**My attention was drawn on 6th Feb 2013 to the Sussex Safer Roads Partnership's web site, which includes a great deal of seriously misleading information, all seemingly aimed at maximising cash flow while minimising resistance, in my view amounting to attempting to pervert the course of justice**

<http://www.sussexsaferroads.gov.uk/speedingtickets/detailed-speeding-ticket-faqs.html>(Words from the site are in italics, my comments are not)

*Exceeding the speed limit or contravening a red light is an offence for which a fine and penalty points are* ***mandatory.*

NO THEY ARE NOT.** Mitigating circumstances of official reasons mean that they are often not.

*Excessive inappropriate speed is a contributory factor in* ***one third*** *of all fatal and serious collisions.*
**NO THEY ARE NOT** - speeding is about 9%, inappropriate speed rather more. And speed camera can do nothing about inappropriate speeds, i.e. within limits.

*It is the* ***responsibility of the registered owner/keeper*** *to provide the identity of the driver at the time of the alleged offence.***ONLY IF THEY KNOW IT** - if they do not, and cannot reasonably find  out, no offence is committed

*In the event that the vehicle is registered to a Limited Company then the* ***Company Secretary will normally be summonsed.*Seriously misleading  -** it is the **Company that is the offender** and although the proceedings might be handled by the Company Secretary as part of his duties, that **is not in his personal capacity**. Although the Company can be fined, and often is, for failing to identify - unless it has a good explanation why it cannot - the Company , **having no driving license, cannot be given penalty points**, nor can the Company Secretary be fined or given points for an offence **committed in law by the Company not by him**.

Otherwise of course no would ever want to be a  Company Secretary of any Company of any size because he would be virtually guaranteed to lose his license every few weeks! It's misleading nonsense, and presumably deliberately so.

*Failure to do so will result in the matter being passed to the  Court for the* ***additional offence*** *of failing to identify the driver,***Again misleading** - failing to ID might well be a separate offence from the speeding charge, but it is I am sure unheard of for both charges to stick - once it did but was promptly corrected. The point being that **without the driver being identified, no speeding charge can be enforced**, Unless someone were daft enough having refused or failed to ID the driver, and being done for it, then confirming the name and get done for that as well.

**Note - as always, no mention whatever that under S172 if you don't know who was driving and cannot reasonably find out, that is the end of the matter.**

 ***Can I have a copy of the photograph and/or calibration certificate?****In accordance with the* [*Criminal Procedure and Investigations Act 1996,*](http://www.legislation.gov.uk/ukpga/1996/25/contents) *we are only required to provide you with the copies of the photographic evidence showing the offence. The request for photographic evidence* ***must be for a legitimate reason and not for the purpose of identifying the driver.***

Eh? You can ask legitimately for the photo, to confirm for instance that it was your vehicle, or to check the speed against the white line markers - but if all that is OK but you notice that the driver was clearly not you, you  are not allowed to say so? Or if you do, t**hey tell you that you have no right to see the photo because seeing who the driver was - perhaps to determine man or wife, father or son - not a legitimate reason to ask for it? Eh?** And what do they do then - demand it back and refuse to allow it in evidence?
This suggests that they actually **prefer that people plead guilty or innocent without the help of the photo** to decide if they are or not?

*A copy of the calibration certificate* ***will ONLY be issued to you*** *in the event of the matter progressing to a full Court hearing.*

should of course read

*A copy of the calibration certificate* ***will be issued to you ONLY*** *in the event of the matter progressing to a full Court hearing.***WHY?** They prefer, presumably, that you cannot find out whether the equipment had been calibrated as it is supposed to be, unless you plead innocent and commit yourself to not taking a course and risking higher costs? Why do they go out of their way to deny defendants the information they need? Because they want your money of course! (And in any case **most Forces now make calibration** certificates available on their web sites foc!)

***How do I know that the speed is correct?****All speed detection devices used by the Safety Camera Partnership have Home Office Type Approval, as required by* [*Section 20 Road Traffic Offenders Act 1988*](http://www.legislation.gov.uk/ukpga/1988/53/section/20)*. All devices are calibrated and checked as required by Type Approval and manufacturer's instructions .*

**SERIOUSLY MISLEADING**, as anyone who knows anything about electronic equipment knows full well. That it has passed a test some days or weeks or months earlier is no more evidence that it was working correctly at the time of the supposed offence than your MOT certificate of last month confirms that your car is safe today - as the MOT certificate points out! And it is by no means unusual for false readings to be generated.
Last I heard, 50% of cameras tested annually fail calibration standards - which means that **25% are outside spec at any given moment!** Yet these people claim infallibility! Why? Same as always, max cash, min fuss.

