



---

*Number 16 of 2023*

---

**Road Traffic and Roads Act 2023**

---





---

*Number 16 of 2023*

---

## **ROAD TRAFFIC AND ROADS ACT 2023**

---

### CONTENTS

#### PART 1

##### PRELIMINARY AND GENERAL

Section

1. Short title, commencement, collective citations and construction
2. Interpretation

#### PART 2

##### CONSTRUCTION OF REFERENCES TO DRIVING LICENCE CATEGORIES

3. Driving Licence Categories

#### PART 3

##### INFORMATION TO BE PROVIDED WITH APPLICATION FOR VEHICLE LICENCE

4. Amendment of Roads Act 1920

#### PART 4

##### AMENDMENT OF ACT OF 1961

5. Amendment of Act of 1961

#### PART 5

##### DRIVING INSTRUCTION

6. Amendment of Road Traffic Act 1968

#### PART 6

##### AMENDMENT OF ACT OF 1975

7. Fixed charge offences
8. Insertion of new sections 3A to 3H in Act of 1975
9. Amendment of section 4 of Act of 1975
10. Amendment of section 5 of Act of 1975

PART 7

AMENDMENT OF ACT OF 1994

11. Amendment of Act of 1994

PART 8

AMENDMENT OF ACT OF 2002

12. Amendment of Act of 2002

PART 9

AMENDMENT OF ACT OF 2010

13. Amendment of Act of 2010

PART 10

AMENDMENT OF ACT OF 2014

14. Amendment of Act of 2014

PART 11

AMENDMENT OF ACT OF 2016

15. Amendment of section 4 of Act of 2016

PART 12

POWERED PERSONAL TRANSPORTERS AND PEDAL CYCLES

16. Amendment of section 3 of Act of 1961
17. Amendment of section 14 of Act of 1961
18. Amendment of section 20 of Act of 1961
19. Amendment of section 47 of Act of 1961
20. Amendment of section 48 of Act of 1961
21. Amendment of section 54 of Act of 1961
22. Amendment of section 99 of Act of 1961
23. Driver of powered personal transporter holding on to other vehicle
24. Amendment of section 107 of Act of 1961
25. Amendment of section 108 of Act of 1961
26. Amendment of section 110 of Act of 1961
27. Amendment of section 112 of Act of 1961
28. Amendment of section 113 of Act of 1961
29. Amendment of Second Schedule to Act of 1961
30. Amendment of section 35 of Act of 1994
31. Amendment of section 38 of Act of 1994

32. Amendment of section 41 of Act of 1994
33. Amendment of section 4 of Act of 2004
34. Amendment of section 3 of Road Traffic Act 2006
35. Amendment of section 6 of Act of 2010
36. Amendment of section 130 of Finance Act 1992
37. Amendment of section 2 of Act of 1993 - personal powered transporter
38. Amendment of section 43 of Act of 1993
39. Amendment of section 44 of Act of 1993
40. Amendment of section 57 of Act of 1993
41. Amendment of section 68 of Act of 1993

### PART 13

#### ROADS AND PUBLIC TRANSPORT INFRASTRUCTURE

42. Amendment of section 2 of Act of 1993
43. Amendment of section 13 of Act of 1993
44. Amendment of section 19 of Act of 1993
45. Power of An Bord Pleanála to approve scheme or proposed road development that contravenes materially any plan
46. Use of cameras on roads to obtain data
47. Amendment of section 44 of Dublin Transport Authority Act 2008

### PART 14

#### MANAGEMENT OF CERTAIN ROADS AND SPEED LIMITS

48. Amendment of section 2 of Act of 1993 – national managed road
49. National managed road
50. Amendment of section 47 of Act of 1961
51. Amendment of section 95 of Act of 1961
52. Amendment of section 2 of Act of 2004
53. Amendment of section 9 of Act of 2004
54. Special speed limits on national managed roads
55. Speed limits at road works on roads other than national managed roads
56. Amendment of Act of 2004 in relation to national managed roads

### PART 15

#### AMENDMENT OF FINANCE (EXCISE DUTIES) (VEHICLES) ACT 1952

57. Amendment of Finance (Excise Duties) (Vehicles) Act 1952

PART 16

MISCELLANEOUS

58. Functions of Minister in relation to zero to low emission vehicles
59. Effect and validity of certain regulations

## ACTS REFERRED TO

Air Navigation and Transport Act 1973 (No. 29)  
Air Navigation and Transport Act 1975 (No. 9)  
Child Trafficking and Pornography Act 1998 (No. 22)  
Children Act 2001 (No. 24)  
Courts (No. 3) Act 1986 (No. 33)  
Criminal Damage Act 1991 (No. 31)  
Criminal Justice (Public Order) Act 1994 (No. 2)  
Criminal Justice (Safety of United Nations Workers) Act 2000 (No. 16)  
Criminal Justice (Terrorist Offences) Act 2005 (No. 2)  
Criminal Justice (Theft and Fraud Offences) Act 2001 (No. 50)  
Criminal Justice (United Nations Convention Against Torture) Act 2000 (No. 11)  
Criminal Justice Act 2006 (No. 26)  
Criminal Law (Human Trafficking) Act 2008 (No. 8)  
Criminal Law (Jurisdiction) Act 1976 (No. 14)  
Criminal Law (Rape) (Amendment) Act 1990 (No. 32)  
Criminal Law (Sexual Offences) Act 1993 (No. 20)  
Criminal Law (Sexual Offences) Act 2006 (No. 15)  
Criminal Law (Sexual Offences) Act 2017 (No. 2)  
Criminal Law Amendment Act 1885 (48 & 49 Vict., c. 69)  
Data Protection Act 2018 (No. 7)  
Dublin Transport Authority Act 2008 (No. 15)  
European Communities Act 2007 (No. 18)  
Explosive Substances Act 1883 (46 & 47 Vict., c. 3)  
Finance (Excise Duties) (Vehicles) Act 1952 (No. 24)  
Finance Act 1976 (No. 16)  
Finance Act 1992 (No. 9)  
Finance Act 1993 (No. 13)  
Firearms Act 1925 (No. 17)  
Firearms Act 1964 (No. 1)  
Firearms and Offensive Weapons Act 1990 (No. 12)  
Garda Síochána Act 2005 (No. 20)  
Geneva Conventions Act 1962 (No. 11)  
Immigration Act 1999 (No. 22)  
International Criminal Court Act 2006 (No. 30)  
International Protection Act 2015 (No. 66)  
Local Authorities (Traffic Wardens) Act 1975 (No. 14)

Local Authorities (Traffic Wardens) Acts 1975 and 1987  
Local Government Act 2001 (No. 37)  
Maritime Security Act 2004 (No. 29)  
Non-Fatal Offences against the Person Act 1997 (No. 26)  
Offences Against the State Act 1939 (No. 13)  
Petty Sessions (Ireland) Act 1851 (14 & 15 Vict., c. 93)  
Prohibition of Incitement to Hatred Act 1989 (No. 19)  
Punishment of Incest Act 1908 (8 Edw., 7 c. 45)  
Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 (No. 16)  
Road Traffic Act 1961 (No. 24)  
Road Traffic Act 1968 (No. 25)  
Road Traffic Act 1994 (No. 7)  
Road Traffic Act 2002 (No. 12)  
Road Traffic Act 2004 (No. 44)  
Road Traffic Act 2006 (No. 23)  
Road Traffic Act 2010 (No. 25)  
Road Traffic Act 2014 (No. 3)  
Road Traffic Act 2016 (No. 21)  
Road Traffic Acts 1961 to 2010  
Road Traffic Acts 1961 to 2011  
Road Traffic Acts 1961 to 2016  
Road Traffic Acts 1961 to 2018  
Road Traffic and Transport Act 2006 (No. 28)  
Roads Act 1920 (10 & 11 Geo. 5, c. 72)  
Roads Act 1993 (No. 14)  
Roads Acts 1993 to 2015  
Sexual Offences (Jurisdiction) Act 1996 (No. 38)  
Social Welfare Consolidation Act 2005 (No. 26)  
Taxi Regulation Acts 2013 and 2016



---

*Number 16 of 2023*

---

## **ROAD TRAFFIC AND ROADS ACT 2023**

---

An Act to confer functions on the Minister for Transport in relation to zero to low emission vehicles and recharging and refuelling infrastructure relating to such vehicles; to amend and extend the Road Traffic Acts 1961 to 2018; to amend the Roads Act 1920, the Finance Act 1992, the Roads Act 1993, the Local Authorities (Traffic Wardens) Act 1975 and the Dublin Transport Authority Act 2008; to provide for the effect and validity of certain regulations; and to provide for related matters. [23rd June, 2023]

**Be it enacted by the Oireachtas as follows:**

### PART 1

#### PRELIMINARY AND GENERAL

#### **Short title, commencement, collective citations and construction**

1. (1) This Act may be cited as the Road Traffic and Roads Act 2023.
- (2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes and different provisions.
- (3) The Road Traffic Acts 1961 to 2018 and this Act (other than *Parts 3 and 6 and sections 36 to 47*) may be cited as the Road Traffic Acts 1961 to 2023 and shall be read together as one.
- (4) The Roads Acts 1993 to 2015 and *sections 37 to 45* may be cited together as the Roads Acts 1993 to 2023 and shall be read together as one.
- (5) The Local Authorities (Traffic Wardens) Acts 1975 and 1987 and *Part 6* may be cited together as the Local Authorities (Traffic Wardens) Acts 1975 to 2023 and shall be read together as one.

#### **Interpretation**

2. In this Act—  
“Act of 1961” means the Road Traffic Act 1961;

“Act of 1975” means the Local Authorities (Traffic Wardens) Act 1975;

“Act of 1993” means the Roads Act 1993;

“Act of 1994” means the Road Traffic Act 1994;

“Act of 2002” means the Road Traffic Act 2002;

“Act of 2004” means the Road Traffic Act 2004;

“Act of 2010” means the Road Traffic Act 2010;

“Act of 2014” means the Road Traffic Act 2014;

“Act of 2016” means the Road Traffic Act 2016.

## PART 2

### CONSTRUCTION OF REFERENCES TO DRIVING LICENCE CATEGORIES

#### Driving Licence Categories

3. A reference in the Road Traffic Acts 1961 to 2023 or an instrument made thereunder to a driver licensing category in column (1) of the Table below is to be read as a reference to the corresponding category in column (2).

TABLE

Driving licence category (1)	Corresponding driving licence category (2)
A1	A1 and AM
EB	BE
EC	CE
EC1	C1E
ED	DE
ED1	D1E
M	AM

## PART 3

### INFORMATION TO BE PROVIDED WITH APPLICATION FOR VEHICLE LICENCE

#### Amendment of Roads Act 1920

4. The Roads Act 1920 is amended—

- (a) in section 5, by the insertion of the following subsections after subsection (1):

“(1A) Without prejudice to the generality of subsection (1), the particulars that the Minister may prescribe under that subsection may include—

- (a) in the case that the person making the application holds an Irish driving licence or a learner permit, the driver number,

- (b) in the case that the person holds a foreign driving licence, the driver number, licence number, permit number or unique identifier of the person to whom the licence is issued and the country of issue of the licence, or
  - (c) in the case that the person does not hold a driving licence, a learner permit or a foreign driving licence, the person's personal public service number.
- (1B) Where particulars referred to in subsection (1A)(c) are furnished to the Minister, they may, subject to subsection (1C), be used only for the purposes of the performance of functions under the Road Traffic Acts 1961 to 2023 and this Act in relation to the collection of duty owing on vehicle licences, the maintenance of licence records, the endorsement of penalty points and the disqualification of persons for holding a learner permit or driving licence.
- (1C) The Minister may prescribe additional functions under the Road Traffic Acts 1961 to 2023 and this Act in relation to which the particulars specified in subsection (1A)(c) may be used where the Minister is satisfied that such use is necessary in order to enable the Minister to properly carry out those functions.”,
- (b) in section 12, by the insertion of the following subsections after subsection (1A):
- “(1B) Without prejudice to the generality of subsection (1A), the particulars that the Minister may prescribe under that subsection may include—
- (a) in the case that the person making the application holds an Irish driving licence or a learner permit, the driver number,
  - (b) in the case that the person holds a foreign driving licence, the driver number, licence number, permit number or unique identifier of the person to whom the licence is issued and the country of issue of the licence, or
  - (c) in the case that the person does not hold a driving licence, a learner permit or a foreign driving licence, the person's personal public service number.
- (1C) Where particulars referred to in subsection (1B)(c) are furnished to the Minister, they may, subject to subsection (1D), be used only for the purposes of the performance of functions under the Road Traffic Acts 1961 to 2023 and this Act in relation to the collection of duty owing on vehicle licences, the maintenance of licence records, the endorsement of penalty points and the disqualification of persons for holding a learner permit or driving licence.
- (1D) The Minister may prescribe additional functions under the Road Traffic Acts 1961 to 2023 and this Act in relation to which the particulars specified in subsection (1B)(c) may be used where the

Minister is satisfied that such use is necessary in order to enable the Minister to properly carry out those functions.”,

and

(c) in section 17, by the insertion of the following definitions:

“The expressions ‘driving licence’, ‘foreign driving licence’ and ‘Irish driving licence’ have the same meanings as they have in section 3 of the Road Traffic Act 1961;

The expression ‘driver number’ means—

- (a) in the case of a driving licence or a learner permit issued on or after 19 January 2013, the number given at item 4d and described as “*Uimhir tiomána*” or “Driver number” on the licence or permit, as the case may be, or
- (b) in the case of a driving licence or a learner permit issued prior to 19 January 2013, the number given at item 5 and described as “*uimhir tiomána/driver number*” on the licence or permit, as the case may be;

The expression ‘learner permit’ has the same meaning as it has in section 35 of the Road Traffic Act 1961;

The expressions ‘licence record’ and ‘penalty point’ have the same meanings as they have in section 1 of the Road Traffic Act 2002;

The expression ‘personal public service number’ has the same meaning as it has in section 262 of the Social Welfare Consolidation Act 2005;”.

## PART 4

### AMENDMENT OF ACT OF 1961

#### **Amendment of Act of 1961**

**5.** The Act of 1961 is amended—

(a) in section 3(1)—

(i) by the insertion of the following definition after the definition of “approved policy of insurance”:

“ ‘autonomous vehicle’ means a mechanically propelled vehicle that has been designed, constructed, adapted or modified to move autonomously for certain periods of time but in respect of which driver intervention is still expected or required;”,

(ii) by the substitution of the following definition for the definition of “driving”:

“ ‘driving’ includes—

- (a) managing and controlling,
  - (b) in the case of an autonomous vehicle during periods of time in which the vehicle is moving autonomously, monitoring, overseeing and supervising, and
  - (c) in relation to a bicycle, tricycle or powered personal transporter, riding,
- and ‘driver’ and other cognate words shall be construed accordingly;”,
- and
- (iii) by the insertion of the following definition after “vehicle guarantor”:
- “ ‘vehicle identification number (VIN)’ means the alphanumeric code assigned to a vehicle by the manufacturer in order to ensure proper identification of every vehicle;”,
- (b) in section 18(10), by the substitution of the following paragraph for paragraph (m):
- “(m) the keeping, by the issuing authority or other persons specified in the regulations, of records in relation to tests, and the disclosure of such records relating to a vehicle to the owner of the vehicle, or to a person nominated by the owner;”,
- (c) in section 22(2)—
- (i) by the substitution of the following paragraph for paragraph (b):
- “(b) shall be accompanied by—
- (i) evidence, in accordance with regulations made under section 42(2)(cc), that the person has a legal right to reside in the State,
  - (ii) any—
    - (I) certificate of competency,
    - (II) certificate of fitness, or
    - (III) medical report,
 required under regulations under this Act, and
  - (iii) the fee payable on the taking out of such a licence;”,
- and
- (ii) in paragraph (c), by the substitution of the following subparagraph for subparagraph (i):
- “(i) where required under regulations under this Act, a recent photograph of the applicant, and”,
- (d) by the substitution of the following section for section 22B:

- “**22B.** (1) Subject to subsection (2), where a person has been granted an Irish driving licence or a learner permit in respect of vehicles of a category for a period, he or she is disqualified for applying for an Irish driving licence or a learner permit in respect of vehicles of that category for that period or any part of it.
- (2) Where a person who is the holder of a learner permit in respect of vehicles of a category for a period has been granted a certificate of competency in respect of such category, he or she shall not, by virtue of the application of subsection (1), be disqualified for applying for a driving licence in respect of vehicles of that category for any period which, or part of which, is within that period.”
- (e) in section 23A by the insertion of “, for the purposes of an application for an Irish driving licence,” after “by order declare that”,
- (f) by the insertion of the following sections after section 23B:

**“Automatic revocation of driving licence where holder is subject of deportation order**

- 23C.** (1) Where the holder of an Irish driving licence is the subject of a deportation order the licence shall stand revoked.
- (2) A revocation under subsection (1) shall take effect on the date on which the Minister for Justice notifies the Minister, in accordance with subsection (3), of the making of the order.
- (3) Where the Minister for Justice makes a deportation order in respect of a person he or she may notify the Minister of the making of the order and may share the following information with the Minister for the purposes of this section:
- (a) the name of the person who is the subject of the deportation order;
- (b) the date of birth of the person who is the subject of the deportation order;
- (c) where the person who is the subject of the deportation order was issued with a document evidencing that he or she had a legal right to reside in the State, the number associated with that document.
- (4) The Minister and his or her servants or agents shall not use information shared under subsection (3) for any purpose other than the purpose of this section.
- (5) In this section, ‘deportation order’ means a deportation order made or deemed to be made under section 3 of the Immigration Act 1999 or section 51 of the International Protection Act 2015.

