

THE LOOP LAWYER

Legal eagle to the famous, Nick Freeman, delivers his verdict on the wealth of websites promising to get drivers off speeding fines

Pictures: Tom Wood

“There’s a lot of duff advice around. This is an area of the law where you shouldn’t tread unless you know exactly what you’re doing”

HOLE

Freeman's victories

OCTOBER 1999
SIR Alex Ferguson acquitted of driving on hard shoulder, due to a dodgy stomach.

DECEMBER 1999
DAVID Beckham caught speeding, but let off as press were chasing him.

2001
SNOOKER ace Ronnie O'Sullivan failed to provide urine sample, but was let off due to his stressed state.

2004
GOLFER Colin Montgomery wasn't charged with speeding, as there was no proof he was driving the car.

2005
SOCCER star Dwight Yorke had a dangerous driving charge and punishment reduced thanks to Freeman.

2006
EMMA Parker-Bowles charged with failure to provide information about speeding charge, but was let off after Nick argued her case.

James Foxall

If you've been caught speeding and you need advice on how to fight it, forget about turning to the Internet for help.

That is the verdict of top lawyer Nick Freeman, the legal eagle nicknamed the Loophole Lawyer for his ability to use details in the law to get drivers off motoring convictions. His judgement was that much of the Web-based information, both free and paid for, was a waste of time – and, in some cases, money.

Freeman grabbed the headlines in 1999 after successfully representing Manchester United chief Alex Ferguson when he faced a charge of driving on the hard shoulder. Since then, Freeman has appeared in court for a string of celebs, including footballers David Beckham, Wayne Rooney and Dwight Yorke, plus EastEnders TV stars Steve McFadden, Dean Gaffney and Elaine Lordan.

But although Freeman is used to his nickname, he doesn't believe it's accurate. He told us: "When people say Mr Loophole, they mean Mr Lawyer. And being Mr Lawyer involves having legal knowledge and being able to think on your feet. Loophole means something sinister and underhand – but I'm very straightforward."

Freeman's formidable reputation is based on a no-nonsense ability to discredit prosecution evidence. But with the police getting tough on drivers who contest their charges on a growing list of technicalities, we got him to turn his eye to Internet advice on how to beat a speeding rap.

Auto Infozone

THE www.autoinfozone.com website claims: "Incredible motoring loopholes 'they' don't want you to know about." But it's not free. A

one-off £26.18 (you actually pay in dollars) buys a year's subscription to the site, enabling you to download the grandly titled 'How to Avoid Paying Parking Fines and Speeding Tickets' article. This prints out as seven pages of A4 paper but, despite the apparently all-encompassing label, Nick was unimpressed.

After studying it, he said: "I've read nothing that's told me how to get out of anything." In fact, the document is loosely worded and full of light-hearted banter such as asking how traffic wardens sleep at night. The tone concerning speeding offences is similarly jovial.

Freeman added: "It would be much better to explain in lucid terms what the defence for a speeding charge is. It is: 'I can't tell you who the driver was because I've exercised reasonable diligence and I'm unable to ascertain this.'

"It's not a loophole, it's the law. It provides a specific defence under Section 172 of the Road Traffic Act. So this document has no interest to me at any price."

UK Driving Secrets Guide

ANOTHER Internet download – available from www.uk-driving-secrets.com – this proclaims boldly on its home page: "Discover the secret driving loopholes the police do not want you to know." For £17.95, you buy access to pages which include information on parking and speeding, plus draft letters.

But Nick was quick to find fault. The first line states: "Speeding fines can be a maximum of £1,000, or £2,500 on a motorway." Nick said: "Rubbish! It's £5,000 on an M-way."

After reading on, he added: "I haven't got to a secret yet. This is simply telling motorists what happens when they're being done for speeding. It says radar is the most popular device used by the police. That's nonsense. Police don't use this any more. I can't remember the last radar case I did."

He continued: "When it talks about VASCAR (a device that lets a moving police car measure another vehicle's speed), the site simply says the system must be calibrated at least once a year. It doesn't actually cover the minutiae. This is superficial knowledge. Drivers will read it and think: 'Oh, I'll ask if it's been calibrated.' Well, that's a complicated area.

"Such documents don't assist the public; it gives people false hope. A lot of this data is from the Association of Chief Police Officers guidelines. But none of it is a defence." ❖



In the loop

Freeman uses law itself to tie prosecution cases into knots. Model Caprice (opposite) is one of various celebs he's acted for.

Beat speeding tickets letters

THESE are templates of letters designed to help you beat a ticket. You get them through the UK Driving Secrets Guide – but they cost £39.95 to download.

