, or the matter being referred for court proceedings.

In both cases, the outcome may be more serious. The potential consequences of that decision should be considered carefully.

More information about the Fixed Penalty Notice can be found [here](#):

Read the guide: Fixed Penalty Notice — what to do next →

Option 3: Single Justice Procedure Notice

If you refuse the offer of the Fixed Penalty, or you fail to reply in time, or if the police consider the offence too serious for a Fixed Penalty, you may receive a Single Justice Procedure Notice.

This allows you to enter a plea of guilty or not guilty.

If you accept that you were speeding and decide to plead guilty, you can provide a written explanation known as a ‘plea in mitigation’.

This is your opportunity to potentially reduce the fine and the number of penalty points the court might impose, by explaining the circumstances around how and why the offence was committed.

Making excuses will not help: “I was late for work”; “I’m a good driver, so I wouldn’t have hit anyone”; “The speed limit is too low”; will not persuade the court to reduce the penalty.

Accepting responsibility; apologising; being honest; demonstrating how there was minimal risk to other road users (if that was true); and showing what you have learned from the experience to reduce the risk of offending in future; can be persuasive, but there are no guaranteed outcomes.

You may want to obtain legal advice, or ask a solicitor to draft your plea in mitigation for you if the penalty may be quite high.

A decision on the appropriate sentence will be made by a magistrate without a court hearing. You will be notified of the outcome in writing and allowed to pay. That ends the case.

Penalty points are added to your licence record by the DVLA as soon as they are notified by the court. You do not need to send your licence to them.

If you don’t respond to the notice, or if you plead not guilty, the case will be passed to the Magistrates’ Court, and you will be notified of the date you must attend court.

More information about the Single Justice Procedure Notice can be found [here](#):

Read the guide: Single Justice Procedure Notice — what to do next →

Option 4: Court Proceedings

More serious allegations may be referred straight to the Magistrates' Court.

Examples may include:

- Excessively high speeds;
- Situations where disqualification is being considered;
- Cases involving procedural complications;
- Circumstances where a fixed penalty or single justice procedure is unavailable.

At this stage, legal advice may become particularly important, especially where a driving ban could affect employment, income, family responsibilities or business interests.

Why Understanding the Process Matters

Many motorists make decisions too quickly because they assume that a speeding allegation automatically results in points or a driving ban.

In reality, every stage of the process presents opportunities to make informed decisions.

Understanding:

- what documents have been received,
- what deadlines apply,
- what options are available,
- and what consequences may follow,

can significantly affect the eventual outcome.

As a basic guiding principle, the earlier the case is brought to an end, the cheaper it usually is for the driver. But this is not a universal rule, and every case is different.

The remainder of this guide explains each stage in greater detail, including how penalties are assessed, when disqualification becomes a possibility, and what options may be available to drivers facing court proceedings.

How Speeding Penalties Are Calculated

Many drivers assume there is a single penalty for speeding: speed X = fine £X.

In reality, penalties vary considerably.

The outcome depends upon factors such as:

- The speed recorded;
- The applicable speed limit;
- The surrounding circumstances of the offence;
- Previous driving record;
- The method of disposal (fixed penalty, speed awareness course, etc.);
- Whether the matter proceeds to court.

Why Speed Matters

The legal system distinguishes between different levels of seriousness.

Generally speaking, the greater the excess speed, the greater the potential penalty.

The courts consider both the speed and the surrounding circumstances.

Aggravating Factors

Certain features may increase seriousness.

Examples may include:

- Poor weather conditions;
- Heavy traffic;
- Driving near schools;
- Carrying passengers;
- Evidence of particularly poor driving standards.

Mitigating Factors

The court may also consider factors that reduce seriousness.

Examples may include:

- A previously good driving record;
- Genuine remorse;
- Early admissions;
- Personal circumstances.

Mitigation does not provide a defence, but it may influence the sentence imposed.

Table of Speeding Penalties: The Starting Point

The Magistrates’ Courts Sentencing Guidelines set out the range within which the court should **start** when determining the appropriate penalties.

