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AN BILLE UM THRACHT AR BHOITHRE, 1966  
ROAD TRAFFIC BILL, 1966

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*Mar a tugadh isteach*  
*As introduced*

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**AN BILLE UM THRACHT AR BHOITHRE, 1966  
ROAD TRAFFIC BILL, 1966**

# **BILL**

*entitled*

AN ACT TO AMEND AND EXTEND THE ROAD TRAFFIC 5  
ACT, 1961, TO PROVIDE FOR THE REGULATION AND  
CONTROL OF ROAD TRAFFIC AND THE USE  
OF MECHANICALLY PROPELLED VEHICLES AND  
VEHICLES DRAWN BY SUCH VEHICLES, TO PROVIDE  
IN PARTICULAR FOR THE ASCERTAINMENT BY 10  
TESTS OF THE CONCENTRATION OF ALCOHOL IN  
THE BLOOD OF PERSONS IN CHARGE OF MECHAN-  
ICALLY PROPELLED VEHICLES AND FOR OFFENCES  
BY SUCH PERSONS, TO MAKE PROVISIONS DESIGNED  
TO ENSURE THE ROADWORTHINESS OF VEHICLES 15  
AND THEIR EQUIPMENT, TO AUTHORISE CERTAIN  
CHARGES AND TO PROVIDE FOR OTHER MATTERS  
CONNECTED WITH THE MATTERS AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

## **PART I**

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### **PRELIMINARY AND GENERAL**

Short title.

1.—This Act may be cited as the Road Traffic Act, 1966.

Interpretation.  
1961, No. 24.

2.—(1) In this Act, “ the Principal Act ” means the Road  
Traffic Act, 1961.

(2) In this Act, a reference to a Part or section is to a Part or 25  
section of this Act, unless it is indicated that reference to some  
other enactment is intended.

(3) In this Act, a reference to a subsection or paragraph is to  
the subsection or paragraph of the provision in which the reference  
occurs, unless it is indicated that reference to some other provision 30  
is intended.

Collective  
citation and  
construction.

3.—This Act and the Principal Act may be cited together as the  
Road Traffic Acts, 1961 and 1966, and shall be construed together  
as one Act.



4.—This Act shall come into operation on such day or days as may be fixed therefor by order or orders of the Minister, either generally or with reference to a particular purpose or provision, and different days may be so fixed for different purposes and different provisions of this Act.

Commencement.

5.—Section 119 of the Principal Act, which provides for the reimbursement of hospitals in certain cases when a person is injured as a result of negligent use of a mechanically propelled vehicle, is hereby repealed.

Repeal.

10 6.—Each provision of the Principal Act mentioned in column (1) of the Schedule to this Act is hereby amended in the manner stated in column (2) of that Schedule opposite the mention of that provision in column (1).

Minor and consequential amendments of Principal Act.

15 7.—The Public Offices Fees Act, 1879, shall not apply in respect of any fees payable under the Principal Act or this Act.

Non-application of Public Offices Fees Act, 1879.

1879, c. 58.

## PART II

### GENERAL PROVISIONS RELATING TO VEHICLES

20 8.—(1) A person shall not supply, or offer to supply, a vehicle to which this subsection applies, for delivery in such a condition that the vehicle does not comply with the requirements of regulations under sections 11 and 12 of the Principal Act applying in relation to the vehicle when used in a public place or on a public road and specified for the purpose of this subsection by regulations under this section.

Control of supply of vehicles.

25 (2) A person shall not alter a vehicle to which this subsection applies so as to render its condition such that the vehicle does not comply with the requirements of regulations under sections 11 and 12 of the Principal Act applying in relation to the vehicle when used in a public place or on a public road and specified for the purpose of this subsection by regulations under this section.

30 (3) Subject to regulations under this section, the Minister may issue a certificate or certificates (in this section referred to as type approval certificates) certifying that a vehicle of any type (in this section referred to as a type vehicle) complies with the prescribed requirements.

35 (4) A person shall not supply, or offer to supply, a vehicle to which this subsection applies, unless there is in force in respect of the vehicle and provided therewith either—

(a) a test certificate issued under section 18 of the Principal Act, or

40 (b) a certificate (in this section referred to as a certificate of conformity) issued under regulations under this section by the manufacturer or importer of the vehicle, or by a prescribed person, certifying that the vehicle conforms as respects the prescribed requirements with a type vehicle in respect of which a type approval certificate under subsection (3) is in force.



(5) A person who contravenes *subsection (1), (2) or (4)* shall be guilty of an offence.

(6) Nothing in *subsections (1) to (5)* shall affect the validity of a contract or any rights arising thereunder.

(7) In any contract for the supply of a vehicle to which this subsection applies, it shall be a warranty that the vehicle which is the subject of the contract either—

(a) complies with such requirements of the regulations under sections 11 and 12 of the Principal Act as may be prescribed for the purpose of this subsection, or 10

(b) conforms as respects the prescribed requirements with a type vehicle in respect of which a type approval certificate is in force.

(8) The Minister may make regulations for the purpose of giving effect to this section. 15

(9) Regulations under this section may, in particular and without prejudice to the generality of *subsection (8)*, make provision for all or any of the following matters :

(a) the classes of vehicles to which *subsection (1), (2), (4) or (7)* applies; 20

(b) exempting from *subsection (1), (2), (4) or (7)* the supply or alteration of vehicles for specified purposes or in specified circumstances;

(c) specifying the requirements of regulations under sections 11 and 12 of the Principal Act to be complied with under *subsection (1) or (2)*; 25

(d) the issue and cancellation of certificates of conformity, including, in particular, the form of such certificates, the persons by whom and the conditions subject to which such certificates may be issued or cancelled; 30

(e) the making of applications for type approval certificates, including, the payment of fees in respect of such applications, the disposal of such fees and the production of vehicles or evidence as to the design and construction of vehicles for examination; 35

(f) the issue and cancellation of type approval certificates, including, in particular, the form of such certificates, the delegation of the powers of the Minister under *subsection (3)* to specified persons, and the conditions subject to which such certificates may be issued or cancelled; 40

(g) the requirements to be complied with by type vehicles;

(h) the arrangements to be made by persons issuing certificates of conformity to ensure that vehicles comply as respects the prescribed requirements with type vehicles; 45

(i) providing, as respects a vehicle in course of construction or adaptation, for the issue at appropriate stages of construction or adaptation of certificates of conformity in respect of appropriate parts of the vehicle;

(j) the period of validity of certificates issued under regulations under this section; 50

(k) the keeping of records by specified persons;

(l) powers of inspection of records and premises;



(m) the modification and adaptation of this section in relation to imported vehicles (or parts thereof) in pursuance of any international agreement to which the State is a party.

5 (10) Regulations under this section may make different provisions for different classes of cases coming within the same matter.

(11) A person who contravenes a regulation under this section which is stated to be a penal regulation shall be guilty of an offence.

10 (12) In this section "supply" includes supply by way of sale, hire, loan or otherwise.

9.—(1) The Minister may make regulations in relation to the importation, supply and fitting of vehicle parts.

Control of  
importation,  
etc., of vehicle  
parts.

15 (2) Regulations under this section may, in particular and without prejudice to the generality of subsection (1), provide for all or any of the following matters:

(a) prohibiting importation either absolutely or save under a licence (which may contain conditions) issued by the Minister or by specified persons;

20 (b) prohibiting, either absolutely or save under a licence (which may contain conditions) issued by the Minister, persons from supplying, or offering to supply, specified goods or specified classes of goods;

(c) prohibiting persons from fitting, or offering to fit, vehicle parts to a vehicle—

25 (i) where the importation or supply of such parts is prohibited under this section,

(ii) where the use of a vehicle with such parts in a public place would contravene regulations under section 11 of the Principal Act,

30 (iii) save in a prescribed manner;

(d) requiring persons supplying specified vehicle parts to supply therewith instructions relating to the fitting and use of such parts.

35 (3) Different regulations may be made under this section in respect of different classes of vehicle parts and for different circumstances.

(4) A person who contravenes a regulation under this section which is stated to be a penal regulation shall be guilty of an offence.

40 (5) In this section—

"vehicle part" means any article made or adapted for use as part of a vehicle or for use as part of the equipment of a vehicle and includes any article made or adapted for use as part of the equipment of a driver or passenger on or in a vehicle;

45 "supply" includes supply by way of sale, hire, loan or otherwise.

10.—(1) The Minister may make regulations in relation to the control and operation of vehicles drawn by mechanically propelled vehicles.

Control and  
operation of  
trailers.



(2) Regulations under this section may, in particular and without prejudice to the generality of *subsection (1)*, provide for all or any of the following matters:

- (a) the licensing of drawn vehicles;
- (b) the payment of specified fees in respect of applications for licences or plates under the regulations and the disposition of such fees; 5
- (c) the conditions subject to which drawn vehicles may be operated in public places;
- (d) the keeping of specified records, the issue of specified certificates and the specifying of the persons by whom such certificates are to be issued; 10
- (e) the production of the records and certificates to members of the Garda Síochána and specified officers of the Minister. 15

(3) Different regulations may be made under this section for different circumstances and in respect of different classes of vehicles.

(4) A certificate purporting to be issued pursuant to regulations under this section and stating that a specified person was on a specified day the holder of a licence under the regulations or that on a specified day a licence under the regulations was in force in respect of a specified vehicle shall, without proof of the signature of the person purporting to sign it or that he was the proper person to issue it, be evidence in any legal proceedings until the contrary is shown of the matters so stated. 20 25

(5) In a prosecution for an offence under this section in which a licence under regulations under this section is material, it shall be presumed, until the contrary is shown by the defendant, that at the material time, such a licence, then having effect, was not held. 30

(6) A person who contravenes a regulation under this section which is stated to be a penal regulation shall be guilty of an offence and, in such cases involving a vehicle as may be prescribed and where that person is not the owner of the vehicle, the owner shall also be guilty of an offence. 35

Determination  
of maximum  
weights.

