DÁIL ÉIREANN

AN BILLE UM THRÁCHT AR BHÓITHRE, 2016
ROAD TRAFFIC BILL 2016
LEASUITHE COISTE
COMMITTEE AMENDMENTS
SECTION 1
1. In page 5, to delete lines 16 and 17 and substitute the following:


—An tAire Iompair, Turasóireachta agus Spóirt.

SECTION 3
2. In page 5, between lines 21 and 22, to insert the following:

“PART 2*

REGISTER OF WRITTEN-OFF VEHICLES

Definition - Part 1
3. In this Part “vehicle insurer” has the meaning assigned to it in section 58 of the Road Traffic Act 1961.”.

—An tAire Iompair, Turasóireachta agus Spóirt.

[*The proposed new Part comprehends the inclusion of amendments 2 to 5.]*

3. In page 5, between lines 21 and 22, to insert the following:

“Vehicle insurer obligations
4. (1) A vehicle insurer, who as a result of an inspection of a mechanically propelled vehicle determines that such vehicle is defective to the extent that it is—

(a) when in motion, a danger to the public, and
(b) beyond repair,

shall notify the Minister in accordance with subsection (2) within 5 working days of
such inspection.

(2) When an insurer notifies the Minister under *subsection (1)* it shall also notify the Minister whether, based on the inspection of the vehicle, it is suitable for the salvaging of viable automotive parts.

(3) A notification under this section shall be dated and shall include the following:
   (a) the registration number (if any) of the vehicle;
   (b) the make, model and body type of the vehicle;
   (c) the VIN, or vehicle identification number, of the vehicle, that is to say, the fixed combination of characters assigned to the vehicle by a manufacturer or its authorised distributor for vehicle identification purposes which is marked on the chassis, frame or other similar structure of the vehicle;
   (d) the date on which the vehicle was inspected by, or on behalf of, the vehicle insurer,
   (e) if the defect in the vehicle was the result of an event involving the vehicle which occurred in a public place, the date of that event and, if any insurance claim arose in relation to the vehicle’s involvement, the insurance company’s claim number in respect of that claim.

(4) The Minister may make regulations prescribing the manner in which a notification under *subsection (2)* shall be made including, in particular, whether it is to be made electronically or in hard-copy.”.

—An tAire Iompair, Turasóireachta agus Spóirt.

4. In page 5, between lines 21 and 22, to insert the following:

   “*Offence of failure to notify*

5. (1) A vehicle insurer who fails to notify the Minister in accordance with *section 4* or who notifies information to the Minister knowing it to be false or misleading commits an offence and is liable on summary conviction to a class A fine.

(2) Where an offence under this section is committed by a body corporate and is proven to have been so committed with the consent, connivance or approval of, or to have been attributable to the wilful neglect on the part of, any person, being a director, manager, secretary or other officer of the body corporate or a person who was purporting to act in any such capacity, that person, as well as the body corporate, commits an offence and is liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(3) Where the affairs of a body corporate are managed by its members, *subsection (2)* applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.”.

—An tAire Iompair, Turasóireachta agus Spóirt.
“Publication of information provided by vehicle insurers

6. (1) The Minister may maintain records of information notified to him or her under section 4* and may, after consultation with any other person or body that the Minister considers appropriate, for the purposes of increasing road safety, publish or share a part or all of such records.

(2) The Minister may make regulations prescribing the manner in which records shall be published or shared under this section and, in particular, prescribing fees to cover the administrative cost of such publication or sharing.”.

—An tAire Iompair, Turasóireachta agus Spóirt.

7. In page 6, line 29, after “it” to insert “and where the drug has not impaired the person’s driving ability”.

—Imelda Munster.

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

“(1C) Subsection (1A) does not apply to a person in respect of a drug specified at reference number 6 in column (1) of the Schedule where the person is the holder of a medical exemption certificate which indicates that at the time at which that drug was found to be present in his or her blood it had been lawfully prescribed for him or her and which is signed by the doctor who prescribed it.

(1D) The Minister will, upon commencement of this Act, in conjunction with the Garda Commissioner, make regulations specifying the minimum Levels (units in whole blood) in respect of each drug specified at reference number 6 in column (1) of the Schedule.”.”.