Speed Limit	Band A Penalty: 3 points plus 50% of Weekly Net Income capped at £1,000 (or £2,500 for motorway speeding)	Band B Penalty: 4-6 pts or Disqualification for 7- 28 days, plus 100% of Weekly Net Income capped at £1,000 (or £2,500 for motorway speeding)	Band C Penalty: 6 pts or Disqualification for 7- 56 days, plus 150% of Weekly Net Income capped at £1,000 (or £2,500 for motorway speeding)
20mph	21-30mph	31-40mph	41mph or more
30mph	31-40mph	41-50mph	51mph or more
40mph	41-55mph	56-65mph	66mph or more
50mph	51-65mph	66-75mph	76mph or more
60mph	61-80mph	81-90mph	91mph or more
70mph	70-90mph	91-100mph	101mph or more

Key Points to Note:

- 1. These are Starting Points NOT Unbreakable Limits
- 2. Band A offences can often result in the offer of a Speed Awareness Course, or a Fixed Penalty of 3 points and a £100 fine, but this is NOT guaranteed.

3. If the points imposed for this offence take the driver's total within 3 years to 12 points or more, the court must normally impose a disqualification. For a first disqualification, this is usually six months. For subsequent disqualifications, it can be twelve months or more.

4. For New Drivers (qualified for less than 2 years), the totting up total is only 6 points. The penalty is normally revocation of the licence for the same period as the disqualification. Once that period has expired, the driver must apply for a new provisional licence and pass another driving test.

Why Professional Advice Can Matter

Where disqualification is a possibility, careful preparation can make a significant difference. The courts can be persuaded not to disqualify in some cases.

Many motorists only seek advice after a court hearing has been arranged. But sometimes, earlier advice can help drivers understand the likely consequences and prepare more effectively for the process ahead. The right decisions, made early enough, can sometimes reduce the penalties.

When Can You Be Disqualified for Speeding?

One of the biggest concerns for many motorists facing a speeding allegation is:

"Will I lose my driving licence?"

The answer depends upon the circumstances of the case.

A speeding offence does not automatically result in disqualification. However, there are situations where a court may consider imposing a ban.

The possibility of disqualification generally arises in two main ways:

A single speeding offence that is serious enough to justify a ban on its own; or

Accumulating penalty points that reach the legal threshold for disqualification.

Understanding the difference between these situations is important.

Immediate Disqualification for a Single Speeding Offence

A court has the power to disqualify a driver for a single speeding offence where the circumstances are sufficiently serious.

This is usually associated with higher speeds or particularly concerning circumstances.

Examples may include:

- Driving significantly above the limit;
- Speeding in circumstances creating increased risk;
- A poor driving history.

The court will consider the facts of the individual case.

There is no single speed at which every driver will automatically lose their licence. Context matters. For example, the same speed may be viewed differently depending upon:

- The type of road;
- Weather conditions;
- Traffic levels;
- Time of day;
- The risk posed to other road users.

A disqualification prevents a person from driving for a specified period, beginning the moment the ban is imposed in court.

Some drivers believe that they are allowed to drive their car home and park it up. That is not true, and can result in another prosecution if they are caught. If you attend court when there is a risk of disqualification, do not drive your car to court unless you are accompanied by someone who can drive it home.

The length of the ban depends upon the reason for the disqualification and the circumstances of the case.

Totting Up Disqualification Explained

The "totting up" system is one of the most common ways motorists lose their licence.

The principle is straightforward:

If a driver accumulates 12 or more penalty points within a three-year period, they are normally liable to disqualification. Although endorsements remain on a licence for four years, they only count towards totting up for three years. Check the dates of the offences.

For New Drivers, who have passed their driving test within the last two years, the threshold is only 6 points. The penalty is that their licence is revoked. So when the ban expires, they must apply for a new provisional driving licence and retake their test.

You can check how many points you currently have on your licence **here**.

For many motorists, this situation arises because several separate low-level offences combine within 3 years from the date the first offence was committed.

For example:

- A speeding offence 35 months ago – 3pts;
- A mobile phone offence 24 months ago – 3pts;
- A fail to conform to a traffic sign offence 18 months ago – 3pts;
- This speeding offence – 3pts = 12pts in total within 3 years.

