



DÁIL ÉIREANN

AN BILLE UM THRÁCHT AR BHÓITHRE 2006 ROAD TRAFFIC BILL 2006

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM THRÁCHT AR BHÓITHRE 2006 —ROGHCHOISTE

ROAD TRAFFIC BILL 2006 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 1

1. In page 3, between lines 10 and 11, to insert the following:

“ “Act of 1975” means Local Authorities (Traffic Wardens) Act 1975;”.

—An tAire Iompair.

SECTION 3

2. In page 3, subsection (1), line 24, after “driving” to insert “or attempting to drive”.

—Olivia Mitchell.

3. In page 3, subsection (1), line 25, to delete “hold a mobile phone” and substitute the following:

“hold, use or attempt to hold or use a mobile phone”.

—Olivia Mitchell.

4. In page 3, between lines 25 and 26, to insert the following subsection:

“(2) A person shall not while supervising or attempting to supervise a holder of a learner permit in a public place hold, use or attempt to hold or use a mobile phone.”.

—Olivia Mitchell.

5. In page 4, subsection (4), line 3, after “to” to insert “promote driving with due care and attention or to”.

—Róisín Shortall.

6. In page 4, subsection (4)(d), line 12, after “equipment” to insert the following:

“or

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- (e) any other equipment, apparatus, thing or activity which may impair or interfere with the driving capacity or capabilities of such a driver”.

—Róisín Shortall.

7. In page 4, subsection (5), line 15, after “equipment” to insert “or different classes of persons”.

—An tAire Iompair.

8. In page 4, subsection (7), line 22, to delete “in using it”.

—Olivia Mitchell.

9. In page 4, subsection (7), lines 23 to 25, to delete paragraph (a).

—Olivia Mitchell.

10. In page 4, subsection (7)(b), line 26, to delete “a genuine” and substitute “an”.

—Olivia Mitchell.

11. In page 4, subsection (9), between lines 29 and 30, to insert the following:

“ “hands-free device” means a device designed so that when used in conjunction with a mobile phone there is no need for the user to hold the phone by hand;”.

—An tAire Iompair.

12. In page 4, subsection (9), between lines 29 and 30, to insert the following:

“ “drive”, in relation to a mechanically propelled vehicle, means to take charge or be in charge of the mechanically propelled vehicle that is not parked;”.

—Olivia Mitchell.

13. In page 4, subsection (9), line 31, after “supporting” to insert “or cradling”.

—An tAire Iompair.

14. In page 4, subsection (9), line 38, to delete “vehicle” and substitute the following:

“mechanically propelled vehicle or which may be used in or on such a vehicle”.

—An tAire Iompair.

15. In page 4, subsection (9), line 40, to delete “any other” and substitute “an”.

—An tAire Iompair.

[SECTION 3]

16. In page 5, subsection (9), line 3, to delete “any other” and substitute “an”.
—An tAire Iompair.

17. In page 5, subsection (9), line 4, after “function” to insert the following:
“, but for the purposes of subsection (1) does not include a hands-free device”.
—An tAire Iompair.

18. In page 5, subsection (9), between lines 4 and 5, to insert the following:
“ “parked” has the meaning assigned to it in section 55 of the Principal Act;”.
—Olivia Mitchell.

19. In page 5, subsection (9), line 8, to delete “attached to a vehicle”.
—An tAire Iompair.

20. In page 5, subsection (9), line 10, to delete “in the vehicle”.
—An tAire Iompair.

SECTION 4

21. In page 5, before section 4, to insert the following new section:

“Prohibition of non-transparent front windows.

4.—(1) As and from the commencement of *section 3*, a person who drives or attempts to drive a mechanically propelled vehicle in a public place where any of the windcreens or windows to the front or either side of the driver’s seat are non-transparent is guilty of an offence.

(2) A person who commits an offence under *subsection (1)* is liable on summary conviction to a fine of €5000.”.

—Róisín Shortall.

22. In page 5, subsection (3)(a), line 23, to delete “and”.
—Olivia Mitchell.

23. In page 5, subsection (3)(b), line 24, after “operated” to insert the following:

“, and

(c) the date and time at which the expiration of the authorisation shall occur, such date and time being not more than 8 days after the date referred to in paragraph (a)”.

—Olivia Mitchell.

