The primary purpose of this Bill is to provide for the introduction of a new system of speed limits based on metric values. The Bill also

— provides for the adoption of changes to the administration of the Fixed Charge system for traffic offences including the outsourcing of certain functions of the Gardaí relating to that system;

— introduces a new offence relating to the supply of mechanically propelled vehicles to minors;

— extends and clarifies the application of exemptions from traffic and parking restrictions for emergency vehicles;

— provides for other miscellaneous changes to the Road Traffic Acts 1961 to 2003, and

— provides for certain technical amendments to provisions in the Taxi Regulation Act 2002.

Part 1 of the Bill provides for a range of Preliminary and General matters that relate to the provisions contained in the Bill.

Section 1 contains standard provisions regarding the short title of the Bill, details of the commencement provisions for the Bill and that it may be cited together with the Road Traffic Acts 1961 to 2003 to be construed as one Act.

Section 2 sets out definitions of various terms referred to in the Bill. Particular attention is drawn to the definition of “built-up area”, which is determined to be the area of a city, borough or a town within the meaning of the Local Government Act 2001.

Section 3 contains standard provisions relating to the laying of any regulations made under provisions in the Bill before the Houses of the Oireachtas.

Part 2 establishes a new structure for the application of Speed Limits for roads and mechanically propelled vehicles.

Section 4 provides that the Minister may make regulations to apply speed limits in respect of any class of mechanically propelled vehicle and replaces the current legislative basis for such speed limits, which is set out in section 44 of the Road Traffic Act 1961. Subsection (1), in addition to providing that the Minister may make regulations to
apply such speed limits, provides that the speed limits that apply to such vehicles shall continue to be known as “ordinary speed limits”.

Subsection (2) provides that the Minister may prescribe different speed limits in respect of any class of vehicle using any particular category of public road.

Subsection (3) empowers the Minister to exempt classes or subclasses of vehicles from speed limits applied under the Section.

Section 5 provides that the speed limit in built-up areas will be 50 kilometres per hour and replaces the 30 miles per hour built-up area speed limit provided for under section 45 of the Road Traffic Act 1961. Subject to subsection (2), the new speed limit will apply to all roads in cities, boroughs or towns where there is an urban authority, with the exception of motorways in such areas.

Subsection (2) provides that the built-up area speed limit will not apply to a road in respect of which a local authority makes a special speed limit through bye-laws made under section 9 or where a county or city manager makes a road works speed limit order under section 10. A similar provision is contained in each of the other sections relating to the new default speed limits (i.e. sections 6, 7 and 8).

Section 6 sees the introduction of a new default speed limit of 80 kilometres per hour which will apply to all regional and local roads outside of built-up areas. This speed limit, and that being applied under section 7 in respect of non-urban national roads, will replace the general speed limit of 60 miles per hour applied under section 44A of the Road Traffic Act 1961 inserted by section 24 of the Road Traffic Act 1968.

Section 7 applies a speed limit of 100 kilometres per hour to all national roads outside of built-up areas. As is the case with non-urban regional and local roads, this new speed limit will replace the general speed limit on national roads outside urban areas.

Section 8 provides that the default speed limit for motorways will be 120 kilometres per hour. The new speed limit will replace the current motorway speed limit of 70 miles per hour.

Section 9 provides the legislative basis for the application of special speed limits. The purpose of special speed limits is to allow the major local authorities (i.e. the county and city councils), to replace the default speed limits that would otherwise apply to roads through sections 5 to 8.

Subsection (1) provides that a county or a city council may make bye-laws (special speed limit bye-laws) for the purpose of applying special speed limits to roads in their administrative counties. A special speed limit applied in bye-laws made under this section replaces the default speed limit applying under the relevant sections of this Bill.

Subsection (2) sets out the speed limits that may be applied as special speed limits.

Paragraphs (b), (d), (e) and (f) provide that the default speed limits provided for through sections 5 to 8 can be deployed as special speed limits on roads other than those in respect of which they normally apply. Accordingly, the built-up area speed limit of 50 kilometres per hour can be used as a special speed limit in respect of roads outside of built-up areas.
The use of the motorway speed limit of 120 kilometres per hour as a special speed limit is limited to selected dual carriageways on national roads and it can only be used as a special speed limit in accordance with guidelines issued by the Minister under subsection 9.