Individually, each offence may appear manageable.

Together, they create the high probability of a totting-up disqualification.

How Long Does a Totting Up Ban Last?

A driver who reaches the threshold will usually face a period of disqualification. The first ban is normally for six months, but it can vary. The length depends upon the driver's circumstances and previous history.

The court must consider the relevant legal framework and the circumstances of the case.

Can You Avoid a Totting Up Ban?

In some circumstances, yes.

The most common route is an argument of **exceptional hardship**.

This is not an automatic exemption.

A driver does not avoid a ban simply because losing their licence would be inconvenient.

The court is looking for genuinely exceptional consequences.

Exceptional Hardship Applications Explained

Exceptional hardship is one of the most important areas of motoring law because it can make the difference between keeping and losing a driving licence.

The basic argument is:

"If I am disqualified, the consequences will be **so severe** that the court should exercise discretion."

However, the court approaches these applications carefully.

Many drivers understandably believe that losing their job or being unable to travel is enough on its own. Usually, it is not. The issue is the extent and severity of the hardship.

What Can Amount to Exceptional Hardship?

Every case depends upon its own facts.

Potential examples may include:

Employment Consequences

A driver may argue that disqualification would result in:

- Loss of employment, or
- Business failure, AND
- Significant financial consequences.

However, the court will consider whether alternative travel options exist.

Impact on Others

Hardship affecting other people can be particularly important.

Examples may include:

- Dependants;
- Family members;
- Employees;
- Vulnerable individuals who rely upon the driver.

The court may be more concerned about hardship caused to others than hardship suffered by the driver personally.

Health and Caring Responsibilities

Exceptional circumstances may arise where a person provides essential care or support.

Again, the details matter.

What Does Not Usually Amount to Exceptional Hardship?

Many drivers raise understandable concerns that do not necessarily meet the legal threshold. Examples may include:

- General inconvenience;

- Longer journeys to work;
- Increased travel costs.

These matters may be relevant, but they are not automatically exceptional.

The Importance of Preparation

A successful exceptional hardship argument requires preparation.

The court needs evidence, not simply assertions.

Useful supporting information may include:

- Employment evidence;
- Financial information;
- Medical evidence where relevant;
- Statements from affected individuals;
- Details of alternative arrangements considered.

A carefully prepared application is usually far stronger than an unstructured explanation given on the day.

Usually, the driver and any witnesses who have provided statements will have to give evidence in the witness box, and may be questioned by the prosecution and the magistrates.

Special Reasons Applications Explained

Many motorists assume that if they are convicted of a speeding offence, penalty points or disqualification in some circumstances are unavoidable.

That is usually true, but may not always be the case.

A Special Reasons application is a legal argument that asks the court to consider whether there are particular circumstances connected with the offence which mean that the usual penalty should not be imposed.

This is a complex area of motoring law and is very different from an Exceptional Hardship argument.

What Are Special Reasons?

Special Reasons are circumstances relating to the offence itself which may persuade the court that imposing the usual penalty would be inappropriate.

The circumstances must be:

- Directly connected to the offence;
- Something the court can properly consider;
- Sufficiently compelling to justify an unusual outcome.

A Special Reasons argument does not deny that the offence occurred. Instead, it asks the court to exercise discretion when deciding the appropriate penalty.

How are Special Reasons Different from Exceptional Hardship?

This distinction is extremely important.

Exceptional Hardship

Exceptional Hardship applies where a driver is facing a totting-up disqualification because they have reached the relevant penalty point threshold. The argument focuses on the consequences of losing the licence.

Special Reasons

Special Reasons focus on the circumstances surrounding the offence itself.

The question is not: "How badly will I be affected if I lose my licence?"

The question is: "Are there circumstances relating to this offence which mean the normal penalty should not apply?"

Examples of Possible Special Reasons Arguments

Every case depends upon its own facts.