**Endorsement of revocation of driving licence on license record relating to holder**

- 23D.** (1) In this section and section 23E, ‘licence’ means an Irish driving licence or learner permit.

- (2) Where the Minister receives a notification under section 23B(3), or where a licence has been revoked in accordance with regulations under section 42(2)(cd), he or she shall cause the fact that the licence stands revoked to be endorsed on the entry (within the meaning of section 1 of the Road Traffic Act 2002) of the person who is the subject of the notification or whose licence has been revoked.

**Retention of revoked driving licence by member of Garda Síochána**

**23E.** (1) Where a person produces an Irish driving licence to a member of the Garda Síochána and the member has reasonable grounds to believe that the licence is one which has been revoked in accordance with section 23C or regulations under section 42(2)(cd), he or she shall retain the licence and forward it to the Minister.

- (2) Where the Minister receives a driving licence under subsection (1) and the licence stands revoked the Minister shall cause the licence to be destroyed and notify the holder of the licence by letter in writing to the address provided by the licence holder with his or her application for the licence or, where the holder has notified the Minister that he or she has changed address, to that address and by such other means as the Minister prescribes.

- (3) Where the Minister receives a licence from a member of the Garda Síochána under subsection (1) and the licence does not stand revoked the Minister shall cause the licence, or a replacement licence, to be furnished to the holder.

- (4) A person may make an application for a licence in accordance with this Act notwithstanding that a licence held by him or her has been revoked pursuant to this section or in accordance with regulations under section 42(2)(cd).”,

(g) in section 33—

- (i) by the insertion of the following subsections after subsection (1):

“(1A) Notwithstanding subsection (1), the Road Safety Authority is deemed to be and have been the issuing authority for the purpose of this section with effect from 1 January 2007 and every act done or purported to have been done by the Road Safety Authority in the performance or purported performance of the functions of the issuing authority under this Act on and from that date and prior to the coming into operation of *section 5(g)(i)* of the *Road Traffic and Roads Act 2023* shall be, and be deemed always to have been, valid and effectual for all purposes.

- (1B) The functions of the issuing authority under subsection (4) are deemed to be and have been delegated to persons appointed, on or after 1 January 2007, by the Road Safety Authority to carry out tests under this section and every act done or purported to have been done by

persons so appointed shall be, and be deemed always to have been, valid and effectual for all purposes.

(1C) If subsection (1A) or (1B) would, but for this subsection, conflict with a constitutional right of any person, the operation of that subsection shall be subject to such limitation as is necessary to secure that it does not so conflict but shall otherwise be of full force and effect.”,

and

(ii) by the insertion of the following subsection after subsection (2):

“(2A) An application for a certificate of competency under this section shall contain the personal public service number allocated and issued to the applicant under section 262(2) of the Social Welfare Consolidation Act 2005.”,

(h) in section 35—

(i) in subsection (2)—

(I) in paragraph (b), by the deletion of “and”, and

(II) by the substitution of the following paragraphs for paragraph (c):

“(c) accompanied by—

(i) the appropriate fee, and

(ii) any photograph of the applicant, certificate of fitness or medical report,

required under regulations under this Act, and

(d) accompanied by evidence, in accordance with regulations made under section 42(2)(cc), that the person has a legal right to reside in the State.”,

(ii) in subsection (6)—

(I) by the deletion of “22(2), (4) and (5),”,

(II) in paragraph (a), by the substitution of “section 35, and” for “section 35”,

(III) in paragraph (b), by the substitution of “section 35.” for “section 35, and”, and

(IV) by the deletion of paragraph (c),

and

(iii) by the insertion of the following subsections after subsection (6):

“(7) In addition to the matters specified in subsection (2), an application for a learner permit shall contain the applicant’s personal public service

number allocated and issued to him or her under section 262(2) of the Social Welfare Consolidation Act 2005.

- (8) Details of an applicant's personal public service number referred to in subsection (7) may be entered in licence records.
- (9) A person to whom this subsection applies may inspect and examine licence records and may take, or be supplied by the Minister or the licensing authority, as may be appropriate, with—
  - (a) such information from the records, and
  - (b) such copies of licence records or of such extracts from such records,as the person may reasonably require.
- (10) Subsection (9) applies to—
  - (a) persons or categories of person with the approval of the Minister in fulfilling obligations under European Union and other international enactments and agreements for the exchange of driver and vehicle information, and
  - (b) such other categories of person and the purpose for such access as may be prescribed.
- (11) In this section, 'licence records' means records maintained under section 60 of the Finance Act 1993.”
  - (i) in section 38, by the substitution of “3 months” for “12 months” in subparagraph (i) of paragraph (a) of subsection (2),
  - (j) in section 42—
    - (i) in subsection (2)—
      - (I) by the insertion of the following paragraphs after paragraph (c):
        - “(ca) the evidence to accompany an application for an Irish driving licence or a learner permit in order to show that the person has a legal right to reside in the State;
        - (cb) the automatic revocation of an Irish driving licence or a learner permit—
          - (i) where a person no longer has a right to reside in the State,
          - (ii) where the evidence that accompanied an application for an Irish driving licence or a learner permit showing that the person had a legal right to reside in the State expires or is revoked,
          - (iii) in circumstances where the evidence that accompanied an application for an Irish driving licence or a learner permit showed that the legal right of the person to reside in the State

was limited or finite, on an anniversary of the date on which the licence is granted,

(iv) where the Minister becomes aware following the grant of an Irish driving licence or a learner permit that—

(I) at the time an Irish driving licence or a learner permit was granted, the applicant did not meet the requirements for the granting of the Irish driving licence or a learner permit, or

(II) the Irish driving licence or a learner permit was obtained by fraud,

on the date on which the Minister notifies the holder of the Irish driving licence or a learner permit,

(ce) the retention of a revoked Irish driving licence or a learner permit by a member of the Garda Síochána, the subsequent destruction of a retained licence and the notification of the holder of the revoked licence;”,

(II) in paragraph (p), by the substitution of “fees;” for “fees.”, and

(III) by the insertion of the following paragraphs after paragraph (p):

“(q) the application to learner permits of harmonised Community codes under Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006<sup>1</sup> on driving licences;

(r) the application to licences of national codes, along with corresponding information indicating—

(i) restrictions on the conditions of validity of a licence, or

(ii) matters voluntarily brought to the Minister’s attention by the holder of the licence.”,

and

(ii) by the insertion of the following subsections after subsection (3):

“(3A) The Minister may make regulations providing for—

(a) minimum standards of physical and mental fitness (including different standards in relation to a driving licence or learner permit in respect of different categories of vehicle) to be met by a person when he or she is making an application for a driving licence or learner permit,

(b) the classes of persons who, when applying for a driving licence or learner permit, are required to produce a medical report that certifies that the person meets standards prescribed under paragraph (a),

---

<sup>1</sup> OJ No. L 403, 30.12.2006, p. 18

- (c) the classes of persons who may carry out a medical examination and sign a medical report that certifies that a person meets standards prescribed under paragraph (a), and
  - (d) the form of a medical report for the purposes of paragraph (b).
- (3B) The Minister may publish guidelines to be followed by a person who carries out a medical examination or signs a report for the purposes of the production of a medical report referred to in subsection (3A)(b).
- (3C) A person who certifies that a person meets standards prescribed under subsection (3A)(a) who, at the time of so certifying, knows this to be false, or who includes in a medical report referred to in subsection (3A)(b), information which he or she knows to be false, is guilty of an offence.”
- (k) in section 53(1)—
- (i) by the deletion of “in a public place”, and
  - (ii) by the insertion of “in which it is driven” after “condition and use of the place”,
- (l) by the insertion of the following sections after section 56:
- “Obligation to supply vehicle insurer or certain intermediaries with certain information**
- 56A.** (1) For the purpose or in the course of obtaining the issue of an approved policy of insurance and to assist a vehicle insurer or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf to comply with its obligations under section 78A, a person, other than a fleet owner or motor trader, shall supply to the insurer or intermediary the following information:
- (a) his or her name and address and the name of any other person who is to be named in particular 6 of the certificate of insurance;
  - (b) the date of birth of each person to whom paragraph (a) applies;
  - (c) the registration number or, in the event that the registration number is not available, the vehicle identification number (VIN) or any other unique identifying number given by the manufacturer, if available;
  - (d) in respect of each person who is to be named in particular 6 of the certificate of insurance—
    - (i) the country of issue of the licence or permit, and
    - (ii) in the case the person concerned holds—

- (I) an Irish driving licence, the number given at item 4d and described as ‘*Uimhir tiomána*’ or ‘Driver number’ on the licence,
  - (II) a learner permit, the number given at item 4d and described as ‘*Uimhir tiomána*’ or ‘Driver number’ on the permit, or
  - (III) a foreign driving licence, the driver number, licence number or unique identifier of any person to whom the licence is issued.
- (2) Any change or error in respect of the information which has been provided pursuant to subsection (1) shall be notified by the person to whom the approved policy of insurance is issued or to be issued to the vehicle insurer or intermediary referred to in that subsection as soon as is practicable.
- (3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a class E fine.
- (4) For the purpose of or in the course of obtaining an approved policy of insurance and to assist a vehicle insurer or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf to comply with its obligations under section 78A, a fleet owner or motor trader shall supply to the vehicle insurer or intermediary, as the case may be—
- (a) his or her name and address and the names of any other person to be named in particular 6 of the certificate of insurance, and
  - (b) where applicable, the class or classes of driver whose liability is proposed to be covered by the policy.
- (5) Any change or error in respect of the information which has been provided pursuant to subsection (4) shall be notified by the fleet owner or motor trader, as the case may be, to the vehicle insurer or intermediary referred to in that subsection as soon as is practicable.
- (6) A person who contravenes subsection (5) commits an offence and is liable on summary conviction to a class E fine.
- (7) A fleet owner or motor trader, as the case may be, shall, in respect of an approved policy of insurance to which subsection (4) refers, supply to MIBI within 14 days—
- (a) of the issuing of an approved policy of insurance, in respect of a person named in particular 6 of the certificate of insurance—
    - (i) his or her date of birth, and
    - (ii) the information specified in paragraph (d)(i), (ii) or (iii), as the case may be, of subsection (1),

- (b) of a person's name being added to particular 6 of the certificate of insurance, his or her name and date of birth and such of the information specified in paragraph (d)(i), (ii) or (iii), as is relevant to him or her, and
  - (c) of a vehicle being in the possession of the fleet owner or motor trader, as the case may be, the registration number or, in the event that the registration number is not available, the Vehicle Identification Number (VIN) or any other unique identifying number given by the manufacturer, if available.
- (8) Where a vehicle is in the possession of a fleet owner or motor trader for 14 days or less, the requirement under subsection (7)(c) does not apply.
  - (9) Any change or error in respect of the information provided pursuant to subsection (7)(a), (b) or (c) shall be notified by the fleet owner or motor trader to MIBI within 5 days of the change occurring or the error coming to the attention of the owner or trader, as the case may be.
  - (10) A person who contravenes subsection (7) or (9) commits an offence and is liable on summary conviction to a class E fine.
  - (11) A vehicle insurer shall not issue a policy of insurance to a person who fails to supply the information required under subsection (1) or (4).
  - (12) A person who contravenes subsection (11) commits an offence and shall be liable on summary conviction to a class E fine.
  - (13) Where an offence under this section is committed by a body corporate and it is proved that the offence was committed with the consent or the connivance, or was attributable to any wilful neglect, of a person who, when the offence was committed, was a director, manager, secretary or other officer of the body corporate, or a person purporting to act in that capacity, that person, as well as the body corporate, is guilty of an offence and may be proceeded against and punished as if he or she were guilty of the first-mentioned offence.
  - (14) In proceedings for an offence under this section or section 78A it shall be a defence for a body corporate against which such proceedings are brought to prove that it took all reasonable steps and exercised all due diligence to avoid the commission of the offence.
  - (15) For the purposes of this section and section 78A—
    - (a) a renewal of an approved policy of insurance shall be deemed to be an issue thereof,
    - (b) 'certificate of insurance' means the certificate the form of which is in the Second Schedule to the Road Traffic (Compulsory Insurance) Regulations 1962 (S.I. No. 14 of 1962),

- (c) ‘fleet owner’ has the same meaning as it has in the Road Traffic (Insurance Disc) Regulations 1984 (S.I. No. 355 of 1984),
- (d) ‘MIBI’ means the Motor Insurers’ Bureau of Ireland, and
- (e) ‘motor trader’ means a person carrying on the business of manufacturing, dealing in, distributing or repairing vehicles (but excluding a person carrying on the business of manufacturing, dealing in or distributing components or parts for vehicles or of the carriage of vehicles).

**Transitional provision (section 56A)**

**56B.** Where, immediately after the commencement of section 56A, a person is in the process of submitting information to an insurer or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf for the purpose, or in the course, of obtaining the issue of an approved policy of insurance, but the policy has not issued to him or to her, the provisions of section 56A shall apply.”,

(m) in section 58—

(i) by the substitution of the following subsection for subsection (1):

“(1) In this Act, ‘vehicle insurer’ means an insurer or an insurer authorised in another Member State—

- (a) issuing policies covering risk in the State classified under class 10 in Part 1 of Schedule 1 to the European Union (Insurance and Reinsurance) Regulations 2015 (S.I. No. 485 of 2015), and
- (b) which is a member of the Motor Insurers’ Bureau of Ireland, other than an insurer that issues policies covering carrier’s liability only.”,

and

(ii) by the deletion of subsection (2),

(n) in section 78, by the substitution of the following subsections for subsection (1):

“(1) Subject to subsection (1A), a person shall not issue policies covering risk in the State classified under class 10 in Part 1 of Schedule 1 to the European Union (Insurance and Reinsurance) Regulations 2015 (S.I. No. 485 of 2015), unless the person is a member of the Bureau.

(1A) The policies referred to in subsection (1) exclude policies covering carriers’ liability only.”,

(o) by the substitution of the following section for section 78A:

**“78A.** (1) MIBI shall maintain a database of information specified in subsections (2), (3), (4), (5) and (7), and of information submitted to it under section 56A(7) and (9), and is designated as a data controller in

relation to personal data processed for the purposes of this section and section 56A.

