



AN BILLE UM THRÁCHT AR BHÓITHRE, 1993
ROAD TRAFFIC BILL, 1993

*Mar a tionscnaíodh
As initiated*

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ACTS REFERRED TO

County Management Acts, 1940 to 1991	
Dublin Transport Authority (Dissolution) Act, 1987	1987, No. 34
Finance (Excise Duties) (Vehicles) Act, 1952	1952, No. 24
Licensing Act, 1872	1872, c.94
Local Government (Ireland) Act, 1898	1898, c.37
Local Government (Roads and Motorways) Act, 1974	1974, No. 6
Medical Practitioners Act, 1978	1978, No. 4
Petty Sessions (Ireland) Act, 1851	1851, c.93
Probation of Offenders Act, 1907	1907, c.17
Road Traffic Act, 1961	1961, No. 24
Road Traffic Act, 1968	1968, No. 25
Road Traffic (Amendment) Act, 1978	1978, No. 19
Road Traffic (Amendment) Act, 1984	1984, No. 16



AN BILLE UM THRÁCHT AR BHÓITHRE, 1993
ROAD TRAFFIC BILL, 1993

BILL

entitled

AN ACT TO AMEND AND EXTEND THE ROAD TRAFFIC ACTS, 1961 TO 1987. 5

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

PRELIMINARY AND GENERAL

Short title, commencement, construction and collective citation.

1.—(1) This Act may be cited as the *Road Traffic Act, 1993*. 10

(2) This Act shall come into operation on such day or days as, by order or orders made by the Minister under this section, may be fixed therefor either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions, including the application of *section 4* to different Acts specified therein and to different provisions of those Acts. 15

(3) The Principal Act, the Act of 1968, the Road Traffic (Amendment) Act, 1984, and the Dublin Transport Authority (Dissolution) Act, 1987 (in so far as it amends those Acts), shall be construed as one with this Act and may be cited together therewith as the *Road Traffic Acts, 1961 to 1993*. 20

Interpretation.

2.—(1) In this Act, save where the context otherwise requires—

“the Act of 1968” means the Road Traffic Act, 1968;

“the Act of 1978” means the Road Traffic (Amendment) Act, 1978; 25

“licensing authority” means the council of a county or the corporation of a county borough;

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

“the Principal Act” means the Road Traffic Act, 1961; 30

“reserved function” means—

- (a) in the case of the council of a county or an elective body for the purposes of the County Management Acts, 1940 to 1991, a reserved function for the purposes of those Acts,
- 5 (b) in the case of the corporation of a county borough, a reserved function for the purposes of the Acts relating to the management of the county borough, and
- (c) the functions as respects which a resolution is provided for by sections 35 (2) (l) and 36 (II) (a).
- (2) In this Act—
- 10 (a) a reference to a Part, section or Schedule is to a Part, section or Schedule of this Act, unless it is indicated that reference to some other enactment is intended,
- (b) a reference to a subsection, paragraph or subparagraph is to the subsection, paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated
- 15 that reference to some other provision is intended, and
- (c) a reference to any enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment including this Act.

20 3.—(1) The Minister may make regulations for the purpose of giving full effect to this Act and such regulations may contain such incidental, supplementary, consequential and transitional provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations. Regulations.

25 (2) Regulations made under this Act shall be laid before each House of the Oireachtas as soon as may be after they are made and, if a resolution annulling the regulations is passed by either such House within the next subsequent 21 days on which that House has sat after the regulations are laid before it, the regulations shall be annulled

30 accordingly, but without prejudice to the validity of anything previously done thereunder.

4.—(1) Sections 89, 90 and 101 (8) of the Principal Act, section 60 of the Act of 1968 and the Act of 1978 are hereby repealed. Repeals.

35 (2) Regulations, bye-laws and temporary rules made under a provision or enactment referred to in subsection (1) and in force immediately before the commencement of this section shall continue in force and be deemed to be regulations or, as the case may be, bye-laws made under the corresponding provision of this Act, and they shall

40 be capable of being amended or revoked accordingly, and documents issued under or in accordance with any regulations, bye-laws or temporary rules as aforesaid and in force immediately before such commencement shall continue in force for the purposes of this Act.

PART II

THE BUREAU

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

“27.—In this Part —

'analysis' includes any operation used in determining the concentration of alcohol in a specimen of breath, blood or urine, and any operation used in determining the presence (if any) of a drug or drugs in a specimen of blood or urine, and cognate words shall be construed accordingly;

5

'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)."

Functions and
duties of Bureau.

6.—Section 38 of the Act of 1968 is hereby amended— 10

(a) by the substitution of the following subsections for subsections (1) and (2):

“(1) The Bureau shall perform the functions assigned to it by or under this Act or the *Road Traffic Act, 1993*.

(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 *Part III* of the *Road Traffic Act, 1993*, arrange for— 15

(a) the receipt and analysis of specimens of blood and urine forwarded to the Bureau under *Part III* of the *Road Traffic Act, 1993*, and the issue of reports on such analyses, 20

(b) the determination, in respect of such specimens, of the concentration of alcohol in the blood or urine and of the presence (if any) of a drug or drugs in the blood or urine, 25

(c) the issue of certificates required under *Part III* of the *Road Traffic Act, 1993*, to be issued by the Bureau,

(d) the provision of equipment for the taking of such specimens, 30

(e) the approval of—

(i) apparatus for indicating the presence of alcohol, and

(ii) apparatus for determining the concentration of alcohol, 35

in the breath.”, and

(b) in subsection (4), by the substitution of the following paragraph for paragraph (a):

“(a) arrange for the supply and testing of— 40

(i) apparatus for indicating the presence of alcohol, and

(ii) apparatus for determining the concentration of alcohol,

in the breath.”

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

10 “(2) The Director shall, subject to this Part, the establishment order and any regulations under *Part III* of the *Road Traffic Act, 1993*, manage the day-to-day business of the Bureau and exercise general supervision in relation to the performance by it of the functions assigned to it by or under this Act or the *Road Traffic Act, 1993*.”

8.—Section 42 of the Act of 1968 is hereby amended by the insertion after “Act” of “, the *Road Traffic (Amendment) Act, 1978*, or the *Road Traffic Act, 1993*”. Protection of Director, etc., against legal proceedings.

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PART III

DRIVING OFFENCES

9.—(1) In this Part—

Interpretation of Part III.

20 “analysis” includes any operation used in determining the concentration of alcohol in a specimen of breath, blood or urine, and any operation used in determining the presence (if any) of a drug or drugs in a specimen of blood or urine, and cognate words shall be construed accordingly;

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

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

“doctor” means a person registered in the General Register of Medical Practitioners established under section 26 of the Medical Practitioners Act, 1978;

30 “intoxicant” includes alcohol and drugs and any combination of drugs or of drugs and alcohol.

(2) 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.

35 10.—The following section is inserted in the Principal Act in substitution for section 49 of that Act: Prohibition on driving vehicle while under influence of intoxicant.

“49.—(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.

40 (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 3 hours after so driving or attempting to drive, the concentration of alcohol in his blood will exceed a concentration of 80 milligrammes of alcohol per 100 millilitres of blood. 5

(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 3 hours after so driving or attempting to drive, the concentration of alcohol in his urine will exceed a concentration of 107 milligrammes of alcohol per 100 millilitres of urine. 10

(4) 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 3 hours after so driving or attempting to drive, the concentration of alcohol in his breath will exceed a concentration of 35 microgrammes of alcohol per 100 millilitres of breath. 15

(5) (a) The Minister may, by regulations made by him, vary the concentration of alcohol for the time being standing specified in *subsection (2), (3) or (4)* of this section, whether generally or in respect of a particular class of person, and the said subsection shall have effect in accordance with any such regulations for the time being in force. 20

(b) A draft of every regulation proposed to be made under this subsection shall be laid before each House of the Oireachtas and the regulation shall not be made until a resolution approving of the draft has been passed by each such House and section 5 (2) of this Act shall not apply to a regulation made under this subsection. 25 30

(6) (a) A person who contravenes *subsection (1), (2), (3) or (4)* of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 6 months or to both. 35

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

(7) Section 1 (1) of the Probation of Offenders Act, 1907, shall not apply to an offence under this section. 40

(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 and for the purpose of making the arrest may enter (if need be by force) any place (including a dwelling or vehicle) where the person is or where the member reasonably believes him to be." 45

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

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

"50.—(1) (a) A person shall be guilty of an offence if, 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), he is under the 50

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.