**11.—**(1) A person shall not use in a public place a vehicle to which this section applies unless there is in force in respect of the vehicle and exhibited thereon a plate under this section indicating descriptions of maximum weights which are not to be exceeded in the case of the vehicle or any combination of vehicles of which it is a part. 40

(2) A person shall not use in a public place a vehicle to which this section applies unless there is in force in respect of the vehicle a certificate under this section indicating descriptions of maximum weights which are not to be exceeded in the case of the vehicle or any combination of vehicles of which it is a part. 45

(3) Where a person contravenes *subsection (1)* or (2) he shall be guilty of an offence and, where that person is not the owner of the vehicle, the owner shall also be guilty of an offence. 50



(4) Where a person charged with an offence under *subsection (3)* is the owner of the vehicle, it shall be a good defence to the charge for him to show that the vehicle was being used on the occasion in question by another person and that the use was unauthorised.

5 (5) The owner of a vehicle to which this section applies may apply to the issuing authority for a plate and a certificate under this section in respect of the vehicle.

10 (6) Where an application is made under *subsection (5)* the issuing authority shall determine the descriptions of maximum weights which are not to be exceeded in the case of the vehicle or of any combination of vehicles of which it is a part and shall issue a plate and a certificate in the prescribed forms in respect of the vehicle.

15 (7) The Minister may make regulations for the purpose of giving effect to this section.

(8) Regulations under this section may, in particular and without prejudice to the generality of *subsection (7)*, provide for all or any of the following matters:

- (a) the classes of vehicles to which this section applies;
- 20 (b) exempting from *subsections (1)* and *(2)* the use of vehicles for specified purposes or in specified circumstances;
- (c) the specifying of the persons to be issuing authorities for the purposes of this section;
- 25 (d) the manner in which maximum weights shall be determined, the manner in which any particulars relevant to such determination shall be ascertained or calculated, and the carrying out of tests for the purpose of such determinations;
- (e) the making of applications for plates and certificates under this section and the specifying of conditions subject to which such applications may be made;
- 30 (f) the fees to be paid by applicants for plates and certificates under this section and the disposition of such fees;
- (g) the keeping of records by specified persons;
- 35 (h) the forms and periods of validity of plates and certificates under this section;
- (i) the delegation by issuing authorities to specified persons of the functions of such authorities under *subsection (6)*;
- 40 (j) providing, in the event of a specified alteration to a vehicle in respect of which a plate and certificate under this section have been issued, for the surrender of the plate and certificate to a specified person;
- 45 (k) the issue by issuing authorities of duplicate plates and certificates under this section in place of plates and certificates lost, destroyed, or mutilated, the fees to be paid in respect of such issue and the disposition of such fees;
- 50 (l) providing in specified cases that the determination of descriptions of maximum weights and other particulars on plates and certificates under this section shall be subject to the general or particular approval of the Minister;



(m) providing for the production to specified officers of the Minister, to members of the Garda Síochána, or to other specified persons of certificates under this section and of records kept under this section.

(9) Regulations under this section may make different provisions for different classes of cases coming within the same matter. 5

(10) A person who contravenes a regulation under this section which is stated to be a penal regulation shall be guilty of an offence.

(11) A person who destroys, damages or defaces a plate or a certificate issued under this section shall be guilty of an offence. 10

(12) In this section "the issuing authority" means the person who, in the case in question and in accordance with the regulations under this section, is the issuing authority.

Inspection and  
examination of  
vehicles.

12.—(1) (a) Whenever an authorised officer of the Minister observes a mechanically propelled vehicle or a combination of vehicles in a public place he may inspect and examine the vehicle or combination and, for the purpose of carrying out the inspection and examination, may, subject to regulations under this section, do all such things and make all such requirements in relation to the vehicle or combination as are reasonably necessary. 15 20

(b) A person who contravenes a requirement of an authorised officer of the Minister under this subsection or who obstructs such an authorised officer in the performance of his functions under this subsection shall be guilty of an offence. 25

(2) (a) Whenever the Minister has reasonable grounds for believing that a mechanically propelled vehicle or a combination of vehicles has been used in a public place, he may require the owner of the vehicle or combination to submit it for examination by a person authorised by the Minister at a time and place and in a condition of loading specified by the Minister. 30 35

(b) A person who contravenes a requirement under *paragraph (a)* or who obstructs an authorised person in the performance of his functions under this subsection shall be guilty of an offence.

(3) The Minister may make regulations for the purpose of giving effect to this section. 40

(4) Regulations under this section may, in particular and without prejudice to the generality of *subsection (3)*, provide for all or any of the following matters:

(a) the circumstances in which inspections and examinations may be carried out; 45

(b) the nature of inspections and examinations; 50

(c) the manner in which, the conditions under which and the apparatus with which inspections and examinations may be carried out; 50

(d) the requirements which may be made of persons in charge of vehicles or combinations of vehicles for the purpose of carrying out inspections and examinations;



- (e) the authorising of officers of the Minister to be authorised officers for the purposes of this section;
  - (f) the authorising of persons (whether officers of the Minister or not) to be authorised persons for the purposes of this section;
  - (g) the delegation by the Minister to specified persons of his powers under *subsection (2) (a)*;
  - (h) the keeping of records and the furnishing of reports by authorised persons.
- (5) Regulations under this section may make different provisions for different classes of vehicles and different circumstances.
- (6) A person who contravenes a regulation under this section which is stated to be a penal regulation shall be guilty of an offence and, in such cases involving a vehicle as may be prescribed and where that person is not the owner thereof, the owner shall also be guilty of an offence.
- (7) In this section "examination" includes test.

**13.**—(1) This section applies to every statutory body and to every company (within the meaning of subsection (1) of section 2 of the Companies Act, 1963) which owns or operates not less than the prescribed number of mechanically propelled vehicles (being vehicles exceeding two tons in weight unladen and used in public places) and is designated for the purposes of this section in regulations made thereunder.

Inspection and examination of vehicles in large fleets.

1963, No. 33.

(2) The Minister may make regulations—

- (a) requiring a body or company to which this section applies to arrange, in accordance with a scheme approved by him, for the inspection and examination from time to time of the vehicles (or a specified class thereof) owned or operated by that body or company,
- (b) providing for the keeping of records of such inspections and examinations and of the action taken to remedy any defects discovered in the course of such inspections and examinations, and
- (c) providing for the production of such records to officers of the Minister.

(3) A person who contravenes a regulation under this section which is stated to be a penal regulation shall be guilty of an offence.

**14.**—(1) Where an international agreement to which the State is a party provides for—

Approval marks.

- (a) markings to be applied to vehicles or to vehicle parts for the purpose of indicating conformity of a vehicle part with a type approved by any country, and
- (b) vehicle parts bearing those markings, or in respect of which markings have been applied to a vehicle, to be recognised as complying with the requirements imposed by the law of another country,



the Minister may by regulations designate the markings as approval marks, and the use of any markings so designated shall be deemed for the purposes of the Merchandise Marks Acts, 1887 to 1931, to be a trade description, whether or not they are commonly taken, according to the custom of the trade, to be such indication as is mentioned in subsection (1) (a). 5

1887, c. 28.

(2) A person who, not being authorised by the competent authority to apply an approval mark, applies that mark (or a mark so nearly resembling it as to be calculated to deceive) shall be guilty of an offence under the Merchandise Marks Act, 1887. 10

1931, No. 48.

(3) Section 30 of the Merchandise Marks Act, 1931, shall not apply to an offence committed in connection with an approval mark.

(4) (a) The Minister may by regulations specify the conditions (including payment of fees) subject to which approval of a type may be given on behalf of the State or subject to which the use of approval marks indicating conformity of a vehicle part with a type approved by the State may be authorised, and may provide for the disposition of fees. 15 20

(b) Different regulations may be made under this subsection in respect of different classes of cases.

(5) In this section—

“ vehicle part ” means any article made or adapted for use as part of either a mechanically propelled vehicle or a vehicle drawn thereby, or for use as part of the equipment of either of such vehicles, and includes any article made or adapted for use as part of the equipment of a driver or passenger on or in either of such vehicles; 25

“ the competent authority ” means— 30

(a) as respects any approval mark indicating conformity with a type approved by the State, the Minister, and

(b) as respects any approval mark indicating conformity with a type approved by any other country, the authority having power under the law of that country to authorise the use of that mark; 35

“ conformity of a vehicle part with a type approved ” includes conformity of a vehicle, fitted with the part in question, with a type vehicle approved as respects only the requirement or requirements which the part enables the vehicle to fulfil. 40

Obligatory  
penalty for  
excess weight.

15.—(1) Where—

(a) a vehicle exceeding seventeen tons in weight laden (within the meaning of the relevant regulations), or a combination of vehicles of which such a vehicle forms a part, is used on a public road, 45

(b) the owner is convicted of an offence under section 12 of the Principal Act in respect of such use, and

(c) the excess weight during such use was not less than one ton,

the court which so convicted shall, in addition to any penalty which may be imposed under section 102 of the Principal Act, impose on the owner so convicted, a penalty fixed in accordance with the Table to this section. 50

(2) A penalty imposed under this section shall be paid to the road authority responsible for the maintenance of the road on which the offence was committed. 55



(3) Where a sum becomes recoverable under section 17 of the Principal Act and a penalty has been imposed under this section in respect of the same facts, the sum shall be reduced by the amount of the penalty.

5 (4) Where damages become recoverable under section 93 (8) of the Principal Act and a penalty has been imposed under this section in respect of the same facts, the damages shall be reduced by the amount of the penalty.

(5) In this section—

10 “ excess weight ” means—

(a) in the case of a single vehicle, the excess of the weight laden (within the meaning of the relevant regulations) of the vehicle over the maximum weight laden of the vehicle specified by the relevant regulations applying in relation to the vehicle,

(b) in the case of a combination of vehicles, the excess of the weight laden (within the meaning of the relevant regulations) of the combination over the maximum weight laden of the combination specified by the relevant regulations applying in relation to the combination, together with the excess weight (if any) of each of the individual vehicles forming the combination as calculated in the manner specified in paragraph (a);

25 “ relevant regulations ” means the regulations for the time being in force under section 12 of the Principal Act.

TABLE

	Where the excess weight is more than 1 ton but less than 2 tons	...	...	...	...	£5
30	Where the excess weight is more than 2 tons but less than 3 tons	...	...	...	...	£15
	Where the excess weight is more than 3 tons but less than 4 tons	...	...	...	...	£35
35	Where the excess weight is more than 4 tons but less than 5 tons	...	...	...	...	£75
	Where the excess weight is more than 5 tons	...	...	...	...	£150

16.—(1) The powers conferred on an authorised officer by section 16 (1) and 16 (2) of the Principal Act are hereby extended—

Extension of powers of authorised officer under section 16 of Principal Act.

