

Drivers' bids to circumnavigate speeding fines

ONE of the British public's biggest bugbears - the speed camera - was at the centre of a recent decision by the European Court of Human Rights, again bringing European law to the forefront of public consciousness.

Under UK law, motorists suspected of a speeding offence must, if asked, provide the police with the identity of the person driving the car at the time of the alleged contravention. If they fail to do so, they are guilty of a second offence on top of the speed-limit violation.

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Many people are of the view that the requirement to provide this information is an infringement of human rights. The Association of British Drivers, although it has since withdrawn this advice, actually published guidance for drivers suggesting they might defend themselves from speed camera prosecutions by declining to supply information as to who was driving the car at the time of the offence.

Champions of the human rights cause will be alarmed. If the courts are prepared to deviate from the principle of a right to a fair trial for a relatively minor offence, where does an infringement of their rights to remain silent and not incriminate themselves. As an issue which affects virtually every one of us as road-users in some form, the courts' majority decision that the applicants' rights had not been infringed was a significant one.

stalls in the European Court of Human Rights

and this justifies the setting aside of individual human rights. There is, of course, some merit in this argument.

Another line of argument in support of the court's decision is that all those who own or drive motor vehicles understand they are required by law to adhere to certain rules when they take to the road. If a person isn't prepared to subject themselves to that code - which includes having to provide information which could incriminate them if they are caught speeding - they can choose not to own or drive a car.

As far as the technical point of self-incrimination is concerned, the court's view is that providing the driver's name could not in itself be considered incriminatory as it is not an offence to drive a car. However, this ignores the fact that someone who provides a statement confirming they were driving a car which was caught speeding is virtually confessing to have broken the law.

Further, those who hold human rights as paramount could argue that if there are so many breaches of a law (two million speeding tickets are issued each year) that the prosecution must rely on individuals incriminating themselves to be able to prosecute all the contraventions, the law is inept and should be changed. This will likely strike a chord with those who feel the speed limits in place are too low and not suited to the needs of society.

For many, this latest appeal for the European Court of Human Rights to overrule British convictions will serve as a reminder that UK law is subservient to Strasbourg. However, the ruling itself and the reasons behind it are likely to divide opinion. One thing is now clear, though. If one of the UK's thousands of speed cameras catches you breaking the speed limit, human rights regulations will not relieve you of the obligation to reveal your name behind the wheel. Prevention is the only cure so, if you're caught, apply your brakes.

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