—Robert Troy.

9. In page 7, to delete lines 12 to 21 and substitute the following:

<table>
<thead>
<tr>
<th>Reference Number (1)</th>
<th>Drug</th>
<th>Level (units in whole blood) (3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>benzoylcegonine</td>
<td>50µg/L</td>
</tr>
<tr>
<td>Reference Number</td>
<td>Drug</td>
<td>Level (units in whole blood)</td>
</tr>
<tr>
<td>------------------</td>
<td>-------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>3</td>
<td>delta-9-tetrahydrocannabinol (cannabis)</td>
<td>2µg/L</td>
</tr>
<tr>
<td>4</td>
<td>ketamine</td>
<td>20µg/L</td>
</tr>
<tr>
<td>5</td>
<td>lysergic acid diethylamide</td>
<td>1µg/L</td>
</tr>
<tr>
<td>6</td>
<td>methylamphetamine</td>
<td>10µg/L</td>
</tr>
<tr>
<td>7</td>
<td>MDMA</td>
<td>10µg/L</td>
</tr>
<tr>
<td>8</td>
<td>6-monoacetylmorphine (heroin)</td>
<td>5µg/L</td>
</tr>
<tr>
<td>9</td>
<td>amphetamine</td>
<td>250µg/L</td>
</tr>
<tr>
<td>10</td>
<td>clonazepam</td>
<td>50µg/L</td>
</tr>
<tr>
<td>11</td>
<td>diazepam</td>
<td>550µg/L</td>
</tr>
<tr>
<td>12</td>
<td>flunitrazepam</td>
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<td>13</td>
<td>lorazepam</td>
<td>100µg/L</td>
</tr>
<tr>
<td>14</td>
<td>methadone</td>
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<td>15</td>
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</tr>
<tr>
<td>16</td>
<td>oxazepam</td>
<td>300µg/L</td>
</tr>
<tr>
<td>17</td>
<td>temazepam</td>
<td>1,000µg/L</td>
</tr>
</tbody>
</table>

—Imelda Munster.

10. In page 7, between lines 21 and 22, to insert the following:

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6. All substances listed in section 6 (Schedule) Part 1 of the Misuse of Drugs (Amendment) Act 2016 prescribed by subsection (1D).
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—Robert Troy.

SECTION 6

11. In page 7, line 36, to delete “the member” and substitute “him or her or that other member”.

—An tAire Iompair, Turasóireachta agus Spóirt.

12. In page 8, lines 8 and 9, to delete “the member” and substitute “him or her or that other member”.

—An tAire Iompair, Turasóireachta agus Spóirt.

13. In page 8, line 16, to delete “the member” and substitute “him or her or that other member”.

—An tAire Iompair, Turasóireachta agus Spóirt.

SECTION 7

14. In page 9, lines 20 and 21, to delete “the member” and substitute “him or her or that other member”.

—An tAire Iompair, Turasóireachta agus Spóirt.
15. In page 10, between lines 3 and 4, to insert the following:

“(8) Where a member of the Garda Síochána requires a person to provide a specimen of oral fluid under this section, the member may request the person of whom the requirement is made to produce for inspection any medical exemption certificate referred to in section 4(1B) or 5(1B) which he or she holds.”

—An tAire Iompair, Turasóireachta agus Spóirt.

16. In page 10, line 4, to delete “(8) In” and substitute “(9) In”.

—An tAire Iompair, Turasóireachta agus Spóirt.

17. In page 10, line 9, to delete “(9) In” and substitute “(10) In”.

—An tAire Iompair, Turasóireachta agus Spóirt.

18. In page 10, line 14, to delete “(10) An” and substitute “(11) An”.

—An tAire Iompair, Turasóireachta agus Spóirt.