5

(2) A person shall be guilty of an offence if, 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), there is present in his body a quantity of alcohol such that, within
10 3 hours after so being in charge, the concentration of alcohol in his blood will exceed a concentration of 80 milligrammes of alcohol per 100 millilitres of blood.

(3) A person shall be guilty of an offence if, when in charge of a mechanically propelled vehicle in a public place with intent to drive
15 or attempt to drive the vehicle (but not driving or attempting to drive it), there is present in his body a quantity of alcohol such that, within 3 hours after so being in charge, the concentration of alcohol in his urine will exceed a concentration of 107 milligrammes of alcohol per 100 millilitres of urine.

(4) A person shall be guilty of an offence if, when in charge of a mechanically propelled vehicle in a public place with intent to drive
20 or attempt to drive the vehicle (but not driving or attempting to drive it), there is present in his body a quantity of alcohol such that, within 3 hours after so being in charge, the concentration of alcohol in his
25 breath will exceed a concentration of 35 microgrammes of alcohol per 100 millilitres of breath.

(5) (a) The Minister may, by regulations made by him, vary the concentration of alcohol for the time being standing specified in *subsection (2), (3) or (4)* of this section, whether
30 generally or in respect of a particular class of person, and the said subsection shall have effect in accordance with any such regulations for the time being in force.

(b) A draft of every regulation proposed to be made under this subsection shall be laid before each House of the Oireachtas and the regulation shall not be made until a
35 resolution approving of the draft has been passed by each such House and section 5 (2) of this Act shall not apply to a regulation made under this subsection.

(6) (a) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 6
40 months or to both.

(b) A person charged with an offence under this section may, in lieu of being found guilty of that offence, be found
45 guilty of an offence under section 49 of this Act.

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

(8) In a prosecution for an offence under this section it shall be presumed that the defendant intended to drive or attempt to drive
50 the vehicle concerned until he shows the contrary.

(9) 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.

(10) 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 for the purpose of making the arrest may enter (if need be by force) any place (including a dwelling or vehicle) where the person is or where the member reasonably believes him to be." 5

Obligation to provide preliminary breath specimen.

12.—(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 the person— 10

(a) 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; 15

(b) to accompany him to a place (including a vehicle) at or in the vicinity of that public place and there require him to provide, by exhaling into such an apparatus, a specimen of his breath and may indicate the manner in which he is to comply with the requirement; 20

(c) where he does not have such an apparatus with him, to remain at that place in his presence or in the presence of another member of the Garda Síochána until such an apparatus becomes available to him (but he shall not require him to so remain for more than one hour) and he may then require the person to provide, by exhaling into such an apparatus, a specimen of his breath and may indicate the manner in which he is to comply with the requirement. 25 30

(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 shall be liable on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 6 months or to both. 35

(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 Part or under section 49 or 50 of the Principal Act 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 pursuant to this section is an apparatus for indicating the presence of alcohol in the breath. 40 45

Obligation to provide specimen following arrest.

13.—(1) Where a person is arrested under *section 49 (8)* or *50 (10)* of the Principal Act or *section 12 (3)*, or where a person is arrested under *section 53 (6)* or *112 (6)* of the Principal Act and a member of the Garda Síochána is of opinion that the person has consumed an intoxicant, a member of the Garda Síochána may, at a Garda Síochána station, at his discretion, require the person to do either or both of the following— 50

(a) to provide, by exhaling into an apparatus for determining the concentration of alcohol in the breath, 2 specimens of his breath and may indicate the manner in which he is to comply with the requirement,

5 (b) (i) to permit a designated doctor to take from the person a specimen of his blood, or

(ii) to provide for the designated doctor a specimen of his urine,

10 and, if the person refuses or fails to comply with the requirement to which either of the foregoing subparagraphs relates, the member may make a requirement of the person under this subsection in relation to the subparagraph other than that to which the first requirement related.

15 (2) Subject to *section 23*, a person who refuses or fails to comply forthwith with a requirement under *subsection (1)(a)* shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 6 months or to both.

20 (3) Subject to *section 23*, a person who, following a requirement under *subsection (1)(b)*—

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

25 (b) refuses or fails to comply with a requirement of a designated doctor in relation to the taking under that subsection of a specimen of blood or the provision under that subsection of a specimen of urine,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 6 months or to both.

30 (4) In a prosecution for an offence under this Part or under *section 49* or *50* of the Principal Act 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 2 specimens of breath pursuant to this section is an apparatus for determining the
35 concentration of alcohol in the breath.

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

40 14.—(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 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 Síochána station.

Obligation to accompany member to Garda Síochána station, not under arrest, to provide blood or urine specimen.

45 (2) A person who refuses or fails to comply with a requirement under *subsection (1)* shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 6 months 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 *subsection (2)*.

(4) Where a person is at a Garda Síochána station either pursuant to *subsection (1)* or having been arrested under *subsection (3)*, a member of the Garda Síochána may there, at his discretion, require the person to—

(a) permit a designated doctor to take from the person a specimen of his blood, or 5

(b) provide for the designated doctor a specimen of his urine,

and, if the person refuses or fails to comply with the requirement specified in either of the foregoing paragraphs, the member may make a requirement of the person under this subsection in relation to the paragraph other than that to which the first requirement related. 10

(5) Subject to *section 23*, a person who, following a requirement under *subsection (4)*—

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

(b) refuses or fails to comply with a requirement of a designated doctor in relation to the taking under that subsection of a specimen of blood or the provision under that subsection of a specimen of urine, 15

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 6 months or to both. 20

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

Obligation to provide blood or urine specimen while in hospital.

15.—(1) Where, in a public place, an event occurs in relation to a mechanically propelled vehicle in consequence of which a person is injured, or claims or appears to have been injured, and is admitted to hospital and a member of the Garda Síochána is of opinion that, at the time of the event,— 25

(a) the person was driving or attempting to drive, or in charge of with intent to drive or attempt to drive (but not driving or attempting to drive), the mechanically propelled vehicle, and 30

(b) the person had consumed an intoxicant,

then such member may, in the hospital, at his discretion, require the person to— 35

(i) permit a designated doctor to take from the person a specimen of his blood, or

(ii) provide for the designated doctor a specimen of his urine,

and, if the person refuses or fails to comply with the requirement specified in either of the foregoing subparagraphs, the member may make a requirement of the person under this subsection in relation to the subparagraph other than that to which the first requirement related. 40

(2) (a) A member of the Garda Síochána may, for the purpose of making a requirement of a person under *subsection (1)*, 45

enter any hospital where the person is or where the member reasonably believes him to be.

5 (b) A designated doctor may, for the purpose of taking from a person a specimen of his blood or being provided by a person with a specimen of his urine under *subsection (1)*, enter any hospital where the person is or where the doctor reasonably believes him to be.

(3) Subject to *section 23*, a person who, following a requirement under *subsection (1)*—

10 (a) refuses or fails to comply with the requirement, or

(b) refuses or fails to comply with a requirement of a designated doctor in relation to the taking under that subsection of a specimen of blood or the provision under that subsection of a specimen of urine,

15 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 6 months or to both.

20 (4) Notwithstanding *subsection (3)*, it shall not be an offence for a person to refuse or fail to comply with a requirement under *subsection (1)* where, following his admission to hospital, the person comes under the care of a doctor and the doctor refuses, on medical grounds, to permit the taking or provision of the specimen concerned.