Examples may include situations where:

- There was a genuine emergency;
- The circumstances surrounding the driving were unusual;
- The offence occurred in circumstances outside the driver's normal behaviour;
- There are other compelling features directly connected to the incident.

The court will examine the evidence carefully. A difficult personal situation after the offence is not usually enough on its own because the focus is on the circumstances of the offence itself, at the time it occurred.

Why Evidence Matters

A Special Reasons argument must be supported by evidence.

A simple explanation or personal statement may not be enough.

The court may need to consider:

- The driver's account;
- Independent evidence;
- Witness information;
- Documents supporting the circumstances relied upon.

Preparation is therefore extremely important. The driver and witnesses should expect to give evidence in the witness box and be questioned.

Are Special Reasons Arguments Always Successful?

No. The court must decide whether the circumstances are sufficiently unusual to justify departing from the normal penalty.

The fact that a driver has a good reason for wanting to avoid points or disqualification does not itself amount to Special Reasons. The circumstances must be legally relevant and supported by evidence.

Why Professional Advice Can Help

Special Reasons applications can be subtle.

The difference between an explanation, mitigation, and a legally recognised Special Reasons argument is significant.

Where a driver's licence, employment or livelihood may be affected, understanding the available options before attending court can be extremely valuable.

Speed Cameras and Enforcement

Many speeding allegations arise from camera enforcement.

This often leads motorists to ask:

- "Can the camera be wrong?"
- "Can I challenge the evidence?"
- "Do they have to show me a photograph?"

The answers depend upon the circumstances.

Types of Speed Detection

Speed may be detected through various methods, including:

Fixed Cameras

These are permanently installed systems used to monitor speeds at particular locations.

Average Speed Cameras

These calculate a vehicle's average speed over a measured distance.

They do not simply record speed at one point.

Mobile Enforcement

This may involve officers using approved equipment at changing locations.

Can Speed Camera Evidence Be Challenged?

The existence of a speed camera does not automatically mean the case is impossible to challenge. However, challenges depend upon evidence and circumstances.

Potential issues may include:

- Identification of the vehicle;
- Identification of the driver;
- Accuracy and reliability of evidence;
- Procedural matters.

A challenge should be based on genuine legal or evidential issues rather than assumptions or internet myths.

Common Speed Camera Myths

"The Camera Has to Show My Face"

Not necessarily. The legal issues surrounding speeding offences do not always depend upon a photograph identifying the driver's face. Some cameras photograph vehicles from the rear.

"There Must Be Warning Signs"

Drivers often ask about warning signs. They are not compulsory. The courts are primarily concerned about whether the vehicle's speed can be proved.

"A Speed Camera Must Be Calibrated Every Day"

This is not correct. Most cameras must be calibrated annually. For average speed cameras the calibration period is sometimes two years.

Can Speeding Allegations Be Defended?

Yes, in appropriate cases. However, having an effective defence is different from simply disagreeing with an allegation. A successful defence depends upon the evidence and legal issues involved.

Examples of Issues That May Need Consideration

Was the Correct Person Identified?

A speeding allegation requires the prosecution to establish the relevant legal elements.

Driver identity can sometimes become an issue.

Is the Evidence Reliable?

The evidence relied upon must be properly considered.

Questions may arise regarding:

- The equipment used;
- The circumstances of detection;
- The reliability of records.

Were Proper Procedures Followed?

Motoring prosecutions involve procedural requirements.

In some cases, procedural failures may become relevant.

Should You Challenge a Speeding Allegation?

The answer depends on the circumstances. A challenge may be appropriate where there is a genuine issue.

However, challenging a matter without a proper basis may create unnecessary risk and expense. It will result in the loss of the discount on sentence for an early guilty plea, and will involve extra legal costs, especially if the defence is unsuccessful, as they will include contributing to prosecution costs as well as your own.

Sometimes, an expert's report can prove that a speed camera was defective, but expert reports can be expensive, with no guarantee of whether the expert's opinion will support your case. They should not be used speculatively. Instruct an expert only when you are confident that you were not speeding and the camera must have been defective.

Could there be any other reason to explain why a mistaken allegation has been made?

A careful assessment of the evidence is usually the best starting point.

