

## **Summary Motoring Offences: Information for clients**

**Effective from 1<sup>st</sup> December 2023**

### **Introduction**

As part of our professional rules we aim to ensure that anyone wishing to use our services has the information they need to make an informed choice and as a firm we believe in cost certainty and transparency in determining our fees.

At the outset of your case we will provide you with an estimate of our fees and ensure that we are fully upfront with you when discussing your case and the costs involved. Where possible we will provide you with a fixed fee which will be agreed with you in advance of a case. If it is not possible to agree a fixed fee then we will carry work out on an hourly rate basis. In these cases we will provide you with a clear estimate of costs from the start and will keep you updated throughout.

### **Areas of work**

We cover the full range of motoring offences, including;

- Careless Driving
- Drink Driving/Drug Driving
- Driving whilst Disqualified
- Driving otherwise than in accordance with a licence
- Failure to Provide a Specimen
- Mobile Phone offences
- No Insurance
- Section 172 Offences
- Speeding

For other driving offences please contact us.

### **Why instruct Galbraith Branley Solicitors?**

We understand that having a driving licence is an integral part of many people's daily lives and it is therefore important that you choose the right solicitors for you to ensure that everything is done for you to keep your driving licence.

We can provide you with a specialist service in relation to driving matters and we have a committed criminal defence team who are able to deal with all queries in relation to driving offences. No matter what type of case it is we can assure you that you will be given a highly professional service.

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 and you will meet the person who will have conduct of your case from the outset so that you can feel comfortable knowing that you have met the person who will guide you through the entire process.

You can fund your defence in several ways. If you are eligible for Legal Aid we will make sure that you are informed of this and complete any application on your behalf. Alternatively, if Legal Aid funding is not available then you can instruct us on a private basis. Fees for motoring offences which can only be heard in the Magistrates Court (Summary only offences) are detailed below. **Note that the fees are estimates and are inclusive of VAT but exclusive of expenses, such as court application fees and expert witness or barristers' fees.**

## Our Fees

### Fixed fee matter with one hearing

Plea/Hearing	Fixed Fee (excl. VAT)	Fixed Fee (incl. VAT)
Guilty Plea	£360 - £720	£432 - £864
Exceptional Hardship	£480 - £840	£576 - £1008
Special Reasons	£480 - £840	£576 - £1008
Contested Trial	£960 - £1920	£1152 - £2304

### Fixed fee matter with two hearings

Plea/Hearing	Fixed Fee (excl. VAT)	Fixed Fee (incl. VAT)
Guilty Plea	£720 - £1200	£864 - £1440
Exceptional Hardship	£840 - £1200	£1008 - £1440
Special Reasons	£840 - £1200	£1008 - £1440
Contested Trial	£1440 - £2400	£1728 - £2880

These fees are based upon an hourly rate of £120 per hour (£144 per hour including VAT).

The precise amount of work required in your case will depend upon its circumstances but on average 3-6 hours work will be required where there is an uncontested hearing whereas contested trials are likely to involve between 8-16 hours work. The fee you will be quoted will depend on the following factors which we can discuss with you:

- The extent of the case papers
- The amount of supporting evidence that we need to consider
- Whether expert witness evidence is required and the extent of that evidence
- The location of the Magistrates Court

### What is included?

- Taking your instructions;
- Considering evidence;
- Attendance and/or preparation;
- Providing advice on plea, evidence and sentence;
- Attendance and representation at the Magistrates Court.

## What is not included?

- Disbursements i.e. expenses such as court application fees, expert witness or barristers' fees.
- Advice or assistance in relation to any appeal.

## Key stages involved

They typically include:

- Meeting with you prior to the First Appearance and taking your instructions on what happened;
- Considering the Initial details of the Prosecution Case and any other evidence and providing advice;
- Explaining 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;
- Conducting any further preparatory work, obtaining further instructions from you, if necessary, and answering any follow up queries you have;
- Attending court on the day.
- If there is a further hearing then completing any preparatory work required for that hearing
- Discussing the outcome with you.
- If advice is required on appeal, this will carry an additional cost.

## Expert witnesses

Not all matters will require the preparation of an expert report. However, where this is required, we will advise on the choice of a suitably-qualified expert and obtain a quotation. Typically, experts may be called to conduct alcohol back calculations, lung function tests and drug calculations, for example. Expert fees will be charged additional to our fees referred to earlier. We expect you to make a payment on account in advance of us instructing an expert. These reports can vary hugely in terms of cost but typically range between £500-£1,000 (£600-£1,200 incl. VAT) but can be considerably more in certain circumstances.

## 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.

## Additional 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.

**‘Special Reasons’** pertain exclusively to situations where the accused has been found or has pled guilty and now faces disqualification unless he/she can persuade the Court that the circumstances of the offence are such that it would be unjust to impose a ban.

An **‘exceptional hardship’** hearing is where the accused has been found or has pled guilty and now faces disqualification unless they can persuade the Court that a disqualification would cause them or others exceptional hardship

## **Our Motoring Offences Team**

### **Rumit Shah**

#### **Director-Solicitor and Head of Motoring Offences Team**

Rumit will be the Supervisor for all motoring offences that can only be heard in the Magistrates Court. Qualifying as a Solicitor in 2007, he is the Head of the Police Station and Magistrates Court Department and he is also a Duty Solicitor and a Higher Court Advocate.

### **Other Team members**

Rumit will almost always be the person that speaks to you initially about the case and will be responsible for the overall supervision of all matters. He is supported by a strong team of solicitors in the Crime Department, who may handle your case and whose profiles can be found using the link below:

<https://galbraithbranley.com/people>