



**SEANAD ÉIREANN**

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**AN BILLE UM THRÁCHT AR BHÓITHRE 2009  
ROAD TRAFFIC BILL 2009**

**LEASUITHE COISTE  
COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

## AN BILLE UM THRÁCHT AR BHÓITHRE 2009

### ROAD TRAFFIC BILL 2009 —COMMITTEE STAGE

#### *Leasuithe Amendments*

[\*Government amendments are distinguished by an asterisk.]

#### SECTION 3

\*1. In page 8, subsection (1), between lines 12 and 13, to insert the following:

“ “category”, in relation to a vehicle referred to in the definition of “specified person”, means a category of vehicle referred to in Regulation 6 of the Road Traffic (Licensing of Drivers) Regulations 2006 (S.I. No. 537 of 2006);”.

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

“ “public place” has the meaning assigned to it by the Road Traffic Act 1961;”.

—*Senators Paschal Donohoe, Maurice Cummins.*

\*3 In page 8, subsection (1)(c), line 33, after “category” to insert “C, C1,”.

\*4. In page 9, subsection (2), lines 9 and 10, to delete “hired or plied for hire, as the case may be” and substitute “used in the course of business”.

#### SECTION 7

\*5. In page 12, line 6, to delete “force” and substitute “cause”.

#### SECTION 8

\*6. In page 12, subsection (3), line 32, after “or” to insert “produces it but”.

#### SECTION 9

7. In page 13, subsection (1)(a), lines 14 and 15, to delete all words from and including “is” in line 14 down to and including “place” in line 15 and substitute the following:

“is of the opinion that a person in charge of a mechanically propelled vehicle, animal drawn vehicle or pedal cycle in a public place”.

—*Senators Paschal Donohoe, Maurice Cummins.*

8. In page 13, subsection (1), line 30, to delete “the person in charge of the vehicle” and substitute the following:

“the person in charge of a mechanically propelled vehicle, animal drawn vehicle or pedal cycle”.

—*Senators Paschal Donohoe, Maurice Cummins.*

[ SECTION 9 ]

\*9. In page 13, subsection (1)(iii), line 43, to delete “the member may then require the person”.

\*10. In page 13, subsection (1)(iii), line 43, to delete “may” and substitute “shall”.  
—*Senators Joe O’Toole, Brendan Ryan, Alex White, Michael McCarthy, Phil Prendergast, Ivana Bacik, Dominic Hannigan, Paschal Donohoe, Maurice Cummins.*

SECTION 11

\*11. In page 15, subsection (2), lines 47 and 48, to delete “in the manner indicated by the other member”.

SECTION 12

\*12. In page 16, subsection (1), line 18, to delete “any or all” and substitute “either or both”.

\*13. In page 16, subsection (1), to delete lines 24 to 46 and substitute the following:

“(b) require 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

(ii) 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—

(I) 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 of the foregoing subparagraphs related, or

(II) that the person is unable or unlikely within the period of time referred to in *section 4* or *5*, as the case may be, to comply with the requirement,

the member may make a requirement of the person under this paragraph in relation to the specimen other than that to which the first requirement related.”.

SECTION 14

\*14. In page 18, subsection (1), line 18, after “person” to insert “either”.

\*15. In page 18, subsection (1), to delete lines 19 to 48 and substitute the following:

“(a) to permit 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—

[ SECTION 14 ]

- (i) 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 of the foregoing paragraphs related, or
- (ii) that the person is unable or unlikely within the period of time referred to in *section 4* or *5*, as the case may be, to comply with the requirement,

the member may make a requirement of the person under this subsection in relation to the specimen other than that to which the first requirement related.”.

SECTION 17

- \*16. In page 21, subsection (4), line 21, to delete “*section 4, 5 or 6*” and substitute “*section 4 or 5*”.

SECTION 18

- \*17. In page 21, subsection (1), lines 25 and 26, to delete “*section 4, 5 or 6*” and substitute “*section 4 or 5*”.
- \*18. In page 21, subsection (1), line 29, to delete “*subsection (1)(a) or (b) of section 12*” and substitute “*section 12 or 14*”.
- \*19. In page 21, subsection (2), lines 30 and 31, to delete “*section 4, 5 or 6*” and substitute “*section 4 or 5*”.
- \*20. In page 22, subsection (2)(c), lines 2 and 3, to delete “*certificate under section 17*” and substitute “*statement under section 13*”.
- \*21. In page 22, subsection (3)(a), line 13, to delete “*section 4, 5 or 6*” and substitute “*section 4 or 5*”.
- \*22. In page 22, subsection (4), lines 18 and 19, to delete “*section 4, 5 or 6*” and substitute “*section 4 or 5*”.

