



DÁIL ÉIREANN

AN BILLE UM THRÁCHT AR BHÓITHRE 2009 ROAD TRAFFIC BILL 2009

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM THRÁCHT AR BHÓITHRE 2009 —ROGHCHOISTE

ROAD TRAFFIC BILL 2009 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 1

1. In page 7, subsection (2), line 15, after “provisions” to insert the following:

“provided that this Act shall be brought fully into operation not later than the day that is 12 months from the date of its passing”.

—Thomas P. Broughan.

SECTION 3

2. In page 8, subsection (1), lines 23 and 24, to delete all words from and including “includes” in line 23 down to and including “alcohol” in line 24 and substitute the following:

“means any substance or combination of substances which affects the central nervous system, leading to changes in perception or behaviour. This includes alcohol and other drugs and any combination of drugs, whether including alcohol or not”.

—Thomas P. Broughan.

3. In page 8, subsection (1), between lines 26 and 27, to insert the following:

“ “pedal cycle” means all human-propelled, pedal-driven vehicles including pedestrian rickshaws and electric assisted bicycles which can only be activated when the rider is pedalling and which is speed limited to 25km/h;”.

—Thomas P. Broughan.

4. In page 8, subsection (1), to delete lines 27 to 30 and substitute the following:

“ “specified person” means a person who at the time of an alleged offence under section 4 or 5—”.

—An tAire Iompair.

5. In page 8, subsection (1)(d), line 40, after “Act” where it secondly occurs to insert “or a person purporting to be such a holder”.

—An tAire Iompair.

6. In page 8, subsection (1)(d), lines 41 and 42, to delete all words from “vehicle” in line 41, down to and including “hire” in line 42 and substitute the following:

“vehicle, when the vehicle is being used in the course of business”.

—An tAire Iompair.

[SECTION 4]

SECTION 4

7. In page 9, subsection (1), line 16, to delete “in a public place”.
—Thomas P. Broughan.
8. In page 9, subsection (2), line 20, to delete “in a public place”.
—Thomas P. Broughan.
9. In page 9, subsection (3), line 28, to delete “in a public place”.
—Thomas P. Broughan.
10. In page 9, subsection (4), line 36, to delete “in a public place”.
—Thomas P. Broughan.
11. In page 9, subsection (5), line 46, to delete “6 months” and substitute “12 months”.
—Thomas P. Broughan.

SECTION 5

12. In page 10, subsection (5), line 44, to delete “6 months” and substitute “12 months”.
—Thomas P. Broughan.

SECTION 6

13. In page 11, subsection (2), to delete lines 22 to 33 and substitute the following:

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

—Fergus O'Dowd, Shane McEntee.

14. In page 11, subsection (2)(b), line 33, to delete “€2,000” and substitute “€5,000”.

—Thomas P. Broughan.

SECTION 7

15. In page 11, before section 7, but in Chapter 2, to insert the following new section:

“Power of entry.

7.—A member of the Garda Síochána for the purpose of—

(a) making a requirement of a person under *section 8(1)* or *9(4)*, or

(b) arresting a person under *section 4(8)*, *5(10)* or *6(4)*,

may enter without warrant (if need be by use of reasonable force) any place (including the curtilage of a dwelling but not the dwelling) where the person is or where the member, with reasonable force, suspects him or her to be.”

—An tAire Iompair.

16. In page 12, subsection (1), line 11, to delete “a concentration” and substitute “the presence”.

—An tAire Iompair.

[SECTION 8]

SECTION 8

17. In page 13, subsection (1)(a), line 6, to delete “is of opinion” and substitute “suspects”.

—Thomas P. Broughan.

18. In page 13, subsection (1)(a), lines 6 and 7, to delete “in a public place”.

—Thomas P. Broughan.

19. In page 13, subsection (1)(a)(i), line 8, after “liquor,” to insert “or”.

—Thomas P. Broughan.

20. In page 13, subsection (1)(a), line 13, to delete “may” and substitute “shall”.

—Thomas P. Broughan.

21. In page 13, subsection (1)(b), line 15, to delete “attends at the scene of” and substitute the following:

“is of opinion that a person has been in charge of a vehicle that has been involved in”.

—Thomas P. Broughan.

22. In page 13, subsection (1)(b), lines 16 to 20, to delete all words from and including “in” in line 16 down to and including “assistance” in line 20.

—Fergus O'Dowd, Shane McEntee.

23. In page 13, subsection (1)(iii), line 35, to delete “may” and substitute “shall”.

—Thomas P. Broughan.

24. In page 13, lines 38 to 41, to delete subsection (2) and substitute the following:

“(2) A member of the Garda Síochána shall not make a requirement of a person under *subsection (1)(b)* where, in the opinion of the member or on the advice of a doctor or other medical personnel attending the scene of the event, such requirement would be prejudicial to the health of the person as a consequence of the person’s involvement in the event.”.

—An tAire Iompair.

25. In page 13, lines 38 to 41, to delete subsection (2) and substitute the following:

“(2) A member of An Garda Síochána shall make a requirement of a person under *subsection (1)(b)* unless the injuries sustained by a driver are of such a nature and extent that a preliminary breath test cannot be provided and if any medical staff are present at the scene, such staff have provided guidance to this effect.”.

—Thomas P. Broughan.

26. In page 13, subsection (2), line 40, after “incapable” to insert the following:

“by reason of being unconscious or otherwise seriously injured”.

—Fergus O'Dowd, Shane McEntee.

SECTION 9

27. In page 15, subsection (9), line 27, to delete “, shall” and substitute “shall”.

—An tAire Iompair.

[SECTION 10]

SECTION 10

28. In page 15, subsection (1), line 32, after “opinion” to insert “or suspicion”.

—Thomas P. Broughan.

29. In page 15, subsection (1), line 35, after “opinion” to insert “or suspicion”.

—Thomas P. Broughan.

30. In page 15, subsection (1), lines 39 and 40, to delete “, as to allow the member to form the opinion”.

—An tAire Iompair.

31. In page 15, subsection (1), line 40, to delete “form the opinion” and substitute the following:

“determine if a person is driving under the influence of an intoxicant”.

—Thomas P. Broughan.

32. In page 15, subsection (3), lines 47 and 48, to delete “and *section 11(1)(c)*”.

—An tAire Iompair.

33. In page 15, between lines 48 and 49, to insert the following subsection:

“(4) Where the outcome of testing under this section indicates that the person is incapable of having proper control of a vehicle, that outcome shall be evidence in a prosecution under *section 4(1)*.”

—Thomas P. Broughan.

34. In page 16, between lines 7 and 8, to insert the following subsection:

“(7) As soon as practicable after the passing of this Act the Minister shall make regulations applying *section 9* to random testing of saliva to ascertain whether persons in charge of mechanically propelled vehicles are under the influence of illegal drugs.”.

—Thomas P. Broughan.

SECTION 11

35. In page 16, lines 11 to 42, to delete subsection (1) and substitute the following:

“11.—(1) Where a person is arrested under *section 4(8), 5(10), 6(4), 8(4), 9(7)* or *10(5)* of this Act or *section 52(3), 53(5), 106(3A)* or *112(6)* of the Principal Act, a member of the Garda Síochána may, at a Garda Síochána station, do any or all of the following—

(a) require the person to provide, by exhaling into an apparatus for determining the concentration of alcohol in the breath, 2 specimens of his or her breath and may indicate the manner in which he or she is to comply with the requirement,

(b) require the person, subject to *subsection (2)*, at the option of the person, either—

(i) to permit a designated doctor or designated nurse to take from the person a specimen of his or her blood, or

[SECTION 11]

- (ii) to provide for the designated doctor or designated nurse a specimen of his or her urine.