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

25 **16.—(1)** Where a person is—

(a) at a Garda Síochána station having been arrested under *section 49 (8)* or *50 (10)* of the Principal Act or *section 12 (3)* or *14 (3)*, or

30 (b) required under *section 14 (1)* to accompany a member of the Garda Síochána to a Garda Síochána station and complies with the requirement,

35 he may, at the Garda Síochána station, if the member of the Garda Síochána for the time being in charge of the station is of opinion that the person is under the influence of an intoxicant to such an extent as to be a threat to the safety of himself or others, be detained in custody for such period (not exceeding 8 hours from the time of his arrest or, as the case may be, from the time he was required to accompany a member to the station) as the member of the Garda Síochána so in charge considers necessary.

40 (2) Where a person is detained under *subsection (1)*, the member of the Garda Síochána for the time being in charge of the Garda Síochána station shall, as soon as is practicable, if it is reasonably possible to do so, inform a relative of the person or such other person as the person so detained may specify of the detention, unless the
45 person so detained does not wish any person to be so informed.

(3) A person detained under *subsection (1)* shall, upon the attendance at the Garda Síochána station of a person being either a relative of, or a person specified pursuant to *subsection (2)* by, the person so detained, be released by the member of the Garda Síochána for the

Detention of intoxicated drivers where a danger to selves or others.

time being in charge of the station into the custody of that person, unless—

- (a) the latter person is or the said member is of opinion that he is under the age of 18 years,
- (b) the person so detained does not wish to be released into the custody of the latter person, or
- (c) the member aforesaid is of opinion that the person so detained continues to be under the influence of an intoxicant to such an extent that, if he is then released into the custody of the latter person, he will continue to be a threat to the safety of himself or others,

and shall, if not so released, be released at the expiration of the period of detention authorised by *subsection (1)*.

Procedure following provision of breath specimen under *section 13*.

17.—(1) Where, consequent on a requirement under *section 13 (1)(a)* of him, a person provides 2 specimens of his breath and the apparatus referred to in that section determines the concentration of alcohol in each specimen—

- (a) in case the apparatus determines that each specimen has the same concentration of alcohol, either specimen, and
- (b) in case the apparatus determines that each specimen has a different concentration of alcohol, the specimen with the lower concentration of alcohol,

shall be taken into account for the purposes of *sections 49 (4)* and *50 (4)* of the Principal Act and the other specimen shall be disregarded.

(2) Where the apparatus referred to in *section 13 (1)* determines that in respect of the specimen of breath to be taken into account as aforesaid the person may have contravened *section 49 (4)* or *50 (4)* of the Principal Act, he shall be supplied forthwith by a member of the Garda Síochána with 2 identical statements, automatically produced by the said apparatus in the prescribed form and duly completed by the member in the prescribed manner, stating the concentration of alcohol in the said specimen determined by the said apparatus.

(3) On receipt of the statements aforesaid, the person shall on being requested so to do by the member aforesaid—

- (a) forthwith acknowledge such receipt by placing his signature on each statement, and
- (b) thereupon return either of the statements to the member.

(4) A person who refuses or fails to comply with *subsection (3)* shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding 3 months or to both.

(5) *Section 21 (1)* shall apply to a statement under this section as respects which there has been a failure to comply with *subsection (3)(a)* as it applies to a duly completed statement under this section.

18.—(1) Where under this Part a designated doctor has taken a specimen of blood from a person or has been provided by the person with a specimen of his urine, the doctor shall divide the specimen into 2 parts, place each part in a container which he shall forthwith seal and complete the form prescribed for the purposes of this section.

Procedure regarding taking of specimens of blood and provision of specimens of urine.

(2) Where a specimen of blood or urine of a person has been divided into 2 parts pursuant to *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 for an offence under this Part or under section 49 or 50 of the Principal Act, it shall be presumed until the contrary is shown that *subsections (1) to (3)* have been complied with.

19.—(1) As soon as practicable after it has received a specimen forwarded to it under *section 18*, 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 2 specimens of blood so forwarded together in relation to the same person or 2 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 of and determination in relation to one of the 2 specimens of blood or (as may be appropriate) one of the 2 specimens of urine.

(3) As soon as practicable after compliance with *subsection (1)*, the Bureau shall forward to the Garda Síochána 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 18* as the person from whom the specimen was taken or who provided it.

(4) Where, pursuant to *subsection (3)*, the Bureau purport to forward a copy of a completed certificate to the person referred to in that subsection by sending by registered prepaid post, the copy in an envelope addressed to him at his last known residence or most usual place of abode or at his place of business in the State, the copy shall, upon proof that it was placed in an envelope and that the envelope was addressed, recorded, prepaid and sent as aforesaid, be deemed to be forwarded to the person unless it is proved that the person did not receive it and that he did not avoid or refuse to accept delivery of it.

(5) Where the Bureau purport to forward a copy of a completed certificate to a person in the manner referred to in *subsection (4)*—

(a) the copy shall, subject to that subsection, be deemed to be forwarded to the person at the time at which the envelope containing the copy would be delivered in the ordinary course of post, and

(b) the placing of a copy of the completed certificate in the envelope and the addressing, recording, prepaying and sending, in accordance with the provisions of *subsection (4)*, of the envelope may be proved by a statutory declaration (which shall be made, not earlier than 10 days after the day on which the envelope is posted, by the person who posted the envelope) exhibiting the record of posting of the envelope aforesaid and stating, if it be the case, that the envelope has not been returned undelivered to the sender.

(6) In a prosecution for an offence under this Part or under section 49 or 50 of the Principal Act, it shall be presumed until the contrary is shown that *subsections (1) to (3)* have been complied with.

Provisions regarding certain evidence in prosecutions under sections 49 and 50 of Principal Act.

20.—(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 13, 14 or 15*.

(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 or provision of a specimen under *section 13, 14 or 15*, 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 19*) would not have exceeded the concentration of alcohol for the time being standing specified in *subsection (2)* of the said section 49 or 50, as may be appropriate, whether generally or in respect of the class of person of which the defendant is a member,

(b) that, but for that consumption, the concentration of alcohol in the defendant's urine (as specified in a certificate under *section 19*) would not have exceeded the concentration of alcohol for the time being standing specified in *subsection (3)* of the said section 49 or 50, as may be appropriate, whether generally or in respect of the class of person of which the defendant is a member, or

(c) that, but for that consumption, the concentration of alcohol in the defendant's breath (as specified in a statement under *section 17*) would not have exceeded the concentration of alcohol for the time being standing specified in *subsection (4)* of the said section 49 or 50, as may be appropriate, whether generally or in respect of the class of person of which the defendant is a member.

(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 urine or to permit the taking of a specimen of his 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 shall be liable on summary conviction

to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 6 months or to both.

5 (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 or urine or to permit the taking of a specimen of his blood) was so taken with the intention of frustrating a prosecution under either of those sections, the court may find him guilty of an offence under *subsection (3)*.

10 21.—(1) A duly completed statement purporting to have been supplied under *section 17* shall, until the contrary is shown, be sufficient evidence in any proceedings under the *Road Traffic Acts, 1961 to 1993*, of the facts stated therein, 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 member of the Garda Síochána concerned with the requirements imposed on him by or under this Part prior to and in connection with the supply by him pursuant to *section 17 (2)* of such statement.

Provisions regarding certain evidence in proceedings under *Road Traffic Acts, 1961 to 1993*.

20 (2) A duly completed form under *section 18* shall, until the contrary is shown, be sufficient evidence in any proceedings under the *Road Traffic Acts, 1961 to 1993*, of the facts stated therein, 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 designated doctor concerned with the requirements imposed on him by or under this Part.

30 (3) A certificate expressed to have been issued under *section 19* shall, until the contrary is shown, be sufficient evidence in any proceedings under the *Road Traffic Acts, 1961 to 1993*, of the facts stated therein, 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 the requirements imposed on it by or under this Part or Part V of the Act of 1968.

