

# Darren Finnegan

Call to Bar: 2019



Darren is a criminal and regulatory practitioner. He is a specialist in all areas of road transport law. Owing to his knowledge and experience of dealing adroitly with such cases, his expertise has been sought in this jurisdiction from Northern Ireland where he also still practices. And is the author of

'A Practical Guide to Operator Licensing for Goods and Public Service Vehicles in the United Kingdom'

Darren is known for his ability to quickly grasp any technical issues in a case and summarise them succinctly and clearly. He is enthusiastic and instantly builds a good rapport with clients. This is most clearly demonstrated in both lay clients and professional clients insisting on instructing Darren again where he has previously acted for them.

Darren's expertise in this area not only comes from his knowledge of the law and advocacy but also from his previous career as a long-distance heavy haulage / STGO lorry driver. He is also a qualified transport manager. However, Darren accepts instructions for, and has experience in, many other areas such as general crime and civil litigation of varying types.

## Transport law

Darren has considerable track record in representing operators at public inquiry in Great Britain and Northern Ireland. These public inquiries span applications for operator licences and potential action against existing licences and transport managers.

Often acting for larger corporate clients, Darren frequently deals with issues of financial standing and directors' previous bankruptcy or company liquidation.

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## Practice areas:

Criminal Law

Civil Law

Regulatory

## Professional appointments:

LLB – 1st class Hons.-2018 – Queen's University Belfast having completed an extensive leaving dissertation on financial regulation and the Senior Managers and Certification Regime

Barrister-At-Law –2019 - Postgraduate Diploma in Professional Legal Studies – IPLS

Professional Legal Studies – IPLS Awards Winner of

Queen's University Belfast Moot 2017

Winner of OUP-BPP National Mooting Competition 2018

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Having previously worked as a HGV driver, transport planner and being an international TM CPC holder (alongside being an amateur mechanic), he is able to advise clients on compliance issues relating to maintenance, drivers' hours and staff training

Darren's approach to each public inquiry is to essentially conduct his own audit to ensure the best case possible is presented.

Matters that Darren has dealt with a public inquiry include:

- Possible loss of repute due to convictions, maintenance failings (late PMIs, inadequate roller brake testing etc.), DVSA offences, wheel-loss incidents, failure to report changes etc.
- Loss of repute for transport managers due to no continuous and effective control.
- Allegations of fronting for previously revoked operators.
- Failure to notify the traffic commissioner of material changes or convictions.
- Operating without a licence.
- Questions of whether the operation is truly restricted or if it requires a standard licence.
- Tachograph analysis software anomalies which had produced thousands of missing miles despite this not being the case in reality.
- Cases where vehicles have been involved in accidents causing death and whether this affects good repute.
- Where a company had applied for a licence where the director had previously traded while insolvent under a different licence.
- Cases involving lead traffic commissioners, the process of their nomination and their powers over licences outside their traffic area.
- Prohibition and overloading history.

Darren is ideal for cases which turn on a complicated mechanical issue such as a coach company which had been called to a public inquiry due to prohibitions relating to an attempt to hide a malfunctioning ABS system. The warning light cluster had been wired in such a way to hide the ABS fault. The question then turned on the age of the link wire and whether it could be said to have predated the operator's ownership of the vehicle.

It had successfully been proven that roller brake testing would not have uncovered this issue, nor would a standard inspection beyond taking the warning light cluster panel off. The operator had no action taken against their licence

Similarly, and particularly given Darren's abnormal load experience, bridge strikes are a familiar case for him. Many of these cases turn on a technical understanding of ride hides of various vehicles and whether a lift axle affects this.

Whether it is for 200-vehicle operators or small family operations, Darren always tries to visit the operating centre for conferences with the client.

Appeals to the Upper Tribunal from decisions of a traffic commissioner is a familiar exercise for Darren in both Great Britain and Northern Ireland. Such cases of note are:

- *Bell Transport* [2024] UKUT 44 (AAC)
- *Hurley* [2023] UKUT 4 (AAC)
- *King Transport* [2024] UKUT 47 (AAC)
- *McCaul Transport* [2023] UKUT 5 (AAC)
- *London Bus Group* UA-2023-598-T

Alongside representing companies, Darren has appeared on behalf of civilian and military drivers for driver conduct hearings before the traffic commissioners.

