# 25 IMPORTANT THINGS TO KNOW WHEN ADVISING CLIENTS ON ROAD TRAFFIC OFFENCES IN 2025 – TUESDAY 23rd SEPTEMBER 2025 – 4pm – 5pm.

**PRESENTED BY COLIN BEAUMONT – A PERSON WITH MORE THAN 40 YEARS WORTH OF EXPERIENCE IN THIS AREA OF LAW**

**25 IMPORTANT THINGS – HAVE A LOOK AT THE 25 QUESTIONS POSED BELOW AND DECIDE WHETHER OR NOT YOU WOULD BENEFIT FROM HAVING THE ANSWERS AT YOUR FINGERTIPS**

## 25 QUESTIONS

**1 – We all talk about arguing 'EXCEPTIONAL HARDSHIP' in order to try and avoid a disqualification being imposed upon a totter but what is the REAL TEST under the legislation?**

**2 – What is the VERY ESSENCE of a SPECIAL REASON?**

**3 – We all know that road traffic legislation often speaks in terms of 'road or other public place' – what EVIDENCE must the CPS put before the court, according to the High Court, to establish that the place is indeed a PUBLIC PLACE?**

**4 – What is the main LEGAL ADVANTAGE in securing for your client a disqualification from driving of 55 days or fewer? (disqualifications of 56 days or more being problematic!)**

**5 – What is the very latest GUIDANCE to Magistrates' who have been requested by the defence lawyer to impose a discretionary ban rather than points, thereby avoiding their client becoming a totter?**

**6 – What do we mean when we say that someone was 'IN CHARGE' of a motor vehicle?**

**7 – Most road traffic offences are what we call 'summary-only' i.e. they can only be dealt with in the Magistrates' Court – being 'summary-only', must the proceedings always be instituted WITHIN 6 MONTHS of the commission date of the offence under Section 127 of the Magistrates' Courts Act 1980?**

**8 – In what circumstances does the client at trial bear an EVIDENTIAL BURDEN in the case and in what circumstances does the client at trial bear a PERSUASIVE/LEGAL BURDEN in the case?**

**9 – The CPS are offering 'IN CHARGE' as an alternative to 'DRIVING/ATTEMPTING' to drive – what are the advantages to the client accepting 'IN CHARGE' rather than 'DRIVING/ATTEMPTING' to drive?**

**10 – What is the legal position regarding ALTERNATIVE VERDICTS in road traffic cases in the Magistrates' Court?**

**11 – In what legal circumstances may the client have penalty points imposed upon their record and be DISQUALIFIED UNTIL RETEST?**

**12 – Would it be lawful for a court to impose both PENALTY POINTS and a DISQUALIFICATION FROM DRIVING when dealing with road traffic offences committed on different occasions but all being dealt with by the one court on the one occasion by way of sentencing?**

**13 – Can you think of some special reasons arguments that a client might wish to put forward in a DRUG DRIVING case rather than an ALCOHOL case?**

**14 – Which CRIMINAL PROCEDURE RULE deals with 'Starting a prosecution in a Magistrates' Court? – remember that we are going to get the Criminal Procedure Rules 2025 with effect from the 6th October this year**

**15 – Most road traffic offences may occur either on a ROAD or a PUBLIC PLACE – however, this is not true of all of them – can you name some road traffic offences that can only be committed on a ROAD?**

**16 – The general rule is that a Magistrates' Court may impose a DISCRETIONARY DISQUALIFICATION on an offender instead of PENALTY POINTS – what offences carry a DISCRETIONARY DISQUALIFICATION albeit they do not carry PENALTY POINTS?**

**17 – How do you calculate the period in the '3 YEAR RULE' in relation to whether or not penalty points are added together in order to make a client a totter?**

**18 – How do you calculate the period in the '3 YEAR RULE' in relation to whether or not today's disqualification as a totter should start at 1 year or 2 years as a result of previous disqualifications already on the record?**

**19 – How do you calculate the period in the '3 YEAR RULE' in relation to whether or not a client may argue something today that he or she has successfully argued in the past in avoiding the normal disqualification that would be imposed upon a totter?**

**20 – How do you calculate the period in the '10 YEAR RULE' regarding the period of disqualification that should be imposed upon an offender in an alcohol or drugs case?**

**21 – Your client was DISQUALIFIED FOR A SET PERIOD OF TIME and also DISQUALIFIED UNTIL RETEST – what offence is committed if your client starts to drive again at the end of the set period of time without having obtained his/her provisional driving licence or, having obtained it, not complying with the terms under which such a licence is granted?**

**22 – What is the test in determining whether or not offences were indeed COMMITTED ON THE SAME OCCASION whereby only one of the offences should attract penalty points rather than more than one?**

**23 – Who bears the BURDEN in a HIP FLASK DEFENCE case and to what extent must that burden be discharged? – a consideration of a recent High Court decision in this area**

**24 – What representations would you make to the court when dealing with a client who had to plead guilty to the offence of FAILING TO PROVIDE (IN CHARGE) where he instructs you that there was NO LIKELIHOOD THAT HE WOULD HAVE DRIVEN?**

**25 – Why do we still have the offence of WANTON OR FURIOUS DRIVING under the Offences Against The Person Act 1861?**