



AN BILLE UM RIALÁIL IOMPAIR PHOIBLÍ 2009
PUBLIC TRANSPORT REGULATION BILL 2009

Mar a ritheadh ag Dáil Éireann
As passed by Dáil Éireann

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AN BILLE UM RIALÁIL IOMPAIR PHOIBLÍ 2009
PUBLIC TRANSPORT REGULATION BILL 2009

BILL

entitled

5 AN ACT TO PROVIDE FOR THE LICENSING OF PUBLIC
BUS PASSENGER SERVICES, TO CHANGE THE NAME
OF THE DUBLIN TRANSPORT AUTHORITY TO THE
NATIONAL TRANSPORT AUTHORITY, TO PROVIDE
10 FOR THE DISSOLUTION OF THE COMMISSION FOR
TAXI REGULATION, TO AMEND THE TAXI REGU-
LATION ACT 2003, THE DUBLIN TRANSPORT AUTH-
ORITY ACT 2008 AND CERTAIN OTHER ENACTMENTS
AND TO PROVIDE FOR RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

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PART 1

PRELIMINARY AND GENERAL

1.—This Act may be cited as the Public Transport Regulation Act 2009. Short title.

2.—In this Act—

Definitions.

20 “Act of 1932” means Road Transport Act 1932;
“Act of 1986” means Transport (Re-organisation of Córas Iompair
Éireann) Act 1986;
“Act of 1993” means Roads Act 1993;
“Act of 2000” means Planning and Development Act 2000;
25 “Act of 2003” means Taxi Regulation Act 2003;
“Act of 2006” means Planning and Development (Strategic
Infrastructure) Act 2006;
“Act of 2008” means Dublin Transport Authority Act 2008;
30 “Authority” means Dublin Transport Authority, until the day
appointed as the appointed day for the purposes of *section 30*, and
from that day National Transport Authority;

“bus” means a mechanically propelled vehicle designed for travel by road having seating accommodation for more than 9 persons (including the driver);

“Commission” means Commission for Taxi Regulation;

“dissolution day” means the day appointed by the Minister by order under *section 31* for the dissolution of the Commission for Taxi Regulation; 5

“GDA” means Greater Dublin Area;

“licence” means a licence to provide a public bus passenger service granted under *Part 2*, other than a licence granted under the Road Transport Act 1932 or an international service provided under international agreements or extant EU legislation or rules; 10

“international service” means a service authorised under Council Regulation (EEC) No. 684/92 of 16 March 1992 on common rules for the international carriage of passengers by coach and bus or the Agreement on the International Carriage of Passengers by Road by means of Occasional Coach and Bus Services (ASOR), or the Agreement on the international occasional carriage of passengers by coach and bus (Interbus Agreement) or any other International Agreement relating to bus passenger services between the State and other countries; 15 20

“Minister” means Minister for Transport;

“National Spatial Strategy” means the National Spatial Strategy: 2002-2020 published by the Government on 28 November 2002 or any document published by the Government which amends or replaces it; 25

“public bus passenger service” means the use of a bus or buses travelling wholly or mainly on public roads for the carriage of passengers in such a manner that—

- (a) each journey is open to use by members of the public, 30
- (b) a charge or charges are paid in respect of each passenger, and
- (c) save where the Authority otherwise determines,
 - (i) the service is provided on a regular and scheduled basis, and 35
 - (ii) carriage is provided for passengers between specified terminal points or along a specified route or otherwise in accordance with a published timetable,

and is not a bus service solely for carrying children to or from school;

“public transport services contract” has the meaning assigned to it by section 47 of the Act of 2008; 40

“public road” has the meaning assigned to it by the Act of 1993;

“public service obligation” has the meaning assigned to it by section 47 of the Act of 2008;

“road passenger transport operator’s licence” means a national or international road passenger transport operator’s licence within the meaning of section 2 of the Road Traffic and Transport Act 2006; 45

“Transport 21” means the capital investment framework published by the Minister in November 2005.

3.—The expenses incurred by the Minister in the administration Expenses.
of this Act shall, to such extent as may be sanctioned by the Minister
5 for Finance, be paid out of monies provided by the Oireachtas.

4.—(1) Every order (other than an order under *sections 5, 29, 30, 31, 44 and 46*) or regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as practicable after it is made. Laying of orders and regulations before the Houses of the Oireachtas.

10 (2) Either House of the Oireachtas may, by resolution passed within 21 days after the day on which a regulation or an order is laid before it under this section, annul the regulation or order.

15 (3) The annulment of a regulation or an order under *subsection (2)* takes effect immediately on the passing of the resolution concerned, but does not affect the validity of anything done under the regulation or order before the passing of that resolution.

PART 2

LICENSING OF PUBLIC BUS PASSENGER SERVICES

20 5.—This Part comes into operation on such day or days as may be fixed therefor by order or orders by the Minister, either generally or with reference to any particular purpose or provision, and different days may be so fixed for different purposes and different provisions of this Act. Commencement (*Part 2*).

25 6.—(1) Subject to *section 20*, a public bus passenger service, other than such a service that is the subject of a public transport services contract entered into under section 48 of the Act of 2008 or an international service, may only be provided in accordance with a licence. Requirement to be licensed.

(2) A person who provides a public bus passenger service that is in contravention of *subsection (1)* commits an offence.

30 7.—(1) Subject to this Part, the Authority may grant a licence in respect of a public bus passenger service. Grant of licences.

(2) A licence shall specify the route that the public bus passenger service to which it relates must follow, the commencement and completion points of the service and any stopping points along the route.

35 (3) Where it is appropriate having regard to the category of public bus passenger service to which the licence refers, the licence may specify requirements in relation to the scheduling and frequency of operation of the public bus passenger service to which it relates.

40 (4) (a) Subject to *paragraph (b)*, where the holder of a licence does not comply with a requirement specified in the licence under *subsections (2) or (3)*, he or she commits an offence.

(b) It is a defence for a person charged with an offence under this section that a temporary alteration to the service in question had been made having regard to circumstances set out in guidelines prepared under *section 23*.

Licence categories and periods of licences.

8.—(1) (a) The Authority may specify different categories of public bus passenger services in respect of which licences may be granted and shall set out details of such categories in guidelines prepared under *section 23*. 5

(b) In specifying categories under *paragraph (a)*, the Authority may, among other things, have regard to different types of services, the frequency of services, the scheduling of services and the time of year within which particular categories of services shall operate. 10

(2) The Authority shall determine the period of validity for licences and, where it specifies different categories of public bus passenger services under *subsection (1)*, it may determine different periods of validity in respect of each category, subject in all instances to a maximum of 5 years. 15

Form of application.

9.—(1) An application for the grant of a licence shall be made to the Authority in such a form and manner and be accompanied by documents and other supporting information as the Authority may determine from time to time and the appropriate fee determined under *section 12*. 20

(2) Where an application for the grant of a licence is not made in full compliance with requirements determined by the Authority under *subsection (1)*, the Authority shall notify the applicant for the licence of a final date for the receipt of the complete application and the Authority will not be obliged to consider the application further if the full application is not received on or before that date. 25

General provisions for the consideration of applications for grant of licences.

10.—(1) In considering an application for the grant of a licence the Authority, having regard to the general objectives established under section 10 of the Act of 2008— 30

(a) shall take account of the demand or potential demand that exists for the public bus passenger services to which the application refers having regard to the needs of consumers and any existing public bus passenger services on or in the vicinity of the route to be served by the proposed public bus passenger services, and 35

(b) save where the application is in respect of a category of licence where the Authority deems it not to be appropriate, shall take account of any or all of the following: 40

(i) the need to provide a well-functioning, attractive, competitive, integrated and safe public transport system of services and networks for all users,

(ii) the need for the preservation of good order and safety on public roads, 45

(iii) the impact a proposed public bus passenger service would have on public passenger transport services

that are subject to a public transport services contract under Part 3, Chapter 2 of the Act of 2008 on or in the vicinity of the proposed route,

- 5 (iv) the contribution the proposed public bus passenger service would have in achieving an increase in the availability of public transport services for the public,
- (v) the National Spatial Strategy,
- (vi) the Sustainable Travel and Transport Action Plan for Ireland,
- 10 (vii) relevant regional planning guidelines under Chapter III of Part II of the Act of 2000,
- (viii) Transport 21 or any subsequent capital investment framework for transport published by the Minister or Government,
- 15 (ix) demographic, economic and social trends,
- (x) national and regional tourism strategies and plans, and
- (xi) local authority development plans.