[SECTION 4]

24. In page 6, subsection (6)(a), line 7, to delete “immediately” and substitute “forthwith”.

—Olivia Mitchell.

25. In page 6, subsection (6)(b), line 12, to delete “immediately” and substitute “forthwith”.

—Olivia Mitchell.

26. In page 6, lines 21 to 26, to delete subsection (8) and substitute the following:

“(8) In a prosecution for an offence under—

(a) this section,

(b) section 49 or section 50 of the Principal Act, or

(c) Part III of the Act of 1994,

it shall be presumed, until the contrary is shown, that an apparatus provided by a member of the Garda Síochána for the purpose of enabling a person to provide a specimen of breath pursuant to this section is an apparatus for indicating the presence of alcohol in the breath.”.

—Olivia Mitchell.

27. In page 6, between lines 34 and 35, to insert the following subsection:

“(11) Section 14 of the Act of 1994 is amended by the substitution of the following for subsection (1):

“(1) Whenever a member of the Garda Síochána is of opinion that a person in charge of a mechanically propelled vehicle in a public place is under the influence of alcohol, or a drug or drugs, to such an extent as to be incapable of having proper control of the vehicle, he may require—

(a) the person to accompany him to a Garda Síochána station, or

(b) that the person be accompanied to a Garda Síochána station by a third party authorised for such purpose under section 21(7)(a) of the Act of 2002 as inserted by section 17(c) of this Act.”.

—Olivia Mitchell.

SECTION 5

28. In page 6, before section 5, to insert the following new section:

5.—Section 49 of the Principal Act is amended—

(a) in subsection (2) by the substitution of “50” for “80”,

“Amendment of
section 49 of
Principal Act.

[SECTION 5]

(b) in subsection (3) by the substitution of “67” for “107”,

(c) in subsection (4) by the substitution of “22” for “35”,

(d) by the insertion of the following subsection after subsection (4):

“(4A) Subsections (2) to (4) shall apply to a person who is the holder of a learner permit as if the references therein to 50, 67 and 22 were references to 20, 27 and 9 respectively.”.

—Róisín Shortall.

29. In page 6, before section 5, to insert the following new section:

“Requirement to take driving test.

5.—Where a person applies to renew a learner permit but has not taken the driving test since the previous occasion on which the person was granted a permit, the licensing authority shall refuse the application if it is satisfied that the person has failed to take reasonable steps to obtain and fulfil an appointment to take the driving test.”.

—Róisín Shortall.

30. In page 6, before section 5, to insert the following new section:

“Requirement for certain persons to re-take driving test.

5.—Where a person who holds a full driver’s licence is convicted by a court of an offence under section 49 or 50 of the Principal Act or an offence of driving without due care and attention or careless or dangerous driving or dangerous driving causing death, the person shall (upon the expiry of such, if any, period of disqualification as the court may impose) be required to surrender his or her driving licence to a licensing authority and shall if otherwise eligible and be entitled to apply for a learner permit, and notwithstanding any other provision of the *Road Traffic Acts 1961 to 2006*, the person may drive unaccompanied only during the first year in which he or she holds such a learner permit, unless by the expiry of that year he or she has taken or re-taken as the case may be such driving test and passed such test.”.

—Róisín Shortall.

31. In page 6, before section 5, to insert the following new section:

“Alcohol ignition interlock.

5.—Where a person has been convicted of an offence under section 49 or 50 of the Principal Act, the court sentencing that person may direct that following the expiry of the period of disqualification imposed on the person, the person may not drive or attempt to drive a mechanically propelled vehicle for such further period, not exceeding 5 years, as may be specified, unless the vehicle is fitted with an alcohol ignition interlock which measures alcohol concentration in the breath prior to ignition.”.

—Róisín Shortall.

[SECTION 5]

32. In page 6, before section 5, to insert the following new section:

“Mandatory alcohol testing at road accident sites.

5.—(1) A member of the Garda Síochána, present at the scene of a road traffic accident, shall require any person who was in charge of vehicle that was involved in the road traffic accident to—

- (a) (i) provide (by exhaling into an apparatus for indicating the presence of alcohol in the breath) a specimen of his or her breath, or
- (ii) accompany him or her or another member of the Garda Síochána to a place (including a vehicle) at or in the vicinity of the checkpoint and there to provide, by exhaling into such an apparatus, a specimen of his or her breath, or
- (b) (i) leave the vehicle at the place where it has been stopped, or
- (ii) move it to a safe place in the vicinity of the road traffic accident, and keep or leave it there until the person has complied with a requirement made of him or her under *paragraph (a)*.

