



SEANAD ÉIREANN

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

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

AN BILLE UM RIALÁIL IOMPAIR PHOIBLÍ 2009 —AN COISTE

PUBLIC TRANSPORT REGULATION BILL 2009 —COMMITTEE STAGE

*Leasuithe
Amendments*

**Government amendments are denoted by an asterisk*

SECTION 2

* 1. In page 6, between lines 44 and 45, to insert the following:

“ “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;”.

SECTION 6

2. In page 7, subsection (1), line 25, to delete “licence” and substitute “contract”.
—*Senators Paschal Donohoe, Ciaran Cannon.*

SECTION 10

3. In page 8, subsection (1), between lines 28 and 29, to insert the following:

“(a) shall have regard to the desirability of ensuring that operators of public bus services are not treated less favourably than operators of private bus services;”.

—*Senators Brendan Ryan, Alex White, Michael McCarthy, Phil Prendergast, Ivana Bacik, Dominic Hannigan.*

4. In page 8, subsection (1)(b), line 37, to delete “any or all of” and substitute the following:

“subparagraph (iii) of, and such other subparagraphs as are appropriate of;”.

—*Senators Brendan Ryan, Alex White, Michael McCarthy, Phil Prendergast, Ivana Bacik, Dominic Hannigan.*

5. In page 8, subsection (1)(b), between lines 37 and 38, to insert the following:

“(i) the protection of the integrity of the national urban and local bus network;”.

—*Senators Brendan Ryan, Alex White, Michael McCarthy, Phil Prendergast, Ivana Bacik, Dominic Hannigan.*

6. In page 8, subsection (1)(b)(i), line 39, to delete “competitive” and substitute “regulated and sustainably competitive”.

—*Senators Brendan Ryan, Alex White, Michael McCarthy, Phil Prendergast, Ivana Bacik, Dominic Hannigan.*

[SECTION 10]

7. In page 9, between lines 20 and 21, to insert the following subsections:

“(3) The Authority shall invite and consider submissions from any local authority whose functional area includes a place to which the application relates.

(4) The making of a submission under *subsection (3)* shall be a reserved function.”

—*Senators Brendan Ryan, Alex White, Michael McCarthy, Phil Prendergast, Ivana Bacik, Dominic Hannigan.*

8. In page 9, subsection (3), between lines 23 and 24, to insert the following:

“(a) he or she complies strictly with the best labour, health and safety standards,”

—*Senators Brendan Ryan, Alex White, Michael McCarthy, Phil Prendergast, Ivana Bacik, Dominic Hannigan.*

SECTION 13

9. In page 11, subsection (2), between lines 11 and 12, to insert the following:

“(j) the fare system to be used.”

—*Senators Paschal Donohoe, Ciaran Cannon.*

10. In page 11, subsection (3), line 12, to delete “may” and substitute “shall”.

—*Senators Paschal Donohoe, Ciaran Cannon.*

11. In page 11, subsection (4), line 16, to delete “may” and substitute “shall”.

—*Senators Paschal Donohoe, Ciaran Cannon.*

SECTION 19

* 12. In page 14, between lines 3 and 4, to insert the following subsection:

“(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.”

SECTION 24

13. In page 17, subsection (3), lines 4 and 5, to delete “or by a member of the Garda Síochána”.

—*Senators Brendan Ryan, Alex White, Michael McCarthy, Phil Prendergast, Ivana Bacik, Dominic Hannigan.*

SECTION 27

* 14. In page 18, before section 27, to insert the following new section:

[SECTION 27]

“Transitional provision — application for licence under Act of 1932.

27.—(1) Notwithstanding the repeal of the Act of 1932 under *section 27(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*.”.

* 15. In page 18, paragraph (b), line 16, to delete “69” and substitute “73”.

SECTION 28

* 16. In page 19, subsection (1)(d), line 29, to delete “11” and substitute “11(1)”.

17. In page 19, subsection (1), between lines 37 and 38, to insert the following:

“(e) by the substituting for section 12 the following:

“12.—(1) (a) The Authority shall make a national strategic transport plan (‘transport strategy’) in accordance with this section.

(b) The Authority’s first transport strategy shall incorporate the work done on a new transport strategy by the DTO (until such time as it is dissolved under section 102).

(2) The Authority shall endeavour to ensure that the first national transport strategy shall be published not later than one year following a review of the regional planning guidelines.

(3) The objective of the national transport strategy shall be to provide a long-term strategic planning framework for the integrated development of transport infrastructure and services across the country.

(4) A national transport strategy shall consider the future development of the national transport system for a period of not less than 12 years and not more than 20 years.

(5) When preparing a national transport strategy the Authority shall have regard to—

(a) the National Spatial Strategy,

(b) the regional planning guidelines,

(c) the development plans in force by local authorities,

(d) Transport 21 or any subsequent capital investment framework for transport published by the Minister or Government,

(e) the Department of Transport’s sectoral plan under the Disability Act 2005 or any subsequent sectoral plan under that Act,

(f) national demographic, economic, social, travel and transport trends,

[SECTION 28]

- (g) existing, planned and projected land use developments,
- (h) trends and requirements of persons travelling on inter-urban routes and the demand for such travel,
- (i) any proposals received from public transport authorities and operators, and
- (j) such other matters as may be prescribed by the Minister or as the Authority considers appropriate.

(6) The Authority shall ensure that the national transport strategy is consistent with relevant regional planning.

(7) A national transport strategy shall be prepared in such form and manner as may be directed by the Minister.

(8) The Authority shall—

(a) in the course of preparing a national transport strategy, and

(b) after publishing a preliminary draft of the strategy,

consult with and consider the views of the Minister for the Environment, Heritage and Local Government, the regional authorities, the NRA, local authorities, the Garda Síochána, local communities, transport users, public transport operators, port and airport authorities or companies and other interested parties and shall invite and consider written public submissions.