20 (2) For the purpose of considering an application for the grant of a licence, the Authority may—

- (a) examine any submission made to it by or on behalf of the applicant,
- 25 (b) seek the submission of information from the applicant or any other party, including any local authority (within the meaning of the Local Government Act 2001) in whose functional area the proposed public bus passenger service will operate, or
- (c) examine any other matter that it deems to be relevant to the public interest in the consideration of an application.

30 (3) An application for the grant of a licence shall not be considered unless the applicant establishes to the satisfaction of the Authority that—

- 35 (a) he or she has or has the capacity to obtain the necessary financial and other resources required to provide the proposed public bus passenger service,
- (b) he or she has complied with national and international legislation on road transport, and
- (c) he or she holds a current tax clearance certificate issued under section 1095 (inserted by section 127 of the Finance Act 2002) of the Taxes Consolidation Act 1997.

(4) The Authority may provide guidance to applicants in relation to the consideration of applications under this section in guidelines made under *section 23*.

45 (5) Where, following its consideration of an application, the Authority determines that the public bus passenger service to which the

application relates is warranted, and the applicant establishes compliance with *subsection (3)* to the satisfaction of the Authority, the Authority shall grant a licence.

(6) Where the Authority decides not to grant a licence, it shall inform the applicant setting out the reasons for that decision. 5

Offer of grant of licence.

11.—(1) The Authority may decide prior to the grant of any licence, or of licences in respect of particular categories of public bus passenger services, to make an offer to the applicant setting out—

- (a) the details of the public bus passenger service in respect of which it is proposed to grant the licence, 10
- (b) the conditions under *section 13* that it is proposed to apply to the operation of the public bus passenger service,
- (c) the documents and other information that must be submitted by the applicant prior to the grant of the licence,
- (d) the fee determined under *section 12* that must be paid 15 prior to the grant of the licence, and
- (e) the period within which the applicant must respond in writing to the making of the offer indicating acceptance of that offer.

(2) Where an applicant does not comply with *subsection (1)* in full 20 within the period established under that subsection, the offer shall cease to have effect and the Authority shall inform the applicant that the application shall receive no further consideration.

Fees.

12.—(1) The Authority shall determine from time to time the level of fees to be charged for the making of an application for and 25 the grant of a licence and for an application to amend, transfer or renew a licence and may determine different levels of fees in respect of each category of public bus passenger service specified under *section 8*.

(2) An application for the grant of a licence, to amend, transfer 30 or to renew a licence, will not be considered until the appropriate fee has been paid.

(3) No fee shall be refundable to an applicant under any circumstances.

(4) The fees determined by the Authority under this section shall 35 accrue to the Authority and shall be applied for the purpose of meeting the expenses properly incurred by the Authority in the discharge of its functions.

Attachment of conditions to licences.

13.—(1) When granting, amending or renewing a licence, the Authority may apply conditions to the licence in respect of the oper- 40 ation of the public bus passenger service to which it relates.

(2) Notwithstanding the generality of *subsection (1)*, the Authority may impose conditions that relate to—

- (a) compliance by the applicant or licence holder at all times 45 with the requirements of *section 10(3)*,

- (b) the scheduling and frequency of bus services, including variations of such frequencies on different days or at different periods of each day,
- (c) the route to be taken by the service,
- 5 (d) the stopping places on the route for the service, including conditions relating to access to or egress from the service at specified points,
- (e) the commencement and completion points of the service,
- 10 (f) the ticketing for services, including where appropriate, the integration of ticketing with other transport services provided by the applicant or other public transport service operators,
- (g) the provision of ticket dispensing machines or other ticketing, including integrated ticketing, equipment,
- 15 (h) the minimum number of vehicles that must be kept available for deployment in the provision of the service, and
- (i) the minimum accessibility standards and emission standards for pollutants and noise to be complied with by vehicles deployed in the provision of the service.

20 (3) The Authority may require that a timetable for a public bus passenger service be provided by the applicant and that such timetable be displayed for the information of the public at places and in such a manner as it determines.

25 (4) Save where the Authority deems it not to be appropriate, the Authority shall require that a licence, or a document displaying details of a licence in a format it has approved, must be displayed in the vehicle being used to provide a public bus passenger service and may set out the locations and method for that display.

30 (5) The Authority may publish the timetable of any public bus passenger service in respect of which a licence has been granted in any format using any means, including electronic, that it sees fit.

(6) The Authority may establish different and separate conditions in relation to different categories of public bus passenger services.

35 (7) A licence holder or a person acting on behalf of a licence holder who in the provision of a public bus passenger service does not comply with a condition applied to a licence commits an offence.

40 **14.—(1)** Where the holder of a licence proposes to alter a public bus passenger service in respect of which a licence has been granted, the holder must apply to the Authority for the grant of an amendment to that licence. Amendment of licence.

(2) An application under *subsection (1)* shall be made in a form and manner and be accompanied by documents, the appropriate fee and other supporting information as the Authority may determine from time to time.

45 (3) *Sections 10 to 13* apply to applications made under *subsection (1)*.

- (4) (a) Subject to *paragraph (b)*, where the holder of a licence alters a public bus passenger service without obtaining an amended licence under *subsection (1)*, the holder commits an offence.
- (b) It is a defence for a person charged with an offence under this section that a temporary alteration to the service in question had been made having regard to circumstances set out in guidelines prepared under *section 23*. 5

Requirement to commence public bus passenger services.

15.—(1) Subject to *subsection (2)*, the holder of a licence must commence the public bus passenger service within 4 months of the date on which the licence in respect of the service was granted or amended by the Authority. 10

(2) The Authority may at the request of the licence holder and having satisfied itself as to the validity of the reasons for the request, extend the period referred to in *subsection (1)* to a date that it shall determine and shall advise the applicant accordingly. 15

(3) The licence holder shall provide confirmation to the Authority of the commencement of a public bus passenger service within the period set out in *subsection (1)* or determined under *subsection (2)*.

(4) Where a licence holder fails to comply with the requirement set out in *subsection (3)*, or where the Authority becomes aware of the fact that a public bus passenger service has not been commenced by the appropriate date, it shall notify the licence holder that the licence will be revoked on a date that is 14 days following that notification unless the licence holder provides proof of the commencement of the service before that date. 20 25

Renewal of licences.

16.—(1) The holder of a licence may apply to the Authority for the renewal of the licence and the Authority may either renew or refuse to renew the licence.

(2) (a) An application for the renewal of a licence shall be made in a form and manner and be accompanied by other supporting information as the Authority may determine from time to time and the fee relevant to the application for the renewal of a licence determined under *section 12*. 30

(b) Where an application for the renewal of a licence is not made in full compliance with *paragraph (a)*, the Authority shall notify the holder of the licence of a final date for the receipt of the complete application and that no consideration of the application will be given if the full application is not received on or before that date. 35 40

(3) In considering an application for the renewal of a licence the Authority shall—

(a) have regard to the degree to which the public bus passenger service has been provided having regard to the terms and conditions of the licence, and 45

(b) apply the provisions of *sections 10 to 13* as it deems appropriate.

(4) Every renewal of a licence shall commence immediately upon the expiration of the licence or the last renewal of the licence (as the

case may be) of which it is a renewal and, unless it is previously revoked under *section 19*, shall continue in force for the period of validity specified by the Authority, such period not being more than 5 years.

5 **17.—**(1) In this section “personal representative” means the executor, administrator or another person identified in the will of the licence holder or in letters of administration relating to the administration of the estate of the licence holder for the purpose of continuing the operation of the public bus passenger service to which a licence relates.

Death of licence holder.

(2) In the event of the death of a licence holder, his or her personal representative may carry on the public bus passenger service to which the licence relates under that licence until the expiry of the licence.

15 (3) The personal representative of a licence holder may apply for the renewal of the licence under *section 16* and shall on the renewal of the licence be the licence holder.