35 (4) In a prosecution for an offence under section 49 or 50 of the Principal Act or *section 13, 14 or 15* it shall be presumed until the contrary is shown that each of the following persons is a designated doctor—

40 (a) a person who by virtue of powers 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,

45 (b) a person for whom, following a requirement under *section 13 (1), 14 (4) or 15 (1)* to permit the taking by him of a specimen of blood, there was a refusal or failure to give such permission or to comply with a requirement of his in relation to the taking of such a specimen,

50 (c) a person for whom, following a requirement under *section 13 (1), 14 (4) or 15 (1)* to provide for him a specimen of urine, there was a refusal or failure to provide such a specimen or to comply with a requirement of his in relation to the provision of such a specimen.

Costs of prosecutions under sections 49 and 50 of Principal Act and Part III.

22.—(1) Where a person is convicted of an offence under section 49 or 50 of the Principal Act or *section 13, 14 or 15*, committed after the commencement of this section, the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay to the court the costs and expenses, measured by the court, reasonably incurred by the State in the investigation, detection and prosecution of the offence (including costs and expenses incurred in the taking and analysis of specimens) and not exceeding such amount as may, for the time being, stand prescribed. 5

(2) Payments under *subsection (1)* shall be disposed of in such manner as may be prescribed. 10

Defence to refusal to permit taking of specimen of blood or to provide two specimens of breath.

23.—(1) In a prosecution of a person for an offence under *section 13* for refusing or failing to comply with a requirement to provide 2 specimens of his breath, it shall be a defence for the defendant to satisfy the court that there was a special and substantial reason for his refusal or failure and that, as soon as practicable after the refusal or failure concerned, he complied (or offered, but was not called upon, to comply) with a requirement under the section concerned in relation to the taking of a specimen of blood or the provision of a specimen of urine. 15

(2) In a prosecution of a person for an offence under *section 13, 14 or 15* for refusing or failing to comply with a requirement to permit a designated doctor to take a specimen of blood or for refusing or failing to comply with a requirement of a designated doctor in relation to the taking of a specimen of blood, it shall be a defence for the defendant to satisfy the court that there was a special and substantial reason for his refusal or failure and that, as soon as practicable after the refusal or failure concerned, he complied (or offered, but was not called upon, to comply) with a requirement under the section concerned in relation to the provision of a specimen of urine. 25 30

(3) Notwithstanding *subsections (1) and (2)*, evidence may be given at the hearing of a charge of an offence under section 49 or 50 of the Principal Act that the defendant refused or failed to comply with a requirement to provide 2 specimens of his breath, or that the defendant refused or failed to comply with a requirement to permit the taking of a specimen of his blood or to comply with a requirement of a designated doctor in relation to the taking of a specimen of blood, as the case may be. 35

Bar to certain defence to charges under sections 49 and 50 of Principal Act.

24.—It shall not be a defence for a person charged with an offence 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 the *Road Traffic Acts, 1961 to 1993*, has not been carried out or that he has not been requested under *section 12* to provide a specimen of his breath. 40

PART IV 45

DRIVING LICENCES

Requirement to carry driving licence while driving vehicle.

25.—The following section is inserted in the Principal Act in substitution for section 40 of that Act:

“40. (1) (a) A member of the Garda Síochána may demand, of a person driving in a public place a mechanically 50

propelled vehicle or accompanying pursuant to regulations under this Act the holder of a provisional licence while such holder is driving in a public place a mechanically propelled vehicle, the production to him of a driving licence then having effect and licensing the said person to drive the vehicle, and if the person refuses or fails so to produce the licence there and then, he shall be guilty of an offence.

(b) Where a person of whom the production of a driving licence is demanded under this section refuses or fails to produce the licence there and then, a member of the Garda Síochána may require the person to produce within 10 days after the date of the said requirement the licence in person to a member of the Garda Síochána at a Garda Síochána station to be named by the person at the time of the requirement and, if the person refuses or fails so to produce the licence, he shall be guilty of an offence.

(c) In any proceedings a certificate, purporting to be signed by the member in charge of the Garda Síochána station at which the defendant concerned was required, pursuant to *paragraph (b)*, to produce the driving licence, stating that the defendant did not, within 10 days after the day on which the production was required, produce a driving licence in accordance with the said *paragraph (b)* shall, without proof of the signature of the person purporting to sign the certificate or that he was the member in charge of the Garda Síochána station, be evidence, until the contrary is shown, of the facts stated in the certificate.

(2) Where a person of whom the production of a driving licence is demanded or required under this section produces the licence in accordance with the demand or requirement, but refuses or fails to permit the member of the Garda Síochána to whom it is produced to read the licence, he shall be guilty of an offence.

(3) Where a person of whom the production of a driving licence is demanded or required under this section refuses or fails so to produce the licence or produces the licence but refuses or fails to permit the member of the Garda Síochána to whom it is produced to read the licence, the member may demand of the person his name and address and, if the person refuses or fails to give to the member his name and address or gives to the member a name or address which is false or misleading, he shall be guilty of an offence.

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

(a) a person who pursuant to this section produces a driving licence to the member but refuses or fails to permit the member to read it, or

(b) a person who, when his name and address is lawfully demanded of him by the member under this section, refuses or fails to give to the member his name and

address or gives to the member a name or address which the member reasonably believes to be false.

(5) A person who, when the production of a driving licence is demanded or required of him under this section, does not produce the licence because he is not the holder of a driving licence shall be deemed to fail to produce his driving licence within the meaning of *subsection (1)* of this section.” 5

Consequential
disqualification
orders.

26.—The following section shall be substituted for section 26 of the Principal Act:

“26.—(1) Where a person is convicted of an offence specified in the Second Schedule to this Act, the court shall make an order (in this Act referred to as a consequential disqualification order) declaring him to be disqualified for holding a driving licence. 10

(2) Subject to *subsection (3)* of this section, a consequential disqualification order shall operate to disqualify the person to whom the order relates for holding any driving licence whatsoever during a specified period or during a specified period and thereafter until he has produced to the appropriate licensing authority, as may be specified in the order, a certificate of competency or a certificate of fitness or both. 15 20

(3) A consequential disqualification order resulting from a conviction for an offence under section 49 or 50 or section 53, where the contravention involved the driving of a mechanically propelled vehicle, of this Act or *section 13, 14 or 15 of the Road Traffic Act, 1993*, shall operate to disqualify the person to whom the order relates for holding any driving licence whatsoever during a specified period and thereafter until he has produced to the appropriate licensing authority a certificate of competency or both a certificate of competency and a certificate of fitness. 25

(4) The period of disqualification specified in a consequential disqualification order shall, where the person to whom the order relates is convicted of an offence under— 30

(a) section 49 or 50 of this Act,

(b) section 53 of this Act where the contravention caused death or serious bodily harm to another person, or 35

(c) *section 13, 14 or 15 of the Road Traffic Act, 1993*,

be not less than 2 years in the case of a first offence under the section concerned and not less than 4 years in the case of a second or any subsequent conviction for an offence under the same section. 40

(5) The period of disqualification specified in a consequential disqualification order shall, where the person to whom the order relates is convicted of an offence under—

(a) section 53 of this Act where the contravention concerned did not cause death or serious bodily harm to another person, or 45

(b) section 56 of this Act,

5 be not less than 1 year in the case of a first offence under the section concerned and not less than 2 years in the case of a second or any subsequent offence under the same section committed within the period of 3 years from the date of the commission of the previous offence or, in the case of more than one such offence, the last such offence.

10 (6) Where a person is convicted of an offence under section 49 or 50 of this Act (whether before or after the commencement of sections 10 and 11 of the Road Traffic Act, 1993) or section 13, 14 or 17 of the Road Traffic (Amendment) Act, 1978, or section 13, 14 or 15 of the Road Traffic Act, 1993 ('the former section') and is subsequently convicted of one or more offences under any other of those sections ('the latter section') the conviction under the latter section shall, for the purposes of this section, be regarded as a second or, as the case may be, a subsequent conviction for an offence under the latter section.

