



**AN BILLE UM UDARAIS AITIULA (MAOIR THRACHTA),
1975
LOCAL AUTHORITIES (TRAFFIC WARDENS) BILL, 1975**

*Mar a leasáiodh i gCoiste
As amended in Committee*

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AN BILLE UM UDARAIS AITIULA (MAOIR THRACHTA),
1975
LOCAL AUTHORITIES (TRAFFIC WARDENS) BILL, 1975

BILL

entitled

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AN ACT TO ENABLE LOCAL AUTHORITIES TO MAKE ARRANGEMENTS FOR THE CARRYING OUT OF CERTAIN FUNCTIONS IN RELATION TO ROAD TRAFFIC, TO ENABLE THE MINISTER FOR LOCAL GOVERNMENT TO MAKE GRANTS TOWARDS EXPENSES INCURRED BY LOCAL AUTHORITIES UNDER THIS ACT, AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID. 10

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :

Definitions.

1.—In this Act—

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1961, No. 24.

“ Act of 1961 ” means the Road Traffic Act, 1961;

“ local authority ” means the council of a county, the corporation of a county or other borough, the council of an urban district or the commissioners of a town;

“ mechanically propelled vehicle ” has the meaning assigned to it by section 3 (1) of the Act of 1961;

“ the Minister ” means the Minister for Local Government;

“ prescribed ” means prescribed by regulations made by the Minister under this Act.

Employment of traffic wardens by local authorities.

2.—(1) A local authority may, after consultation with the Commissioner of the Garda Síochána, make arrangements for the carrying out of the functions specified in *subsection (2)* of this section in the functional area of the authority by persons employed by the authority. 25

(2) The functions referred to in *subsection (1)* of this section are—

(a) functions in respect of offences under the Road Traffic Acts, 1961 to 1973, which relate to the prohibition or restriction of the stopping or parking of mechanically propelled vehicles, 30

1920, c. 72.

(b) functions relating to the offence under regulations made under the Roads Act, 1920, of not attaching to and carrying on a vehicle in the manner prescribed by those regulations a licence in respect of the vehicle issued under that Act. 35

(3) Persons referred to in *subsection (1)* of this section shall be known, and are in this Act referred to, as traffic wardens. 40

(4) For the purposes of this section, the functional area of a local authority includes the area of any local authority with which an agreement under *section 7* of this Act has been entered into.

3.—(1) This section applies to such of the following offences as may be declared by the Minister by regulations made after consultation with the Minister for Justice, to be offences to which this section applies, namely, any offence under the Road Traffic Acts, 1961 to 1973 which relate to the prohibition or restriction of the stopping or parking of mechanically propelled vehicles and the offence under regulations made under the Roads Act, 1920, of not attaching to and carrying on a vehicle in the manner prescribed by those regulations a licence in respect of the vehicle issued under that Act.

10 (2) Where a traffic warden has reasonable grounds for believing that a person is committing or has committed an offence to which this section applies, he may deliver to the person a notice in the prescribed form stating—

(a) that the person is alleged to have committed the offence,

15 (b) that the person may, during the period of 21 days beginning on the date of the notice, make to the local authority specified in the notice a payment of a prescribed amount, accompanied by the notice,

20 (c) that a prosecution in respect of the alleged offence will not be instituted during the period specified in the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.

(3) Where a traffic warden has reasonable grounds for believing that an offence to which this section applies, involving the use of a mechanically propelled vehicle, is being or has been committed, he may affix to the vehicle a notice in the prescribed form stating—

(a) that the offence is alleged to have been committed,

30 (b) that a person liable to be prosecuted for the offence may, during the period of 21 days beginning on the date of the notice, make to the local authority specified in the notice a payment of a prescribed amount, accompanied by the notice,

35 (c) that a prosecution in respect of the alleged offence will not be instituted during the period specified in the notice and, if the payment specified in the notice is made during that period, that no prosecution in respect of the alleged offence will be instituted.

