



MAJ. LAW

S O L I C I T O R S

Drink Driving & Depression

Anxiety and depression affects nearly one in five UK adults¹. Unfortunately, mental health and drink driving fall hand-in-hand. For many, alcohol is a form of medication, helping you feel better for a short period. If you have been charged with drink driving - and think that you might suffer from a mental illness - we can help.

We would estimate that around **40%** of all those who contact **M.A.J. Law** in relation to an allegation of **drink driving** or **failing to provide a specimen** will suffer from a mental illness. Depression and anxiety being the most common.

We understand that mental health is a sensitive subject. If you would like to discuss your case in confidence, please call a member of our team on 01514228020. Alternatively, [visit our website](#) to request a call-back.

The affects of alcohol

Alcohol is a depressant. This means that it can disrupt the delicate balance of chemicals within the brain. **Alcohol** can affect parts of the **brain** that control movement, speech, judgment, and memory. It can even affect your long-term mental health.

Medication and your breath results

Our clients will often tell us that there is no “magic wand” for treating anxiety or depression. You may have been prescribed medication by your doctor.

The most commonly prescribed drugs for anxiety are;

- ✓ Diazepam
- ✓ Valium
- ✓ Alprazolam (Xanax)
- ✓ Lorazepam

¹ [Office for National Statistics](#)

The most commonly prescribed drugs for depression are;

- ✓ Prozac
- ✓ Sarafem
- ✓ Sertraline
- ✓ Effexior

Different drugs can affect alcohol metabolism in different ways. Some drugs may slow down the speed at which alcohol is broken-down, others may increase it. We are often asked whether certain medications can cause 'false positives' on breath test machines or falsely elevate the breath readings provided. Let us be clear, medication **can** affect your breath alcohol concentration, not just by increasing your breath test results, but also by making you appear more intoxicated than you perhaps are.

M.A.J. Law work closely with independent toxicologists, doctors and forensic experts who specialise in considering the affects of medication on alcohol absorption and elimination rates. It is not necessary to show that medication **did** affect the breath reading, we only have to show that medication **may** have affected the breath reading. Where doubt exists as to the reliability of the result provided by the breath testing device, the court **cannot** convict you.

Is my mental illness a defence?

1. Drink Driving

The fact that you suffer from a mental illness does not necessarily mean that you have a defence to an allegation of drink driving, unless we can show that any medication you take affected the breath reading (above).

Drink driving is a 'strict liability' offence. This means that the CPS do not have to prove that you **intended** to drink and drive. This also means, therefore, that the reason you made the decision to drive the vehicle will very rarely be taken into account, even if its well known that a particular medication can adversely affect judgement and the ability to make informed decisions.

2. Failing to provide a specimen (breath, blood or urine)

In a nutshell - yes.

The offence of failing to provide a specimen, contrary to Section 7(6) Road Traffic Act 1988, can only be committed without **reasonable excuse**. **Reasonable excuse is your**

reason, or excuse, for not providing a sample when required to do so by the procedural officer.

Reasonable excuse can arise from both a medical and 'mental' condition. M.A.J. Law have successfully argued this defence for clients who suffer with the following;

- ✓ Panic Attacks
- ✓ Anxiety
- ✓ Depression
- ✓ Alcoholism

If we can satisfy the court that you had a reasonable excuse for not providing a specimen, the court cannot convict you. To find out whether you have a reasonable excuse defence, please [call a member of our team](#).

Useful Information - Getting Help

You should always speak with your GP if you feel down on a regular basis. The evidence from your GP (even a written letter) could form the evidential basis of a defence. If you don't see your GP, they won't be able to comment on your condition.

If you're concerned about someone's drinking, or your own, **Drinkline** runs a free, confidential helpline. Call 0800 917 8282

Contact Drinkline



Addaction is a UK wide treatment agency, helping individuals and families manage the effects of drug and alcohol misuse.

Visit the Addaction Website



Alcohol Concern is national agency on alcohol misuse for England and Wales.

Visit the website



NHS Choices provides advice and information on alcohol and offers a database of support and treatment services.

[Visit the NHS Website](#)



Worried about court?

M.A.J. Law specialise in defending drink and drug driving cases. Drink driving defences can be complex and confusing, particularly when building in arguments surrounding mental health. You may not be aware that you have a full defence to the allegation against you. We would always advise speaking to a member of our team who can discuss your all your options in detail.

To discuss your options with a member of our team, please call

0151 422 8020

or request a call back by visiting [our website](#)