Paragraph (a), which relates to a speed limit of 30 kilometres per hour, provides that it cannot be deployed on motorways and its use must be in accordance with guidelines issued by the Minister under subsection (9).

The final special speed limit that can be applied is 60 kilometres per hour is referred to in paragraph (c).

Subsection (3) provides that before making bye-laws under this section, councils must enter into a consultation process.

Under paragraph (a), county councils are required to consult urban authorities in their counties in respect of proposals relating to roads in such areas. Paragraph (b) requires that both county and city councils must consult the Garda Commissioner in relation to all proposals for inclusion in bye-laws. In each case a period of one month is allowed for the receipt of representations following the date on which the notice is issued in relation to the consultation.

Subsection (4) provides that following the completion of the consultation process provided for in subsection (3), a county or city council must publish notice to the effect that it proposes to make special speed limit bye-laws in at least two newspapers. The notice should include information in relation to the place where a person can inspect a copy of the draft bye-laws. A person may submit written objections to bye-laws within 30 days of the date of the notice.

Subsection (5) introduces a new provision through which a county or a city council can apply different speed limits on the same road, or part of a road at different times of the day. The period during which such provisions are applied must be set out in bye-laws.

Subsection (6) introduces another new provision which will allow county or city councils to apply different speed limits to parts or carriageways or lanes of roads where particular circumstances apply. Where this provision is to be applied, the circumstances must be set out in the bye-laws.

Subsection (7) provides that the National Roads Authority must give its written consent to any proposal to change a default speed limit on a national road or motorway.

Subsection (8) provides that the Minister may make regulations to amend special speed limits provided for in subsection (2) and exempt specified classes of mechanically propelled vehicles from special speed limits.

Subsection (9) provides that the Minister may issue guidelines that county and city councils must have regard to in making their bye-laws.

Subsection (10) provides that the making of special speed limit bye-laws and that making of representations by an urban authority under subsection (3)(a) are functions that are reserved to the members of the council.
Subsection (11) provides that a special speed limit will not apply to a road during a period where a speed limit is applied under section 10 for the purpose of facilitating road works.

Subsection (12) establishes that a copy of bye-laws made under this section can be used as evidence of the fact stated in the bye-law in court proceedings.

Section 10 introduces a new concept of “speed limits at road works”. Subsection (1) provides that a county or a city manager may make a “road works speed limit order” for the purpose of applying a speed limit to a road where road works are being carried out. Where such an order is made, the new speed limit will apply in lieu of the speed limit that would normally apply to the road under this Bill.

Subsection (2) provides that an order made under this section will apply for a maximum period of 12 months.

Subsection (3) establishes that where an order is to be made under this section in respect of a national road or a motorway, the county or city manager must obtain the written consent of the National Roads Authority.

Subsection (4) provides that before making a “road works speed limit order”, a manager must notify the Garda Commissioner and under subsection (5) shall consider any representations made by the Commissioner within one month of the notification.

Subsection (6) provides that proposals to make a “road works speed limit order” must be published in at least one newspaper circulating in the relevant area and have regard to any representations made following the publication of the notice.

Subsection (7) provides that a manager may revoke or amend an order made under the section.

Subsection (8) establishes that a copy of a “road works speed limit” order can be used as evidence of the facts stated in the order in any court proceedings.

Section 11 provides for the substitution of section 47 of the Road Traffic Act 1961, which provides for the establishment of the offence of breaching a speed limit. Subsection (1) provides that a person shall not drive a mechanically propelled vehicle at a speed that exceeds a speed limit and subsection (2) establishes that where a person does breach a speed limit, he or she is committing an offence.

Subsection (3) lists the various speed limits established under this Bill as falling within the meaning of the term “speed limit” for the purpose of this section.

Section 12 provides recognition of the need for the establishment of transitional arrangements to facilitate the changeover from the imperial speed limits in place under existing legislation to the metric speed limits established under this Bill.

Subsection (1) provides that speed limit bye-laws made in advance of the commencement of section 9 will continue in place but be read as applying metric equivalents to the speed limits they refer to. This means that the existing 30 miles per hour speed limit will be the new
speed limit of 50 kilometres, the existing 40 miles per hour speed limit will equate to the new speed limit of 60 kilometres per hour and the existing 50 miles per hour will equate to the new 80 kilometres per hour.

Subsections (2) and (3) give support to both the use of traffic signs depicting the new speed limits provided after the changeover date and, pending the provision of the new signs, to the continued use of signs depicting the imperial values.

