

This is a role-play activity designed to take place on location in a local magistrates' court.

The Cast

3 magistrates one of whom presides

Clerk to the Justices

Crown Prosecutor

Defendant (person charged)

Defendant's solicitor

Usher

The above have speaking parts and follow the prepared script.

Press reporters

Public

The Script

The scene is set in an English country courthouse. All present are seated except the magistrates and the defendant, who remain outside the room. The sound of a buzzer pierces the chatter and silence falls as the Usher calls out in a loud voice.

Usher: All stand please!

(All present stand and face the bench. The magistrates enter, stand behind the bench and bow to the court, pausing as the officers of the court and solicitors bow in return. Thus starts another case in the Magistrates' Court ...)

Clerk: Call the case of Ivor Record, please.

Usher: *(Moves to the door, opens it and calls:)*

Ivor Record please.

(Usher shows defendant to the box.)

Clerk: Please tell the court your name, address and confirm your age.

Defendant: Ivor Record. I live at 1 Main Street, Ingleton. I'm 18 years old.

Clerk: Now Mr Record, you are charged with two offences. The first is what in common language is called drinking and driving but I have to put the charge to you in a slightly different, legal way.

You are charged Mr Record that at High Bentham on June 21st you did drive a motor vehicle after having consumed so much alcohol that the proportion of it in your breath exceeded the prescribed limit. That is contrary to Section 5, sub-section (1) (a) of the Road Traffic Act 1988.

Defendant: Do you understand the charge?
Yes.

Clerk: Do you plead guilty or not guilty?

Defendant: Guilty.

Clerk: The second charge is that at Ingleton Police Station on the same date you were in possession of half a gramme of amphetamine sulphate, a Class B controlled drug, which is contrary to the Misuse of Drugs Act 1971, Section 5 (2).

Do you understand the charge?

Defendant: Yes.

Clerk: This case can be dealt with either here, before the magistrates, or at the Crown Court. You can indicate your plea now. If it is a guilty plea the magistrates will consider sentence or commit you to the Crown Court if their sentencing powers are not adequate. If you enter a not guilty plea or for some other reason decide not to enter a plea then the magistrates will hear more about the case and then decide where it should be tried.

Are you now going to enter a plea and if so, what is it?

Defendant: Guilty.

Clerk: *(looking to the defendant's solicitor.)*

And do those pleas meet with your instructions?

Defendant's Solicitor: *(stands to speak)*

They do, your worships and presuming what you are about to ask for, I now produce my client's driving licence which is a full one, free of any endorsements.

Presiding Magistrate: Thank you. Mr Record, the Crown prosecutor *(looks to the Crown prosecutor)* here will outline the facts of the case and then we shall hear your side from your solicitor. Now Mr Record, you may sit down and listen to what is said.

Crown Prosecutor: *(stands up)*

Your worships, the facts of the case are as follows; at about 10.30 on 21st June the defendant was driving a motor car, registration number ABC123. He was travelling along the by-pass, heading for home having dropped some friends off on the outskirts of the town.

During the journey Police Constable Smith, who was on mobile patrol in a marked police car, followed him. PC Smith's attention was drawn to the car because of the way it was being driven. Record was seen to drive around the roundabout at the southern end of the by-pass without giving a signal, accelerate rapidly, overtake a slower moving vehicle without giving any signal and then turn left at the next roundabout, again without giving a signal.

PC Smith caused the vehicle to stop and spoke to the driver, Record, and asked him about the manner of his driving. Record replied that the reason for his failure to give signals was because he was, and I quote, "Feeling tired because I was out late last night".

PC Smith suspected that Record may have been under the influence of alcohol and requested him to take a roadside breathalyser test. Record agreed to provide a specimen of breath and this proved to be positive.

Record was then arrested and taken to Ripon Police Station where tests on the Camic Breath Analyser showed the lower of two readings to be 58 micrograms of alcohol in 100 millilitres of breath. The legal limit, as your worships well know, is 35 micrograms per 100 millilitres of breath. Record was therefore just over one and a half times the legal limit.

That deals with the drink-drive matter.

The second charge arises from the time Record spent in the Police Station. Whilst being processed for the drink-drive offence, Record was searched as is usual. A single wrap of what was suspected to be a controlled drug was found.