(7) The period of disqualification specified in a consequential disqualification order shall, in a case not coming within subsection (4) or (5) of this section, be not less than 6 months.

20 (8) Where a person is convicted of an offence ('the later conviction') under section 49 or 50 of this Act (whether before or after the commencement of sections 10 and 11 of the Road Traffic Act, 1993) or section 13, 14 or 17 of the Road Traffic (Amendment) Act, 1978, or section 13, 14 or 15 of the Road Traffic Act, 1993, and—

(a) the conviction is, or is by virtue of subsection (6) of this section to be regarded as, a second or subsequent conviction for an offence under the same section, and

30 (b) a period of 4 years or more during which such person was not disqualified for holding a driving licence has elapsed since the previous conviction of the person by reference to which the later conviction is, or is by virtue of the said subsection (6) to be regarded as, a second or subsequent conviction,

35 the court may, for the purposes of this section, deal with the later conviction as a first conviction.

40 (9) Subject to subsections (10) and (11) of this section, in every case in which an appeal may be brought in respect of a conviction for an offence on conviction of which a consequential disqualification order may be made, jurisdiction to make, confirm, annul or vary a consequential disqualification order is hereby conferred on the appellate court unless it otherwise has that jurisdiction or the conferring of that jurisdiction is unnecessary because the appeal is by way of rehearing.

45 (10) A consequential disqualification order shall not be annulled on appeal unless the conviction by reference to which it was imposed is reversed.

50 (11) Where a consequential disqualification order is, on an appeal, made or varied, the requirements of subsections (2) to (7) of this section shall be complied with and the provisions of subsection (8) of this section, where relevant, shall also apply."

Amendment of provisions relating to removal of consequential disqualification orders.

27.—Section 29 of the Principal Act is hereby amended by the insertion of the following subsection after subsection (1):

“(1A) Notwithstanding the provisions of *subsection (1)(a)*—

- (a) a person in respect of whom a consequential disqualification order has been made on conviction for an offence to which *subsection (4) or (5)* of section 26 (as inserted by *section 26* of the *Road Traffic Act, 1993*) of this Act applies, and in respect of which the period of disqualification specified in the order is required by the said *subsection (4) or (5)*, as the case may be, to be not less than 2 years, may at any time and (save as hereinafter mentioned) from time to time after the expiration of 9 months from the beginning of the period of disqualification and before the expiration of that period, apply to the court which made the order, for the removal of the disqualification, and that court, if it considers that circumstances exist which justify such a course, may by order remove the disqualification as from a specified date not earlier than 1 year after the beginning of the period of disqualification but, if it does so, shall order the person to comply with any requirement contained in the disqualification order that the person produce to the appropriate licensing authority the certificate or certificates therein specified;
- (b) a person in respect of whom a consequential disqualification order has been made on conviction for an offence to which *subsection (4)* of section 26 (as so inserted) of this Act applies, and in respect of which the period of disqualification specified in the order is required by the said *subsection (4)* to be not less than 4 years, may at any time and (save as hereinafter mentioned) from time to time after the expiration of 21 months from the beginning of the period of disqualification and before the expiration of that period, apply to the court which made the order, for the removal of the disqualification, and that court, if it considers that circumstances exist which justify such a course, may by order remove the disqualification as from a specified date not earlier than 2 years after the beginning of the period of disqualification but, if it does so, shall order the person to comply with any requirement contained in the disqualification order that the person produce to the appropriate licensing authority the certificate or certificates therein specified.”

Provision of particulars of disqualifications to certain persons.

28.—The following is substituted for section 42 (4) (d) of the Principal Act:

“(d) the notification to licensing authorities and such other (if any) persons as may be prescribed of the making, confirming, annulling, varying or removal of a consequential, ancillary or special disqualification order or the making, confirming or annulling of endorsements ordered under section 36 of this Act.”

Application of provisions of Principal Act to provisional licences.

29.—(1) Sections 22 (2), (4) and (5), 26, 27, 28 (1), (3), (4) and (5), 29, 30, 31, 32, 34, 36, 37, 39 and 41 of the Principal Act shall be deemed to apply to provisional licences as they apply to driving licences except that—

- 5 (a) where a person has been disqualified under section 26 or 27 of the Principal Act for holding a driving licence during a specified period and thereafter until he has produced to the appropriate licensing authority a certificate of competency, the person may, at the end of the specified period, apply for and be granted a provisional licence in accordance with the provisions of section 35 of the Principal Act;
- 10 (b) where a person has been disqualified under section 28 (2) of the Principal Act for holding a driving licence, he may apply for and be granted a provisional licence in accordance with the provisions of the said section 35; and
- 15 (c) where a holder of a provisional licence in respect of vehicles of any class for a period has been granted a certificate of competency in respect of such class he shall not, by virtue of the application of section 22 (5) of the Principal Act to provisional licences, be disqualified for applying for a driving licence in respect of vehicles of that class for any period which or part of which is within that period.
- 20 (2) Section 35 of the Principal Act is hereby amended by the substitution in paragraph (c) of subsection (3) for "defendant" of "person driving the vehicle".

PART V

SPEED LIMITS

25 30.—Section 44A (as inserted by the Act of 1968) of the Principal Act is hereby amended in subsection (1) by the insertion after "all public roads" of "(other than motorways)" in both places where those words occur. Amendment of section 44A of Principal Act.

30 31.—Part IV of the Principal Act is hereby amended by the insertion after section 44A (inserted by the Act of 1968) of the following section: Motorway speed limit.

35 "Motorway speed limit. 44B.—(1) Subject to sections 44, 44A (inserted by the Road Traffic Act, 1968), 45 and 46 (inserted by the *Road Traffic Act, 1993*) of this Act, there shall be a speed limit (which shall be known as 'the motorway speed limit') of 70 miles per hour in respect of all motorways for all mechanically propelled vehicles.

40 (2) The Minister may by regulations vary the speed limit standing specified in *subsection (1)* of this section and that subsection shall have effect in accordance with any such regulations for the time being in force."

45 32.—Section 45 of the Principal Act is hereby amended— Amendment of section 45 of Principal Act.

(a) in subsection (1) by the insertion in paragraph (a) after "public roads" of "(other than motorways)", and

(b) in subsection (2) by the substitution for paragraphs (a) and (b) of the following:

“(a) a public road which is in a county or other borough, an urban district or a town, other than a road which is declared by the council of a county or the corporation of a county borough in bye-laws under section 46 of this Act not to be a public road in a built-up area for those purposes; 5

(b) a public road which is not in a county or other borough, an urban district or a town and which is declared by the council of a county in bye-laws under section 46 of this Act to be a public road in a built-up area for those purposes.”. 10

Special speed limits.

33.—The Principal Act is hereby amended by the substitution for section 46 of the following section: 15

“Special speed limits.

46.—(1) (a) The council of a county or the corporation of a county borough may make bye-laws specifying in respect of any specified public road or of all public roads within its administrative county the speed (which shall be known as ‘a special speed limit’) which shall be the speed limit on such road or roads for mechanically propelled vehicles. 20 25

(b) The corporation of a county borough may, in bye-laws under this section, provide that the built-up area speed limit shall not apply to any specified public road in its administrative county by declaring the said public road not to be a public road in a built-up area for the purposes of section 45 of this Act. 30

(c) The council of a county may, in bye-laws under this section— 35

(i) provide that the built-up area speed limit shall not apply to any specified public road which is in a borough, an urban district or a town within its administrative county by declaring the said public road not to be a public road in a built-up area for the purposes of section 45 of this Act, and 40 45

(ii) provide that the built-up area speed limit shall apply to any specified public road which is not in a borough, an urban district or a town within its administrative county by declaring the said public road to be a public road in a built-up area for the 50

purposes of section 45 of this Act.