Section 13 provides for the amendment of section 53 of the Road Traffic Act 1961, which relates to dangerous driving, that results from the changes to the speed limits system.

Section 14 provides for the repeal of the sections in the existing Road Traffic Acts that relate to speed limits.

Part 3 of the Bill sees the introduction of a series of amendments to provisions in the Road Traffic Act 2002 relating to the administration of the penalty points and fixed charge systems. The principal focus of these amendments is to facilitate the outsourcing of certain administrative functions currently being carried out by members of the Gardaí.

Section 15 amends section 2 of the Road Traffic Act 2002 (Endorsement of Penalty Points) to refer to the making of a payment of a fixed charge to a person other than a member of the Gardaí and to clarify the role of the Courts Service in relation to informing the Minister for Transport of the conviction of a person for an offence that attracts penalty points.

Section 16 provides for the amendment of section 7 of the Road Traffic Act 2002, which establishes “the appropriate date” for the endorsement of penalty points, to clarify the role of the Courts Service in informing the Minister of a conviction for a penalty point offence.

Section 17 introduces two changes to the fixed charge system operating under section 103 of the Road Traffic Act 1961, inserted by section 11 of the Road Traffic Act 2002. Paragraphs (a) and (c) relate to the outsourcing of functions currently being carried out by the Gardaí to third parties by way of agreements entered into by the Minister for Justice, Equality and Law Reform.

Paragraph (b) provides that in a prosecution for a fixed charge offence it will be presumed that a notice under this section was served and also re-states the existing presumption that a fixed charge payment has not been made.

Section 18 amends section 22 of the Road Traffic Act 2002, which relates to the presentation by an accused person of his or her driving licence, by requiring through subsection (1) that the licence must be presented on the first day of the hearing of the case or on a subsequent day at the discretion of the presiding judge. Subsection (1) also provides that this requirement is not necessary in respect of a number of offences that relate to the parking of vehicles.

Subsection (2) provides that it is an offence not to comply with the requirements established through subsection (1). Subsection (3) provides for the admissibility of documents to which this section applies as evidence in court.
Part 4 provides for a number of miscellaneous provisions.

Section 19 amends section 9 of the Road Traffic Act 2002, which relates to the disqualification of drivers as a result of the application of the European Convention on Driving Disqualifications, for the purpose of clarifying the role of the Courts Service.

Section 20 sees the introduction of a new general exemption for the drivers of emergency vehicles from the application of restrictions, requirements and prohibitions imposed under the Road Traffic Acts generally. Such exemptions will apply save where the safety of a road user is not endangered.

Section 21 provides that any function designated under the Road Traffic Acts as being related to the Garda Commissioner, may be carried out by another officer of the Garda, not below the rank of Chief Superintendent, authorised by the Commissioner.

Section 22 amends section 84 of the Road Traffic Act, inserted by section 15 of the Road Traffic Act 2002 for the purpose of clarifying the definition of a local authority for the purposes of that section.

Section 23 introduces changes to section 35 of the Road Traffic Act 1994, which relates to the control and regulation of traffic and parking. The amendment provides for the addition of a new paragraph (t) to subsection 35(2) the purpose of which is to allow the Minister to make regulations to facilitate the issue of permits by local authorities for a range of activities and issues. The permits may provide for exemptions from restrictions and prohibitions, including prohibitions and restrictions on the use of roads, and allows for parking by permit holders at specified locations. The Minister can also determine a charge for the issue of permits.

Section 24 introduces a general prohibition on the supply of mechanically propelled vehicles to any person under the age of 16 years. This offence will attract a maximum fine on conviction of €3,000.

Part 5 provides for amendments to certain legislation other than the Road Traffic Acts.

Section 25 amends the presumptions relating to court evidence in respect of fixed charge offences pursued under the Local Authorities (Traffic Wardens) Act 1975 so that they are in line with those proposed through section 17 in relation to similar offences prosecuted under the Road Traffic Acts.

Section 26 amends section 36 of the Taxi Regulation Act 2003, which provides for mandatory disqualification for holding of either or both a small public service drivers or vehicle licence on conviction of certain offences. The amendments will bring clarity to certain aspects of section 36 and facilitate a more effective implementation process. They will in particular ensure that the State can make representations to the Court when it is considering an application from a person convicted of a serious offence to be permitted to hold a public service licence.

An Roinn Iompair, 