(2) A member of the Garda Síochána, for the purposes of making a requirement of a person under *subsection (1)* may indicate the manner in which the person must comply with the requirement.

(3) A person who—

- (a) refuses or fails to comply forthwith with a requirement under *subsection (1)(a)* or *(b)(i)* or such a requirement in a manner indicated by a member of the Garda Síochána under *subsection (2)*, or
- (b) without reasonable excuse, refuses or fails to comply immediately with a requirement under *subsection (1)(b)(ii)* or such a requirement in a manner indicated by a member of the Garda Síochána under *subsection (5)*, is guilty of an offence and is liable on summary conviction—
 - (i) to a fine not exceeding €5,000,
 - (ii) to imprisonment for a term not exceeding 6 months,
 - (iii) to disqualification from driving for a period not exceeding 2 years, or
 - (iv) to any combination of *subparagraphs (i), (ii) and (iii)* of this subsection.

(4) A member of the Garda Síochána may arrest, without warrant, a person who commits, is committing or has committed an offence under this section.

(5) In a prosecution for an offence under—

- (a) this section,
- (b) section 49 or section 50 of the Principal Act, or
- (c) Part III of the Act of 1994,

[SECTION 5]

it shall be presumed, until the contrary is shown, that an apparatus provided by a member of the Garda Síochána for the purpose of enabling a person to provide a specimen of breath pursuant to this section is an apparatus for indicating the presence of alcohol in the breath.

(6) Nothing in this section shall be used to delay in any way, the provision of any medical assistance to a person injured in a road traffic accident.

(7) A person who does not comply with a requirement under *subsection (1)* by availing of protection under *subsection (6)*, shall continue to be obliged to comply with such requirement as soon as may be medically practicable.”.

—Olivia Mitchell.

33. In page 6, before section 5, to insert the following new section:

“Amendment to section 14 of the Act of 1994.

5.—The Act of 1994 is amended in section 14 by the substitution of the following for subsection (1):

“(1) Whenever a member of the Garda Síochána is of opinion that a person in charge of a mechanically propelled vehicle in a public place is under the influence of a drug or drugs to such an extent as to be incapable of having—

(a) proper control of the vehicle, or

(b) has been involved in a road traffic accident,

he may require the person to accompany him to a Garda Síochána station.”.

—Olivia Mitchell.

34. In page 6, before section 5, to insert the following new section:

“Mandatory testing for certain other substances.

5.—(1) The Minister may, by order, introduce mandatory testing for any intoxicant that he or she deems appropriate.

(2) In making an order under *subsection (1)*, the Minister shall have regard to Part III of the Act of 1994 and any regulations made under it.

(3) Any testing under regulations under this section shall be carried out in the same manner as is prescribed in *section 4*.”.

—Olivia Mitchell.

35. In page 7, lines 17 and 18, to delete subsection (4) and substitute the following:

“(4) The fixed charge is €300 and such fixed charge shall be index-linked to the inflation rate as set by the European Central Bank and automatically updated on the 1st of January each year after the coming into force of this section.”.

—Olivia Mitchell.

[SECTION 5]

36. In page 7, subsection (7)(c), line 40, after “notice” to insert the following:

“, but the person shall continue to be liable to prosecution in the same manner as if such fixed charge notice had not been served”.

—Olivia Mitchell.

37. In page 8, subsection (8), line 8, to delete “a” and substitute “the”.

—An tAire Iompair.

38. In page 8, subsection (8), line 10, to delete “the” where it firstly occurs and substitute “to”.

—An tAire Iompair, Róisín Shortall.

39. In page 8, subsection (9)(a), line 13, to delete “a” and substitute “the”.

—An tAire Iompair.

40. In page 8, subsection (9)(b), line 16, to delete “a” and substitute “the”.

—An tAire Iompair.

41. In page 8, subsection (9)(b), line 19, to delete “for” where it firstly occurs and substitute “of”.

—An tAire Iompair, Róisín Shortall.