SECTION 19

- \*23. In page 22, subsection (1), line 27, to delete “*section 4, 5 or 6*” and substitute “*section 4 or 5*”.
- \*24. In page 22, subsection (1), line 28, after “of” where it firstly occurs to insert “either”.
- \*25. In page 22, subsection (1), lines 28 and 29, to delete “*section 12(1), 14(1)*” and substitute “*section 12(1) or 14(1)*”.
- \*26. In page 22, subsection (1), lines 29 and 30, to delete “or both” and substitute “, or both,”.
- \*27. In page 22, subsection (1), line 30, to delete “*subsection (2)*” and substitute “*in subsection (2)*”.

SECTION 20

- \*28. In page 23, subsection (4), line 27, to delete “6”.

[ SECTION 21 ]

SECTION 21

\*29. In page 24, subsection (1), line 2, to delete “6.”.

SECTION 22

\*30. In page 24, subsection (3), line 31, to delete “*section 4, 5 or 6*” and substitute “*section 4 or 5*”.

\*31. In page 24, subsection (4), line 38, to delete “*section 12(4)*” and substitute “*section 11(4)*”.

SECTION 24

\*32. In page 25, subsection (1), line 8, after “station” to insert “or the hospital, as the case may be.”.

\*33. In page 25, subsection (1), line 9, to delete “of the person”.

\*34. In page 25, subsection (1), line 11, to delete “was” and substitute “was.”.

\*35. In page 25, subsection (1), line 12, to delete “he or she was”.

\*36. In page 25, between lines 21 and 22, to insert the following subsection:

“(4) A requirement under *subsection (1)* of a person admitted to hospital in the circumstances referred to in that subsection shall not be made unless a doctor treating the person has been consulted and it would not be prejudicial to the health of the person to make the requirement.”.

SECTION 26

37. In page 27, between lines 15 and 16, to insert the following subsection:

“(5) The Bureau may—

(a) arrange for the testing of—

(i) apparatus for indicating the presence of drugs, and

(ii) apparatus for determining the concentration of drugs

on drivers, and

(b) give such assistance as it thinks proper to persons carrying out or intending to carry out research referred to in *subsection (3)*.”.

—*Senators Paschal Donohoe, Maurice Cummins.*

SECTION 27

\*38. In page 27, line 26, to delete “proceeding” and substitute “proceedings”.

SECTION 29

\*39. In page 28, subsection (3), lines 41 to 44 and in page 29, lines 1 to 14, to delete paragraphs (a) and (b) and substitute the following:

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

[ SECTION 29 ]

- (i) delivering it to the person, or
- (ii) leaving it at the address—
  - (I) at which the person ordinarily resides,
  - (II) which, at the time of the alleged offence, the person gave to a member of the Garda Síochána, or
  - (III) at which the vehicle is registered, where the person is the registered owner of the vehicle at the time of the alleged offence,

or

- (b) in the case of postal service, by posting it to the address—
  - (i) at which the person ordinarily resides,
  - (ii) which, at the time of the alleged offence, the person gave to a member of the Garda Síochána, or
  - (iii) at which the vehicle is registered, where the person is the registered owner of the vehicle at the time of the alleged offence.”.

**\*40.** In page 29, subsection (6), lines 29 to 31, to delete all words from and including “and” in line 29 down to and including “date” in line 31.

**\*41.** In page 30, subsection (8)(b), line 12, after “section,” to insert “he or she”.

**\*42.** In page 31, subsection (11)(e), lines 2 and 3, to delete “or referred to”.

SECTION 31

**\*43.** In page 33, line 18, to delete “Act of 2006” and substitute “Road Traffic Act 2006”.

SECTION 32

**\*44.** In page 33, line 29, to delete “5 years” and substitute “3 years”.

SECTION 35

**\*45.** In page 36, subsection (3)(a)(i)(II), to delete lines 18 to 24 and substitute the following:

- “(A) at which the person ordinarily resides,
- (B) which, at the time of the alleged offence, the person gave to the member referred to in *subsection (1)*, or
- (C) at which the vehicle is registered, where the person is the registered owner of the vehicle at the time of the alleged offence.”.

**\*46.** In page 36, subsection (3)(b), to delete lines 31 to 38 and substitute the following:

- “(i) where the person is identified, by posting it to the address (inside or outside the State)—

[ SECTION 35 ]

- (I) at which the person ordinarily resides,
- (II) which, at the time of the alleged offence, the person gave to the member referred to in *subsection (2)*, or
- (III) at which the vehicle is registered, where the person is the registered owner of the vehicle at the time of the alleged offence.”.

