



AN BILLE UM THRÁCHT AR BHÓITHRE 2006
ROAD TRAFFIC BILL 2006

Mar a ritheadh ag Dáil Éireann
As passed by Dáil Éireann

ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. Regulations to give effect to acts of European Communities.
3. Prohibition on holding mobile phone by driver of mechanically propelled vehicle, etc.
4. Mandatory alcohol testing.
5. Fixed charge and disqualification for certain drink driving offences.
6. Consequential disqualification orders.
7. Removal of disqualification.
8. Recognition of foreign driving licences.
9. Theory test certificate.
10. Regulations relating to driving licences, learner permits and certificates of competency and fitness.
11. Learner permit.
12. Driving without driving licence.
13. Requirement to carry driving licence while driving vehicle.
14. Fixed charge offences.
15. Amendment of Act of 1975 (Traffic Wardens).
16. Penalty point offences.
17. Evidence in relation to certain offences.
18. Increase of certain penalties.
19. Detention of vehicles.

[No. 28*d* of 2006]

20. False declaration.
21. Taxis — mandatory disqualification.
22. Repeals.
23. Short title, commencement, collective citation and construction.

ACTS REFERRED TO

Dublin Transport Authority Act 1986	1986, No. 15
Dublin Transport Authority (Dissolution) Act 1987	1987, No. 34
European Communities Act 1972	1972, No. 27
Finance Act 1976	1976, No. 16
Fire Services Act 1981	1981, No. 30
Local Authorities (Traffic Wardens) Act 1975	1975, No. 14
Railway Safety Act 2005	2005, No. 31
Road Traffic (Amendment) Act 1984	1984, No. 16
Road Traffic Act 1961	1961, No. 24
Road Traffic Act 1968	1968, No. 25
Road Traffic Act 1994	1994, No. 7
Road Traffic Act 1995	1995, No. 7
Road Traffic Act 2002	2002, No. 12
Road Traffic Act 2003	2003, No. 37
Road Traffic Act 2004	2004, No. 44
Road Traffic Acts 1961 to 2005	
Road Transport Act 1933	1933, No. 8
Road Transport Act 1986	1986, No. 16
Road Transport Act 1999	1999, No. 15
Roads Act 1993	1993, No. 14
Taxi Regulation Act 2003	2003, No. 25



AN BILLE UM THRÁCHT AR BHÓITHRE 2006
ROAD TRAFFIC BILL 2006

BILL

entitled

5 AN ACT TO AMEND AND EXTEND THE ROAD TRAFFIC
ACTS 1961 TO 2005, THE LOCAL AUTHORITIES
(TRAFFIC WARDENS) ACT 1975 AND THE TAXI REGU-
LATION ACT 2003 AND TO REPEAL SECTION 16 OF
THE ROAD TRANSPORT ACT 1999.

10 BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act—

Definitions.

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

“Act of 1994” means Road Traffic Act 1994;

“Act of 1995” means Road Traffic Act 1995;

15 “Act of 2002” means Road Traffic Act 2002;

“Act of 2003” means Road Traffic Act 2003;

“Act of 2004” means Road Traffic Act 2004;

“Minister” means Minister for Transport;

“Principal Act” means Road Traffic Act 1961.

20 2.—The power to make regulations under the *Road Traffic Acts 1961 to 2006* includes the power to make provision in such regu-
lations to give effect to—

Regulations to give
effect to acts of
European
Communities.

(a) a provision of the treaties of the European Communities,
or

25 (b) an act adopted by an institution of those Communities.

3.—(1) A person shall not while driving a mechanically propelled
vehicle in a public place hold a mobile phone.

Prohibition on
holding mobile
phone by driver of
mechanically
propelled vehicle,
etc.

(2) *Subsection (1)* does not apply to a member of the Garda
Síochána, an ambulance service or a fire brigade of a fire authority

(within the meaning of the Fire Services Act 1981) who is acting in the course of his or her duties and holding a mobile phone in relation to the performance of his or her duties.

(3) A person who contravenes *subsection (1)* is guilty of an offence. 5

(4) The Minister may, to avoid the impairment or interference with the driving capacity or capabilities of the driver of a mechanically propelled vehicle, make regulations in relation to the restriction or prohibition in mechanically propelled vehicles in public places of the use of— 10

- (a) a mobile phone (other than in the circumstances referred to in *subsection (1)*),
- (b) an in-vehicle communication device,
- (c) information equipment, or
- (d) entertainment equipment. 15

(5) Different regulations may be made under *subsection (4)* for different classes of cases coming within the same class of equipment or for different classes of vehicles in relation to such equipment or different classes of persons.

(6) A person who contravenes or fails to comply with regulations made under *subsection (4)* is guilty of an offence. 20

(7) It is a defence for a person charged with an offence under *subsection (3)*, in relation to holding a mobile phone while driving a mechanically propelled vehicle, or under *subsection (6)*, in relation to the use of a mobile phone or an in-vehicle communication device, to show that he or she was— 25

- (a) using it to call the Garda Síochána, an ambulance, fire or other emergency service on numbers prescribed for such service, or
- (b) involved in or acting in response to a genuine emergency. 30

(8) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding €2,000.

(9) In this section—

“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; 35

“hold”, in relation to a mobile phone, means holding the phone by hand or supporting or cradling it with another part of the body;

“interactive communication function” includes—

- (a) sending or receiving oral or written messages, 40
- (b) sending or receiving facsimile documents,
- (c) sending or receiving still or moving images, or
- (d) providing access to the internet;

5 “in-vehicle communication device” means a communication device designed or adapted to be attached to or integrated into a mechanically propelled vehicle or which may be used in or on such a vehicle and with which a person is capable of making or receiving a call or performing an interactive communication function and includes a two-way radio;

10 “mobile phone” means a portable communication device, other than a two-way radio, with which a person is capable of making or receiving a call or performing an interactive communication function, but for the purposes of *subsection (1)* does not include a hands-free device;

“portable” in relation to a mobile phone, means the phone is designed or adapted to be carried by a person;

15 “two-way radio” means an apparatus for wireless telegraphy which is designed or adapted for the purpose of transmitting or receiving spoken words or messages between a person and another, using a frequency other than a frequency used by a mobile phone.

