

# **MOTORING OFFENCES – ALCOHOL AND DRUGS – WEDNESDAY**

## **31ST JULY 2024**

This 1-hour zoom presentation will consider **20 IMPORTANT THINGS** in relation to alcohol and drugs when dealing with criminal offences

Have a look at the **20 THINGS BELOW** and see if knowing about them would assist when looking after clients – you might consider, after scanning them, that this is a presentation that you should book on or, after the event, a recording that you should purchase.

### **20 THINGS**

- 1 – **The DPP and Ridings [2024]** – a High Court consideration of burdens and standards of proof in a ‘hip flask’ defence case
- 2 – Drug driving offences and the minimum starting point for disqualification – be aware of the effect of previous disqualifications of 56 days or more already imposed upon the client
- 3 – The guidance published by the Sentencing Council in November 2016 concerning driving – those aspects still of relevance
- 4 – The more recent Guidelines published by the Sentencing Council – 1st July 2023 in the area of drug driving/attempting to drive and in charge – the summary offences
- 5 – 3 to 11 penalty points – the circumstances in which the court is obliged to consider the imposition of the points in alcohol cases
- 6 – **Special Reasons** as they apply to **drugs** as opposed to **alcohol** cases
- 7 – Causing death by careless driving when under the influence of drink or drugs – the ‘4 year rule’ in relation to sentencing and the release of offenders
- 8 – The 12 new Guidelines published by the Sentencing Council – 1<sup>st</sup> July 2023 including the indictable offence of causing death by dangerous driving when under the influence of drink or drugs
- 9 – Your client who is ‘in charge’ of his motor vehicle at the relevant time fails to provide a specimen – he has no reasonable excuse and must therefore enter a plea of guilty as the statutory defence is not available to him – any thoughts as to how you can help him?
- 10 – Your client is adamant that the machine must not have been working correctly on the occasion in question when he blew – this is a difficult conversation with a client – what are you going to say?

11 – You lost the case in the Magistrates' Court but have been successful in the appeal – a Defendant's Costs Order having been made in your clients favour – where would you find the amounts that you may claim?

12 – What do you know about **High Risk Offenders** in the area of alcohol?

13 – The police **forced entry** into your client's home in order to arrest him in relation to a driving (alcohol or drugs) offence – which pieces of legislation deal with **forced entry** and was the entry lawful?

14 – Might your client be released from custody even earlier than was once the case? – see the changes in early release under the **Home Detention Curfew Scheme** made in **June 2024** and the updated **Guidance** in relation to the **Scheme**

15 – Streamlined Forensic Reports

16 – Needle phobia

17 – What if your client is simply too drunk to provide the specimens of breath? – case-law in this area

18 – Disqualifications generally in the area of alcohol and drugs offences – where to find the starting points and finishing points in the legislation

19 – Identification evidence and the **2024 High Court decision of Grier and the DPP**

20 – Aggravating and mitigating factors generally in the area of alcohol and drugs

[Order here](#)