5 (d) The council of a county or the corporation of a county borough may, in bye-laws under this section, provide that the motorway speed limit shall not apply to any specified motorway within its administrative county by declaring the said motorway not to be a motorway for the purposes of section 44B of this Act.

10 (2) Before making bye-laws under this section —

15 (a) the council of a county shall give notice to the corporation of any borough, the council of any urban district and the commissioners of any town in the administrative county concerned of the provisions in the proposed bye-laws relating to public roads in their respective administrative areas and shall consider any representations made in writing to the council of the county by such corporation, council or commissioners within the period (not being less than one month after the date of service of the notice) specified in the notice, and

20 (b) the council of a county or the corporation of a county borough shall give notice to the Commissioner and shall consider any representations made in writing to the council or corporation by the Commissioner within the period (not being less than one month after the date of service of the notice) specified in the notice.

25 (3) The council of a county or the corporation of a county borough shall not make bye-laws under this section relating to national roads or motorways without the prior consent of the Minister.

30 (4) (a) The Minister may make regulations for the purpose of giving full effect to this section.

35 (b) Regulations under this subsection may, in particular and without prejudice to the generality of *paragraph (a)* of this subsection, make provision in relation to all or any of the following matters:

40 (i) the speed limits which may be specified in bye-laws under this section;

45 (ii) the class or classes of mechanically propelled vehicle which may be exempted from speed limits specified in bye-laws under this section.

(5) The making of bye-laws under this section and the making of representations under *subsection 2 (a)* shall be reserved functions.

(6) Any regulation made under section 46 of this Act and in force immediately before the commencement of this section shall, after such commencement, continue in force and be deemed to be a bye-law under this section and shall as respects any public road be capable of being amended or revoked by the council of the county or corporation of the county borough in the administrative county of which the road is situated. 5 10

(7) In this section 'administrative county' has the meaning assigned to it by the Local Government (Ireland) Act, 1898." 15

Amendment of section 47 of Principal Act.

34.—Section 47 of the Principal Act is hereby amended by the substitution for subsection (3) of the following:

“(3) In this section 'speed limit' means a limit which is —

- (a) an ordinary speed limit,
- (b) a general speed limit, 20
- (c) the built-up area speed limit,
- (d) a special speed limit, or
- (e) the motorway speed limit.”.

PART VI

REGULATION OF TRAFFIC 25

Regulations for general control of traffic and pedestrians.

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

(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: 30

- (a) specifying rules for the use of roads by traffic and pedestrians;
- (b) requiring traffic to proceed in a specified direction only or to proceed along a specified side of the roadway or, in the case of dual or multiple carriageways, along a specified carriageway; 35
- (c) assigning different parts of the road to different traffic (including pedal cycles) and pedestrians;
- (d) prohibiting or restricting traffic or specified traffic from using a specified road or specified parts of the road (including footways or parts of the road reserved for pedal cycles); 40
- (e) specifying rights of priority of passage for traffic;

- (f) specifying the courses to be taken by traffic at road junctions;
- (g) regulating and controlling the stopping, reversing, turning and overtaking of vehicles;
- 5 (h) prohibiting or regulating and controlling the driving of mechanically propelled vehicles and pedal cycles in relation to animals or animal-drawn traffic;
- (i) prohibiting or regulating and controlling the driving or leading of animals;
- 10 (j) regulating and controlling the conduct of pedestrians on roads and specifying the respective rights of priority of traffic and pedestrians on roads;
- (k) specifying rules for the parking of vehicles in public places;
- 15 (l) specifying, or authorising specified road authorities by resolution to specify, the places in which vehicles may be parked either indefinitely or for any period not exceeding a specified period;
- (m) specifying the places in which the parking of vehicles may be prohibited or restricted;
- 20 (n) prohibiting or restricting the loading or unloading of goods on, through or across any part of a road;
- (o) requiring specified signals to be given by persons in charge of traffic to indicate their intentions;
- (p) the control of traffic and pedestrians by members of the Garda Síochána;
- 25 (q) 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;
- 30 (r) specifying rules for the speed of traffic in specified circumstances;
- (s) exempting specified classes of vehicles from specified provisions of regulations under this section and effecting identification of exempted vehicles.
- 35 (3) Different regulations may be made under this section—
 - (a) in respect of different classes of traffic, and
 - (b) for different circumstances, different areas and different classes of roads.
- 40 (4) (a) A person who contravenes a regulation under this section shall be guilty of an offence.
- (b) Where, in relation to the parking of a mechanically propelled vehicle, there is a contravention of a regulation under this section, each of the following persons shall be guilty of an offence—

- (i) the registered owner of the vehicle,
 - (ii) if the vehicle is the subject of a hire-drive agreement on the occasion in question, the person to whom the vehicle is hired under the agreement, and
 - (iii) if the person who parked the vehicle is not its registered owner or the person to whom it is hired under a hire-drive agreement, the first-mentioned person. 5
- (5) (a) Where a person charged with an offence under *subsection (4)* of this section is the registered owner of the vehicle concerned, it shall be a defence for him to show that the vehicle was being used on the occasion in question by another person and that— 10
- (i) such use was unauthorised, or
 - (ii) the vehicle was on that occasion the subject of a hire-drive agreement. 15
- (b) Where a person charged with an offence under *subsection (4)* of this section is a person to whom the vehicle concerned stood hired at the time of the commission of the offence, it shall be a defence for him to show that the vehicle was being used on the occasion in question by another person and that such use was unauthorised. 20

Parking of vehicles in parking places on public roads.

36.—(1) A road authority may make bye-laws for the control and regulation of the parking of vehicles in places specified in the bye-laws (in this section referred to as parking places) on public roads within their functional area and shall in the bye-laws provide for the payment of fees in respect of such parking. 25

(2) Bye-laws 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 specification of parking places; 30
- (b) the payment of fees, including the manner and proof of payment (whether by means of a parking meter, the purchase and exhibition of a document, or otherwise) in respect of the parking of vehicles;
- (c) the specification of the amount of any fees payable pursuant to bye-laws under *paragraph (b)*; 35
- (d) the specification of the maximum periods for which vehicles may be parked in specified parking places;
- (e) the prohibition of the parking of vehicles in a parking place for a period for which a fee is chargeable without the appropriate fee having been paid in the manner specified; 40
- (f) the prohibition of the parking of vehicles in a parking place for a longer period than that in respect of which a fee was paid;
- (g) the specification of the classes of vehicles which may use a parking place in respect of which a fee is payable; 45

- (h) the exemption of specified classes of vehicles from the payment of fees in respect of parking, the conditions under which specified classes of vehicles may be so exempted and the identification of exempted vehicles;
- 5 (i) that indications given by parking meters shall be treated as evidence until the contrary is shown of such facts and for such purposes as may be specified in the bye-laws.
- (3) Before making bye-laws under this section (other than bye-laws relating to the fees to be paid in respect of the parking of
10 vehicles), a road authority shall—
- (a) consult with the Commissioner;
- (b) publish a notice in one or more newspapers circulating in the area to which the bye-laws relate—
- 15 (i) indicating that it is proposed to make bye-laws under this section,
- (ii) indicating the times at which, the period (being not less than one month) during which and the place (being a place within their functional area) where a copy of the draft bye-laws may be inspected,
- 20 (iii) stating that representations may be made in writing to the road authority in relation to the draft bye-laws before a specified date (which shall be not less than 2 weeks after the end of the period for inspection), and
- 25 (iv) stating that a copy of the draft bye-laws may be purchased on payment of a fee not exceeding the reasonable cost of making such copies; and
- (c) before deciding whether to make the bye-laws and determining their content, consider any observations made to
30 them by the Commissioner or any representations made to them pursuant to *paragraph (b)(iii)*.
- (4) Different bye-laws may be made under this section—
- (a) in respect of different areas within the functional area of a road authority,
- 35 (b) in respect of different classes of vehicles,
- (c) for different circumstances, and
- (d) in respect of different periods of time.
- (5) The making of bye-laws under this section and the consideration of observations or representations under *subsection (3)(c)* shall be
40 reserved functions.
- (6) As soon as may be after the making of bye-laws under this section notice of their making and of the place where copies thereof may be purchased or inspected shall be published in *Iris Oifigiúil* and in one or more newspapers circulating in the area to which the bye-
45 laws relate.