4.—(1) In this section—

Mandatory alcohol testing.

20 “authorisation” means an authorisation under *subsection (2)* to establish a checkpoint;

“checkpoint” means a checkpoint established under an authorisation.

25 (2) A member of the Garda Síochána, not below the rank of inspector, may, for the purposes of section 49 of the Principal Act, authorise the establishment of a checkpoint or checkpoints in a public place or places at which members of the Garda Síochána may exercise the powers under *subsection (4)*.

(3) An authorisation shall be in writing and shall specify—

- 30 (a) the date on which, and the public place in which, the checkpoint is to be established, and
(b) the hours at any time between which it may be operated.

35 (4) A member of the Garda Síochána, who is on duty at a checkpoint, may stop any mechanically propelled vehicle at the checkpoint and, without prejudice to any other powers (including the powers under section 12 (inserted by the Act of 2003) of the Act of 1994) conferred on him or her by statute or at common law, may require a person in charge of the vehicle—

(a) to—

40 (i) provide (by exhaling into an apparatus for indicating the presence of alcohol in the breath) a specimen of his or her breath, or

45 (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) to—

(i) leave the vehicle at the place where it has been stopped, or

(ii) move it to a place in the vicinity of the checkpoint, and

keep or leave it there until the person has complied with a requirement made of him or her under *paragraph (a)*. 5

(5) A member of the Garda Síochána for the purposes of making a requirement of a person under *subsection (4)* may indicate the manner in which the person must comply with the requirement.

(6) A person who— 10

(a) refuses or fails to comply immediately with a requirement under *subsection (4)(a)* or *(b)(i)* or such a requirement in a manner indicated by a member of the Garda Síochána under *subsection (5)*, or

(b) without reasonable excuse, refuses or fails to comply immediately with a requirement under *subsection (4)(b)(ii)* or such a requirement in a manner indicated by a member of the Garda Síochána under *subsection (5)*, 15

is guilty of an offence and is liable on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months or both. 20

(7) A member of the Garda Síochána may arrest without warrant a person who in the member's opinion is committing or has committed an offence under this section.

(8) In a prosecution for an offence under this section, section 49 or 50 of the Principal Act or 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. 25 30

(9) An authorisation or a copy expressing itself to be such authorisation, shall, until the contrary is shown, be sufficient evidence in any proceedings under the *Road Traffic Acts 1961 to 2006*, of the facts stated in it, without proof of any signature on it or that the signatory was a person entitled under *subsection (2)* to sign it. 35

(10) Section 13(1) of the Act of 1994 is amended by substituting “, section 12(4) or *section 4(6)* of the *Road Traffic Act 2006*” for “or section 12(4)” (inserted by section 3 of the Act of 2003).

Fixed charge and
disqualification for
certain drink
driving offences.

5.—(1) Where a person is alleged to have committed an offence under section 49(2), (3) or (4) (inserted by section 10 of the Act of 1994) or section 50(2), (3) or (4) (inserted by section 11 of the Act of 1994) of the Principal Act and the concentration of alcohol purported to be present in his or her body as stated or certified in accordance with Part III of the Act of 1994 did not exceed— 40

(a) 100 milligrammes of alcohol per 100 millilitres of blood, 45

(b) 135 milligrammes of alcohol per 100 millilitres of urine, or

(c) 44 microgrammes of alcohol per 100 milligrammes of breath,

5 he or she shall, subject to *subsections* (2) and (3), be served with a notice (“fixed disqualification notice”) in accordance with *subsection* (7) stating that where the charge specified in *subsection* (4) (“fixed charge”) is paid in accordance with this section and the disqualification specified in *subsection* (5) for the person holding a driving licence is in consequence applicable, a prosecution in respect of any such offence shall not be initiated against him or her.

10 (2) A person is not eligible to be served with a fixed disqualification notice if he or she has been convicted of an offence under section 49 or 50 of the Principal Act or section 13, 14 or 15 of the Act of 1994 where he or she has been convicted of that offence, whether before or after the commencement of this section, within
15 the period of 5 years prior to the date of the offence referred to in *subsection* (1) which he or she is alleged to have committed.

(3) A person who has been served a fixed disqualification notice and has paid the fixed charge is not eligible to be served with another such notice in respect of the alleged commission of any subsequent
20 offence referred to in *subsection* (1) within the period of 5 years from the date of the service of the first-mentioned notice.

(4) The fixed charge is €300, or such other amount that, for the time being, stands prescribed in lieu of that amount.

(5) Where a person, who is eligible under this section to be served
25 with a fixed disqualification notice, pays the fixed charge and payment is made in accordance with this section, the person shall be disqualified for holding a driving licence for a period of 6 months beginning on the date referred to in *subsection* (11).

(6) Where a member of the Garda Síochána alleges that a person
30 has committed an offence referred to in *subsection* (1) and the person under this section is eligible to be served with a fixed disqualification notice, the member shall serve or cause to be served, personally or by post, on that person a fixed disqualification notice.

