



**AN BILLE UM THRACHT AR BHOITHRE (LEASU)
(UIMH. 2), 1978
ROAD TRAFFIC (AMENDMENT) (No. 2) BILL, 1978**

*Mar a ritheadh ag Seanad Éireann
As passed by Seanad Éireann*

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ACTS REFERRED TO

Licensing Act, 1872	1872, c. 94.
Medical Practitioners Act, 1927	1927, No. 25.
Probation of Offenders Act, 1907	1907, c. 17.
Road Traffic Act, 1933	1933, No. 11.
Road Traffic Act, 1961	1961, No. 24.
Road Traffic Act, 1968	1968, No. 25.
Road Traffic (Amendment) Act, 1973	1973, No. 15.



AN BILLE UM THRACHT AR BHOITHRE (LEASU)
(UIMH. 2), 1978
ROAD TRAFFIC (AMENDMENT) (NO. 2) BILL, 1978

BILL

entitled

AN ACT TO AMEND AND EXTEND THE ROAD TRAFFIC ACTS, 1961 TO 1973. 5

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

PRELIMINARY AND GENERAL

Short title. **1.—This Act may be cited as the Road Traffic (Amendment) Act, 1978.** 10

Interpretation. **2.—(1) In this Act—**
“the Act of 1968” means the Road Traffic Act, 1968;
“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 section of this Act, unless it is indicated that reference to some other enactment is intended. 15

(3) In this Act, a reference to a subsection is to the subsection of the section in which the reference occurs, unless it is indicated that reference to some other section is intended. 20

Collective citation and construction. **3.—The Principal Act, the Act of 1968 and this Act may be cited together as the Road Traffic Acts, 1961 to 1978, and shall be construed together as one Act.**

Commencement. **4.—This Act shall come into operation on such day or days as may be fixed 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.** 25

PART II

REPEALS AND AMENDMENTS

- 5.—(1) Part V of the Act of 1968, other than section 27 (which contains definitions for that Part) sections 37 to 42 (which provide for the establishment of the Bureau and the appointment of the Director of the Bureau) and sections 48 to 52 (which relate to miscellaneous driving offences), is repealed. Repeals.

(2) The Road Traffic (Amendment) Act, 1973, is repealed.

- 6.—The following is substituted for section 27 of the Act of 1968 : Definitions for Part V of Act of 1968.

10 “27. In this Part—

‘Bureau’ has the meaning assigned to it by section 37 (1);

‘Director’ has the meaning assigned to it by section 39 (1);

‘establishment order’ has the meaning assigned to it by section 37 (1).”.

- 15 7.—(1) The following is substituted for sections 38 (1) and 38 (2) of the Act of 1968: Functions and duties of Bureau.

“ (1) The Bureau shall perform the functions assigned to it by or under this Act or by or under the *Road Traffic (Amendment) Act, 1978*.

- 20 (2) In particular, and without prejudice to the generality of subsection (1), the Bureau shall, subject to the establishment order and to any regulations under this Part or under *Part III* of the *Road Traffic (Amendment) Act, 1978*, arrange for—

25 (a) the receipt and analysis of specimens of blood and urine forwarded to the Bureau under *Part III* of the *Road Traffic (Amendment) Act, 1978*, and the issue of reports on such analyses,

30 (b) the determination, in respect of such specimens, of the concentration of alcohol in the blood or urine and of the presence of drugs in the urine,

(c) the issue of certificates required under *Part III* of the *Road Traffic (Amendment) Act, 1978*, to be issued by the Bureau,

35 (d) the provision of equipment for the taking of such specimens,

(e) the approval of apparatus for indicating the concentration of alcohol in blood.”.

- 40 (2) Section 38 (4) (a) of the Act of 1968 is amended by the substitution of “*Part III* of the *Road Traffic (Amendment) Act, 1978*” for “this Part”.

- 8.—The following is substituted for section 39 (2) of the Act of 1968 : Functions of Director.

“(2) The Director shall, subject to this Part, the establishment order and any regulations under *Part III* of the *Road*

Traffic (Amendment) Act, 1978, manage the day-to-day business of the Bureau and exercise general supervision in relation to specimens received by the Bureau under *Part III* of the *Road Traffic (Amendment) Act, 1978*, and in relation to certificates required under that Part of that Act to be issued by the Bureau.”.