(9) The Authority shall, after completing the consultation required under *subsection (8)*, submit a draft of its national transport strategy to the Minister for his or her approval.

(10) When submitting a draft of its national transport strategy to the Minister under *subsection (9)*, the Authority shall send a copy of that draft to the regional authorities and those regional authorities shall, within 4 weeks of their receipt of the draft, issue a notice to the Authority, the Minister and the Minister for the Environment, Heritage and Local Government stating whether, in their view, the draft strategy is

(a) consistent with the regional planning guidelines, or

(b) not consistent with the regional planning guidelines and in such case what amendments to the draft strategy they consider necessary to achieve such consistency.

(11) (a) When submitting a draft of its national transport strategy to the Minister under *subsection (9)*, the Authority shall send a copy of that draft to the Joint Oireachtas Committee.

(b) Whenever so requested, the chairperson and the chief executive shall appear before the Joint Oireachtas Committee to discuss the draft national strategy.

(c) The Joint Oireachtas Committee may, within 4 weeks of its receipt of the draft national transport strategy, submit a report to the Minister containing recommendations on it.

[SECTION 28]

(d) 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.

(12) Where a notice received by the Minister from the regional authorities under *subsection (10)* contains a statement of the type referred to in *subsection (10)(b)* the Minister may, after consulting with the Minister for the Environment, Heritage and Local Government, take any of the actions specified in *subsection (13)* and where he or she does not accept, or does not fully accept, the advice of the regional authorities given under *subsection (10)*, he or she shall inform the regional authorities in writing of the reasons for such decision.

(13) Following the expiry of the period of 4 weeks referred to in *subsection (10)*, the Minister may, having considered any notice or report received under *subsections (10)* or *(11)*, in relation to a draft national transport strategy submitted to him or her—

- (a) approve the draft,
- (b) approve it with modifications,
- (c) instruct that it be resubmitted to him or her in a modified form for approval, or
- (d) refuse to approve it.

(14) The Minister shall, as soon as practicable after he or she has approved (with or without modifications) a national transport strategy under *subsection (13)*, cause a copy of it to be laid before each House of the Oireachtas.

(15) As soon as practicable after the Minister has notified the Authority that he or she has approved a national transport strategy, the Authority shall publish it and take all reasonably practical steps to implement it.

(16) Where the Authority has made a national transport strategy, it shall not later than 6 years after the making of the strategy and not less than once in every period of 6 years thereafter, review such strategy and when so reviewing, it may revoke the strategy and make a new strategy.

(17) Where the Authority makes a new national transport strategy, it must do so in accordance with this section and the new strategy supersedes any previous strategy.””.

—*Senators Paschal Donohoe, Ciaran Cannon.*

* 18. In page 20, line 2, after “contract” to insert the following:

“, other than a direct award contract to which section 52(3) refers,”.

19. In page 20, subsection (1), lines 10 to 13, to delete paragraph (g) and substitute the following:

“(g) by the repeal of section 52.”.

—*Senators Paschal Donohoe, Ciaran Cannon.*

[SECTION 29]

SECTION 29

20. In page 20, lines 36 to 42, to delete subsection (3) and substitute the following:

“(3) Notwithstanding the Act of 2008, the National Transport Authority may exercise its functions throughout the State, and the Act of 2008 shall apply both within and outside Dublin with any necessary modifications.”

—*Senators Brendan Ryan, Alex White, Michael McCarthy, Phil Prendergast, Ivana Bacik, Dominic Hannigan.*

SECTION 38

* **21.** In page 23, subsection (6), line 40, after “Commission” to insert the following:

“, including previous reckonable service within the Civil and Public Service”.

SECTION 43

22. In page 26, lines 8 and 9, to delete all words from and including “(other” in line 8 down to and including “GDA)” in line 9.

—*Senators Paschal Donohoe, Ciaran Cannon.*

23. In page 26, line 10, after “guidelines” where it firstly occurs to insert the following:

“or county or city development plans and local area plans,”.

—*Senators Paschal Donohoe, Ciaran Cannon.*

24. In page 26, line 36, to delete “DTA” and substitute “NTA”.

—*Senators Paschal Donohoe, Ciaran Cannon.*

25. In page 26, to delete lines 37 to 48 and substitute “any such direction.”.

—*Senators Paschal Donohoe, Ciaran Cannon.*

SCHEDULE 1

* **26.** In page 31, between lines 44 and 45, to insert the following:

“

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.”.
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[*Note: a printer error has resulted in incorrect line references in page 31 of the Bill. The line references in this amendment relate to the actual number of lines of text contained in page 31 of the Bill.*]

[SCHEDULE 2]

SCHEDULE 2

27. In page 33, line 31, after "drivers", to insert the following:

“and may, if the level of consumer demand so justifies it, make regulations limiting entry to the taxi market by reference to a particular number of new licences to be granted in any particular year, if it is satisfied that such a limit would not have any material adverse impact on the service to consumers”.

—Senators Brendan Ryan, Alex White, Michael McCarthy, Phil Prendergast, Ivana Bacik, Dominic Hannigan.

* 28. In page 35, item 8, column (3), line 48, to delete “(a)(iii)” and substitute “(a)(iii) and (iv)”.

[Note: a printer error has resulted in incorrect line references in page 35 of the Bill. The line references in this amendment relate to the actual number of lines of text contained in page 35 of the Bill.]

* 29. In page 35, item 8, column (3), line 56, to delete “, and”.” and substitute the following:

“, and

(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,”.”.

[Note: a printer error has resulted in incorrect line references in page 35 of the Bill. The line references in this amendment relate to the actual number of lines of text contained in page 35 of the Bill.]