Darren Finnegan

Call to Bar: 2019



Darren is a criminal and regulatory practitioner and is a specialist in road traffic and transport law called in 2019.

He is the author of a book on operator licensing published by Law Brief Publishing.

His previous career was in long-distance heavy haulage (STGO) lorry driving in the UK, Ireland and mainland Europe and has experience in transport planning. Darren is also a qualified Transport Manager

His specialism is such that he practises in England and Wales from Lincoln House Chambers but also at the Bar of Northern Ireland.

Alongside being in court, Darren has an extensive advisory practice both through solicitors and direct access in relation to the exposure of criminal liability of companies operating vehicles or for transport companies seeking advice in relation to their compliance or dealings with their regulator.

Road traffic criminal

Not only does most of Darren's practice involve road traffic criminal matters such as injury or death by dangerous or careless driving, speeding, drink driving and construction and use regulations, he has delivered seminars and training events to lawyers and transport consultants on this topic.

Some notable cases include:

R -v- MD: Defended in a death by careless driving trial. Although convicted, a suspended sentence with no unpaid work was ordered.

R -v- MR: defended in a dangerous driving causing serious injury in the crown court. The driver, MR, was accused of driving dangerously in overtaking another car and colliding with a pedestrian. MR pleaded guilty to causing serious injury by careless driving. MR was acquitted by the jury of causing serious injury by dangerous driving.

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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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R -v- JW: Defended in a failing to provide a sample of blood trial. The case resulted in a judicial review and case stated which is of some significance to the law on providing samples of breath and blood in suspected drink or drug driving cases ([2026] EWHC 1789 (Admin)).

R -v- S: Defended in a careless driving trial in the Magistrates'. DS was a retired fire fighter who pulled out in front of the police responding to an emergency call. Due to the police officer driving at twice the speed limit and likely being too far onto the wrong side of the road to be seen by DS, the prosecution dropped the case. Darren successfully applied for a section 19 costs order due to the mistakes of the police in this prosecution.

R -v- CH: defended in a dangerous driving allegation in the crown court. Darren successfully proved to the jury that the police officer witness had lied in their witness statement and then again to the jury at trial. CH was acquitted by the jury after around 15 minutes of deliberation. Defence costs were ordered and CH made a successful civil claim against the police.

R -v- IM: Defended in a special reasons application for a driver who was speeding. Application successful and no penalty points or disqualification imposed.

R -v- LM: Defended a lorry driver accused of using a phone while driving. Prosecution offered no evidence on the day of trial.

R -v- P: Defended in a careless driving causing serious injury whereby a van collided with a pedestrian. Through the cross-examination of the prosecution's expert witness and the evidence-in-chief of the defence expert, Darren left with the jury the possibility that a low sun combined with an implausible account given by the complainant were enough to explain what happened was something other than by careless driving. After a hung jury, the prosecution did not seek a retrial and P was acquitted.

R -v-MW: Defended in an appeal against sentence for careless driving causing serious injury involving MW turning right at a junction across the path of an oncoming motorcyclist. Having been given a suspended sentence in the Magistrates', Darren secured a community order for MW after the appeal to the crown court.

R -v- AP: defended in a death by careless driving in the crown court whereby a lorry driver collided with a pedestrian. The case was eventually dropped by the prosecution.

R -v- SB: defended in a dangerous driving causing serious injury in the crown court. Although convicted by the jury, due to the unusual circumstances of the case and low culpability, Darren successfully invited the judge to depart from the sentencing guidelines to impose a community order only.

R -v- RJ: Successfully defended in an exceptional hardship application due to RJ having 12 points for speeding.

R -v- CM: Defended in a careless driving causing serious injury in the crown court. After the cross-examination of the complainant, it was established that she had taken drugs before driving and only saw Darren's client a number of seconds before the collision. The prosecution offered no further evidence at that point.

R -v- JT: Defended in a sentencing at the crown court for a lorry driver who pleaded to careless driving causing serious injury to a cyclist.

R -v- HP: Defended in a careless driving causing serious injury trial at the Magistrates'. The prosecution dropped the case on the day of trial.

R -v- IA: Defended in the sentencing of a death by careless driving in the crown court. Suspended sentence secured.

Traffic Commissioner / TRU

Alongside being the author of a textbook for lawyers and transport consultants on this area of law, Darren has provided CPD training to barristers and solicitors on how to conduct these cases.

Darren has appeared many times before the traffic commissioners and the TRU for operators ranging from those operating in excess of 1000 vehicles to those with only one vehicle.

Darren has experience in representing operators on appeal to the Upper Tribunal such as in:

Bell Transport [2024] UKUT 44 (AAC): Appeal against revocation allowed.

Hard Concrete Ltd [2025] UKUT 71 (AAC): Appeal against revocation and disqualification allowed as the DTC ought to have permitted the operator more time to secure legal representation ahead of the initial public inquiry.

Hurley [2023] UKUT 4 (AAC): Appeal against the refusal of a licence allowed.

King Transport [2024] UKUT 47 (AAC): Appeal against revocation and disqualification (dismissed).

McCaul Transport [2023] UKUT 5 (AAC): Appeal against an order of revocation and a decision of the TRU not to adjourn (dismissed).

