

# Stay safe this Christmas - Follow these 10 drink driving dos and don'ts

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The highest number of drink driving incidents occurs at Christmas time. While the safest option is to have 'none for the road' many people can be caught out by having just a few drinks or driving the morning after a night of heavy drinking. Even though you may feel under the legal limit, your blood alcohol level could still be over.

Many people have heard stories of what you should do or say if you are stopped by the police but often these can actually make the situation worse. If you do find yourself in the situation of being stopped on suspicion of drink driving then follow these 10 drink driving dos and don'ts.

Don't

Do not place pennies under your tongue when undergoing a breath test. It will have no effect on the reading and make you look dishonest in court.

Do

Answer the officer's questions honestly and accurately. Some of the questions the officer will ask you are for your benefit. If the officer asks if you have had an alcoholic drink over the past twenty minutes he/she is actually telling you that he will have to wait for twenty minutes before he carries out a test. This is because an officer has to wait until any residual traces of that alcohol which could affect the machine are gone. The same goes for any consumption such as food, smoking or using inhalers etc.

Don't

Be obstructive. The officers are only doing their job which they will carry on with regardless of a person's attitude. Most officers will try their best to make the process a smooth one for you but they also have the means to make it uncomfortable.

Do

Tell the officer about any medication you are currently taking. Even if the officer believes it will have no bearing on the case it is crucial to the later stages of a case that you raise the issue.

Don't

Refuse a blood or urine sample. If the reading is 50mgs or below the officer will offer you blood or urine to confirm the reading you have given. People should always take this option unless they are physically or mentally unable as it will result in a more accurate reading. You are allowed this option as the machines reading may not be 100% accurate and therefore anyone who refuses to have the reading replaced with a more accurate one is wasting a valuable opportunity.

Do

Accept a sample of blood or urine that you have provided, if one is offered to you. There are often discrepancies between two samples taken at the same time and this could be used to your advantage.

Don't

Listen to an officer who tells you that the option of replacing a breath sample of blood or urine is just a waste of time. It is not and if an officer does attempt to dissuade you in any way you may have a defence to an excess alcohol charge, for this reason alone. Most officers would not give you any information about this decision but occasionally they will give you advice, often believing they are simply helping you.

Do

Tell the officer if you have any breathing problems. If you have attempted unsuccessfully to provide a sample of breath you will be charged with failure to provide a specimen of breath. If you tell the officer of any breathing difficulties you have then you will most likely be offered a chance to provide blood or urine.

Don't

Refuse your right to have a solicitor. Not all solicitors will be excess alcohol specialists but most can answer questions as to whether you should provide a specimen if for example you were not the driver and they will be able to help you should the police wish to interview you.

Do

Give correct details to the police. People who give false details are nearly always found out and you will not come across well in court having told lies. Furthermore you may face fresh charges even if you are found to be under the drink drive limits.

Don't

Refuse to provide a breath specimen without a very good reason. People who do not attempt to provide breath samples have very few defences to charges such as failing to provide a specimen. Often people charged with this offence can end up with even harsher sentences as the Court do not know whether you had one drink or twenty.

Do

Seek representation for Court appearances. Even if your case is not defensible having good representation at court can mean the difference between a fine or community punishment. It could also mean the difference between community punishment and custody.

Don't

Attempt to blow around the tube. Intoxilyser machines are very accurate and know if there is not enough breath being provided. You will not beat the machine you will simply fail to provide a specimen.

Do

Keep an accurate record of everything that was done and said at the police station and of any driving incident. Although you think you remember what happened you will do a far better job if you put it all down on paper at the first opportunity.

Don't

Attempt to drive just because you feel fit to drive. Any good website relating to alcohol offences will be able to tell you how much you can legally drink. The worst judge of sobriety is a person who has had a few drinks.

Do

Avoid sitting in a vehicle whilst intoxicated even if you have no intention to drive and stay out of the driver's seat in particular. An officer is well within his or her rights to arrest you for being drunk in charge of a motor vehicle and it will be up to you to prove that you had no intention of driving further. This may be difficult and expensive to do.

Don't

Assume that you can drive on car parks and industrial sites when intoxicated because they are "private land". In actual fact if the public have access then you are just as likely to be prosecuted for driving in these places as you would be on a public road.

Do

Stay at the scene of any accident even if you are intoxicated. Whilst excess alcohol offences (<http://www.drivingdefences.com/alcohol-offences/drink-driving-and-excess-alcohol.aspx>) are very serious you will find yourself in far greater trouble if you leave the scene of an accident or fail to report an accident. You are under an obligation to report an accident even if it is just road furniture such as a traffic sign or lamppost. Believe it or not you even have a duty to report an accident if you simply hit a tree.

Don't

Take legal advice from police officers or friends. Whilst most people will give you advice in an attempt to help you, try to only take notice of advice provided by solicitors or the Court. Again, most pieces of advice you will hear are not attempted to lead you astray but they are not always entirely accurate and they can sometimes leave you in a weakened position.

Do

Respect any disqualification you receive. Whilst an excess alcohol offences may not please your boss and make it difficult to get around a spell in prison will almost certainly be life altering.

Philip Trotter and Martin Hammond are the principals of Driving Defences, a law practice specialising in uk motoring law (<http://www.drivingdefences.com>).

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For more information and articles regarding all aspects of UK motoring law, please visit [www.drivingdefences.com](http://www.drivingdefences.com)