When Professional Advice is Particularly Important

Professional advice may be especially valuable where:

- A driving ban for the offence is possible;
- You are close to twelve points;
- Your livelihood depends on driving;
- You dispute the allegation;
- The case involves unusual circumstances.

A speeding allegation may appear straightforward at first. The consequences, however, can be significant. Understanding your position before making decisions can help protect your driving licence and your future.

Court Proceedings for Speeding Offences

Not every speeding allegation is dealt with by way of a fixed penalty or course. Some matters must be considered by the Magistrates' Court.

For many motorists, receiving a court summons is the point at which concern increases significantly. However, attending court does not mean that the outcome is already decided.

The court must consider the evidence, the seriousness of the offence, the driver's circumstances and any relevant mitigation.

When Does a Speeding Matter Go to Court?

A speeding allegation may proceed to court for several reasons.

Examples include:

- The alleged speed is too high for a fixed penalty;
- The circumstances are considered more serious;
- The driver is facing possible disqualification;
- The driver wishes to challenge the allegation.

The reason for court involvement will depend upon the individual circumstances.

What Happens at the Magistrates' Court?

This depends on how the driver pleads.

Guilty Plea Procedure

The driver is asked to identify themselves and confirm their plea of guilty.

The prosecution then presents its case summary, explaining the facts and circumstances of the offence, and the driver's previous driving record.

The driver, or the driver's legal representative, then presents the plea in mitigation.

If an exceptional hardship or special reasons application is to be made, the driver will normally be called to give evidence and be questioned first, then any other witnesses.

Finally, the magistrates consider their decision. They may discuss it amongst themselves in court, or 'retire' to consider it if it may take some time.

Occasionally, the hearing may be adjourned to a later date, if any additional evidence or reports are required.

The magistrates then deliver their sentence, and that concludes the case.

Not Guilty Plea Procedure (Trial Procedure)

The case starts with the driver's identity and plea of not guilty being confirmed.

The Prosecution Case:

The prosecution explains what the case is about, calls witnesses and presents any documentary evidence, such as speed camera data or photographs.

The witnesses may be questioned by the driver's lawyer.

The Defence Case:

The driver does not have to give evidence. The defence may be based entirely on proving that the prosecution's case does not prove the driver is guilty beyond a reasonable doubt.

Often, the driver will give evidence to provide their version of what happened. They can be questioned by the prosecution.

Any other witnesses for the defence can be called to give evidence, and may also be questioned by the prosecution.

The defence can then make a closing speech to attempt to persuade the court to decide on a not guilty verdict.

The magistrates may decide in court, or retire to consider their verdict.

If the verdict is not guilty, the driver is immediately free to leave.

If the verdict is guilty, the court will hold a sentencing hearing. Normally, this will happen straight away, so the driver must remain in court until it has been completed.

Occasionally, the sentencing hearing may be adjourned to a later date.

The sentencing hearing follows the same format as for guilty plea cases.

Mitigation in Speeding Cases

Mitigation does not dispute the offence. Instead, it explains circumstances that may assist the court when deciding the appropriate outcome.

Examples may include:

- A previously good driving record;
- Genuine remorse;
- Exceptional personal circumstances;
- Immediate acceptance of responsibility;
- Evidence of positive driving behaviour.

A common mistake is assuming mitigation means simply explaining why a driver needs their licence. The court's focus is usually broader: "What is the appropriate outcome in all the circumstances?"

The Importance of Preparation

A common reason drivers struggle at court is that they underestimate the importance of preparation.

A well-prepared case should consider:

- The legal position;
- The evidence;
- The likely sentencing approach;
- The driver's personal circumstances;
- Any possible arguments available.

Preparation is particularly important where the consequences could include losing the ability to drive.

The Sentence

The sentence may typically include:

- A fine,
- Penalty points,
- Disqualification for the offence,
- Disqualification for totting-up,
- In some very serious cases, a prison sentence,
- Any combination of the above,
- Plus a contribution to prosecution costs, and
- A surcharge (extra financial penalty).

