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BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY AND GENERAL

1.—(1) This Act may be cited as the Road Traffic Act 2004.

(2) This Act (other than section 26) comes into operation on such day or days as, by order or orders made by the Minister under this section, may be fixed therefore either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions.

(3) The Road Traffic Acts 1961 to 2003 and this Act (other than Part 5) may be cited as the Road Traffic Acts 1961 to 2004 and shall be construed together as one Act.

2.—(1) In this Act—

“Act of 1968” means Road Traffic Act 1968;


“Act of 2002” means Road Traffic Act 2002;

“administrative area” has the meaning assigned to it by the Act of 2002;

“built up area” means the area of a city, a borough or a town within the meaning of the Local Government Act 2001;

“Commissioner” means Commissioner of the Garda Síochána;
“county council” and “city council” have the meanings assigned to them, respectively, in the Act of 2001;

“local road”, “regional road”, “national road” and “motorway” have the meaning assigned to them, respectively, in the Roads Act 1993;

“Minister” means Minister for Transport;

“Principal Act” means Road Traffic Act 1961.

(2) In this Act—

(a) a reference to a section is a reference to a section 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 that reference to some other provision is intended, and

(c) a reference to any enactment is to be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment including this Act.

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

(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 21 days on which that House has sat after the regulations are laid before it, the regulations shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

PART 2

SPEED LIMITS

4.—(1) The Minister may make regulations prescribing a speed limit (“ordinary speed limit”) in respect of all public roads, or all public roads with such exceptions as may be specified in the regulations, for any class of mechanically propelled vehicle.

(2) Regulations under this section may prescribe different speed limits for any class of vehicle using particular categories of public roads.

(3) Regulations under this section may make provision for the exemption of a class or classes, including a sub class, of vehicles from a speed limit specified in any such regulations.

5.—(1) There is a speed limit (“built-up area speed limit”) of 50 kilometres per hour in respect of all public roads, other than a motorway in built-up areas for all mechanically propelled vehicles.

(2) The built-up area speed limit does not apply to a road or part of it in a built-up area where a special speed limit or a road works speed limit applies to that road or part.
6.—(1) There is a speed limit ("regional and local roads speed limit") of 80 kilometres per hour in respect of all regional and local roads, other than such roads in built-up areas, for all mechanically propelled vehicles.

(2) The regional and local roads speed limit does not apply to a non-urban regional and local road or part of it where a special speed limit or a road works speed limit applies to that road or part.

7.—(1) There is a speed limit ("national roads speed limit") of 100 kilometres per hour in respect of all national roads, other than national roads in built-up areas, for all mechanically propelled vehicles.

(2) The national roads speed limit does not apply to a national road or part of it where a special speed limit or a road works speed limit applies to that road or part.

8.—(1) There is a speed limit ("motorway speed limit") of 120 kilometres per hour in respect of all motorways for all mechanically propelled vehicles.

(2) The motorway speed limit does not apply in respect of any motorway or part of it where a special speed limit or road works speed limit applies to that motorway or part.

9.—(1) A county council or a city council may make bye-laws ("special speed limit bye-laws") specifying in respect of any specified public road or specified part of a public road or specified carriageway or lane of a public road within its administrative area the speed limit ("special speed limit") which shall be the speed limit on that road or those roads for mechanically propelled vehicles.

(2) The special speed limits that may be specified in bye-laws under this section are—

(a) 30 kilometres per hour, which shall only be applied in respect of a road or roads (other than a motorway) in accordance with guidelines issued by the Minister under this section,

(b) 50 kilometres per hour, in respect of any road other than a road in a built-up area,

(c) 60 kilometres per hour,

(d) 80 kilometres per hour, in respect of a motorway, a national road or a road in a built-up area,

(e) 100 kilometres per hour, in respect of a motorway, a non-urban regional or local road or a road in a built-up area, and

(f) 120 kilometres per hour, in respect of a dual carriageway that forms part of a national road that is not a motorway in accordance with guidelines issued by the Minister under subsection (9).
(3) Before making special speed limit bye-laws a county council or city council shall give notice to—

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

(b) the Commissioner and shall consider any representations made in writing by the Commissioner at any time following their receipt, provided they are received within the period (not being less than one month after the date of service of the notice) specified in the notice.