(2) Where a person makes an option under *subsection (1)(b)* in relation to a requirement made of him or her under that subparagraph and if—

- (a) a designated doctor or designated nurse states in writing that he or she is unwilling, on medical grounds, as the case may be, to take from, or be provided by, the person with the specimen to which the requirement, in respect of which the option was made, related, or
- (b) the person, in the opinion stated in writing of a designated doctor or designated nurse, is unable or unlikely within the period of time referred to in *section 4* or *5* to comply with the requirement,

then a member of the Garda Síochána who made the requirement may make a requirement of the person under that subparagraph in relation to the specimen other than that to which the option made by the person in respect of the first-mentioned requirement related.”.

—An tAire Iompair.

- 36.** In page 16, subsection (1)(b)(ii), line 24, to delete “at the option of the person,”.

—Thomas P. Broughan.

- 37.** In page 17, lines 6 to 8, to delete subsection (4).

—An tAire Iompair.

- 38.** In page 17, lines 19 to 25, to delete subsection (8).

—An tAire Iompair.

SECTION 13

- 39.** In page 18, lines 9 to 29, to delete subsection (1) and substitute the following:

“13.—(1) Where, in a public place, an event occurs in relation to a mechanically propelled vehicle in consequence of which a person is injured, or claims or appears to have been injured, and is admitted to, or attends at, a hospital and a member of the Garda Síochána is of opinion that, at the time of the event the person was driving or attempting to drive, or in charge of with intent to drive or attempt to drive (but not driving or attempting to drive), the mechanically propelled vehicle, then such member shall, in the hospital, if such a requirement, having consulted with a doctor treating the person, would not be prejudicial to the health of the person as a consequence of the person’s involvement in the event, require the person—

(a) either—

- (i) to permit a designated doctor or designated nurse to take from the person a specimen of his or her blood, or
- (ii) at the option of the person, to provide for the designated doctor or designated nurse a specimen of his or her urine,

or

[SECTION 13]

(b) to undergo a medical examination of the person carried out by a designated doctor or designated nurse for the purpose of obtaining evidence that the person was at the time of the event under the influence of an intoxicant as to be incapable of being in control of a mechanically propelled vehicle.

(2) Where a person makes an option under *subsection (1)(b)* in relation to a requirement made of him or her under that subparagraph and if—

(a) a designated doctor or designated nurse states in writing that he or she is unwilling, on medical grounds, as the case may be, to take from, or be provided by, the person with the specimen to which the requirement, in respect of which the option was made, related, or

(b) the person, in the opinion stated in writing of a designated doctor or designated nurse, is unable or unlikely within the period of time referred to in *section 4* or *5* to comply with the requirement,

then a member of the Garda Síochána who made the requirement may make a requirement of the person under that subparagraph in relation to the specimen other than that to which the option made by the person in respect of the first-mentioned requirement related.”.

—An tAire Iompair.

40. In page 18, lines 9 to 29, to delete subsection (1) and substitute the following:

“13.—(1) Where in a public place, an event occurs in relation to a mechanically propelled vehicle in consequences of which a person is injured, or claims or appears to have been injured, and is admitted to, or attends at, a hospital, a member of the Garda Síochána shall request,

(a) a designated doctor or designated nurse to take from the person a specimen of his or her blood, or

(b) at the option of the person, to provide for the designated doctor or designated nurse a specimen of his or her urine, and if the doctor or nurse states in writing that he or she is unwilling, on medical grounds, to take from the person or be provided by him or her with the specimen to which the requirement in either *section 13(1)* or *section 13(1)(a)*, the member shall make a requirement of the person in relation to the specimen other than that to which the first requirement related.”.

—Thomas P. Broughan.

41. In page 18, subsection (1), lines 17 and 18, to delete

“and

(b) the person had consumed an intoxicant,”.

—Thomas P. Broughan.

42. In page 18, subsection (3), line 40, to delete “is” and substitute “is not”.

—An tAire Iompair.

43. In page 18, between lines 45 and 46, to insert the following subsections:

[SECTION 13]

“(4) A member of the Garda Síochána may, for the purpose of making a requirement of a person under *subsection (1)**, enter without warrant any hospital where the person is or where the member, with reasonable cause, suspects him or her to be.

(5) A designated doctor or designated nurse may, for the purpose of taking from a person a specimen of his or her blood or being provided by a person with a specimen or his or her urine under *subsection (1)** enter any hospital where the person is or where the doctor or nurse is informed by a member of the Garda Síochána that the person is.”

—An tAire Iompair.

[*Note: This is a reference to a subsection proposed to be inserted by amendment No. 39.]

SECTION 16

44. In page 20, subsection (4), line 47, to delete “*section 4 or 5*” and substitute “*section 4, 5 or 6*”.

—An tAire Iompair.

SECTION 17

45. In page 21, subsection (1), lines 7 and 8, to delete all words from and including “or” in line 7 down to and including “*11(1)(c)*” in line 8.

—An tAire Iompair.

46. In page 21, subsection (4), line 52, to delete “either” and substitute “any”.

—An tAire Iompair.

SECTION 18

47. In page 22, subsection (1), line 6, to delete “or carrying out a procedure under that subsection or both” and substitute the following:

“, *13(1)** or carrying out a procedure under those subsections or both”.

—An tAire Iompair.

[*Note: This is a reference to a subsection proposed to be inserted by amendment No. 39.]

48. In page 22, subsection (1), line 12, after “*11(1)*” to insert “or *13(1)**, as the case may be”.

—An tAire Iompair.

[*Note: This is a reference to a subsection proposed to be inserted by amendment No. 39.]

SECTION 20

49. In page 23, subsection (1), lines 31 and 32, to delete “a contribution towards the costs and expenses incurred by” and substitute the following:

“a sum approximating to the costs and expenses incurred by the prosecution and by”.

—Thomas P. Broughan.

[SECTION 21]

SECTION 21

50. In page 23, subsection (2), line 51, to delete “blood” and substitute “blood,”.
—An tAire Iompair.

SECTION 23

51. In page 24, before section 23, but in Chapter 5, to insert the following new section:

“CHAPTER 6*

Medical examination at Garda Síochána station or hospital

Medical
examination at
Garda Síochána
station or hospital.

23.—(1) Where a person is arrested under a provision referred to in section 13(1) (inserted by section 2 of the Road Transport Act 2006) of the Act of 1994 or *section 11(1)* of this Part or is admitted to hospital in the circumstances referred to in section 15(1) of the Act of 1994 or *section 13(1)*** of this Part, a member of the Garda Síochána, at a Garda Síochána station, may require the person to undergo a medical examination of the person carried out by a designated doctor or designated nurse for the purpose of obtaining evidence that the person was at the time of being arrested or the event, as the case may be, he or she was under the influence of an intoxicant as to be incapable of having proper control of a vehicle.

(2) A person who refuses or fails to comply with a requirement under *subsection (1)* commits an offence and is liable on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) Where a designated doctor or designated nurse carries out medical examination of a person for the purposes of *subsection (1)*, he or she shall make a written statement of the results of the examination.”

—An tAire Iompair.

[*Note: *The insertion of this new chapter comprehends the inclusion of amendment No. 52.*]

[**Note: *This is a reference to the subsection proposed to be inserted by a amendment No. 39.*]

52. In page 24, before section 23, but in Chapter 5, to insert the following new section:

“Evidential matters.

