



## **AN BILLE UM THRÁCHT AR BHÓITHRE, 1995**

### **ROAD TRAFFIC BILL, 1995**

#### **EXPLANATORY AND FINANCIAL MEMORANDUM**

##### *Purpose of the Bill*

The purpose of the Bill is to amend the disqualification requirements of section 26 of the Road Traffic Act, 1961 (as inserted by section 26 of the Road Traffic Act, 1994).

##### *Outline of Provisions*

*Section 1* is a standard provision which defines terms used in the Bill.

*Section 2* proposes to substitute two new subsections for subsections (3) and (4) of section 26 of the Road Traffic Act, 1961 (as inserted by section 26 of the Road Traffic Act, 1994).

The new subsection (3) provides that the mandatory requirement to produce a certificate of competency (pass a driving test) or both a certificate of competency and a certificate of fitness, in addition to the minimum period of consequential disqualification, will only apply following conviction for the following two offences i.e.—

- section 53 of the Road Traffic Act, 1961 (dangerous driving where death or serious bodily harm is caused — tried on indictment)
- section 106 of the Road Traffic Act, 1961 (leaving the scene of an accident where death or injury was caused to person — “hit and run”).

The new subsection (4) is designed to introduce different periods of consequential disqualification for certain drink driving offences to be determined by the level of alcohol found in the arrested person's breath, blood, or urine.

Paragraph (a) restates the offences to which a 2 year disqualification for a first offence and 4 years for second or subsequent offences are to apply. These are the same as provided for in the Road Traffic Act, 1994 with the exception of those listed in the new paragraph (b).

Paragraph (b) outlines the proposed new periods of consequential disqualification for different alcohol levels where the arrested person has contravened subsection (2), (3) or (4) of section 49 or 50 of the Road Traffic Act, 1961 (as inserted by sections 10 and 11 of the Road Traffic Act, 1994). The minimum periods of consequential disqualification for the different alcohol levels are set out in the Table to the

new subsection. They range between 3 months and 2 years for a first offence and between 6 months and 4 years for a second or subsequent offence.

Section 3 contains transitional provisions. The new disqualification provisions in section 2 will apply to offences committed after the enactment of the Bill. Relevant offences committed between 2 December 1994 (when section 26 of the Road Traffic Act, 1994 came into operation) and the enactment of this Bill are subject to the disqualification requirements in the 1994 Act. However, section 3 of the Bill provides that a person convicted of a relevant offence (committed during that period) may apply to the court which made the disqualification order for a review of the order and that the court may—

- (a) make a declaration that any requirement to produce a certificate of competency (pass a driving test) or both a certificate of competency and a certificate of fitness will not apply; or
- (b) reduce the period of disqualification to a period not less than the period specified for the same offence under this Bill.

Section 4 provides for the short title of the Bill and contains the standard provisions for the construction and collective citation of the Act with the Road Traffic Acts, 1961 to 1994.

#### *Financial and Staffing Implications*

The Bill has no financial or staffing implications. It will not involve any additional charge on the Exchequer.

*An Roinn Comhshaoil,  
Aibreán, 1995.*