

Qualifying for a 'special reason'

A motorist convicted of certain road traffic offences may want to consider whether he can establish a 'special reason' not to have his license endorsed, or not to be disqualified.



'Special reason' is an expression which has a particular legal meaning, but if established in court can have a very significant impact on penalty. The majority of motorists can easily put forward reasons why an offence was committed, but the law distinguishes between reasons which are routine and ordinary (for example: I was late

for work, I was not concentrating, it was not deliberate, I did not see the signs and so on) and those which are so closely connected with the commission of the offence that they attract the title 'special' and open the way to not being disqualified or having a license endorsed with penalty points.

It is firstly important to understand that to qualify as a 'special reason' the facts underlying it must apply to the commission of the offence and not to any particular circumstances of the motorist. So for example the consequences of a disqualification or endorsement will not be a special reason. For this reason the possibility of a loss of job is not a special reason.

Secondly, special reasons are by definition not defences and so will only apply in cases where the court has found the allegation proved and the motorist guilty.

There is no definitive list of what might constitute a special reason and it is for the court hearing argument to decide whether a claimed set of facts is sufficient. The concept is easiest to understand with some examples.



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case study 1 Some years ago I represented a driver accused of speeding on the motorway. She was concerned she was being followed by an aggressive driver and speeded up to get away. The Court accepted her evidence of her belief and found special reasons not to endorse her licence.

case study 2 I represented a driver charged with drink driving. His breath sample put him over the legal limit and so he was guilty of the offence. However, he called witness evidence to show his non alcoholic drinks had been laced without his knowledge and the Court found this was a special reason not to disqualify.

This particular type of case will also require expert evidence from someone qualified to undertake alcohol calculations.

Driving in an emergency can constitute a special reason as can driving to escape physical threat. Driving without insurance if the insurance company has made an error which the driver being vigilant could not have known about can be a special reason. Each case is different and turns on its own facts.

It can be seen from these simple examples that Special Reasons can apply to offences of speeding, drink driving and driving without insurance. The list is not a closed one and so a careful assessment of the facts and presentation of the arguments and evidence is the only way to explore whether they are available to you.

I know how the Courts approach the concept and what principles will be applied in such cases.