The Impact of a Driving Conviction

A speeding conviction can affect more than just a driving licence. Possible consequences include:

Insurance

A conviction may need to be disclosed to insurers and may affect premiums.

Employment

Drivers who rely on their licence professionally may face particular difficulties, including a change of role or dismissal. Loss of regular income can have serious consequences.

Personal Responsibilities

A loss of licence may affect:

- Family commitments;
- Caring responsibilities;
- Daily travel arrangements.

This is why a speeding matter should be viewed in context.

The important question is not simply: "How many points will I get?"

It is: "What will the consequences be for my daily routine and my family's life?"

Frequently Asked Questions About Speeding Offences

How long after speeding can I receive a notice?

In many cases, a Notice of Intended Prosecution must be served within a specified period (usually 14 days). However, there are exceptions, and the circumstances matter.

Can I get points for a first speeding offence?

Yes. A first offence does not automatically mean no points, or the offer of a speed awareness course. However, the outcome depends upon the circumstances.

How many points do you get for speeding?

The number of points depends upon factors including the speed involved and whether the matter is dealt with by fixed penalty, a speed awareness course (which usually means no penalty points), or court proceedings. When points are imposed, the range is from 3 to 6. Discretionary disqualification is also an option in serious cases.

Can I get no points for speeding?

It is possible in certain circumstances.

- Speed Awareness Course

If a driver accepts the offer of attending a Speed Awareness Course, penalty points will not normally be endorsed on the licence. Instead of paying a fine, the driver must pay to attend the course, but the cost is usually in the same range as a low-level fine.

- Special Reasons

If a special reasons argument succeeds, it can result in no points or fewer points being imposed.

- Exceptional Hardship (where relevant)

Where an exceptional hardship application successfully avoids disqualification, the points imposed for the offence, which took the total up to 12 or more, will normally remain on the driver's licence.

Can I lose my licence for one speeding offence?

Yes, in sufficiently serious cases, a court can consider disqualification for a single speeding offence. In the right circumstances, it is possible to make a special reasons application.

What happens if I already have points on my licence?

Existing points can be very important.

Another speeding offence may bring a driver closer to disqualification.

What is a totting-up ban?

A totting-up ban usually arises when a driver reaches twelve or more penalty points within the relevant period (usually three years). The total is six points for a driver who passed their test less than two years earlier.

Can I avoid a driving ban if I need my licence for work?

Possibly. Where the relevant legal criteria are met, an exceptional hardship or special reasons argument may be available. The court considers the specific circumstances and evidence.

Do speed cameras have to be visible?

The rules surrounding speed enforcement are often misunderstood. The fact that a driver did not see a camera does not automatically invalidate an allegation. Cameras can be placed in obscure positions, and speed camera warning signs are not compulsory.

Can I refuse to identify the driver?

A driver identification request should be treated seriously. Failing to comply may result in prosecution for that as a separate offence, which is punishable by a mandatory 6 penalty points and a fine of up to £1,000.

Can I ask someone else to accept the points on their licence instead?

No. This is a serious criminal offence – perverting the course of justice. If you are caught, you will almost certainly be sent to prison. So may the person who agreed to help you.

Is it worth fighting a speeding ticket?

It depends on the circumstances. Where there is a genuine legal or evidential issue, challenging an allegation may be appropriate. Where the evidence against the driver is clear, other options may be more suitable.

Do I need a solicitor for a speeding offence?

Not every speeding matter requires legal representation.

However, specialist advice may be particularly valuable where:

- You may be disqualified;
- Your employment depends on driving;
- You dispute the allegation;
- Exceptional hardship may apply;
- The consequences are significant.

If you accept the allegation and none of the above factors apply, the benefit of legal advice or representation to reduce the fine will often be outweighed by the cost of the legal fees.

Need Advice About a Speeding Allegation?

A speeding allegation can appear simple at first.

However, the consequences can extend beyond points and fines.

The right approach depends upon:

- The allegation itself;
- Your driving history;
- Your personal circumstances;
- The possible consequences.

If you are concerned about a speeding allegation, obtaining advice at an early stage can help you understand your options and make informed decisions.

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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