24.—(1) In any proceedings against a person for an offence under *section 23(2)**, a written statement by a member of the Garda Síochána in respect of the making of a requirement under *section 23(1)** or carrying out an examination under that subsection or both shall, if the conditions mentioned in *subsection (2)* are satisfied, until the contrary is shown, be sufficient evidence of the facts stated in it, without proof of any signature on it or that the signatory was the proper person to sign it, and shall, until the contrary is shown, be sufficient evidence of compliance by the member with the requirements imposed on him or her under *subsection (1)*.

(2) The conditions referred to in *subsection (1)* are—

- (a) the statement purports to be signed by the member of the Garda Síochána who made it,

[SECTION 23]

(b) the statement contains a declaration by that member of the Garda Síochána to the effect that it is true to the best of his or her knowledge and belief and that he or she made the statement, and

(c) a copy of the statement is served on the accused.

(3) A copy of a statement required by this section to be served on a person may, be served—

(a) by delivering it to him or her,

(b) by addressing it to him or her and leaving it at his or her usual or last known residence or place of business, or

(c) by sending it by registered post to him or her at his or her usual or last known residence or place of business.

(4) A duly completed statement purporting to have been made under *section 23(3)** shall, until the contrary is shown, be sufficient evidence under the Road Traffic Acts 1961 to 2010 of the facts stated in it, without proof of any signature on it or that the signatory was the proper person to sign it, and shall, until the contrary is shown, be sufficient evidence of compliance by the designated doctor or designated nurse concerned with the requirements imposed on him or her under *section 23(1)**.

(5) In a prosecution for an offence under *section 23(2)** it shall be presumed until the contrary is shown that the person—

(a) who carried out a medical examination of a person under *section 23(1)**,
or

(b) for whom, following a requirement under *section 23(1)** there was a refusal or failure to undergo a medical examination,

is a designated doctor or designated nurse.

(6) Section 1(1) of the Probation of Offenders Act 1907 does not apply to an offence under this section.”

—An tAire Iompair.

[*Note: this is a reference to the section proposed to be inserted by amendment No. 51.]

53. In page 25, subsection (2)(e), line 3, after “breath” to insert the following:

“, provided that such apparatus does not operate to allow a standard deduction from the recorded reading of the concentration of alcohol in the breath”.

—Thomas P. Broughan.

54. In page 25, subsection (4)(b), lines 21 and 22, to delete all words from and including “of” in line 21 down to and including “out” in line 22 and substitute “referred to in *subsection (3)*”.

—An tAire Iompair.

55. In page 25, between lines 22 and 23, to insert the following subsection:

[SECTION 23]

“(5) The Freedom of Information Act 1997 is amended in section 46(1) (as amended by section 29 of the Freedom of Information (Amendment) Act 2003) by inserting after paragraph (ba) (inserted by section 112 of the Company Law Enforcement Act 2001) the following:

“(bb) a record held or created by the Medical Bureau of Road Safety under the *Road Traffic Acts 1961 to 2010* (other than a record concerning the general administration of the Medical Bureau of Road Safety),”.

—An tAire Iompair.

SECTION 24

56. In page 25, line 26, to delete “*section 16*” and substitute “*section 12 or 16*”.

—An tAire Iompair.

SECTION 25

57. In page 25, line 28, before “of” to insert “(inserted by section 7 of the Act of 1994)”.

—An tAire Iompair.

SECTION 26

58. In page 25, before section 26, but in Chapter 6, to insert the following new section:

“Review of
intoxilyser
machines.

26.—The Minister shall introduce regulations to direct the Bureau to review the operation of the intoxilyser machines Evidential Breath Testing infrastructure in particular to eliminate the 17.5 per cent inbuilt deduction in the machines.”.

—Thomas P. Broughan.

59. In page 25, before section 26, but in Chapter 6, to insert the following new section:

“Review of funding.

26.—The Minister shall review and present to Dáil Éireann a full audit of the level of funding allocated to the Bureau given the increased burden of testing of drivers under the influence of intoxicants.”.

—Thomas P. Broughan.

60. In page 26, subsection (1)(a)(iii), line 6, to delete “milligrammes” and substitute “microgrammes”.

—Thomas P. Broughan.

61. In page 26, subsection (1)(b)(iii), line 14, to delete “35 milligrammes but did not exceed 44 milligrammes” and substitute the following:

“35 microgrammes but did not exceed 44 microgrammes”.

—Thomas P. Broughan.

62. In page 26, lines 24 to 38, to delete subsection (2).

—Thomas P. Broughan.

63. In page 26, subsection (2)(c), line 31, to delete “milligrammes” and substitute “microgrammes”.

—Thomas P. Broughan.

[SECTION 26]

64. In page 26, lines 39 to 41, to delete subsection (3) and substitute the following:

“(3) Where a fixed penalty notice is being served on a person under this section it may be served—

(a) in the case of personal service, by—

(i) delivering it to the person, or

(ii) leaving it at the address at which—

(I) he or she ordinarily resides,

(II) at the time of the alleged offence, he or she gave to a member of the Garda Síochána, or

(III) where he or she is the registered owner of the vehicle at the time of the alleged offence, the vehicle is registered,

or

(b) in the case of postal service, by posting it to the address at which—

(i) he or she ordinarily resides,

(ii) at the time of the alleged offence he or she gave to a member of the Garda Síochána referred, or

(iii) where he or she is the registered owner of the vehicle at the time of the alleged offence, the vehicle is registered.

(4) A person is not eligible to be served with a fixed penalty notice if he or she does not hold a driving licence for the time being in force or is disqualified for holding a driving licence, at the time of the commission of the alleged offence.”

—An tAire Iompair.

65. In page 28, subsection (11), line 39, to delete “, or both” and substitute “or to both”.

—An tAire Iompair.

66. In page 29, subsection (14), line 12, to delete “has” and substitute “have”.

—An tAire Iompair.

67. In page 29, subsection (16), line 25, to delete “€2,000” and substitute “€5000”.

—Thomas P. Broughan.

68. In page 29, subsection (18)(a), line 33, to delete “, Equality”.

—Thomas P. Broughan.

69. In page 29, subsection (18)(a), line 37, to delete “, of” and substitute “of”.

—An tAire Iompair.

70. In page 29, subsection (18)(a), line 40, to delete “of” where it secondly occurs and substitute “for”.

—An tAire Iompair.

[SECTION 27]

SECTION 27

71. In page 30, subsection (1), line 15, to delete “shown” and substitute “shown,”.
—An tAire Iompair.

SECTION 28

72. In page 30, before section 28, to insert the following new section:

“Amendment of section 39(2) of Act of 1994 — power of entry.

28.—Section 39(2) of the Act of 1994 is amended by inserting “making a requirement of the person under section 12(2) (inserted by the Road Traffic Act 2003) of the Principal Act, section 4(4) of the Act of 2006 or” after “for the purpose of”.”.

—An tAire Iompair.

73. In page 30, to delete lines 38 to 41 and substitute the following:

“(2) A person is not eligible to be served with a fixed penalty notice if he or she does not hold a driving licence for the time being in force or is disqualified for holding a driving licence, at the time of the commission of the alleged offence.”.

—An tAire Iompair.

SECTION 29

74. In page 32, between lines 10 and 11, to insert the following:

“(d) subsections (2), (3) and (4) of section 39 of the Act of 1994,”.

—An tAire Iompair.