- (2) A vehicle insurer or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf shall, within 5 working days after it has issued an approved policy of insurance, notify MIBI of the following information in respect of persons to whom section 56A(1) applies:
  - (a) the name and address of the person to whom the policy of insurance is issued and the name of any other person named in particular 6 of the certificate of insurance;
  - (b) the date of birth of a person to whom paragraph (a) applies;
  - (c) any limitations as to the use of a mechanically propelled vehicle to which the policy relates;
  - (d) the policy number and the period of cover of the policy;
  - (e) the registration number or, in the event that the registration number is not available, the Vehicle Identification Number (VIN) or any other unique identifying number given by the manufacturer, if available;
  - (f) in respect of each person named in particular 6 of the certificate of insurance—
    - (i) the country of issue of the licence or permit, and
    - (ii) in the case the person concerned holds—
      - (I) an Irish driving licence, the number given at item 4d and described as ‘*Uimhir tiomána*’ or ‘Driver number’ on the licence,
      - (II) a learner permit, the number given at item 4d and described as ‘*Uimhir tiomána*’ or ‘Driver number’ on the licence, or
      - (III) a foreign driving licence, the driver number, licence number or unique identifier of any person to whom the licence is issued.
- (3) Where a vehicle insurer or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf becomes aware of any error in or change to information provided to the insurer under section 56A(1), the insurer or intermediary, as the case may be, shall, within 5 working days of being made aware of the change or error, notify MIBI of such change or error.
- (4) A vehicle insurer or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf shall, within 5 working days after it has issued an approved policy of insurance to a

fleet owner or motor trader, notify MIBI of the following information in respect of that policy:

- (a) the name and address of the fleet owner or motor trader, as the case may be, and the names of any person named in particular 6 of the certificate of insurance;
  - (b) any limitations as to the use of a mechanically propelled vehicle to which the policy relates;
  - (c) the policy number and the period of cover of the policy.
- (5) A vehicle insurer or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf shall ensure that any changes or errors with respect to the matters provided for in subsection (4) are notified to MIBI within 5 working days after the insurer or intermediary, as the case may be, becomes aware of the change or error.
- (6) A vehicle insurer or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf who contravenes subsection (2), (3), (4), (5) or (7) commits an offence and is liable on summary conviction to a class E fine.
- (7) A vehicle insurer or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf shall, within 5 working days after it has cancelled an approved policy of insurance, notify MIBI of the cancellation.
- (8) MIBI may process data received by it under subsections (2), (3), (4), (5) and (7) and section 56A(7) and (9) for the purposes of its functions under Regulations 5 and 6 of the European Communities (Fourth Motor Insurance Directive) Regulations 2003 (S.I. No. 651 of 2003).
- (9) MIBI shall make available data received by it under subsections (2), (3), (4), (5) and (7) and section 56A(7) and (9) to—
- (a) the Minister, for the purposes of the Minister's functions under section 60 of the Finance Act 1993 in respect of the National Vehicle and Driver File and for the purposes of the Minister's functions under section 2 of the Road Traffic and Transport Act 2006 in respect of an operator's licence,
  - (b) the Garda Síochána, for the purposes of carrying out its functions in respect to enforcement of the Road Traffic Acts 1961 to 2023,
  - (c) the National Transport Authority, for the purposes of its functions under the Taxi Regulation Acts 2013 and 2016 and the Taxi Regulation (Small Public Service Vehicles) Regulations 2015 (S.I. No. 33 of 2015),
  - (d) a vehicle insurer or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf who

provided it with information under subsection (2), (3), (4), (5) or (7), and

- (e) a vehicle insurer or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf for the purposes of verifying information provided pursuant to section 56A(7) and (9) in circumstances where there is an approved policy of insurance to which section 56A(4) applies.
- (10) MIBI shall, within 18 months of the commencement of this section and thereafter annually, submit to the Minister a report in relation to its operation of the database maintained by it pursuant to subsection (1).
- (11) MIBI may, subject to regulations made by the Minister for that purpose, make available the information specified in subsections (2), (3), (4), (5) or (7) and section 56A(7) and (9)—
  - (a) to the recipients specified in subsection (9) for such further purposes as may be specified in the regulations, and
  - (b) to such further recipients as may be specified in the regulations for such further purposes as may be specified therein.
- (12) In this section—
  - ‘National Vehicle and Driver File’ means records established and maintained by the Minister under section 60 of the Finance Act 1993;
  - ‘operator’s licence’ has the same meaning as it has in section 2(9) of the Road Traffic and Transport Act 2006.’.

(p) by the insertion of the following section after section 109:

**“Powers of Garda Síochána in relation to dangerous driving**

- 109A.** (1) Where a member of the Garda Síochána reasonably believes that a vehicle has been, or is being, driven or used (or is likely to be driven or used) in any place in which it is, or is likely to be, dangerous to any persons present (including the driver or user) or persons who might reasonably be expected to be present, the member may do all or any of the following:
- (a) require any person driving or using any such vehicle—
    - (i) to stop and keep the vehicle stationary for such period as is reasonably necessary in order to enable such member to discharge his or her duties,
    - (ii) to give to the member his or her name and address and date of birth,

- (iii) to exit, dismount or otherwise relinquish charge and control of the vehicle, or
    - (iv) to leave the place concerned;
  - (b) seize, remove, store and subsequently dispose of the vehicle, subject to this section.
- (2) For the purposes of subsection (1)(b), where a member of the Garda Síochána identifies the driver or user of the vehicle, the member shall, in so far as is practicable, inform the person of the seizure of the vehicle.
- (3) A member of the Garda Síochána may, for the purposes of exercising a power under subsection (1), enter without warrant (if need be by use of reasonable force) any place including the curtilage of a dwelling but not the dwelling.
- (4) A person who fails or refuses to comply with a requirement under subsection (1) or who obstructs or impedes, or assists another person to obstruct or impede, a member of the Garda Síochána in the exercise of his or her powers under subsection (1) or (3), including by giving a name or address or date of birth which is false or misleading when required to give such under subsection (1)(a)(ii), shall be guilty of an offence and shall be liable on summary conviction to a class A fine or, at the discretion of the court, to imprisonment for any term not exceeding six months or to both such fine and such imprisonment.
- (5) A member of the Garda Síochána may arrest without warrant a person who in the member's opinion is committing or has committed an offence under this section.
- (6) A vehicle shall not be disposed of under this section before the expiration of a period of 2 months from the date of its seizure under subsection (1)(b).
- (7) Following the seizure of a vehicle under subsection (1)(b), but prior to the disposal of the vehicle, any person may apply to the District Court for the area within which the vehicle was seized for an order releasing the vehicle.
- (8) A person intending to make an application under subsection (7) shall give notice in writing before the expiry of the period of 2 months referred to in subsection (6) to a Superintendent of the Garda Síochána in the division in which the vehicle was seized.
- (9) On being satisfied by evidence adduced by or on behalf of the applicant that he or she is the owner, and that—
  - (a) at the time at which the vehicle was seized it was being driven or used by another person without his or her consent, or

(b) he or she will not drive or use the vehicle, or allow the vehicle to be driven or used, in any place in which it is, or is likely to be, dangerous to any persons present (including the driver or user) or persons who might reasonably be expected to be present,

the court shall direct the release of the vehicle to a person specified in the order.

- (10) In making an assessment under subsection (9)(b), the court, without prejudice to its power to have regard to all of the matters that appear to the court to be relevant, may, in particular, have regard to the circumstances and the conduct of the applicant at the time at which the vehicle was seized and whether or not the vehicle or another vehicle owned by the applicant has been seized under subsection (1)(b) on any other occasion.
- (11) The decision of the District Court on an application under subsection (7) shall be final save that, by leave of that court, an appeal shall lie to the High Court on a point of law.
- (12) The standard of proof on an application for the release of a vehicle under this section shall be that applicable to civil proceedings.
- (13) Where no application is made for the release of a vehicle seized under this section or the District Court refuses an application to release the vehicle, the Commissioner of the Garda Síochána may dispose of the seized vehicle in any manner he or she thinks fit.
- (14) No action shall lie in respect of anything done in good faith and without negligence in the course of the seizure, removal, storage, release or disposal of a vehicle under this section.”

and

(q) in section 115, by the insertion of the following subsection after subsection (6):

“(6A) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings for an offence under this section may be instituted within 2 years from the date on which the offence was committed.”

## PART 5

### DRIVING INSTRUCTION

#### **Amendment of Road Traffic Act 1968**

**6.** The Road Traffic Act 1968 is amended—

- (a) in section 6, by the substitution of “Schedule 1” for “the Schedule”,
- (b) in section 18—

- (i) by the insertion of the following subsection after subsection (1A):
  - “(1B) The Road Safety Authority shall be responsible for the licensing of persons and the registration of licensed driving instructors in accordance with regulations made under this section.”,
- (ii) in subsection (2)—
  - (I) in paragraph (a), by the insertion of “, and subsequent surrender or return,” after “revocation and suspension”,
  - (II) in paragraph (aa)—
    - (A) by the substitution of “plates, cards and badges” for “plates and badges”,
    - (B) by the substitution of “plate, card or badge” for “plate or badge” in both places it occurs, and
    - (C) by the insertion of “, and subsequent surrender or return” after “withdrawal”,
  - (III) in paragraph (aaa), by the substitution of—
    - (A) “licence or badge, card or plate” for “licence or badge or plate”, and
    - (B) “plate, card or badge” for “plate or badge”,
  - (IV) by the substitution of the following paragraph for paragraph (b):
    - “(b) the qualifications of, tests to be passed by and courses of training to be undertaken by, persons in order to become and remain licensed driving instructors;”,
  - (V) by the insertion of the following paragraph after paragraph (c):
    - “(cc) the maintenance of a register of licensed driving instructors, the form of such register, the particulars to be entered on such register and the persons by whom, and the manner in which, the information contained in the register shall be made available;”,
  - (VI) by the insertion of the following paragraphs after paragraph (e):
    - “(ee) the notification by a licensed driving instructor to the Road Safety Authority where a person has completed a course, or part of a course, of training with the instructor,
    - (ef) the transfer of information between licensed driving instructors and the Road Safety Authority;”,
  - (VII) in paragraph (k), by the substitution of “plate, card or badge” for “plate or badge”,
  - (VIII) by the insertion of the following paragraph after paragraph (k):

- “(kk) the carrying out of tests in respect of licensed driving instructors consisting of observation by an examiner of an instruction lesson given by the instructor to a learner driver or the examiner;”,
- (IX) in paragraph (l), by the substitution of “licences, cards or badges” for “licences or badges”,
- (X) by the insertion of the following paragraph after paragraph (l):
- “(la) the return of expired licences, cards and badges issued under regulations under this section;”,
- and
- (XI) in paragraph (o) by the substitution of “subsections (8) and (9)” for “subsection (8)”,
- and
- (iii) by the insertion of the following subsection after subsection (7):
- “(8) Where an applicant for a licence under regulations under this section is convicted of an offence under subsection (7) he or she shall be prohibited from holding such a licence for the period prescribed in regulations under this section in respect of the offence.
- (9) Where the holder of a licence is convicted of an offence under subsection (7), the licence shall stand revoked or, as the case may be, suspended in accordance with regulations under this section for the period prescribed in such regulations in respect of the offence.”,
- (c) by the insertion of the following section after section 18:

**“Disqualification of driving instructors**

- 18A.** (1) An applicant for, or the holder of, a licence shall notify the Authority in writing if he or she has been, or is, convicted of an offence specified in Schedule 2.
- (2) A person convicted of an offence specified in Part 1 of Schedule 2 is disqualified for holding a licence for life from the date of such conviction.
- (3) Subject to subsection (4), a person convicted of an offence specified in Part 2 of Schedule 2 shall be disqualified for holding a licence for a period of 3 years from the date of such conviction.
- (4) Where, on foot of a conviction for an offence referred to in subsection (3), the person is sentenced to a term of imprisonment, the period of disqualification referred to in that subsection shall be extended by such term of imprisonment.
- (5) Where, on foot of a conviction for an offence specified in Part 3 of Schedule 2, a person is disqualified for holding a driving licence for a specified period, the person shall be disqualified for holding an

instructor's licence for the specified period and for a further period of 3 years.

- (6) A notification under subsection (1) shall be made—
- (a) where the person was convicted of the offence before making the application, at the time of making the application, and
  - (b) where the person convicted is the holder of a licence, within—
    - (i) 3 months of the commencement of this subsection, or
    - (ii) 28 days of the expiry of the time allowed for appealing such conviction or of the determination or withdrawal of the appeal of such conviction,whichever is the later.
- (7) A notification under subsection (1) shall include details of—
- (a) the nature of the offence,
  - (b) whether the conviction is one of a number of convictions for the same or different offences,
  - (c) any penalty or sentence suffered on foot of the conviction, and
  - (d) any disqualification or forfeiture imposed on foot of the conviction.
- (8) Where a person is disqualified for holding a licence under this section—
- (a) the Authority shall not grant a licence to the person, and
  - (b) any licence held by the person shall stand revoked.
- (9) A person who fails to notify the Authority in accordance with this section or who provides information to the Authority under this section, knowing it to be false or misleading, commits an offence.
- (10) In this section—
- 'Authority' means the Road Safety Authority;
  - 'licence' means a licence authorising a person to give for reward instruction in or in respect of driving a mechanically propelled vehicle.
- (11) A reference in this section to an offence specified in Schedule 2 includes a reference to an offence under the law of another jurisdiction which corresponds to that offence where the conduct constituting the offence under the law of that other jurisdiction would, if committed in the State, constitute an offence referred to in Schedule 2.”,
- (d) in the Schedule to that Act by the substitution of “Schedule 1 - Minor and consequential amendments of Principal Act” for “Schedule - Minor and consequential amendments of Principal Act”, and

(e) by the insertion of the following Schedule after the Schedule to that Act:

- Section 18A
- “SCHEDULE 2
- SPECIFIED OFFENCES
- PART 1
- LIFE DISQUALIFICATION
- COMMON LAW OFFENCES
1. Murder.
  2. Rape.
- INTERNATIONAL OFFENCES
3. An offence under section 7 or 8 of the International Criminal Court Act 2006.
  4. An offence under section 3 of the Geneva Conventions Act 1962.
- SEXUAL OFFENCES
5. An offence under section 3 or 6 of the Criminal Law Amendment Act 1885.
  6. An offence under section 1 or 2 of the Punishment of Incest Act 1908.
  7. An offence under section 2, 3 or 4 of the Criminal Law (Rape) (Amendment) Act 1990.
  8. An offence under section 5 of the Criminal Law (Sexual Offences) Act 1993.
  9. An offence under section 2 of the Sexual Offences (Jurisdiction) Act 1996.
  10. An offence under section 3 of the Child Trafficking and Pornography Act 1998.
  11. An offence under section 2 of the Criminal Law (Sexual Offences) Act 2006.
  12. An offence under section 21 or 22 of the Criminal Law (Sexual Offences) Act 2017.
- TORTURE
13. An offence under section 2 or 3 of the Criminal Justice (United Nations Convention Against Torture) Act 2000.

## SUPPRESSION OF TERRORISM

14. An offence under section 6, 9(1), 10(1) or 11 of the Criminal Justice (Terrorist Offences) Act 2005.

## PART 2

## DISQUALIFICATION FOR SPECIFIED PERIOD

## COMMON LAW OFFENCE

1. Manslaughter.

## OFFENCES AGAINST THE PERSON

2. An offence under section 18 or 19(1) of the Criminal Justice (Public Order) Act 1994.
3. An offence under the Non-Fatal Offences against the Person Act 1997 (other than section 2 or 16).

## SEXUAL OFFENCES

4. An offence under section 3 of the Sexual Offences (Jurisdiction) Act 1996.
5. An offence under section 4, 4A, 5 or 5A of the Child Trafficking and Pornography Act 1998.
6. An offence under section 246 or 249 of the Children Act 2001.
7. An offence under section 3 or 3A of the Criminal Law (Sexual Offences) Act 2006.
8. An offence under section 3, 4, 5, 6, 7 or 8 of the Criminal Law (Sexual Offences) Act 2017.

## HUMAN TRAFFICKING OFFENCES

9. An offence under section 2, 4 or 5 of the Criminal Law (Human Trafficking) Act 2008.

## THEFT AND FRAUD OFFENCES

10. An offence under section 2(2)(b), 3(b) or 4(b)(i) of the Criminal Damage Act 1991.
11. An offence under section 13 or 14 of the Criminal Justice (Theft and Fraud Offences) Act 2001.

## FIREARMS OFFENCES

12. An offence under section 2 or 15 of the Firearms Act 1925.

13. An offence under section 26 or 27 (inserted by sections 57 and 58, respectively, of the Criminal Justice Act 2006) of the Firearms Act 1964.
14. An offence under section 8, 9, 10 or 11 of the Firearms and Offensive Weapons Act 1990.

UNLAWFUL TAKING OF MOTOR VEHICLE

15. An offence under section 112 of the Road Traffic Act 1961.

PUBLIC ORDER OFFENCES

16. An offence under section 14, 15, 16 or 17 of the Criminal Justice (Public Order) Act 1994.
17. An offence under section 176 of the Criminal Justice Act 2006.

OFFENCES IN RELATION TO AIRCRAFT AND VEHICLES

18. An offence under section 11 of the Air Navigation and Transport Act 1973.
19. An offence under section 3 of the Air Navigation and Transport Act 1975.
20. An offence under section 10 of the Criminal Law (Jurisdiction) Act 1976.

OFFENCES AGAINST THE STATE

21. An offence under section 7(1), 8(1) or 9(1) or (2) of the Offences Against the State Act 1939.

INTERNATIONAL

22. An offence under section 4 of the Geneva Conventions Act 1962.
23. An offence under section 2, 3 or 4 of the Criminal Justice (Safety of United Nations Workers) Act 2000.

EXPLOSIVES

24. An offence under section 2 or 3 of the Explosive Substances Act 1883.

MARITIME SECURITY OFFENCES

25. An offence under section 2 or 3 of the Maritime Security Act 2004.

INCITEMENT TO HATRED

26. An offence under section 2 of the Prohibition of Incitement to Hatred Act 1989.

## PART 3

## DISQUALIFICATION FOR A SPECIFIED PERIOD

## (ROAD TRAFFIC OFFENCES)

1. An offence under section 52 of the Road Traffic Act 1961.
2. An offence under section 53 of the Road Traffic Act 1961.
3. An offence under section 4 of the Road Traffic Act 2010.
4. An offence under section 5 of the Road Traffic Act 2010.
5. An offence under section 12 or section 14 of the Road Traffic Act 2010.