40 (a) to include power to inspect any part of a vehicle or combination of vehicles for the purpose of forming an opinion as to whether or not the appropriate regulations under sections 11 and 12 of that Act have been or are being complied with, and

45 (b) to include power to require the person in charge of a vehicle or combination of vehicles not to proceed further in the vehicle or combination if and so long as—

50 (i) the vehicle or combination having been weighed in accordance with the said section 16, there is, in the opinion of the officer, a contravention of section 12 (3) of the Principal Act in relation to that vehicle or combination, or



- (ii) the authorised officer is of opinion that the vehicle or combination does not comply with a regulation under section 11 or 12 of the Principal Act and would, if permitted to proceed further, be likely to cause damage to a public road.

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(2) A member of the Garda Síochána may arrest without warrant a person who has refused or failed to comply with a requirement mentioned in *subsection (1) (b) (ii)*.

Extended power of making regulations relating to application for licence under Finance (Excise Duties) (Vehicles) Act, 1952.

1920, c. 72.

1952, No. 24.

17.—(1) The power to make regulations conferred by section 12 of the Roads Act, 1920, shall include—

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- (a) power to make regulations requiring a person applying for a licence under section 1 of the Finance (Excise Duties) (Vehicles) Act, 1952, in respect of a mechanically propelled vehicle to produce in prescribed cases such certificate under this Part as may be prescribed and any other prescribed document for the purposes of this Part,

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- (b) power to make regulations providing for the insertion in prescribed cases by the licensing authority of prescribed particulars on certificates and documents mentioned in *paragraph (a)*.

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(2) In this section "licensing authority" means the council of a county or the corporation of a county borough.

### PART III

#### DRIVING LICENCES

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Regulations in relation to control of driving instruction.

18.—(1) The Minister may make regulations in relation to the control of the giving for reward of instruction in or in respect of the driving of a mechanically propelled vehicle.

(2) Regulations under this section may, in particular and without prejudice to the generality of *subsection (1)*, provide for all or any of the following matters:

- (a) the licensing of driving instructors;
- (b) the qualifications of licensed driving instructors;
- (c) the payment of specified fees in respect of licences and applications for licences and the disposition of such fees;
- (d) the conduct and duties of licensed driving instructors;
- (e) the keeping and inspection of specified records, the issue of specified certificates and the specifying of the persons by whom such records are to be kept and such certificates are to be issued;
- (f) the inspection of courses of instruction given by licensed driving instructors and of vehicles used by them when giving such courses;
- (g) the prohibition or the restriction of the giving for reward by a person other than a licensed driving instructor, of instruction in or in respect of the driving of a

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5 mechanically propelled vehicle, and the prohibition of  
a person from employing a driving instructor who is  
not a licensed driving instructor for the purpose of  
giving instruction for reward in or respect of the  
driving of a mechanically propelled vehicle;

10 (h) the prohibition of a person other than a licensed driving  
instructor from holding himself out as a licensed  
driving instructor, and the prohibition of a person  
employing a driving instructor other than a licensed  
driving instructor from holding that driving instructor  
out as a licensed driving instructor;

15 (i) the type of vehicle in which the giving for reward of  
instruction in or in respect of the driving of a  
mechanically propelled vehicle may be carried on, the  
fittings required to be in or on such a vehicle and the  
prescribing of any other conditions subject to which  
such a vehicle may be used for such instruction.

20 (3) Different regulations may be made under this section in  
respect of different classes of vehicles and for different circum-  
stances.

(4) A certificate purporting to be issued pursuant to regulations  
under this section and stating that a specified person was on a  
specified day the holder of a licence under the regulations shall,  
without proof of the signature of the person purporting to sign it  
or that he was the proper person to issue it, be evidence in any  
25 legal proceedings until the contrary is shown of the matters so  
stated.

(5) In a prosecution for an offence under this section in which  
a licence under regulations under this section is material, it shall  
30 be presumed, until the contrary is shown by the defendant, that  
at the material time, such a licence, then having effect, was not  
held.

(6) Whenever a person (in this subsection referred to as the  
instructor) is accompanying the holder of a provisional licence  
35 (within the meaning of section 35 of the Principal Act) while  
such holder is driving a mechanically propelled vehicle in a public  
place, the instructor shall be deemed, in any prosecution for an  
offence under this section, to be giving for reward instruction in  
or in respect of the driving of that vehicle until the contrary is  
40 shown by the instructor.

(7) A person who contravenes a regulation under this section  
which is stated to be a penal regulation shall be guilty of an  
offence and, in the case of a contravention of a regulation pro-  
hibiting or restricting the giving for reward of instruction by a  
person other than a licensed driving instructor or prohibiting the  
45 employment of such a person for the purpose of giving instruction  
for reward, shall be liable on summary conviction to a fine not  
exceeding one hundred pounds or, at the discretion of the court,  
to imprisonment for any term not exceeding six months or to  
50 both such fine and such imprisonment.

19.—Section 33 of the Principal Act (which relates to certifi-  
cates of competency) is hereby amended by the insertion after  
subsection (3) of the following subsection:

Amendment of  
section 33 of  
Principal Act.

55 “(3A) (a) Notwithstanding anything contained in subsection  
(3) of this section, a test under that subsection  
shall not be carried out save where the issuing  
authority has satisfied itself in the prescribed



manner that the eyesight of the applicant or, in the case of an applicant with a defect of eyesight for the time being corrected, the eyesight of the applicant as so corrected, complies with the prescribed standard.

5

(b) A person aggrieved by a refusal, in pursuance of paragraph (a) of this subsection, to carry out a test may appeal to a Justice of the District Court having jurisdiction in the place in which the person ordinarily resides, and the Justice may either refuse the appeal or, if satisfied that the eyesight or corrected eyesight of the applicant complies with the prescribed standard, direct the issuing authority to test or cause to be tested the applicant under subsection (3) of this section.

10

15

(c) A decision under this subsection of a Justice of the District Court shall be final and not appealable."

Limited  
certificates of  
competency for  
special cases.

20.—(1) Where an applicant for a certificate of competency under section 33 of the Principal Act so requests and the issuing authority within the meaning of that section so determines, a certificate of competency issued under subsection (4) (b) (ii) of that section to that applicant shall, notwithstanding anything in that Act, contain a statement that, in relation to a class of vehicles in respect of which the certificate is issued, it is limited to a specified type of vehicle belonging to that class.

20

25

(2) Where the certificate of competency accompanying, pursuant to section 22 (3) (c) of the Principal Act, an application under that section for a driving licence contains a statement that the certificate is limited to a specified type of vehicle belonging to a specified class, any driving licence issued in pursuance of that application shall, notwithstanding anything in that Act, contain a statement that, in relation to that class, the licence is limited to a vehicle of the type specified in the certificate and the licence shall, for the purposes of section 38 of the Principal Act, have effect accordingly.

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35

Postponement of  
certain periods  
of disqualification.

21.—(1) When making a consequential disqualification order or an ancillary disqualification order the court may, at its discretion but subject to subsection (2), postpone the commencement of the period of disqualification for a period not exceeding six months from the date of conviction.

40

(2) A court shall not postpone a period of disqualification under this section unless it is satisfied that a special reason (which it shall specify when postponing the period) relating to his personal circumstances (including the nature of his employment) has been proved by the convicted person to exist in his particular case.

45

Restoration of  
power to remit  
certain  
disqualifications.

1951, No. 2.

22.—Section 124 of the Principal Act (which excludes from the power to remit conferred by section 23 of the Criminal Justice Act, 1951, a disqualification under the Principal Act for holding a driving licence) is hereby amended by the insertion after "this Act" of "(other than a disqualification under subsection (1) of section 27 thereof)".

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## PART IV

### SPEED LIMITS

23.—Part IV of the Principal Act is hereby amended by the insertion after section 44 of the following section : General speed limit.

5 “General speed limit.

44A. (1) The Minister may make regulations prescribing, in respect of all public roads, or all public roads with such exceptions as may be specified in the regulations, a speed limit (which shall be known as a general speed limit) for all mechanically propelled vehicles.

10

(2) Regulations under this section prescribing a general speed limit may except any class of vehicles from the limit and may restrict the limit to a particular period or to particular periods.”

15 24.—Section 46 of the Principal Act is hereby amended by the deletion of subsection (2) and by the deletion of “ of the day and night ” in subsection (3) (b). Amendment of section 46 of Principal Act.

25.—Section 47 of the Principal Act is hereby amended—

Amendment of section 47 of Principal Act.

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

20

“ (2A) In a prosecution for an offence under this section for driving a mechanically propelled vehicle, at a speed exceeding the built-up area speed limit or a special speed limit applying in relation to the vehicle, on a road in respect of which the built-up area speed limit or a special speed limit is indicated by one or more than one traffic sign within the meaning of section 95 of this Act, it shall be presumed, until the contrary is shown by the defendant, that the limit so indicated applied in respect of that road at the time when the offence is alleged to have been committed.”, and

25

(b) by the insertion after subsection (3) (a) of—

“ (aa) a general speed limit,”.

30

## PART V

### DRIVING OFFENCES

26.—In this Part—

Definitions for Part V.

“ analysis ” includes examination, assessment, chemical analysis and any other operation used in ascertaining the concentration of alcohol in a specimen of breath, blood or urine, and cognate words shall be construed accordingly;

40

“ Bureau ” has the meaning assigned to it in section 36 (1);

“ designated ” means designated by the member of the Garda Síochána then in charge of the Garda station;

45 “ Director ” has the meaning assigned to it in section 38 (1);



" establishment order " has the meaning assigned to it in *section 36 (1)*;

1927, No. 25.

" registered medical practitioner " means a person registered in the register established under the Medical Practitioners Act, 1927.

Obligation to provide preliminary specimen of breath.

27.—(1) Whenever a member of the Garda Síochána is of opinion that a person in charge of a mechanically propelled vehicle in a public place has consumed intoxicating liquor, he may require him to provide in the prescribed manner a specimen of his breath by exhaling into an apparatus designed for the purpose of indicating the presence of alcohol in the breath. 10

(2) A person who refuses or fails to comply forthwith with a requisition under this section shall be guilty of an offence.