SECTION 38

- \*47. In page 41, subsection (3)(a), line 20, to delete “which is not a penalty point offence” and substitute “, which is not a penalty point offence,”.
- \*48. In page 41, subsection (3)(b), line 26, to delete “which is a penalty point offence” and substitute “, which is a penalty point offence,”.

SECTION 43

- \*49. In page 43, subsection (2), line 44, after “*paragraph (a)*” to insert “of *subsection (1)*”.

SECTION 50

- \*50. In page 50, subsection (16), line 10, after “regulations” to insert “under *subsection (7)*”.
- \*51. In page 50, subsection (17), line 14, after “regulations” to insert “under *subsection (7)*”.
- \*52. In page 50, subsection (18), line 19, after “regulations” to insert “under *subsection (7)*”.

SECTION 59

- \*53. In page 59, line 22, to delete “licence” and substitute “learner permit”.
- \*54. In page 59, line 50, to delete “the said”.

SECTION 60

- \*55. In page 61, subsection (1), line 2, after “permit” to insert the following:  
“or a document which purports to be a driving licence or learner permit”.
- \*56. In page 61, subsection (1), lines 3 and 4, to delete all words from and including “(inserted” in line 3 down to and including “2006” in line 4.
- \*57. In page 61, subsection (1), line 5, to delete “section 33 of the Act of 2004” and substitute “*section 61* of this Act”.
- \*58. In page 61, subsection (1)(b), line 10, after “be” to insert “, but is not,”.

SECTION 62

- \*59. In page 63, subsection (1), line 33, after “demand” to insert “or at the requirement”.



[ SECTION 62 ]

- \*60. In page 63, subsection (1), line 34, to delete “section 40(1) or (2)” and substitute “section 40”.
- \*61. In page 63, subsection (1), line 35, to delete “Act” and substitute “Act,”.
- \*62. In page 63, subsection (1), line 37, after “demand” to insert “or requirement”.
- \*63. In page 63, subsection (1), line 44, after “to” where it firstly occurs to insert “require the person to”.

SECTION 65

- \*64. In page 68, line 53, to delete “section 56” and substitute “under section 56,”.
- \*65. In page 69, line 2, after “or” to insert “under”.
- \*66. In page 69, line 6, after “his” to insert “or her”.
- \*67. In page 71, line 45, to delete “person” and substitute “a person”.
- \*68. In page 72, line 4, to delete “person” and substitute “a person”.

SECTION 66

- \*69. In page 72, before section 66, to insert the following new section:

“Transitional provision — consequential disqualification orders.

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

(a) in subsection (4)(a) (inserted by section 6 of the Act of 2006) by substituting for subparagraph (iii) the following:

“(iii) section 52 or 53, tried on indictment,”

and

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

“(5) (a) Subject to paragraph (b), the period of disqualification specified in a consequential disqualification order shall, where the person to whom the order relates is convicted of an offence under section 52 or 53 tried summarily or under section 56, be not less than 2 years in the case of a first offence under the section concerned and not less than 4 years in the case of a second or any subsequent offence under the same section committed within the period of 3 years from the date of the commission of the previous offence or, in the case of more than one such offence, the last such offence.

(b) Where a person is convicted of an offence under section 52 tried summarily or under section 56, the court may, in the case of a first offence under the section concerned, where it is satisfied that a special reason (which it shall specify when making its order) has been proved by the convicted person to exist in his or her particular case to justify such a course—

(i) decline to make a consequential disqualification order, or

[ SECTION 66 ]

- (ii) specify a period of disqualification in the consequential disqualification order of less than 1 year.”.

(2) This section stands repealed upon the commencement of *section 65(1)*.”.

SECTION 68

\*70. In page 74, line 53, to delete “of it” and substitute “of it,”.

71. In page 75, to delete lines 12 to 16.

—*Senators Paschal Donohoe, Maurice Cummins.*

SECTION 69

\*72. In page 75, line 47, to delete “section” and substitute “sections”.

SECTION 78

\*73. In page 79, line 27, after “under” to insert “the Roads Act 1920,”.

\*74. In page 79, line 28, to delete “1992,” and substitute “1992”.

SECTION 79

\*75. In page 80, line 17, to delete “and date” and substitute “or date”.

SECTION 86

\*76. In page 85, subsection (1), to delete lines 24 and 25, and substitute the following:

“under sections 49, 50, 51A, 52 and 53 of the Principal Act, sections 12, 13 and 15 of the Act of 1994 and *sections 4, 5, 12 and 14* of this Act, do not apply to—”.