20 **18.—**(1) Where the ownership of a licensed public bus passenger service is transferred to another person, the Authority may, on the application of that person and payment of the appropriate fee, subject to *subsection (2)*, transfer the licence to that person.

Transfer of licences.

(2) An application made under *subsection (1)* shall be considered in accordance with *section 10(2)* and *(3)*.

25 (3) The transfer of a licence under this section does not affect the period of validity of the licence.

(4) (a) Save as is provided for in this section or in *section 17*, a licence shall not be transferred by the licence holder to another person.

30 (b) Where the Authority becomes aware of the transfer of a licence other than as is provided for in this section or in *section 17*, it shall revoke the licence with immediate effect.

19.—(1) The Authority may revoke a licence—

Revocation of licences by Authority.

35 (a) where the licence holder requests that a licence be revoked,

(b) where the Authority is satisfied that the public bus passenger service in respect of which the licence was granted is not being provided,

40 (c) in the circumstances set out in *sections 15(4)* and *18(4)(b)*, or

(d) following a conviction for an offence under this Part.

45 (2) (a) Where the Authority proposes to revoke a licence in accordance with *subsection (1)(b)*, *(c)* or *(d)*, it shall give 14 days notice of its intention to the licence holder and shall invite the holder to make written submissions to it

which it shall consider before making a determination to revoke.

(b) Where having considered submissions under *paragraph (a)*, the Authority determines that the licence should be revoked, it shall advise the holder in writing that the revocation shall have effect 14 days following the date of that communication. 5

(3) The Authority shall from time to time publish details of the offences in respect of which it may revoke a licence under *subsection (1)(d)*. 10

(4) Where a road passenger transport operator's licence is revoked or withdrawn under an act of an institution of the European Communities in relation to road passenger transport, under an Act of the Oireachtas in relation to road passenger transport, or under any regulation made under section 3 of the European Communities Act 1972 giving effect to an act of an institution of the European Communities in relation to road passenger transport, a licence granted under this Part to the person who held the road passenger transport operator's licence concerned stands revoked. 15

(5) A person who continues to provide a public bus passenger service in respect of which a licence has been revoked under this section, commits an offence. 20

Licensing of certain existing public bus passenger services.

20.—(1) Public bus passenger services being provided by Bus Éireann and Dublin Bus on the day of the commencement of this section, that are not subject to a contract under Part 3, Chapter 2 of the Act of 2008, may continue to operate until such time, not being longer than 2 years after that day, as the Authority grants a licence. 25

(2) The Authority shall grant a licence in respect of the public bus passenger services referred to in *subsection (1)*, notwithstanding *section 9*, and such initial licences shall be of not more than one year in duration and may be subsequently renewed under *section 16*. 30

(3) All licences granted under the Act of 1932 which are in force on the day of the commencement of this section, shall continue in force to a date to be determined by the Authority, which shall not be more than 2 years after the day of the next anniversary of the date of the grant or renewal of the licence under the Act of 1932, and may be renewed under *section 16*. 35

Deciding officers.

21.—The Authority shall designate in writing persons to be deciding officers for the purpose of deciding on applications for the grant, amendment, renewal, transfer or revocation of licences. 40

Appeals.

22.—(1) (a) Subject to *paragraph (b)*, an applicant for the grant, amendment, renewal or transfer of a licence, or the holder of a licence where a licence is revoked under *section 19(1)(b)*, may appeal to the Authority in writing against a decision or part of it taken by a deciding officer under this Part within 21 days of the date of the notice of that decision. 45

(b) An appeal under *paragraph (a)* shall set out the grounds for the appeal and, in the absence of such grounds, the appeal will not be considered. 50

(2) The Chief Executive Officer shall appoint an officer of the Authority of a rank that is the same or higher than the deciding officer who made the decision that gave rise to the appeal, to be an appeals officer to consider and decide on the appeal.

5 (3) The functions of the appeals officer appointed under *subsection (2)* shall be to consider and make a decision on appeals made under *subsection (1)*.

(4) Appeals officers shall, subject to this Part, be independent in the performance of their functions.

10 (5) (a) Before considering an appeal under *subsection (1)*, an appeals officer shall invite submissions in writing from any party who had notified an interest in the original decision that gave rise to the appeal and shall provide such parties with a copy of the appeal made under *subsection (1)*.

15 (b) A submission under *paragraph (a)* must be received by the appeals officer on or before a date specified by that officer (which shall be not less than 14 days after the date of the invitation referred to in *paragraph (a)*).

20 (c) Where submissions are made under *paragraph (a)*, they shall be copied by the appeals officer to the appellant who may submit observations in writing in relation to such submissions which must be received by the appeals officer on or before a date specified by that officer (which shall be not less than 14 days after the date on which the submissions were copied to the appellant).

25 (6) (a) The decision of an appeals officer and the reasons for making that decision shall be notified in writing to the appellant and to any other parties who made a submission under *subsection (5)*.

30 (b) A document purporting to be a decision made under this section by an appeals officer and to be signed by him or her shall be *prima facie* evidence of the making of the decision without proof of the signature of such officer or his or her official capacity.

35 (c) The decision of an appeals officer on any appeal referred to him or her under *subsection (2)*, subject to *subsections (7), (8) and (9)*, is final and conclusive.

40 (7) (a) Where an appellant has been notified under *subsection (6)* of the decision of an appeals officer and is dissatisfied with that decision, the appellant may, within 14 days after the date of the notification, appeal to the judge of the Circuit Court in whose Circuit the appellant resides or principally carries on business against the decision.

45 (b) Where an appellant appeals to the judge of the Circuit Court under *paragraph (a)*, the appellant shall at the same time notify the Authority in writing of that appeal.

(8) The decision of the appeals officer stands suspended until the appeal to the Circuit Court has been determined or withdrawn.

50 (9) On the hearing of an appeal under *subsection (7)* in relation to the decision of the appeals officer under *subsection (3)*, the Court

may either confirm the decision or allow the appeal. If the appeal is allowed in relation to a decision to refuse to grant a licence, the Authority shall, upon notification to it by the Court, grant the licence.

Guidelines.

23.—(1) The Authority shall from time to time prepare and publish guidelines in relation to the licensing of public bus passenger services under this Part. 5

(2) Notwithstanding the generality of *subsection (1)*, guidelines under this section—

(a) shall include the criteria the Authority proposes to apply to the consideration of applications for the grant of licences under *section 10*, and 10

(b) may set out the circumstances where a temporary alteration of a public bus passenger service does not necessitate the grant of an amendment to a licence under *section 14*, and 15

(c) may refer to matters relating to the application for, grant, renewal, transfer or amendment of a licence, including the processes relating to applications, such as the time-frames for the consideration of applications, for the grant, renewal, transfer and amendment of licences, and the conditions that may be applied in respect of a licence. 20

(3) The Authority may amend any provision contained in guidelines published under this section and shall publish any such amendment. 25

(4) Before publishing guidelines or any part of them or amendments to guidelines, under this section, the Authority—

(a) shall submit a draft of the proposals to the Minister for any views to be given in writing to the Authority within one month of the request, 30

(b) shall submit a draft of the proposals to the Joint Oireachtas Committee for its opinion and request that any such opinion be given in writing to the Authority within one month of the request,

(c) shall submit a draft of the proposals to the Competition Authority for its opinion as to whether any provision of the draft would, if given effect, be likely to result in competition being prevented, restricted or distorted, and request that any such opinion be given in writing to the Authority within one month of the request, 40

(d) shall publish, in such manner as the Authority considers appropriate, a draft of the proposals and shall give persons at least one month from the date of publication of the draft within which to make written representations in relation to the draft, and 45

(e) following the consultation at *paragraphs (a), (b), (c) and (d)*, and having considered any views given by the Minister under *paragraph (a)*, any opinion given to it by the Joint Oireachtas Committee under *paragraph (b)* and the

Competition Authority under *paragraph (c)* and the representations made under *paragraph (d)*, if any, shall publish the guidelines or parts or amendments of them with or without modification.

5 (5) Guidelines prepared and published by the Authority under this section shall be laid before each of the Houses of the Oireachtas by the Authority.