PART III DRIVING OFFENCES

Interpretation of
Part III.

9.—(1) In this Part—

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

“Bureau” has the meaning assigned to it by section 37 (1) of the Act of 1968;

“designated” means designated by a member of the Garda Síochána;

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

(2) Subject to section 14 (4) (b), a reference in this Part (other than sections 10 and 11) to section 49 or 50 of the Principal Act is to the section inserted by this Part.

Prohibition on
driving vehicle
while under
influence of
intoxicant.

10.—The following section is inserted in the Principal Act in substitution for section 49 of that Act:

“(1) (a) A person shall not drive or attempt to drive a mechanically propelled vehicle in a public place while he is under the influence of an intoxicant to such an extent as to be incapable of having proper control of the vehicle.

(b) In this subsection ‘intoxicant’ includes alcohol and drugs and any combination of drugs or of drugs and alcohol.

(2) A person shall not drive or attempt to drive a mechanically propelled vehicle in a public place 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 100 milligrammes of alcohol per 100 millilitres of blood.

(3) A person shall not drive or attempt to drive a mechanically propelled vehicle in a public place 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 urine will exceed a concentration of 135 milligrammes of alcohol per 100 millilitres of urine.

(4) (a) A person who contravenes subsection (1), (2) or (3) of this section shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or, at the discretion of the court, to a fine not exceeding £500, or to both.

(b) A person charged with an offence under this section may be found guilty of an offence under section 50 of this Act.

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

(6) A member of the Garda Síochána may arrest without warrant a person who in the member's opinion is committing or has committed an offence under this section."

11.—The following section is inserted in the Principal Act in substitution for section 50 of that Act:

Prohibition on being in charge of vehicle while under influence of intoxicant.

"(1) (a) A person shall be guilty of an offence who, when 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), is under the influence of an intoxicant to such an extent as to be incapable of having proper control of the vehicle.

(b) In this subsection 'intoxicant' includes alcohol and drugs and any combination of drugs or of drugs and alcohol.

(2) A person shall be guilty of an offence who is 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 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 100 milligrammes of alcohol per 100 millilitres of blood.

(3) A person shall be guilty of an offence who is 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 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 urine will exceed a concentration of 135 milligrammes of alcohol per 100 millilitres of urine.

(4) (a) A person who is guilty of an offence under this section shall be liable on summary conviction—

(i) in the case of a first offence, to a fine not exceeding £100 or, at the discretion of the court, to imprisonment for any term not exceeding three months, or to both, and

(ii) in the case of a second or any subsequent offence, to a fine not exceeding £500 or, at the discretion of the court, to imprisonment for any term not exceeding six months, or to both.

(b) A person charged with an offence under this section may be found guilty of an offence under section 49 of this Act.

(5) 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.

(6) A person liable to be charged with an offence under this section shall not, by reference to the same occurrence, be liable

to be charged under section 12 of the Licensing Act, 1872, with the offence of being drunk while in charge, on a highway or other public place, of a carriage.

(7) Where a person convicted of an offence under this section has been previously convicted of an offence under section 49 of this Act (as amended by the Road Traffic Act, 1968), section 49 of this Act (inserted by the *Road Traffic (Amendment) Act, 1978*), or section 30 (3) or 33 (3) of the Road Traffic Act, 1968, he shall be treated for the purposes of this section as having been previously convicted of an offence under this section.

(8) A member of the Garda Síochána may arrest without warrant a person who in the member's opinion is committing or has committed an offence under this section."

Obligation to provide preliminary breath specimen.

12.—(1) Whenever a member of the Garda Síochána is of the opinion that a person in charge of a mechanically propelled vehicle in a public place has consumed intoxicating liquor, he may require the person to provide, by exhaling into an apparatus for indicating the presence of alcohol in the breath, a specimen of his breath and may indicate the manner in which he is to comply with the requirement.

(2) A person who refuses or fails to comply forthwith with a requirement under this section, or to comply forthwith with such a requirement in a manner indicated by a member of the Garda Síochána, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or, at the discretion of the court, to a fine not exceeding £500, or to both.

