

CHAPTER 17

Drinking or drug-taking and driving

DRIVING ETC. WITH EXCESS ALCOHOL p 589-590

A car park situated within the business premises of a motor dealer for use by customers has been held to be a public place as members of the public using the car park did not cease to be members of the public and become a special class of persons merely because they used the car park as customers. [*May v DPP* [2005] EWHC 1280 (Admin)]

Reasonable excuse p 625-626

Where a driver, having provided a positive roadside specimen and a first specimen of breath at a police station, without apparent difficulty, failed to provide a second specimen, justices could not be faulted in finding that there had been a failure without reasonable excuse. Although there had been evidence of a throat infection one week prior to the alleged offence, there was no evidence that he was being treated for asthma or that he had experienced any breathing difficulties at the time of the failure. [*Olademeji v DPP* [2006] EWHC 1199 (Admin)]