(6) The Authority shall cause notice of the publication of guidelines under this section to be placed in one or more national newspapers and on its website on the internet.

(7) In this section “Joint Oireachtas Committee” means a Joint Committee of the Houses of the Oireachtas to which the Oireachtas has assigned the role of examining matters relating to transport.

15 **24.—(1)** A person who commits an offence under this Part is liable on summary conviction to a fine not exceeding €5,000.

Offences body corporate and proceedings for offences.

(2) Where an offence under this Part is committed by a body corporate and is proved to have been committed with the consent of or to be attributable to any neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate or a person who was purporting to act in such capacity, that person, as well as the body corporate, commits an offence and is liable to be prosecuted against and punished as if he or she were committing the first mentioned offence.

(3) Proceedings for an offence under this Part may be brought and prosecuted by the Authority.

25 **25.—(1)** The Authority shall carry out a review of the operation of this Part not later than 5 years after the commencement of this section and at least once every 5 years thereafter.

General provisions relating to operation of this Part.

(2) The Authority shall submit a report to the Minister of the findings of a review carried out under *subsection (1)*.

(3) Notwithstanding *subsection (1)*, the Minister may from time to time request the Authority to carry out a review of its operation of any or all of the provisions of this Part and make a report to him or her of the findings of that review.

35 (4) Nothing in this Part affects in any way the powers given to the Minister under section 26 of the Act of 1986 to give policy directions to Córas Iompair Éireann.

40 **26.—(1)** Where a notice is required to be given by the Authority under this Part to a person, it shall be addressed to the person and shall be given to the person in one of the following ways—

Notifications and notices.

(a) by delivering it to the person,

(b) by leaving it at the address at which the person carries on business,

45 (c) by sending it by post in a pre-paid registered letter addressed to the person at the address at which the person carries on business,

- (d) if an address for the service of a notice has been furnished by the person, by leaving it at, or sending it by pre-paid registered post addressed to the person to, that address, or
- (e) by sending it by means of electronic mail or a facsimile machine, to a device or facility for the reception of electronic mail or facsimiles located at the address at which the person carries on business or, if an address for the service of a notice has been furnished by the person, that address, but only if—
 - (i) the sender’s—
 - (I) facility for the reception of electronic mail generates a message confirming a receipt of the electronic mail, or
 - (II) facsimile machine generates a message confirming successful transmission of the total number of pages of the notice,
 - and
 - (ii) the notice is also given in one of the other ways mentioned in any of the preceding paragraphs.

(2) For the purposes of *subsection (1)*, a company registered under the Companies Acts is deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body is deemed to be ordinarily resident at its principal office or place of business.

(3) A copy of a notification or notice, which has endorsed on it a certificate purporting to be signed by an officer of the Authority stating that the copy is a true copy of the notification may, without proof of signature of that person, be produced in every court and in all legal proceedings and is evidence, unless the contrary is shown, of the notification.

Transitional provision — application for licence under Act of 1932.

27.—(1) Notwithstanding the repeal of the Act of 1932 under *section 28(a)*, where a person has made an application for a licence under that Act before its repeal, the application shall be considered under that Act by the Authority and any reference in that Act to the Minister in respect of the application shall be read as a reference to the Authority.

(2) Where an application for a licence under the Act of 1932 is dealt with under *subsection (1)* and the licence is granted, the licence is deemed to be a licence granted under this Part and to be in force to a date to be determined by the Authority, which shall not be more than 2 years after the day of the next anniversary of the date of the grant of the licence under the Act of 1932 and may be renewed under *section 16*.

Repeals (*Part 2*).

28.—The following are repealed:

- (a) the Road Transport Act 1932,
- (b) sections 66 to 73 of the Road Transport Act 1933, and

(c) sections 24 and 25 of the Transport Act 1958.

PART 3

AMENDMENTS TO NAME AND FUNCTIONS OF DUBLIN TRANSPORT AUTHORITY

- 5 **29.—**(1) The Act of 2008 is amended— Amendments to the
Act of 2008.
- (a) in section 2—
- (i) by the insertion after the definition of “Act of 2002”
 of the following:
- “ ‘Act of 2003’ means Taxi Regulation Act 2003;”,
- 10 (ii) by the insertion after the definition of “cycleway” of
 the following:
- “ ‘dissolution day for the Commission for Taxi Regu-
 lation’ means the day appointed by the Minister by
 order under *section 31* of the *Public Transport Regu-
15 lation Act 2009* for the dissolution of the Commission
 for Taxi Regulation;”,
- and
- (iii) by the substitution for the definition of “local auth-
 ority” of the following:
- 20 “ ‘local authority’ has the meaning assigned to it by
 the Local Government Act 2001, other than in the
 context of the exercise of functions under the Act of
 2003 where it has the meaning in section 2(1) of that
 Act.”,
- 25 (b) in section 9, by substituting for subsection (2) the
 following:
- “(2) The functional area of the Authority is—
- (a) in relation to the exercise of its functions under
 Part 3, Chapter 2 of this Act, under *PART 2* of
30 the *Public Transport Regulation Act 2009* and
 under the Act of 2003, the State,
- (b) in relation to all its other functions, the GDA.”,
- (c) by substituting for section 10 the following:
- 35 “10.—In exercising its functions the Authority shall seek
 to achieve the following objectives—
- (a) the development of an integrated transport
 system which contributes to environmental sus-
 tainability and social cohesion and promotes
 economic progress,
- 40 (b) the provision of a well-functioning, attractive,
 integrated and safe public transport system of
 services and networks for all users,

- (c) improved access to the transport system and, in particular, to public passenger transport services by persons with disabilities,
 - (d) increased use of the public transport system,
 - (e) regulated competition in the provision of licensed public bus passenger services in the public interest, 5
 - (f) the objectives set out in section 9 of the Act of 2003,
 - (g) increased recourse to cycling and walking as means of transport, and 10
 - (h) value for money.”,
- (d) in section 11(1), by inserting after paragraph (c) the following:
- “(ca) license public bus passenger services that are not subject to a public transport services contract under section 48, 15
 - (cb) develop and maintain a regulatory framework for the control and operation of small public service vehicles and their drivers in accordance with the provisions of the Act of 2003,” 20
- (e) in section 14—
- (i) in subsection (1), by substituting “11” for “9”, and
 - (ii) in subsection (2)(d), by substituting “8” for “6”,
- (f) in section 21(7) and (8), by inserting “and sections 39 and 40 of the *Public Transport Regulation Act 2009*” after “110” and “or the dissolution day for the Commission for Taxi Regulation, or on the day or days specified by the Minister under section 110(1)(e), as appropriate” after “dissolution day” in each place it occurs, 25 30
- (g) in section 48, by inserting after subsection (11) the following:
- “(12) Where the Authority proposes to enter into a public transport services contract, other than a direct award contract to which section 52(3) refers, it shall— 35
- (a) advise any local authority in whose functional area the transport service will operate of the proposal to enter into such a contract, and
 - (b) invite any such local authority to submit written views in relation to the proposed contract, which it will consider prior to entering into the contract.”, 40
- (h) in sections 48, 52 and 54, by substituting “public bus services” for “public bus passenger services”,
- (i) in section 52— 45

(i) by deleting “within the GDA” in paragraph (1)(b) and paragraph (3)(a), and

(ii) by deleting “, in the GDA” in subsection (2),

(j) by the repeal of section 54,

5 (k) in section 74(6)(a), by substituting “prepare” for “make”,

(l) in section 76—

(i) by substituting “the Road Safety Authority” for “a consultative body” in subsection (3), and

(ii) by deleting subsections (4) and (5),

10 (m) in section 78(1), by inserting “of its functions under this Act, under Part 3 of the Act of 2003 with particular reference to section 49 of that Act or under *Part 2* of the *Public Transport Regulation Act 2009*.” for “of its functions under this Act.”.

15 (2) This section comes into operation on such day or days as may be fixed therefor by order or orders of the Minister and different days may be fixed for different amendments effected by this section.

20 **30.**—(1) The name of the Dublin Transport Authority is changed, on the appointed day, and it shall be known, in the English language, as the National Transport Authority or, in the Irish language, An tÚdarás Náisiúnta Iompair. National Transport Authority.

