

How to deal with a Summons

What is a summons?

A summons is a legal document which is issued by the Magistrates' Court for the prosecution of an offence. For the majority of road traffic offences the summons must be issued within 6 months of the incident occurring. For some offences, the time limit will extend to 6 months after the offence came to the knowledge of the police, but in any event within 3 years.

A summons will formally require you to attend court at a particular time and date.

The summons must identify you by name and should contain your address and date of birth (if known). It will also state the name and address of the Court where you are required to attend, the offence(s) alleged and the time and date of the court hearing. The Court location will be in the Local Justice Area where the alleged offence took place.

The summons will normally contain a summary known as the statement of facts and you may be provided with statements from the police officer and other witnesses.

A summons is usually served on you by post. It is usual practice for it to be sent to your last known address, determined by an address you have given to a police officer if you were stopped at the time of the incident or using the address where the related vehicle was registered. So, if you have moved and not informed the police officer in the case or DVLA you may be unaware that a summons has been served. If there is nothing before the Court to suggest that the summons has been returned, the Magistrates have the power to hear the case in your absence and you are likely to be convicted as there will be no challenge to the evidence. The Court can impose penalty points and fines in your absence. They will not disqualify you in absence until a second hearing has been listed and a letter has been sent to the last known address warning you of the possibility that you will be disqualified. The Court also has the power to issue a warrant for your arrest to secure your attendance at Court.

What if I receive a summons?

You should never ignore a Court summons. If you have been summoned to appear at Court you will have to attend the hearing or respond in one of the permitted ways. As outlined, the Court has a number of options if a response is not received. You may lose the opportunity to challenge the case or put forward your mitigation. Your licence can be endorsed with penalty points or a disqualification may be imposed without your knowledge, which may have serious implications regarding your ability to drive and your motor insurance policy.

How should I respond?

Once you receive a Court summons your options will be outlined in the paperwork. If you have been served with a statement of facts, you will have the opportunity to respond by writing or online, depending on the specific Court area. If you plan to attend, you do not need to respond before the Court hearing date although there is nothing to prevent you doing this. For some serious offences, the Court may require your attendance and you will not have the option to respond in writing. This is indicated where there is no statement of facts served and there will not be any paperwork outlining the methods of dealing with the case in writing. You may also be warned that non attendance will result in a warrant be issued at the first hearing.

Pleading not guilty in writing

If you wish to plead not guilty you can do this in person or by post or online, as long as you are advised of this option in the paperwork you receive. It is advisable to seek expert legal advice at this stage in order to be fully aware of the implications of the offence(s) against you and your options before you reply to the summons.

Continued overleaf >

Contact our Transport team:

t: 0800 046 3066

w: www.keepmeontheroad.co.uk

e: info@keepmeontheroad.co.uk

 @KeepMeOnTheRoad

'Keepmeontheroad' is the collective name for the Road Transport Law & Motorist Defence team at Rotheras Solicitors.

The team at Rotheras solicitors like to do things differently. Our Nottingham based legal experts offer the kind of legal expertise that really counts, and our reputation pays testament to the fact we deliver the right results for our clients.

You will be expected to outline the issues which you dispute and alert the Court as to any witnesses who will need to give evidence.

When considering your plea, it is for the prosecution to prove their case to the Court beyond reasonable doubt. In some circumstances, however, you must prove your defence. For example, in an allegation of driving without insurance, once the police prove that you were the driver at the material time, you must show that there was a valid policy of insurance covering you to drive. An expert motoring solicitor can assist you to assess the strength of your case, point out any evidential difficulties and advise as to whether any alternative sentences are available.

If you do plead not guilty, the Court will adjourn the case to another date for a trial to take place. If you do not attend, you will not have the opportunity to challenge the evidence and the case may be proved in your absence. After a trial, the costs applied for by the Prosecution are likely to be much higher than at the original hearing and you will not receive any credit off your sentence.

Pleading guilty in writing

If you choose to plead guilty by letter or online, the Court will hear only the circumstances of the case as outlined in the statement of facts. They will also be alerted to your driving licence record and any relevant endorsements. You have the opportunity to present a mitigation statement containing all of the points you wish to be considered. You should also include details of your financial circumstances on the means form provided so that the Court can impose a penalty proportionate to your means. We are able to draft detailed statements of mitigation on your behalf in order to ensure that the Court is aware of all the relevant matters.

There are also other points of law that may apply if you are convicted which affect the sentence, for example exceptional hardship and special reasons. You will need to attend at Court to present the evidence for these arguments.

If you do decide to plead guilty in writing, your case will normally be concluded in your absence and you will be notified by post of the outcome. The Court will write to advise of the sentence including any penalty points which have been endorsed upon your licence and the level of financial penalty. You will be advised how to pay the financial penalties. If you require more time to pay, you must contact the Court to come to arrange a payment schedule.

The Court cannot disqualify a driver who pleads guilty by post on the first occasion. If the Court has adjourned the case to a new hearing in order to advise you that a disqualification is being considered, you are advised not to drive following the subsequent hearing until you know the outcome of the case.

In some circumstances the Court will require your attendance when your plea is unclear. This could be the case where you indicate that you wish to plead guilty but your mitigation suggests a possible defence. This is known as entering an equivocal plea. In these circumstances you are required to attend or else the Court may go ahead and hear all of the witness statements in your absence in order to see whether the prosecution can prove their case.

Legal representation at court

You are entitled to represent yourself at Court but it is advisable to seek legal assistance from a qualified road traffic specialist solicitor. When facing a potential driving disqualification it is always advisable to seek expert legal advice to ensure that you are prepared to put forward your arguments properly. This can be important when asking the Court to impose a lesser period of disqualification or to avoid a disqualification completely. Having legal representation at court can result in a more relaxed process for a defendant and ensures that all relevant points are addressed. It is sometimes possible for a legal representative to negotiate with the prosecution at Court in relation to the agreed facts or a lesser charge and thus obtain a more favorable outcome for you. An expert motoring lawyer will have the experience and knowledge of both the legal and Court process in order to obtain the best possible outcome for you.

We offer advice and representation in connection with all road traffic summons matters. We represent both businesses and individuals facing all types of road transport or driving related investigations. To obtain expert legal advice contact us at the earliest opportunity.

Contact our Transport team:

t: 0800 046 3066

w: www.keepmeontheroad.co.uk

e: info@keepmeontheroad.co.uk

 @KeepMeOnTheRoad

'Keepmeontheroad' is the collective name for the Road Transport Law & Motorist Defence team at Rotheras Solicitors.

The team at Rotheras solicitors like to do things differently. Our Nottingham based legal experts offer the kind of legal expertise that really counts, and our reputation pays testament to the fact we deliver the right results for our clients.