- Darren has experience in dealing with the following issues in representing operators at public inquiry:
- Loss of repute or fitness
- Establishing financial standing
- Failure to declare material changes such as previous convictions
- Negative MIVRs, TEVRs or DBAs from the DVSA
- Questions over the suitability of operating centres
- Prohibition
- Bridge strikes

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In addition to representing operators at hearings, Darren is often instructed to advise companies on a variety of topics such as:

- Whether to report various events to their traffic commissioner
- How to apply for a licence
- Changing directors, company structure or transport manager
- Whether an operator's licence is required or not
- For international operators, in what jurisdiction should an application be made
- Assisting to draft responses to the DVSA or their traffic commissioner often after a MIVR, TEVR or DBA

A few notable cases are:

Public inquiry in Cambridge: Represented an operator called to a public inquiry due to one of their vehicles having a bridge strike. From the traffic commissioner's review of the compliance documents, there were thousands of missing kilometres. Once an expert was engaged to investigate this, the traffic commissioner was satisfied that this was due to an error in the operator's tachograph analysis software.

Public inquiry in Eastbourne: Represented a company who specialised in recovery work but who also had an operator's licence as some of its work involved the transport of non-disabled vehicles. The main issue for the inquiry was the amount of missing kilometres. Darren satisfied the traffic commissioner that the vast majority of these were due to vehicle movements which were out-of-scope of operator licensing requirements.

Public inquiry in Golborne: Represented a coach operator whose vehicle had been found to have an entirely inoperative ABS. The DVSA at the roadside discovered that the ABS warning light had been rewired so as to prevent the warning light indicating that the system was malfunctioning. It was proved to the satisfaction of the traffic commissioner that, owing to the age of the rewiring, the bus was purchased in this condition and that a roller brake test would never be able to detect the issue. No action taken against the operator.

Public inquiry in Golborne: Represented an operator with a substantial fleet whose driver had killed a cyclist. No action was taken against the operator in respect of that incident but matters of financial standing arose. Although the bank statements showed a lower amount than was required, it was shown to the traffic commissioner's satisfaction that financial standing was ultimately met due to the company's audited accounts, the fact that a significant amount of money was being spent on R&M agreements and that significant assets were being held which could be sold if needed.

Public inquiry in Golborne: Represented at an impounding hearing a Northern Irish company who had been using a vehicle registered in the Republic of Ireland for a short time. The vehicle was a specialist heavy-haulage tractor unit which could not be hired from another UK company. Despite the DVSA witnesses telling the traffic commissioner that the vehicle was being used in breach of cabotage, the traffic commissioner ordered the release of the vehicle due to it being used by an entity which did have an operator's licence. Darren ended up driving the lorry home for the Northern Ireland based operator.

Preliminary hearing in Edinburgh: Attended a hearing on behalf of an operator who was part of an international group of companies. They had been called to a hearing due to their vehicle colliding with a bridge. A number of other compliance issues had emerged in the documents prepared for the hearing. The operator was ultimately not called to a public inquiry.

Belfast public inquiry: An operator was called in order to determine a new application including the transfer of an existing operating centre. A number of issues were raised in relation to historic tachograph infringements. Darren was able to demonstrate that these were likely ferry mode shunts which went into a third movement. Licence granted.

Transport and fleet crime

A large part of Darren's practice involves representing companies and individuals who operate fleets of vehicles and are prosecuted for breaching regulations around those fleets. Darren has also provided training to solicitors and transport consultants on this topic.

Some notable cases which Darren has been involved in are:

DVSA -v- IV Ltd: Represented an operator prosecuted for using a vehicle while being overweight. An absolute discharge was secured due to proving that the company did all it could reasonably have done to prevent the vehicle being used overweight.

DVSA -v- PG: Represented a transport manager accused of forging maintenance records. Case discontinued by the DVSA once it was pointed out to them that the offences charged currently do not exist in law.

DVSA -v- A: Represented the director of a company accused of 64 counts of making false tachograph records. After extensive discussions with the DVSA and a number of reviews at court, the DVSA accepted a plea to 18 counts.

DVSA -v- B Ltd: Represented a company accused of using an overweight vehicle. The DVSA dropped the case once it was pointed out to them that the wrong company had been charged and that it would be too late for them to issue a summons to the correct company.

DVSA -v- AV Ltd: Represented a company and its driver for using an overweight vehicle. Low fine secured through the use of the correct sentencing guidelines for these offences.

R -v- C Ltd: Represented the operator of a mobile crane who was being prosecuted for breaching Construction and Use Regulations. It was obvious that the traffic officer who pulled the vehicle over fundamentally misunderstood the plating of the vehicle. Once these representations were made at the first appearance, the CPS discontinued the case.

DVSA -v- G: Defended a transport manager accused of falsifying decelerometer brake tests. Case discontinued by the DVSA once Darren pointed out to them that the offences G had been charged with could not, in law, have been committed since the underlying Regulations did not exist.

General crime and regulatory

Although the majority of Darren's practice involves criminal road traffic and regulatory road transport matters, he also undertakes general legal aid crime.

Examples of some cases are:

R -v- MA: Represented a defendant charged with six counts of tax fraud and two counts of money laundering amounting to a total of £1.3m. After extensive negotiations with the CPS, a basis of plea was accepted that the tax fraud amounted to no more than £400,000 and that the money laundering would not be continued with. Darren also represented MA in the subsequent POCA proceedings.

R -v- D: Represented a defendant accused of robbery at Manchester crown court. Acquittal secured.

R -v- H: Represented a defendant accused of stalking and strangulation at Preston crown court. Defendant acquitted.

R -v- B: Prosecuted a dangerous driving causing serious injury at Preston crown court on appeal. Conviction upheld after trial.

OMBC -v- RI: Prosecuted a case where the defendant was charged with obstruction of the highway due to the erection of a fence around a property. D was convicted after a two-day trial.

R -v- JB: Defended in a seven-day sexual assault trial at Bolton crown court.

R -v- PS: Secured a modest fine for a defendant who pleaded guilty to offences under the Environmental Protection Act 1990 where 20-tonne of controlled waste was deposited without the appropriate permit.

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