



**AN BILLE UM THRÁCHT AR BHÓITHRE
(SPRAOITHIOMÁINT), 2002
ROAD TRAFFIC (JOYRIDING) BILL, 2002**

EXPLANATORY MEMORANDUM

Purpose of the Bill

The purpose of the Bill is to provide for two new driving offences. These are supplying or offering to supply a vehicle to an under-age driver for use in a public place, and organising, directing or participating in the unlawful taking of a mechanically propelled vehicle for the purposes of dangerous driving in a public place.

Provisions of Bill

Section 1 provides that a person who supplies, or offers to supply, a vehicle to an under-age driver in such circumstances as to give rise to a reasonable apprehension that the vehicle will be used by that or another under-age driver in a public place shall be guilty of an offence.

For the purposes of the section, “supply” includes supply by way of sale, hire, loan or purported sale, hire or loan, or otherwise, and “under-age driver” means a person who has not attained the age of sixteen. It is provided that it is immaterial whether the person who supplied or offered to supply the vehicle was the lawful owner of the vehicle or otherwise in lawful possession of it.

Section 2(1) provides that a person who organises, directs or participates in the taking of a mechanically propelled vehicle without the consent of the owner thereof or other lawful authority, for the purpose of that vehicle being driven in a public place in a manner which is dangerous to the public or to the persons in that vehicle, shall be guilty of an offence.

Subsection (2) provides that, where facts are proven against a person amounting to an offence under section 112 of the Road Traffic Act, 1961, as amended by section 65 of the Road Traffic Act, 1968 (which deals with the taking of vehicles without authority), that person shall be presumed to be guilty of an offence under *subsection (1)*, until the contrary is proved.

Section 3 sets out penalties in respect of offences under the Bill. A person guilty of an offence shall be liable on summary conviction to a fine not exceeding €2,000 or to imprisonment for a term not exceeding 12 months, or to both, and on conviction on indictment to a fine not exceeding €32,000 or to imprisonment for a term not exceeding seven years, or to both. He or she shall also be liable, in either case, to a period of consequential disqualification of not less than five years.

Section 4 contains standard provisions relating to the short title, construction and citation of the Bill.

*An Teachta Tomás Ó Bracháin,
Aibreán, 2002.*