SECTION 1

1. In page 3, between lines 12 and 13, to insert the following:

“(i) by substituting for the definition of “public transport infrastructure” the following:

“ ‘public transport infrastructure’ means infrastructure constructed or provided, or proposed to be constructed or provided, in connection with the provision of public passenger transport services, which includes but is not limited to railway infrastructure, metro railway infrastructure, light railway infrastructure, bus infrastructure, rolling stock, buses, busways, bus lanes, bus garages, cycleways, cycle and pedestrian facilities, interchange facilities or such other class of infrastructure, facility, building or vehicle, whether of the same kind as the aforementioned or not, which the Authority has prescribed to be public transport infrastructure under section 44(13);”.”

—An tAire Iompair, Turasóireachta agus Spóirt.

2. In page 3, to delete line 21.

—An tAire Iompair, Turasóireachta agus Spóirt.

3. In page 4, to delete lines 30 and 31 and substitute the following:

“ “(14) The carrying out by the Authority, on its behalf or at its direction of—

(a) a proposed road development (within the meaning of the Roads Act 1993) that has been approved by An Bord Pleanála under section 51 (as amended by section 9 of the Roads Act 2007) of that Act, or

(b) a proposed development that has been approved by An Bord Pleanála—

(i) under subsection (9) (inserted by section 34(c) of the Planning and Development (Strategic Infrastructure) Act 2006) of section 175 of the Act of 2000 pursuant to an application for approval
made by the Authority under subsection (3) of that section, or
(ii) under subsection (8) of section 177AE (inserted by section 57 of the Planning and Development (Amendment) Act 2010) of the Act of 2000 pursuant to an application for approval made by the Authority under subsection (3) of that section,

shall be exempted developments for the purposes of the Act of 2000.

(15) For the purposes of section 175 and 177AE of the Act of 2000 where a proposed development relates to public transport infrastructure an application for approval under section 175(3) or 177AE(3) may be made by the Authority, with the concurrence of the local authority concerned, and, accordingly, references in those sections to a local authority shall be read as references to the Authority.

(16) In this section ‘function’ includes a part of or any aspect of the function.”,

and”.

—An tAire Iompair, Turasóireachta agus Spóirt.

4. In page 4, between lines 31 and 32, to insert the following:

“(c) by inserting after section 56 the following:

“Powers of Authority to make bye-laws for public passenger transport services (other than rail passenger services), enforcement etc.

56A. (1) Subject to subsection (8), bye-laws may be made by the Authority in relation to the performance by the Authority of any function conferred on it in connection with the provision of public passenger transport services (other than in respect of a rail passenger service) whether pursuant to a public transport services contract or a direct award contract under section 52, other than in respect of such a contract awarded by the Authority to Dublin Bus or Bus Éireann, in relation to any one or more of the following matters:

(a) the general regulation, subject to any statutory provisions in that behalf, of the travelling by way of or use of such means of transport services, (including a requirement to travel with a valid ticket or pass and the issue of such);

(b) the prevention of the commission of nuisances in or upon such means of transport services;

(c) the prevention of damage to such means of transport services;

(d) the removal from or the prohibition of the use on such means of transport services of any vehicle or thing which is or may become a danger to life, health, the provision or the operation of public passenger transport services or would otherwise interfere with the
(e) the safe custody and return or disposal of any property found on a vehicle or equipment used in the provision of public passenger transport services.

(2) Bye-laws under this section may contain such incidental, subsidiary and ancillary provisions as the Authority considers necessary or expedient for the purposes of the bye-laws.

(3) The Authority may provide for reasonable charges in respect of matters provided for in bye-laws made by it under this section.

(4) Whenever the Authority proposes to make bye-laws under this section, the following provisions have effect—

(a) the Authority shall, publish notice of the proposal—

(i) on its website, and

(ii) in at least 2 national newspapers circulating within the State or in the area to which the bye-laws relate,

(b) the notice shall include—

(i) a statement of the purposes for which the bye-laws are to be made,

(ii) an intimation that—

(I) a copy of the draft bye-laws is open for public inspection at the principal offices in the State of the Authority, and

(II) that the draft bye-laws are published on the Authority’s website,

and

(iii) an intimation that any person may submit to the Authority objections to the draft bye-laws at any time during the period of 30 days commencing on the date of the publication of the notice,

(c) the Authority shall, during that period of 30 days, keep a copy of the draft bye-laws open for public inspection during ordinary office hours at its principal offices, and publish the draft on its website,

(d) any person who objects to the draft bye-laws may submit his or her objection to the Authority in writing at any time during that period of 30 days and the Authority shall consider the objections, and

(e) on the completion of that period of 30 days, the Authority shall as it thinks proper, refrain from making the bye-laws or make the bye-laws either without modification or with modification as it thinks proper.
(5) The Authority shall publish bye-laws made by it under this section on its website.

(6) Such details of bye-laws under this section shall be displayed on a public transport vehicle or equipment used in the provision of public passenger transport services, where practicable, in conspicuous places in such manner as the Authority considers best adapted for giving information to the public.