(7) A fixed disqualification notice shall be in a prescribed form
35 and shall specify the offence referred to in *subsection* (1) which it is alleged the person has committed. The notice shall contain a statement to the effect that—

(a) the person on whom it is served is alleged to have committed the offence specified in the notice,

40 (b) the concentration of alcohol purported to be present in his or her body is as stated or certified in accordance with Part III of the Act of 1994,

(c) the person is not eligible to pay the fixed charge if he or she is ineligible under this section to be served with a
45 fixed disqualification notice,

(d) the person may, if he or she is eligible under this section to be served with a fixed disqualification notice, during a period of 28 days beginning on the day stated on the notice, pay to a member of the Garda Síochána at a specified Garda station or another specified place the fixed
50 charge accompanied by the notice, duly completed,

- (e) where a payment of the fixed charge is made within the period specified in *paragraph (d)*, the person shall be disqualified for holding a driving licence for the period referred to in *subsection (5)*, and
- (f) unless the person is not eligible under this section to pay the fixed charge, a prosecution in respect of the alleged offence will not be initiated during the period specified in *paragraph (d)* or, if payment of the fixed charge accompanied by the notice, duly completed, is made during that period, at all.
- (8) A person who is ineligible under *subsection (2)* or *(3)* to pay the fixed charge and who knows or should in the circumstances have reasonably known that he or she is so ineligible, who pays or attempts to pay the charge is guilty of an offence and is liable on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months, or both.
- (9) (a) Where the fixed charge is paid in accordance with this section, a receipt for it shall be issued by the Garda Síochána to the person who has paid the charge.
- (b) Subject to *paragraph (c)*, the payment of the fixed charge received by the Garda Síochána in accordance with this section shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance directs and shall not be recoverable by the person who made it.
- (c) Where a person who is ineligible under *subsection (2)* or *(3)* to pay the fixed charge pays the charge, the Garda Síochána may return the payment to the person.
- (10) Where a payment is received under *subsection (9)*, the Commissioner shall, as soon as may be after the payment, cause the Minister to be notified of the payment and thereupon the Minister shall cause the period of the fixed disqualification to be endorsed on the entry in the licence record relating to the person.
- (11) Where an endorsement is made under *subsection (10)*, the Minister shall cause a notice to be issued to the person concerned informing him or her that the date for the commencement of the period of the disqualification is 14 days after the date of that notice.
- (12) A notice issued under *subsection (11)* shall direct the person concerned to submit the driving licence held by him or her to the licensing authority that granted the licence within 14 days of the date of the notice.
- (13) A person who does not comply with a direction under *subsection (12)* is guilty of an offence and is liable on summary conviction to a fine not exceeding €2,000.
- (14) In a prosecution of an offence referred to in *subsection (1)* it shall be presumed until the contrary is shown that—
- (a) the relevant fixed disqualification notice has been served or caused to be served, and
- (b) a payment pursuant to the relevant fixed disqualification notice, accompanied by the notice, duly completed, has not been made.

5 (15) (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 per-
son, of any of the functions of a member of the Garda
Síochána relating to the issuing of a fixed disqualification
notice, the receipt of such notice, the acceptance of a pay-
ment or the issuing of a receipt of such payment, as are
set out in this section or of the function of the Com-
missioner in respect of the issue of a notice under *subsec-*
tion (11).

15 (b) An agreement referred to in *paragraph (a)* 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 Act of 2002 applies to
any agreement entered into by the Minister for Justice,
Equality and Law Reform under *paragraph (a)*.

20 (16) In this section, reference to a fixed disqualification notice,
duly completed, is reference to such a notice on which the number,
the date of the grant, and the period of validity, of the driving licence
of the person to whom the notice relates, as required in the notice,
have been inserted by or on behalf of the person.

(17) In this section “driving licence” includes a learner permit.

25 6.—(1) Section 26 (inserted by section 26 of the Act of 1994) of
the Principal Act is amended—

Consequential
disqualification
orders.

(a) in subsection (4) (inserted by section 2 of the Act of 1995)
by substituting for *paragraph (a)* the following:

30 “(a) The period of disqualification specified in a con-
sequential disqualification order shall, where
the person to whom the order relates is con-
victed of an offence under—

(i) section 49 consisting of a contravention of
subsection (1) of that section,

35 (ii) section 50(1),

(iii) section 53, tried on indictment,

(iv) section 106, where the offence involved the
matters specified in subparagraphs (i) to
(iv) of subsection (3)(b) of this section,

40 (v) section 13, 14 or 15 of the Road Traffic Act
1994, or

(vi) section 138(3) of the Railway Safety Act
2005, tried on indictment,

45 be not less than 4 years in the case of a first
offence under the section concerned and not
less than 6 years in the case of a second or any
subsequent offence under the same section.”.

(b) by substituting for the Table to subsection (4)(b) (inserted by section 2 of the Act of 1995) the following Table:

“

Reference Number	Concentration of alcohol	First offence under the section concerned	Second or any subsequent offence under the same section	
(1)	(2)	(3)	(4)	
1.	(a) Not exceeding 100 milligrammes of alcohol per 100 millilitres of blood;			5
	(b) Not exceeding 135 milligrammes of alcohol per 100 millilitres of urine;	1 year	2 years	10
	(c) Not exceeding 44 microgrammes of alcohol per 100 millilitres of breath.			15
				20
2.	(a) Exceeding 100 milligrammes but not exceeding 150 milligrammes of alcohol per 100 millilitres of blood;			25
	(b) Exceeding 135 milligrammes but not exceeding 200 milligrammes of alcohol per 100 millilitres of urine;	2 years	4 years	30
	(c) Exceeding 44 microgrammes but not exceeding 66 microgrammes of alcohol per 100 millilitres of breath.			35
				40
				45
3.	(a) Exceeding 150 milligrammes of alcohol per 100 millilitres of blood;			50
	(b) Exceeding 200 milligrammes of alcohol per 100 millilitres of urine;	3 years	6 years	55
	(c) Exceeding 66 microgrammes of alcohol per 100 millilitres of breath.			60

”,

(c) in subsection (5)(a), by substituting “2 years” for “1 year” and “4 years” for “2 years”,

(d) in subsection (5)(b), by deleting subparagraph (i), and

(e) in subsection (7), by substituting “1 year” for “6 months”.

5 (2) The Second Schedule (inserted by section 49 of the Act of 1994) to the Principal Act is amended by inserting after paragraph 13 the following:

10 “Driving mechanically propelled vehicle without driving licence while disqualified, etc. 14.—An offence under section 38(2) in the circumstances referred to in subsection (5)(a) of that section.