## ACCOMPLICES

References in this Schedule to an offence include references to participation as an accomplice of a person who commits the offence.”.

## PART 6

## AMENDMENT OF ACT OF 1975

**Fixed charge offences**

7. The Act of 1975 is amended by the substitution of the following section for section 3:

“3. (1) Sections 3A to 3H apply to such of the offences specified in subsection (2) as may be declared by the Minister by regulations made after consultation with the Minister for Justice to be fixed charge offences.

(2) The offences referred to in subsection (1) are as follows:

- (a) an offence under the Road Traffic Acts 1961 to 2023 relating to the prohibition or restriction of the stopping or parking of mechanically propelled vehicles;
- (b) an offence under section 11 of the Act of 1961 of contravening the Road Traffic (Display of Test Disc) Regulations 2009 (S.I. No. 548 of 2009);
- (c) an offence under section 73 of the Finance Act 1976;
- (d) an offence under section 13 of the Roads Act 1920 of using a vehicle for which a licence under the Finance (Excise Duties) (Vehicles) Act 1952 is not in force;
- (e) an offence under regulations under the Roads Act 1920 of not fixing to and exhibiting on a vehicle in the manner prescribed by

those regulations a licence in respect of the vehicle for the time being in force taken out under the Finance (Excise Duties) (Vehicles) Act 1952.

- (3) A reference in sections 3A to 3H to a fixed charge offence is a reference to an offence so declared by the Minister under subsection (1).”.

### **Insertion of new sections 3A to 3H in Act of 1975**

8. The Act of 1975 is amended by the insertion of the following sections after section 3:

#### **“Fixed charge notice – service**

**3A.** (1) Where a traffic warden has reasonable grounds for believing that a fixed charge offence is being or has been committed by a person, the warden shall, in accordance with this section—

- (a) if the warden identifies the person, serve, or cause to be served, personally or by post, on the person a fixed charge notice, or
- (b) if the warden does not identify the person and the offence involves the use of a mechanically propelled vehicle—
  - (i) serve, or cause to be served, personally or by post, on the registered owner of the vehicle a fixed charge notice, or
  - (ii) affix such notice to the vehicle.

(2) A prosecution in respect of a fixed charge offence shall not be instituted by a local authority unless a fixed charge notice in respect of the alleged offence has been served on the person concerned or affixed to his or her vehicle under this section and the person fails to pay the fixed charge in accordance with the notice.

(3) Where a fixed charge notice is being served on a person identified under subsection (1)(a) or on a registered owner where subsection (1)(b)(i) applies, it may be served—

- (a) in the case of personal service—
  - (i) where the person is identified, by—
    - (I) delivering it to the person, or
    - (II) leaving it at the address—
      - (A) at which the person ordinarily resides,
      - (B) which, at the time of the alleged offence, the person gave to the warden referred to in subsection (1), or
      - (C) at which the vehicle is registered, where the person is the registered owner of the vehicle at the time of the alleged offence,

or

- (ii) where the person is not identified, by delivering it or leaving it at the address at which the vehicle is registered at the time of the alleged offence,

or

- (b) in the case of postal service—
  - (i) where the person is identified, by posting it to the address (inside or outside the State)—
    - (I) at which the person ordinarily resides,
    - (II) which, at the time of the alleged offence, the person gave to the warden referred to in subsection (1), or
    - (III) at which the vehicle is registered, where the person is the registered owner of the vehicle at the time of the alleged offence,

or

- (ii) where the person is not identified, by posting it to the address at which the vehicle is registered at the time of the alleged offence.

(4) Where—

- (a) a fixed charge notice is served on the registered owner of a mechanically propelled vehicle under paragraph (a) or (b)(i) of subsection (1) or affixed to such a vehicle under subsection (1)(b) (ii), and
- (b) the registered owner of the vehicle was not driving or otherwise using the vehicle at the time of the commission of the alleged offence to which the notice relates,

the registered owner shall—

- (i) not later than 28 days after the date of the notice, give or send to a traffic warden at the place specified in the notice a document in the prescribed form signed by the registered owner and stating the name and address of the person who was driving or otherwise using the vehicle at the time of such commission, and
  - (ii) give or send to a traffic warden, within such period as may be specified by the warden, at the place specified in the notice such other information within his or her knowledge or procurement as the warden may reasonably request for the purpose of identifying, and establishing the whereabouts of, the person referred to in paragraph (i).
- (5) Where a registered owner is giving or sending in accordance with subsection (4)(i) the name and address of the person who was driving

or otherwise using the vehicle concerned, the onus is on the registered owner to be able to show proof of giving or sending the name and address.

- (6) In a prosecution for an offence under section 3E(2), it shall be presumed, unless the contrary is shown, that no name or address was given or sent in accordance with subsection (4)(i) or information given or sent in accordance with subsection (4)(ii).
- (7) For the purposes of paragraph (i) and (ii) of subsection (4), where the registered owner of the vehicle concerned is not an individual, the obligation under that provision shall be discharged by a person acting on behalf of or employed by the registered owner.
- (8) A local authority in whose functional area a fixed charge offence was committed shall, not later than 28 days after a document referred to in subsection (4)(i) containing the name and address of the person who was driving or otherwise using the vehicle concerned at the time of the commission of the alleged offence concerned is given or sent to a traffic warden, cause a notice under this section to be served, personally or by post, on the person.

#### **Fixed charge notice – form**

#### **3B. (1) A fixed charge notice—**

- (a) shall be in the prescribed form,
  - (b) shall contain details of the manner of payment of a fixed charge, and
  - (c) may specify the person to whom and the place where the payment is to be made and whether the payment is to be accompanied by the notice, duly completed.
- (2) If a notice is served under subsection (1)(a) or (8) of section 3A, it shall, without prejudice to the generality of subsection (1), contain a statement to the effect that—
- (a) the person on whom it is served is alleged to have committed an offence specified in the notice,
  - (b) the person may, during the period of 28 days beginning on the date of the notice, make a payment of a fixed charge of a prescribed amount as specified in the notice,
  - (c) if the person does not make the payment specified in paragraph (b), during the period of 28 days beginning on the expiration of that period, the person may make a payment of a fixed charge as specified in the notice of an amount 50 per cent greater than the prescribed amount referred to in paragraph (b),
  - (d) a prosecution in respect of the alleged offence will not be instituted during either 28 day period specified in the notice or, if a payment

is made in accordance with the notice during either period, at all, and

- (e) if the person is served with a summons in respect of the alleged offence the person may, not later than 7 days before the day specified in the summons on which the person is required to appear in court, make a payment of a fixed charge as specified in the notice served with the summons of an amount 100 per cent greater than the prescribed amount referred to in paragraph (b) and, if the person pays such amount, proceedings in respect of the alleged offence will be discontinued.
- (3) If a notice is served under section 3A(1)(b)(i), or affixed to a mechanically propelled vehicle under section 3A(1)(b)(ii), it shall, without prejudice to the generality of subsection (1), contain a statement to the effect that—
- (a) an offence specified in the notice is alleged to have been committed,
  - (b) a person liable to be prosecuted for the offence may, during the period of 28 days beginning on the date of the notice, make a payment of a fixed charge of a prescribed amount,
  - (c) if the person does not make the payment specified in paragraph (b) during the period so specified the person may, during the period of 28 days beginning on the expiration of the period specified in that paragraph, make a payment of a fixed charge of an amount 50 per cent greater than the prescribed amount referred to in paragraph (b),
  - (d) a person who is served with a summons in respect of the alleged offence may, not later than 7 days before the day specified in the summons on which the person is required to appear in court, make a payment of a fixed charge of an amount 100 per cent greater than the prescribed amount referred to in paragraph (b),
  - (e) if the registered owner of the vehicle concerned was not driving or otherwise using the vehicle at the time of the commission of the alleged offence concerned, he or she is required by section 3A(4)—
    - (i) not later than 28 days after the date of the notice, to give or send to a traffic warden at a specified place a document in the prescribed form signed by the registered owner and stating the name and address of the person who was driving or otherwise using the vehicle at the time of such commission, and
    - (ii) to give or send to a traffic warden within such period as may be specified by him or her at a specified place such other information within his or her knowledge or procurement as the member or warden may reasonably request for the purpose of

identifying, and establishing the whereabouts of, the person referred to in subparagraph (i),

- (f) a prosecution in respect of the alleged offence will not be initiated during the periods specified in the notice under paragraphs (b) and (c) or, if a payment specified in the notice is made in accordance with the notice, during the appropriate period so specified in relation to the payment, at all,
- (g) if a payment aforesaid accompanied by the notice, duly completed, is made during the appropriate period aforesaid, the registered owner need not comply with section 3A(4),
- (h) if the registered owner complies with section 3A(4), a payment aforesaid need not be made by the registered owner and a prosecution of him or her in respect of the alleged offence will not be initiated,
- (i) if a summons has been served in respect of the alleged offence and, not later than 7 days before the day specified in the summons on which the person is required to appear in court, the person on whom the summons was served makes a payment specified in the notice served with the summons, in accordance with that notice, the prosecution in respect of the alleged offence shall be discontinued, and
- (j) subject to paragraph (g), failure to comply with section 3A(4) is an offence upon summary conviction of which the registered owner is liable to a class D fine.

#### **Payment of fixed charge**

- 3C.** (1) Where a notice is served under subsection (1)(a), (1)(b)(i) or (8) of section 3A or affixed under section 3A(1)(b)(ii)—
- (a) a person or the person to whom the notice applies may, during either 28 day period specified in the notice and in accordance with the notice, make a payment specified in the notice,
  - (b) the payment may be received in accordance with the notice and the person receiving the payment may issue a receipt for it and the payment shall not be recoverable by the person who made it,
  - (c) a prosecution in respect of the alleged offence to which the notice relates shall not be instituted during either 28 day period specified in the notice or, if a payment so specified is made during either such period in accordance with the notice, at all,
  - (d) in case the notice is served under section 3A(1)(b)(i) or affixed under section 3A(1)(b)(ii) and a payment aforesaid in accordance with the notice is so made, the registered owner need not comply with section 3A(4), and

- (e) if the registered owner complies with section 3A(4) the payment aforesaid need not be made by the registered owner and a prosecution of the registered owner in respect of that alleged offence shall not be initiated.
- (2) Subject to section 3G, the payment of a fixed charge shall not be accepted after the expiration of the second 28 day period specified in the fixed charge notice.

### **Presumptions**

**3D.** In a prosecution for a fixed charge offence it shall be presumed, until the contrary is shown, that—

- (a) the relevant fixed charge notice—
  - (i) if being served personally or affixed to a vehicle, has been so served or affixed, or
  - (ii) if being served by post, has been so served where there is proof of posting or delivery of the notice,
- and
- (b) a payment under the relevant fixed charge notice, accompanied by the notice, duly completed (unless the notice provides for payment without the notice accompanying the payment), has not been made.

### **Offences in relation to fixed charge notices**

- 3E.** (1) A notice which is affixed to a mechanically propelled vehicle under section 3A(1)(b)(ii) shall not be removed or interfered with except by a person to whom the notice applies.
- (2) A person who contravenes section 3A(4) (subject to section 3C(1)(e)) or subsection (1) commits an offence and is liable on summary conviction to a class D fine.
  - (3) It shall be a defence for a person charged with an offence under subsection (2) consisting of a contravention of section 3A(4) for the person to show that the information concerned was not within his or her knowledge or procurement and that he or she had taken all reasonable steps to obtain the information.
  - (4) In a prosecution for an offence under subsection (2) consisting of a contravention of section 3A(4), it shall be presumed, until the contrary is shown, that the accused person was served with the fixed charge notice in accordance with section 3A(1) to which the offence relates.
  - (5) In a prosecution of a person for—
    - (a) the alleged offence to which a fixed charge notice, served on the registered owner of a mechanically propelled vehicle, relates, or

(b) an offence under subsection (6),

a document, purporting to be a document under section 3A(4) stating the name and address of the person who was driving or otherwise using the vehicle at the time of the commission of the alleged offence referred to in paragraph (a) and to be signed by that registered owner, given or sent under paragraph (b) of that subsection by that owner to a member of the Garda Síochána or a traffic warden shall, until the contrary is shown, be deemed to be such a document and to be so signed and, in case the prosecution is for the offence referred to in paragraph (a), shall be admissible as evidence, until the contrary is shown, of the facts stated in it.

- (6) A person who, under section 3A(4), gives or sends to a member of the Garda Síochána or a traffic warden information (whether or not contained in a document) that is, to his or her knowledge, false or misleading commits an offence and is liable on summary conviction to a class C fine.
- (7) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings for an offence under subsection (2) consisting of a contravention of section 3A(4) may be brought at any time within 2 years from the date on which the offence was committed.

#### **Regulations - fixed charge amount**

**3F.** Regulations may be made by the Minister prescribing the amount of a fixed charge and may prescribe different amounts in relation to—

- (a) different fixed charge offences,
- (b) fixed charge offences involving different classes of vehicles, or
- (c) fixed charge offences committed in different areas.

#### **Payment of fixed charge on service of summons**

**3G.** (1) Where a local authority serves a person with a summons in respect of a fixed charge offence the traffic warden shall serve, or cause to be served, on the person, a notice under this section ('section 3G notice').

(2) A section 3G notice shall be served with, and in the same manner as, the summons in respect of the fixed charge offence to which the section 3G notice relates.

(3) A section 3G notice—

- (a) shall be in the prescribed form,
- (b) shall contain details of the manner of payment of a fixed charge,
- (c) may specify the person to whom, and the place where, the payment is to be made and whether the payment is to be accompanied by the notice, duly completed.

- (4) A section 3G notice shall, without prejudice to the generality of subsection (1), contain a statement to the effect that—
- (a) the person on whom it is served is alleged to have committed an offence specified in the summons with which it is served,
  - (b) the person may, not later than 7 days before the date specified in the summons on which the person is required to appear in court, make a payment of a fixed charge of an amount stated in the notice in the manner specified in the notice, and
  - (c) if the person pays the fixed charge no proceedings in respect of the alleged offence will be continued and the person need not attend the court on the day specified in the summons.
- (5) The fixed charge amount stated in a section 3G notice shall be an amount 100 per cent greater than the prescribed amount stated in the fixed charge notice served on the person, in accordance with section 3A, in respect of the fixed charge offence to which it relates.
- (6) Where a section 3G notice is served, the person to whom it applies may, during the period specified in the notice and in accordance with the notice, make a payment specified in the notice.
- (7) A payment under this section—
- (a) may be received only within the period referred to in subsection (4)(b) and in accordance with the section 3G notice, and
  - (b) is not recoverable by the person paying it.
- (8) The person receiving a payment under this section may issue a receipt for it.
- (9) Where a person who has been served with a summons accompanied by a section 3G notice makes a payment of a fixed charge in accordance with the notice, proceedings in respect of the alleged offence to which the notice relates shall be discontinued.
- (10) In this section ‘summons’ means a summons issued under—
- (a) section 10 of the Petty Sessions (Ireland) Act 1851, or
  - (b) the Courts (No. 3) Act 1986.

### **Interpretation**

#### **3H.** In this Act—

‘fixed charge’ means the amount of a fixed charge prescribed under section 3F;

‘fixed charge notice’ means a notice served under section 3A.”.

**Amendment of section 4 of Act of 1975**

9. Section 4 of the Act of 1975 is amended—

- (a) in subsection (1), by the substitution of “to a class C fine” for “to a fine not exceeding €1,000”,
- (b) in subsection (2), by the substitution of “is committing or has committed a fixed charge offence” for “is committing or has committed an offence to which section 3 of this Act applies, an offence under section 3(12) or an offence under this section”, and
- (c) in subsection (3), by the substitution of “to a class C fine” for “to a fine not exceeding €1,000”.

**Amendment of section 5 of Act of 1975**

10. Section 5 of the Act of 1975 is amended by the substitution of “an offence under section 3E(2), 3E(6) or 4” for “an offence under section 3(12) or 4”.

**PART 7****AMENDMENT OF ACT OF 1994****Amendment of Act of 1994**

11. The Act of 1994 is amended—

(a) in section 35, by the insertion of the following subsections after subsection (7):

“(8) A person who, in purported compliance with regulations providing for the matters in paragraph (m), (s) or (t) of subsection (2), supplies information that is false or misleading in a material respect knowing it to be so false or misleading or being reckless as to whether it is so false or misleading, commits an offence.

(9) A person who commits an offence under subsection (8) shall be liable on summary conviction to a class C fine or imprisonment for a term not exceeding six months, or both such fine and imprisonment.

(10) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings for an offence under subsection (8) may be instituted within 2 years from the date on which the offence was committed.”,

(b) by the insertion of the following section after section 35:

**“Regulations for control of certain vehicles**

**35A.** (1) The Minister may make regulations prohibiting or restricting the use of specified vehicles or classes of vehicles.