(2) References in the Act of 2008, in this Act or in any other Act to the Dublin Transport Authority or to the Authority shall from the appointed day be construed as references to the National Transport Authority. 25

(3) Notwithstanding the provisions of section 63 of the Act of 2008, the National Transport Authority shall, at any time at the direction of the Minister, submit a report to the Minister setting out recommendations in relation to the expansion of its functions, functional area and remit with a view to giving it a national remit in respect of all of its powers, duties and functions under the Act of 2008 and this Act. 30

(4) The Minister may by order appoint a day to be the appointed day for the purposes of this section.

35 PART 4

DISSOLUTION OF COMMISSION FOR TAXI REGULATION AND TRANSFER OF STAFF AND FUNCTIONS OF COMMISSION

40 **31.**—The Commission for Taxi Regulation is dissolved, at the request of the Authority, on such day as the Minister appoints by order. Dissolution of Commission for Taxi Regulation.

32.—(1) On the dissolution day, all land which, immediately before that day, was vested in the Commission and all rights, powers and privileges relating to or connected with that land shall, without Transfer of land and other property.

any conveyance, transfer or assignment, stand vested in the Authority for all the estate or interest for which it was vested in the Commission but subject to all trusts and equities affecting that land subsisting and capable of being performed.

(2) On the dissolution day, all property other than land (including chose-in-action), which, immediately before that day, was the property of the Commission shall, without any transfer or assignment, stand transferred to the Authority. 5

(3) Every chose-in-action transferred by *subsection (2)* may, on and after the dissolution day, be sued upon, recovered or enforced by the Authority in its own name and it shall not be necessary for the Authority to give notice to the person bound by any such chose-in-action of the transfer effected by this section. 10

(4) All moneys, stocks, shares and securities transferred to the Authority by *subsection (2)* which, immediately before the dissolution day, are in the name of the Commission shall, upon the request of the Authority, be transferred into its name. 15

Transfer of rights and liabilities.

33.—All rights and liabilities held, enjoyed, or incurred by virtue of any contract or commitment (expressed or implied) entered into by the Commission shall, on the dissolution day, subject where necessary to transfer in the books of any bank, corporation or company, stand transferred to the Authority. 20

Preservation of existing contracts.

34.—(1) Every bond, guarantee or other security of a continuing character made or given by the Commission to another person or by any person to the Commission and in force immediately before the dissolution day and every contract or agreement in writing made between the Commission and any other person and not fully executed and completed before the dissolution day, notwithstanding the dissolution of the Commission, continues in force on and after the dissolution day but shall be construed and have effect as if the Authority was substituted therein for the Commission. 25 30

(2) Every other document granted or made by the Commission which is in force immediately before the dissolution day continues in force on and after that day as if it had been granted or made by the Authority and shall be construed and have effect and be enforceable by or against the Authority. 35

Continuance of legal proceedings.

35.—In all legal proceedings to which the Commission was a party and pending immediately before the dissolution day, the name of the Authority shall be substituted in the proceedings for the Commission and the proceedings shall not abate by reason of such substitution. 40

References in legislation to Commission.

36.—References to the Commission contained, immediately before the dissolution day, in any statute or statutory instrument made under statute or in the memorandum or articles of association of any company shall, in so far as they relate to anything transferred by this Act be read on and after that day as references to the Authority. 45

Final accounts.

37.—(1) Final accounts in respect of the Commission shall be drawn up.

(2) Notwithstanding *section 31*, the Taxi Regulation Act 2003 (Part 2) (Establishment Day) Order 2004 (S.I. No. 523 of 2004) continues in force and has effect in relation to accounts drawn up under *subsection (1)*.

5 **38.**—(1) All books and other documents directed or authorised by or under any enactment to be kept by the Commission and which, immediately before the dissolution day, would be receivable in evidence shall, notwithstanding the dissolution of the Commission, be admitted in evidence on or after the dissolution day as if this Part had not been enacted.

Admissibility in evidence of documents.

15 (2) Whenever an extract from or certificate of the contents of any book or other document directed or authorised by or under any enactment to be kept by the Commission would, if verified in a particular manner by a particular officer of that body, have been admissible immediately before the dissolution day as evidence of those contents, an extract from or certificate of the contents of that book or document shall, if verified in such particular manner by an officer of the Authority (whose official position it shall not be necessary to prove) authorised by the Authority in that behalf, be admitted, on or after the dissolution day, as evidence of such contents to the same extent as such first-mentioned extract or certificate would have been so admitted if this Part had not been enacted.

25 (3) A copy of or extract from any document referred to in *subsection (1)* produced by the Authority and certified to be a true copy under the hand of an officer of that Authority (whose official position it shall not be necessary to prove) authorised by the Authority for that purpose shall in all legal proceedings be admissible in evidence as of equal validity with the original document and no process for compelling the production of any such document by the Authority shall issue from any court except with the leave of that court.

35 **39.**—(1) Each person who, immediately before the dissolution day, was serving as a Commissioner for Taxi Regulation following his or her appointment under section 14 of the Act of 2003 and each person appointed under section 18 of the Act of 2003 to be a member of the staff of the Commission is, on that day, transferred to and becomes an employee of the Authority.

Transfer of employees of Commission.

40 (2) Except in accordance with a collective agreement negotiated with a recognised trade union or association of employees, a person transferred under this section is entitled, while in the employment of the Authority, to terms and conditions of employment no less favourable than those to which the person was entitled immediately before the dissolution day.

45 (3) Until the terms and conditions of employment to which a person transferred under this section was entitled immediately before the dissolution day are varied by the Authority after consulting and reaching a collective agreement with the recognised trade union or association of employees concerned, they continue to apply to that person while in the employment of the Authority.

50 (4) The previous service of a person transferred under this section is to be counted as service for the purposes of, but subject to any exceptions or exclusions in, the following Acts:

(a) the Redundancy Payments Acts 1967 to 2007,

- (b) the Protection of Employees (Part-Time Work) Act 2001,
 - (c) the Protection of Employees (Fixed-Term Work) Act 2003,
 - (d) the Organisation of Working Time Act 1997,
 - (e) the Terms of Employment (Information) Acts 1994 and 2001, 5
 - (f) the Minimum Notice and Terms of Employment Acts 1973 to 2005,
 - (g) the Unfair Dismissals Acts 1977 to 2007,
 - (h) the Maternity Protection Acts 1994 and 2004, 10
 - (i) the Parental Leave Acts 1998 and 2006,
 - (j) the Adoptive Leave Acts 1995 and 2005, and
 - (k) the Carer’s Leave Act 2001.
- (5) (a) The provisions of section 21(7) and (8) of the Act of 2008 apply in relation to terms and conditions governing superannuation benefits granted under schemes made under section 21 of the Act of 2008 to persons transferred to the Authority under this section. 15
- (b) The terms and conditions governing superannuation benefits granted to persons appointed under section 18 of the Act of 2003 to be members of the staff of the Commission shall not be less favourable than those to which the persons in question were entitled immediately before the dissolution day arising from a scheme prepared in accordance with section 24 of the Act of 2003, including such a scheme that is being implemented on an administrative basis, immediately before the dissolution day. 20 25

(6) In this section—

“previous service” means service before the dissolution day with the Commission, including previous reckonable service within the Civil and Public Service; 30

“recognised trade union or association of employees” means a trade union or association of employees recognised by the Authority for the purposes of negotiations that are concerned with the terms and conditions of employment and the working conditions of employees; 35

“terms and conditions of employment” includes terms and conditions in respect of tenure of office, remuneration and related matters.

Transfer of
Commissioner for
Taxi Regulation to
Authority.

40.—(1) Subject to *subsections (3) and (4)*, the person who, immediately before the dissolution day, was serving in the post of Commissioner for Taxi Regulation under section 14 of the Act of 2003, is entitled, while in the employment of the Authority, to terms and conditions of employment no less favourable than those to which the person was entitled immediately before the dissolution day. 40

(2) (a) The person referred to in *subsection (1)* and transferred to the Authority under *section 39*, whose term of office 45

5 expires by effluxion of time, shall be eligible for re-
appointment to serve a second term of appointment in
accordance with section 14(6) of the Act of 2003 (subject
to a limit of serving no more than 10 years in total in the
post of Commissioner for Taxi Regulation).

