



People for Proper Policing in North Wales

£20million in speeding fines may be repaid after police error

By Andrew Levy and Ray Massey on 26th June 2009 Daily Mail

A police force faces paying back £20million in speeding fines after a blunder meant tickets were issued illegally. Hundreds of thousands of drivers could receive refunds and have points taken off their licences as a result. They may even be entitled to compensation if penalty points cost them their jobs or if they took time off work to attend speed awareness courses.

The error involves part of the **1988 Road Traffic Offenders Act** that **says any civilian worker sending out penalty letters must have signed legal authority from the chief constable**. Thousands of speeding penalty charges in **Essex** may be cancelled or repaid - and points deducted - after the 'procedural error'

It has emerged that an employee at Essex Police's enforcement office may never have received authorisation from Chief Constable Roger Baker.

The force catches around **74,200 motorists a year on its 101 speed cameras**, plus its hand-held and average-speed cameras. The mistake dates back four years, so could affect up to 300,000 motorists who have paid fines totalling around £20million.

Drivers in Essex greeted the news with glee yesterday. One 27-year-old woman from Basildon said: 'I had to go on a speed awareness course which cost me £65, which meant I didn't get any penalty points but I had to have the day off work.'

'If this turns out to be true I'm going to be claiming for loss of a day's earnings as well as the £65.' A 65-year-old lorry driver from Westcliffon-Sea said: 'I got caught on the A127 in Southend. Driving is my living so I'll look forward to getting my points lifted. What a bonus.'

In theory, the mistake affects only those who contested their fines in court. But celebrity lawyer Nick Freeman, known as Mr Loophole for helping star clients avoid bans, said if the error is proved it could open the gates to motorists who opted to pay fines, as they had pleaded guilty unaware that the evidence was false.

However, **Jeanette Miller, president of the Association of Motor Offence Lawyers**, warned it might be difficult to reverse penalties, even if the force had failed to follow the law.

She said that while speeding cases have been won on the issue of authorisation 'often **magistrates will find a way to rule that a ticket office employee has implied authority**'.

Essex Police refused to say how the problem came to light, only confirming that it had been discussed at a recent **crisis meeting between senior officers and Essex CPS**.

A spokesman said: 'We are investigating allegations of a procedural error relating to certain offences of exceeding the speed limit. We are liaising with the CPS to see if there is an issue and, if so, the extent of that error.' Essex **CPS spokesman Darren Wooding** said: 'It is not possible at this stage to confirm how many cases may be affected but we will check all the relevant cases in due course.'

The PPP comments, Perversion of the course of justice big style is **big business** as **ANOTHER lawyers association** jumps on the band wagon with ACPO. Sense reason in real road safety fades further into the background of the spin, lies & corruption of Brunstrom's Britain.