(2) Different regulations may be made under this section—

- (a) in respect of different classes of vehicles, and
  - (b) for different circumstances and different places.
- (3) A person who contravenes a regulation under this section shall be guilty of an offence.
- (4) A member of the Garda Síochána may arrest without warrant a person who in the member's opinion is committing or has committed an offence under this section.”,

and

(c) in section 41(1)—

(i) in paragraph (a)—

(I) in subparagraph (iii), by the substitution of “permit,” for “permit, or”,

(II) in subparagraph (iv), by the substitution of “(S.I. No. 537 of 2006), or” for “(S.I. No. 537 of 2006).”, and

(III) by the insertion of the following subparagraph after subparagraph (iv):

“(v) is, in the opinion of a member of the Garda Síochána, not the holder of a driving licence or learner permit.”,

and

(ii) by the substitution of the following paragraphs for paragraphs (e) and (f):

“(e) the vehicle is, or a member of the Garda Síochána is of the opinion that the vehicle is, being so used in contravention of section 6(1) of the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012, or

(f) in the case of a vehicle registered in another Member State, the vehicle is, or a member of the Garda Síochána is of the opinion that it is, being so used without a proof of passing a roadworthiness test in accordance with Directive 2014/45/EU of 3 April 2014<sup>2</sup> which is for the time being in force in respect of the vehicle.”.

## PART 8

### AMENDMENT OF ACT OF 2002

#### **Amendment of Act of 2002**

**12.** The Act of 2002 is amended—

---

<sup>2</sup> OJ No. L127, 29.04.2014, p. 51

(a) by the substitution of the following section for section 6:

“6. (1) Where, during the period of 3 years for which penalty points stand endorsed on the entry of a person or the period of 6 months for which a person stands disqualified pursuant to section 3 for holding a licence, the person—

(a) becomes disqualified pursuant to Part III of the Principal Act, section 29 of the Act of 2010 or section 40 of the Act of 2016, or

(b) ceases to be the holder of a licence,

no part of the period of the disqualification referred to in paragraph (a) or the cesser referred to in paragraph (b), as the case may be, shall be reckoned as part of the period of 3 years or part of the period of 6 months, and the date of the ending of the two latter periods shall be determined accordingly.

(2) Where, during the period when a person—

(a) is disqualified pursuant to Part III of the Principal Act, section 29 of the Act of 2010 or section 40 of the Act of 2016, or

(b) ceases to be the holder of a licence,

penalty points are endorsed on the entry of the person, no part of the period of the disqualification referred to in paragraph (a) or the cesser referred to in paragraph (b), as the case may be, shall be reckoned as part of the period of 3 years for which the penalty points stand endorsed on the entry and, should the person, in consequence of the endorsement of the penalty points, stand disqualified pursuant to section 3, no part of the period of the disqualification referred to in paragraph (a) or the cesser referred to in paragraph (b), as the case may be, shall be reckoned as part of the period of 6 months of that disqualification.”,

and

(b) in Part 4 of the First Schedule, by the substitution of the following references for reference number 4:

“

4	Offence consisting of contravention of Article 10(1)(a)	Overtaking of a pedal cyclist in the circumstances prohibited	3	5
4a	Offence consisting of contravention of Article 10(1)(b)	Overtaking in prohibited circumstances (other than overtaking a pedal cyclist)	3	5

”.

## PART 9

## AMENDMENT OF ACT OF 2010

**Amendment of Act of 2010****13.** The Act of 2010 is amended—

- (a) by the substitution of “Road Traffic Act 1961 to 2023”—
  - (i) for “Road Traffic Acts 1961 to 2010” where it occurs in sections 20, 25, 61, 82 and 87,
  - (ii) for “Road Traffic Acts 1961 to 2011” in section 9(1)(b), and
  - (iii) for “Road Traffic Acts 1961 to 2016” in sections 10 and 20,
- (b) in section 3(1), in the definition of “impairment test regulations”, by the substitution of “section 11(4)” for “section 11(3)”,
- (c) in section 9(3), by the substitution of “Subject to section 22(1A), a person who refuses or fails to comply” for “A person who refuses or fails to comply”,
- (d) in section 10(6)(a), by the substitution of “subject to section 22(1B), refuses or fails to comply” for “refuses or fails to comply”,
- (e) in section 11(5), by the deletion of “without reasonable excuse,”,
- (f) in section 12(1), by the substitution of “11(6)” for “11(5)”,
- (g) in section 13, by the insertion of the following subsection after subsection (1):
  - “(1A) The Minister may provide by regulations for a deduction to be made from the concentration of alcohol in a specimen determined by the apparatus referred to in section 12 to allow a margin of error in the making of such a determination.”,
- (h) in section 16(1), by the substitution of “11(6)” for “11(5)”,
- (i) in section 22—
  - (i) by inserting the following subsections after subsection (1):
    - “(1A) In a prosecution of a person for an offence under section 9(3) for failure to comply with a requirement under subsection (2) or (2A) of section 9, it shall be a defence for the defendant to satisfy the court that there was a special and substantial reason for his or her refusal or failure.
    - (1B) In a prosecution of a person for an offence under section 10(6)(a) it shall be a defence for the person to satisfy the court that there was a special and substantial reason for his or her refusal or failure.”,
  - (ii) in subsection (3), by the substitution of “Notwithstanding subsections (1), (1A), (1B) and (2),” for “Notwithstanding subsections (1) and (2)”, and

- (iii) in subsection (4), by the substitution of “section 11(5)” for “section 11(4)”,
- (j) in section 34(2)(i), by the substitution of the following subparagraph for subparagraph (ii):
  - “(ii) paragraphs (b), (bb) and (c) of section 139(1) of the Finance Act 1992.”,
- (k) in section 35—
  - (i) by the insertion of the following subsection after subsection (1):
    - “(1A) Where an officer of the Revenue Commissioners has reasonable grounds for believing that an offence under paragraph (b), (bb) or (c) of section 139(1) of the Finance Act 1992 has been committed—
      - (a) if the officer identifies the person, the officer shall serve, or cause to be served, personally or by post, on the person a fixed charge notice, or
      - (b) if the officer does not identify the person and the offence involves the use of a mechanically propelled vehicle, the officer shall serve, or cause to be served, personally or by post, on the registered owner of the vehicle a fixed charge notice.”,
  - (ii) in subsection (2), by the substitution of “shall not be instituted by the Garda Síochána” for “shall not be instituted”,
  - (iii) in subsection (3)—
    - (I) by the insertion of “or (1A)(a)” after “under subsection “(1)(a)”,
    - (II) by the insertion of “or (1A)(b)” after “under subsection (1)(b)”,
    - (III) in paragraph (a)(i)(II)(B), by the insertion of “or, as the case may be, the officer referred to in subsection (1A)” after “the member referred to in subsection (1)”, and
    - (IV) in paragraph (b)(i)(II), by the insertion of “or, as the case may be, the officer referred to in subsection (1A)” after “the member referred to in subsection (1)”,
  - (iv) by the deletion of subsection (4),
  - (v) in subsection (6)—
    - (I) in paragraph (b), by the insertion of “did not have possession of, or” after “the registered owner of the vehicle”,
    - (II) in paragraph (i), by the insertion of “, an officer of the Revenue Commissioners” after “a member of the Garda Síochána”, and
    - (III) in paragraph (ii)—
      - (A) by the insertion of “, an officer of the Revenue Commissioners” after “a member of the Garda Síochána”, and

(B) by the insertion of “, officer” after “the member” in both places where it occurs,

(vi) in subsection (7), by the substitution of “subsection (6)(i)” for “subsection (6)(b)(i)”, and

(vii) in subsection (8), by the substitution of “paragraph (i) and (ii) of subsection (6)” for “subsection (6)(b)”,

(viii) by the insertion of the following subsection after subsection (9):

“(10) The Revenue Commissioners shall, not later than 28 days after a document referred to in subsection (6) containing the name and address of the person who had possession of, or was driving or otherwise using the vehicle concerned at the time of the commission of the alleged offence concerned is given or sent to an officer of the Revenue Commissioners, cause a notice under this section to be served, personally or by post, on the person.”

(l) in section 36(3)(d)—

(i) in subparagraph (i), by the insertion of “, an officer of the Revenue Commissioners” after “a member of the Garda Síochána”, and

(ii) in subparagraph (ii)—

(I) by the insertion of “, an officer of the Revenue Commissioners” after “a member of the Garda Síochána”, and

(II) by the insertion of “, officer” after “the member”,

(m) in section 39(1), by the insertion of “, an officer of the Revenue Commissioners” after “a licensing authority”,

(n) in section 40—

(i) in subsection (5), by the insertion of “, an officer of the Revenue Commissioners” after “a member of the Garda Síochána”,

(ii) in subsection (6)—

(I) by the insertion of “, an officer of the Revenue Commissioners” after “a member of the Garda Síochána”, and

(II) by the substitution of “to a class C fine” for “to a fine not exceeding €2,000”,

and

(iii) in subsection (7), by the substitution of “, an offence under section 38(4) or an offence under subsection (6)” for “or an offence under section 38(4)”,

(o) in section 44(1)—

(i) by the insertion of “or an officer of the Revenue Commissioners” after “a member of the Garda Síochána”, and

- (ii) by the insertion of “or officer” after “the member”,
- (p) in section 47, by the insertion of the following definition after the definition of “fixed charge offence”:
  - “ ‘an officer of the Revenue Commissioners’ means an officer of the Revenue Commissioners authorised by them for the purposes of this Part.”,
- (q) in section 74, by the substitution of the following paragraph for paragraph (c):
  - “(c) an Irish driving licence or learner permit, to a licensing authority,”
  - and
- (r) in section 87, by the insertion of the following subsection after subsection (1):
  - “(1A) The Minister may prescribe a class of persons who are engaged in the provision or receipt of instruction for the purposes of the services specified in subsection (1) and to whom that subsection shall apply where the Minister is satisfied that it would be appropriate for that subsection to apply in relation to members of that class.”.

## PART 10

### AMENDMENT OF ACT OF 2014

#### **Amendment of Act of 2014**

#### **14.** The Act of 2014 is amended—

- (a) in section 3(2)(a), by the substitution of “pursuant to Part III of the Principal Act, section 3 of the Act of 2002, section 29 of the Act of 2010 or section 40 of the Act of 2016” for “pursuant to Part III of the Principal Act or section 9 of the Act of 2002”,
- (b) in section 4—
  - (i) in subsection (1)(a), by the substitution of “there is displayed in the prescribed form and manner on a tabard worn over the person’s outside clothing the letter ‘N’,” for “there is displayed on a yellow fluorescent tabard worn over the person’s outside clothing the letter “N”, not less than 15 centimetres high in red on a white background,”, and
  - (ii) in subsection (1)(b), by the substitution of “there are displayed in the prescribed form and manner on the vehicle rectangular plates or signs bearing the letter ‘N’,” for “there are displayed on the vehicle rectangular plates or signs bearing the letter “N”, not less than 15 centimetres high in red on a white ground,”,
- (c) in section 5(1)—

- (i) by the insertion of “or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf” after “vehicle insurer”,
- (ii) by the substitution of “processing” for “renewing”,
- (iii) by the substitution of the following paragraphs for paragraphs (a) and (b):
  - “(a) have access to, inspect and examine endorsements and disqualifications for holding a driving licence on the entry (within the meaning of section 1(1) of the Act of 2002) relating to a person,
  - (b) have access to and verify the driver number of a driver on the entry, and
  - (c) be supplied with such copies of an entry or extracts from an entry as the vehicle insurer may reasonably require.”,

and
- (iv) by the insertion of the following subsection after subsection (2):
  - “(2A) In this section ‘processing’, in relation to an approved policy of insurance, means the general administration, including the issue, amendment or renewal of the policy.”.

## PART 11

### AMENDMENT OF ACT OF 2016

#### **Amendment of section 4 of Act of 2016**

- 15.** Section 4(1) of the Act of 2016 is amended by the substitution of “10 working days” for “5 working days”.

## PART 12

### POWERED PERSONAL TRANSPORTERS AND PEDAL CYCLES

#### **Amendment of section 3 of Act of 1961**

- 16.** Section 3 of the Act of 1961 is amended—
- (a) in the definition of “driving”, by the substitution of “bicycle, tricycle or powered personal transporter” for “bicycle or tricycle”,
  - (b) in the definition of “mechanically propelled vehicle”—
    - (i) by the substitution of the following paragraph for paragraph (a):
      - “(a) a bicycle or tricycle—

- (i) with an attachment for propelling it solely by mechanical power or solely by electrical power, whether or not the attachment is being used, and having a maximum design speed of no less than 6 kilometres per hour, or
- (ii) capable of propulsion solely by the physical exertions of a person or persons seated on it, and equipped with an auxiliary electric motor—
  - (I) which has a maximum continuous rated power greater than 0.25 kilowatts, and
  - (II) the output of which cuts off when the physical exertions stop,”

and

- (ii) by the insertion of “, or a powered personal transporter” after “permanent rails”,
- (c) by the substitution of the following definition for the definition of “pedal bicycle”:

“ ‘pedal bicycle’ means—

- (a) a bicycle which is intended or adapted for propulsion solely by the physical exertions of a person or persons seated on it, or
- (b) a bicycle capable of propulsion solely by the physical exertions of a person or persons seated on it, and equipped with an auxiliary electric motor—
  - (i) which has a maximum continuous rated power less than or equal to 0.25 kilowatts, and
  - (ii) the output of which cuts off when those physical exertions stop, and is otherwise progressively reduced and finally cut off before the bicycle reaches the speed of 25 kilometres per hour;”

- (d) by the substitution of the following definition for the definition of “pedal tricycle”:

“ ‘pedal tricycle’ means—

- (a) a tricycle which is intended or adapted for propulsion solely by the physical exertions of a person or persons seated on it, or
- (b) a tricycle capable of propulsion solely by the physical exertions of a person or persons seated on it, and equipped with an auxiliary electric motor—
  - (i) which has a maximum continuous rated power less than or equal to 0.25 kilowatts, and

- (ii) the output of which cuts off when those physical exertions stop, and is otherwise progressively reduced and finally cut off before the tricycle reaches the speed of 25 kilometres per hour;”,
- (e) by the insertion of the following definition:
  - “ ‘powered personal transporter’ means, subject to subsection (1A), a vehicle—
    - (a) designed and constructed for the carriage of a single person, but not designed or constructed for a person with restricted mobility or for the carriage of goods,
    - (b) with a maximum weight unladen of 25 kilograms,
    - (c) with a maximum design speed of no less than 6 kilometres per hour and no greater than 25 kilometres per hour, and
    - (d) equipped with an electric motor having a maximum continuous rated power, or electric motors having a combined maximum continuous rated power, of less than or equal to 0.5 kilowatts,but not including a vehicle referred to in paragraph (b) of the definition of pedal bicycle or in paragraph (b) of the definition of pedal tricycle;”,
- (f) in the definition of “vehicle”, by the insertion of “a powered personal transporter,” after “mechanically propelled vehicle;”, and
- (g) by the insertion of the following subsection after subsection (1):
  - “(1A) The Minister may prescribe, for powered personal transporters or different classes of them, a maximum weight unladen, a maximum design speed, or a maximum continuous rated power or combined maximum continuous rated power different to the weight, speed or rated power referred to in the definition of ‘powered personal transporter’ in subsection (1).”.

#### **Amendment of section 14 of Act of 1961**

**17.** Section 14 of the Act of 1961 is amended—

- (a) in subsection (1), by the insertion of “subject to subsection (1A),” after “this Act,” and
- (b) by the insertion of the following subsection after subsection (1):
  - “(1A) Where a vehicle referred to in subsection (1) is a powered personal transporter and has an accumulator that is a battery, the weight of the accumulator shall be considered to be included in the weight unladen of the powered personal transporter.”.

**Amendment of section 20 of Act of 1961**

**18.** Section 20 of the Act of 1961 is amended—

- (a) in subsection (6)—
  - (i) by the insertion of “or powered personal transporter” after “pedal cycle”, and
  - (ii) by the insertion of “or transporter” after “the cycle”,
- (b) in subsection (7)—
  - (i) in paragraph (a), by the insertion of “or powered personal transporter” after “pedal cycle”, and
  - (ii) in paragraph (b), by the insertion of “or powered personal transporter” after “pedal cycle”,
- (c) in subsection (8)—
  - (i) by the insertion of “or a powered personal transporter” after “pedal cycle”,
  - (ii) in paragraph (a), by the insertion of “or transporter” after “cycle”, and
  - (iii) in paragraph (b), by the insertion of “or transporter” after “cycle”,
- (d) in subsection (16)—
  - (i) in paragraph (a), by the insertion of “or transporter” after “cycle”, and
  - (ii) in paragraph (b), by the insertion of “or transporter” after “cycle”,and
- (e) in subsection (17), in paragraph (b), by the insertion of “or transporter” after “cycle”.