42. In page 8, subsection (9)(c), line 23, to delete “a” and substitute “the”.

—An tAire Iompair.

43. In page 8, between lines 40 and 41, to insert the following subsections:

“(14) A person who, subsequent to the receipt by that person of a notice under *subsection (11)*, drives or attempts to drive a mechanically propelled vehicle in a public place, shall be guilty of an offence.

(15) A person who is guilty of an offence under *subsection (13)* shall be liable on summary conviction—

(a) to a fine not exceeding €5,000,

(b) to a further and consecutive disqualification of a period of not more than 2 years, or

(c) to both.”.

—Olivia Mitchell.

[SECTION 6]

SECTION 6

44. In page 9, line 41, to delete “4” and substitute “5”.

—Róisín Shortall.

45. In page 9, line 43, to delete “6” and substitute “10”.

—Róisín Shortall.

SECTION 7

46. In page 11, line 23, to delete “for” and substitute “from”.

—Róisín Shortall.

47. In page 11, line 29, after “disqualification” to insert the following:

“, provided that there are extraordinary and exceptional circumstances to justify such an application”.

—Olivia Mitchell.

48. In page 11, line 40, after “qualification” to insert “or at least 2 years whichever is greater”.

—Róisín Shortall.

49. In page 11, between lines 40 and 41, to insert the following:

“(5) Where an application is made under subsection (2), the court shall notify, or cause to be notified—

- (a) any person who was a party to the original proceedings where the applicant was disqualified,
- (b) any person who was injured or affected by the actions of the applicant which led to his or her disqualification,
- (c) the family of any person who died as a result of the actions of the applicant which led to his or her disqualification, and
- (d) any person who, in the court’s opinion, should be made aware of the application.

(6) Any person notified under subsection (5) shall be given an opportunity to make a submission to the court on an application under subsection (2).”.

—Olivia Mitchell.

[SECTION 7]

50. In page 11, between lines 40 and 41, to insert the following:

“(5) Where an order under subsection (4) is granted, the court shall notify, or cause to be notified—

- (a) any person who was a party to the original proceedings where the applicant was disqualified,
- (b) any person who was injured or affected by the actions of the applicant which led to his or her disqualification,
- (c) the family of any person who died as a result of the actions of the applicant which led to his or her disqualification, and
- (d) any person who, in the court’s opinion, should be made aware of the order.”.

—Olivia Mitchell.

SECTION 8

51. In page 12, before section 8, to insert the following new section:

“Default speed limit.

8.—The speed limit on any non-national road in respect of which a local authority has not specified any alternative limit, whether before or after the commencement of this section, is 60 kilometres per hour.”.

—Róisín Shortall.

52. In page 12, before section 8, to insert the following new section:

“Mandatory road work signs.

8.—(1) Where road works are being carried out by any person including a local authority, the person shall erect and maintain such signs as comply with requirements prescribed by the Minister for Transport, and such further or other road work signs if any as are required to obviate any danger to the public.

(2) A person (including a director, member, officer or employee of a body corporate whose default contributes to the non-compliance) who fails to comply with *subsection (1)* shall be guilty of an offence and on summary conviction shall be liable to imprisonment for 12 months or to a fine not exceeding €5,000 or both.”.

—Róisín Shortall.

SECTION 10

53. In page 12, between lines 33 and 34, to insert the following:

“(a) the regulation of driving schools and instructors;”.

—Róisín Shortall.

[SECTION 10]

54. In page 13, between lines 13 and 14, to insert the following:

“(l) an obligation for the holder of a learner permit to undergo a specified number of driving lessons or a specified number of hours of driving instruction, or to obtain a certificate of competency from a driving instructor, before he or she shall be permitted to apply for a driving test;”.
—Olivia Mitchell.

55. In page 13, to delete line 26 and substitute the following:

“(p) the fees to be paid to a licensing authority in respect”.
—An tAire Iompair.

56. In page 13, between lines 28 and 29, to insert the following:

“(r) restrictions to be imposed on holders of driving licences during the first year in which they hold such a licence.”.
—Róisín Shortall.

SECTION 11

57. In page 14, before section 11, to insert the following new section:

“Regulations under section 42(2)(b) of the Principal Act.