SECTION 30

75. In page 32, paragraph (b)(ii), line 31, to delete “the issuing of transport discs” and substitute the following:

“the harmonisation of certain legislation relating to road transport”.

—An tAire Iompair.

76. In page 33, line 3, to delete paragraph (f) and substitute the following:

“(f) an offence under—

(i) section 73 of the Finance Act 1976, and

(ii) section 139 of the Finance Act 1992,”.

—An tAire Iompair.

SECTION 31

77. In page 33, lines 7 to 41, and in page 34, lines 1 to 9, to delete subsections (1) and (2) and substitute the following:

“31.—(1) Where a member of the Garda Síochána has reasonable grounds for believing that a fixed charge offence is being or has been committed by a person—

(a) if the member identifies the person, the member may serve, or cause to be served, personally or by post, on the person a fixed charge notice, or

[SECTION 31]

- (b) if the member does not identify the person and the offence involves the use of a mechanically propelled vehicle, the member may serve, or cause to be served, personally or by post, on the registered owner of the vehicle a fixed charge notice.

(2) A prosecution in respect of a fixed charge offence shall not be instituted unless a fixed charge notice in respect of the alleged offence has been served on the person concerned under this section and the person fails to pay the fixed charge in accordance with the notice.

(3) Where a fixed charge notice is being served on a person identified under *subsection (1)(a)* or on a registered owner where the person is not identified under *subsection (1)(b)*, it may be served—

(a) in the case of personal service—

(i) where the person is identified, by—

(I) delivering it to the person, or

(II) leaving it at the address—

(A) he or she ordinarily resides,

(B) at the time of the alleged offence, he or she gave to the member referred to in *subsection (1)*, or

(C) where he or she is the registered owner of the vehicle at the time of the alleged offence, the vehicle is registered,

or

(ii) where the person is not identified, by delivering it or leaving it at the address at which the vehicle is registered at the time of the alleged offence,

or

(b) in the case of postal service—

(i) where the person is identified, by posting it to the address at which—

(I) he or she ordinarily resides,

(II) at the time of the alleged offence he or she gave to the member referred to in *subsection (2)*, or

(III) where he or she is the registered owner of the vehicle at the time of the alleged offence, the vehicle is registered,

or

(ii) where the person is not identified, by posting it to the address at which the vehicle is registered at the time of the alleged offence.”

—An tAire Iompair.

78. In page 34, subsection (5)(b), to delete lines 32 and 33 and substitute the following:

[SECTION 31]

“of the alleged offence to which the notice relates,
the registered owner shall—”.

—An tAire Iompair.

79. In page 35, between lines 2 and 3, to insert the following subsections:

“(6) Where a registered owner is giving or sending in accordance with *subsection (5)(b)(i)* the name and address of the person who was driving or otherwise using the vehicle concerned, the onus is on the registered owner to be able to show proof of giving or sending the name and address. In a prosecution for an offence under *section 36(2)* in the absence of such proof it shall be presumed, until the contrary is shown, that no such name or address was so given or sent.

(7) For the purposes of *subsection (5)(b)* where the registered owner of the vehicle concerned is not an individual, the obligation under that provision shall be discharged by a person acting on behalf of or employed by the owner.”.

—An tAire Iompair.

SECTION 32

80. In page 35, subsection (1)(c), line 16, to delete “completed, and” and substitute the following:

“completed,

(d) if it relates to a penalty point offence, shall require such details of the driving licence or learner permit held by the person on whom it is served as specified in the notice, and”.

—An tAire Iompair.

81. In page 35, subsection (1)(d), line 17, to delete “offence” and substitute “offence.”.

—An tAire Iompair.

SECTION 34

82. In page 37, before section 34, to insert the following new section:

“Fines proportional to means.

34.—As soon as practicable after the passing of this Act, the Minister shall present proposals to the Oireachtas for the application of fines under the Principal Act based on the means of the offender rather than of fixed maxima that apply to all cases.”.

—Thomas P. Broughan.

SECTION 36

83. In page 39, subsection (4), line 27, to delete “received” and substitute “was served with”.

—An tAire Iompair.

84. In page 39, subsection (4), line 28, after “notice” to insert “in accordance with *section 31(1)(b)**”.

—An tAire Iompair.

[* Note: This is a reference to a paragraph proposed to be inserted by amendment No. 77.]

[SECTION 38]

SECTION 38

85. In page 40, between lines 33 and 34, to insert the following subsection:

“(3) A member of the Garda Síochána may arrest without warrant a person who in the member’s opinion has committed an offence under *subsection (2)*.”.

—Thomas P. Broughan.

SECTION 42

86. In page 42, before section 42, to insert the following new section:

“Fixed charge notice
— traffic wardens.

42.—Section 3 (as amended by section 12 of the Act of 2000) of the Local Authorities (Traffic Wardens) Act 1975 is amended by substituting for subsection (2) (inserted by section 12 of the Act of 2002) the following:

“(2) Where a traffic warden has reasonable grounds for believing that a fixed charge offence is being or has been committed by a person—

- (a) if the warden identifies the person, the warden may serve, or cause to be served, personally or by post, on the person a notice under this section, or
- (b) if the warden does not identify the person and the offence involves the use of a mechanically propelled vehicle, the warden may—
 - (i) serve, or cause to be served, personally or by post, on the registered owner of the vehicle a notice under this section, or
 - (ii) affix such a notice to the vehicle.

(2A) A prosecution in respect of a fixed charge offence shall not be instituted unless a notice under this section in respect of the alleged offence has been served on the person concerned under this section and the person fails to pay the fixed charge in accordance with the notice.”.

—An tAire Iompair.

SECTION 43

87. In page 42, before section 43, to insert the following new section:

“Transitional
measure — onus of
proof in respect of
named driver and
discharge duties of
registered owner —
section 103(4) of
Principal Act.

43.—(1) Where a registered owner is giving or sending in accordance with subsection (4)(i) of section 103 (inserted by section 11 of the Act of 2002) of the Principal Act the name and address of the person who was driving or otherwise using the vehicle concerned, the onus is on the registered owner to be able to show proof of giving or sending the name and address. In a prosecution for an offence under subsection (13) of that section in the absence of such proof it shall be presumed, until the contrary is shown, that no such name or address was so given or sent.

(2) For the purposes of subsection (5)(b) of section 103 of the Principal Act where the registered owner of the vehicle concerned is not an individual, the obligation under that provision shall be discharged by a person acting on behalf of or employed by the owner.

(3) Subsection (4) of section 103 of the Principal Act is amended by substituting for paragraph (b) (inserted by section 18(b) of the Act of 2004) the following:

[SECTION 43]

“(b) the registered owner of the vehicle was not driving or otherwise using the vehicle at the time of the commission of the alleged offence to which the notice relates.”

(4) This section stands repealed on the commencement of *section 31*.”

—An tAire Iompair.

SECTION 44

88. In page 42, before section 44, but in Part 3, to insert the following new section:

“Offence in relation to EU Tachograph Regulations.

44.—(1) It shall be an offence to exceed the EU Tachograph Regulations.

(2) A person who contravenes *subsection (1)* shall be liable on summary conviction to a fine of €1,000.”

—Fergus O'Dowd, Shane McEntee.

89. In page 43, line 19, to delete “decide” and substitute “prescribe”.

—An tAire Iompair.

90. In page 43, subsection (3)(a), line 41, to delete “and”.

—An tAire Iompair.