**Amendment of section 47 of Act of 1961**

**19.** Section 47 of the Act of 1961 is amended in subsection (1)—

- (a) by the insertion of “or a powered personal transporter” after “mechanically propelled vehicle”,
- (b) in paragraph (a), by the insertion of “or transporter, as the case may be” after “vehicle”, and
- (c) in paragraph (b)—
  - (i) by the insertion of “or transporter” after “the vehicle”, and
  - (ii) by the insertion of “, or transporter, as the case may be” after “that vehicle”.

**Amendment of section 48 of Act of 1961**

**20.** Section 48 of the Act of 1961 is amended in subsection (1) by the substitution of “vehicle” for “mechanically propelled vehicle”.

**Amendment of section 54 of Act of 1961**

**21.** Section 54 of the Act of 1961 is amended—

- (a) in subsection (1)—
    - (i) by the insertion of “, a powered personal transporter,” after “mechanically propelled vehicle”, and
    - (ii) by the insertion of “, transporter,” after “the vehicle” in both places in which it occurs,
  - (b) in subsection (2)—
    - (i) by the insertion of “, a powered personal transporter,” after “mechanically propelled vehicle”, and
    - (ii) by the insertion of “, transporter,” after “the vehicle” in both places in which it occurs,
- and
- (c) in subsection (3), by the insertion of “, transporter,” after “the vehicle”.

**Amendment of section 99 of Act of 1961**

**22.** Section 99 of the Act of 1961 is amended—

- (a) in subsection (1), by the substitution of “Subject to subsection (1A), a person” for “A person”, and
- (b) by the insertion of the following subsection after subsection (1):
  - “(1A) Subsection (1) shall not apply to a person who holds on to a moving vehicle in a public place for the purposes of driving it.”.

**Driver of powered personal transporter holding on to other vehicle**

**23.** The Act of 1961 is amended by the insertion of the following section after section 100:

- “**100A.** (1) A person on a powered personal transporter in a public place shall not hold on to any other vehicle which is in motion or hold on to any person or thing on, in, or attached to, any such vehicle.
- (2) A person who contravenes subsection (1) shall be guilty of an offence.”.

**Amendment of section 107 of Act of 1961**

**24.** Section 107 of the Act of 1961 is amended—

- (a) in subsection (1), by the substitution of “vehicle” for “mechanically propelled vehicle or a pedal cycle”, and
- (b) in subsection (4), by the substitution of “vehicle” for “mechanically propelled vehicle or a pedal cycle”.

**Amendment of section 108 of Act of 1961**

25. Section 108 of the Act of 1961 is amended—

- (a) by the insertion of “or a powered personal transporter” after “pedal cycle”, and
- (b) by the insertion of “or transporter” after “the cycle”.

**Amendment of section 110 of Act of 1961**

26. Section 110 of the Act of 1961 is amended by the substitution of “vehicle” for “mechanically propelled vehicle”.

**Amendment of section 112 of Act of 1961**

27. Section 112 of the Act of 1961 is amended in subsection (3) by the insertion of “or a powered personal transporter” after “pedal cycle”.

**Amendment of section 113 of Act of 1961**

28. Section 113 of the Act of 1961 is amended—

- (a) in subsection (1), by the substitution of “vehicle” for “mechanically propelled vehicle”, and
- (b) in subsection (4), by the substitution of “vehicle” for “mechanically propelled vehicle”.

**Amendment of Second Schedule to Act of 1961**

29. The Second Schedule to the Act of 1961 is amended—

- (a) by the substitution of the following paragraph for paragraph 3:

“3. An offence by a person under section 48—

- (a) where the vehicle which the person drove, or attempted to drive, in contravention of that section was a mechanically propelled vehicle, and
- (b) the offence was committed during a period of 3 years in which the person committed a previous offence, of which he or she was convicted, of driving or attempting to drive a mechanically propelled vehicle in contravention of that section.”,

- (b) by the substitution of the following paragraph for paragraph 6:

- “6. (a) Subject to subparagraph (b), an offence under section 12, 13B or 14 of the Road Traffic Act 2010.
- (b) Subparagraph (a) shall not include an offence under section 12 of the Road Traffic Act 2010, where the person convicted of the offence was arrested under—

- (i) section 6(4) of the Road Traffic Act 2010,
- (ii) section 10(7) of the Road Traffic Act 2010, where the vehicle of which the person was in charge, referred to in section 10(4) of that Act, was a vehicle other than a mechanically propelled vehicle,
- (iii) section 52(3), where the vehicle the person was driving in contravention of section 52(1) was a vehicle other than a mechanically propelled vehicle,
- (iv) section 53(5), where the vehicle the person was driving in contravention of section 53(1) was a vehicle other than a mechanically propelled vehicle, or
- (v) section 112(6), for committing an offence under section 112(4).”

and

- (c) by the substitution of the following paragraph for paragraph 9:

“9. An offence by a person under section 54—

- (a) other than—

- (i) an offence of driving a powered personal transporter in contravention of section 54(1), or
- (ii) an offence under section 54(2), where the vehicle driven in contravention of that subsection is a powered personal transporter,

and

- (b) the offence is committed during a period of 3 years in which the person committed a previous offence under section 54 (other than an offence described in subparagraph (a) of this paragraph) of which he or she was convicted.”

#### **Amendment of section 35 of Act of 1994**

- 30.** Section 35 of the Act of 1994 is amended in subsection (2)—

- (a) in each of paragraphs (c) and (d), by the insertion of “or powered personal transporters” after “pedal cycles”,
- (b) in paragraph (h), by the insertion of “, powered personal transporters,” after “mechanically propelled vehicles”,
- (c) in paragraph (t), by the substitution of “of permits;” for “of permits.”, and
- (d) by the insertion of the following paragraph after paragraph (t):

“(u) prohibiting, or restricting the use of, powered personal transporters in traffic.”

**Amendment of section 38 of Act of 1994**

**31.** Section 38 of the Act of 1994 is amended in subsection (9) in the definition of “traffic calming measures”—

- (a) in paragraph (a), by the insertion of “or powered personal transporters” after “mechanically propelled vehicles”, and
- (b) in paragraph (b)—
  - (i) by the insertion of “or powered personal transporters” after “mechanically propelled vehicles”, and
  - (ii) by the insertion of “, people driving powered personal transporters,” after “pedestrians”.

**Amendment of section 41 of Act of 1994**

**32.** Section 41 of the Act of 1994 is amended in subsection (1)—

- (a) by the substitution of “, in the case of paragraphs (a) to (f), a mechanically propelled vehicle in use in a public place and, in the case of paragraph (g), a powered personal transporter in use in a public place” for “a mechanically propelled vehicle in use in a public place”,
- (b) in paragraph (e), by the deletion of “or” where it lastly occurs,
- (c) in paragraph (f), by the substitution of “the vehicle, or” for “the vehicle.”, and
- (d) by the insertion of the following paragraph after paragraph (f):
  - “(g) the powered personal transporter is, or a member of the Garda Síochána is of the opinion that the powered personal transporter is, being so used in contravention of—
    - (i) any regulations made under section 11 of the Principal Act, or
    - (ii) subsection (1) or (2) of section 54 of the Principal Act.”.

**Amendment of section 4 of Act of 2004**

**33.** Section 4 of the Act of 2004 is amended in subsection (1) by the substitution of “vehicle” for “mechanically propelled vehicle”.

**Amendment of section 3 of Road Traffic Act 2006**

**34.** Section 3 of the Road Traffic Act 2006 is amended—

- (a) in subsection (1), by the insertion of “, or a powered personal transporter,” after “mechanically propelled vehicle”,
- (b) by the insertion of the following subsection after subsection (4):

- “(4A) The Minister may, to avoid the impairment of, or interference with, the driving capacity or capabilities of a driver of a powered personal transporter, make regulations in relation to the restriction or prohibition while driving a powered personal transporter in a public place of the use of—
- (a) a mobile phone (other than in the circumstances referred to in subsection (1)),
  - (b) information equipment, or
  - (c) entertainment equipment.”,
- (c) in subsection (5)—
- (i) by the substitution of “subsection (4) or (4A)” for “subsection (4)”, and
  - (ii) by the insertion of “or transporters” after “vehicles”,
- (d) in subsection (6), by the substitution of “subsection (4) or (4A)” for “subsection (4)”, and
- (e) in subsection (7), by the insertion of “or powered personal transporter” after “mechanically propelled vehicle”.

**Amendment of section 6 of Act of 2010****35.** Section 6 of the Act of 2010 is amended—

- (a) in subsection (1)—
  - (i) in paragraph (b), by the insertion of “or a powered personal transporter” after “pedal cycle”, and
  - (ii) by the substitution of “vehicle, cycle or transporter” for “vehicle or cycle”,and
- (b) in subsection (2), in paragraph (b), by the insertion of “or a powered personal transporter” after “a pedal cycle”.

**Amendment of section 130 of Finance Act 1992****36.** Section 130 of the Finance Act 1992 is amended—

- (a) in the definition of “mechanically propelled vehicle”, by the insertion of “a powered personal transporter,” after “but not including”, and
- (b) by the insertion of the following definition:
  - “ ‘powered personal transporter’ has the same meaning as it has in section 3 of the Road Traffic Act 1961;”.

**Amendment of section 2 of Act of 1993 - personal powered transporter**

37. Section 2 of the Act of 1993 is amended by the insertion of the following definition after the definition of “planning permission”:

“ ‘powered personal transporter’ has the same meaning as it has in section 3 of the Road Traffic Act 1961;”.

**Amendment of section 43 of Act of 1993**

38. Section 43 of the Act of 1993 is amended in subsection (4) by the insertion of the following paragraph after paragraph (b):

“(c) A person shall not drive a powered personal transporter on a motorway.”.

**Amendment of section 44 of Act of 1993**

39. Section 44 of the Act of 1993 is amended in subsection (4) by the insertion of the following paragraph after paragraph (b):

“(c) A person shall not drive a powered personal transporter on a busway.”.

**Amendment of section 57 of Act of 1993**

40. Section 57 of the Act of 1993 is amended in subsection (2) by the insertion of “powered personal transporters,” after “pedestrians,”.

**Amendment of section 68 of Act of 1993**

41. Section 68 of the Act of 1993 is amended—

- (a) by the substitution of the following subsection for subsection (1):

“(1) In this section ‘cycleway’ means a public road or proposed public road reserved for the exclusive use of—

(a) pedal cyclists, or

(b) a combination of pedal cyclists and either or both people driving powered personal transporters and pedestrians.”,

and

- (b) by the substitution of the following paragraph for paragraph (b) of subsection (2):

“(b) Where a road authority constructs or otherwise provides a cycleway it shall by order declare that the cycleway is for the exclusive use of—

(i) pedal cyclists, or

(ii) a combination of pedal cyclists and either or both people driving powered personal transporters and pedestrians.”.

## PART 13

## ROADS AND PUBLIC TRANSPORT INFRASTRUCTURE

**Amendment of section 2 of Act of 1993****42.** Section 2 of the Act of 1993 is amended—

- (a) by the insertion of the following definitions after the definition of “busway scheme”:

“ ‘camera’ includes CCTV and other apparatus used for the purposes of creating and capturing photographic images and video;

‘CCTV’ means any fixed and mobile system employing recording devices for recording or processing, including through the use of automatic number plate recognition, a visual image or moving visual images in a public place;”,

- (b) by the insertion of the following definition after the definition of “contravention”:

“ ‘data-gathering device’ means any device, apparatus or equipment used or capable of being used for the gathering of data;”,

- (c) by the insertion of the following definition after the definition of “pedal cycle” and “pedal cyclist”:

“ ‘personal data’ has the same meaning as it has in Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>3</sup>;”,

and

- (d) in the definition of “road”—

(i) in paragraph (b), by the substitution of “carriageway (whether single or multiple and whether or not designated for a particular class of vehicle),” for “carriageway (whether single or multiple),”,

(ii) in paragraph (c), by the insertion of “verge,” after “margin,” and

(iii) in paragraph (d)—

(I) by the deletion of “and”, and

(II) by the substitution of “used, or the use of which is reasonably required, for” for “necessary for”.

**Amendment of section 13 of Act of 1993****43.** The Act of 1993 is amended in section 13—

- (a) by the insertion of the following subsection after subsection (7):

<sup>3</sup> OJ No. L119, 4.5.2016, p. 1

“(7A) Without prejudice to the generality of this section and save as otherwise provided by law, a road authority may carry out works to reduce, increase or modify—

- (a) any lane, footpath, carriageway, pavement or footway, within an existing road,
- (b) any median, island, pedestrian refuge, or verge, forming part of the road,
- (c) any structure forming part of the road, and
- (d) any land or substratum of land on which any of the foregoing is situated.”,

(b) by the substitution of the following subsection for subsection (8):

“(8) Without prejudice to the generality of subsection (7) and save as otherwise provided by law, a road authority may—

- (a) provide any amenity, structure, infrastructure or thing on, in, under or over a road for the benefit, utility, safety or convenience of road users,
- (b) undertake landscaping, planting or any similar activity on, in, under or over a road in the interests of amenity and the environment,
- (c) provide artistic features,
- (d) undertake works on, in, under or over a road to install, re-lay, relocate, divert, remove or replace any wire, pipe, drain, duct, cable or other similar infrastructure,
- (e) provide any structure or infrastructure on, in, under or over a road for, or in connection with—
  - (i) the charging of electric vehicles,
  - (ii) the provision of information to road users, or
  - (iii) the transmission of information to vehicles being used on a road.”,

and

(c) by the insertion of the following subsection after subsection (10):

“(11) Subsection (10) shall not apply to the National Transport Authority when, in the performance of a function in accordance with subsection (2)(b) or (5)(a) of section 44 of the Dublin Transport Authority Act 2008, it is exercising the powers of a road authority.”.

#### **Amendment of section 19 of Act of 1993**

**44.** Section 19(1) of the Act of 1993 is amended—

(a) by the substitution of “maintenance (including maintenance works)” for “maintenance works” in each place that it occurs,

(b) by the substitution of the following paragraph for paragraph (b):

“(b) secure the carrying out of construction and maintenance (including maintenance works) and the provision of traffic signs and consult with the Commissioner,”,

and

(c) by the insertion of the following paragraph after paragraph (c):

“(ca) prepare, or arrange for the preparation of, schemes for the provision of a safe and efficient network of recharging infrastructure and refuelling infrastructure for such zero to low emission vehicles as the Minister may prescribe and provide and maintain, or secure the provision and maintenance of, such a network;”.

#### **Power of An Bord Pleanála to approve scheme or proposed road development that contravenes materially any plan**

45. The Act of 1993 is amended by the insertion of the following section after section 51A:

“51AA. An Bord Pleanála shall approve a scheme, or a proposed road development, that contravenes materially any development plan or any local area plan (within the meaning of the Act of 2000) only if it considers that one of the following is the case:

- (a) the scheme or proposed road development is of strategic, regional or national importance;
- (b) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the scheme or proposed road development is concerned;
- (c) the scheme or proposed road development should be approved having regard to the transport strategy made under section 12 of the Dublin Transport Authority Act 2008, the regional spatial and economic strategy for the area, guidelines under section 28 of the Act of 2000, policy directives under section 29 of the Act of 2000, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister for Housing, Local Government and Heritage or any Minister of the Government;
- (d) the scheme or proposed road development should be approved having regard to the pattern of development, and planning permissions granted, in the area since the making of the development plan.”.

**Use of cameras on roads to obtain data**

46. The Act of 1993 is amended by the insertion of the following section after section 76:

**“Use of cameras and other devices on roads to obtain data**

77A. (1) A road authority may set up and operate cameras and other data-gathering devices, or cause cameras or such devices to be set up and operated, on any public road situated in its functional area for any of the following purposes:

- (a) the safe and efficient management, operation and use of public roads, including traffic management and providing information to the public;
  - (b) charging and collecting tolls and the operation of toll roads;
  - (c) the deterrence, prevention, investigation and detection of criminal offences, including road traffic offences;
  - (d) any other purpose prescribed by the Minister.
- (2) A road authority shall obtain the written consent of the Authority before it sets up or operates cameras or other data-gathering devices, or causes cameras or such devices to be set up or operated, on a national managed road.
- (3) The Authority may set up and operate cameras and other data-gathering devices, or cause cameras or such devices to be set up and operated, on any public road for any of the purposes specified in paragraphs (a) to (d) of subsection (1).
- (4) Before the Authority sets up or operates cameras or other data-gathering devices, or causes cameras or such devices to be set up or operated, on a road other than a national road, it shall obtain the written consent of the road authority in whose functional area the road is situated.
- (5) The Minister may provide by regulations that the exercise by a road authority of a power in subsection (1) or by the Authority of a power referred to in subsection (3) be subject to authorisation by the Minister or to conditions, and such regulations may prescribe criteria by which the Minister may grant or refuse such authorisation and conditions subject to which the Minister may grant an authorisation or subject to which the powers may be exercised without authorisation.
- (6) Each road authority shall publish, and update, a schedule of such cameras and other data-gathering devices as the Minister may prescribe that are in operation on any road situated in its functional area for any of the purposes specified in paragraphs (a) to (d) of subsection (1) as soon as possible after this section comes into operation and in such manner and at such times as the Minister prescribes.

