



People for Proper Policing in North Wales

'NOT GUILTY' MOTORISTS FACE COURT COSTS

Drivers acquitted of motoring charges will pay costs under new government scheme

Could you afford to fight an unfair ticket?. New regulations set to come into force later this month will see motorists forced to cough up court costs - even if they're found not guilty or acquitted of motoring offences.

The government-inspired change to the current set-up - where drivers get costs refunded if they're innocent - is being implemented to save cash, in spite of fierce opposition from legal and motoring groups who were nominally 'consulted' before the new policy was drawn up.

According to the Ministry of Justice, the age old principle of 'the loser pays' has been **costing the government too much money**. As a result the new rules make it clear that in future drivers will have to foot the bill for clearing their name.

According to The Taxpayers Alliance, that equates to **400,000 people**, or one in four of those who challenge a ticket.

Now the Conservative party has joined the last ditch effort to derail the changes, and campaigners are looking for more signatories to a petition on the Number 10 website. **We're off to go and sign the petition ourselves**, and you can find out more by reading the press release below, that was issued by the **Association of Motor Offence Lawyers (AMOL)** today.

YOU CAN SIGN THE PETITION HERE <http://petitions.number10.gov.uk/CostsRecovery/>

The PPP comments ... this proves that the Government, led by the man of Straw, will go to any length to persecute motorists. It follows on the scandalous ACPO policy via a company run by Meredydd Hughes of using public money to fight anyone challenging the police's abusive and illegal use of speed cameras. In North Wales the illegal activities of Arrive Alive at Clynog Fawr and Bangor would have been impossibly expensive to fight under this legislation.

AMOL press Release:

Tories Back Protest Against the MOJ's New Costs Recovery Rules & Vote for Parliamentary Debate

Current law dictates that if you have paid for legal representation and are prosecuted for an offence and found not guilty, you will receive an order for your costs to be assessed and paid back by the court. However, according to the Ministry of Justice, this age old principle of "the loser pays" was costing the government too much money. A consultation was first announced in 2008 on restricting the costs the government has to pay as a result of losing so many cases.

The consultation attracted responses from over 100 organisations and individuals. Responses included overwhelming opposition to the change in rules, as it was felt that if a person is proven innocent they should not be financially penalised with an extensive legal bill.

The new rules, to be implemented in October, will mean that even if a defendant is acquitted of an offence, they will be expected to foot the majority of their legal bill themselves.

In June 2009, the MOJ announced their plans to go ahead with their rule changes regardless of the resistance. Jeanette Miller, President of the Association of Motor Offence Lawyers, was astounded that the MOJ ignored the opposition and steam-rolled ahead with changes in the rules. Not satisfied with the MOJ's complete disregard to the protests raised during the consultation process, she launched an e-petition live on the no.10 website. To date the petition is backed by 3,559 signatures and the number is increasing every minute –

Miss Jeanette Miller of the Association of Motor Offence Lawyers (AMOL) comments:"I recognize that government spending may need to be reduced but it will be taxpaying motorists and small businesses who will be most penalized by the planned rule change. Saving money at the expense of having a fair system with access to justice for all parties accused of a crime is not the answer. It will most likely result in increased costs as lawyers across the country are being briefed on a campaign to make wasted costs applications in every instance of CPS inefficiency which will result in the CPS being forced to pay sums expected to far outweigh the amount the government are seeking to save."

*The petition itself outlines the affect these rules will have on motorists, as legal aid is not available for the majority of motoring prosecutions and most members of the general public will appreciate the grave impact of the inability to defend a prosecution for a motoring offence being that there are currently around 27 million licence holders in the UK. However, if allowed to be implemented, the rule changes will also affect any defendant acquitted of a crime in the Magistrates' Court if they chose to instruct a lawyer who charges normal (not legal aid) rates. **1.4 million motorists were prosecuted through the Magistrates' Courts in 2007. 26% were found not guilty.** This is a huge issue and until now, it seemed to be sweeping in under the carpet due to a lack of understanding of what it actually means to the average citizen on the street.*

So far the petition has support from the Law Society, dozens of QC's and the Criminal Bar Association have fully endorsed the sentiments behind the petition. The petition is also backed by the following organizations:

- 1. Association of Motor Offence Lawyers (AMOL);**
- 2. Health and Safety Lawyers Association;**
- 3. The Criminal Bar Association;**
- 4. The Association of British Drivers;**
- 5. Drivers' Alliance (responsible for the largest ever petition against road pricing who obtained 1.8 million signatures over a 3 month period); and**
- 6. The London Criminal Solicitors' Association;**
- 7. The Taxpayers' Alliance; and**
- 8. The AA.**

Matthew Elliott, Chief Executive at the TaxPayers' Alliance said:"This proposal is unjust, unfair and will prevent innocent motorists from effectively fighting penalties. With police forces too often using speed cameras more to raise revenue than save lives, it is vital that people are given a fair

opportunity to clear their names when given an unjust penalty charge; they shouldn't be financially punished if they are acquitted. Motorists will fight this to the hilt, and the Government is going to feel the full force of people power until it sees sense and backs down."

Dominic Grieve QC MP, Shadow Secretary of State for Justice and MP for Beaconsfield commented:

"I entirely share your concern about these proposals and do not believe that it is right that the defendant should only receive a fraction of their legal costs back from central funds if they are acquitted. While there may be an argument for preventing a claim for grossly excessive costs, the Government's proposals appear to me to be unfair and wrong."

Since launching the petition, it has gathered increasing support from members of parliament. After spending an afternoon at the Houses of Parliament with Shadow Minister for Access to Justice, Henry Bellingham MP, he made the decision to call for a committee to be selected to pray against the new cost recovery rules, with a statutory instrument to be implemented at the end of October.

Mr. Henry Bellingham MP is confident of a vote being organised within the next two weeks saying: "It is a disgrace that Ministers apparently have no intention of debating this issue in the House to justify themselves. That is why we will try to force a vote and a debate on the new regulations."

Mr. Henry Bellingham MP went on to say:

"If the Conservatives win the next election they will certainly wish to review this issue as far from saving money, it might actually trigger numerous additional cost that would far exceed the government's target to save £20 million per year."

PRESS RELEASE ENDS