



An Bille Iompair Phoiblí, 2015
Public Transport Bill 2015

Mar a tionscnaíodh

As initiated



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ACTS REFERRED TO

Airports and Aviation Acts 1936 to 2014

Dublin Transport Authority Act 2008 (No. 15)

Public Transport Regulation Act 2009 (No. 37)

Railway Safety Act 2005 (No. 31)

Road Traffic Act 1961 (No. 24)

Road Traffic Act 2002 (No. 12)

Road Traffic Act 2014 (No. 3)

Road Traffic Acts 1961 to 2014

State Airports (Shannon Group) Act 2014 (No. 27)

State Airports Act 2004 (No. 32)

Taxi Regulation Act 2013 (No. 37)



AN BILLE IOMPAIR PHOIBLÍ, 2015
PUBLIC TRANSPORT BILL 2015

Bill

entitled

An Act to amend and extend the Dublin Transport Authority Act 2008, the Taxi Regulation Act 2013 and the Railway Safety Act 2005, to amend section 27 of the State Airports Act 2004 and section 106 of the Road Traffic Act 1961 and to change the name of the Railway Safety Commission. 5

Be it enacted by the Oireachtas as follows:

Public transport infrastructure functions of National Transport Authority 10

1. The Dublin Transport Authority Act 2008 is amended—

(a) in section 2—

(i) in the definition of “public transport operator” (inserted by section 74(a)(iii) of the Taxi Regulation Act 2013) by substituting for paragraph (e) the following: 15

“(e) a person providing a public bus passenger service in accordance with a licence granted under the Act of 2009;”,

and

(ii) after the definition of “RPA” by inserting the following definition:

“ ‘statutory body’ means a body established by or under statute;”, 20

and

(b) in section 44—

(i) in subsection (2)(a) by substituting for subparagraph (iv) the following:

“(iv) other public transport infrastructure owned or under the control of a public transport authority, by that public transport authority.”, 25

(ii) in subsection (2), by inserting after paragraph (d) the following:

“(e) The Authority may secure the provision of public transport infrastructure not referred to in paragraph (a) by such arrangements as it sees fit, including securing such provision itself or providing such public transport infrastructure itself.”, 30

(iii) by substituting for subsection (6) the following:

“(6) Where—

- (a) a decision is made by the Authority under subsection (2)(b) or (5)
(a) for the performance of a particular function otherwise than
through a public transport authority or statutory body, or 5
- (b) the Authority is performing its function of securing the provision of
public transport infrastructure in accordance with subsection (2)(e),
the following provisions have effect—
- (i) the Authority shall be empowered (notwithstanding any other
enactment) to perform the function, including the acquisition of 10
land for that purpose, and to do any other thing which arises out of
or is consequential on or is necessary for the purposes of or would
facilitate the performance of the function,
- (ii) for the purpose of paragraph (a) or (b), land may be acquired by
agreement or by means of a compulsory purchase order made by 15
the Authority in accordance with Part XIV of the Act of 2000,
- (iii) the provisions of any enactment concerned apply in relation to the
performance of the function subject to such modifications as may
be necessary and as if the Authority was named in such enactment
in each place where a public transport authority or other statutory 20
body entitled to exercise the function is named, and
- (iv) any contract or agreement in writing made between the public
transport authority or statutory body concerned and any other
person which is not fully executed and completed shall continue in
force but shall be construed and have effect as if the Authority was 25
substituted therein for that public transport authority or statutory
body.”,

and

(iv) by inserting after subsection (13) the following:

“(14) In this section “function” includes a part of or any aspect of the 30
function.”.

Amendment of Taxi Regulation Act 2013

2. The Taxi Regulation Act 2013 is amended—

(a) in section 2—

(i) by substituting for the definition of “dispatch operator” the following: 35

“ ‘dispatch operator’ means a person who provides for reward—

- (a) a booking service for an intending passenger to contact him or her
to arrange for the hire of, and carriage of the intending passenger
in, a small public service vehicle operated or driven by another
person (other than an employee of the first-mentioned person), or 40