(7) The failure to publish under subsection (5) or any absence to display under subsection (6) is not a defence to a contravention of or failure to comply with bye-laws under this section.

(8) Bye-laws under this section shall not be made without the prior written consent of the Minister.

(9) A person who contravenes or fails to comply with a bye-law under this section which is stated in the bye-laws to be a penal provision commits an offence and is liable on summary conviction to a class D fine.

(10) The liability of an offender to a fine under subsection (9) does not prejudice the recovery of any fare, tariff or fee payable by him or her to the Authority or the person providing the public passenger transport services for any damage caused by him or her to property of the Authority or such person.

(11) Every bye-law made by the Authority under this section shall be laid before each House of the Oireachtas, as soon as may be after it is made and, if a resolution annulling the bye-law is passed by either such House within the next 21 days on which that House sits after the bye-law is laid before it, the bye-law is annulled, but without prejudice to anything previously done under it.

**Authorised persons**

56B. (1) The Authority may appoint in writing such and so many persons as it considers necessary to be authorised persons to perform any or all of the functions conferred on an authorised person under section 56C or 56D.

(2) A person appointed as an authorised person under subsection (1), shall, on his or her appointment be furnished by the Authority with a warrant of his or her appointment and when exercising a power conferred on an authorised person under section 56C shall, if requested by any person affected, produce the warrant to that person for inspection.

(3) An authorised person, who is not a member of the Garda Síochána, is not entitled to exercise a power under section 56C unless he or she has received training and instruction, which, in the opinion of the Authority is such as will provide guidance to him or her in the exercise of the power.
(4) The Authority shall endorse on the warrant it furnishes to an authorised person under subsection (2) a statement to the effect that the officer has received the training and instruction referred to in subsection (3).

(5) An authorised person, who is not a member of the Garda Síochána, when exercising a power under this section shall be in uniform provided or authorised by the Authority.

(6) An authorised person, who is not a member of the Garda Síochána, may be referred to by the Authority by such title as it decides.

Powers of authorised person

56C. (1) If an authorised person appointed in accordance with section 56B reasonably suspects that a person—

(a) is contravening or has contravened or is failing or has failed to comply with a bye-law made under section 56A which is stated to be a penal provision,

(b) is assaulting or has assaulted or is causing or has caused deliberate harm to another on a public passenger transport service to which section 56A applies,

(c) is obstructing or has obstructed or is impeding or has impeded an authorised person exercising a function of an authorised person under this section or under any bye-laws made under section 56A,

(d) on any public transport service to which section 56A applies is intoxicated or is committing or has committed an offence under section 15 of the Misuse of Drugs Act 1977, or

(e) if requested by an authorised person to cease such contravention or action or to so comply, fails to comply with the request, he or she may—

(i) using such reasonable force as the circumstances require, remove or escort the person from the public passenger transport service or any part of it,

(ii) in circumstances where the authorised person considers it to be justified, arrest the person without warrant, or

(iii) require the person to give his or her name and address and, if the person fails or refuses to do so or gives a name that the authorised person reasonably suspects is false or misleading, arrest that person without warrant,

and, if he or she is not a member of the Garda Síochána, deliver, as soon as practicable, the person, if arrested, into the custody of a member of the Garda Síochána to be dealt with according to law.

(2) A person who fails or refuses to give his or her name or address when
required under subsection (1), or gives a name or address which he or she knows to be false or misleading, commits an offence and is liable on summary conviction to a class D fine.

(3) The arrest of a person under this section does not prejudice the re-arrest of the person by a member of the Garda Síochána.

(4) In this section a reference to the committal of an offence or an act includes a reference to an attempt to commit the offence or the act.

(5) In this section and section 56D ‘authorised person’ means a person appointed under section 56B(1) or a member of the Garda Síochána whose attendance is requested by an authorised person or by the Authority.

**Fixed payment notice**

56D. (1) Where an authorised person has reasonable grounds for believing that a person is committing or has committed an offence under section 56A(9) (for a contravention or failure to comply with a provision of a bye-law made under that section) or section 56C(2), he or she may serve personally or by post on the person a notice (‘fixed payment notice’) in the prescribed form stating that—

(a) the person is alleged to have committed the offence specified in the notice,

(b) the person may, during the period of 21 days beginning on the date of the notice, make to the Authority at the address specified in the notice a payment of €100, or such other amount standing specified in regulations made by the Minister, accompanied by the notice, duly completed,

(c) the person is not obliged to make the payment, and

(d) a prosecution in respect of the alleged offence will not be instituted during the period specified in the notice under paragraph (b) and, if a payment specified in the notice is made during the period so specified, accompanied by the notice, duly completed, no prosecution in respect of the alleged offence will be instituted.