91. In page 44, line 9, to delete “licence.”” and substitute the following:

“licence.”, and

(c) inserting after subsection (9) the following:

“(10) A vehicle insurer with the approval of the Minister may have access to and may inspect and examine endorsements on the entry relating to persons under this section and may take, or be supplied by the Minister with, such copies of entries or extracts from such entries as the vehicle insurer may reasonably require for the purpose of renewing approved policies of insurance, subject to such conditions as the Minister may determine.””

—An tAire Iompair.

SECTION 45

92. In page 44, between lines 21 and 22, to insert the following:

“(a) in Part I, by the addition of entries assigning 4 penalty points to—

(i) all haulage related offences including any breach of tachograph and drivers’ hours regulations, and the EU Working Time Directive; and

(ii) to the offence of parking in a disability parking bay.”

—Thomas P. Broughan.

93. In page 44, between lines 34 and 35, to insert the following:

“(b) in *Part I*, by inserting the following:

“

[SECTION 45]

17	Offence under <i>section 44*</i> of the <i>Road Traffic Act 2010</i> , where the contravention involved driving in excess of EU Tachograph Regulations	Excessive driving	3	5
----	--	-------------------	---	---

””
’’
—Fergus O’Dowd, Shane McEntee.

[*Note: This is a reference to the section proposed to be inserted by amendment No. 88.]

94. In page 45, line 31, to delete “to” and substitute “to a Regulation of”.
—An tAire Iompair.

SECTION 48

95. In page 47, to delete lines 15 to 19 and substitute the following:

“(c) shall contain—

- (i) a recent photograph of the applicant, and
- (ii) the applicant’s personal public service number allocated and issued to him or her under section 262(2) of the Social Welfare Consolidation Act 2005.

(3) Details of an applicant’s personal public service number referred to in subsection (2)(c) may be entered in licence records.”

—An tAire Iompair.

96. In page 47, between lines 19 and 20, to insert the following:

“(4) (a) A person to whom this subsection applies may inspect and examine licence records and may take, or be supplied by the Minister or the licensing authority concerned, as may be appropriate, with—

- (i) such information from the records, and
- (ii) such copies of licence records or of such extracts from such records, as the person may reasonably require.

(b) This subsection applies to—

- (i) persons or categories of person with the approval of the Minister in fulfilling obligations under European Union and other international enactments and agreements for the exchange of driver and vehicle information, and
- (ii) such other categories of person and the purpose for such access as may be prescribed.

(5) In this section “licence records” means records maintained under section 60 (as amended by section 86 of the Finance Act 1994) of the Finance Act 1993.”

—An tAire Iompair.

[SECTION 49]

SECTION 49

97. In page 48, line 39, to delete “both” and substitute “to both”.

—An tAire Iompair.

SECTION 50

98. In page 48, before section 50, to insert the following new section:

“Production of driving licence on demand of member of Garda Síochána.

50.—(1) The following section is substituted for section 40 (inserted by section 25 of the Act of 1994 as amended by section 18 of the Act of 2002 and section 13 of the Act of 2006) of the Principal Act:

“40.—(1) A member of the Garda Síochána may demand of a person—

- (a) driving in a public place a mechanically propelled vehicle, or
- (b) accompanying under regulations under this Act the holder of a learner permit while such holder is driving in a public place a mechanically propelled vehicle,

the production to him or her for his or her inspection of a driving licence then having effect and licensing the person to drive the vehicle. If the person refuses or fails so to produce the licence there and then, he or she commits an offence.

(2) A member of the Garda Síochána may demand of a person who is driving in a public place a mechanically propelled vehicle and is not the holder of a driving licence the production to him or her for his or her inspection of a learner permit then having effect and licensing the person to drive the vehicle. If the person refuses or fails so to produce the licence and is a person falling within section 35(1), he or she commits an offence.

(3) Where a person who is driving in a public place a mechanically propelled vehicle and of whom the production of a driving licence is demanded under paragraph (a) of subsection (1) or is required under subsection (4)(a) produces, in accordance with the demand or requirement, a learner permit then having effect and licensing the person to drive the vehicle concerned, the person has not committed an offence under subsection (1) or (4)(a), as the case may be.

- (4) (a) Where a person of whom the production of a driving licence or learner permit is demanded under this section refuses or fails to produce the licence or permit there and then, a member of the Garda Síochána may require the person to produce within 10 days after the date of the requirement the licence or permit in person to a member of the Garda Síochána at a Garda Síochána station to be named by the person at the time of the requirement. If the person refuses or fails so to produce the licence, he or she commits an offence.

[SECTION 50]

(b) In any proceedings a certificate, purporting to be signed by the member in charge of the Garda Síochána station at which the defendant concerned was required, under paragraph (a), to produce the driving licence or learner permit, stating that the defendant did not, within 10 days after the day on which the production was required, produce a driving licence or learner permit in accordance with the said paragraph (a) shall, without proof of the signature of the person purporting to sign the certificate or that he or she was the member in charge of the Garda Síochána station, be evidence, until the contrary is shown, of the facts stated in the certificate.

(c) Where any person is required to produce a driving licence or learner permit at a Garda Síochána station and the person produces the licence or permit within 10 days after the day on which the production was required, the member in charge of the Garda Síochána station shall issue a certificate stating that the licence or permit was so produced and such certificate shall be evidence of the facts stated in the certificate.

(5) Where a person of whom the production of a driving licence or learner permit is demanded or required under this section produces the licence or permit in accordance with the demand or requirement, but refuses or fails to permit the member of the Garda Síochána to whom it is produced to read the licence or permit, he or she commits an offence.

(6) Where a person of whom the production of a driving licence or learner permit is demanded or required under this section refuses or fails so to produce the licence or permit but refuses or fails to permit the member of the Garda Síochána to whom it is produced to read the licence or permit, the member may demand of the person his or her name and address and date of birth and, if the person refuses or fails to give to the member his or her name and address or date of birth or gives to the member a name or address or date of birth which is false or misleading, he or she commits an offence.

(7) A member of the Garda Síochána may arrest without warrant—

(a) a person who under this section produces a driving licence or learner permit to the member but refuses or fails to permit the member to read it, or

(b) a person who, when his or her name and address or date of birth is lawfully demanded of him or her by the member under this section, refuses or fails to give to the member his or her name and address or date of birth or gives to the member a name or address or date of birth which the member has reasonable grounds for believing to be false or misleading.

(8) A person who, when the production of a driving licence or learner permit is demanded or required of him or her under this section, does not produce the licence or permit because he or she is not the holder of a driving licence or learner permit is deemed to fail to produce his or her driving licence or learner permit, as the case may be, under this section.”.

(2) The following are repealed:

(a) section 25 of the Act of 1994,

[SECTION 50]

(b) section 18 of the Act of 2002, and

(c) section 13 of the Act of 2006.”

—An tAire Iompair.

99. In page 49, subsection (4), line 28, to delete “both” and substitute “to both”.

—An tAire Iompair.

SECTION 51

100. In page 50, before section 51, to insert the following new section:

“Production of driving licence to member of Garda Síochána subsequent to commission of road traffic offence.

51.—(1) Where a member of the Garda Síochána has reasonable grounds for believing that—

(a) a mechanically propelled vehicle has been used in a public place on a particular occasion,

(b) the use may have involved the commission of an offence under the *Road Traffic Acts 1961 to 2010* (including a case in which the member has himself or herself observed the use), and

(c) the actual user of the vehicle was a particular person,

the member may at any time or times subsequent to the occasion in question require of the person the production of, to a member of the Garda Síochána for his or her inspection, a driving licence or, if the person falls within section 35(1) of the Principal Act, a learner permit, having effect and licensing the person to drive the vehicle used on the occasion in question, at a Garda Síochána station or another place specified by the member, within the period of 10 days of the date of making the requirement.