- (b) a service allowing an intending passenger to arrange the hire of a small public service vehicle,
- but does not include a person employed by the first-mentioned person to take or manage the taking of bookings in the course of that service or a person marshalling in a public place (within the meaning of the Act of 1961) the services of small public service vehicles; 5
- ‘driving licence’ means a driving licence (within the meaning of the Act of 1961) which is for the time being in force;”,
- and
- (ii) by inserting after the definition of “licence” the following: 10
- “ ‘licence to drive a small public service vehicle’ means a licence to drive a small public service vehicle for the carriage of persons for reward;”,
- (b) in section 3(1), by deleting “made under this Act” after “made under section 6 or 24”,
- (c) in section 7(2)— 15
- (i) by substituting for paragraph (c) the following:
- “(c) the requirement for a person to hold a licence to operate as a dispatch operator;”,
- (ii) by inserting after paragraph (f) the following:
- “(fa) the requirement that an application for the grant of a licence be 20
accompanied by a written declaration by the applicant for the licence that he or she has not been convicted of any of the offences referred to in section 30(3) or the Schedule;
- (fb) the requirement that an application for the grant of a licence to drive a small public service vehicle be accompanied by a written 25
declaration by the applicant for the licence that—
- (i) his or her health or mobility does not affect, to a material extent or to the extent specified in the regulations, his or her ability to drive a small public service vehicle, and
- (ii) he or she holds a driving licence permitting him or her to drive 30
the vehicle, accompanied by details of the licence and any penalty points endorsed on the entry in the licence record (within the meaning of section 1 of the Road Traffic Act 2002) relating to him or her;
- (fc) the requirement that an application for a licence in respect of a 35
small public service vehicle be accompanied by a written declaration by the applicant for the licence as to the roadworthiness of the vehicle and the compliance with vehicle standards specified in SPSV regulations;
- (fd) the requirement that an application for the grant of a licence to 40
drive a small public service vehicle be accompanied by a written

- undertaking by the applicant for the licence not to drive or ply for hire in a small public service vehicle in contravention of SPSV regulations made in respect of any matter provided for—
- (i) under section 20(1)(a)(xii) in respect of the regulation of the period of time that a driver of a small public service vehicle may drive the vehicle, or 5
 - (ii) under section 20(1)(a)(xiia) in relation to intervals of rest between commencing driving the vehicle and having ceased driving another vehicle in the course of other employment;
 - (fe) in the case of a licence in respect of a small public service vehicle constructed or adapted for the carriage of a person with a disability using a wheelchair so that the person may be carried in the vehicle while seated in the wheelchair, the requirement that an application for the grant of the licence be accompanied by a written undertaking by the applicant to give, as far as is possible, priority to the carriage of a person with a physical or sensory disability which affects the mobility of the person and to ensure that the driver of such a vehicle gives reasonable assistance to these persons in entering and alighting from the vehicle;”, 10 15
- and 20
- (iii) in paragraph (l), by substituting “granted” for “issued”,
 - (d) in section 8(1)(b), by substituting “an application” for “application”,
 - (e) in section 9—
 - (i) in subsection (1), by substituting “licensing regulations” for “the regulations”, 25
 - (ii) by inserting after subsection (8) the following:

“(8A) The licensing authority may only grant a licence to drive a small public service vehicle to an individual who holds a driving licence to drive such a vehicle.”,
- and 30
- (iii) by substituting for subsection (14) the following:

“(14) The holder of a licence shall, during the period of validity of the licence, hold a tax clearance certificate issued to such holder for the time being in force.

(14A) Where the holder of a licence for the time being in force surrenders the licence to the Authority, the licence stands revoked upon its surrender.”,
- (f) in section 10(2)(e), by substituting “, any person who has control” for “any person who has control”, 35
 - (g) in section 12— 40

- (i) in subsection (2)(d)(i), by substituting “or the terms” for “the terms”, and
- (ii) by substituting for subsection (3) the following:
 - “(3) Where the licensing authority in determining whether to revoke a licence under this section is satisfied that the holder of the licence—
 - (a) has contravened the obligations applicable to such licence holder (whether or not the holder has been convicted of an offence in relation to the contravention), including the provisions of this Act, any regulations made thereunder or the terms or conditions of the licence, or
 - (b) has—
 - (i) failed or refused to provide information required by this Act, regulations under this Act or the terms or conditions of the licence, or
 - (ii) supplied information that was false or misleading in a material particular which he or she knew or ought reasonably to have known to be so,
 but decides not to revoke the licence, it may, if it is satisfied it is appropriate to do so—
 - (i) suspend the licence for a period not exceeding 3 months, or
 - (ii) issue by notice to the holder of the licence a reprimand, warning, caution or advice.”,
- (h) in section 13, by inserting after subsection (14) the following:
 - “(15) Where the Authority proposes to refuse to grant, or to revoke or suspend, a licence in respect of a small public service vehicle as a result of the vehicle not meeting a standard required of a small public service vehicle under SPSV regulations, this section does not apply in respect of the refusal, revocation or suspension, as the case may be.”,
- (i) in section 15, by substituting for subsections (2) and (3) the following:
 - “(2) In the event of the death of the holder of a licence, his or her nominated representative may, within 9 months of the death of the holder, make an application to the Authority for the grant of a licence of the same category.
 - (3) The provisions of this Act apply to an application made under this section.”,
- (j) in section 17—
 - (i) in subsection (1)—
 - (I) in paragraph (i), by substituting “after the receipt” for “upon the receipt” and “after the expiry” for “of the expiry”, and
 - (II) in paragraph (ii), by substituting “upon the expiry” for “the expiry”,

and

- (ii) in subsection (3), by substituting “after the change, details of the new address” for “of the change, the new address”,