The first of the three letters asks the police: "Kindly provide a photograph of the driver." But Freeman argued: "Surely this is shooting yourself in the foot? You must know if you were driving, so why ask for a photo? It'll probably be from behind and show nothing. This letter is designed to tee up the 'reasonable diligence' argument I mentioned with the Auto Infozone information. The trouble is, the letter is outlining your defence at the start of the procedure. I'd rather wait, get the evidence, and then see which way you go with it."

But the letters do get better. The second suggests the writer lists the people who could be driving. "This is spot-on," explained Nick. "They're teeing up an argument for saying the writer has exercised reasonable diligence and laying the foundations of a defence. But any prosecutor will see this coming. It involves you giving evidence on oath."

"When I defend people, it's rare they give evidence. I approach things in a different way. If you want to narrow yourself to a particular defence, these are fine; but it's not how I would do it."

Pepipoo

THE www.pepipoo.com site says it "reveals to the ordinary UK motorist, clearly and concisely, how the police and judiciary deal with allegations of motoring offences in real life, and provides the information motorists need to defend themselves".

One of these free pages claims if you're summonsed for speeding, you should ask for video evidence. Nick Freeman disagreed because video could contain evidence that goes against you. He said: "I've had many cases where the prosecution hasn't exhibited a video. I don't think this is legal advice. The information is superficial."

The website also mentioned one of Nick's cases involving former Manchester United footballer Dwight Yorke. Freeman recalled: "Dwight was sent a Notice of Intended Prosecution for speeding, and his agent filled it in. We said he couldn't be found guilty on this because he had not signed it, but we lost. We took it to a crown court and lost again. Then we took it



"Drivers' money would be much better spent getting proper legal advice"



LETTER OF THE LAW?
Nick cast his eye over wide range of literature

to the court of appeal and it ruled the prosecution couldn't prove he was speeding as it was relying on confession evidence that wasn't signed by the defendant. This information is correct and valid."

Speed Trap Bible

COSTING nothing to use, the www.speed-trap.co.uk website has everything you need to know about traps. One section states: "Tens of thousands of speeding UK motorists may have their convictions

quashed after speed camera law loopholes were uncovered. Police are using computers to enhance photographs in order to make the reg plates easily identifiable. However, as only direct pictures from a speed camera are admissible, anyone convicted with enhanced pictures is entitled to a pardon."

But Nick said: "Section 20 of the Road Traffic Offenders' Act requires police to produce a record from a prescribed device. I'm not aware of anything that precludes enhancing the photo, as long as it contains the relevant time, date and speed data."

"If it's enlarged and shows no speed info, it doesn't comply with Section 20. But I don't think it's a loophole. The site has just produced a picture that doesn't contain the relevant information."

RMB Consulting

THE free www.rmbconsulting.co.uk website was set up by Richard Bentley, a traffic sign and road management expert. He claims: "If you believe you've been wrongly accused of speeding or of breaching a defectively signed restriction, we need to talk." Nick

was impressed with what he saw. He said: "I don't know speed limit signs off by heart. All the signs have to be correct. It's a perfectly valid area."

"You can take it further by photographing the location where the alleged offence took place. If it's a speeding case and depends on the police following the car, you can work out where you'd be, and whether the cops would lose sight of you. If they do, you'll be able to tell how long for. Quite often I will say I need a video of the route. This gives you a flavour for what you're arguing."

Speed Trap Guide

ANOTHER freebie, www.speedtraps.co.uk offers advice on what to do if you get caught speeding. But Nick thought it was misleading. He told us: "I can't identify with this professionally. In 'What to do if you get caught', it says you should make notes."

"Well, you can, but you're highlighting to the officer that you're going to fight it, so he'll try to make it harder for you to get an acquittal in court. It's written by a layman, not a legal practitioner."

Pistonheads

THE reputable www.pistonheads.com website had its own interpretation of a story printed in the Observer newspaper. This told how drivers have been escaping speeding raps by registering their cars with the DVLA at a mass mailing address used legally by businesses. It meant police found a shopfront and no one there. But Freeman warned: "It's like telling someone to deface their registration plate. I'd never advise this."

Verdict

OUR trawl for sensible self help to beat a speeding rap revealed nothing Nick thought very useful. He said: "I'm unimpressed. Your money would be better spent getting legal advice. Most of the things are obvious, and while some data is accurate, the majority of it will be no help in getting acquitted – and that's what drivers should be after." ●



Get it right!
You can't beat professional advice, says our legal expert

Tap into Nick's legal knowledge 24/7

NICK Freeman was so disappointed with what was on offer to help drivers facing speeding bans that he set up his own service. For £99 a year, subscribers to Freeman Keep On Driving (www.freemankeepondriving.co.uk) get free legal guidance from a qualified solicitor at any time of the day or night.

He explained: "There's a lot of duff advice around. This is an area of the law where you shouldn't tread unless you know what you are doing. There's no point going to a conveyancing solicitor and asking for speeding info."

"If you want to minimise the damage or get an acquittal, it's vital to have the right advice at the start."