15 Using vehicle without certificate of roadworthiness. 15.—An offence by a person under Regulation 19(1) of the European Communities (Vehicle Testing) Regulation 2004 (S.I. No. 771 of 2004), being an offence committed in a period of 3 years in which a previous offence was committed by the person under that Regulation for which he or she was convicted.”.

7.—The following section is substituted for section 29 of the Principal Act: Removal of disqualification.

20 “29.—(1) This section applies to a person in respect of whom a disqualification order has been made, whether before or after the commencement of *section 7* of the *Road Traffic Act 2006*, disqualifying the person for holding a licence during a period of more than 2 years, and which is the first such order made in respect of that person within a period of 10 years.

(2) A person to whom this section applies may, at any time following the completion of one-half of the period specified in the disqualification order, apply to the court which made the order, for the removal of the disqualification.

30 (3) In considering an application made under this section a court, without prejudice to its power to have regard to all of the matters that appear to the court to be relevant, may, in particular, have regard to the character of the applicant, his or her conduct after the conviction and the nature of the offence.

35 (4) Where a court considers it to be appropriate it may confirm the period specified in the order of disqualification or it may order the removal of the disqualification from a specified date that is such that the disqualification will have effect for at least two-thirds of the period specified in the order of disqualification.

40 (5) A person intending to make an application under this section shall give 14 days notice in writing to the Superintendent of the Garda Síochána for the district in which the person ordinarily resides.

45 (6) The court hearing an application under this section may order the applicant to pay the whole or any part of the costs.

(7) In this section ‘disqualification order’ means a consequential or an ancillary disqualification order.”.

Recognition of
foreign driving
licences.

8.—The following section is inserted after section 23 of the Principal Act:

“23A.—(1) The Minister may by order declare that a licence or permit permitting a person to drive a mechanically propelled vehicle, not being a licence or permit issued to a person to enable that person to learn or provisionally to drive such a vehicle, issued by the competent authority of a state other than the State, shall be recognised for the purpose of exchange of that licence or permit for a driving licence, in respect of any one or more of the categories in respect of which the licence or permit is held, and subject to such restrictions, if any, as may be specified in the order.

(2) Every order made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House has sat after the order is laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done under it.”.

Theory test
certificate.

9.—Section 33(4) of the Principal Act is amended by inserting “where a person has not been issued with a theory test certificate (within the meaning of European Communities (Driving Theoretical Tests) Regulations 2003 (S.I. No. 52 of 2003)) in respect of the category of vehicle in respect of which the person applied for a certificate of competency” before “subject to being satisfied”.

Regulations relating
to driving licences,
learner permits and
certificates of
competency and
fitness.

10.—(1) The following section is substituted for section 42 of the Principal Act:

“42.—(1) In this section ‘licence’ means a driving licence or learner permit.

(2) The Minister may make regulations to provide for all or any of the following:

- (a) the categorization for the purposes of this Part of mechanically propelled vehicles;
- (b) the form of driving licences and learner permits;
- (c) the form and manner of application for a licence, the particulars to be embodied in the application and the documents to be given with the application;
- (d) the surrender of licences;
- (e) the securing that licences for a category are not issued to persons already holding licences for such category;
- (f) the issue by licensing authorities of duplicate licences in place of licences lost, destroyed, or mutilated, the fees to be paid in respect of such issue and the disposal of such fees;

- (g) the communication of particulars of licences granted by licensing authorities to other licensing authorities;
- 5 (h) the making available for the use of members of the Garda Síochána and other persons of information in the possession of licensing authorities with respect to persons disqualified for holding licences and persons whose licences have been endorsed under this Part;
- (i) the fees to be paid in respect of the grant of licences and the disposal of such fees;
- 10 (j) the period during which a learner permit is to remain in force;
- (k) the conditions to attach to a learner permit and failure to comply with which makes the permit void;
- 15 (l) the issue of licences by officers of any Minister of the Government or the Road Safety Authority as agent of a licensing authority;
- (m) conditions in relation to courses of instruction which an applicant for, or the holder of, a learner permit must comply with;
- 20 (n) the courses of instruction which persons must undergo prior to being granted a licence in respect of any category or categories of vehicles;
- (o) the content of courses of instruction which persons must undergo prior to being granted a licence in respect of any category or categories of vehicles;
- 25 (p) the fees to be paid to a licensing authority in respect of the supply by the authority of information relating to a licence.
- 30 (3) The Minister may make regulations, in relation to sections 33 and 34, to provide for all or any of the following matters:
 - (a) the classes of persons who are required to produce a certificate of competency or fitness or a medical report when applying for a driving licence;
 - 35 (b) voluntary submission to tests as to competency and knowledge of the Rules of the Road;
 - (c) the making of applications for certificates;
 - (d) the minimum period which has to elapse before a person who has failed to secure a certificate is eligible to apply again for a certificate;
 - 40 (e) the fees to be paid on applications for certificates and their disposition;
 - (f) the persons by whom the issuing authority under section 33 may cause tests to be carried out;
 - 45 (g) the persons by whom further tests directed under section 33(6) are to be carried out;

- (h) the nature of and manner of holding tests;
- (i) the form of reports by registered medical practitioners under section 34;
- (j) the form and manner of issue of certificates and the period of their validity; 5
- (k) the keeping of records by specified persons;
- (l) the delegation by issuing authorities to specified persons of the functions of such authorities under section 33(4);
- (m) the delegation by issuing authorities to specified persons of the functions of such authorities under section 34(4); 10
- (n) the minimum period which has to elapse, following the granting of a learner permit and in circumstances as may be prescribed, during which the holder of the licence may not apply for a certificate of competency. 15

(4) Regulations under this section in relation to disqualifications and endorsements under this Act may, in particular and without prejudice to the generality of subsection (1), provide for all or any of the following matters: 20

- (a) the production of licences in court;
- (b) the effecting of endorsements ordered under section 36;
- (c) the transmission of licences by the court to licensing authorities to be retained by them until they have expired or the disqualification ends (whichever is the shorter period); 25
- (d) the notification to licensing authorities of the making, confirming, annulling, varying or removal of a consequential, ancillary or special disqualification order or the making, confirming or annulling of endorsements ordered under section 36. 30

(5) Regulations under this section may make different provisions for different classes of cases coming within the same matter. 35

(6) A person who contravenes a regulation under this section which is stated to be a penal regulation is guilty of an offence.”.