- (k) in section 19(2), by substituting for paragraph (h) the following:

“(h) to promote access to, the availability and affordability of, and priority in booking or hiring of, small public service vehicles by persons with disabilities;”, 5

- (l) in section 20(1)(a)—

- (i) in subparagraph (x), by substituting “on the driver” for “on the driver of”,

- (ii) by substituting for subparagraph (xii) the following: 10

“(xii) the regulation of the period of time that a driver may drive the vehicle;

(xiia) the requirement that intervals of rest be taken by a driver of the vehicle between the driver commencing driving the vehicle and ceasing to drive another vehicle in the course of his or her other employment;”, 15

- (m) in section 20(1)(j)—

- (i) by inserting after subparagraph (iv) the following:

“(iva) the loading, unloading and carriage of the luggage of a passenger;”, 20

and

- (ii) by inserting after subparagraph (vi) the following:

“(via) methods of payment of fares;”,

- (n) in section 22 by substituting for subsections (3), (4) and (5) the following:

“(3) A person shall not ply or stand for hire with a mechanically propelled vehicle to which this section applies in a public place unless— 25

(a) the vehicle is a taxi in respect of which there is a licence in force for that purpose, and

(b) the person holds a licence to drive a taxi and to ply or stand for hire with a taxi in that public place. 30

- (4) A person who contravenes—

(a) subparagraph (i) or (ii) of paragraph (a) or paragraph (b) of subsection (2), or

(b) paragraph (a) or (b) of subsection (3),

commits an offence and, if that person is not the owner of the vehicle, such owner commits an offence, in respect of each such contravention and each is liable in respect of each such contravention on summary conviction to a class A fine. 35

- (5) Where a person is required under licensing regulations to hold a licence to act as a dispatch operator, the person shall not act as a dispatch operator, unless the person holds a licence to act in that regard.”,
- (o) in section 25— 5
- (i) by substituting for subsection (3) the following:
- “(3) The driver of a taxi shall not stand for hire with a taxi at an appointed stand in an area in which the driver is not licensed under section 9 to so stand.”,
- and 10
- (ii) in subsection (12)(b), by substituting “*Iris Oifigiúil*,” for “*Iris Oifigiúil*”,
- (p) in section 27(2), by substituting “subsection (1)” for “this section”,
- (q) in section 28(1), by inserting “information,” after “identification,”,
- (r) in section 30—
- (i) in subsection (1), by substituting for the definition of “appropriate court” the following: 15
- “ ‘appropriate court’ means—
- (a) in relation to a conviction—
- (i) on indictment for a specified offence other than an offence referred to in subparagraph (ii), the Circuit Court, and 20
- (ii) for the offence of murder, manslaughter or rape, the Central Criminal Court,
- and
- (b) in the case of an offence referred to in subsection (3), the Circuit Court;”, 25
- and
- (ii) in subsection (3)—
- (I) in paragraph (i), by substituting “paragraph (a) or a conviction for a corresponding offence” for “paragraph (a)”, and
- (II) in paragraph (ii), by substituting “paragraph (b), (c), (d) or (e) or a conviction for a corresponding offence,” for “paragraph (b), (c), (d) or (e)”, 30
- (s) in section 34, by inserting “to drive a small public service vehicle” after “holder of a licence”,
- (t) in section 35(1), by substituting for paragraph (a) the following: 35
- “(a) section 37 of the Act of 2010 as specified in a notice under section 35 of that Act in respect of a fixed charge offence referred to in

paragraph (c) (inserted by section 77(1)(b)) of section 34 of the Act of 2010,

(aa) section 103 of the Act of 1961 as specified in a notice under that section in respect of a fixed charge offence referred to in section 77(2) of this Act, or”,

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(u) in section 36—

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

“(a) shall cause the demerits to be removed from the entry at the end of that period, and”,

and

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

“(i) of the ending of the period and its date, and”,

(v) in section 39—

(i) in subsection (1), by substituting “*section 37*” for “*section 36*”, and

(ii) in subsection (5)(a)(iii), by substituting “*section 37*” for “*section 38*”,

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(w) in section 42, by substituting “to that land or those premises” for “to those premises”,

(x) in section 49, by deleting subsection (7), and

(y) in section 57(9), by substituting “*section 53*” for “*section 54*”.