***My notice arrived more than 14 days after the alleged offence. Is it still valid?****Yes. The NIP is initially issued and posted to the registered owner/keeper, according to the details held by the DVLA, within 14 days of the alleged offence. Postal delay will not invalidate service.***WRONG!** For these reasons:

The formal requirement is that it be posted by 1st Class Post soon enough that normal delivery would be no later than the 14th day. That means posted no later than the 13th, or sooner still if a Sunday or Bank Holiday gets in the way.

Also, in a High Court Appeal by my solicitor for another client, a NIP was declared invalid because it had been delayed by a Postal Strike (of which the authorities would have been perfectly well aware)
That IS the law, and they surely know it.

***Are my Human Rights infringed if I respond to this notice?****No. You are obliged to provide the information as requested. Failure to do so may result in prosecution. We have received advice from the Justices Clerks Society that the requirement to identify the driver is not itself contrary to Article 6 of the Convention, and there is no known reason why, in general, prosecutions for Road Traffic matters (whether detected by Camera, or otherwise) should not proceed.***WRONG!** Your centuries-old right to silence, a fundamental part of our legal system, is clearly infringed when you are forced to incriminate yourself. That some daft Judges here and in the ECHR decided to agree to your rights being infringed in this **way does not mean that they are not infringed**, it only means the Judges are incompetent, in that, in conflict with the basic principles of the ECHR, they find it acceptable that the right is infringed in what they (wrongly) believe to be the public interest.

NOR is there any mention of para 4 S172

"(4)  A person shall not be guilty of an offence by virtue of paragraph (a) of subsection (2) above if he shows that he did not know and could not with reasonable diligence have ascertained who the driver was."

***Can I plead mitigation in Court?****Yes. You have the right to contest the matter in court, if you so wish. However, you have no right of appeal with the enforcing authority. If your mitigation is not accepted, the Magistrates will then determine the level of any fine with additional Court costs, and the number of points to be awarded. If you wish for the matter to be heard in Court, you must make a formal request in writing.*and elsewhere

*However, mitigation or not guilty pleas are* ***dealt with by the Courts.

and****You have the right to contest an alleged offence in Court.  Any* ***mitigation will be considered by the Courts****.  If your mitigation is not accepted, then the Magistrates will determine the fine and any Court costs that ensue.***SERIOUSLY MISLEADING AND A DIRECT BREACH OF THEIR CLEAR RESPONSIBILITY**(see www.fightbackwithfacts.com/wp-content/uploads/2012/03/Mitigation-a-job-for-the-Police-too.pdf)

Both the police and the CPS must comply with the code issued by the Director of Public Prosecutions (DPP) under Section 10 of the Prosecution of Offences Act 1985. **The code requires careful consideration of the strength of the evidence and whether the public interest requires a prosecution, having regard to any mitigating circumstances**. In these respects the code encapsulates principles understood by prosecutors throughout living memory.

In other words, far from our having no right of appeal to those authorities, as the paragraph states, **they have an absolute duty to consider mitigating circumstances before each and every decision on whether to prosecute or not.**

In December I again emailed every Force to remind them of this, most replies that came in confirmed that they now do (having been told by Acpo in 2008). I have not yet correlated the results, but there does not seem to be one from Sussex so I will chase it up

The purpose is surely clear - to warn off potential defendants that even if they have strong grounds for mitigation, they cannot argue them with the police or CPS - who will ignore them - but must take the risk of costs and of losing in court

**THIS IS CORRUPT! THIS IS ATTEMPTING TO PERVERT THE COURSE OF JUSTICE

*Gatso fixed cameras only show the rear of the vehicle and so will not identify who is behind the wheel.*IT AIN'T NECESSARILY SO!** It is perfectly obvious that in many cases the number of possible drivers would be very limited - husband or wife, tall or short, cap wearer or not, and that even poor photographs would allow defendants to decide who it was.

**All of this is all ABSOLUTELY DISGRACEFUL, and all the more so given that it is much the same across the country.**

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