- (7) The Authority shall publish, and update, a schedule of such cameras and other data-gathering devices as the Minister may prescribe that are in operation on any national road for any of the purposes specified in paragraphs (a) to (d) of subsection (1) as soon as possible after this section comes into operation and in such manner and at such times as the Minister prescribes.
- (8) The Minister may, by regulations, provide for data obtained using cameras and other data-gathering devices operated by or on behalf of a road authority or the Authority on public roads to be processed and to be provided to any of the following persons, or for any of the following persons to be given access to such data, for any of the purposes specified in paragraphs (a) to (d) of subsection (1):
- (a) a local authority;
  - (b) the Authority;
  - (c) the Garda Síochána;
  - (d) the National Transport Authority;
  - (e) the Road Safety Authority;
  - (f) any other person to whom the Minister considers that it is necessary, for any of the purposes specified in paragraphs (a) to (d) of subsection (1), that the data or access to the data be provided or given, and so prescribes.
- (9) Regulations under subsection (8) shall provide that personal data only be provided to persons, or access to data only be given to persons, on specified conditions.
- (10) Regulations under subsection (8) may provide for the entry into data-sharing agreements between a road authority, or the Authority, and persons to whom data is to be provided or access to data is to be given, which agreements may specify:
- (a) the personal data to be provided, and to which access is to be given,
  - (b) how personal data provided or to which access is given is to be processed after it has been provided or such access has been given,
  - (c) that a data protection impact assessment be carried out under section 84 of the Data Protection Act 2018 or Article 35 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>4</sup>,
  - (d) the security measures to apply to the transmission, storage and accessing of data to which the agreement applies (in a manner that does not compromise those security measures),
  - (e) requirements in relation to the retention of—

---

4 OJ No. L 119, 4.5.2016, p. 1.

- (i) data provided or to which access is given, and
  - (ii) information resulting from the processing of that data, for the duration of the agreement and in the event that the agreement is terminated,
- (f) the method to be employed to destroy or delete—
- (i) data provided or to which access is given, and
  - (ii) information resulting from the processing of that data, at the end of the period for which the data is to be retained in accordance with the agreement,
- and
- (g) the procedure in accordance with which a party may withdraw from the agreement.
- (11) The Minister may prescribe suitable and specific measures, including measures specified in section 36(1) of the Data Protection Act 2018, to be taken by a road authority or the Authority to safeguard the fundamental rights and freedoms of data subjects in processing personal data of those subjects and that enable processing of such data only in so far as is necessary and proportionate for any of the purposes specified in paragraphs (a) to (d) of subsection (1).
- (12) The Minister shall prescribe measures to safeguard personal data obtained using cameras and other data-gathering devices operated by or on behalf of a road authority or the Authority on public roads, or provided or to which access is given under this section, including any of the following:
- (a) limitations on access to the data undergoing processing within a workplace in order to prevent unauthorised consultation, alteration, disclosure or erasure of personal data,
  - (b) time-limits for the erasure of data and mechanisms to ensure that such limits are observed,
  - (c) specific targeted training for those involved in processing operations, and
  - (d) having regard to the state of the art, the context, nature, scope and purposes of data processing and the likelihood of risk to, and the severity of any risk to, the rights and freedoms of data subjects—
    - (i) logging mechanisms to permit verification of whether and by whom the personal data have been consulted, altered, disclosed or erased,

- (ii) in cases in which it is not mandatory under Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>5</sup>, designation of a data protection officer,
  - (iii) pseudonymisation of the data, and
  - (iv) encryption of the data.
- (13) The Minister may issue guidelines relating to the operation of this section and may amend or cancel any such guidelines and any person carrying out a function under this section shall have regard to such guidelines.
- (14) The Minister may make such further regulations as the Minister considers necessary for the purposes of enabling this section to have effect.
- (15) Nothing in this section shall affect an authorisation under section 38 of the Garda Síochána Act 2005.”.

#### **Amendment of section 44 of Dublin Transport Authority Act 2008**

47. Section 44 of the Dublin Transport Authority Act 2008 is amended—

- (a) in subsection (6)(iii), by the insertion of “(other than section 178 of the Act of 2000)” after “any enactment concerned”,
  - (b) by the insertion of the following subsection after subsection (6):
    - “(6A) Without prejudice to the generality of subsection (6)(ii), land may be acquired by the Authority by agreement or by means of a compulsory purchase order made by the Authority in accordance with Part XIV of the Act of 2000 for the purpose of taking any measure whatsoever that may be reasonably required to mitigate, directly or indirectly, the impact of any public transport infrastructure provided on the environment generally or on—
    - (a) any particular site, building or structure,
    - (b) the availability of parking, or
    - (c) trees, landscaping and planting.”,
- and
- (c) in subsection (7) and subsection (8), by the substitution of “subsection (1)(c), (6) or (6A)” for “subsection (1)(c) or (6)”.

---

5 OJ No. L119, 4.5.2016, p. 1

## PART 14

## MANAGEMENT OF CERTAIN ROADS AND SPEED LIMITS

**Amendment of section 2 of Act of 1993 – national managed road**

- 48.** Section 2 of the Act of 1993 is amended by the insertion of the following definition after the definition of “national road”:

“ ‘national managed road’ means a national road or a proposed national road, or any part thereof, which is designated as a national managed road under section 10A;”.

**National managed road**

- 49.** The Act of 1993 is amended by the insertion of the following section after section 10:

“**10A.** The Minister may by order designate a national road or a proposed national road, or any part thereof, as a ‘national managed road’.”.

**Amendment of section 47 of Act of 1961**

- 50.** Section 47 of the Act of 1961 is amended—

- (a) in subsection (2A), by the deletion of “has been”, and
- (b) in subsection (3)—
  - (i) in paragraph (f), by the substitution of “,” for “, or”,
  - (ii) in paragraph (g), by the substitution of “, or” for “.”, and
  - (iii) by the insertion of the following paragraph after paragraph (g):
 

“(h) a variable speed limit.”.

**Amendment of section 95 of Act of 1961**

- 51.** Section 95 of the Act of 1961 is amended—

- (a) in subsection (1)—
  - (i) by the insertion of the following definition before the definition of “road regulation”:
 

“ ‘national road’ and ‘national managed road’ each has the same meaning as it has in the Roads Act 1993.”,
  - (ii) by the substitution of the following definition for the definition of “provide”:
 

“ ‘provide’ includes erect or place, maintain and (in the case of a device or an instrument for giving or displaying signals) operate or put into operation and cognate words shall be construed accordingly;”,

and

(iii) by the substitution of the following definition for the definition of “traffic sign”:

“ ‘traffic sign’ means any sign, device, notice or road marking, or any instrument for giving or displaying signals by mechanical, electronic, electromechanical or other means, which does one or more of the following in relation to a public road or public roads:

- (a) gives information (such a sign being referred to in this section as ‘an information sign’),
- (b) warns persons of danger or advises persons of the precautions to be taken against such danger, or both (such a sign being referred to in this section as ‘a warning sign’),
- (c) indicates the existence of a road regulation or implements such a regulation, or both, or indicates the existence of a provision in an enactment relating to road traffic (such a sign being referred to in this section as ‘a regulatory sign’);”

(b) in subsection (2)(a), by the deletion of “, if he so thinks fit,”

(c) in subsection (3), by the insertion of “, other than national managed roads,” after “in their charge” in both places where it occurs,

(d) by the insertion of the following subsection after subsection (3):

“(3A) (a) The National Roads Authority may provide in respect of national managed roads such information signs and warning signs as it considers desirable.

(b) The National Roads Authority may after consultation with the Commissioner, provide in respect of national managed roads such regulatory signs as it considers desirable.”

(e) in subsection (5)—

(i) in paragraph (a), by the insertion of “, other than national managed roads,” after “in their charge”, and

(ii) in paragraph (b), by the insertion of “from any public road in their charge, other than a national managed road,” after “remove any regulatory sign”,

(f) by the insertion of the following subsection after subsection (5):

“(5A) (a) The National Roads Authority shall provide in respect of national managed roads such regulatory signs as may be requested by the Commissioner, in the positions indicated by him or her, and shall, as respects any traffic signs so provided, carry out any periodical transfers from place to place and any alterations and removals which he or she may request.

(b) The National Roads Authority shall, at the request of the Commissioner, remove any regulatory sign from a national

managed road that the Commissioner considers has been provided in a manner or at a location that might adversely affect the safety of road users.”,

- (g) in subsection (6), by the substitution of “land adjacent to a public road, other than a national managed road, but not forming part of such road” for “land adjacent to but not forming part of a public road”,
- (h) by the insertion of the following subsection after subsection (6):
  - “(6A) Where the provision by the National Roads Authority of a traffic sign on land adjacent to but not forming part of a national managed road is reasonably necessary, the National Roads Authority may, after at least twenty-one days’ notice, given by registered post to the occupier (if any) of the land and to every (if any) person interested in the land whose existence, name and address can be ascertained by the National Roads Authority by reasonable enquiries, enter and provide the traffic sign on the land.”,
- (i) by the substitution of the following subsection for subsection (7):
  - “(7) Where a traffic sign is provided by a road authority under subsection (6) or the National Roads Authority under subsection (6A), any person interested in the land may at any time, on giving notice of his or her intention so to do to the road authority or, as the case may be, the National Roads Authority, apply to the Minister to direct the removal of the traffic sign.”,
- (j) in subsection (9), by the insertion of “or, as the case may be, the National Roads Authority,”,
- (k) in subsection (10), by the insertion of “(other than a national managed road)” after “a public road”,
- (l) by the insertion of the following subsection after subsection (10):
  - “(10A) A person other than the National Roads Authority shall not provide a traffic sign visible from a national managed road without the consent of the National Roads Authority.”,
- (m) by the substitution of the following subsection for subsection (11):
  - “(11) The occupier or (in the case of unoccupied land) the owner of land on which a traffic sign is provided in contravention of subsection (10) or (10A) shall be guilty of an offence and, in any prosecution for an offence under this subsection and notwithstanding any other provision of this Act, the traffic sign shall be presumed, until the contrary is shown by the defendant, to have been provided by a person other than a road authority or the National Roads Authority and without the consent of the road authority having charge of the road or the National Roads Authority.”,
- (n) in subsection (12), by the insertion of “or (6A)” after “subsection (6)”,

- (o) in subsection (13), by the insertion of “or the National Roads Authority” after “a road authority”,
- (p) by the insertion of the following subsection after subsection (14):
  - “(14A) A person who provides a sign, device, notice or light in contravention of subsection (14) of this section shall be guilty of an offence.”,
- and
- (q) in subsection (16), by the insertion of “or by the National Roads Authority” after “by a road authority”.

#### **Amendment of section 2 of Act of 2004**

#### **52. Section 2 of the Act of 2004 is amended—**

- (a) by the insertion of the following definitions after the definition of “built up area”:
  - “ ‘chief executive’, in relation to a county council or city council, means a chief executive for the purposes of section 144 of the Local Government Act 2001;
  - ‘Chief Executive of the National Roads Authority’ means a person—
    - (a) directed under section 28(1)(b) of the Roads Act 1993 to perform the functions referred to in section 29(2) of that Act, or
    - (b) appointed under section 29 of the Roads Act 1993;”,
- (b) by the insertion of the following definition after the definition of “Minister”:
  - “ ‘national managed road’ has the same meaning as it has in the Roads Act 1993;”,
- and
- (c) by the insertion of the following definitions after the definition of “Principal Act”:
  - “ ‘road works speed limit’ means a speed limit applied by—
    - (a) the chief executive of a county council or a city council under section 10, or
    - (b) the Chief Executive of the National Roads Authority under section 10A;
  - ‘road works speed limit order’ means an order made by—
    - (a) the chief executive of a county council or a city council under section 10, or

- (b) the Chief Executive of the National Roads Authority under section 10A;

‘special speed limit’ means a speed limit specified by—

- (a) a county council or a city council in bye-laws under section 9, or
- (b) the National Roads Authority in bye-laws under section 9A;

‘special speed limit bye-laws’ means bye-laws made by—

- (a) a county council or a city council under section 9, or
- (b) the National Roads Authority under section 9A;”.

#### **Amendment of section 9 of Act of 2004**

**53.** Section 9 of the Act of 2004 is amended—

- (a) in subsection (1)—
  - (i) by the deletion of “(‘special speed limit bye-laws’)”, and “(‘special speed limit’)”, and
  - (ii) by the insertion of “other than a national managed road, part of a national managed road or carriageway or lane of a national managed road” after “specified carriageway or lane of a public road”,
- (b) in subsection (2)—
  - (i) in paragraph (a), by the substitution of “section 10D” for “this section”, and
  - (ii) in paragraph (f), by the substitution of “section 10D” for “subsection (9)”,
- (c) by the deletion of subsection (6),
- (d) by the deletion of subsection (9),
- (e) in subsection (11), by inserting “under this section” after “special speed limit bye-laws”,
- (f) in subsection (12), by inserting “under this section” after “special speed limit bye-laws”, and
- (g) by the insertion of the following subsection after subsection (12):
  - “(13) Where—
    - (a) a speed limit specified in bye-laws under this section is the speed limit on a road for mechanically propelled vehicles, and
    - (b) the Minister designates such road or a part thereof as a national managed road,
 the speed limit specified in bye-laws under this section in respect of the road shall continue to be the speed limit on that road for mechanically propelled vehicles until the National Roads Authority makes bye-laws under section 9A specifying a speed limit for

mechanically propelled vehicles in respect of that national managed road or part thereof.”.

### **Special speed limits on national managed roads**

**54.** The Act of 2004 is amended by the insertion of the following section after section 9:

**“9A.** (1) The National Roads Authority may make bye-laws specifying in respect of any specified national managed road or specified part of a national managed road or specified carriageway or lane of a national managed road, the speed limit which shall be the speed limit on that road or those roads for mechanically propelled vehicles.

(2) The special speed limits that may be specified in bye-laws under this section are—

(a) (i) 20 kilometres per hour,

(ii) 30 kilometres per hour,

(iii) 40 kilometres per hour,

in respect of a national managed road or nationally managed roads in accordance with guidelines issued by the Minister under this Part,

(b) 50 kilometres per hour, in respect of any national managed road other than a national managed road in a built-up area,

(c) 60 kilometres per hour,

(d) 80 kilometres per hour, in respect of a national managed road that is—

(i) a motorway,

(ii) a national road, or

(iii) in a built-up area,

(e) 100 kilometres per hour, in respect of a national managed road that is—

(i) a motorway, or

(ii) in a built-up area,

and

(f) 120 kilometres per hour, in respect of a dual carriageway that forms part of a national managed road that—

(i) is a national road, and

(ii) is not a motorway,

in accordance with guidelines issued by the Minister under this Part.

- (3) Before making special speed limit bye-laws pursuant to subsection (1), the National Roads Authority shall give notice—
  - (a) the council of any county council or city council concerned of any provision in the proposed bye-laws relating to roads in their respective administrative areas, and
  - (b) the Commissioner,  
and shall consider any representations made in writing by any such council or the Commissioner where they are received within the period (not being less than one month after the date of service of the notice) specified in the notice.
- (4) Whenever the National Roads Authority, having considered any representations under subsection (3), proposes to make bye-laws under this section, the following provisions have effect—
  - (a) the National Roads Authority shall publish notice of the proposal at least once in at least 2 daily newspapers published in and circulating in the State or the area to which the bye-laws relate,
  - (b) the notice shall include—
    - (i) a statement of the purpose for which the bye-laws are to be made,
    - (ii) an intimation that a copy of draft bye-laws is open for public inspection at the address stated in the notice, and
    - (iii) an intimation that any person may submit to the National Roads Authority objections to the draft bye-laws at any time during the period of 30 days commencing on the date of the first publication of the notice,
  - (c) the National Roads Authority shall, during that period of 30 days, keep a copy of the draft bye-laws open for public inspection during ordinary office hours at the address stated in the notice, and
  - (d) any person who objects to the draft bye-laws may submit his or her objection to the National Roads Authority in writing at any time during that period of 30 days and the Authority shall consider the objections.
- (5) In making special speed limit bye-laws under this section the National Roads Authority may, in the interests of road safety, apply a special speed limit for a specified period or periods during any day or during specified days (such periods and days being indicated in such bye-laws) on a specified national managed road or part of it and such special speed limit shall, notwithstanding any other provision in the

said bye-laws relating to any such national managed road or part of it, be the speed limit for that national road for that period or periods only.