11.—As soon as is practicable after the commencement of this section, the Minister shall move to introduce regulations under section 42(2)(b) of the Principal Act (as inserted by section 10(1) of this Act), to provide for a physical driving licence format that is—

- (a) practicable,
- (b) that is more easily portable,
- (c) that is in line with international best practice, and
- (d) which retains driver information electronically.”.

—Olivia Mitchell.

58. In page 14, before section 11, to insert the following new section:

“Amendment to the Act of 2002.

11.—The Act of 2002 is amended by—

- (a) deleting section 2(2) and substituting the following:

“(2) Where a person is convicted of a penalty point offence, the number of penalty points specified in column (5) of the First Schedule opposite the mention of the offence in column (2) of that Schedule shall, subject to and in accordance with the provisions of this Act—

[SECTION 11]

- (a) be endorsed on the entry relating to the person in respect of the offence,
 - (b) be entered into the record of the Garda PULSE system, and
 - (c) be endorsed upon that person's driving licence by the Garda Síochána.”,
 - (b) inserting the following new subsection after subsection (5):
 - “(6) (a) Upon receipt of a notice under section 5 of this Act, a person shall, within 14 days, surrender his or her licence to a member of the Garda Síochána at any Garda station, so that the penalty points under this section may be endorsed upon it.
 - (b) A person who fails to surrender his or her licence under this subsection shall be guilty of an offence, which shall be punishable by a fine not exceeding €80 for each offence until the said licence has been endorsed in accordance with subsection (a) of this section.”,
 - (c) deleting section 5 and substituting the following:

“5.—(1) When penalty points are endorsed on the entry of a person, the Minister shall, as soon as may be thereafter, cause a notice to be given or sent, by ordinary post or otherwise, to the person—

 - (a) to the effect that the number of penalty points specified in the notice has been endorsed on the entry relating to the person following:
 - (i) the making by the person of a payment referred to in section 2(1); or
 - (ii) the conviction of the person of a penalty point offence;

and that, subject to section 3(2), they will remain on the entry for a period of 3 years beginning on the appropriate date, and

 - (b) specifying the total number of penalty points that, following the endorsement aforesaid, stand so endorsed and, if that number equals or exceeds 12, specifying that the person will be disqualified under section 3 for holding a licence for a period of 6 months, beginning on the appropriate date, and directing him or her to submit the licence held by him or her to the licensing authority that granted the licence not later than 14 days from that date.
- (2) When a notice is given or sent to a person under subsection (1), the Minister shall cause—
- (a) particulars of the notice, including its date, to be entered on the entry relating to the person,
 - (b) a copy of that notice to be sent to the Garda Síochána, and
 - (c) particulars of the notice, including its date, to be entered on the Garda PULSE system.

[SECTION 11]

(3) A person who does not comply with a direction under paragraph (b) of subsection (1) in a notice under that subsection shall be guilty of an offence.

(4) The Garda Síochána shall—

(a) have jurisdiction to seek the surrender of a licence in the name of person to whom a notice has been given or sent under subsection (1), in the same manner as if a court order had been issued for the forfeiture of that licence, or

(b) seek a court order for the forfeiture of that licence under this Act.”.”.

—Olivia Mitchell.

59. In page 14, before section 11, to insert the following new section:

“Incorrectly applied penalty points.

11.—Where penalty points are incorrectly or illegally applied to a person’s licence in any respect and irrespective of what offence such penalty points were applied, the duty for the removal of such penalty points shall lie with the Minister and no person, in respect of whom such penalty points have been applied or to whose licence such penalty points have been applied, shall be required to attend court or to take any action to ensure the removal of such penalty points.”.

—Olivia Mitchell.

SECTION 12

60. In page 16, before section 12, to insert the following new section:

“Driver testing.

12.—(1) The Minister shall, as soon as may be practicable after the commencement of this Act, by order—

(a) put such structures in place as he or she deems necessary to ensure that the standard of driving in Ireland is maintained and improved,

(b) put such pre-conditions in place as he or she deems necessary, for candidates who wish to take the driving test, and such pre-conditions may include, *inter alia*, a requirement that candidates undergo a prescribed number of driving lessons before being allowed to sit the driving test,

(c) review and update the driving test and driver theory test so that—

(i) each examination conforms to international best practice,

(ii) the driver testing process reflects safe driving practices,

(iii) each examination has regard to persons who—

(I) are hearing impaired,

(II) do not speak Irish or English as defined by the Official Languages Act 2003,

[SECTION 12]

(III) have literacy difficulties, or, in the case of the driver theory test, difficulty operating a computer, or

(IV) have a physical disability,

and

(d) a detailed report of the results of test, including all of the following:

(i) whether the candidate passed or failed the test;

(ii) where he or she made errors;

(iii) what areas the candidate could improve;

(iv) in the case of a candidate who has passed, what further actions he or she must take to obtain a licence; and

(v) in the case of a candidate who has failed, how he or she can reapply for the test,

is made available to each candidate.