(b) Any future re-appointment arising under *paragraph (a)*
shall be on terms and conditions of employment no less
favourable than those to which the person was entitled
during the first term of appointment.

10 (3) (a) Subject to *paragraph (b)*, the person referred to in *subsec-*
tion (1) and transferred to the Authority shall retain the
title of Commissioner for Taxi Regulation on a personal
basis.

15 (b) The Authority may, in consultation with the Com-
missioner for Taxi Regulation if a person holds that post,
decide to change the title and the functions of the post of
Commissioner for Taxi Regulation either in the immedi-
ate term or at some future date.

(4) Appointments to the post of Commissioner for Taxi Regu-
20 lation or any renamed post arising from *subsection (3)(b)* will be
made by the Authority, and on such terms and conditions, including
remuneration, as the Authority may determine with the consent of
the Minister and the Minister for Finance.

25 (5) Notwithstanding the repeal by *section 42(3)* of sections 14(6),
16 and 17 of the Act of 2003, those sections continue in force and
effect in respect of the person referred to in *subsection (1)* and trans-
ferred to the Authority under *section 39*, subject to references in
those sections to the Commission and the Minister respectively being
replaced by a reference to the Authority.

30 (6) (a) The provisions of section 21(7) and (8) of the Act of 2008
apply in relation to terms and conditions governing
superannuation benefits granted under schemes made
under section 21 of the Act of 2008 to the person referred
to in *subsection (1)*.

35 (b) The terms and conditions governing superannuation
benefits granted to the person referred to in *subsection*
(1) shall not be less favourable than those to which the
person was entitled immediately before the dissolution
40 day arising from a scheme prepared in accordance with
section 23 of the Act of 2003, including such a scheme
that is being implemented on an administrative basis,
immediately before the dissolution day.

45 **41.—(1)** With effect from the dissolution day, the Authority shall
carry out the principal function of the Commission and shall seek to
achieve the objectives of the Commission as set out in section 9 of
the Act of 2003.

Transfer of
functions of
Commission to
Dublin Transport
Authority.

(2) The powers, functions and duties of the Commission set out
in the Act of 2003 are with effect from the dissolution day conferred
on the Authority.

50 (3) (a) Subject to *paragraph (b)* and *section 40(3)*, the exercise of
the Authority's regulatory functions under the Act of
2003 shall be carried out by the person holding the post of

Commissioner for Taxi Regulation or any renamed post arising from the provisions of *section 40(3)*.

- (b) The Authority may designate another member of staff of the Authority to exercise its regulatory functions under the Act of 2003.

5

PART 5

AMENDMENTS TO ACT OF 2003, ACT OF 1993, ACT OF 2000, TRANSPORT (RAILWAY INFRASTRUCTURE) ACT 2001 AND ROADS ACT 2007

Amendments to enactments and repeals.

42.—(1) The Acts specified in *Schedule 1* are amended as indicated in that Schedule. 10

(2) The Act of 2003 is amended, on the dissolution day, as indicated in *Schedule 2*.

(3) Sections 5 to 7, 13 to 21, 23 to 27, 29 and 30 of the Act of 2003 are repealed on the dissolution day. 15

Altered references to Commission and Council in Act of 2003.

43.—The Act of 2003 is, on the dissolution day, amended—

(a) by substituting in sections 9 to 12, 22, 32, 34, 36 to 39, 41, 42, 45 to 52, 54 and 55 “Authority” for “Commission”, and

(b) by substituting in sections 11, 34, 41, 42, 48, 54 and 55 “Advisory Committee” for “Council”. 20

Amendment of Act of 2000.

44.—(1) The Act of 2000 is amended—

(a) in section 24, by inserting after subsection (5A) (inserted by section 90 of the Act of 2008) the following:

“(5B) When a regional authority (other than the regional authorities within the GDA) prepares the draft of the regional planning guidelines it shall include a statement in that draft on the actions being taken or proposed to ensure effective integration of transport and land use planning, including in particular— 25
30

(a) a statement explaining how it proposes to address the matters identified in the report of the DTA prepared in accordance with section 31FF, and

(b) where it does not propose to address, or proposes to only partially address, any matter identified in the report of the DTA prepared in accordance with section 31FF, a statement of the reasons for that course of action.”, 35

(b) in section 25, by inserting after subsection (3A) (inserted by section 91 of the Act of 2008) the following: 40

5 “(3B) When a regional authority (other than the regional authorities within the GDA) makes regional planning guidelines it shall include in the guidelines a statement on the actions being taken or proposed to ensure effective integration of transport and land use planning, including in particular—

10 (a) a statement explaining how it proposes to address the matters identified in the report of the DTA prepared in accordance with section 31GG, and

15 (b) where it does not propose to address, or proposes only to partially address, any matter identified in the report of the DTA prepared in accordance with section 31GG, a statement of the reasons for that course of action.”,

(c) in section 31A (inserted by section 93 of the Act of 2008), by substituting for subsection (2)(a) the following:

20 “(2) (a) Where a submission received by the Minister prepared in accordance with—

25 (i) section 31G(1) contains a statement of the type referred to in section 31G(1)(b), the Minister may, for stated reasons, direct the authorities within the GDA to take such specified measures, as he or she may require, to review the draft regional planning guidelines to ensure consistency between the draft regional planning guidelines and the transport strategy of the DTA. The authorities shall comply with any such direction, or

30 (ii) section 31GG(1) contains a statement of the type referred to in section 31GG(1)(b), the Minister may, for stated reasons, direct the authority to take such specified measures, as he or she may require, to review the draft regional planning guidelines to provide for the effective integration of transport and land use planning in the draft regional planning guidelines and the authority shall comply with any such direction.”,

35 (d) by inserting after section 31F (inserted by section 95 of the Act of 2008), the following:

40 “31FF.—(1) Where a regional authority (other than the regional authorities within the GDA) intends to make regional planning guidelines in accordance with section 24, or to review existing guidelines under section 26, it shall, as soon as may be, consult with the DTA in order to make the necessary arrangements for making the guidelines.

50 (2) The DTA shall assist and co-operate with the regional authority in making arrangements for the preparation of regional planning guidelines and in carrying out the preparation of the guidelines.

(3) In carrying out its functions under subsection (2), the DTA shall prepare and submit to the regional authority, within 6 weeks of the commencement of consultation under subsection (1), a report on the issues which, in its opinion, should be considered by the regional authority in making regional planning guidelines.”, 5

(e) by inserting after section 31G (inserted by section 95 of the Act of 2008) the following:

“31GG.—(1) Where a notice is received by the DTA under section 24(4) from a regional authority (other than the regional authorities within the GDA) the DTA shall, as part of any written submission on the draft regional planning guidelines, state whether, in its view, the matters raised by it in its report under section 31FF are— 10

(a) satisfactorily addressed in the draft regional planning guidelines, or 15

(b) not satisfactorily addressed in the draft regional planning guidelines.

(2) Where in the context of subsection (1)(b) the DTA makes a submission, it shall indicate what amendments to the draft regional planning guidelines it considers should be made to ensure effective integration of transport and land use planning. 20

(3) The DTA shall send copies of a submission prepared under this section to the Minister and Minister for Transport.”. 25

(2) This section comes into operation on such day or days as may be fixed therefor by order or orders of the Minister and different days may be fixed for different amendments effected by this section.

PART 6 30

MISCELLANEOUS

Competent authority of Article 6 of Directive 2001/14/EC.

45.—The Minister is the competent authority for the purpose of Article 6 of Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001¹ on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification. 35

Measures to enhance public bus services — traffic calming measures.