(3) A member of the Garda Síochána may arrest without warrant a person who in the member's opinion is committing or has committed an offence under this section.

(4) In a prosecution for an offence under this section it shall be presumed until the contrary is shown that an apparatus provided by a member of the Garda Síochána for the purpose of enabling a person to provide a specimen of breath is an apparatus for indicating the presence of alcohol in the breath.

Obligation to provide specimen at Garda station (section 49).

13.—(1) Where a person arrested under section 49 (6) of the Principal Act or section 12 (3) has been brought to a Garda station, a member of the Garda Síochána may at his discretion do either or both of the following—

(a) require the person to provide, by exhaling into an apparatus for indicating the concentration of alcohol in breath, a specimen of his breath,

(b) require the person either to permit a designated registered medical practitioner to take from the person a specimen of his blood or, at the option of the person, to provide for the designated registered medical practitioner a specimen of the person's urine.

(2) A person who refuses or fails to comply forthwith with a requirement under subsection (1) (a) shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or, at the discretion of the court, to a fine not exceeding £500, or to both.

(3) A person who, following a requirement under subsection (1) (b),—

(a) refuses or fails to comply with such a requirement, or

(b) refuses or fails to comply with a requirement of a designated registered medical practitioner in relation to the taking under this section of a specimen of blood or the provision under this section of a specimen of urine,

shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or, at the discretion of the court, to a fine not exceeding £500, or to both.

(4) In a prosecution for an offence under this section it shall be presumed until the contrary is shown that an apparatus provided by a member of the Garda Síochána for the purpose of enabling a person to provide a specimen of breath is an apparatus for indicating the concentration of alcohol in the breath.

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

14.—(1) Where a person arrested under section 50 (8) of the Principal Act or section 12 (3) has been brought to a Garda station, a member of the Garda Síochána may at his discretion do either or both of the following—

Obligation to provide specimen at Garda station (section 50).

(a) require the person to provide, by exhaling into an apparatus for indicating the concentration of alcohol in breath, a specimen of his breath,

(b) require the person either to permit a designated registered medical practitioner to take from the person a specimen of his blood or, at the option of the person, to provide for the designated registered medical practitioner a specimen of the person's urine.

(2) A person who refuses or fails to comply forthwith with a requirement under subsection (1) (a) shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or, at the discretion of the court, to a fine not exceeding £500, or to both.

(3) A person who, following a requirement under subsection (1) (b),—

(a) refuses or fails to comply with such a requirement, or

(b) refuses or fails to comply with a requirement of a designated registered medical practitioner in relation to the taking under this section of a specimen of blood or the provision under this section of a specimen of urine,

shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or, at the discretion of the court, to a fine not exceeding £500, or to both.

(4) (a) A person convicted of an offence under this section who has been previously convicted of an offence under section 49 or 50 of the Principal Act (as amended by the Act of 1968), section 49 or 50 of the Principal Act (inserted by this Act) or section 30 (3) of the Act of 1968 shall, for the purpose of determining the period of a disqualification under a consequential disqualification order, be treated as having been previously convicted of an offence under this section.

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

(b) The reference in subsection (4) (a) to section 49 or 50 of the Principal Act shall, notwithstanding section 9 (2), be construed as including a reference to section 49 or 50 before the commencement of section 10 or 11 (as may be appropriate).

(5) In a prosecution for an offence under this section it shall be presumed until the contrary is shown that an apparatus provided by a member of the Garda Síochána for the purpose of enabling a person to provide a specimen of breath is an apparatus for indicating the concentration of alcohol in the breath.

Obligation to provide breath specimen.

15.—(1) Whenever a member of the Garda Síochána is of the 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, by exhaling into an apparatus for indicating the concentration of alcohol in blood, a specimen of his breath and may indicate the manner in which or the place (including a vehicle) where he is to comply with the requirement, or both the manner and the place.

(2) (a) Subject to paragraph (b) of this subsection, a person who refuses or fails to comply forthwith with a requirement under this section, or to comply forthwith with such a requirement in a manner or place indicated by a member of the Garda Síochána, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or, at the discretion of the court, to a fine not exceeding £500, or to both.