Fixed payment notice - small public service vehicles

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3. The following section is substituted for section 48 of the Taxi Regulation Act 2013:

“Fixed payment notices

48. (1) Where an authorised person has reasonable grounds for believing that a person is committing or has committed an offence under section 7(5) or (7), 8(8), 9(6), 11(4), 17(4), 20(4)(b), 23(1) or (4), 24(7) or (9), 25(9) or (10), 26(4), 27(2), 29(6), 31(2), 37(3), 43(1) in respect of a failure to comply with a requirement under section 41, 66(5) or 68(3) (“fixed payment offence”) he or she may serve personally or by post on the person a notice (“fixed payment notice”) in the prescribed form stating—

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

(b) that the person may, during the period of 28 days beginning on the date specified in the notice, make to the Authority at the address specified in the notice a payment of a prescribed amount accompanied by the notice, duly completed,

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(c) that if the person does not make the payment specified in paragraph (b), during the period so specified, accompanied by the notice, duly

- completed, the person may during the period of 28 days beginning on the expiration of that period, make a payment as specified in the notice of an amount 50 per cent greater than the prescribed amount referred to in paragraph (b), accompanied by the notice, duly completed, 5
- (d) if the alleged offence relates to a demerit offence (within the meaning of Part 5), that if the person on whom it is served makes a payment specified in the notice accompanied by the notice, duly completed, or is convicted of the offence concerned, different specified numbers of demerits will be endorsed on the SPSV 10 licence record (within the meaning of Part 5) of the person,
- (e) that the person is not obliged to make the payment, and
- (f) that a prosecution in respect of the alleged offence will not be instituted during the periods specified in the notice under paragraphs (b) and (c) and, if a payment specified in the notice 15 accompanied by the notice, duly completed, is made during the appropriate period so specified in relation to the payment, no prosecution in respect of the alleged offence will be instituted.
- (2) Where notice is given under subsection (1)—
- (a) the person to whom the notice applies may, during the period 20 specified in the notice, make to the Authority at the address specified in the notice the payment specified in the notice at the appropriate time so specified in relation to the payment, accompanied by the notice, duly completed,
- (b) the Authority may receive the payment, issue a receipt for it and 25 retain the money so paid, and any payment so received shall not be recoverable in any circumstances by the person who made it,
- (c) a prosecution in respect of the alleged offence to which the notice relates will not be instituted during the periods specified in the notice under paragraphs (b) and (c) of subsection (1) and, if a 30 payment so specified is made accompanied by the notice, duly completed, during the appropriate period so specified in relation to the payment, no prosecution in respect of the alleged offence will be instituted.
- (3) In a prosecution for a fixed payment offence the onus of proving that a 35 payment made pursuant to a fixed payment notice has been made lies on the defendant.
- (4) In any proceedings in respect of a fixed payment offence a document purporting to be a certificate of receipt of posting or delivery by or on behalf of An Post or another postal service is evidence of the posting 40 or delivery of the fixed payment notice concerned.
- (5) Regulations under subsection (1) prescribing an amount for a fixed payment offence may prescribe, in accordance with subsection (6), different fixed payment amounts in relation to—

- (a) different offences and, in the case of an offence under section 20(4) (b), in relation to different contraventions, and
- (b) such offences involving different categories of small public service vehicle and to such contraventions committed in different areas.
- (6) Where the Authority prescribes the amount of a payment for a fixed payment offence pursuant to a fixed payment notice, the amount shall not exceed, where the fine to which a person would be liable on summary conviction of the alleged offence is— 5
 - (a) a class A fine, €500,
 - (b) a class B fine, €400, 10
 - (c) a class C fine, €250,
 - (d) a class D fine, €100, or
 - (e) a class E fine, €50.
- (7) The Authority may make regulations prescribing any matter referred to in this section as prescribed or to be prescribed. 15
- (8) Income generated by the payment of prescribed amounts under this section 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.
- (9) Where a person is served with a summons in respect of an alleged offence referred to in subsection (1), evidence given by the person that he or she was not served with a fixed payment notice in accordance with this section in respect of the alleged offence is not a defence to the alleged offence.”. 20

Change of name of Railway Safety Commission to Commission for Railway Regulation 25