(7) The Minister may issue general guidelines to road authorities relating to the content of bye-laws under this section and may amend or cancel any guidelines under this subsection and, where any such guidelines are in force for the time being, bye-laws under this section shall be made by road authorities in accordance with the guidelines. 5

(8) (a) A person who contravenes a bye-law under this section shall be guilty of an offence.

(b) Where, in relation to a mechanically propelled vehicle, there is a contravention of a bye-law under this section, each of the following persons shall be guilty of an offence— 10

(i) the registered owner of the vehicle,

(ii) if the vehicle is the subject of a hire-drive agreement on the occasion in question, the person to whom the vehicle is hired under the agreement, and 15

(iii) if the person who parked the vehicle is not its registered owner or the person to whom it is hired under a hire-drive agreement, the first-mentioned person.

(9) (a) Where a person charged with an offence under *subsection (8)* of this section is the registered owner of the vehicle concerned, it shall be a defence for him to show that the vehicle was being used on the occasion in question by another person and that— 20

(i) such use was unauthorised, or

(ii) the vehicle was on that occasion the subject of a hire-drive agreement. 25

(b) Where a person charged with an offence under *subsection (8)* of this section is a person to whom the vehicle concerned stood hired at the time of the commission of the offence, it shall be a defence for him to show that the vehicle was being used on the occasion in question by another person and that such use was unauthorised. 30

(10) In this section “parking meter” means an apparatus for collecting fees at a parking place and for indicating payment of such fees and the periods that have elapsed since they were paid. 35

(11) (a) Subject to *paragraph (b)*, any fees under this section shall be disposed of in such manner as the road authority concerned may by resolution determine.

(b) The Minister may issue general guidelines to road authorities relating to the disposal of fees under this section and may amend or cancel any such guidelines and, where any such guidelines are in force for the time being, fees under this section shall be disposed of by road authorities in accordance with the guidelines. 40

Amendment of
section 95 of
Principal Act.

37.—Section 95, as amended by the Act of 1968, of the Principal Act is hereby amended— 45

(a) in subsection (1)—

- (i) by the substitution in the definition of "road regulation" of "roads" for "a road"; and
- (ii) by the substitution of the following for the definition of "traffic sign"—

5 " 'traffic sign' means any sign, device, notice or road marking, or any instrument for giving signals by mechanical means, which does one or more of the following in relation to a public road or public roads:

10 (a) gives information (such a sign being referred to in this section as 'an information sign'),

(b) warns persons of danger or advises persons of the precautions to be taken against such danger, or both (such a sign being referred to in this section as 'a warning sign'),

15 (c) indicates the existence of a road regulation or implements such a regulation, or both, or indicates the existence of a provision in an enactment relating to road traffic (such a sign being referred to in this section as 'a regulatory sign');",

20 (b) by the substitution for subsections (3) to (5) of the following subsections:

"(3) (a) A road authority may provide for public roads in their charge such information signs and warning signs as they consider desirable.

25 (b) Subject to *subsection (4)* of this section, a road authority may, after consultation with the Commissioner, provide for public roads in their charge such regulatory signs as they consider desirable.

30 (4) (a) Before providing a regulatory sign (such a sign being referred to in this section as 'a special category sign') of the same kind as a regulatory sign specified in regulations under subsection (2) of this section, a road authority shall—

(i) consult with the Commissioner;

(ii) publish a notice in one or more newspapers circulating in the functional area of the authority—

40 (I) indicating that it is proposed to provide the sign,

(II) stating that representations in relation to the proposal may be made in writing to the road authority before a specified date (which shall be not less than one month after the publication of the notice); and

45

- (iii) consider any observations made by the Commissioner or any representations made pursuant to *subparagraph (ii) (II)* of this paragraph.
- (b) A decision by a road authority to provide a special category sign shall be a reserved function. 5
- (5) (a) A road authority shall provide for public roads in their charge such regulatory signs (other than special category signs) as may be requested by the Commissioner, in the positions indicated by him and shall, as respects any traffic signs so provided, carry out any periodical transfers from place to place and any alterations and removals which he may request. 10 15
- (b) A road authority shall, at the request of the Commissioner, remove any regulatory sign which the Commissioner considers has been provided in a manner or at a location that might adversely affect the safety of road users.”, 20
- (c) in subsections (10) and (11), by the substitution of “road authority having charge of the road” for “Commissioner”, and 25
- (d) in subsection (19), by the deletion of “or consent of”.

PART VII

MISCELLANEOUS

Amendment of Road Vehicles (Registration and Licensing) Order, 1958.

38.—Article 6 of the Road Vehicles (Registration and Licensing) Order, 1958, is hereby amended in subarticle (4) by the substitution for “transferred to the Central Motor Tax Account” of “paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance may direct”. 30

Detention of vehicles.

39.—(1) The Minister may, after consultation with the Minister for Justice, make regulations authorising and providing for the detention, removal, storage and subsequent release or disposal of a mechanically propelled vehicle in use in a public place where— 35

(a) the person driving the vehicle refuses or fails to produce there and then a driving licence then having effect and licensing him to drive the vehicle, when production of such a licence is demanded of him by a member of the Garda Síochána under section 40 (1) of the Principal Act and the member is of opinion that the person is by reason of his age ineligible to hold a driving licence licensing him to drive the vehicle, 40 45

(b) the vehicle is or a member of the Garda Síochána reasonably believes it to be registered in the State and the member is of opinion that the vehicle is being so used in contravention of section 56 (1) of the Principal Act, or

5 (c) a member of the Garda Síochána is of opinion that any excise duty payable under section 1 of the Finance (Excise Duties)(Vehicles) Act, 1952, in respect of the vehicle, being a vehicle which is or which the member reasonably believes to be registered in the State, has not been paid.

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

10 (a) authorise and provide for the recovery by such persons or classes of persons as may be specified in the regulations from the owners of vehicles detained, removed, stored, released or disposed of, of charges in accordance with a prescribed scale, in respect of such detention, removal, storage, release or disposal and for the disposal of moneys received in respect of such charges,

15 (b) provide for the waiver of such charges in such circumstances as may be specified in the regulations,

20 (c) provide for the release, by or on behalf of persons referred to in *paragraph (a)*, of vehicles detained, removed or stored to such persons and upon such conditions as may be specified in the regulations,

25 (d) 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 vehicles detained, removed or stored and provide for the disposal of moneys received in respect of such sale or other disposal.

30 (3) Notwithstanding any other provisions of this section, a vehicle shall not be disposed of thereunder before the expiration of a period of 6 weeks from the date of its detention or 2 weeks after notice of the intended disposal has been given in the prescribed manner, whichever is the longer.

(4) A person who obstructs or impedes, or assists another person to obstruct or impede, a member of the Garda Síochána in the performance of his duties under this section shall be guilty of an offence.

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

40.—Section 103 of the Principal Act is hereby amended—

Amendment of section 103 of Principal Act.

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

45 “(b) that such person may, during the period of 21 days beginning on the date of the notice, make to a member of the Garda Síochána or an authorised person at a specified Garda Síochána station or at another specified place a payment of a prescribed amount accompanied by the notice,”;

(b) by the substitution of the following paragraph for paragraph (b) of subsection (3):

“(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 a member of the Garda Síochána or an authorised person at a specified Garda Síochána station or at another specified place a payment of a prescribed amount accompanied by the notice,”; 5

(c) by the substitution of the following paragraphs for paragraphs (a) and (b) of subsection (4):

“(a) a person to whom the notice applies may, during the period specified in the notice, make to a member of the Garda Síochána or an authorised person at the Garda Síochána station or other place specified in the notice the payment specified in the notice accompanied by the notice, 10 15

(b) the member or the authorised person may receive the payment, issue a receipt therefor and retain it for disposal in accordance with this Act and no payment so received shall in any circumstances be recoverable by the person who made it,”; and 20

(d) by the substitution of the following subsection for subsection (8) (inserted by section 64 of the Act of 1968):

“(8) In this section ‘authorised person’ means a person appointed by the Minister for Justice to be an authorised person for the purposes of this section.”. 25

Amendment of section 9 of Principal Act.