(4) Whenever a county council or city council having considered any representations under subsection (3), proposes to make bye-laws under this section, the following provisions have effect—

(a) the council shall publish notice of the proposal at least once in at least 2 daily newspapers published in and circulating in the State or the area to which the bye-laws relate,

(b) the notice shall include—

(i) a statement of the purpose for which the bye-laws are to be made,

(ii) an intimation that a copy of draft bye-laws is open for public inspection at the address stated in the notice, and

(iii) an intimation that any person may submit to the council objections to the draft bye-laws at any time during the period of 30 days commencing on the date of the first publication of the notice,

(c) the council shall, during that period of 30 days, keep a copy of the draft bye-laws open for public inspection during ordinary office hours at the address stated in the notice,

(d) any person who objects to the draft bye-laws may submit his or her objection to the council in writing at any time during that period of 30 days and the council shall consider the objections.

(5) In making special speed limit bye-laws under this section a county council or city council may, in the interests of road safety, apply a special speed limit for a specified period or periods during any day or during specified days (such periods and days being indicated in such bye-laws) on a specified road or specified motorway or part of it and such special speed limit shall, notwithstanding any other provision in the said bye-laws relating to any such road or motorway or part of it, be the speed limit for that road for that period or periods only.

(6) Having regard to circumstances that are particular to a specified national road or motorway or any specified part, carriageway or lane of a specified motorway or national road, a county council or city council may, subject to subsection (7), specify in special speed limit bye-laws that a special speed limit applies in respect of that...
national road or motorway or part, carriageway or lane of it, in lieu of the speed limit that normally applies to the national road or motorway, for any period where the circumstances prevail and are described in the bye-laws.

(7) A county council or city council shall not make bye-laws under this section relating to a national road or a motorway without the prior written consent of the National Roads Authority.

(8) The Minister may make regulations in relation to all or any of the following matters:

(a) the varying of the speed limits standing specified in subsection (2) and that subsection shall have effect in accordance with any such regulations for the time being in force;

or

(b) the exemption of a class or classes of mechanically propelled vehicles from a specified speed limit or from all of the speed limits specified or having effect under this section.

(9) The Minister may issue guidelines relating to the making of bye-laws under this section and may amend or cancel any such guidelines. Where any such guidelines are, for the time being in force, a county council or city council shall have regard to them when making any such bye-laws.

(10) The making of special speed limit bye-laws under this section and the making of representations under subsection (3)(a) are reserved functions (within the meaning of the Act of 2001).

(11) Where special speed limit bye-laws apply a special speed limit to a specified public road or specified part of a public road or specified carriageway or lane of a public road, that speed limit does not apply where a road works speed limit order is made in respect of the public road, part, carriageway or lane of it.

(12) A document which purports to be a copy of special speed limit bye-laws, and which has endorsed on it a certificate purporting to be signed by an officer of the county council or city council which made the bye-laws stating that the document is a true copy of the bye-laws and that the bye-laws were in force on a specified day, shall, without proof of the signature of such officer or that he or she was in fact such officer, be evidence, until the contrary is shown, in every court and in all legal proceedings, of the bye-laws and of the fact that they were in force on that date.

10.—(1) The manager of a county or a city council may, where he or she considers it is in the interests of road safety, on a road or motorway where road works are being carried out in the administrative area of the county or city council for which he or she is the manager, by order (“road works speed limit order”) apply to the road or motorway a special limit (“road works speed limit”) being a speed limit of not less than 30 kilometres per hour, as the speed limit on the road or motorway for mechanically propelled vehicles, in lieu of the speed limit provided or having effect under this Act in respect of the road or motorway.

(2) A road works speed limit order is in force for the duration of the road works, subject to no such order having effect for a period of more than 12 months from the date of its making.
(3) A road works speed limit order shall not be made in respect of a national road or a motorway, without the prior written consent of the National Roads Authority.

(4) Before making a road works speed limit order the manager concerned shall notify the Commissioner in writing of his or her intention to make the order.

(5) The manager shall consider any representations made in writing by the Commissioner received by the manager within one month of the notification.

(6) When a road works speed limit order is made the manager concerned shall publish a notice in one or more newspapers circulating in the county or city council to which the order relates indicating the location where the order will have effect, the period for which it will have effect and the speed limit being applied through the order. The manager shall have regard to any representations that are made to him or her in relation to the road works speed limit order.