(3) A member of the Garda Síochána may arrest without warrant—

(a) a person who has been driving or attempting to drive a mechanically propelled vehicle in a public place and who, in the opinion of the member, is committing or has committed an offence under this section, or

(b) a person who is or has been in charge of a mechanically propelled vehicle in a public place with intent to drive or attempt to drive the vehicle but not driving or attempting to drive it and who, in the opinion of the member, is committing or has committed an offence under this section. 20

Amendment of section 49 of Principal Act.

28.—Section 49 of the Principal Act is hereby amended by the insertion after " the vehicle " in subsection (1) of " or while there is present in his body a quantity of alcohol such that, within three hours after so driving or attempting to drive, the concentration of alcohol in his blood will exceed a concentration of 125 milligrammes of alcohol per 100 millilitres of blood ". 25 30

Obligation to provide, or permit taking of, specimen at Garda station (section 49).

29.—(1) Where a person (in this section referred to as the arrested person) arrested under section 49 (4) of the Principal Act or *section 27 (3) (a)* of this Act has been brought to a Garda station, the member of the Garda Síochána then in charge there may do either or both of the following— 35

(a) require the arrested person to provide in the prescribed manner a specimen of his breath by exhaling into an apparatus designed for showing the concentration of alcohol in the breath or blood or into a receptacle designed for preserving the specimen for subsequent analysis, 40

(b) require the arrested person either to permit a designated registered medical practitioner to take from the arrested person a specimen of his blood or, if the arrested person so opts, to provide for the designated registered medical practitioner a specimen of the arrested person's urine in accordance with the prescribed procedure. 45

(2) Notwithstanding *subsection (1)*, when an arrested person who opted to provide in accordance with the prescribed procedure a specimen of urine fails to do so, he may be required by the member of the Garda Síochána in charge of the station to permit the designated registered medical practitioner to take from the arrested person a specimen of his blood. 50



(3) An arrested person (other than a person who has provided a specimen of his urine in accordance with the prescribed procedure) who, following a requisition under this section, refuses or fails to permit a designated registered medical practitioner to take from the arrested person a specimen of his blood shall be guilty of an offence and shall be liable on summary conviction to imprisonment for any term not exceeding six months or, at the discretion of the court, to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

(4) An arrested person who refuses or fails to comply with a requisition under subsection (1) (a) shall be guilty of an offence.

(5) Section 1 (1) of the Probation of Offenders Act, 1907, shall not apply to an offence under this section. 1907, c. 17.

**30.**—It shall not be a good defence for a person charged under section 49 of the Principal Act with driving or attempting to drive a mechanically propelled vehicle in a public place while he was under the influence of intoxicating liquor or a drug to such an extent as to be incapable of having proper control of the vehicle to show that—

Bar to certain defences to charges under section 49 of Principal Act.

(a) an analysis or determination under this Part has not been carried out, and

(b) he has not been required under section 29 (1) (a) or 32 (1) (a) to provide a specimen of his breath.

**31.**—Section 50 of the Principal Act is hereby amended—

Amendment of section 50 of Principal Act.

(a) by the insertion after “is unfit to drive the vehicle” in subsection (2) of “or in whose body there is present a quantity of alcohol such that, within three hours after having been so in charge of the vehicle, the concentration of alcohol in his blood will exceed a concentration of 125 milligrammes of alcohol per 100 millilitres of blood”;

(b) by the substitution of the following subsection for subsection (4):

“(4) In a prosecution for an offence under this section, it shall be presumed that the defendant intended to drive or attempt to drive the vehicle until he shows the contrary.”;

(c) by the insertion after “the repealed Act” in subsection (7) of “or under section 29 (3) or 32 (3) of the Road Traffic Act, 1966”.

**32.**—(1) Where a person (in this section referred to as the arrested person) arrested under section 50 (6) of the Principal Act or section 27 (3) (b) of this Act has been brought to a Garda station, the member of the Garda Síochána then in charge there may do either or both of the following—

Obligation to provide, or permit taking of, specimen at Garda station (section 50).

(a) require the arrested person to provide in the prescribed manner a specimen of his breath by exhaling into an apparatus designed for showing the concentration of alcohol in the breath or blood or into a receptacle designed for preserving the specimen for subsequent analysis,



(b) require the arrested person either to permit a designated registered medical practitioner to take from the arrested person a specimen of his blood or, if the arrested person so opts, to provide for the designated registered medical practitioner a specimen of the arrested person's urine in accordance with the prescribed procedure. 5

(2) Notwithstanding subsection (1), when an arrested person who opted to provide in accordance with the prescribed procedure a specimen of urine fails to do so, he may be required by the member of the Garda Síochána in charge of the station to permit the designated registered medical practitioner to take from the arrested person a specimen of his blood. 10

(3) An arrested person (other than a person who has provided a specimen of his urine in accordance with the prescribed procedure) who, following a requisition under this section, refuses or fails to permit a designated registered medical practitioner to take from the arrested person a specimen of his blood shall be guilty of an offence and shall be liable on summary conviction, in the case of a first offence, to a fine not exceeding twenty pounds or, at the discretion of the court, to imprisonment for any term not exceeding one month or to both such fine and such imprisonment and, in the case of a second or any subsequent offence, to a fine not exceeding fifty pounds or, at the discretion of the court, to imprisonment for any term not exceeding three months or to both such fine and such imprisonment. 15 20 25

(4) An arrested person who refuses or fails to comply with a requisition under subsection (1) (a) shall be guilty of an offence.

(5) A person convicted of an offence under this section who has been previously convicted of an offence under section 30 of the Road Traffic Act, 1933, section 49 or 50 of the Principal Act or section 29 (3) of this Act shall, for the purposes of determining his liability to punishment under this section, be treated as having been previously convicted of an offence under this section. 30

1933, No. 11.

Bar to certain defences to charges under section 50 of Principal Act.

33.—It shall not be a good defence for a person charged under section 50 of the Principal Act with being unfit to drive a mechanically propelled vehicle when in charge thereof in a public place with intent to drive or attempt to drive the vehicle but not driving or attempting to drive the vehicle, to show that— 35

(a) an analysis or determination under this Part has not been carried out, and 40

(b) he has not been required under section 29 (1) (a) or 32 (1) (a) to provide a specimen of his breath.

Provisions relating to certain evidence in prosecutions under section 49 or 50 of Principal Act.

34.—(1) On the hearing of a charge for an offence under section 49 or 50 of the Principal Act, it shall not be necessary to show that the defendant had not consumed intoxicating liquor after the time when the offence is alleged to have been committed but before the taking or provision of a specimen under section 29 or section 32. 45

(2) Where, on the hearing of a charge for an offence under section 49 or 50 of the Principal Act, evidence is adduced by or on behalf of the defendant that, after the time when the offence is alleged to have been committed but before the taking or provision of a specimen under section 29 or section 32, he had consumed intoxicating liquor, the court shall disregard the evidence unless satisfied by or on behalf of the defendant that but for that consumption the concentration of alcohol in the defendant's blood (as specified in a certificate under section 42 (3) or 44 (2)) would not have exceeded a concentration of 125 milligrammes of alcohol per 100 millilitres of blood. 50 55



(3) (a) A person shall not take or attempt to take any action (including consumption of alcohol but excluding a refusal or failure to provide a specimen of his breath, blood or urine) with the intention of frustrating a prosecution under section 49 or 50 of the Principal Act.

(b) A person who contravenes this subsection shall be guilty of an offence.

(4) Where, on the hearing of a charge for an offence under section 49 or 50 of the Principal Act, the court is satisfied that any action taken by the defendant (including consumption of alcohol but excluding a refusal or failure to provide a specimen of his breath, blood or urine) was so taken with the intention of frustrating a prosecution under the said section 49 or 50, the court may find him guilty of an offence under subsection (3).

35.—(1) In a prosecution for refusing or failing to permit a designated registered medical practitioner to take a specimen of blood, it shall be a good defence for the defendant—

Defence to refusal to permit taking of specimen.

(a) to show that, when required to permit the taking of the specimen, he had not been cautioned in the prescribed terms of the possible effects of his refusal or failure, or

(b) to satisfy the court that there was a special and substantial reason for his refusal or failure.

(2) Notwithstanding subsection (1) (b), on the hearing of a charge for an offence under section 49 or 50 of the Principal Act, the fact that the defendant refused or failed to provide, or permit the taking of, a specimen of blood or urine may be given in evidence.

36.—(1) The Minister may by order (in this Part referred to as the establishment order) establish as on and from a specified date a body (in this Part referred to as the Bureau) to perform the functions assigned to it by or under this Act.

Establishment of Bureau for purposes of this Part.

(2) The Bureau shall be called and known by such title as may be specified in the establishment order and shall be a body corporate with perpetual succession and power to sue and be sued in its corporate name and, with the consent of the Minister, to acquire, hold and dispose of land.

(3) The Bureau shall consist of not less than three but not more than five members.

(4) The members of the Bureau shall be appointed by the Minister.

(5) No remuneration or moneys in respect of expenses may be paid to a member of the Bureau save with the consent of the Minister for Finance.

37.—(1) The Bureau shall perform the functions assigned to it by or under this Act.

Functions and duties of the Bureau.

(2) In particular, and without prejudice to the generality of subsection (1), the Bureau shall, subject to this Act, any regulations thereunder and the establishment order, arrange for the purposes of this Part for—

(a) the receipt and analysis of specimens of blood and urine forwarded thereto under this Part,



- (b) the determination, in respect of such specimens, of the concentration of alcohol in the blood,
- (c) the issue of certificates under *sections 42 (3) and 44 (2)*, and
- (d) the provision of equipment for the taking or provision of 5 specimens of blood and urine.

(3) The Bureau may, from time to time, with the consent of the Minister, arrange for research into—

- (a) the physical and mental fitness of drivers of vehicles,
- (b) the medical aspects of road safety, 10
- (c) the effects of the consumption of intoxicating liquor or the taking of drugs on drivers of vehicles and the methods of measuring such effects,
- (d) the methods of determining the extent to which alcohol or drugs is or are present in a person's body. 15

(4) The Bureau may, with the consent of the Minister—

- (a) arrange for the supply and testing of equipment or apparatus for the obtaining or testing of specimens of breath provided under this Part,
- (b) render such assistance, whether financial or otherwise, as it 20 thinks proper to persons carrying out or intending to carry out research of a kind which the Bureau is by this Act authorised to carry out.

Director of the Bureau.

