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**AN BILLE UM THRÁCHT AR BHÓITHRE, 2013**  
**ROAD TRAFFIC BILL 2013**

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*Mar a tionscnaíodh*  
*As initiated*

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**ARRANGEMENT OF SECTIONS**

**Section**

1. Definitions.
  2. Amendment of section 106 of Principal Act creating an indictable offence.
  3. Amendment of section 106 of Principal Act extending power of arrest.
  4. Amendment of section 12 of the Road Traffic Act 1994.
  5. Regulations.
  6. Short title, commencement and collective citation.
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# ACTS REFERRED TO

Road Traffic Act 1961	1961, No. 24
Road Traffic Act 1994	1994, No. 7
Road Traffic Act 2003	2003, No. 37
Road Traffic Act 2006	2006, No. 23
Road Traffic Act 2011	2011, No. 7
Road Traffic Acts 1961 to 2010	



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AN BILLE UM THRÁCHT AR BHÓITHRE, 2013  
ROAD TRAFFIC BILL 2013

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# BILL

*entitled*

5 AN ACT TO AMEND AND EXTEND THE ROAD TRAFFIC  
ACTS 1961 TO 2010.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act, save where the context otherwise requires— Definitions.

“Principal Act” means Road Traffic Act 1961.

10 2.—Section 106 of the Principal Act is hereby amended by the  
substitution of the following for subsection (3) (as amended by  
section 18 of the Road Traffic Act 2006): Amendment of  
section 106 of  
Principal Act  
creating an  
indictable offence.

15 “3.—(1) Every person commits an offence who has the care,  
charge or control of a mechanically propelled vehicle that is  
involved in an accident with—

(a) another person, or

(b) a vehicle,

20 and fails to stop the vehicle, give his or her name and address  
and, where any person has been injured or appears to require  
assistance, offer assistance.

25 (2) Every person who commits an offence under subsection  
(1) in a case not referred to in subsection (3) or (4) is guilty of  
an indictable offence and liable to imprisonment for a term not  
exceeding five years or is guilty of an offence punishable on  
summary conviction.

30 (3) Every person who commits an offence under subsection  
(1) knowing that bodily harm has been caused to another person  
involved in the accident is guilty of an indictable offence and  
liable to imprisonment for a term not exceeding seven years  
where—

(a) a vehicle being driven by the person is involved in an  
impact occasioning grievous bodily harm to another  
person,

(b) the person knows, or ought reasonably to know, that the vehicle has been involved in an impact occasioning the death of, or grievous bodily harm to, another person, and

(c) the person fails to stop and give any assistance that may be necessary and that it is in his or her power to give. 5

(4) Every person who commits an offence under subsection (1) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years where— 10

(a) a vehicle being driven by the person is involved in an impact occasioning the death of another person,

(b) the person knows, or ought reasonably to know, that the vehicle has been involved in an impact occasioning the death of, or grievous bodily harm to, another person, and is reckless as to whether the death of the other person results from that bodily harm, and the death of that other person so results, 15

(c) the person fails to stop and give any assistance that may be necessary and that it is in his or her power to give. 20

(5) In proceedings under subsection (1), evidence that an accused failed to stop his vehicle, offer assistance where any person has been injured or appears to require assistance and give his name and address is, in the absence of evidence to the contrary, proof of an intent to escape civil or criminal liability.”. 25

Amendment of section 106 of Principal Act extending power of arrest.

**3.**—Section 106 of the Principal Act is hereby amended by the substitution of the following for subsection (3A) (as inserted by section 45 of the Road Traffic Act 1994):

“(3A) A member of the Garda Síochána may arrest without warrant a person who in the member’s opinion is committing or has committed an offence under subsection (3) of this section where the contravention involves or, as may be appropriate, involved non-compliance with paragraph (a) or (b) of subsection (1) of this section, where injury was caused to person or property by a mechanically propelled vehicle which was involved in the occurrence of the injury and the first-mentioned person is, or as may be appropriate, was in the member’s opinion the driver of the vehicle concerned.”. 30 35

Amendment of section 12 of the Road Traffic Act 1994.

**4.**—Section 12 the Act of 1994 is hereby amended (inserted by section 2 of the Road Traffic Act 2003 and section 2 of the Road Traffic Act 2011) by inserting the following: 40

“(2A) A member of the Garda Síochána shall require a person whom they suspect has committed an offence under section 106 of the Principal Act (as amended by Road Traffic Act 2011) within 24 hours of the occurrence of the incident— 45

(a) to provide, by exhaling into an apparatus for indicating the presence of alcohol in the breath, a specimen of his or her breath in the manner indicated by the member, 50

(b) to accompany him or her to a place (including a vehicle) at or in the vicinity of the public place concerned and there to provide, by exhaling into such an apparatus, a specimen of his or her breath in the manner indicated by the member,

(c) where the member does not have such an apparatus with him or her, to remain at that place in his or her presence or in the presence of another member of the Garda Síochána (for a period that does not exceed one hour) until such an apparatus becomes available to him or her and then to provide, by exhaling into the apparatus, a specimen of his or her breath in the manner indicated by the member, or

(d) provide an appropriate sample, by the said person, to be tested for drugs.”.

**5.—**(1) The Minister may make regulations for the general purpose of this Act and may, by regulation, provide for any matter referred to in this Act as prescribed or to be prescribed. Regulations.

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

(3) Regulations under this Act may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.

**6.—**(1) This Act may be cited as the Road Traffic Act 2013.

Short title,  
commencement and  
collective citation.

(2) The Road Traffic Acts 1961 to 2010 and this Act may be cited as the Road Traffic Acts 1961 to 2013 and shall be read together as one.

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