(2) A person who fails to comply with a requirement under *subsection (1)* commits an offence.

(3) Where a person of whom the production of a driving licence or learner permit is required under this section refuses or fails so to produce the licence or permit or produces the licence or permit but refuses or fails to permit the member of the Garda Síochána to whom it is produced to read it, the member may demand of the person his or her name and address and date of birth and, if the person refuses or fails to give to the member his or her name and address or date of birth or gives to the member a name or address or date of birth which is false or misleading, he or she commits an offence.

(4) A member of the Garda Síochána may arrest without warrant—

(a) a person who under this section produces a driving licence or learner permit to the member but refuses or fails to permit the member to read it, or

(b) a person who, when his or her name and address is lawfully demanded of him or her by the member under this section, refuses or fails to give to the member his or her name and address or date of birth or gives to the member a name or address or date of birth which the member has reasonable grounds for believing to be false or misleading.

[SECTION 51]

(5) In any proceedings a certificate, purporting to be signed by the member in charge of the Garda Síochána station at which the defendant concerned was required, under *subsection (1)*, to produce the driving licence or learner permit, stating that the defendant did not, within 10 days after the day on which the production was required, produce a driving licence in accordance with that subsection shall, without proof of the signature of the person purporting to sign the certificate or that he or she was the member in charge of the Garda Síochána station, be evidence, until the contrary is shown, of the facts stated in the certificate.

(6) Where any person is required to produce a driving licence or learner permit at a Garda Síochána station and the person produces the licence or permit within 10 days after the day on which the production was required, the member in charge of the Garda Síochána station shall issue a certificate stating that it was so produced and such certificate shall be evidence of the facts stated in the certificate.

(7) A person who, when the production of a driving licence or learner permit is required of him or her under this section, does not produce the licence or permit because he or she is not the holder of such is deemed to fail to produce his or her driving licence or learner permit within the meaning of *subsection (1)*.

(8) A requirement under this section shall not be made after the time in which proceedings may be brought in respect of the alleged offence.

(9) Section 33 of the Act of 2004 is repealed.”.

—An tAire Iompair.

101. In page 50, before section 51, to insert the following new section:

“Obligation to give current address to member of Garda Síochána.

52.—(1) Where a person, on the demand of a member of the Garda Síochána under section 40(1) or (1A) of the Principal Act or a requirement of such a member under *section 51(1)** of this Act produces for inspection a driving licence or learner permit under that provision, the member making the demand of the person, where it is produced for inspection to him or her or, where it is produced for inspection at a Garda Síochána station, the member of the Garda Síochána at the Garda Síochána station to whom it is produced for inspection, as the case may be, may require of the person to state whether the address mentioned on the driving licence or learner permit is the address at which the person currently resides, and if it is not, to give to the member the address at which he or she currently resides.

(2) A person who fails to comply with a requirement under *subsection (1)* commits an offence.”.

[* *Note: This is a reference to the subsection proposed to be inserted by amendment No. 100.*]

—An tAire Iompair.

102. In page 50, line 38, to delete “copy” and substitute “legible copy”.

—An tAire Iompair.

103. In page 50, line 44, to delete “has” and substitute “have”.

—An tAire Iompair.

104. In page 50, after line 44, to insert the following:

“(2) It is an offence to present a foreign driving licence to a member of An Garda Síochána for a motoring offence if the motorist also holds an Irish driving licence.”.

—Thomas P. Broughan.

[SECTION 52]

SECTION 52

105. In page 50, before section 52, but in Part 5, to insert the following new section:

“Mutual
recognition.

52.—The Minister shall by regulations apply the Principal Act and the Act of 2002 with whatever modifications are appropriate so as to fully enable the mutual recognition of penalty points between the State and other members of the European Union and such other jurisdictions as may be prescribed.”.

—Thomas P. Broughan.

SECTION 53

106. In page 53, to delete lines 1 to 8 and substitute the following:

“(i) in the case of a first offence under the section concerned, not less than the appropriate period specified in column (3) of the Table to this subsection, and

(ii) in the case of—

(I) a second or subsequent offence under that section, or

(II) where the person has been previously convicted under that section, a first or subsequent conviction under the other section,

not less than the appropriate period specified in column (4) of that Table.”.

—An tAire Iompair.

107. In page 56, line 27, to delete “he” and substitute “he or she”.

—An tAire Iompair.

108. In page 56, line 32, to delete “he” and substitute “he or she”.

—An tAire Iompair.

SECTION 56

109. In page 60, line 4, to delete “which,” and substitute “which”.

—An tAire Iompair.

110. In page 60, line 9, after “is” to insert “or can be reasonably expected to be”.

—Thomas P. Broughan.

111. In page 60, between lines 44 and 45, to insert the following:

“Dangerous
overtaking.

54.—(1) Where a vehicle overtakes another road user in such a manner as to create danger or alarm for such other road user, the person in charge of the first-mentioned vehicle commits an offence.

(2) (a) Where a mechanically propelled vehicle, moving at a speed of 30km/h or above, overtakes a pedal cycle or pedestrian at a distance of less than 1 metre, the driver shall be presumed, until the opposite has been proven, to have committed an offence under subsection (1).

[SECTION 56]

- (b) Where a mechanically propelled vehicle, moving at a speed of 50km/h or above, overtakes a pedal cycle or pedestrian at a distance of less than 1.5 metres, the driver shall be presumed, until the opposite has been proven, to have committed an offence under subsection (1).

(3) A person who contravenes this section is liable on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 12 months or both.”

—Thomas P. Broughan.

112. In page 60, line 46, after “vehicle” to insert the following:

“or any human-propelled, pedal-driven vehicles including pedestrian rickshaws and electric assisted bicycles”.

—Thomas P. Broughan.

113. In page 60, line 47, to delete “the owner of it” and substitute the following:

“the person driving the vehicle and, where the person driving the vehicle is not the owner, the owner of it”.

—An tAire Iompair.

114. In page 60, line 51, to delete “owner” and substitute “person and such owner each”.

—An tAire Iompair.

115. In page 61, between lines 9 and 10, to insert the following:

“(4) In a prosecution for an offence under this subsection it is a defence if the defendant shows that on the occasion in question he or she was the employee of the owner and was using the vehicle in obedience to the express orders of the owner.”.

—An tAire Iompair.

116. In page 61, between lines 13 and 14, to insert the following:

“(2) A person shall not engage in the sale or distribution or placing of any material or any commercial or promotional activity on or adjacent to a public road in such a manner as to have the potential to distract motorists or endanger road and public safety.”.

—Thomas P. Broughan.

SECTION 58

117. In page 62, lines 21 and 22, to delete “animal drawn” and substitute “animal-drawn”.

—An tAire Iompair.

118. In page 62, line 22, after “cycle” to insert the following:

“including all human-propelled, pedal-driven vehicles, pedestrian rickshaws and electric assisted bicycles”.

—Thomas P. Broughan.

SECTION 60

119. In page 62, before section 60, to insert the following new section:

[SECTION 60]

“Production of certificate of insurance or guarantee.

60.—Section 69 of the Principal Act is amended by substituting for subsections (3) to (5) the following:

“(3) Where a person produces under this section a certificate to a member of the Garda Síochána but refuses or fails to permit the member to read and examine it, he or she commits an offence and the member may demand of him or her his or her name and address and date of birth.