**38.**—(1) The establishment order shall provide for the appointment by the Minister of a Director of the Bureau, in this Part 25 referred to as the Director.

(2) The Director shall, subject to this Act, any regulations thereunder and the establishment order, manage the day-to-day business of the Bureau and exercise general supervision over the receipt and analysis of specimens received by the Bureau under this Part 30 and the issue of certificates for which the Bureau is required to arrange under this Part.

(3) The Director shall be paid, out of funds at the disposal of the Bureau—

- (a) such remuneration as may from time to time be fixed 35 by the Minister with the consent of the Minister for Finance, and
- (b) such amounts in respect of expenses as the Minister, with the consent of the Minister for Finance, from time to time approves. 40

(4) The Director may be a member of the Bureau.

(5) The Director may, with the consent of the Bureau and as provided by the establishment order, from time to time appoint one or more than one person to act as his deputy and may from time to time delegate to any such person any of the duties 45 or functions of the Director.



(6) Where a delegation to a person is made under this section—

(a) the person shall perform the delegated functions under the general direction and control of the Director,

5 (b) the person shall perform the delegated function in accordance with such (if any) limitations as may be specified in the delegation as to the area or period in which or the extent to which he is to perform that function, and

10 (c) a provision made by or under this Act which vests functions in the Director or regulates the manner in which any function is to be performed shall, if and in so far as it is applicable to the delegated function, have effect for the purposes of the performance of that function by the person, with the substitution of the person for the Director.

(7) Notwithstanding subsection (6), where a delegation to a person is made under this section—

20 (a) the Director may, in any particular case of the performance of the function, inform the person that he has decided to perform the function himself, and the function shall thereupon be performable in such case by the Director and not by the person, and

25 (b) if the person is satisfied that, in any particular case of the performance of the function, performance would, on account of the importance of the decision involved or on account of any other reasonable consideration, be more appropriately effected by the Director, the person may refer such case to the Director, and the function shall thereupon be performable in such case by the Director and not by the person.

(8) The name of the Director and of any person appointed under subsection (5) shall be published in the manner specified in the establishment order.

35 **39.—**(1) The establishment order shall contain such provisions as the Minister considers appropriate for the purpose of enabling the Bureau to perform its functions effectively and to give effect to the provisions of this Part in so far as they relate to the Bureau. Provisions of the establishment order.

(2) In particular, and without prejudice to the generality of subsection (1), the establishment order may contain provisions relating to all or any of the following matters:

(a) the terms and conditions of appointment and tenure of office of members of the Bureau and of the Director;

45 (b) the appointment of officers and the employment of servants by the Bureau and the remuneration and conditions of service of such officers and servants;

(c) meetings of the Bureau and procedure at such meetings;

(d) the regulation of the finances of the Bureau and the keeping and auditing of its accounts;

50 (e) the furnishing by the Bureau to the Minister from time to time of information regarding the performance of its functions;



(f) empowering the Bureau to provide itself with a seal and providing for the use and authentication of the seal;

(g) empowering the Bureau to make arrangements with another person or body for the use by the Bureau of premises and equipment belonging to that person or body and for the use of the services of officers and servants of that person or body.

(3) No provision relating to the matters mentioned in subsection (2) (b) may be contained in the establishment order save with the consent of the Minister for Finance.

(4) The Minister may from time to time by order amend the establishment order and amend or revoke an order under this subsection.

Expenses of the Bureau.

40.—(1) Subject to any general directions which may, from time to time, be given by the Minister for Finance, there shall be paid out of the Road Fund in every year to the Bureau an amount equal to the expenses which, in the opinion of the Minister, are reasonably and properly incurred in the performance of its functions, less any fees or other payments made to the Bureau under this Act or the establishment order.

1920, c. 72.

(2) Subsection (4) of section 3 of the Roads Act, 1920, shall be construed and have effect as if the expenses required by this section to be met out of the Road Fund were included in the expenses mentioned in paragraph (e) of that subsection.

Protection of the Bureau against legal proceedings.

41.—No action or other legal proceeding shall lie (except in the case of wilful neglect or default) against the Director or against the Bureau or any member or officer or servant thereof by reason of, or arising out of, the carrying out of any analysis or determination under this Act.

Procedure following taking or provision of specimen.

42.—(1) Whenever a designated registered medical practitioner has, following a requisition under section 29 or section 32, taken a specimen of blood or obtained a specimen of urine from a person, he shall certify the prescribed particulars on a prescribed form which he shall then give to the member of the Garda Síochána then in charge of the station, and the specimen and a copy of the certificate shall be forwarded in accordance with the prescribed procedure to the Bureau.

(2) Upon receipt by the Bureau of a specimen forwarded thereto under subsection (1), a part of the specimen shall, in accordance with the prescribed procedure, be analysed and the concentration of alcohol therein be determined, and the remainder of the specimen shall be preserved in accordance with the prescribed procedure.

(3) Upon the making of a determination under subsection (2)—

(a) a certificate containing the result of the determination and such other matters as may be prescribed shall be issued to the member of the Garda Síochána in charge of the Garda station from which the specimen was forwarded, and



(b) a statement in the prescribed form containing the result of the determination and such other matters as may be prescribed shall be issued in the prescribed manner, to the person from whom the specimen was taken or by whom the specimen was provided.

43.—(1) A certificate expressed to be issued under *section 42* (1) shall, without proof of the signature of the person purporting to sign the certificate or that that person was the proper person so to sign, be sufficient evidence in any legal proceedings of the matters certified in the certificate, until the contrary is shown.

Evidential effects  
of certificate  
under section 42.

(2) Where a certificate is expressed to have been issued under *section 42* (3), the following provisions shall, without proof of the signature of the person purporting to sign the certificate or that that person was the proper person so to sign, apply:

(a) where the certificate states that it has been determined that a specimen of blood contained a specified concentration of alcohol or that a specimen of urine contained a concentration of alcohol equivalent to a specified concentration of alcohol in the blood, the certificate shall, in a prosecution for an offence under *section 49* or *50* of the Principal Act, but subject to *section 44* (4) of this Act, be conclusive evidence that, at the time the specimen was taken or provided, the concentration of alcohol in the blood of the person from whom the specimen was taken or by whom the specimen was provided was the specified concentration of alcohol;

(b) where the certificate states other facts obtained from records required to be kept under this Part, it shall be sufficient evidence in any legal proceedings of the correctness of those facts until the contrary is shown.

44.—(1) Where a portion of a specimen is analysed and a determination in respect thereof made under *section 42* (2), the person to whom the specimen relates may, within the prescribed period and in the prescribed manner and subject to the payment to the Bureau of the prescribed fee, require the Bureau to have analysed, in accordance with the prescribed procedure, portion of the remainder of that specimen and to have determined, in accordance with the prescribed procedure, the concentration of alcohol therein and the Bureau shall, in accordance with this Act and any appropriate regulations thereunder, comply with the requisition.

Right to  
further analysis.

(2) Upon the making of a determination under *subsection* (1)—

(a) a certificate containing the result of the determination and such other matters as may be prescribed shall be issued to the member of the Garda Síochána in charge of the Garda station from which the specimen was forwarded, and

(b) a statement in the prescribed form containing the result of the determination and such other matters as may be prescribed shall be issued in the prescribed manner to the person from whom the specimen was taken or by whom the specimen was provided.

(3) Where a person making a requisition under this section so requests in the prescribed manner and within the prescribed period, an analysis and determination under this section shall be made in his presence or in the presence of a person nominated by him.



(4) Where a certificate issued under *subsection (2)* specifies a concentration of alcohol lower than that specified in the certificate issued under *section 42 (3)* in relation to that specimen, the last-mentioned certificate shall, for the purposes of *section 43 (2)*, be read as if the lower concentration of alcohol were substituted for the concentration of alcohol specified therein. 5

Opportunity to have taken or to give additional specimen, or to be supplied with portion of specimen.

**45.**—(1) A person who complies with a requisition under *section 29 (1) (b)*, *29 (2)*, *32 (1) (b)* or *32 (2)* shall—

(a) be given an opportunity of having an additional specimen of blood taken by a registered medical practitioner of his own choice or of giving an additional specimen of urine to that practitioner, or 10

(b) if the person so requests, be supplied by the designated registered medical practitioner with an additional specimen of blood taken from that person in accordance with the prescribed procedure immediately after the taking of the specimen in pursuance of the requisition or, where a specimen of urine has been provided, with portion of that specimen. 15

(2) In a prosecution for an offence under *section 49* or *50* of the Principal Act or under *section 29 (3)* or *32 (3)* of this Act, it shall be presumed until the defendant shows otherwise that the requirements of this section have been complied with. 20

Regulations for sections 26 to 45.

**46.**—(1) The Minister may make regulations for the purpose of giving effect to *sections 26* to *45*. 25

(2) Regulations under this section may, in particular and without prejudice to the generality of *subsection (1)*, provide for or prescribe all or any of the following matters :

(a) the procedure to be followed when a specimen is being taken or provided under *section 29* or *section 32* and before the forwarding of a specimen of blood or urine to the Bureau, and the manner of taking or providing such a specimen; 30

(b) the forms of certificates and statements to be issued under *sections 42* and *44* and the specifying of the persons by whom certificates and statements under *sections 42 (3)* and *44 (2)* shall be issued; 35

(c) the procedure to be followed in the forwarding to the Bureau of specimens and certificates under *section 42* and the procedure to be followed upon receipt by the Bureau of such specimens and certificates; 40

(d) the specifying of the persons by whom determinations under *sections 42 (2)* and *44 (1)* shall be made;

(e) the preservation of records and other documents and of specimens received by the Bureau; 45

(f) the inclusion, in every certificate and statement issued under *section 42 (3)* or *44 (2)* and relating to a specimen of urine, of a statement that the concentration of alcohol in the urine as determined under this Act is equivalent to a specified concentration of alcohol in the blood; 50



(g) the method by which the equivalence referred to in paragraph (f) shall be calculated;

5 (h) the procedure to be followed in the furnishing of equipment or apparatus to the Garda Síochána for the taking or providing of specimens of blood or urine under this Part and the procedure to be followed and the methods to be used by the Bureau in the analysis of specimens so taken or provided, including the determination by the Bureau of those methods;

10 (i) the caution to be given before a requisition is made under section 29 or 32;

(j) the procedure and methods to be used in determinations under section 42 (2) and section 44 (1).