(2) On a regular basis, the Minister shall cause a drivers' training manual, to be produced and updated, and such manual shall contain—

(a) the Rules of the Road,

(b) advice on safe driving, and

(c) such other information as he or she deems necessary and appropriate.”.

—Olivia Mitchell.

61. In page 16, before section 12, to insert the following new section:

“Conditions on learner permit holders.

12.—(1) The Minister may, by order, place such conditions or restrictions on the holders of learner permits under section 35 of the Principal Act as he or she deems appropriate.

(2) It shall be a condition of a learner permit for a motorcycle that a person who drives or attempts to drive such a motorcycle while in possession of any learner permit, shall display L plates.

(3) For the purposes of this section, “L plates” means any clear notice, visibly carried on the exterior motorcycle that indicates to other motorists and road users that the person in charge of the motorcycle is the holder of a learner permit, and such notice shall consist of a red letter “L” on a white background.”.

—Olivia Mitchell.

62. In page 16, before section 12, to insert the following new section:

“Driving instructors.

12.—(1) The Minister may, by order, put in place such structures as he or she deems necessary to regulate driving instruction and driving schools, and shall maintain a register of those who are qualified to give certifiable driving lessons.

[SECTION 12]

(2) Driving instructors shall be obliged to undergo regular quality control testing and retraining at such intervals as may be prescribed by the Minister.

(3) As part of any order under *subsection (1)*, the Minister may deem it an offence for any driving instructor to give driving instruction or receive payment for same, when he or she is not registered on such a register to give such instruction.”.

—Olivia Mitchell.

63. In page 16, to delete lines 10 to 22 and substitute the following:

““(a) a person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction where at the time of the commission of the offence—

(i) he or she had been the holder of a driving licence (other than a learner permit) which had expired beyond its period of validity for a period of not more than 12 months before the commission of the offence, to a fine not exceeding €1,000, or

(ii) he or she had been the holder of a driving licence (other than a learner permit) which had expired beyond its period of validity for a period in excess of 12 months before the commission of the offence, to a fine not exceeding €2,000,

provided that he or she has received adequate warning from the licensing authority that the driving licence (other than a learner permit) has expired beyond its period of validity.”;”.

—Olivia Mitchell.

SECTION 14

64. In page 17, line 31, to delete “prosecuted” and substitute “tried”.

—An tAire Iompair.

65. In page 17, line 32, to delete “by the Minister”.

—An tAire Iompair.

66. In page 18, line 15, before “to” to insert “(other than paragraph (b))”.

—An tAire Iompair.

67. In page 18, line 34, to delete “shall” and substitute “may”.

—An tAire Iompair.

[SECTION 14]

68. In page 18, paragraph (g), line 44, after “€1,000” to insert the following:

“or, in the case of a person whose failure to comply with subsection (4) consists of giving or sending information to a member of the Garda Síochána regarding the person alleged to have been driving the vehicle in question which is false or misleading, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €5,000 or to imprisonment for a period not exceeding 12 months or to both”.

—Róisín Shortall.

69. In page 18, paragraph (g), line 44, to delete “and”.

—An tAire Iompair.

70. In page 18, between lines 44 and 45, to insert the following:

“(h) by substituting for subsection (21) the following:

“(21) Regulations prescribing the amount of a fixed charge may prescribe different amounts in relation to—

(a) different fixed charge offences,

(b) fixed charge offences involving different classes of vehicles, or

(c) fixed charge offences committed in different areas.”,

and”.

—An tAire Iompair.

SECTION 15

71. In page 19, to delete lines 1 and 2 and substitute the following:

“Amendment of Act of 1975. 15.—(1) Section 1 of the Act of 1975 is amended by substituting for the definition of “the Minister” the following:

“ “Minister” means Minister for Transport;”.