41.—Section 9 of the Principal Act is hereby amended by the substitution of the following subsection for subsection (1):

“(1) Save as is otherwise expressly provided by this Act, all fees and other sums received under this Act or regulations thereunder by the Commissioner or any other member of the Garda Síochána or by an authorised person (within the meaning of section 103 of this Act) shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance directs.”. 30

Summary proceedings.

42.—(1) Notwithstanding section 10 (4) of the Petty Sessions (Ireland) Act, 1851, and subject to *subsection (2)*, summary proceedings for an offence under the *Road Traffic Acts, 1961 to 1993*, may be instituted— 35

(a) at any time within 6 months from the date on which the offence was committed, or 40

(b) at any time within 3 months from the date on which evidence sufficient, in the opinion of the person by whom the proceedings are instituted, to justify proceedings comes to such person’s knowledge,

whichever is the later. 45

(2) Summary proceedings mentioned in *subsection (1)* of this section shall not be instituted later than 3 years from the date on which the offence was committed.

5 (3) For the purposes of this section, a certificate signed by the
person instituting the proceedings or on his behalf by a person
authorised by him to sign such a certificate on his behalf stating the
date on which evidence described in *subsection (1)(b)* of this section
came to the knowledge of the first-mentioned person shall, until the
contrary is shown, be sufficient evidence in any proceedings under
the *Road Traffic Acts, 1961 to 1993*, of the facts stated therein, 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
10 evidence of compliance by the first mentioned person with the require-
ments imposed on him by or under this section.

43.—The Principal Act is hereby amended—

Minor and
consequential
amendments of
Principal Act.

(a) in section 3 (1)—

15 (i) by the insertion in paragraph (a) of the definition of
“hire-drive agreement” after “hire-purchase” of “or
letting”;

(ii) by the insertion after the definition of “mobile weigh-
bridge” of the following definitions:

20 “ ‘motorway’ has the meaning assigned to it by the
Local Government (Roads and Motorways) Act,
1974;

“ ‘motorway speed limit’ has the meaning assigned to
it by section 44B (inserted by the *Road Traffic Act,
1993*) of this Act;”;

25 (iii) by the substitution for the definition of “owner” of the
following definition:

30 “ ‘owner’, when used in relation to a mechanically
propelled vehicle, trailer or semi-trailer which is the
subject of a hire-purchase agreement or letting agree-
ment, means the person in possession of the vehicle
under the agreement;”;

(iv) by the substitution for the definition of “special speed
limit” of the following definition:

35 “ ‘special speed limit’ has the meaning assigned to it
by section 46 (inserted by the *Road Traffic Act, 1993*)
of this Act;”;

(b) in section 28 (1)—

(i) by the insertion after “Garda Síochána” of “or appro-
priate licensing authority”, and

40 (ii) by the insertion after “such officer” of “or licensing
authority”;

(c) in section 36 (1), by the substitution for the words in brackets
of the following:

45 “and, in the case of an offence which would be an offence
such as is specified in *paragraph 1, 2, 3, 9, 10 or 12* of the
Second Schedule to this Act if it were a second or any

subsequent offence committed within any period of 3 years and, in the case of an offence which would be an offence such as is specified in *paragraph 7* of the said Second Schedule if it were a third or any subsequent offence committed within any period of 3 years shall”;

5

(d) in section 37 (2), by the substitution in paragraph (b) (i) for “five years” of “three years”;

(e) in section 64, by the substitution for subsection (4) (inserted by the Act of 1968) of the following subsection:

“(4) (a) For the purposes of a prosecution for an offence under this section, a member of the Garda Síochána may, by a notice in writing served by post on a vehicle insurer, require the person within 10 days of the date of service of the notice to furnish to the member any document referred to in subsection (3) of this section which is in that person’s possession or within his procurement and is specified in the notice.

10

15

(b) A person who refuses or fails to comply with a requirement of a member of the Garda Síochána under *paragraph (a)* of this subsection shall be guilty of an offence.”;

20

(f) in section 69 (2), by the substitution for “one month” of “3 months” in paragraph (a);

(g) in section 102, by the substitution for “this Act” of “the *Road Traffic Acts, 1961 to 1993*”; and

25

(h) by the substitution for the Second Schedule of the following Schedule:

“Section 26

Second Schedule

Offences under the *Road Traffic Acts, 1961 to 1993*, involving Consequential Disqualification Orders.

30

Using mechanically propelled vehicle without test certificate.

1. An offence by a person under subsection (2) of section 18 of this Act, being an offence committed in a period of 3 years in which a previous offence was committed by the person under that subsection for which he was convicted.

35

Driving mechanically propelled vehicle before remedying dangerous defect.

2. An offence by a person under subsection (10) of section 20 of this Act, being an offence committed in a period of 3 years in which a previous offence was committed by the person under that subsection for which he was convicted.

40

Driving mechanically propelled vehicle when unfit.

3. An offence by a person under section 48 of this Act, being an offence committed in a period of 3 years in which a previous offence was committed by the person under that section for which he was convicted.

45

- | | |
|---|--|
| Driving mechanically propelled vehicle while under influence of intoxicating liquor or drug. | 4. An offence under section 49 of this Act. |
| Being in charge of mechanically propelled vehicle while under influence of intoxicating liquor or drug. | 5. An offence under section 50 of this Act. |
| Refusal or failure to provide specimen or to comply with requirement of designated doctor. | 6. An offence under <i>section 13, 14 or 15 of the Road Traffic Act, 1993.</i> |
| 5 Careless driving. | 7. An offence by a person under section 52 of this Act, where the contravention involved the driving of a mechanically propelled vehicle, being an offence committed in a period of 3 years in which 2 or more previous offences were committed by the person under that section for which he was convicted. |
| 10 | 8. An offence under section 53 of this Act where the contravention involved the driving of a mechanically propelled vehicle. |
| Dangerous driving of mechanically propelled vehicle. | 9. An offence by a person under section 54 of this Act, being an offence committed in a period of 3 years in which a previous offence was committed by the person under that section for which he was convicted. |
| 15 Driving of dangerously defective mechanically propelled vehicle. | 10. An offence by a person under section 55 of this Act where the contravention involved the parking of a mechanically propelled vehicle and where any part of the period of the contravention was a period within lighting-up hours (as specified in the section) during which the vehicle did not fulfil the requirements imposed by law with respect to lighting and reflectors, being an offence committed in a period of 3 years in which a previous offence was committed by the person under that section for which he was convicted. |
| 20 Parking mechanically propelled vehicle in dangerous position. | 11. An offence under section 56 of this Act. |
| 25 | 12. An offence under section 106 of this Act where there is injury to person, a mechanically propelled vehicle was involved in the occurrence of the injury and the convicted person was the driver of the vehicle concerned, being an offence committed in a period of 3 years in which a previous offence was committed by the person under that section for which he was convicted. |
| Use of mechanically propelled vehicle not insured. | 13. An offence under subsection (2) of section 112 of this Act.”. |
| 35 | |
| Failure to fulfil duties on occurrence of accident. | |
| 40 Taking mechanically propelled vehicle without authority. | |

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BILLE

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dá ngairtear

Acht do leasú agus do leathnú na nAchtanna um
Thrácht ar Bhóithre, 1961 go 1987.

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(as initiated)

entitled

An Act to amend and extend the Road Traf
Acts, 1961 to 1987.

*An tAire Comhshaoil a tholaic,
24 Meitheamh, 1993*

*Presented by the Minister for the Environment
24th June, 1993*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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