Learner permit.

11.—(1) The following section is substituted for section 35 of the Principal Act: 40

“35.—(1) A person who wants to learn to drive a mechanically propelled vehicle of any category in order to pass a test for a certificate of competency may, except in such cases as may be prescribed, apply for a permit (‘learner permit’) licensing him or her provisionally to drive a mechanically propelled vehicle of that category in a public place. 45

(2) An application for a learner permit shall be—

- (a) made to the licensing authority in whose functional area the applicant ordinarily resides,
- (b) in accordance with the regulations under section 42, and
- (c) accompanied by the appropriate fee.

(3) Where an application under subsection (2) is duly made, a learner permit shall be granted to the applicant by the licensing authority.

(4) A learner permit has effect in accordance with its terms and conditions.

(5) In a prosecution for an offence under—

- (a) section 38(2), it is a defence for the defendant to show that, at the time he or she drove the vehicle, he or she held a learner permit then having effect and permitting him or her to drive the vehicle,
- (b) section 38(4), it is a defence for the defendant to show that the person employed to drive the vehicle held, at the time he or she drove the vehicle, a learner permit then having effect and permitting him or her to drive the vehicle,
- (c) section 40, it is a defence for the defendant to show that, in lieu of producing a driving licence in accordance with that section, he or she produced a learner permit having effect at the material time and permitting him or her to drive the vehicle and that he or she permitted the member of the Garda Síochána to whom it was produced to read it.

(6) Sections 22(2), (4) and (5), 26, 27, 28(1), (3), (4) and (5), 29, 30, 31, 32, 34, 36, 37, 39, 40 and 41 apply to learner permits as they apply to driving licences, except that where—

- (a) a person has been disqualified under section 26 or 27 for holding a driving licence during a specified period and thereafter until he or she has produced to the appropriate licensing authority a certificate of competency, the person may, at the end of the specified period, apply for and be granted a learner permit in accordance with section 35,
- (b) a person has been disqualified under section 28(2) for holding a driving licence, he or she may apply for and be granted a learner permit in accordance with section 35, and
- (c) a holder of a learner permit in respect of a vehicle of any category for a period has been granted a certificate of competency in respect of such category he or she shall not, by virtue of the application of section 22(5), be disqualified for applying for a driving licence in respect of vehicles of that category for any period which or part of which is within that period.”.

(2) Section 1 of the Act of 2002 is amended in the definition of “licence” by substituting “learner permit” for “provisional licence”.

(3) A reference to a provisional licence in the *Road Traffic Acts 1961 to 2006* or an instrument made thereunder is to be read as a reference to a learner permit.

5

(4) Section 29(1) of the Act of 1994 is repealed.

Driving without
driving licence.

12.—Section 38 of the Principal Act is amended—

(a) in subsection (2), by substituting for paragraph (a) the following:

“(a) A person who contravenes subsection (1) is 10
guilty of an offence and, subject to subsection
(5), is liable on summary conviction—

(i) where at the time of the commission of the
offence he or she had been the holder of
a driving licence (other than a learner 15
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 20
€1,000, and

(ii) in any other case, to a fine not exceeding
€2,000.”;

and

(b) by substituting for subsection (5) the following:

“(5) A person— 25

(a) who is summarily convicted of the offence of
contravening subsection (1) and was at the
time he or she committed the offence—

(i) disqualified for holding a driving licence, or

(ii) a person required to produce a certificate 30
of competency or a certificate of fitness
before obtaining a driving licence,

in lieu of the penalty mentioned in subsection
(2)(a), or

(b) who is summarily convicted of the offence of 35
contravening subsection (3) in a case in which
the person employed to drive the vehicle was
at the time he or she drove the vehicle—

(i) disqualified for holding a driving licence, or

(ii) a person required to produce a certificate 40
of competency or a certificate of fitness
before obtaining a driving licence,

in lieu of the penalty mentioned in section 102,

is liable to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months or both.”.

13.—Section 40 (inserted by section 25 of the Act of 1994) of the Principal Act is amended—

Requirement to carry driving licence while driving vehicle.

(a) in subsection (1), by substituting—

(i) “learner permit” for “provisional licence”, and

(ii) “production of and presentation to the member for his or her inspection” for “the production to him”,

and

(b) in subsection (1A) (inserted by section 18 of the Act of 2002) by substituting—

(i) “learner permit” for “provisional licence”, and

(ii) “the production of and presentation to the member for his or her inspection” for “the production to him”.

14.—Section 103 (inserted by section 11 of the Act of 2002 and as amended by section 18 of the Act of 2004) of the Principal Act is amended—

Fixed charge offences.

(a) by substituting for subsection (1) (inserted by section 18(1)(a) of the Act of 2004) the following:

“(1) This section applies to—

(a) such summary offences under the *Road Traffic Acts 1961 to 2006* and the *Roads Act 1993* as may be declared by the Minister by regulations, made after consultation with the Minister for Justice, Equality and Law Reform, to be fixed charge offences,

(b) such offences under—

(i) the *Road Transport Act 1933* (including any Act construed as one with it) which may not be tried on indictment, or

(ii) any regulation made under the *European Communities Act 1972* providing for the carriage of merchandise by road or the carriage of passengers by road or the issuing of transport discs,

as may be declared by the Minister by regulations to be fixed charge offences,

(c) an offence under Regulation 4 of the *European Communities (Installation and Use of Speed Limitation Devices in Motor Vehicles) Regulations 2005* (S.I. No. 831 of 2005),

(d) an offence under Regulation 5, 6, 7, 8 or 9 of the European Communities (Compulsory Use of Safety Belts and Child Restraint Systems in Motor Vehicles) Regulations 2006 (S.I. No. 240 of 2006), and 5

