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**AN BILLE UM THRÁCHT AR BHÓITHRE  
(TEILEAFÓNAÍOCHT SHOHLUAISTE) 2006  
ROAD TRAFFIC (MOBILE TELEPHONY) BILL 2006**

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**EXPLANATORY MEMORANDUM**

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*General*

The purpose of this Bill is to place a ban on the use or holding of hand-held mobile handsets while driving. The Bill does allow the use of a mobile handset while driving but does not permit that handset to be held in anyway while the car is on the road. Therefore, there is no ban on the use of mobile handsets by passengers (unless they are supervising provisionally licensed drivers) or in cars that are not in traffic.

The Bill creates a specific offence: that of using or holding a hand-held mobile handset while driving. It also contains a schedule of penalties and the manner in which those penalties can be enforced.

*Section 1* contains the short title of the Bill.

*Section 2* deals with interpretations and definitions used generally in the Bill.

*Section 3* allows the Minister to put different sections of the bill into force at different times, by ministerial order.

*Section 4* creates the offence of driving, or supervising a provisional driver, while using or holding a hand-held mobile handset. This section details the elements of, and the penalties for, offences.

*Section 5* provides specific exemptions for emergency services personnel acting in the course of their duties, and creates defences for persons who are making emergency calls or persons in parked cars.

*Section 6* creates a mechanism for on-the-spot fines.

*Section 7* ensures that a person who commits an offence under this Act does not have to be physically caught by a member of Garda Síochána in order to be prosecuted, i.e. photographic evidence, provided that it is sufficiently robust, will be enough.