15 47.—Section 51 of the Principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) A person who contravenes subsection (1) of this section shall be guilty of an offence and—

Driving  
animal-drawn  
vehicle or pedal  
cycle while  
under influence  
of intoxicating  
liquor or drug.

20 (a) if the offence relates to an animal-drawn vehicle, he shall be liable on summary conviction, in the case of a first offence, to a fine not exceeding twenty pounds or, at the discretion of the court, to imprisonment for any term not exceeding one month or to both such fine and such imprisonment and, in the case of a second or any subsequent offence, to a fine not exceeding fifty pounds or, at the discretion of the court, to imprisonment for any term not exceeding three months or to both such fine and such imprisonment, and

25 (b) if the offence relates to a pedal cycle, he shall be liable on summary conviction to a fine not exceeding fifty pounds or, at the discretion of the court, to imprisonment for any term not exceeding three months or to both such fine and such imprisonment.”

30 48.—The Principal Act is hereby amended by the insertion of the following section after section 51:

Driving without  
reasonable  
consideration.

“Driving without  
reasonable  
consideration.

51A. (1) A person shall not drive a vehicle in a public place without reasonable consideration for other persons using the place.

40 (2) A person who contravenes subsection (1) of this section shall be guilty of an offence.”

49.—The Principal Act is hereby amended by the substitution of the following section for section 52:

Careless driving.

“Careless  
driving.

52. (1) A person shall not drive a vehicle in a public place without due care and attention.

45 (2) A person who contravenes subsection (1) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds or, at the discretion of the court, to imprisonment for any term not exceeding three months or to both such fine and such imprisonment.”



Amendment of  
section 53 of  
Principal Act.

50.—Section 53 of the Principal Act is hereby amended by—

- (a) the deletion from subsection (1) of “ at a speed or ”, the insertion after “ manner ” in that subsection of “ (including speed) ”, and the insertion after “ including ” in that subsection of “ the condition of the vehicle,”
- (b) the insertion before “ built-up ” in subsection (3) of “ general,” and
- (c) the deletion from subsection (6) of “ and that the contravention has caused death or serious bodily harm to another person ” and “ first-mentioned ”.

Amendment of  
section 55 of  
Principal Act.

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51.—Section 55 of the Principal Act is hereby amended by—

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

“ (1) A person shall not park a vehicle in a public place if, when so parked, the vehicle would be likely to cause danger to other persons using that place.”, and

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- (b) the insertion after subsection (3) of the following subsection:

“ (4) Where a member of the Garda Síochána is of opinion that a person is committing or has committed an offence under this section, he may arrest the person without warrant.”

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## PART VI

### COMPULSORY INSURANCE

Cesser of  
provisions of  
Principal Act  
relating to  
approved  
guarantee.

52.—The provisions of Part VI of the Principal Act relating to an approved guarantee shall cease to have effect.

Exempted  
person.

53.—The following section is hereby substituted for section 60 of the Principal Act:

“Exempted  
person.

60. (1) In this Part of this Act “ exempted person ” means, subject to subsection (3) of section 78 of this Act—

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- (a) a board or other body established by or under an Act of the Oireachtas or an Act of the Oireachtas of Saorstát Éireann,

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- (b) a company (hereinafter referred to as a State-sponsored company) within the meaning of subsection (1) of section 2 of the Companies Act, 1963, in which the majority of the shares are held by or on behalf of a Minister of State, or

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- (c) a company within the meaning of subsection (1) of section 2 of the Companies Act, 1963, in which the majority of the ordinary shares are

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1963, No. 33.



held by a State-sponsored company or a board or other body mentioned in paragraph (a) of this subsection,

in respect of which the Minister has issued a certificate that such board, other body or company is for the time being an exempted person for the purposes of this Act.

(2) The Minister shall not issue a certificate under this section unless he is of the opinion (having, in a case where a deposit under section 61 of this Act has been made and maintained, taken such deposit into account) that the board, other body or company is, and will be, capable of meeting any liability arising out of the negligent use of a mechanically propelled vehicle in respect of which, if such board, other body or company were not an exempted person or a vehicle insurer, an approved policy of insurance would be required to be in force at the material time."

54.—(1) The following section is hereby substituted for section 61 of the Principal Act :

Deposits by exempted persons.

"Deposits by exempted persons.

61. (1) The Minister may from time to time require the deposit with the Accountant of the Courts of Justice by a person desiring to become an exempted person of such sum as the Minister shall specify in such requirement.

(2) The Accountant of the Courts of Justice shall invest a sum deposited under this section in such of the securities authorised by law for the investment of funds in the High Court as the depositor directs, and the income accruing on the securities shall be paid to the depositor.

(3) The Accountant of the Courts of Justice shall not accept a deposit under this section save on a warrant of the Minister.

(4) The Minister may make rules with respect to applications for warrants for the purposes of this section, the payment of deposits and the investment thereof or dealing therewith, the deposit of stocks, shares or other securities in lieu of money, the payment of the income from time to time accruing on securities in which deposits are for the time being invested and the withdrawal and transfer of deposits."

(2) A deposit made before the commencement of this section by a person who is an exempted person shall be deemed to have been made under section 61 (inserted by this section) of the Principal Act.

## PART VII

### PUBLIC SERVICE VEHICLES

55.—A person who wilfully or maliciously commits any damage or injury to a public service vehicle shall be guilty of an offence and on summary conviction thereof may, in addition to any penalty

Penalty for damaging public service vehicle.



which may be imposed under section 102 of the Principal Act, be ordered by the court by which he is so convicted to pay to the owner of the vehicle such sum as the court shall fix as compensation for the damage or injury and for the loss of the time of the owner and of the driver and conductor of the vehicle or of any of them 5 (as the case may require) in attending the court.

Amendment of  
section 82 of  
Principal Act.

56.—Section 82 of the Principal Act is hereby amended—

(a) by the insertion after “ granted ” in subsection (2) (c) of  
“ or applied for ”, and

(b) by the insertion after subsection (8) of the following 10  
subsection :

“(9) Whenever a member of the Garda Síochána has reasonable grounds for believing that a person pointed out to him by the owner, driver or conductor of a public service vehicle has refused or omitted to pay to 15 the owner, driver or conductor any sum payable by that person to that owner, driver or conductor for the hire of the vehicle or the fare for that person’s carriage in that vehicle, the member may arrest that person without warrant.” 20

Transfer to  
Minister of  
functions of  
Commissioner of  
Garda Síochána  
under section 86  
of Principal Act.

57.—Section 86 of the Principal Act is hereby amended—

(a) by the substitution for “ The Commissioner may, with the consent of the Minister, make bye-laws ” in subsection (2) of “ The Minister may make regulations ”,

(b) by the substitution of “ regulations ” for “ bye-laws ” in 25  
subsection (3),

(c) by the substitution of “ regulation ” for “ bye-law ” in  
subsections (4) and (6), and

(d) by the substitution of the following subsection for  
subsection (5) : 30

“(5) Where a person uses a mechanically propelled vehicle other than an omnibus in contravention of a regulation under this section, each of the following persons shall be guilty of an offence :

(a) the registered owner of the vehicle, 35

(b) if the vehicle is the subject of a hire-drive agreement on the occasion in question, the hirer under the agreement, and

(c) if the person using the vehicle on the occasion in question is not the registered owner or the 40  
hirer under a hire-drive agreement, the person so using the vehicle.”

## PART VIII

### REGULATION OF TRAFFIC

Penalty on  
person found  
in a public  
place while  
under influence  
of intoxicating  
liquor or drug.

58.—(1) A person who is found in a public place in such a 45  
condition, because he is under the influence of intoxicating liquor or a drug, as to be a source of danger to traffic or himself shall be guilty of an offence.



(2) A person charged with an offence under this section shall not, in respect of the facts alleged to constitute such offence, be charged under section 12 of the Licensing Act, 1872.

1872, c. 94.

59.—(1) The Minister may make regulations for the general regulation and control of traffic and pedestrians in public places.

Regulations for the general control of traffic and pedestrians.

(2) Regulations under this section may, in particular and without prejudice to the generality of subsection (1), provide for all or any of the following matters :

- 10 (a) specifying rules for the use of roads by traffic and pedestrians;
- (b) specifying rules for the parking of vehicles in public places;
- 15 (c) requiring traffic to proceed along a specified side of the roadway or, in the case of dual or multiple carriageways, along a specified carriageway;
- (d) assigning different parts of the roadway (including cycle tracks) to different traffic;
- (e) prohibiting specified traffic from using specified parts of the roadway;
- 20 (f) prohibiting traffic from using footways;
- (g) specifying rights of priority of passage for traffic proceeding in the same direction or in different directions (whether opposite or crossing);
- (h) specifying the courses to be taken by traffic at road junctions;
- 25 (i) regulating and controlling the stopping, reversing, turning and overtaking of vehicles;
- (j) regulating and controlling the driving of mechanically propelled vehicles and pedal cycles in relation to animals or animal-drawn traffic;
- 30 (k) regulating and controlling the driving or leading of animals;
- (l) assigning specified parts of the road to pedestrians;
- (m) regulating and controlling the conduct of pedestrians on roads (and, in particular, the crossing of roadways by pedestrians) and specifying the respective rights of priority of traffic and pedestrians on roadways;
- 35 (n) requiring specified signals to be given by persons in charge of traffic to indicate their intentions;
- 40 (o) the control of traffic and pedestrians by members of the Garda Síochána (and, in particular, specifying the signals to be given by such members and requiring persons in charge of traffic and pedestrians to obey those signals);
- 45 (p) the control and regulation of traffic and pedestrians by means of traffic signs in relation to which regulations (including regulations as to the significance to be



attached to those signs) are for the time being in force under section 95 (2) of the Principal Act (and, in particular, requiring persons in charge of traffic and pedestrians to comply with any prohibition, restriction or requirement indicated by those signs); 5

(q) requiring persons in charge of traffic to give audible warning of their approach;

(r) prohibiting (or prohibiting save where authorised by specified persons and subject to such conditions as may be attached to the authorisation) or restricting races, rallies, trials of speed or other competitions on roads; 10

(s) specifying rules for the speed of traffic in specified circumstances. 01

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

(a) in respect of different classes of traffic, 15

(b) for different circumstances, different areas and different classes of roads. 01

(4) Section 88 of the Principal Act is hereby repealed.