(2) Where a fixed payment notice is given under subsection (1)—

(a) the person to whom the notice applies may, during the period specified in the notice, make to the Authority at the address specified in the notice the payment specified in the notice, accompanied by the notice, duly completed,

(b) the Authority may receive the payment, issue a receipt for it and retain the money so paid, and any payment so received shall not be recoverable in any circumstances by the person who made it, and

(c) a prosecution in respect of the alleged offence to which the notice relates will not be instituted during the period specified in the notice.
(3) In a prosecution for an offence referred to in subsection (1) the onus of proving that a payment pursuant to a fixed payment notice has been made lies on the defendant.

(4) In any proceedings in respect of an offence referred to in subsection (1) a document purporting to be a certificate or receipt of posting or delivery by or on behalf of An Post or another postal service is evidence of the posting or delivery of a fixed payment notice.

(5) Income generated by the payment of the fixed payment amount specified under subsection (1)(b) pursuant to a fixed payment notice shall be disposed of in a manner determined by the Authority with the agreement of the Minister and the Minister for Public Expenditure and Reform.

(6) In this section ‘prescribed’ means prescribed in bye-laws made by the Authority under section 56A.”.”.

—An tAire Iompair, Turasóireachta agus Spóirt.

SECTION 2

5. In page 6, between lines 39 and 40, to insert the following:

“(g) in section 10, by inserting the following subsections after subsection (2):

“(3) Subsection (2) shall be operated with due consideration for the principles set down by the Good Friday Agreement 1998 in respect of placing no undue barriers to employment against people with previous convictions arising out of the conflict referred to in the Agreement and that Schedule 1 or 2 shall not apply in these cases.

(4) A licensing authority shall not grant a licence under section 9 to a person unless it is satisfied that he or she is not engaged in full-time employment in any other occupation and plans to continue this work during the operation of the licence.”.”.

—Dessie Ellis.

6. In page 8, between lines 3 and 4, to insert the following:

“(k) in section 18—

(i) in subsection (3), by substituting for paragraphs (a) and (b) the following:

“(a) the name of the holder;

(b) the address and any change of address of the holder;”,

and

(ii) in subsection (4), by substituting “including the name of the person” for
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“including the name and address of the person”,

—An tAire Iompair, Turasóireachta agus Spóirt.

SECTION 5

7. In page 13, between lines 10 and 11, to insert the following:

“Bye-laws - light railway

5. Section 66 (inserted by section 134 of the Railway Safety Act 2005) of the Transport (Railway Infrastructure) Act 2001 is amended—

(a) in subsection (4)—

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

“(a) the National Roads Authority or the undertaking, as the case may be, shall, publish notice of the proposal—

(i) on its website, and

(ii) in at least 2 national newspapers circulating within the State or in the area to which the bye-laws relate,”,

and

(ii) in paragraph (b), by substituting for subparagraph (ii) the following:

“(ii) an intimation that—

(I) a copy of the draft bye-laws is open for public inspection at the principal offices in the State of the National Roads Authority or the undertaking, as the case may be, and

(II) that the draft bye-laws are published on the National Roads Authority’s or the undertaking’s, as the case may be, website, and”,

and

(b) by inserting after subsection (4) the following:

“(4A) The National Roads Authority or the undertaking shall publish on its website bye-laws made by it under this section. The failure to publish such bye-laws is not a defence to a contravention of or failure to comply with such bye-laws.”.

—An tAire Iompair, Turasóireachta agus Spóirt.

8. In page 13, to delete lines 14 and 15 and substitute the following:

“(a) in subsection (2)(b)(ii), by inserting “a copy of the notice” before “served personally”,

(b) in subsection (3), by substituting for paragraph (b) the following:

“(b) the person may make to the relevant company or the Minister, as
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the case may be, at the address specified in the notice a payment, accompanied by the notice, duly completed, of the relevant amount, during the period of 28 days beginning on the date of the notice, and”.

—An tAire Iompair, Turasóireachta agus Spóirt.

SECTION 6

9. In page 13, between lines 23 and 24, to insert the following:

“Declaration - airport

6. Section 27A (inserted by section 51 of the State Airports (Shannon Group) Act 2014) of the State Airports Act 2004 is amended in subsection (1) by inserting “or an offence under section 47(4) of the State Airports (Shannon Group) Act 2014 for a contravention of subsection (1)(a) of that section where the person in apparent control of the vehicle concerned allegedly leaves the vehicle or the vicinity of the vehicle,” after “relating to the parking of the vehicle at the airport”.

—An tAire Iompair, Turasóireachta agus Spóirt.

SECTION 7

10. In page 13, between lines 34 and 35, to insert the following:

“COTIF to have force of law in State


(b) Any question arising as to whether the Convention applies in the circumstances of a particular case falls to be determined in accordance with the provisions of Article 3(2) of the Convention.

(c) A copy of the Convention purporting to be published by the International Rail Transport Committee may be produced in every court and in all legal proceedings and is evidence, unless the contrary is shown, of the Convention.”.

—An tAire Iompair, Turasóireachta agus Spóirt.

TITLE


—An tAire Iompair, Turasóireachta agus Spóirt.

12. In page 3, line 6, to delete “section 27” and substitute “section 27 and 27A”.

—An tAire Iompair, Turasóireachta agus Spóirt.