(2) Section 2 (as amended by section 12(2) of the Act of 2002) is amended by substituting for subsection (2) (as amended by section 12(a) of the Dublin Transport Authority (Dissolution) Act 1987) the following:

“(2) The functions referred to in subsection (1) are—

(a) functions in respect of offences referred to in section 3(1), and

(b) such other functions as may be prescribed after consultation with the Minister for Justice, Equality and Law Reform, and different functions may be so prescribed in relation to the functional areas of different local authorities.”.

(3) Section 3 (inserted by section 12 of the Act of 2002) of the Act of 1975 is amended—”.

—An tAire Iompair.

72. In page 19, between lines 14 and 15, to insert the following:

“(c) in subsection (7), by substituting for paragraph (h) (inserted by section 23 (c) of the Act of 2004) the following:

“(h) subject to paragraph (f), failure to comply with subsection (3) is an offence upon conviction of which the registered owner is liable to a fine not exceeding €1,000.”,

(d) in subsection (8)(b), to delete “in any circumstances”,

—An tAire Iompair.

73. In page 19, paragraph (d), line 18, to delete “and”.

—An tAire Iompair.

74. In page 19, between lines 18 and 19, to insert the following:

“(e) in subsection (16), by substituting “is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,000” for “shall be guilty of an offence”,

(f) by inserting after subsection (17) the following:

“(17A) Regulations prescribing the amount of a fixed charge may prescribe different amounts in relation to—

(a) different fixed charge offences,

(b) fixed charge offences involving different classes of vehicles, or

(c) fixed charge offences committed in different areas.”,

and”.

—An tAire Iompair.

75. In page 19, between lines 20 and 21, to insert the following subsections:

“(2) Section 4 of the Act of 1975 is amended—

(a) in subsections (1) and (3), by substituting “€1,000” for “£150” (inserted by section 12(c) of the Dublin Transport Authority (Dissolution) Act 1987), and

(b) in subsection (2), by substituting “an offence under section 3(12)” for “an offence under section 3(5) of this Act”.

(3) The following section is substituted for section 5 of the Act of 1975 (inserted by section 15(6) of the Dublin Transport Authority Act 1986 and amended by section 12(3) of the Act of 2002):

[SECTION 15]

“5.—Proceedings for an offence to which section 3 applies or an offence under section 3(12) or 4 may be brought and prosecuted summarily by the local authority in whose functional area the offence is alleged to have been committed or where the local authority concerned has entered into an agreement with another local authority under section 7 by that other authority.”.

—An tAire Iompair.

SECTION 16

76. In page 22, column (4), line 47*, to insert “2”.

—Olivia Mitchell.

*[**Note: A printing error has resulted in incorrect line references in page 22 of the Bill. The line reference in the above amendment relate to the actual number of lines of text contained in that page of the Bill.]*

77. In page 22, column (5), line 47*, to delete “5” and substitute “4”.

—Olivia Mitchell.

*[**Note: A printing error has resulted in incorrect line references in page 22 of the Bill. The line reference in the above amendment relate to the actual number of lines of text contained in that page of the Bill.]*

SECTION 17

78. In page 23, after line 47, to insert the following:

“(d) At all material times, evidence gathered under this section shall be subject to scrutiny and supervision by a member of the Garda Síochána.”.

—Olivia Mitchell.

SECTION 19

79. In page 26, before section 19, to insert the following new section:

“Bye-laws.

19.—A local authority may, in addition to any other power to make bye-laws, regulate by bye-laws parking in any particular place within their functional area and may in particular provide that parking in any place specified by the authority is confined to residents of or adjacent to that place as specified by the authority.”.

—Róisín Shortall.

80. In page 26, line 34, to delete “of the European Communities”.

—An tAire Iompair.

[SECTION 20]

SECTION 20

81. In page 26, before section 20, to insert the following new section:

“An Corps
Timpiste.

20.—(1) The Minister may, by order, establish a road accident investigation unit to be known and referred to as “An Corps Timpiste”.

(2) The functions of An Corps Timpiste shall be to—

- (a) investigate road traffic accidents,
 - (b) establish the cause of road traffic accidents,
 - (c) record information and statistics concerning road traffic accidents, or such information as the Minister shall deem necessary, and
 - (d) (i) make recommendations, and
 - (ii) advise the Road Safety Authority, which shall thereafter advise the Minister,
- on actions that could be taken to avoid road traffic accidents.”.

