



## EVERSOL'S weekly law

Contributed by Melissa Swain

### Licence Appeals

In a bid to crackdown on driving related fatalities as a result of speeding and other dangerous driving, the Roads and Traffic Authority (RTA) has the power to suspend driving licences in certain circumstances, for instance:

1. for exceeding the speed limit by more than 30 or more than 45 kilometres per hour; or
2. for a loss of demerit points.

However, there is a right to appeal the licence suspension to the court if the suspension relates to:

1. speeding by more than 30 or 45 kilometres per hour;
2. the loss of demerit points for **provisional licence** holders.

The court will not determine the guilt or innocence at the appeal. What the court will do is determine whether the suspension should be confirmed or whether the appeal should be allowed. This decision is based on three main areas:

1. the circumstances of the offence;
2. the person's character / traffic record;
3. the need for a licence.

Undertaking the Traffic Education Programme, which is conducted by the PCYC, is very beneficial in supporting any licence appeal. This programme teaches the consequences of speeding and other dangerous driving, with the aim of developing more careful drivers who will not commit similar offences.

Unrestricted licence holders **do not** have the ability to appeal a licence suspension based on loss of demerit points. However they do have the option to obtain a probationary licence for a period of 12 months.

What this means is that instead of incurring a period of suspension, their licence can be retained. However should any traffic infringements be obtained during that period of 12 months, the licence will be automatically suspended for double the period that it would have been suspended in the first place. For instance, if the licence suspension would have been for 3 months, but the person elected to obtain a probationary licence, the licence suspension will be for 6 months.

Once a licence is suspended during the probationary period there is no right to appeal. Therefore, if the probationary licence is elected instead of incurring the period of suspension, it is important to drive very carefully and within the speed limits over the 12 month probationary licence period.

Should you have any queries in relation to traffic matters, the experienced team at Everingham Solomons would be more than happy to assist because ***Helping You is Our Business.***



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