

Speed Camera Loophole Exposed

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Courtesy The Western Mail

Magistrates' courts could grind to a halt if thousands of motorists exploit a legal loophole unwittingly exposed by a Welsh driver.

Magistrates had no choice but to find Phillip Dennis, of Whitford, Flintshire, not guilty of speeding when his case was heard on Thursday.

He had omitted to sign the standard form which is sent to the owner of each vehicle caught by a speed camera - and Mold magistrates said they couldn't accept the form as evidence.

Police have no power to compel car owners to sign the form and have been expecting someone to spot the loophole.

Yesterday the Association of British Drivers, representing about 2,500 motorists, predicted drivers would soon get wind of the court case.

"Motorists are always very quick to seek any way to avoid paying for their speeding ticket, particularly when they've been caught by cameras because they resent very much the way the cameras operate," said spokesman Tony Vickers.

"The cameras have very much reduced public respect for the police and local authorities.

"People are only too glad to find a way to beat the system."

He said motorists who receive a speeding ticket after being caught on camera could opt to have their case heard in court, rather than pay the fine without quibble.

"If a lot of people take up this option it will have another side-effect, which will be to clog up the magistrates' courts with hundreds or thousands of motorists all trying to avoid paying the fine.

"The implications for the legal system are interesting, to say the least."

Although the ABD did not condone breaking the highway laws, it said it would place details of the loophole on its own website for other drivers to read.

"I'm sure a lot of people will try it on and see whether it gets them anywhere."

The prospect of using the loophole could look especially appealing to people who already had endorsements on their licences, said Mr Vickers.

"They should bear in mind that if they fail, they will end up paying the full fine rather than the 50% they would pay if they put their hand up."

When a police camera takes a photograph of a speeding vehicle, the vehicle's registered owner is sent a form asking who the driver was at the time.

It is an offence not to complete the form and name the driver - but the owner does not have to sign it.

If the form has not been signed, the courts cannot take any notice of it.

Magistrates in Mold were asked to prove a case of speeding against Phillip Dennis, 34, of Gwibnant Farm, Downing Road, Whitford, near Holywell.

But clerk Paul Conlon pointed out that the form naming the defendant as the driver was unsigned.

The driver had provided the information required of him but there was no requirement under that section of the law for the form to be signed.

Magistrates said they were not happy but had to find the defendant not guilty in his absence.

Chairman John Beard suggested the police should go back to defendants and ask them to sign the form.

But he was advised that as the law now stood the only requirement was to stipulate the name of the driver, and that there was no legal requirement to sign it even if police did go back and request a signature.

Nobody was available from North Wales Police to comment yesterday.

But one police source said there had been concern that once the loophole was spotted "it could open the flood gates."

He said, "The police generally have been waiting for someone to appeal against a conviction on this point but no one has yet.

"We have basically been keeping our heads down.

"Some of my colleagues say we should just make sure people sign the forms but others are a bit concerned that to do that is tricking people into something they do not have to do.

"The trouble is when this is highlighted they will all be sending the forms back unsigned."

RoadPeace, the charity for road-accident victims, said the loophole showed that cameras and computers were no substitute for a police presence on the roads.

Chairman Zoë Stow said, "It illustrates that we can't just deal with these things as a bureaucratic issue and send forms through the post.

"It's disappointing that the law is poorly drafted and nobody seems to care enough to do it

properly."

Speed cameras have proliferated in South and North Wales since the Home Office gave police permission to use fines to pay for enforcement, rather than sending the money to the Treasury.

Latest figures show that in 2001 the number of speeding tickets issued by South Wales Police was 38% higher than in 2000.

North Wales Police registered a 19% increase in 2001, although its Arrive Alive speed-camera campaign wasn't launched until late that year.

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