46.—(1) Section 38 of the Act of 1994 is amended by substituting for subsection (9) the following:

“(9) In this section—

“bus” means a mechanically propelled vehicle designed for travel by road having seating accommodation for more than 9 persons (including the driver); 40

“provide” includes erect or place, maintain and (in the case of an instrument for giving signals by mechanical means) operate;

¹OJ No. L75, 15.03.2001, p.29

“public bus service” means the use of a bus or buses travelling wholly or mainly on public roads for the carriage of passengers in such a manner that—

- 5 (a) the service is provided on a regular and scheduled basis,
- (b) each journey is open to use by members of the public,
- (c) carriage is provided for passengers between specified terminal points or along a specified route or otherwise in accordance with a published timetable, and
- 10 (d) a charge or charges are paid in respect of each passenger;

“traffic calming measures” means measures which—

- 15 (a) enhance the provision of public bus services, including measures which restrict or control access to all or part of a public road by mechanically propelled vehicles (whether generally or of a particular class) for the purpose of enhancing public bus services, or
- 20 (b) restrict or control the speed or movement of, or which prevent, restrict or control access to a public road or roads by, mechanically propelled vehicles (whether generally or of a particular class) and measures which facilitate the safe use of public roads by different classes of traffic (including pedestrians and cyclists),

25 and includes for the purposes of the above the provision of traffic signs, road markings, bollards, posts, poles, chicanes, rumble areas, raised, lowered or modified road surfaces, ramps, speed cushions, speed tables or other similar works or devices, islands or central reservations, roundabouts, modified junctions,
30 works to reduce or modify the width of the roadway and landscaping, planting or other similar works.”.

(2) Section 179(6) of the Act of 2000 is amended by inserting after paragraph (b) the following:

- 35 “(bb) consists of works, other than works involving road widening, to enhance public bus services or improve facilities for cyclists provided under section 95 (as amended by section 37 of the Road Traffic Act 1994) of the Road Traffic Act 1961 or under section 38 of the Road Traffic Act 1994.”.

40 (3) Where the Authority considers it more convenient, more expeditious, more effective or more economic that the functions of a road authority to provide traffic signs under section 95 (as amended by section 37 of the Act of 1994) of the Act of 1961 or to provide traffic calming measures under section 38 of the Act of 1994 should
45 be performed by it to enhance public bus services or improve facilities for cyclists, it shall following consultation with the relevant road authority decide to provide traffic signs or traffic calming measures.

(4) Where the Authority decides to perform functions under *subsection (3)* it has the powers of a road authority to provide traffic
50 signs under section 95 (as amended by section 37 of the Act of 1994)

of the Act of 1961 or to provide traffic calming measures under section 38 of the Act of 1994.

(5) Before carrying out works arising from a decision under *subsection (3)* the Authority shall consult with and consider the views of the relevant road authority. 5

(6) The Minister may prescribe a class of case in which a decision by the Authority under *subsection (3)* does not have effect unless and until it is approved by him or her.

(7) A road authority shall not restrict or inhibit the operation of traffic calming measures provided by the Authority under *subsection (3)* without the prior consent of the Authority. 10

(8) In this section—

“Act of 1961” means Road Traffic Act 1961;

“Act of 1994” means Road Traffic Act 1994;

“road authority” has the meaning assigned to it by the Act of 1993; 15

“public bus service” and “traffic calming measures” have the meanings assigned to them, respectively, under section 38(9) of the Act of 1994.

(9) This section comes into operation on such day or days as may be fixed therefor by order or orders of the Minister and different days may be fixed or different amendments effected by this section or for different provisions. 20

SCHEDULE 1

Section 42(1).

AMENDMENT OF CERTAIN ACTS

PART 1

AMENDMENT OF ACT OF 2003

| 5 | Item (1) | Provision amended (2) | Nature of Amendment (3) |
|----|-------------|---|--|
| 10 | 1. | Section 34 | <p>The substitution for subsection (8) of the following:</p> <p style="padding-left: 40px;">“(8) The Commission, in making regulations under this section, may set different requirements and conditions—</p> <p style="padding-left: 80px;">(a) in relation to the licensing and operation of different categories of small public service vehicles and their drivers,</p> <p style="padding-left: 80px;">(b) for different circumstances, and</p> <p style="padding-left: 80px;">(c) for different areas.”.</p> |
| 15 | 2. | Section 36 (as amended by section 21 of the Road Traffic Act 2006) | <p>The insertion after subsection (6) of the following:</p> <p style="padding-left: 40px;">“(7) A reference to an offence mentioned in subsection (1) or (5) includes a reference to a corresponding offence under the law of a country or territory outside the State for which an applicant for or the holder of a licence has been convicted in the other jurisdiction.”.</p> |
| 20 | 3. | Section 38(3) | <p>The insertion after paragraph (b) of the following:</p> <p style="padding-left: 40px;">“(bb) in the case of dispatch operators, wheelchair accessible taxi licences and such other categories of small public service vehicle licence to be decided by the Commission, the contact information of the holder for the purpose of making and receiving bookings, together with details in relation to the holder’s area and hours of operation.”.</p> |
| 25 | 4. | Section 43 | <p>Substitute the following section:</p> <p style="padding-left: 40px;">“43.—(1) A person shall not drive or use a mechanically propelled vehicle capable of being licensed as, or licensed as, a small public service vehicle in a public place (within the meaning of the Act of 1961) for the carriage of persons for reward unless the person holds a licence to drive a small public service vehicle.</p> <p style="padding-left: 40px;">(2) A person shall not drive or use a mechanically propelled vehicle capable of being licensed as a small public service vehicle in a public place (within the meaning of the Act of 1961) for the carriage of persons for reward unless there is a small public service vehicle licence in force in respect of the vehicle.</p> <p style="padding-left: 40px;">(3) Subsections (1) and (2) apply equally to a person who is renting or leasing a mechanically propelled vehicle capable of being licensed as, or licensed as a small public service vehicle, and who is using that vehicle in a public place for the carriage of persons for reward.</p> <p style="padding-left: 40px;">(4) The holder of a small public service vehicle licence shall not rent or lease his or her small public service vehicle to another person for the purpose of the carriage of persons for reward or otherwise agree to allow that other person to</p> |
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| Item (1) | Provision amended (2) | Nature of Amendment (3) | |
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| | | drive or use his or her small public service vehicle for that purpose unless he or she is satisfied that there continues to be a small public service vehicle licence in force in respect of the vehicle concerned for the duration of the term of the lease or agreement. | 5 |
| | | (5) A person who contravenes subsection (1), (2), (3) or (4) commits an offence. | |
| | | (6) Where an authorised person has reasonable cause to suspect that an offence is being or has been committed under this Act or under regulations made under this Act or under section 82 of the Act of 1961, an authorised person, in the presence of a member of the Garda Síochána in uniform, may seize and detain any small public service vehicle or mechanically propelled vehicle purporting to be a small public service vehicle, or internal or external vehicle signage or identification for so long as is necessary. | 10 15 20 |
| | | (7) In this section— “small public service vehicle licence” means a licence, in respect of a small public service vehicle, granted under regulations made under section 34 or section 82 of the Act of 1961; | 25 |
| | | “use” includes the stopping, parking of a mechanically propelled vehicle or the vehicle standing for hire at an appointed stand.”. | |

PART 2

AMENDMENT OF ACT OF 1993

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| Item (1) | Provision amended (2) | Nature of Amendment (3) | |
|-------------|--|--|----------------|
| 1. | Section 22(2) | The deletion of “(including the preparation of a draft plan under section 18)”. | 35 |
| 2. | Section 61 (as amended by section 274 of the Act of 2000) | The insertion after subsection (9) of the following: “(10) A person who contravenes a bye-law made under this section commits an offence.”. | 40 |
| 3. | Section 64(3) (inserted by section 4 of the Roads Act 2007) | Substitute the following paragraph for paragraph (a): “(a) the vehicle is registered in the State (other than in the circumstances referred to in paragraph (c))— (i) the registered owner of the vehicle, and (ii) the person, whom the road undertaking concerned can reasonably ascertain, keeps or has possession or charge (including arising from a leasing arrangement) of the vehicle in the State.”. | 45 50 55 |
| 4. | Section 77 | The repeal of that section. | |
| 5. | Section 81(1) (inserted by section 11 of the Roads Act 2007) | In paragraph (c), the insertion of “61(10)”, after “45(3)”. | 60 |