(4) Where a person whose name and address or date of birth is demanded under subsection (3) refuses or fails to give his or her name and address or date of birth or gives a name or address or date of birth which is false or misleading, he or she commits an offence.

(5) A member of the Garda Síochána may arrest without warrant—

(a) a person who under this section provides a certificate but refuses or fails to permit the member to read and examine it, or

(b) a person who, when his or her name and address or date of birth is demanded of him or her by the member under this section, refuses or fails to give his or her name and address or date of birth or gives a name or address or date of birth which the member has reasonable grounds for believing to be false or misleading.”.

—An tAire Iompair.

120. In page 62, before section 60, to insert the following new section:

“Signature of applicant — driving licence, etc.

61.—Where a person applies for—

(a) a theory test certificate under the European Communities (Licensing of Drivers) Regulations 2003 (S.I. No. 52 of 2003) (as amended by the European Communities Driving Theoretical Tests (Amendment) Regulations 2006 (S.I. No. 538 of 2006)), to the Driver Theory Testing Service,

(b) a certificate of competency, to an issuing authority, or

(c) an Irish driving licence, to a licensing authority,

the Service or authority, as the case may be, may—

(i) take a photograph or copy of the signature of the applicant,

(ii) keep a copy (including a digital copy) of the signature and the photograph which may also be transferred to and kept on the licence record relating to the applicant,

(iii) include a copy of the signature and the photograph on any theory test certificate or certificate of competence issued or driving licence or learner permit granted, and

(iv) store on any microchip incorporated on a driving licence or learner permit it grants to the applicant a digital copy of the applicant’s signature and photograph.”.

—An tAire Iompair.

121. In page 62, before section 60, to insert the following new section:

[SECTION 60]

“Production of test certificate when licensing mechanically propelled vehicle under section 1 of the Finance (Excise Duties) Act 1952.

62.—(1) The Minister may make regulations requiring persons applying for a licence under section 1 of the Finance (Excise Duties) Act 1952 in respect of a mechanically propelled vehicle—

- (a) to make such declaration and produce such evidence as is necessary to show whether the vehicle is or is not a vehicle to which section 18 of the Principal Act applies, and
- (b) where it is such a vehicle, to produce a test certificate or provide evidence of such which will be in force in respect of the vehicle when the licence comes into operation.

(2) Paragraph (b) of section 123 of the Principal Act is repealed.”.

—An tAire Iompair.

SECTION 61

122. In page 63, before section 61, to insert the following new section:

“61.—Section 78 of the Principal Act is amended by inserting the following subsection after subsection (3):

“(3A) Without prejudice to any other aspect of the terms agreed from time to time between the Minister and the Bureau in respect of the Bureau, those terms shall include an undertaking that the Bureau shall treat for all purposes third-party claims in respect of mechanically propelled vehicles as if the defence of automatism did not form part of the law relating to civil liability.”.”.

—Thomas P. Broughan.

SECTION 62

123. In page 63, before section 62, to insert the following new section:

“Regulatory signs.

62.—(1) Section 95 (as amended by section 37 of the Act of 1994) of the Principal Act is amended—

(a) by substituting for subsection (3) the following:

“(3) (a) A road authority may provide in respect of public roads in their charge such information signs and warning signs as they consider desirable.

(b) A road authority may, after consultation with the Commissioner, provide in respect of public roads in their charge such regulatory signs as they consider desirable.”.

(b) by deleting subsection (4), and

(c) in subsection (5), by substituting for paragraph (a) the following:

[SECTION 62]

“(5) (a) A road authority shall provide in respect of public roads in their charge such regulatory signs as may be requested by the Commissioner, in the positions indicated by him or her and shall, as respects any traffic signs so provided, carry out any periodical transfers from place to place and any alterations and removals which he or she may request.”.

(2) Regulatory signs which have been provided for or by a road authority before the commencement of this section are deemed to have been provided under section 95 of the Principal Act as amended by this section.”.

—An tAire Iompair.

124. In page 63, before section 62, to insert the following new section:

“Duty to give information on demand by member of Garda Síochána.

63.—The following section is substituted for section 107 of the Principal Act:

“107.—(1) Where a member of the Garda Síochána alleges to a person using a mechanically propelled vehicle that the member suspects that such person has committed a specified offence under this Act, the member may demand of such person his or her name and address and date of birth and may, if such person refuses or fails to give his or her name and address or date of birth or gives a name or address or date of birth which the member has reasonable grounds for believing to be false or misleading, arrest such person without warrant.

(2) Where a member of the Garda Síochána has reasonable grounds for believing that an offence under this Act has been committed and that the vehicle in relation to which the offence was committed does not carry its identification mark under section 131(5) of the Finance Act 1992, or any other enactment, the member may arrest without warrant the person whom he or she has reasonable grounds for believing was using the vehicle when the offence was so believed to have been committed.

(3) Where a person, when his or her name and address or date of birth is demanded of him or her under this section, refuses or fails to give his or her name and address or date of birth or gives a name or address or date of birth which is false or misleading, such person commits an offence.

(4) Where a member of the Garda Síochána has reasonable grounds for believing that there has been an offence under this Act involving the use of a mechanically propelled vehicle—

(a) the owner of the vehicle shall, if required by the member, state whether he or she was or was not actually using the vehicle at the material time and, if he or she fails to do so, commits an offence,

(b) if the owner of the vehicle states that he or she was not actually using it at the material time, he or she shall give such information as he or she may be required by the member to give as to the identity of the person who was actually using it at that time and, if he or she fails to do so, commits an offence unless he or she shows to the satisfaction of the court that he or she did not know and could not with reasonable diligence have ascertained who that person was, or

[SECTION 62]

- (c) any person other than the owner of the vehicle shall, if required by the member, give any information which it is in his or her power to give and which may lead to the identification of the person who was actually using the vehicle at the material time and, if he or she fails to do so, commits an offence.

(5) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding €2,000.”.”.

—An tAire Iompair.

125. In page 63, before section 62, to insert the following new section:

“Right to demand name and address of pedal cyclist.

64.—The following section is substituted for section 108 of the Principal Act:

“108.—A member of the Garda Síochána may demand of a person in charge of a pedal cycle whom the member suspects of having committed any crime or offence or of having been concerned or involved in a collision or other event in a public place causing injury to person or property, the name and address and date of birth of such person, and if such a person refuses or fails to give his or her name and address and date of birth or gives a name or address or date of birth which the member has reasonable grounds for believing to be false or misleading, the member may take the cycle, by reasonable force if necessary, and retain it until such time as he or she is satisfied as to the identity of such person.”.”.

—An tAire Iompair.

126. In page 63, before section 62, to insert the following new section:

“Amendment of section 9 of Act of 2004.

62.—Section 9 of the Act of 2004 is amended in subsection (2) by the insertion of the following paragraph after paragraph (a):

“(aa) 40 kilometres per hour,”.”.

—Thomas P. Broughan.

127. In page 64, subsection (7)(a), line 39, after “Reform” to insert the following:

“, the Minister for Transport or a local authority,”.

—Thomas P. Broughan.

128. In page 64, subsection (7)(a), line 46, after “Superintendent” to insert the following:

“or a local authority official not below the rank of Director of Services”.

—Thomas P. Broughan.

129. In page 65, subsection (7), between lines 5 and 6, to insert the following:

“(b) The Minister shall as soon as practicable after the passing of this Act bring forward a scheme to facilitate the roll-out of the national speed camera programme in terms of physical infrastructure and road signage.”.