(7) A manager may at any time within the period specified in subsection (2) revoke or amend a road works speed limit order made by him or her.

(8) A document which purports to be a copy of a road works speed limit order which has endorsed on it a certificate purporting to be signed by the manager making the order or an officer of the local authority concerned designated by the manager stating that the document is a true copy of the order and that the order was in force on a specified day, shall, without proof of the signature of such manager or officer or that he or she was in fact such manager or officer, be evidence, until the contrary is shown, in every court and in all legal proceedings, of the order and of the fact that it was in force on that date.

11.—The following section is substituted for section 47 of the Principal Act:

“47.—(1) A person shall not drive a mechanically propelled vehicle at a speed exceeding the speed limit—

(a) that applies in respect of that vehicle, or

(b) that applies to the road on which the vehicle is being driven where that speed limit is lower than that applying to that vehicle.

(2) A person who contravenes subsection (1) is guilty of an offence.

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

(a) an ordinary speed limit,

(b) the built-up area speed limit,

(c) the regional and local roads speed limit,

(d) the national roads speed limit,

(e) the motorway speed limit,

(f) a special speed limit, or

(g) a road works speed limit.”.
12.—(1) On the commencement of section 9, bye-laws made under section 46 (inserted by section 33 of the Act of 1994) of the Principal Act continue in force and are deemed to be bye-laws for the purposes of that section and are to be read as applying—

(a) a speed limit of 50 kilometres per hour, in lieu of the built-up area speed limit of 30 miles per hour,

(b) a speed limit of 60 kilometres per hour, in lieu of the special speed limit of 40 miles per hour, and

(c) a speed limit of 80 kilometres per hour, in lieu of the special speed limit of 50 miles per hour,

and have effect in any county or city to which they apply until such time as bye-laws are made in respect of such county or city under that section.

(2) Subject to subsection (3), traffic signs provided for in regulations made under section 95 (as amended by section 37 of the Act of 1994) of the Principal Act depicting the speed limits referred to in subsection (1) as applying in lieu of the former speed limits applying prior to the commencement of section 9, shall be provided as soon as may be after that date at the locations where the said former speed limits applied as provided for in bye-laws made under section 46 (inserted by section 33 of the Act of 1994) of the Principal Act.

(3) A traffic sign provided for the purpose of indicating a speed limit applying prior to the commencement of section 9 shall on or after that day be regarded as indicating the new speed limit applying in lieu of the former speed limit until a traffic sign is provided for in accordance with subsection (2).

13.—Section 53 of the Principal Act is amended by substituting for subsection (3) the following subsection:

“(3) In a prosecution for an offence under this section, it is not a defence to show that the speed at which the accused person was driving was not in excess of a speed limit applying in relation to the vehicle or the road, whichever is the lower under this Act.”.

14.—Sections 44, 44A (inserted by section 24 of the Act of 1968), 44B (inserted by section 31 of the Act of 1994), 45 (as amended by section 32 of the Act of 1994), and 46 (inserted by section 33 of the Act of 1994) of the Principal Act are repealed.

PART 3
Penalty points and outsourcing

15.—Section 2 of the Act of 2002 is amended—

(a) in subsection (5), by inserting “or a person appointed under section 103 of the Principal Act” after “Garda Síochána” and “Commissioner”, and

(b) in subsection (6), by substituting for paragraph (a) the following:
“(a) Where a person is convicted of a penalty point
offence, the Minister shall be notified of the
conviction by the Courts Service—

(i) in case an appeal is brought against the
conviction and it is determined against the
person, as soon as may be after such deter-
mination, and

(ii) in case an appeal is not brought against the
conviction, as soon as may be after the
expiration of the ordinary time for bringing
such an appeal.”.

16.—Section 7 of the Act of 2002 is amended by substituting for
subsection (4) the following:

“(4) Where an order is made under subsection (3), the Mini-
ster shall be notified by the Courts Service.”.