(5) Bye-laws made under section 88 of the Principal Act and in force at the commencement of this section shall continue in force 20 and shall be deemed to be regulations made under this section.

(6) A person who contravenes a regulation under this section shall be guilty of an offence. 00

(7) In this section "traffic" does not include pedestrians.

Amendment of  
section 93  
of Principal Act.

60.—Section 93 of the Principal Act is hereby amended— 25

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

"(a) A road authority, railway or canal company or other person liable to maintain a bridge carrying a public road may, by notices in the prescribed form placed in the prescribed manner on the approaches to the bridge, prohibit any vehicle or combination of vehicles which, or any part of which, transmits to the surface of that road a weight exceeding that specified in the notice in relation to such a vehicle or combination of vehicles or any part of such a vehicle or combination, from passing over that bridge either (as may be specified in the notices) at all, at a speed exceeding a specified speed 40 or save on compliance with specified conditions.", 00

(b) by the insertion of the following paragraph after subsection (1) (b):

"(c) The reference in this subsection to a weight transmitted to the surface of a road by a vehicle 45 or combination of vehicles shall be construed as a reference to the weight of such vehicle or combination, together with the weight of its load (if any), when such vehicle or combination is stationary, and the reference in this subsection to a weight transmitted to the surface of a road 50 by any part of a vehicle or combination of vehicles shall be construed accordingly.", and 00



(c) by the insertion after " vehicle " in subsection (6), and in subsection (8) wherever that word occurs, of " or combination of vehicles ".

61.—(1) The Minister may by order—

Transfer of  
traffic functions  
to local  
authorities.

- 5 (a) transfer to a specified road authority a specified function in relation to a specified area (whether within or without their functional area) of the Commissioner under section 84, 85, 86, 89, 90, 93, 94, 95 or 96 of the Principal Act,
- 10 (b) transfer to a specified road authority the functions of the appropriate local authority under section 90 (3) of the Principal Act and transfer to another road authority a function of a road authority under section 93, 94 or 95 of the Principal Act.
- 15 (2) The Minister may by order revoke or amend an order under this section.
- 20 (3) An order under this section may contain such consequential or ancillary provisions as are reasonably necessary for the implementation of the transfer effected by the order and may contain such modifications of the Principal Act as are reasonably necessary for that purpose.

62.—The following section is hereby substituted for section 97 of the Principal Act:

Removal of  
vehicles abandoned  
or unlawfully  
parked.

"Removal of  
vehicles abandoned  
or unlawfully  
parked.

97. (1) The Minister may make regulations authorising and providing for the removal, storage and disposal of vehicles which—

30 (a) have been, or appear to have been, abandoned on a public road, or in a car park provided under section 101 of this Act, or

(b) have been parked in contravention of this Act or of a regulation, bye-law or rule thereunder.

35 (2) Regulations under this section may, in particular and without prejudice to the generality of subsection (1) of this section—

40 (a) specify the persons or classes of persons by or on whose authority vehicles may be removed, stored or disposed of,

45 (b) authorise and provide for the recovery by persons referred to in paragraph (a) of this subsection from the owners of vehicles removed or stored of charges, in accordance with a prescribed scale, in respect of such removal or storage and for the disposition of moneys received in respect of such charges,

50 (c) authorise and provide for the sale (or the disposal otherwise than by sale) by or on behalf of persons referred to in paragraph (a) of this subsection of vehicles removed or stored and



provide for the disposition of moneys received in respect of such sale or other disposal.

(3) Regulations under this section may apply generally or in such circumstances as may be specified in such regulations and different regulations may be made for different circumstances.

(4) Notwithstanding any other provisions of this section, a vehicle removed under this section shall not be disposed of thereunder before the expiration of a period of six weeks from the date of the removal or two weeks after notice has been given in the prescribed manner, whichever is the longer.

(5) A person who obstructs or impedes, or assists another person to obstruct or impede, the removal of a vehicle under this section shall be guilty of an offence.

(6) No action shall lie in respect of anything done in good faith and without negligence in the course of the removal, storage or disposal of a vehicle under this section.

(7) For the purposes of this section " vehicle " shall include—

- (a) a part of a vehicle,
- (b) an article designed as a vehicle but not at the time of removal capable of functioning as a vehicle,
- (c) a load on or in a vehicle."

## PART IX

### MISCELLANEOUS

Amendment of  
section 103 of  
Principal Act.

63.—(1) Section 103 of the Principal Act is hereby amended by—

(a) the insertion in subsections (2) and (3) after "a member of the Garda Síochána " where that phrase first occurs of " or an authorised person " and after "the member" of " or authorised person ",

(b) the insertion after subsection (7) of the following :

"(8) In this section " authorised person " means a person appointed by the Commissioner to be an authorised person for the purposes of this section."

(2) The number of persons appointed by the Commissioner to be authorised persons for the purposes of section 103 of the Principal Act and the remuneration and other conditions of service of such persons shall be such as may be determined from time to time by the Minister for Justice with the approval of the Minister for Finance.

(3) Neither the Civil Service Commissioners Act, 1956, nor the Civil Service Regulation Act, 1956, shall apply to the situation of an authorised person for the purposes of section 103 of the Principal Act.

1956, No. 45.

1956, No. 46.



64.—Section 112 of the Principal Act is hereby amended—

Taking vehicle  
without  
authority.

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

5           “(1) (a) A person shall not use or take possession of a mechanically propelled vehicle without the consent of the owner thereof or other lawful authority.

10           (b) Where possession of a vehicle has been taken in contravention of this subsection, a person who knows of the taking shall not allow himself to be carried in or on it without the consent of the owner thereof or other lawful authority.”, and

15           (b) by the insertion after “is committing” in subsection (6) of “or has committed”.

Section 6.

### SCHEDULE

#### MINOR AND CONSEQUENTIAL AMENDMENTS OF PRINCIPAL ACT

Section or subsection amended (1)	Nature of Amendment (2)
Section 3.	<p>The insertion in subsection (1) after the definition of “footway” of “general speed limit” means a speed limit under section 44A of this Act ;’.</p> <p>The substitution in subsection (1) for “pedestrian-controlled mechanically propelled vehicle” of “pedestrian controlled vehicle”.</p> <p>The substitution in the definition of “street service vehicle” of “in a public place” for “on a public road” in each place where that phrase occurs.</p>
Section 12.	<p>The insertion after “combination” where that secondly occurs in subsection (3) (b) of “or indicated on a plate or certificate issued under section 11 of the Road Traffic Act, 1966, and in force in respect of the vehicle or combination”.</p> <p>The insertion after “the vehicle” in subsection (3) (c) of “or indicated on a plate or certificate issued under section 11 of the Road Traffic Act, 1966, and in force in respect of the vehicle”.</p>
Section 15.	<p>The insertion after “road authority” where that secondly occurs in subsection (5) and after “Garda Síochána” in subsection (7) of “or an officer of the Minister”.</p>
Section 16.	<p>The insertion after “an officer” in subsection (7) (a) (ii) of “or a servant”.</p> <p>The insertion after subsection (7) (a) (ii) of</p> <p>“or</p> <p>(iii) an officer of the Minister authorised by the Minister as an authorised officer for the purposes of this section”.</p>
Section 18.	<p>The deletion in subsections (1), (7), (10) (a) and (10) (I) of “mechanically propelled”.</p>
Section 19.	<p>The deletion in subsections (1) (a) and (2) (a) of “mechanically propelled”.</p>
Section 20.	<p>The insertion before “consequent” in subsection (3) of “consequent upon an inspection and examination under section 12 of the Road Traffic Act, 1966, of a mechanically propelled vehicle, or”.</p> <p>The insertion before “consequent” in subsection (5) of “consequent upon an inspection and examination under section 12 of the Road Traffic Act, 1966, of a vehicle drawn by a mechanically propelled vehicle, or”.</p>



**SCHEDULE—continued**

Section or subsection amended (1)	Nature of Amendment (2)
Section 26.	<p>The insertion after subsection (3) (a) (ii) of:</p> <p>“or</p> <p>(iii) an offence under section 29 (3) of the Road Traffic Act, 1966.”</p> <p>The substitution for subsection (3) (b) of:</p> <p>“ (b) (i) Where a person, who has previously been convicted of an offence under section 49 of this Act, is convicted of an offence under section 29 (3) of the Road Traffic Act, 1966, the first-mentioned conviction shall, for the purposes of the foregoing paragraph, be regarded as a conviction under section 29 (3) of the Road Traffic Act, 1966.</p> <p>(ii) Where a person, who has previously been convicted of an offence under section 29 (3) of the Road Traffic Act, 1966, is convicted of an offence under section 49 of this Act, the first-mentioned conviction shall, for the purposes of the foregoing paragraph, be regarded as a conviction under section 49 of this Act.”</p> <p>The insertion after “section 49 of this Act” in subsection (5) (a) (i) of “or section 29 (3) of the Road Traffic Act, 1966”.</p> <p>The substitution for subsection (5) (b) of:</p> <p>“ (b) (i) Where a person, who has previously been convicted of an offence under section 49 of this Act, is convicted of an offence under section 29 (3) of the Road Traffic Act, 1966, the first-mentioned conviction shall, for the purposes of the foregoing paragraph, be regarded as a conviction under section 29 (3) of the Road Traffic Act, 1966.</p> <p>(ii) Where a person, who has previously been convicted of an offence under section 29 (3) of the Road Traffic Act, 1966, is convicted of an offence under section 49 of this Act, the first-mentioned conviction shall, for the purposes of the foregoing paragraph, be regarded as a conviction under section 49 of this Act.”</p>
Section 29.	<p>The insertion after subsection (7) of the following subsection:</p> <p>“(8) A person intending to make an application under this section shall give seven days' notice in writing of his intention to the Superintendent of the Garda Síochána for the district in which the person ordinarily resides.”</p>
Section 36.	<p>The insertion after “5,” in subsection (1) of “5A, 5B,”</p> <p>The insertion after subsection (5) of the following subsection:</p> <p>“(6) Where a disqualification under this Act is remitted under section 23 of the Criminal Justice Act, 1951, the licensing authority shall endorse particulars of the remission on the driving licence of the person concerned or, if he is not the holder of a driving licence but subsequently a driving licence is granted to him, on that driving licence.”</p>
Section 40.	<p>The insertion after “so much of the licence as” in subsection (5) of “specifies the class or classes of vehicles in respect of which the licence was granted and the statement (if any) required to be contained in the licence by section 20 of the Road Traffic Act, 1966, and”.</p>
Section 42.	<p>The insertion after subsection (2) (j) of the following:</p> <p>“(k) the fees to be paid to a licensing authority in respect of the supply by the authority of information relating to a driving licence or provisional licence or a licence issued under Part III of the repealed Act, and the disposition of such fees.”</p>
Section 54.	<p>The deletion of subsection (1).</p> <p>The deletion from subsection (4) of “subsection (1) or”.</p>