SECTION 8

19. In page 10, between lines 18 and 19, to insert the following:

“Impairment testing

8. The Act of 2010 is amended by substituting the following for section 11:

“11. (1) Where a member of the Garda Síochána is of the opinion that a person driving or attempting to drive a mechanically propelled vehicle, or in charge of a mechanically propelled vehicle with intent to drive or attempt to drive, in a public place is under the influence of an intoxicant, he or she may require the person to accompany him or her, or another member of the Garda Síochána, to a place at, or in the vicinity of, the public place concerned and there to perform tests (‘impairment tests’), in accordance with regulations made under this section, in his or her presence or in the presence of another member and in the manner indicated by him or her, or that other member, for the purpose of assessing whether or not the person’s ability to drive is impaired.

(2) Where a person is arrested under—

(a) section 4(8), 5(10), 9(4), or 10(7) of this Act, or

(b) section 52(3), 53(5), 106(3A) or 112(6) of the Principal Act,

having driven, attempted to drive, or been in charge of a mechanically propelled vehicle, a member of the Garda Síochána may, within 3 hours after the person so driving, attempting to drive or being in charge of the vehicle, at a Garda Síochána station, require the person to perform impairment tests in accordance with regulations made
under this section for the purpose of assessing whether or not the person’s ability to drive is impaired.

(3) Evidence obtained under subsection (1) or (2) that a person’s ability to drive is impaired shall be evidence for the purposes of sections 4 and 5 that the person is incapable of having proper control of a mechanically propelled vehicle.

(4) For the purposes of subsections (1) and (2) the Minister may prescribe—

(a) the kinds of impairment tests that may be required to be performed,
(b) the manner in which such a test may be administered,
(c) instructions to be given to a person performing such a test,
(d) the kind of observation of physical state that may be made in the course of such a test,
(e) the inferences that may be drawn from observations made in the course of such a test, and
(f) a form on which the observations made and inferences drawn in the course of such a test may be recorded and by which impairment may be assessed.

(5) A person who, without reasonable excuse, fails to comply with a requirement under subsection (1) or (2) commits an offence and is liable on summary conviction to a class A fine or to imprisonment for a term not exceeding 6 months, or to both.

(6) 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 this section consisting of failing to comply with a requirement under subsection (1).

(7) Section 1(1) of the Probation of Offenders Act 1907 does not apply to an offence under this section.”.

—An tAire Iompair, Turasóireachta agus Spóirt.

[Acceptance of this amendment involves the deletion of section 8 of the Bill.]

SECTION 18

20. In page 15, between lines 14 and 15, to insert the following:

“Amendment of section 2 of Road Traffic Act 2004

18. The Road Traffic Act 2004, is amended in section 2, by the insertion of the following definitions:

“‘housing estate’ means an area consisting of a self-contained group of dwellings with a single or multiple entry points for mechanically propelled vehicles;
‘residential road’ means a road, whether public or private, within an area defined as a housing estate.”.

—Imelda Munster.

21. In page 15, between lines 14 and 15, to insert the following:

“18. Section 9(2) (as amended by section 86 of the Act of 2010) of the Road Traffic Act 2004 is amended by the substitution for paragraph (a) of the following:

“(a) There shall be a speed limit of:

(i) 20 kilometres per hour, which shall only be applied in respect of a road within an area defined under local authority bye-laws as a residential area or housing estate but not covered by the provisions of section 7(1A), inserted by the Road Traffic (Amendment) Act 2015, in accordance with guidelines issued by the Minister under this section, and

(ii) 30 kilometres per hour, which shall only be applied in respect of a road or roads (other than a motorway) in accordance with guidelines issued by the Minister under this section.”.

—Imelda Munster.

[Acceptance of this amendment involves the deletion of section 18 of the Bill.]

SECTION 19

22. In page 15, between lines 22 and 23, to insert the following:

“PART 4*

AMENDMENT OF PART 3 OF THE ROAD TRAFFIC ACT 2010

Fixed charge offences—

19. The Act of 2010 is amended by substituting the following for section 34:

“34. (1) This Part applies in respect of fixed charge offences.