- (6) The Minister may make regulations in relation to all or any of the following matters:
  - (a) the varying of the speed limits standing specified in subsection (2) and that subsection shall have effect in accordance with any such regulations for the time being in force;
  - (b) the exemption of a class or classes of mechanically propelled vehicles from a specified speed limit or from all of the speed limits specified or having effect under this section.
- (7) Where special speed limit bye-laws under this section apply a special speed limit to a specified national managed road or specified part of a national managed road or specified carriageway or lane of a national managed road, that speed limit does not apply where—
  - (a) a road works speed limit order is made in respect of, or
  - (b) a variable speed limit is applied to,that national managed road, part, carriageway or lane.
- (8) A document which purports to be a copy of special speed limit bye-laws made under this section and which has endorsed on it a certificate purporting to be signed by an officer of the National Roads Authority stating that the document is a true copy of the bye-laws and that the bye-laws were in force on a specified day, shall, without proof of the signature of such officer or that he or she was in fact such officer, be evidence, until the contrary is shown, in every court and in all legal proceedings, of the bye-laws and of the fact that they were in force on that date.”.

### **Speed limits at road works on roads other than national managed roads**

**55.** The Act of 2004 is amended by the substitution of the following section for section 10:

- “10.** (1) The chief executive of a county council or a city council may, where he or she considers it is in the interests of road safety on a road, other than a national managed road, or part of such a road, in the administrative area of the county council or city council for which he or she is the chief executive, where road works are being carried out, by order apply to that road or part of it a special limit being a speed limit of not less than 20 kilometres per hour, as the speed limit on the road for mechanically propelled vehicles, in lieu of the speed limit provided or having effect under this Act in respect of the road or motorway or part of it.

- (2) An order under subsection (1) is in force for the duration of the road works, subject to no such order having effect for a period of more than 12 months from the date of its making.
- (3) The chief executive of a county council or a city council shall not make an order under subsection (1) in respect of a national road without the prior written consent of the National Roads Authority.
- (4) Before making an order under subsection (1), the chief executive concerned shall notify the Commissioner in writing of his or her intention to make the order.
- (5) The chief executive shall consider any representations made by the Commissioner in writing and in such manner as the Minister may prescribe received by the chief executive within 1 month, or such other period as the Minister may prescribe in relation to the type of road and type of road works concerned, of the notification under subsection (4).
- (6) When a chief executive of a county council or a city council makes an order under subsection (1) he or she shall publish a notice—
  - (a) in one or more newspapers circulating in the county council or city council to which the order relates, or
  - (b) in such other manner as the Minister may prescribe in relation to the type of road and type of road works concerned,  
  
indicating the location where the order will have effect, the period for which it will have effect and the speed limit being applied through the order.
- (7) The chief executive shall have regard to any representations that are made to him or her in relation to the order under subsection (1) prior to making such an order.
- (8) A chief executive of a county council or a city council may at any time within the period specified in subsection (2) revoke or amend an order made by him or her under subsection (1).
- (9) A document which purports to be a copy of an order made under subsection (1) which has endorsed on it a certificate purporting to be signed by the chief executive of a county council or, as the case may be, a city council, making the order or an officer of the county council or a city council concerned designated by the chief executive stating that the document is a true copy of the order and that the order was in force on a specified day, shall, without proof of the signature of the chief executive or officer or that he or she was in fact such chief executive or officer, be evidence, until the contrary is shown, in every court and in all legal proceedings, of the order and of the fact that it was in force on that date.”.

**Amendment of Act of 2004 in relation to national managed roads**

56. The Act of 2004 is amended by the insertion of the following sections after section 10:

**“Speed limits at road works on national managed roads**

**10A.** (1) The Chief Executive of the National Roads Authority may, where he or she considers it is in the interests of road safety on a national managed road, or part of a national managed road where road works are being carried out, by order apply to that road or part of it, subject to section 10C, a special limit being a speed limit of not less than 20 kilometres per hour, as the speed limit on the national managed road for mechanically propelled vehicles, in lieu of the speed limit provided or having effect under this Act in respect of the national managed road or part of it.

(2) An order under subsection (1) is in force for the duration of the road works, subject to no such order having effect for a period of more than 12 months from the date of its making.

(3) The Chief Executive of the National Roads Authority shall not make an order under subsection (1) in respect of a national managed road without giving, or causing to be given, prior written notification to the county council or city council, within whose administrative area the road works occur in writing of his or her intention to make the order.

(4) Before making an order under subsection (1) the Chief Executive of the National Roads Authority shall notify the Commissioner in writing of his or her intention to make the order.

(5) The Chief Executive of the National Roads Authority shall consider any representations made by the Commissioner in writing and in such manner as the Minister may prescribe received by the Chief Executive within 1 month, or such other period as the Minister may prescribe in relation to the type of road and type of road works concerned, of the notification under subsection (4).

(6) When the Chief Executive of the National Roads Authority makes an order under subsection (1), he or she shall publish a notice—

(a) in one or more newspapers circulating in the county council or city council to which the order relates, or

(b) in such other manner as the Minister may prescribe in relation to the type of road and type of road works concerned,

indicating the location where the order will have effect, the period for which it will have effect and the speed limit being applied through the order.

(7) The Chief Executive of the National Roads Authority shall have regard to any representations that are made to him or her in relation to the order made under subsection (1) prior to making such an order.

- (8) The Chief Executive of the National Roads Authority may at any time within the period specified in subsection (2) revoke or amend an order made by him or her under subsection (1).
- (9) A document which purports to be a copy of an order made under subsection (1) which has endorsed on it a certificate purporting to be signed by the Chief Executive of the National Roads Authority or an officer of the National Roads Authority designated by the Chief Executive stating that the document is a true copy of the order and that the order was in force on a specified day, shall, without proof of the signature of the Chief Executive, or the officer or that he or she was in fact the Chief Executive of the National Roads Authority, or such officer, be evidence, until the contrary is shown, in every court and in all legal proceedings, of the order and of the fact that it was in force on that date.

### **Variable speed limits**

**10B.** (1) The National Roads Authority may apply, or cause to be applied, by automated means or otherwise, to any national managed road or any part, carriageway or lane thereof, a special limit (referred to in this Act as a ‘variable speed limit’) being a speed limit of—

- (a) not less than 20 kilometres per hour, and
- (b) not more than the speed limit otherwise provided or having effect under this Act,

as the speed limit for mechanically propelled vehicles on that national managed road, part, carriageway or lane, in lieu of the speed limit provided or having effect under this Act by displaying the speed limit, or causing it to be displayed, electronically on a traffic sign above or to the side of the national managed road, or part, carriageway or lane thereof.

- (2) A variable speed limit is in force for the period during which it is displayed in accordance with subsection (1).
- (3) The speed limits that may be applied under this section are—
  - (a) 20 kilometres per hour,
  - (b) 30 kilometres per hour,
  - (c) 40 kilometres per hour,
  - (d) 50 kilometres per hour,
  - (e) 60 kilometres per hour,
  - (f) 70 kilometres per hour,
  - (g) 80 kilometres per hour,
  - (h) 90 kilometres per hour,

- (i) 100 kilometres per hour,
- (j) 110 kilometres per hour,
- (k) 120 kilometres per hour,

and different variable speed limits may be applied to different carriageways and different lanes on different parts of the same national managed road.

- (4) The Chief Executive of the National Roads Authority may authorise persons to carry out the functions referred to in subsection (1).
- (5) In any legal proceedings in which it is shown that a speed limit was displayed electronically on a traffic sign above or to the side of a national managed road, or part, carriageway or lane thereof it shall be presumed until the contrary is shown that that the speed limit was displayed in accordance with subsection (1).
- (6) A document which has endorsed on it a certificate purporting to be signed by the Chief Executive of the National Roads Authority or a person authorised by the Chief Executive of the National Roads Authority under subsection (4) stating that a variable speed limit applied at a specified location on a specified day, at a specified time or during a specified period, shall, without proof of the signature of the Chief Executive or the person or that he or she was in fact the Chief Executive of the National Roads Authority or so authorised, be evidence, until the contrary is shown, in every court and in all legal proceedings, of the fact that the electronic speed limit applied at that location on that day, at that time or during that period.
- (7) Where a speed limit other than a speed limit referred to in subsection (3) is displayed electronically on a traffic sign above or to the side of a national managed road, or part, carriageway or lane thereof such speed limit shall have no effect and the speed limit provided or having effect under this Act shall apply to the road, or part, carriageway or lane thereof.
- (8) No action or other proceedings shall lie or be maintainable (except in the case of wilful neglect or default) against any officer of, or person authorised by, the National Roads Authority for the recovery of damages in respect of loss of life and personal injury in respect of any injury to persons, damage to property or other loss alleged to have been caused or contributed to by the performance of functions referred to in subsection (1).

#### **Variable speed limit schemes**

- 10C.** (1) The National Roads Authority may prepare a scheme in relation to the application of variable speed limits to a national managed road or any section, carriageway or lane of a national managed road.

- (2) The National Roads Authority shall specify in any scheme prepared under subsection (1)—
  - (a) the national managed road or the section, carriageway or lane of the national managed road to which the scheme relates,
  - (b) the speed limits that the Authority intends will be applied to the road, section, carriageway or lane to which the scheme relates,
  - (c) information regarding the rationale for applying variable speed limits to the road, section, carriageway or lane to which the scheme relates,
  - (d) such other information as the National Roads Authority considers relevant to the application of variable speed limits to the road, section, carriageway or lane to which the scheme relates, and
  - (e) such other information in relation to the application and operation of variable speed limits as the Minister may prescribe.
- (3) The National Roads Authority shall publish a draft of any scheme prepared under subsection (1) on its website.
- (4) Where the National Roads Authority publishes a draft of a scheme in accordance with subsection (3) it shall give notice of such publication to—
  - (a) the council of any county council or city council concerned of any part of the scheme that relates to roads in their respective administrative areas, and
  - (b) the Commissioner,  
and shall consider any representations made in writing by such a council or the Commissioner where they are received within the period (not being less than one month after the date of service of the notice) specified in the notice.
- (5) Where the National Roads Authority publishes a draft of a scheme in accordance with subsection (3) the following provisions shall have effect:
  - (a) the National Roads Authority shall publish notice of the publication of the draft scheme in at least 2 daily newspapers published in and circulating in the State or the area to which the proposed scheme relates,
  - (b) the notice shall state that—
    - (i) it is intended to apply variable speed limits on a specified national managed road or a section, carriageway or lane of a national managed road,

- (ii) a copy of the draft scheme in relation to the road, section, carriage or lane is available for public inspection, and
  - (iii) any person may make submissions to the National Roads Authority in relation to the draft scheme at any time during the period of 30 days commencing on the date of the first publication of the notice,
- (c) the National Roads Authority shall, during that period of 30 days, keep a copy of the draft scheme open for public inspection during ordinary office hours at the address stated in the notice,
- (d) any person who wishes may make submissions to the National Roads Authority in relation to the draft scheme in writing at any time during that period of 30 days and the National Roads Authority shall consider the submissions.
- (6) Having considered any representations and submissions received in accordance with this section the National Roads Authority may make the scheme with or without amendment and shall publish such scheme on its website.

#### **Speed limit guidelines**

- 10D.** (1) The Minister may issue guidelines relating to the making of special speed limit bye-laws, road works speed limit orders and variable speed limit schemes and may amend or cancel any such guidelines.
- (2) Where guidelines under subsection (1) are, for the time being in force, a county council, city council or the National Roads Authority, as the case may be, shall ensure when they are making any special speed limit bye-laws, road works speed limit orders or variable speed limit schemes that such bye-laws, order or schemes are in accordance with such guidelines.
- (3) Any guidelines issued by the Minister under section 9(9) that are in force on the day on which this subsection comes into force shall be deemed to have been made under this section.

#### **Ministerial policy directions in relation to certain speed limits**

- 10E.** (1) The Minister may, from time to time, give policy directions in writing to a county council, city council or the National Roads Authority with regard to any of its functions that relate to the application and operation of special speed limits, road works speed limits, or variable speed limits and a county council, city council and the National Roads Authority shall comply with any such direction.
- (2) Notice of any direction given under subsection (1) and details of it shall be—
- (a) laid before each House of the Oireachtas, as soon as may be, after it has been given, and

- (b) published in *Iris Oifigiúil* and on a website operated by or on behalf of the Department of Transport not later than 21 days of it being given.”.

## PART 15

## AMENDMENT OF FINANCE (EXCISE DUTIES) (VEHICLES) ACT 1952

**Amendment of Finance (Excise Duties) (Vehicles) Act 1952**

57. The Finance (Excise Duties) (Vehicles) Act 1952 is amended—

(a) in section 1(4)—

(i) in paragraph (h), by the substitution of “purposes,” for “purposes.”, and

(ii) by the insertion of the following paragraphs after paragraph (h):

“(i) vehicles owned by a Government Department, the Office of Public Works and the Office of the Revenue Commissioners, and

(j) vehicles owned by such State agencies as may be prescribed by the Minister for Transport, having regard to the amount of State funding provided to such agencies.”,

and

(b) in section 3(c) of Part 1 of the Schedule, by the deletion of “large”.

## PART 16

## MISCELLANEOUS

**Functions of Minister in relation to zero to low emission vehicles**

58. (1) The Minister for Transport (referred to in this section as the “Minister”) shall promote and seek to accelerate the uptake of zero to low emission vehicles.
- (2) The Minister shall promote and increase and develop public awareness of zero to low emission vehicles and the availability of recharging infrastructure and refuelling infrastructure for zero to low emission vehicles.
- (3) The Minister may—
- (a) assist the provision of recharging infrastructure and refuelling infrastructure for zero to low emission vehicles,
- (b) carry out, arrange to have carried out or assist the carrying out of training and research activities in relation to zero to low emission vehicles and recharging infrastructure and refuelling infrastructure for zero to low emission vehicles,

- (c) promote and assist research, development and demonstration of technologies connected with zero to low emission vehicles and recharging infrastructure and refuelling infrastructure for zero to low emission vehicles,
- (d) provide advice, information and guidance in relation to design, standards, accessibility, operation and consumer use of zero to low emission vehicles and recharging infrastructure and refuelling infrastructure for zero to low emission vehicles, and
- (e) engage with stakeholders and prepare reports in relation to the development of the electricity network to meet requirements for charging infrastructure for zero to low emission vehicles.

### **Effect and validity of certain regulations**

- 59.** (1) Notwithstanding section 5(1) of the European Communities Act 2007, the Road Traffic (Construction and Use of Vehicles) Regulations 2003 (S.I. No. 5 of 2003) (referred to in this section as the “Principal Regulations”) shall not have statutory effect pursuant to that section and shall be deemed to have been validly made under sections 5, 11, 12 and 13 of the Act of 1961, sections 8, 10 and 11 of the Road Traffic Act 1968 and section 2 of the Road Traffic Act 2006 on the date those Regulations were purported to be made.
- (2) Notwithstanding section 5(1) of the European Communities Act 2007, the Road Traffic (Construction and Use of Vehicles) (Amendment) Regulations 2004 (S.I. No. 99 of 2004) shall not have statutory effect pursuant to that section and shall be deemed to have been validly made under sections 5 and 11 of the Act of 1961 and section 2 of the Road Traffic Act 2006 on the date those Regulations were purported to be made.
- (3) Subject to *subsections (4) and (5)*, all regulations amending the Principal Regulations made before the coming into operation of this section shall be deemed to have been validly made on the date those Regulations were purported to be made.
- (4) The Road Traffic (Construction and Use of Vehicles) (Amendment) Regulations 2015 (S.I. No. 136 of 2015) shall be deemed to have been validly made under sections 11 and 12 of the Act of 1961 and section 2 of the Road Traffic Act 2006 on the date those Regulations were purported to be made.
- (5) The Road Traffic (Construction and Use of Vehicles) (Amendment) Regulations 2018 (S.I. No. 23 of 2018) shall be deemed to have been validly made under sections 5, 11 and 12 of the Act of 1961, sections 8, 10 and 11 of the Road Traffic Act 1968 and section 2 of the Road Traffic Act 2006 on the date those Regulations were purported to be made.
- (6) Every act done, or purporting to have been done, under the Principal Regulations before the date of coming into operation of this section shall be deemed to be, and always to have been, valid and effectual for all purposes.
- (7) If *subsection (6)* would, but for this subsection, conflict with a constitutional right of any person, the operation of that subsection shall be subject to such limitation as is

[2023.]

*Road Traffic and Roads Act 2023.*

[No. 16.] Pr.16 S.59

necessary to secure that it does not so conflict but shall otherwise be of full force and effect.