To be fair to the defendant he made a full and frank admission stating that it was his, he believed it to be "speed", that is amphetamine sulphate, and that it was for his own use. Tests have subsequently shown that it was indeed amphetamine sulphate, a Class B drug with a street value of around £4.50.

That is the case and I apply for costs of £57 on each case and an order for the drug to be confiscated.

Defendant's Solicitor: *(stands)*

I am grateful to my friend for outlining the facts of the case, which my client does not seek to dispute.

I will deal with the drink-drive matter first. Mr Record was telling the truth when he told PC Smith that he was tired. He was tired, in fact, because the night before he and a few friends had been out in the city celebrating a birthday. Mr Record knew he was going out with the intention of socialising and deliberately left his car at home so that he would not be tempted to drink and drive. I hope your worships will give him credit for that.

Having started drinking around 8.30pm, Mr Record and his friends visited at least three town-centre pubs before going on to a nightclub, which they left around 2am. Mr Record estimates that he drank about ten or eleven pints of lager. He had very little to eat during the evening.

Mr Record had no intention of driving either that night – or rather the early hours of the morning, or indeed later. However, one of his friends who had stayed at Mr Record's house on their return from their night out, needed to get a train the next morning, the date of the offence. Mr Record decided to take him to the railway station in Harrogate, believing, of course, that he had slept off the effects of the alcohol. It was whilst Mr Record was returning from Harrogate that he was seen by the police officer and stopped.

I ask you to give my client full credit for speaking truthfully with the police, for co-operating fully and pleading guilty at the earliest opportunity. Mr Record has a clean licence but realises that you will have no choice but to disqualify him from driving as from today. I have explained to Mr Record about the drink-driver's rehabilitation course and he will undertake this.

I now turn to the second charge, concerning the possession of a controlled drug. As you heard, whilst Mr Record was being searched at the police station, a single wrap of speed was discovered. He readily admitted it was his and I ask that you give him credit for that. It was a very small amount, for personal use only and there has never been a question of him being thought a supplier or anything like that.

Mr Record does not normally take drugs but on this occasion had been persuaded by someone in the pub – he knows not whom although he admits to having seen the chap around a few times - to buy a wrap of speed for £5.

Foolishly, Mr Record took the packet but he had not got around to trying the drug when the police discovered it. He says he will not touch drugs again and that this experience has taught him a lesson he will not forget in a hurry.

So, there we have it your worships, two offences arising out of one unfortunate incident where no one else suffered or was put at risk. I ask you to give Mr Record credit for having a clean licence, co-operating with the police and being full and frank at all times.

Regarding his personal circumstances I can tell you that Mr Record is employed in a local supermarket. He earns some £135 a week after deductions. He lives at home with his parents and gives them £30 board and lodgings. He spends a further £58 a week on his car for insurance, fuel and tax and about £8 on his mobile phone bill. Although his employer does not know about Mr Record's appearance in court today, my client does not think that he is likely to lose his job. He offers to pay fines and costs at the rate of £15 per week.

Finally my client apologises to the court for the problems he has caused.

Clerk:

That is the case your worships.

Presiding Magistrate: The bench will retire.

Usher: All stand please!

(Everyone stands, the magistrates rise, bow, and leave the court to discuss the case. A short while later the buzzer sounds....)

Usher: All stand please!

(The magistrates enter, bow and sit. Mr Record remains standing.)

Presiding Magistrate: Mr Record I will deal with the drink-driving matter first. In arriving at the penalty we have taken into account your previously unblemished driving record, short though that might be, your timely guilty plea and your co-operation with the police throughout.

You will pay a fine of £130, your licence will be endorsed and you will be disqualified from driving for 18 months. You will also pay costs for this case of £57. You asked to be considered for the driver-rehabilitation course and you will, after payment of the fee and successful completion of the course, have your ban reduced by four months.

Regarding the possession of a controlled drug, again we have taken into account your guilty plea. You are ordered to pay a fine of £50 and costs of £57. We also order that the drug is confiscated and destroyed.

In summary you now owe the court the sum of £294. You will pay this at the rate of £25 a week starting next Monday.

I should tell you that if you have a further drink-drive offence in the next ten years you will, as the law stands, face a disqualification of not less than three years and, if your reading is more than twice the legal limit, you may have to prove you do not have a drink problem before you get your licence back.

Now, are you clear about the penalty and what you have to pay? Do you have any questions?

Defendant: No.

Presiding Magistrate: Very well, you may leave the court.

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