# SCHEDULE—continued

Section or subsection amended (1)	Nature of Amendment (2)
Section 58.	The insertion after "that section" in paragraph (a) and after "that business" in paragraph (b) of the following:  "under and in accordance with a licence granted 1936, by the Minister for Industry and Commerce No. 45. under Part II of the Insurance Act, 1936".
Section 64.	The deletion of "subsection (1) of" in subsection (3).  The insertion after subsection (3) of the following subsection:  "(4) Notwithstanding subsection (4) of section 10 of the Petty Sessions (Ireland) Act, 1851, 1851, c. 93. proceedings for an offence under this section may be instituted within twelve months from the date of the offence."
Section 65.	The substitution for subsection (1) (a) of the following:  "(a) any person claiming in respect of injury to person to himself sustained while he was in or on a mechanically propelled vehicle (or a vehicle drawn thereby) to which the relevant document relates, other than a mechanically propelled vehicle, or a drawn vehicle, or vehicles forming a combination of vehicles, of a class specified for the purposes of this paragraph by regulations made by the Minister,".  The insertion after "mechanically propelled vehicle" in subsection (1) (c) of "(or a vehicle drawn thereby)".  The deletion of subsections (1) (e) and (1) (f).
Section 76.	The substitution for "a misdemeanour" in subsection (1) (e) of "an offence".
Section 77.	The substitution in subsection (5) of "the Minister" for "the Minister for Industry and Commerce".
Section 84.	The deletion of "in public roads" in subsections (1) (a) and (1) (c).
Section 87.	The substitution for "a fee of one shilling" in subsection (8) and for "a fee of sixpence for every folio or part of a folio of seventy-two words contained in the copy" in subsection (9) of "the prescribed fee".
Section 89.	The insertion before "restricting" in subsection (2) (h) and (2) (i) of "prohibiting or".  The insertion of the following after subsection (2) (l):  "(m) the control and regulation of traffic and pedestrians on public roads (whether specified in bye-laws or not) by means of traffic signs in relation to which regulations, including regulations as to the significance to be attached to those signs, are for the time being in force under subsection (2) of section 95 of this Act (and, in particular, requiring persons in charge of traffic and pedestrians to comply with any prohibition, restriction or requirement indicated by those signs)."
Section 90.	The substitution for subsection (2) (i) of the following:  "(i) prohibiting any person other than a licensed parking attendant from acting, or holding himself out as ready to act, as a parking attendant on a public road;"  The insertion of the following after subsection (2) (i):  "(j) the control and regulation of parking on public roads (whether specified in bye-laws or not) by means of traffic signs in relation to which regulations, including regulations as to the significance to be attached to those signs, are for the time being in force under subsection (2) of section 95 of this Act (and, in particular, requiring persons in charge of vehicles to comply with any prohibition, restriction or requirement indicated by those signs)."  The deletion of "at parking places" in subsection (6) (a).  The substitution of the following subsection for subsection (9):  "(9) Whenever there is a contravention of a bye-law or rule under this section and a mechanically propelled vehicle is involved, each of the following persons



**SCHEDULE—continued**

Section or subsection amended (1)	Nature of Amendment (2)
Section 90— <i>contd.</i>	shall be guilty of an offence: (a) the registered owner of the vehicle, (b) if the vehicle is the subject of a hire-drive agreement on the occasion in question, the hirer under the agreement, and (c) if the person parking it is not the registered owner or the hirer under a hire-drive agreement, the person parking the vehicle.” The deletion from the definition of “licensed parking attendant” in subsection (15) (a) of “at a parking place”.
Section 91.	The insertion after “manual direction” in subsection (2) of “or by the use of portable signs of such size, form and colour and having such significance as may be prescribed”. The insertion after “this section” in subsection (3) of “or who contravenes a prohibition, restriction or requirement indicated by a sign referred to in subsection (2) of this section”.
Section 92.	The substitution for “Sections 219 to 223” in subsection (2) of “Sections 219 and 221 to 223”.
Section 95.	The insertion after “86,” in the definition of “traffic sign” of “91.”. The insertion after “both” in paragraph (c) of the definition of “traffic sign” of “or indicates the existence of a provision in an enactment relating to road traffic”.
Section 101.	The deletion of subsections (4) and (5). The insertion after “cloak rooms” in subsection (6) (b) of “, petrol stations, shops”. The insertion after subsection (7) (c) of the following: “(d) specifying the conditions subject to which vehicles may use the car park.” The insertion after subsection (7) of the following: “(7A) A person who contravenes a bye-law under subsection (7) of this section shall be guilty of an offence.” The substitution for “Sections 219 to 223” in subsection (8) of “Section 219 and sections 221 to 223”. The insertion after “any part thereof” in subsection (10) of “or any facilities provided for the car park under subsection (6) of this section”. The insertion after subsection (11) of the following: “(12) The Minister may, with the consent of the Minister for Finance and on such terms and conditions as to repayment as that Minister thinks proper, make loans from the Road Fund towards the expenses incurred under this section by a local authority. (13) The operation of a car park (including the operation of facilities therefor) on or in property leased by a local authority shall be deemed not to be a business within the meaning of the Landlord and Tenant Acts, 1931 and 1958.”
Section 103.	The insertion after subsection (6) of the following: “(6A) Different amounts may be prescribed for the purposes of paragraph (b) of subsection (2) and paragraph (b) of subsection (3) of this section in respect of different offences, different classes of vehicles and in respect of offences alleged to have been committed in particular public places or in different areas.”
Section 104.	The substitution for “section 47, 52 or 53” of “section 47, 51A, 52 or 53”. The insertion of the following sub-paragraph after paragraph (i) (I) of the proviso: “(IA) notwithstanding the failure, the accused was at all material times aware of the occurrence in respect of which the prosecution for such an offence is brought, or”.



# SCHEDULE—continued

Section or subsection amended (1)	Nature of Amendment (2)
Section 109.	The insertion after "Garda Síochána" in subsection (1) of "and shall keep it stationary for such period as is reasonably necessary in order to enable such member to discharge his duties".
Section 113.	The insertion after "is committing" in subsection (3) of "or has committed".
Section 114.	The insertion after subsection (4) (b) (v) of the following:  "(vi) the exclusion from the regulations of specified classes of vehicles."
Section 115.	The insertion after "licence" in each place where it occurs in subsections (1) and (3) of " , plate".  The insertion after "thereunder" in subsection (4) of "or a special permit under regulations under section 13 of this Act".
Section 123.	The substitution for "an exempted person" in paragraph (a) (ii) of "a vehicle insurer or an exempted person within the meaning of Part VI of this Act".
Second Schedule.	<p>The insertion after paragraph 4 of the following :</p> <p>"Refusal or failure to provide, or to permit taking of, specimen at Garda station (section 49). 4A. An offence under section 29 (3) of the Road Traffic Act, 1966."</p> <p>The substitution for paragraph 5 of the following paragraphs:</p> <p>"Being in charge of mechanically propelled vehicle while under influence of intoxicating liquor or drug. 5. An offence under section 50, being a second or any subsequent offence within any period of 3 years: provided that, where a person who has previously been convicted of an offence under section 49 of this Act or section 29 (3) or 32 (3) of the Road Traffic Act, 1966, is convicted of an offence under section 50 of this Act, the first-mentioned conviction shall, for the purposes of this paragraph, be regarded as a conviction under section 50 of this Act.</p> <p>Refusal or failure to provide, or to permit taking of, specimen at Garda station (section 50). 5A. An offence under section 32 (3) of the Road Traffic Act, 1966, being a second or any subsequent offence within any period of 3 years: provided that, where a person who has previously been convicted of an offence under section 49 or 50 of this Act or section 29 (3) of the Road Traffic Act, 1966, is convicted of an offence under section 32 (3) of the Road Traffic Act, 1966, the first-mentioned conviction shall, for the purposes of this paragraph, be regarded as a conviction under section 32 (3) of the Road Traffic Act, 1966."</p> <p>The insertion after paragraph 5 of the following :</p> <p>"Careless driving. 5B. An offence under section 52, being a second or any subsequent offence within any period of three years."</p>



## BILLE

(mar a tugadh isteach)

*dá ngairtear*

Acht do leasú agus do leathnú an Achta um Thrácht ar Bhóithre, 1961, do dhéanamh socrú le haghaidh rialú agus stiúradh tráchta ar bhóithre agus le haghaidh úsáid feithiclí inneallghluaiste agus feithiclí á dtarraingt ag na feithiclí sin, do dhéanamh socrú go háirithe chun go geinnfear trí thástálacha an cion alcóil i bhfuil daoine i bhfeighil feithiclí inneallghluaiste agus i dtaobh cionta ag na daoine sin, do dhéanamh socrúithe a bheidh ceaptha chun a chinntiú go bhfuil feithiclí agus a dtrealamh inbhóthair, dá údarú muirir áirithe a ghearradh agus do dhéanamh socrú i dtaobh nithe eile a bhaineann leis na nithe réamhráite.

*An tAire Rialtais Aitiúil a thug isteach*

*Ordáiodh ag Dáil Éireann a chlóbhualladh,  
21 Meitheamh, 1966*

BAILE ÁTHA CLIATH:  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR.

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aon díoltóir leabhar.

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## BILL

(as introduced)

*entitled*

An Act to amend and extend the Road Traffic Act, 1961, to provide for the regulation and control of road traffic and the use of mechanically propelled vehicles and vehicles drawn by such vehicles, to provide in particular for the ascertainment by tests of the concentration of alcohol in the blood of persons in charge of mechanically propelled vehicles and for offences by such persons, to make provisions designed to ensure the roadworthiness of vehicles and their equipment, to authorise certain charges and to provide for other matters connected with the matters aforesaid.

*Introduced by the Minister for Local  
Government*

*Ordered by Dáil Éireann to be printed,  
21st June, 1966*

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