—Olivia Mitchell.

82. In page 26, before section 20, to insert the following new section:

“Prosecutions for
Dangerous Driving
causing death.

20.—(1) The Principal Act is amended in section 53 by the insertion of the following after subsection (2):

“(3) Any prosecution brought under subsection 2(a) of this section shall be on indictment only and shall not be brought in a court of lower jurisdiction than the Circuit Criminal Court.”.

—Olivia Mitchell.

83. In page 26, before section 20, to insert the following new section:

“Road Traffic
Court.

20.—The Courts (Establishment and Constitution) Act 1961 is amended by the insertion of the following after section 5:

“Establishment
and constitution
of the Road
Traffic Court.

6.—(1) A Court of First Instance, which shall be called An Chúirt um Thrácht ar Bhóithre (The Road Traffic Court), shall stand established.

(2) The Road Traffic Court shall be constituted of such number of other judges (each of whom shall be styled “Breitheamh den Chúirt um Thrácht ar Bhóithre” (“Justice of the Road Traffic Court”)) as may from time to time be fixed by Act of the Oireachtas.

(3) The Road Traffic Court shall have jurisdiction to deal with all summary offences under the *Road Traffic Acts 1961 to 2006*.”.

—Olivia Mitchell.

[SECTION 20]

84. In page 26, before section 20, to insert the following new section:

“Parking in the vicinity of Croke Park.

20.—(1) The Minister may, by order, regulate parking for mechanically propelled vehicles in the vicinity of Croke Park Stadium in Dublin, for the purposes of securing access and parking facilities for local residents on match days and on occasions when events are being held in the stadium.

(2) Such an order shall specify—

(a) the area covered by the order,

(b) the persons or category of persons who are covered by the order,

(c) (i) the occasions on, and

(ii) the length of time for which the order is in force,

and

(d) such other factors as the Minister may deem appropriate.”.

—Olivia Mitchell.

SECTION 21

85. In page 27, lines 24 to 26, to delete paragraph (a).

—Róisín Shortall.

86. In page 28, to delete lines 17 to 20 and substitute the following:

“(ii) in subsection (3A) (inserted by section 36(e) of the Act of 2004) by substituting “is not or has not been imposed” for “is or has not been imposed”.”.

—An tAire Iompair.

SECTION 22

87. In page 28, before section 22, to insert the following new section:

“Repeals.

22.—The following are repealed:

(a) subsection (6) of section 69 of the Principal Act,

(b) section 16 of the Road Transport Act 1999, and

(c) section 56 of the Taxi Regulation Act 2003.”.

—An tAire Iompair.

[Acceptance of this amendment involves the deletion of section 22 of the Bill.]

88. In page 28, line 21, after “(6)” to insert “(inserted by S.I. No. 463 of 2001)”.

—Róisín Shortall.

[*SECTION 23*]

SECTION 23

89. In page 28, before section 23, to insert the following new section:

“Road Traffic
Consolidation Act.

23.—The Minister shall, as soon as is practicable, begin the process of producing a Road Traffic Consolidation Act that will act as a consolidated statute of all road traffic legislation.”.

—Olivia Mitchell.

90. In page 28, subsection (2), line 27, after “provisions” to insert the following:

“, but all sections shall be commenced within 12 months of the Act coming into law”.

—Olivia Mitchell.

TITLE

91. In page 3, line 8, after “2003” to insert the following:

“AND TO REPEAL SECTION 16 OF THE ROAD TRANSPORT ACT 1999”.

—An tAire Iompair.

92. In page 3, line 8, after “2003” to insert the following:

“, AND TO PROVIDE FOR CERTAIN MATTERS RELATING TO DRIVING INSTRUCTORS”.

—Olivia Mitchell.

93. In page 3, line 8, after “2003” to insert the following:

“, AND TO PROVIDE FOR CERTAIN MATTERS RELATING TO DRIVING TESTS”.

—Olivia Mitchell.

94. In page 3, line 8, after “2003” to insert “, AND TO ESTABLISH AN ACCIDENT INVESTIGATION BODY”.

—Olivia Mitchell.