(b) It shall be a good defence to a prosecution for an offence under this section to show that, as soon as practicable after the refusal or failure, the defendant offered to permit a designated registered medical practitioner to take from him a specimen of the defendant's blood.

(3) A member of the Garda Síochána may arrest without warrant a person who in the member's opinion is committing or has committed an offence under this section, and a person so arrested shall be deemed to be a person arrested under section 16 (4).

(4) In a prosecution for an offence under this section it shall be presumed until the contrary is shown that an apparatus provided by a member of the Garda Síochána for the purpose of enabling a person to provide a specimen of breath is an apparatus for indicating the concentration of alcohol in blood.

Procedure following provision of specimen under section 15.

16.—(1) Where, consequent on a requirement under section 15 on him, a person provides a specimen of his breath and the apparatus indicates that he has committed an offence under section 49 (2) of the Principal Act, he shall be supplied forthwith by a member of the Garda Síochána with a written statement indicating the concentration of alcohol in the person's blood.

(2) On receipt of the statement referred to in subsection (1) the person shall forthwith acknowledge such receipt in writing by his signature as requested by the member of the Garda Síochána.

(3) A person who refuses to comply with subsection (2) shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months or, at the discretion of the court, to a fine not exceeding £100, or to both.

(4) A member of the Garda Síochána may arrest without warrant a person who refuses or fails to comply with subsection (2).

(5) Where a person arrested under subsection (4) (or a person deemed under section 15 (3) to be a person so arrested) has been brought to a Garda station, a member of the Garda Síochána may

require the person to permit a designated registered medical practitioner to take from the person a specimen of his blood or, at the person's option, to provide for the designated registered medical practitioner a specimen of the person's urine.

5 (6) A person who, following a requirement under *subsection (5)*,—

(a) refuses or fails to comply with such a requirement, or

10 (b) refuses or fails to comply with a requirement of a designated registered medical practitioner in relation to the taking under this section of a specimen of blood or the provision under this section of a specimen of urine,

shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or, at the discretion of the court, to a fine not exceeding £500, or to both.

15 (7) Notwithstanding a refusal by a person to comply with *subsection (2)*, the relevant statement referred to in *subsection (1)* may be tendered as evidence in a prosecution for an offence under section 49 or 50 of the Principal Act or an offence under this Part.

20 17.—(1) Whenever a member of the Garda Síochána is of the opinion that a person in charge of a mechanically propelled vehicle is under the influence of a drug or drugs to such an extent as to be incapable of having proper control of the vehicle, he may require the person to accompany him to a Garda station.

Obligation to provide urine specimen at Garda station.

25 (2) A person who refuses or fails to comply with a requirement under *subsection (1)* shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or, at the discretion of the court, to a fine not exceeding £500, or to both.

30 (3) A member of the Garda Síochána may arrest without warrant a person who in the member's opinion is committing or has committed an offence under *subsection (2)* and shall forthwith bring the person to a Garda station.

35 (4) Where a person is in a Garda station pursuant to *subsection (1)* or has been arrested under *subsection (3)*, a member of the Garda Síochána may require the person to provide a specimen of his urine for a designated registered medical practitioner.

40 (5) A person who, following a requirement under *subsection (4)* refuses or fails to provide for a designated registered medical practitioner a specimen of the person's urine, shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or, at the discretion of the court, to a fine not exceeding £500, or to both.

45 18.—(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 of a specimen under *section 13, 14 or 17*.

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

50 (2) Where, on the hearing of a charge for an offence under section 49 or 50 of the Principal Act, evidence is given by or on behalf of the defendant that, after the time when the offence is alleged to have been committed but before the taking of a specimen under *section 13, 14 or 17*, he had consumed intoxicating liquor, the court shall disregard the evidence unless satisfied by or on behalf of the defendant—

(a) that but for that consumption the concentration of alcohol in the defendant's blood (as specified in a certificate under section 22) would not have exceeded a concentration of 100 milligrammes of alcohol per 100 millilitres of blood, or

(b) that but for that consumption the concentration of alcohol in the defendant's urine (as specified in a certificate under section 22) would not have exceeded a concentration of 135 milligrammes of alcohol per 100 millilitres of urine.