PART 3

AMENDMENT OF TRANSPORT (RAILWAY INFRASTRUCTURE) ACT 2001

| Item (1) | Provision amended (2) | Nature of Amendment (3) |
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| 5 | 1. | Section 25 The substitution for subsection (7) of the following: “(7) Each scheme made under this section shall make provision for appeals.”. |
| 10 15 | 2. | Section 44 (inserted by section 49 of the Act of 2006) In subsection (2), the insertion after paragraph (i) of the following: “(j) designate the railway to which the order relates as a light railway or as a metro.”. The deletion of subsection (4). |
| 20 25 | 3. | Section 45(1) (inserted by section 49 of the Act of 2006) The insertion after paragraph (c) of the following: “(d) the form of any vesting order as may be prescribed pursuant to section 82(1) of the Housing Act 1966, shall be the prescribed form of a vesting order to be used by the Agency or CIÉ.”. |

PART 4

AMENDMENT OF ROADS ACT 2007

| Item (1) | Provision amended (2) | Nature of Amendment (3) |
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| 30 | 1. | Section 9(1) The substitution in paragraph (e)(ii) of “subsection (3)(a)(vii)” for “subsection (3)(a)(vi)”. |
| 35 | 2. | Section 13(d) The substitution of “42(11)” for “41(11)”. |
| | 3. | Schedule The substitution in column 2, opposite the mention in column 1 of Section 47, of “substitution” for “insertion”. |

SCHEDULE 2
AMENDMENT OF ACT OF 2003

| Item (1) | Provision amended (2) | Nature of Amendment (3) | 5 |
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| 1. | Section 2(1) | <p>The insertion after the definition of “Act of 2002” of the following:</p> <p style="padding-left: 40px;">“ ‘Advisory Committee’ means the Advisory Committee on Small Public Service Vehicles;”.</p> <p>The insertion after the definition of “authorised person” of the following:</p> <p style="padding-left: 40px;">“ ‘Authority’ means Dublin Transport Authority, until the day appointed as the appointed day for the purposes of <i>section 30</i> of the <i>Public Transport Regulation Act 2009</i> and from that day National Transport Authority;”.</p> <p>The deletion of the definition of “Council”.</p> <p>The insertion after the definition of “Commissioner” of the following:</p> <p style="padding-left: 40px;">“ ‘dissolution day for the Commission’ means the day appointed by the Minister under <i>section 31</i> of the <i>Public Transport Regulation Act 2009</i> for the dissolution of the Commission for Taxi Regulation;”.</p> | <p>10</p> <p>15</p> <p>20</p> |
| 2. | Section 8 | <p>Substitute the following section:</p> <p style="padding-left: 40px;">“8.—Subject to this Act, the Authority shall be independent in the exercise of its functions in relation to the development and maintenance of a regulatory framework for the control and operation of small public service vehicles and their drivers.”.</p> | <p>25</p> <p>30</p> |
| 3. | Section 22 | <p>Substitute the following section:</p> <p style="padding-left: 40px;">“22.—(1) Where a member of the staff of the Authority, or a consultant, adviser or other person engaged by the Authority, has a pecuniary interest or other beneficial interest in, or material to, any matter which falls to be considered by the Authority in relation to its functions under this Act, he or she—</p> <p style="padding-left: 80px;">(a) shall disclose to the Authority the nature of his or her interest in advance of any consideration of the matter,</p> <p style="padding-left: 80px;">(b) shall neither influence nor seek to influence a decision in relation to the matter,</p> <p style="padding-left: 80px;">(c) shall take no part in any consideration of the matter, unless there are compelling reasons requiring him or her to do so, and</p> <p style="padding-left: 80px;">(d) shall prepare and furnish to the Authority a statement in writing of the compelling reasons.</p> <p style="padding-left: 40px;">(2) For the purposes of this section but without prejudice to the generality of subsection (1), a person shall be regarded as having a beneficial interest if he or she or any member of his or her household—</p> | <p>35</p> <p>40</p> <p>45</p> <p>50</p> <p>55</p> |

| Item (1) | Provision amended (2) | Nature of Amendment (3) |
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| 5 10 15 20 25 30 35 40 | | <p>(a) holds a licence,</p> <p>(b) or any nominee of his or her is a member of a company or any other body which has a beneficial interest in, or material to, a matter referred to in that subsection,</p> <p>(c) is in partnership with or is in the employment of a person who has a beneficial interest in, or material to, such a matter, or</p> <p>(d) is a party to any arrangement or agreement (whether or not enforceable) concerning land to which such a matter relates.</p> <p>(3) For the purposes of this section, a person shall not be regarded as having a beneficial interest in, or material to, any matter, by reason only of an interest of his or hers or of any company or of any other body or person mentioned in subsection (2) which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a person in considering, discussing or in voting on, any question with respect to the matter, or in performing any function in relation to that matter.</p> <p>(4) Where a question arises as to whether or not a course of conduct, if pursued by a person, would be a failure by him or her to comply with the requirements of subsection (1), the question shall be determined by the Authority.</p> <p>(5) Where a disclosure is made to the Authority, particulars of the disclosure shall be recorded in the minutes of any meeting concerned.</p> <p>(6) Where a person referred to in this section fails to make a disclosure in accordance with this section, the Authority shall decide the appropriate action (including removal from office or termination of contract) to be taken.”.</p> |
| 45 50 55 | 4. Section 28 | <p>Substitute the following section:</p> <p>“28.—(1) The Authority shall draw up and adopt a strategy plan reflecting its statutory functions under this Act.</p> <p>(2) The Authority’s first strategy plan shall have regard to any existing strategy statement adopted by the Commission for Taxi Regulation under this Act or any work done on a new strategy statement before the dissolution day for the Commission.</p> <p>(3) A strategy plan under this section shall—</p> <p>(a) be adopted within two years of the establishment of the Authority and every 5 years thereafter,</p> <p>(b) take into account the principal function and objectives set out in section 9 and any Ministerial direction, and</p> <p>(c) comprise the key objectives, outputs and related strategies, including use of</p> |

| Item (1) | Provision amended (2) | Nature of Amendment (3) | |
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| | | <p>resources, of the Authority in relation to small public service vehicles and their drivers.</p> <p>(4) The Authority shall present a copy of a strategy plan to the Minister and to such committees of either or both Houses of the Oireachtas as the Minister may, from time to time, direct.</p> <p>(5) Prior to the adoption of a strategy plan and its presentation to the Minister, the Authority shall undertake a public consultation process on a draft of the strategy plan.</p> <p>(6) The Authority shall publish a strategy plan drawn up and adopted under this section.”.</p> | 5 10 |
| 5. | Section 31 | <p>Substitute the following section:</p> <p>“31.—Subject to section 38 of the Dublin Transport Authority Act 2008, the Authority may publish any reports or codes of practice on matters related to its functions under this Act.”.</p> | 15 |
| 6. | Section 50(2) | <p>Substitute the following paragraph for paragraph (a):</p> <p>“(a) meeting the expenses properly incurred by the Authority in the discharge of its functions under this Act, the Dublin Transport Authority Act 2008 and the <i>Public Transport Regulation Act 2009</i>, and”.</p> | 20 25 |
| 7. | Section 54(1) | <p>Substitute the following subsection:</p> <p>“54.—(1) The name of the Advisory Council to the Commission for Taxi Regulation (An Chomhairle don Choimisiún um Rialáil Tacsaithe) is changed to, in the English language, the Advisory Committee on Small Public Service Vehicles or, in the Irish language, An Coiste Comhairleach um Beagfheithiclí Seirbhíse Poiblí, and in this Act is referred to as the “Advisory Committee”. The Advisory Committee continues in being to perform the functions assigned to it under this Part.”.</p> | 30 35 |
| 8. | Section 55 | <p>In subsection (2), substitute the following paragraphs for paragraph (a)(iii) and (iv):</p> <p>“(iii) the preparation and review of the strategy plan provided for in section 28,</p> <p>(iv) the draft transport strategy and draft integrated implementation plan under sections 12 and 13 of the Dublin Transport Authority Act 2008 in relation to issues relevant to small public service vehicles and their drivers, and</p> <p>(v) any other matters related to the functions of the Authority or which the Authority submits to the Advisory Committee for advice, other than matters related to decisions of the Authority in individual cases,”.</p> <p>In subsection (7), substitute “section 38 of the Dublin Transport Authority Act 2008” for “section 21”.</p> | 40 45 50 55 |