(e) an offence under section 73 of the Finance Act 1976,

and an offence standing so declared under paragraph (a) or (b) and each of the offences referred to in paragraphs (c), (d) and (e) are referred to in this section as a fixed charge offence.”, 10

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

“(3A) In a case referred to in subsection (2), if the offence is an offence referred to in subsection (1)(b), the references in subsection (2) (other than paragraph (b)) to a member of the Garda Síochána are to be read as including references to a transport officer (within the meaning of section 15 of the Road Transport Act 1986).”, 15

(c) in subsection (7)(b), by substituting “fixed charge of a prescribed amount” for “fixed charge”, 20

(d) in subsections (7)(d), (8)(e), (9)(c) and (d), by substituting “in accordance with the notice” for “accompanied by the notice, duly completed”,

(e) in subsection (9), by substituting for paragraphs (a) (inserted by section 18(1)(g) of the Act of 2004) and (b) the following: 25

“(a) a person or the person to whom the notice applies may, during the period specified in the notice and in accordance with the notice, make a payment specified in the notice, 30

(b) the payment—

(i) may be received in accordance with the notice and the person receiving the payment may issue a receipt for it, and

(ii) shall be paid into or disposed of for the benefit of the Exchequer as the Minister for Finance directs, 35

and shall not be recoverable by the person who made it,”,

(f) in subsection (10) (inserted by section 18(1)(h) of the Act of 2004) by substituting “served or affixed” for “served”, 40

(g) in subsection (13), 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”,

(h) by substituting for subsection (21) the following: 45

“(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

- (i) in subsection (22)(b), by inserting “as required in the notice” after “to whom the notice relates”.

10 **15.—**(1) Section 1 of the Act of 1975 is amended by substituting for the definition of “the Minister” the following: Amendment of Act of 1975 (Traffic Wardens).

“ “Minister” means Minister for Transport;”.

15 (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.”.

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

- (a) in subsection (1)(b), by substituting for subparagraph (ii) the following:

30 “(ii) the offence under section 11 of the Principal Act of contravening Regulation 6 (requirement to display valid test disc on windscreen) of the Road Traffic (National Car Test) Regulations 2003 (S.I. No. 405 of 2003),”.

- (b) in subsection (5A)(b) (inserted by section 23(b) of the Act of 2004) by substituting—

- (i) “prescribed form” for “prescribed forms”, and
- (ii) “with or without” for “or without”,

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

40 “(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”,
- (e) in subsection (9) (inserted by section 23(e) of the Act of 2004) by substituting “served or affixed” for “served”,
- (f) in subsection (12), by substituting “€1,000” for “€800” in both places where it occurs, 5
- (g) 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”,
- (h) by inserting after subsection (17) the following:

“(17A) Regulations prescribing the amount of a fixed charge may prescribe different amounts in relation to— 10

- (a) different fixed charge offences,
- (b) fixed charge offences involving different classes of vehicles, or
- (c) fixed charge offences committed in different areas.”, 15

and

- (i) in subsection (18), by inserting “as required in the notice” after “to whom the notice relates”.

(4) Section 4 of the Act of 1975 is amended— 20

- (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”. 25

(5) 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 as amended by section 12(3) of the Act of 2002):

“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.”. 30

Penalty point offences.

16.—(1) Section 2(1) of the Act of 2002 is amended by substituting “12, 14 or 19 in column (2) of Part 1 and reference number 1 in column (2) of Part 8 of the First Schedule),” for “12 or 14 in column (2) of Part 1 of the First Schedule),”. 35

(2) The First Schedule to the Act of 2002 is amended—

- (a) in Part 1, by substituting “The offences specified in column (2) of this Part at reference numbers 2, 3, 8, 9, 10, 11, 12, 14 and 19” for “The offences specified in column (2) of this Part at reference numbers 2, 3, 8, 9, 10, 11, 12 and 14”, 40

(b) in Part 1, by substituting for the matter at reference number 4 the following:

“

4	Offence under section 38(2)(a)(ii) of Road Traffic Act 1961 (other than in the circumstances referred to in subsection (5)(a) of that subsection)	Driving without a licence	1	3
---	---	---------------------------	---	---

”.

(c) in Part 1, by inserting after the matter at reference number 17 (inserted by section 22(a) of the Act of 2004) the following:

“

18	Offence under section 3(3) of <i>Road Traffic Act 2006</i>	Driving a vehicle while holding a mobile phone	2	4
19	Offence under section 138(3) of Railway Safety Act 2005, tried summarily	Bridge strikes, etc.		3

”.

(d) in Part 2, by deleting paragraphs (6) and (7) and the matter at reference numbers 15, 16, 17, 18, 19 and 20, and

(e) by inserting after Part 5 the following:

“PART 6

CONTRAVENTION OF REGULATION 4 OF EUROPEAN COMMUNITIES (INSTALLATION AND USE OF SPEED LIMITATION DEVICES IN MOTOR VEHICLES) REGULATIONS 2005

In this Part, a reference to a Regulation is a reference to a Regulation of the European Communities (Installation and Use of Speed Limitation Devices in Motor Vehicles) Regulations 2005 (S.I. No. 831 of 2005).