(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 or blood) 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 and liable on summary conviction to imprisonment for a term not exceeding six months or, at the discretion of the court, to a fine not exceeding £500, or to both.

(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 those sections, the court may find him guilty of an offence under subsection (3).

Defence to refusal to permit taking of blood specimen.

19.—(1) In a prosecution of a person who has not exercised the option conferred by this Part to provide a specimen of urine, for refusing or failing to permit a registered medical practitioner to take a specimen of blood, it shall be a good defence for the defendant to satisfy the court that there was a special and substantial reason for his refusal or failure.

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

Bar to certain defence to charges under section 49 or 50 of Principal Act.

20.—It shall not be a good defence for a person charged under section 49 (1) or 50 (1) of the Principal Act to show that, in relation to the facts alleged to constitute the offence, an analysis or determination under this Part has not been carried out or that he has not been requested under this Part to provide a specimen of his breath.

Procedure at Garda station regarding specimens.

21.—(1) Where under this Part a designated registered medical practitioner has taken a specimen of blood from a person or has been provided by the person with a specimen of his urine, the designated registered medical practitioner shall divide the specimen into two parts, place each part in a container which he shall forthwith seal, and complete the form prescribed for the purposes of this section.

(2) Where a specimen of blood or urine has been divided into two quantities as required by subsection (1), a member of the Garda Síochána shall offer to the person one of the sealed containers together with a statement in writing indicating that he may retain either of the containers.

(3) As soon as practicable after subsection (2) has been complied with, a member of the Garda Síochána shall cause to be forwarded to the Bureau the completed form referred to in subsection (1),

together with the relevant sealed container or, where the person has declined to retain one of the sealed containers, both relevant sealed containers.

- (4) In a prosecution under this Part it shall be presumed until the contrary is shown that *subsections (1) to (3)* have been complied with.

22.—(1) As soon as practicable after it has received a specimen forwarded to it under *section 21*, the Bureau shall analyse the specimen and determine the concentration of alcohol or (as may be appropriate) the presence of a drug or drugs in the specimen.

Procedure at Bureau regarding specimens.

- (2) Where the Bureau receives two specimens of blood so forwarded together in relation to the same person or two specimens of urine so forwarded together in relation to the same person, it shall be sufficient compliance with *subsection (1)* for the Bureau to make an analysis and determination of one of the two specimens of blood or (as may be appropriate) of one of the two specimens of urine.

- (3) As soon as practicable after compliance with *subsection (1)*, the Bureau shall forward to the Garda station from which the specimen analysed was forwarded a completed certificate in the form prescribed for the purpose of this section and shall forward a copy of the completed certificate to the person who is named on the relevant form under *section 21* as the person from whom the specimen was taken or who provided it.

- 23.—(1) A duly completed form under *section 21* shall, until the contrary is shown, be sufficient evidence in any proceedings under the *Road Traffic Acts, 1961 to 1978* of the facts stated in it, without proof of any signature on it or that the signatory was the proper person to sign it, and shall, until the contrary is shown, be sufficient evidence of compliance by the registered medical practitioner concerned with all the requirements which he is obliged to comply with by or under this Part.

Provisions regarding certain evidence in proceedings under *Road Traffic Acts, 1961 to 1978*.

- (2) A certificate expressed to have been issued under *section 22* shall, until the contrary is shown, be sufficient evidence of the facts certified to in it, without proof of any signature on it or that the signatory was the proper person to sign it, and shall, until the contrary is shown, be sufficient evidence of compliance by the Bureau with all the requirements which the Bureau is obliged to comply with by or under this Part.

- (3) In a prosecution for an offence under *section 49* or *50* of the Principal Act, it shall be presumed until the contrary is shown that each of the following persons is a registered medical practitioner—

- (a) a person who by virtue of power conferred on him by this Part took from another person a specimen of that other person's blood or was provided by another person with a specimen of that other person's urine,

- (b) a person who, following a requirement under *section 13 (1)*, *14 (1)* or *16 (5)*, was refused permission to take a specimen of blood or for whom (following such a requirement) there was a failure to give such a permission or for whom (following such a requirement) there was a refusal or failure to provide a specimen of urine,

- (c) a person for whom, following a requirement under *section 17 (4)*, there was a failure or refusal to provide a specimen of urine.