17.—(1) Section 103 (inserted by section 11 of the Act of 2002) of
the Principal Act is amended—

(a) in subsection (2), by inserting “or a person authorised by
the Minister for Justice, Equality and Law Reform under
an agreement under section 21 of the Act of 2002” after
“a member of the Garda Síochána”,

(b) by substituting for subsection (10) the following:

“(10) In a prosecution for a fixed charge offence it
shall be presumed until the contrary is shown that—

(a) the relevant notice under this section has been
served or caused to be served, and

(b) that a payment pursuant to the relevant notice
under this section, accompanied by the notice,
duly completed, has not been made.”,

and

(c) by inserting after subsection (22) the following:

“(23) (a) The Minister for Justice, Equality and Law
Reform may by an agreement in writing
entered into with any person, upon such terms
and conditions as may be specified in the
agreement, provide for the performance by
that person, of the function of the Com-
missioner in respect of the serving of a docu-
mment under subsection (5), or of any of the
functions of a member of the Garda Síochána
or a traffic warden in respect of the issuing of
a notice, the receipt of a notice, the accept-
ance of a payment or the issuing of a receipt
for such payment, as are set out in this
section.

(b) An agreement referred to in paragraph (a) of
this subsection may apply to the performance
of all or any of the functions to which that paragraph refers in respect of all or selected offences in respect of which this section applies.

(c) Section 14(2), (3) and (4) of the Road Traffic Act 2002 applies to any agreement entered into by the Minister for Justice, Equality and Law Reform under paragraph (a) of this subsection.”.

18.—The following section is substituted for section 22 of the Act of 2002:

“22.—(1) A person who it is alleged has committed an offence or has been charged with the commission of an offence under the Road Traffic Acts 1961 to 2004 other than—

(a) section 84 (inserted by section 15 of the Act of 2002), section 85 (inserted by section 16 of the Act of 2002) or section 101 of the Principal Act, or

(b) section 35 (in so far as it relates to the parking of vehicles) or section 36 of the Act of 1994,

and is due to appear before a court to answer the charge, shall on the first date he or she is due to appear before the court or on a subsequent date at the discretion of the presiding judge, produce to the Court his or her driving licence and the Court shall record whether or not the licence has been produced.

(2) A person who fails to produce his or her licence to the court in accordance with the requirements of subsection (1) is guilty of an offence.

(3) In any proceedings for an offence under subsection (1)—

(a) a certified copy of a court order in relation to an offence referred to in subsection (1), or

(b) any other form of notification certifying that the driving licence was not produced to the court as provided for in the Rules of Court,

is admissible as evidence of those facts.”.

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PART 4

Miscellaneous

19.—Section 9 of the Act of 2002 is amended by—

(a) substituting for subsection (8) the following:

“(8) When the appropriate judge makes or refuses to make an order under subsection (2), the Courts Service shall notify the Minister and the Minister shall cause the central authority of the State of the offence to be notified thereof.”,
(b) in subsection (9), substituting for paragraph (a) the following:

“(a) the Court Service shall—

(i) notify the Minister of the disqualification as soon as may be, and

(ii) comply with any request of the Minister for further details or information relating to the person, the offence, the disqualification or otherwise required for the purpose of the Convention.”.

20.—Section 35(2) of the Act of 1994 is amended by inserting after paragraph (s) the following:

“(t) the issue of permits at a prescribed charge by a local authority, or any other body authorised by the Minister to issue such permits, for the purpose of—

(i) exempting permit holders from restrictions or prohibitions on parking applied under this section,

(ii) allowing for the parking of vehicles by permit holders at specified locations, or

(iii) exempting permit holders from the application of prohibitions and restrictions to specified traffic from entering or using specified roads, and

separate charges may be prescribed in respect of different permits.”.

21.—Requirements under the Road Traffic Acts 1961 to 2004 relating to vehicles and requirements, restrictions and prohibitions relating to the driving and use of vehicles, other than those provided under sections 49 and 50 (inserted by sections 10 and 11, respectively, of the Act of 1994), 51A and 52 (inserted by sections 49 and 50, respectively, of the Act of 1968) and 53 of the Principal Act and sections 12, 13, 14 and 15 of the Act of 1994, do not apply to a driver of a fire brigade vehicle, an ambulance or the use by a member of the Garda Síochána of a vehicle in the performance of the duties of that member or a person driving or using a vehicle under the direction of a member of the Garda Síochána, where such use does not endanger the safety of road users.