Reference Number	Offence	General Description of Offence	Penalty Points on Payment of Fixed Charge	Penalty Points on Conviction
(1)	(2)	(3)	(4)	(5)
1	Offence consisting of contravention of Regulation 4	Using vehicle not equipped with a speed limitation device or using a vehicle equipped with a speed limitation device not complying with requirements specified in Regulation 4, 5 or 6	2	4
				5
				10
				15
				20

PART 7

CONTRAVENTION OF CERTAIN PROVISIONS OF EUROPEAN COMMUNITIES (COMPULSORY USE OF SAFETY BELTS AND CHILD RESTRAINT SYSTEMS IN MOTOR VEHICLES) REGULATIONS 2006 25

In this Part, a reference to a Regulation is a reference to a Regulation of the European Communities (Compulsory Use of Safety Belts and Child Restraint Systems in Motor Vehicles) Regulations 2006 (S.I. No. 240 of 2006). 30

Reference Number	Offence	General Description of Offence	Penalty Points on Payment of Fixed Charge	Penalty Points on Conviction
(1)	(2)	(3)	(4)	(5)
1	Offence consisting of contravention by driver of vehicle of Regulation 5(1)	Driver of car or goods vehicle not wearing safety belt	2	4
				35
				40
				45

Reference Number	Offence	General Description of Offence	Penalty Points on Payment of Fixed Charge	Penalty Points on Conviction
(1)	(2)	(3)	(4)	(5)
2	Offence consisting of contravention by driver of vehicle of Regulation 5(2)	Driver permitting person under specified age to occupy a seat when not wearing safety belt	2	4
3	Offence consisting of contravention by driver of vehicle of Regulation 6	Driver of car or goods vehicle permitting child under 3 years of age to travel in it without being restrained by appropriate child restraint	2	4
4	Offence consisting of contravention by driver of vehicle of Regulation 7	Driver of car or goods vehicle permitting child over 3 years of age to travel in it without being restrained by appropriate child restraint	2	4
5	Offence consisting of contravention by driver of vehicle of Regulation 8	Driver of car or goods vehicle permitting child to be restrained by rearward-facing child restraint fitted to a seat protected by active frontal air-bag	2	4

Reference Number	Offence	General Description of Offence	Penalty Points on Payment of Fixed Charge	Penalty Points on Conviction	
(1)	(2)	(3)	(4)	(5)	
6	Offence consisting of contravention by driver of vehicle of Regulation 9	Driver of bus not wearing safety belt	2	4	5
					10

PART 8

CONTRAVENTION OF REGULATION 19 OF EUROPEAN COMMUNITIES (VEHICLE TESTING) REGULATIONS 2004 15

In this Part, a reference to a Regulation is a reference to a Regulation of the European Communities (Vehicle Testing) Regulations 2004 (S.I. No. 771 of 2004).

Reference Number	Offence	General Description of Offence	Penalty Points on Payment of Fixed Charge	Penalty Points on Conviction	
(1)	(2)	(3)	(4)	(5)	
1	Offence consisting of contravention of Regulation 19(1) (other than in the circumstances referred to in paragraph 15 of the Second Schedule to the Road Traffic Act 1961)	Using vehicle without certificate of roadworthiness		5	20
					25
					30
					35
					40

”.

Evidence in relation to certain offences. **17.**—Section 21 (as amended by section 15 of the Act of 2004) of the Act of 2002 is amended— 45

- (a) in subsection (1), by substituting “, section 35 of the Act of 1994 or section 138 of the Railway Safety Act 2005” for “or section 35 of the Act of 1994”,

(b) in subsection (2) and subsection (5), by inserting “or a person authorised under an agreement under subsection (7)” after “Garda Síochána” in each place where it occurs, and

(c) by inserting after subsection (6) the following:

5 “(7) (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
10 agreement, which shall include a condition to
the effect that the determination of the
locations where equipment is to be operated
shall be a function of a member of the Garda
Síochána not below the rank of superin-
tendent, provide for the authorisation of that
15 or other persons for the purposes of subsection
(2), and the performance by those authorised
persons of any function, which shall be speci-
fied in the agreement, relating to the estab-
lishing of *prima facie* proof of a constituent of
20 an offence including the provision, mainten-
ance and operation of equipment and the
development, production and viewing of
records produced by that equipment and the
production of measurements or other indica-
25 tions from which a constituent of an offence
can be inferred.

(b) An agreement referred to in paragraph (a) may
apply to the performance of all or any of the
functions specified in that agreement.

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

35 (8) In proceedings for an offence referred to in subsec-
tion (1) it shall be presumed, until the contrary is shown,
that—

(a) the electronic or other apparatus used for the
tendering of evidence was provided and main-
40 tained by a member of the Garda Síochána or
by a person authorised under subsection (7),
and

(b) that the development, production and viewing
of records produced by such apparatus was
carried out by a member of the Garda Síoch-
ána or by a person authorised under subsec-
45 tion (7).”.

18.—(1) A person convicted of an offence for which a penalty is provided by— Increase of certain penalties.

50 (a) a provision of the Principal Act mentioned in column (2)
of Part 1 of the Table at any reference number mentioned
in column (1) of that Part,

- (b) a provision of the Road Traffic Act 1968 mentioned in column (2) of Part 2 of the Table at any reference number mentioned in column (1) of that Part,
- (c) the provision of the Road Traffic (Amendment) Act 1984 mentioned in column (2) of Part 3 of the Table, or 5
- (d) a provision of the Act of 1994 mentioned in column (2) of Part 4 of the Table at a reference number mentioned in column (1) of that Part,

is, in lieu of the monetary penalty so provided, liable to the monetary penalty, specified in column (3) of the Table at that reference number. 10

TABLE

Part 1

Principal Act

Reference Number	Provision	Monetary Penalty	
(1)	(2)	(3)	
1	Section 12(4)	A fine not exceeding €2,000	15
2	Section 16(5)	A fine not exceeding €2,000	
3	Section 18(2)	A fine not exceeding €2,000	
4	Section 20(10)(a)	A fine not exceeding €2,000	20
5	Section 39(2)	A fine not exceeding €5,000	
6	Section 48(2)	In the case of a first offence, a fine not exceeding €1,000	
		In the case of a second or any subsequent offence, a fine not exceeding €2,000	25
7	Section 49(6)(a)	A fine not exceeding €5,000	
8	Section 50(6)(a)	A fine not exceeding €3,000	
9	Section 51(2)(a)	In case of a first offence, a fine not exceeding €1,000	30
		In case of a second or any subsequent offence, a fine not exceeding €2,000	
10	Section 51(2)(b)	A fine not exceeding €1,000	
11	Section 52(2)	A fine not exceeding €2,000	35
12	Section 53(2)(a)	A fine not exceeding €20,000	
13	Section 53(2)(b)	A fine not exceeding €5,000	
14	Section 54(4)	A fine not exceeding €2,000	
15	Section 55(2)(a)	A fine not exceeding €2,000	
16	Section 55(2)(b)	A fine not exceeding €1,000	40
17	Section 56(3)	A fine not exceeding €5,000	
18	Section 64(2)	A fine not exceeding €5,000	
19	Section 69A(5)	A fine not exceeding €5,000	
20	Section 102(a)	A fine not exceeding €1,000	