24.—The Second Schedule to the Principal Act, which specifies offences involving consequential disqualification orders under that Act, is amended—

(a) by the substitution for paragraph 4A (inserted by the Act of 1968) of the following—

“Refusal or failure to provide specimen at Garda station. 4A. An offence under section 13 of the Road Traffic (Amendment) Act, 1978.”.

(b) by the insertion in paragraph 5 (inserted by the Act of 1968) after “1968,” of “or section 13 or 14 of the Road Traffic (Amendment) Act, 1978,”.

(c) by the substitution for paragraph 5A (inserted by the Act of 1968) of the following:

“Refusal or failure to provide specimen at Garda station (section 50). 5A. An offence under section 14 of the Road Traffic (Amendment) Act, 1978, 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 30 (3) or 33 (3) of the Road Traffic Act, 1968, or section 13 of the Road Traffic (Amendment) Act, 1978, is convicted of an offence under section 14 of the Road Traffic (Amendment) Act, 1978, the first-mentioned conviction shall, for the purpose of this paragraph, be regarded as a conviction under section 14 of the Road Traffic (Amendment) Act, 1978.”.

(d) by the insertion after paragraph 5B (inserted by the Act of 1968) of the following:—

“Obligation to provide breath specimen. 5C. An offence under section 15 of the Road Traffic (Amendment) Act, 1978.

Procedure following provision of specimen under section 15 of Road Traffic (Amendment) Act, 1978. 5D. An offence under section 16 of the Road Traffic (Amendment) Act, 1978.

Obligation to provide urine specimen at Garda station. 5E. An offence under section 17 of the Road Traffic (Amendment) Act, 1978.”.

25.—Section 26 of the Principal Act is hereby amended by the substitution of the following subsections for subsections (3) and (5):

“(3) (a) The period of a disqualification specified in a consequential disqualification order shall, where the person to whom the order relates is convicted of—

- (i) an offence under section 49 of this Act, or
- (ii) an offence under section 53 of this Act where the contravention caused death or serious bodily harm to another person, or

- (iii) an offence under section 13 (2) or 13 (3) of the Road Traffic (Amendment) Act, 1978 (having been arrested under section 49 (6) of this Act), or
- (iv) an offence under section 15 (2) of the Road Traffic (Amendment) Act, 1978, or
- (v) an offence under section 16 (6) of the Road Traffic (Amendment) Act, 1978,

be not less than one year in the case of a first offence and not less than three years in the case of a second or any subsequent offence.

(b) Where a person who has previously been convicted of an offence under the foregoing paragraph, other than an offence under subparagraph (ii) thereof, or of an offence under section 49 of this Act occurring before the commencement of section 10 of the Road Traffic (Amendment) Act, 1978, or of an offence under section 30 (3) of the Road Traffic Act, 1968, is convicted of an offence under the foregoing paragraph other than an offence under subparagraph (ii) thereof, the earlier offence shall for the purpose of the foregoing paragraph be regarded as a first offence, and the later offence as a second offence.

(5) Where a person is convicted of an offence which by virtue of paragraph (b) of subsection (3) of this section is regarded as a second offence, and a period of four years or more during which such person was not disqualified for holding a driving licence has elapsed since his last previous conviction for an offence capable of being regarded as a first offence for the purpose of that paragraph, the court may for the purposes of this section deal with the later of the two offences as a first offence."

26.—(1) The Minister may make regulations for the purpose of giving effect to this Part. Regulations for Part III

(2) Without prejudice to the generality of subsection (1), regulations under this section may provide for or prescribe one or both of the following matters—

- (a) the form to be completed under section 21 by a designated registered medical practitioner,
- (b) the certificate to be issued under section 22 by the Bureau.

BILLE

dá ngairtear

BILL

entitled

Acht do leasú agus do leathnú na nAchtanna
um Thrácht ar Bhóithre, 1961 go 1973.

An Act to amend and extend the Road Traffic
Acts, 1961 to 1973.

An Seanadóir Eoin Ó Riain a thug isteach

Introduced by Senator Eoin Ryan

*Ritheadh ag Seanad Éireann,
22 Meitheamh, 1978*

*Passed by Seanad Éireann,
22nd June, 1978*

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