—Thomas P. Broughan.

SECTION 63

130. In page 66, subsection (1), line 7, to delete “measured by the court” and substitute the following:

[SECTION 63]

“and for that purpose a certificate signed on behalf of the prosecution as to the amount of the costs and expenses involved shall be *prima facie* evidence of the amount of those costs and expenses”.

—Thomas P. Broughan.

SECTION 66

131. In page 66, before section 66, to insert the following new section:

“Regulations —
control of driving
instructors.

66.—Section 18(2) of the Act of 1968 is amended by—

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

“(a) the licensing of driving instructors (including the refusal to grant a licence and the revocation and suspension of a licence);

(aa) the issuing of plates and badges to licensed driving instructors (including the refusal to issue a plate or badge and the withdrawal of a plate or badge);

(aaa) appeals by an applicant refused a licence or badge or plate, a holder of a licence whose licence has been revoked or suspended and the holder of a plate or badge which has been withdrawn;”

(b) inserting after paragraph (d) the following:

“(da) the fitness of applicants for driving instructor licences;”

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

“(j) the facilities and conditions attached to them, equipment and resources which driving instructors must have and comply with;

(k) the display of any plate or badge by a licensed driving instructor while giving driving instructions for reward;

(l) the production to a member of the Garda Síochána or an officer of the Road Safety Authority for inspection of any licences or badges issued under Regulations under this section;

(m) the examination or inspection of records under regulations under this section by a member of the Garda Síochána or an officer of the Road Safety Authority;

(n) the detention and examination of a vehicle for the purposes of regulations under this section by such a member or officer;

(o) matters for the purposes of subsection (8).”

and

(d) by substituting for subsection (7) the following:

[SECTION 66]

“(7) A person who contravenes or fails to comply with a regulation under this section which is stated to be a penal regulation commits an offence and is liable on summary conviction—

(a) in the case of a contravention of a regulation—

- (i) prohibiting or restricting the giving for reward of instruction by a person other than a licensed driving instructor or prohibiting the employment of such a person for the purpose of giving instruction for reward, or
- (ii) prohibiting a person other than a licensed driving instructor from holding himself or herself out as a licensed driving instructor or prohibiting a person employing a driving instructor other than a licensed driving instructor from holding that driving instructor out as a licensed driving instructor,

to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 3 months or to both, and

(b) in the case of any other failure or contravention, to a fine not exceeding €2,000.

(8) Where a person is convicted of an offence under subsection (7) the person—

- (a) if an applicant for a licence under regulations under this section, is prohibited from holding such a licence, or
- (b) if the holder of such a licence, the licence is revoked in the circumstances prescribed under this section or suspended,

for the period referred to in regulations under this section and different periods may be prescribed in relation to different contraventions.”.”.

—An tAire Iompair.

[Acceptance of this amendment involves the deletion of section 66 of the Bill.]

SECTION 67

132. In page 66, between lines 43 and 44, to insert the following subsection:

“(2) Section 9 of the Act of 2004 is amended by inserting the following after subsection (2)—

“(2A) All special speed limits shall apply to all public roads and public places within the area defined by the local authority to which the special speed limit applies, including roads in residential housing estates that have not yet been taken-in-charge.”.”.

—Thomas P. Broughan.

133. In page 66, between lines 43 and 44, to insert the following subsection:

“(2) Section 9 of the Act of 2004 is amended by inserting the following after subsection (13)—

[SECTION 67]

“(13A) The Minister shall make regulations requiring the City or County Manager of each City or County Council to produce and publish once in each calendar year a report on the speed limits of all roads in the Local Authority Area.”.

—Thomas P. Broughan.

134. In page 66, between lines 43 and 44, to insert the following subsection:

“(2) Section 9 of the Act of 2004 is amended by inserting after subsection (13) the following—

“(13A) The Minister shall make regulations requiring an audit by Local Authorities and national upgrade programme for road speed signage signs including signage for charging points for electric vehicles, parking places for club cars and partial footpath parking areas.”.

—Thomas P. Broughan.

NEW SECTIONS

135. In page 67, after line 26, to insert the following new section:

“Detention of vehicles.

71.—Section 41(3) of the Act of 1994 is amended by substituting “3 weeks” for “6 weeks”.

—An tAire Iompair.

136. In page 67, after line 26, to insert the following new section:

“Repeal.

72.—Section 13 of the Act of 2002 is repealed.”.

—An tAire Iompair.

137. In page 67, after line 26, to insert the following new section:

“Certificates of competency — display of tax disc and test certificate.

73.—Section 33 of the Principal Act is amended by inserting after subsection (3A) (inserted by section 21 of the Act of 1968) the following:

“(3B) An issuing authority shall not carry out nor cause to be carried out a test for a certificate of competency unless the mechanically propelled vehicle in which the test is to be carried out displays on its front windscreen—

(a) a licence taken out under section 1 of the Finance (Excise Duties) Act 1952, or

(b) where the vehicle is a vehicle to which section 18 applies, a test certificate,

for the time being in force, in respect of the vehicle.

(3C) If a licence or test certificate referred to in subsection (3B) is not displayed in accordance with that subsection, the application for a certificate of competency is refused and any fee paid in respect of the application is forfeited.”.

—An tAire Iompair.

138. In page 67, after line 26, to insert the following new section:

[*NEW SECTIONS*]

“71.—The Minister shall as soon as practicable introduce regulations to fully implement the Graduated Driving License Scheme.”.

—Thomas P. Broughan.

139. In page 67, after line 26, to insert the following new section:

“71.—The Minister shall as soon as practicable introduce regulations for a Graduated Driving License Scheme for motorcyclists including compulsory basic training.”.

—Thomas P. Broughan.

140. In page 67, after line 26, to insert the following new section:

“71.—The Minister shall as soon as practicable bring forward a scheme to facilitate the implementation of the national electric car strategy including electric charge points, signage, parking facilities and a national information campaign.”.

—Thomas P. Broughan.

141. In page 67, after line 26, to insert the following new section:

“71.—The Minister shall as soon as practicable bring forward regulations to facilitate the setting and enforcement of speed limits and parking regulations on private property including guidelines to allow owners of private roads to set speed limits and arrange for the enforcement of these limits.”.

—Thomas P. Broughan.

142. In page 67, after line 26, to insert the following new section:

“71.—The Minister shall direct each City and County Manager to review the operation of residential parking permit schemes in their Local Authority area.”.

—Thomas P. Broughan.

143. In page 67, after line 26, to insert the following new section:

“71.—All public transport vehicles engaged in the carriage of passengers on any Quality Bus Corridor networks shall have priority at all traffic junctions.”.

—Thomas P. Broughan.

144. In page 67, after line 26, to insert the following new section:

“71.—Within one month from the passing of this Act the Attorney General shall refer the issue of residents only parking as opposed to residents permit parking to the Law Reform Commission for examination.”.

—Thomas P. Broughan.

145. In page 67, after line 26, to insert the following new section:

“71.—The Minister shall immediately review the use of the CT68 form or any similar form in the collation of data after a road collision to include the recording of any vehicle defects or the testing of a driver for alcohol or any illegal substances.”.

—Thomas P. Broughan.

[*NEW SECTIONS*]

146. In page 67, after line 26, to insert the following new section:

“71.—The Minister shall as soon as practicable introduce a pilot programme to trial the use of Alcolocks as part of anti-drink driving educational programme including drink-drive rehabilitation schemes.”.

—Thomas P. Broughan.