



DÁIL ÉIREANN

AN BILLE UM THEANNTÁIL FEITHICLÍ, 2014 VEHICLE CLAMPING BILL 2014

LEASUITHE TUARASCÁLA REPORT AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM THEANNTÁIL FEITHICLÍ, 2014 —AN TUARASCÁIL

VEHICLE CLAMPING BILL 2014 —REPORT

Leasuithe Amendments

1. In page 5, to delete line 19 and substitute the following:

“(3) The Road Traffic Acts 1961 to 2014 and *Part 5* may be cited together as the Road Traffic Acts 1961 to 2015.”.

—An tAire Iompair, Turasóireachta agus Spóirt.

2. In page 8, between lines 28 and 29, to insert the following:

“(c) invite submissions from the public.”.

—Ruth Coppinger, Joe Higgins, Paul Murphy.

3. In page 9, between lines 7 and 8, to insert the following:

“Expenses

6. The expenses incurred by the Minister in the administration of this Act shall, to the extent sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.”.

—An tAire Iompair, Turasóireachta agus Spóirt.

4. In page 9, between lines 26 and 27, to insert the following:

“Establishment of Parking operators

9. Parking operators shall be obliged to be established in the European Economic Area in order to be permitted to carry out clamping activities.”.

—Ruth Coppinger, Joe Higgins, Paul Murphy.

5. In page 9, between lines 26 and 27, to insert the following:

“Transparency of Parking Operators

9. (1) Parking operators shall be obliged to submit the following on an annual basis, or more frequently if determined by the Minister, to the NTA in order to be permitted to carry out clamping activities:

- (a) accounts as would be required to be submitted to the Companies Registration Office regardless of whether the company has limited or unlimited liability or which jurisdiction it is based in;
 - (b) tax clearance certificate;
 - (c) a list of directors where applicable;
 - (d) a list of all persons or legal entities with a shareholding in the company greater than ten percent of the total shares of the company;
 - (e) any further documentation or accounting information as determined by the Minister or the NTA.
- (2) The information outlined in this section shall be published on the NTA’s website and laid before the Houses of the Oireachtas in an annual report or more frequently if determined by the Minister.”.

—Ruth Coppinger, Joe Higgins, Paul Murphy.

6. In page 9, between lines 26 and 27, to insert the following:

- “9. Parking operators shall be obliged to comply with all aspects of employment and company law, should a parking operator be found to be in breach of employment or company law the NTA may prevent them from carrying out clamping activities.”.

—Ruth Coppinger, Joe Higgins, Paul Murphy.

7. In page 11, line 3, to delete “statutory”.

—Ruth Coppinger, Joe Higgins, Paul Murphy.

8. In page 11, between lines 5 and 6, to insert the following:

- “(6) Clamping controllers shall be prohibited from paying clamping operators additional payments or bonuses for the attainment of certain numbers of clamps attached to vehicles.”.

—Ruth Coppinger, Joe Higgins, Paul Murphy.

9. In page 11, between lines 5 and 6, to insert the following:

“Limitation of clamping activities in certain clamping places

10. (1) It shall be an offence under this Act to apply a clamp to a vehicle for the purposes of seeking payment for a debt or unpaid charge.
- (2) It shall be an offence under this Act for an Owners’ Management Company, as defined by the Multi-Unit Developments Act 2011, to apply a clamp to a car unless it is operating as a clamping operator under the terms of this Act.
- (3) Clamping operators or clamping controllers may not apply a clamping device to a person that is a patient in a health facility or visiting a patient in a health facility.”.

—Ruth Coppinger, Joe Higgins, Paul Murphy.

10. In page 14, line 6, to delete “statutory”.

—Ruth Coppinger, Joe Higgins, Paul Murphy.

11. In page 14, lines 7 to 9, to delete all words from and including “, for” in line 7 down to and including “granted” in line 9.

—Ruth Coppinger, Joe Higgins, Paul Murphy.

12. In page 14, line 16, to delete “non-statutory”.

—Ruth Coppinger, Joe Higgins, Paul Murphy.

13. In page 14, line 21, to delete “non-statutory”.

—Ruth Coppinger, Joe Higgins, Paul Murphy.

14. In page 14, line 28, to delete “non-statutory”.

—Ruth Coppinger, Joe Higgins, Paul Murphy.

15. In page 14, line 29, to delete “non-statutory”.

—Ruth Coppinger, Joe Higgins, Paul Murphy.

16. In page 16, between lines 8 and 9, to insert the following:

“17. (1) The NTA shall make regulations prohibiting clamping activities in the following locations:

(a) a designated parking place for visitors and patients at Health Service Executive funded hospitals and voluntary public hospitals; and

(b) a designated parking place within a residential development with the exception of cases where clamping activity is required to facilitate the free flow of vehicular traffic.

(2) (a) For the purposes of this section, “parking place” has the same meaning specified in the Act of 1961.

(b) For the purposes of this section, “residential development” means any development on land containing two or more residential dwelling places or two or more buildings intended to be used as dwelling places.”.

—Catherine Murphy.

17. In page 16, between lines 8 and 9, to insert the following:

“17. (1) The NTA shall make regulations stipulating that, in every instance where a charge imposed in accordance with this section is paid before the stipulated deadline, where applicable, the total charge payable shall be reduced by half.

(2) The regulations stipulated in *subsection (1)* shall apply to charges issued in respect of wrongfully parked vehicles at statutory clamping places and non-statutory clamping places.”.

—Catherine Murphy.

18. In page 24, line 6, after “area.” to insert “This shall not permit the local authority to outsource its clamping services to third parties.”.

—Ruth Coppinger, Joe Higgins, Paul Murphy.

19. In page 24, between lines 6 and 7, to insert the following:

“(3) Local authorities shall not set targets for the numbers of vehicles to be clamped in their area by a clamping operator and shall be prohibited from paying clamping operators additional payments or bonuses for the attainment of certain numbers of clamps attached to vehicles.”.

—Ruth Coppinger, Joe Higgins, Paul Murphy.

20. In page 26, between lines 11 and 12, to insert the following:

“Amendment of section 35 of the Road Traffic Act 1994

32. Section 35(2) of the Road Traffic Act 1994 is amended by the substitution of the following paragraph for paragraph (1):

“(1) specifying, or authorising specified road authorities by resolution to specify, the places in which vehicles may be parked either indefinitely or for any period not exceeding a specified period; and to provide for the ability of specified road authorities to either wholly or partially review, amend or abolish such resolutions at any time.”.

—Catherine Murphy.