4. (1) The name of the body (established by section 8 of the Railway Safety Act 2005) the present name of which is, in the English language, the Railway Safety Commission, and, in the Irish language, An Coimisiún Sábháilteachta Iarnróid, shall, on and from such day as the Minister for Transport, Tourism and Sport appoints by order, be, in the English language, the Commission for Railway Regulation, and in the Irish language, An Coimisiún um Rialáil Iarnróid. 30
- (2) On and from the day appointed under *subsection (1)* any reference in the Railway Safety Act 2005 or in any other enactment, statutory instrument, legal proceedings or other document, to—
- (a) the Railway Safety Commission, shall be construed as reference to the Commission for Railway Regulation, 35
 - (b) An Coimisiún Sábháilteachta Iarnróid, shall be construed as reference to An Coimisiún um Rialáil Iarnróid, and
 - (c) a Commissioner for Railway Safety, shall be construed as reference to a Commissioner for Railway Regulation. 40

- (3) An order under *subsection (1)* shall be laid before each House of the Oireachtas.
- (4) The Railway Safety Act 2005 is, on the day appointed under *subsection (1)*, amended—
 - (a) in section 2(1), by substituting for the definition of “Commission” the following:

“ ‘Commission’ means Commission for Railway Regulation;”,

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and
 - (b) in section 14, by substituting for subsection (2) the following:

“(2) Each member of the Commission shall be known as a Commissioner for Railway Regulation and is in this Act referred to as a ‘commissioner’.”.

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Fixed payment notice - airports

- 5. Section 27 (inserted by section 51 of the State Airports (Shannon Group) Act 2014) of the State Airports Act 2004 is amended—
 - (a) in subsection (3)(b), by substituting “accompanied by the notice, duly completed,” for “accompanied by the notice,”,
 - (b) in subsection (4)(a) by substituting “accompanied by the notice, duly completed,” for “accompanied by the notice,” and
 - (c) in subsection (4), by substituting for paragraph (c) the following:

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

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Amendment of section 106 of Road Traffic Act 1961

- 6. The Road Traffic Act 1961 is amended—
 - (a) in section 106(3) (as amended by section 17 of the Road Traffic Act 2014)—
 - (i) by deleting “on summary conviction”,
 - (ii) in paragraph (a), by inserting “on summary conviction,” after “injury is caused to person,” and
 - (iii) in paragraph (b), by inserting “on summary conviction,” after “in any other case,”

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and
 - (b) in section 26(3)(b)(i) and in paragraph 12(a) of the Second Schedule, by substituting “paragraph (a), (aa) or (b)” for “paragraph (a) or (b)”.

Short title and collective citation

- 7. (1) This Act may be cited as the Public Transport Act 2015.

- (2) The Dublin Transport Authority Act 2008, Part 3 of the Public Transport Regulation Act 2009, Part 10 of the Taxi Regulation Act 2013 and *section 1* may be cited together as the National Transport Authority Acts 2008 to 2015.
- (3) The Taxi Regulation Act 2013 and *sections 2* and *3* may be cited together as the Taxi Regulation Acts 2013 and 2015.
- (4) The Airports and Aviation Acts 1936 to 2014 and *section 5* may be cited together as the Airports and Aviation Acts 1936 to 2015.
- (5) The Road Traffic Acts 1961 to 2014 and *section 6* may be cited together as the Road Traffic Acts 1961 to 2015.

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An Bille Iompair Phoiblí, 2015

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú agus do leathnú an Achta um Údarás Iompair Bhaile Átha Cliath, 2008, an Achta um Rialáil Tacsaithe, 2013 agus an Achta um Shábháilteacht Iarnróid, 2005, do leasú alt 27 den Acht um Aerfoirt Stáit, 2004 agus alt 106 den Acht um Thrácht ar Bhóithre, 1961 agus d'athrú ainm an Choimisiúin Sábháilteachta Iarnróid.

*An tAire Iompair, Turasóireachta agus Spóirt a
thíolaic,*

18 Meitheamh, 2015

Public Transport Bill 2015

BILL

(as initiated)

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An Act to amend and extend the Dublin Transport Authority Act 2008, the Taxi Regulation Act 2013 and the Railway Safety Act 2005, to amend section 27 of the State Airports Act 2004 and section 106 of the Road Traffic Act 1961 and to change the name of the Railway Safety Commission.

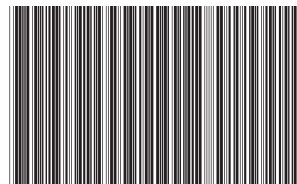
*Presented by the Minister for Transport, Tourism
and Sport,*

18th June, 2015

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