40 (4) Where a notice is delivered under *subsection (2)* or affixed under *subsection (3)* of this section—

(a) a person to whom the notice applies may, during the period specified in the notice, make to the local authority specified in the notice the payment specified in the notice, accompanied by the notice,

45 (b) that local authority may receive the payment, issue a receipt for it and retain the money so paid for disposal in accordance with this Act, and no payment so received shall in any circumstances be recoverable by the person who made it,

50 (c) a prosecution in respect of the alleged offence shall not be instituted during the period specified in the notice, and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence shall be instituted.

55 (5) (a) A notice affixed to a vehicle under *subsection (3)* of this section shall not be removed or interfered with except by a person to whom the notice applies.

60 (b) A person who contravenes this subsection shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £20.

Provisions relating to traffic wardens.

(6) Different amounts may be prescribed for the purposes of subsection (2) (b) and subsection (3) (b) of this section in respect of different offences, different classes of vehicles and offences alleged to have been committed in particular public places or different areas.

(7) In a prosecution for an offence to which this section applies the onus of showing that a payment pursuant to a notice under this section has been made shall be on the defendant. 5

(8) Moneys accruing to a local authority under this section shall be disposed of in accordance with regulations made by the Minister.

Provisions relating to traffic wardens.

4.—(1) A person who obstructs a traffic warden acting in the course of his duty shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £20. 10

(2) Where a traffic warden has reasonable grounds for believing that a person is committing or has committed an offence to which section 3 of this Act applies, an offence under section 3 (5) of this Act or an offence under this section, he may request or demand of the person his name and address. 15

(3) Where a person whose name and address is requested or demanded of him under this section refuses or fails to give his name or address or gives a name or address which is false or misleading, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £20. 20

(4) Where a traffic warden requests or demands information of a person under this section, the person shall not be bound to comply with the request or demand unless the warden produces, if requested by the person, official identification of his identity. 25

Prosecution of offence.

5.—A prosecution for an offence to which section 3 of this Act applies, an offence under section 3 (5) of this Act or an offence under section 4 of this Act may be brought by a local authority.

General provisions relating to regulations.

6.—(1) The Minister may make regulations prescribing any matter or thing referred to in this Act as prescribed or to be prescribed. 30

(2) Every regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder. 35

Exercise of power under this Act by one local authority for another.

7.—A local authority may enter into an agreement with another local authority that any power conferred on the first-mentioned authority by this Act may be exercised on its behalf by the second-mentioned authority and the power shall from such entry become exercisable by the second-mentioned authority. 40

Expenses of local authorities

8.—The Minister may, with the consent of the Minister for Finance, make grants towards the expenses under this Act of a local authority. 45

9.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas. Expenses of Minister.

5 10.—This Act may be cited as the Local Authorities (Traffic Wardens) Act, 1975. Short title.

BILLE

(*mar a leasaíodh i gCoiste*)

dá ngairtear

Acht dá chumasú d'údaráis áitiúla socrúithe a dhéanamh chun feidhmeanna áirithe i ndáil le trácht ar bhóithre a chomhlíonadh, dá chumasú don Aire Rialtais Áitiúil deontais a thabhairt i leith caiteachais a thabhóidh údaráis áitiúla faoin Acht seo, agus do dhéanamh socrú i dtaobh nithe eile a bhaineann leis na nithe reamhráite.

An tAire Rialtais Áitiúil a thíolaic

*Ordaíodh ag Dáil Éireann a chlóbhualadh,
25 Meitheamh, 1975*

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BILL

(*as amended in Committee*)

entitled

An Act to enable local authorities to make arrangements for the carrying out of certain functions in relation to road traffic, to enable the Minister for Local Government to make grants towards expenses incurred by local authorities under this Act, and to provide for other matters connected with the matters aforesaid.

*Presented by the Minister for Local
Government*

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