Reference Number	Provision	Monetary Penalty
(1)	(2)	(3)
21	Section 102(b)	A fine not exceeding €2,000
22	Section 102(c)	A fine not exceeding €2,000
23	Section 106(3)(a)	A fine not exceeding €2,000
24	Section 106(3)(b)	A fine not exceeding €1,000
25	Section 107(5)	A fine not exceeding €2,000
26	Section 112(2)(a)	A fine not exceeding €5,000
27	Section 112(2)(b)	A fine not exceeding €20,000
28	Section 113(2)	A fine not exceeding €2,000
29	Section 115(6)	A fine not exceeding €3,000

Part 2

Road Traffic Act 1968

Reference Number	Provision	Monetary Penalty
(1)	(2)	(3)
1	Section 18(7)	A fine not exceeding €2,000
2	Section 23(2)	A fine not exceeding €2,000

Part 3

Road Traffic (Amendment) Act 1984

Reference Number	Provision	Monetary Penalty
(1)	(2)	(3)
1	Section 4	A fine not exceeding €2,000

Part 4

Act of 1994

Reference Number	Provision	Monetary Penalty
(1)	(2)	(3)
1	Section 12(3)	A fine not exceeding €5,000
2	Section 13(2)	A fine not exceeding €5,000
3	Section 13(3)	A fine not exceeding €5,000
4	Section 14(2)	A fine not exceeding €5,000
5	Section 14(5)	A fine not exceeding €5,000
6	Section 15(2)	A fine not exceeding €5,000
7	Section 17(4)	A fine not exceeding €2,500
8	Section 20(3)	A fine not exceeding €5,000

(2) Section 23 of the Act of 2002 is repealed.

19.—Section 41(1) of the Act of 1994 is amended—

(a) by substituting for paragraph (b) the following:

Detention of
vehicles.

“(b) the vehicle is, or a member of the Garda Síochána reasonably believes it to be in the State and the member is of the opinion that the vehicle is, being so used in contravention of section 56(1) of the Principal Act,”,

5

(b) in paragraph (c), by substituting “2 months” for “3 months” and “use,” for “use.”, and

(c) by inserting after paragraph (c) the following:

“(d) the vehicle is, or a member of the Garda Síochána is of the opinion that the vehicle is, being so used in contravention of section 18(1) of the Principal Act,

10

(e) the vehicle is, or a member of the Garda Síochána is of the opinion that the vehicle is, being so used in contravention of Regulation 19(1) of the European Communities (Vehicle Testing) Regulations 2004 (S.I. No. 771 of 2004), or

15

(f) in the case of a vehicle registered in another Member State, the vehicle is, or a member of the Garda Síochána is of the opinion that it is, being so used without a proof of passing a roadworthiness test in accordance with Council Directive 96/96/EC of 20 December 1996¹ which is for the time being in force in respect of the vehicle.”.

20

25

False declaration.

20.—Section 115 of the Principal Act is amended—

(a) by substituting for subsection (1) (inserted by section 46 of the Dublin Transport Authority Act 1986) the following:

“(1) Where a person is required by or under this Act or under regulations made under section 34 of the Taxi Regulation Act 2003 to furnish or give particulars in connection with an application for the grant or issue of a licence, permit, plate or certificate or otherwise in connection with a licence, permit, plate, certificate or vehicle, he or she shall not furnish or give pursuant to the requirement any particulars which to his or her knowledge are false or in any material respect misleading.”,

30

35

(b) in subsection (3) (as amended by section 6 of the Road Traffic Act 1968) by substituting “licence, permit, plate or certificate” for “licence, plate or certificate” in both places where it occurs, and

40

(c) by substituting for subsection (4) the following:

“(4) A person shall not forge or fraudulently alter or use, or fraudulently lend to, or allow to be used by, any other person, any licence, permit, plate, badge or certificate issued under this Act or under regulations made under section 34 of the Taxi Regulation Act 2003.”.

45

¹ O.J. No. L46, 17.02.97, p.1

21.—The Taxi Regulation Act 2003 is amended—

Taxis — mandatory
disqualification.

- (a) in section 24(7), by substituting “the Commission may establish a fund” for “the Commission shall establish a fund”, and

- (b) in section 36—

- (i) by substituting for subsection (2) (as amended by section 36(c) of the Act of 2004) the following:

“(2) Subject to subsection (3), after the period of—

- (a) 2 years in the case of being convicted summarily, where a term of imprisonment (which is served in a whole or in part) is imposed by the Court, with or without a fine,

- (b) 5 years in the case of being convicted on indictment, where a fine or a term of imprisonment of less than 10 years or both is imposed by the Court, or

- (c) 10 years in the case of being convicted on indictment, where a term of imprisonment of 10 or more years is imposed by the Court with or without a fine,

from conviction of an offence referred to in subsection (1), the person so convicted may apply—

- (i) where the offence has been tried—

- (I) summarily, to the judge of the District Court in whose 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, where the court having regard to the person’s conduct since conviction and his or her suitability to hold a licence considers it appropriate.”,

and

- (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”.

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.

Short title,
commencement,
collective citation
and construction.

23.—(1) This Act may be cited as the Road Traffic Act 2006. 5

(2) This Act (other than *section 21*) comes into operation on such day or days as, by order or orders made by the Minister under this section, may be fixed therefor either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions. 10

(3) The Road Traffic Acts 1961 to 2005 and this Act (other than *section 21*) may be cited together as the Road Traffic Acts 1961 to 2006 and shall be read together as one.