22.—Any reference to the Commissioner in the Road Traffic Acts 1961 to 2004 is to be read as a reference to the Commissioner or another member of the Garda Síochána not below the rank of Chief Superintendent authorised by the Commissioner to act or carry out a function or requirement on his or her behalf.

23.—Section 84 (inserted by section 15 of the Act of 2002) of the Principal Act is amended by substituting in subsection (11) for the definition of “local authority” the following:

“local authority” means a county council, a city council or a town council (within the meaning of the Local Government Act 2001) other than the council of a town mentioned in Part 2 of Schedule 6 to that Act;”.
24.—(1) A person shall not supply a mechanically propelled vehicle to a person under the age of 16 years.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding €3,000.

(3) In this section “supply”, includes supply by way of sale, hire, loan, gift, or other means of making the vehicle available to a person.

PART 5

AMENDMENT OF CERTAIN ENACTMENTS

25.—Section 3 (inserted by section 12 of the Act of 2002) of the Local Authorities (Traffic Wardens) Act 1975 is amended by substituting for subsection (9) the following:

“(9) In a prosecution for a fixed charge offence it shall be presumed until the contrary is shown that—

(a) the relevant notice under this section has been served or caused to be served, and

(b) that a payment pursuant to the relevant notice under this section, accompanied by the notice, duly completed, has not been made.”.

26.—Section 36 of the Taxi Regulation Act 2003 is amended—

(a) in subsection (1), by substituting after paragraph (i) for the matter from and including “the person —” down to and including “stands revoked.” the following:

“The person—

(i) in the case of being convicted summarily, where a penalty other than a term of imprisonment (that the person serves in whole or in part) is imposed by the Court, is disqualified for holding a licence for a period of 12 months and, accordingly, where the person is the holder of a licence, the licence stands suspended for that period,

(ii) in any other case, subject to subsection (2), is disqualified for holding a licence and, accordingly, where the person is the holder of a licence, the licence stands revoked.”,

(b) by inserting after subsection (1) the following:

“(1A) A disqualification, revocation or suspension under subsection (1) takes effect upon—

(a) the expiration of the ordinary time for bringing an appeal against the conviction concerned, and

(b) in the event of an appeal—

(i) where the conviction is confirmed, its confirmation, or

(ii) its withdrawal.”,
(c) in subsection (2), by substituting for subparagraphs (i) and (ii) and the matter following those subparagraphs to the end of the subsection the following:

“(i) where the offence has been tried—

(I) summarily, to the judge of the District Court in whose District Court District, or

(II) on indictment in the Circuit Court, to the judge of the Circuit Court in whose Circuit,

the person intends to provide small public service vehicle services,

or

(ii) where the offence has been tried on indictment in the High Court, to a judge of the High Court, to be allowed to apply for a licence under such terms and conditions as the Court sees fit.”,

(d) by inserting after subsection (2) the following:

“(2A) (a) A person intending to make an application to the Court under subsection (2) shall give 21 days notice in writing of that intention to the Superintendent of the Garda Síochána for the district in which the person ordinarily resides and, where the person is the holder of a licence, to the licensing authority which granted the licence.

(b) At the hearing of the application under subsection (2)—

(i) the Superintendent of the Garda Síochána,

(ii) where the person making the application is the holder of a licence, the licensing authority which granted the licence, and

(iii) any other person whom the Court considers relevant or affected by the application,

may appear and shall be entitled to be heard and to adduce evidence to the Court, and any such evidence may be considered by the Court when it is considering an application by a person under subsection (2).

(c) The Court shall cause notice of its decision on an application under subsection (2) to be given to the Superintendent of the Garda Síochána for the district in which the applicant ordinarily resides and to the licensing authority concerned, as appropriate.

(d) The decision of the Court on an application under subsection (2) is final, save that, by leave of the Court, an appeal from the decision lies—

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(i) in the case of a decision of the District or Circuit Court, to the High Court, or

(ii) in the case of a decision of the High Court, to the Supreme Court,

on a specified question of law.”,

and

(e) by inserting after subsection (3) the following:

“(3A) Subsection (1) applies to a person who has been convicted of an offence referred to in that subsection before the commencement of that subsection other than a person who is or has been convicted summarily where a term of imprisonment is or has not been imposed on the person in respect of an offence committed before the commencement.”.