Much of Darren's criminal practice involves representing operators and drivers who have been charged with criminal offences such as drivers' hours offences, maintenance offences, tachograph fraud, fraudulent use of an operator's, record-keeping offences, overloading and insecure load offences.

A recent line of work which Darren has dealt with is civil penalties against drivers and operators under the Carriers Liability Regulations for the discovery of clandestine entrants or a failure to comply with the regulations.

Such is Darren's expertise in this area, he has been asked to train solicitors on this topic. He has delivered CPD training on transport public inquiry procedure to barristers and solicitors in Northern Ireland and is always happy to provide such training if asked. He has also recently delivered a conference talk to transport managers for Logistics UK on law and procedure on load security.

He also keeps an online blog on transport law and practice: <https://transport.law.blog>

## Driving offences

Darren also specialises in road traffic criminal law. He has successfully represented clients in exceptional hardship and special reasons applications alongside dangerous and careless driving trials in both the Magistrates' and the crown court.

Drink and drug driving defences are very familiar to Darren and he is regularly instructed to conduct trials for defendants charged with these offences where, for example, the testing procedure is in dispute or the conducting of back calculations.

Aside from trials on driving matters, Darren is experienced in conducting sentencing hearings for defendants who plead guilty to such offences and is well-versed in mounting a compelling mitigation to reduce a disqualification period or the number of penalty points given.

Darren also has experience in prosecuting driving offences

## Regulatory

Darren has experience in a wide range of regulatory matters outside of transport including:

- Clandestine entrant appeals under the Immigration and Asylum Act 1999
- Driving instructor (ADI) appeals.
- Restaurant licensing appeals.
- Trading Standards prosecutions.
- Information Commissioner prosecutions.
- Animal welfare prosecutions.
- MOT authorisation.
- Pharmacist fitness to practice and supply of controlled drugs.

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## Criminal Law

Darren has enjoyed a varied and busy criminal practice in the crown court and sometimes in the Magistrates' conducting sentencing exercises and running trials in matters such as sexual assaults, domestic violence, drugs offences, fraud, assaults and driving offences.

Transport-related criminal matters are also very familiar to Darren which range from failures to download data to the fraudulent use of an operator's licence and the making of false records. Darren has represented many different sizes and kinds of operators in these criminal matters, from one vehicle operators up to operators with 50+ vehicles. These operators tend to instruct Darren again if they are called to a public inquiry as a result such is their confidence in his ability.

Some cases in which Darren is instructed as sole counsel in the crown court currently are:

- Section 18 wounding.
- Tax fraud.
- Supply of class A and class C drugs.
- Dangerous driving.

## Civil Law

He has experience in acting and advising on matters such as defective housing repairs, landlord and tenant disputes, rights of way and easement injunctions, civil claims against the police and the courts service for wrongful arrest and false imprisonment. Darren also enjoys advising and acting in court on matters such as commercial debt recovery and the registration and enforcement of foreign judgments.

A regular stream of work for Darren consists of credit hire trials for both defendants and claimants along with personal injury actions in both the small claim and the fast track and in dealing with allegations of fundamental dishonesty.

Having had a purely land law and personal injury pupillage, Darren is keen to continue with his civil practice. He has experience in acting and advising on matters such as defective housing repairs, landlord and tenant disputes, rights of way and easement injunctions, civil claims against the police and the courts service for wrongful arrest and false imprisonment. Darren also enjoys advising and acting in court on matters such as commercial debt recovery and the registration and enforcement of foreign judgments.

One line of work which has followed Darren into the bar from his previous volunteering experience with Citizens' Advice is acting for clients in high-value benefit appeals such as recently securing £21,000 for a client who had been denied benefits and acting for a client who had unexpectedly received a £32,000 overpayment notice.