(2) For the purposes of this Part, any of the following offences, committed after this section comes into operation, is a fixed charge offence:

(a) a summary offence under the Road Traffic Acts 1961 to 2016 declared by the Minister by regulations, made after consultation with the Minister for Justice and Equality, to be a fixed charge offence;

(b) a summary offence under the Roads Acts 1993 to 2015 declared by the Minister by regulations, made after consultation with the Minister for Justice and Equality, to be a fixed charge offence;

(c) an offence which may only be tried summarily under the Road Transport Act 1933 (or any Act construed as one with it) declared
by the Minister by regulations to be a fixed charge offence;

(d) an offence which may only be tried summarily under any regulation providing for the carriage of goods or passengers by road or the harmonisation of legislation relating to road transport made under the European Communities Act 1972 declared by the Minister by regulations to be a fixed charge offence;

(e) an offence under Part 3 of the Taxi Regulation Act 2013, other than an offence punishable under section 20(4)(a) of that Act, declared by the Minister by regulations to be a fixed charge offence;

(f) an offence under the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 (other than an offence referred to in section 41 of that Act) declared by the Minister by regulations to be a fixed charge offence;

(g) an offence under Regulation 4 of the European Communities (Installation and Use of Speed Limitation Devices in Motor Vehicles) Regulations 2005 (S.I. No. 831 of 2005);

(h) an offence under Regulation 5, 6, 7, 8 or 9 of the European Communities (Compulsory Use of Safety Belts and Child Restraint Systems in Motor Vehicles) Regulations 2006 (S.I. No. 240 of 2006);

(i) an offence under—

(i) section 73 of the Finance Act 1976, and


(3) The Minister may make regulations for the purposes of declaring an offence to be a fixed charge offence.”.

—An tAire Iompair, Turasóireachta agus Spóirt.

[*The proposed new Part comprehends the inclusion of amendments 22 to 28.]

23. In page 15, between lines 22 and 23, to insert the following:

“Amendment of section 35 of Act of 2010 - fixed charge notice - service

20. Section 35 of the Act of 2010 is amended—

(a) in subsection (1), by substituting “the member shall serve” for “the member may serve” in both places it occurs,

(b) in subsection (3)(b)(i)(II) by substituting “subsection (1)” for “subsection (2)”;

(c) in subsection (5)(a) (inserted by section 77(1)(d) of the Taxi Regulation Act 2013) by substituting “section 34(2)(c) or section 34(2)(d)” for “section 34(b)”;

(d) in subsection (5)(b) (inserted by section 77(1)(d) of the Taxi Regulation Act 2013) by substituting “section 34(2)(e)” for “section 34(c)”, and
(e) in subsection (6)(a) by inserting “under subsection (1)(b)” after “such a vehicle”.

—An tAire Iompair, Turasóireachta agus Spóirt.

24. In page 15, between lines 22 and 23, to insert the following:

“Amendment of section 36 of Act of 2010 - fixed charge notice - form

21. Section 36 of the Act of 2010 is amended—

(a) in subsection (1)(e) by substituting “paragraph (b), (c) or (e)” for “paragraph (b) or (c)” and by deleting “(within that meaning)” in both places it occurs,

(b) in subsection (1A) (inserted by section 77(1)(e) of the Taxi Regulation Act 2013)—

(i) by substituting “referred to in section 34(2)(e)” for “declared under section 34(c) to be a fixed charge offence and”, and

(ii) by substituting “subsection (2) of section 35 of the Taxi Regulation Act 2013” for “subsection (2) of section 35”,

(c) in subsection (2)(c) by deleting “and”,

(d) by substituting for subsection (2)(d) the following:

“(d) a prosecution in respect of the alleged offence will not be instituted during either 28 day period specified in the notice or, if a payment is made in accordance with the notice during either period, at all, and”,

(e) by inserting after subsection (2)(d) the following:

“(e) if the person is served with a summons in respect of the alleged offence the person may, not later than 7 days before the day specified in the summons on which the person is required to appear in court, make a payment of a fixed charge as specified in the notice served with the summons of an amount 100 per cent greater than the prescribed amount referred to in paragraph (b) and, if the person pays such amount proceedings in respect of the alleged offence will be discontinued.”,

(f) by inserting after subsection (3)(c) the following:

“(cc) a person who is served with a summons in respect of the alleged offence may, not later than 7 days before the day specified in the summons on which the person is required to appear in court, make a payment of a fixed charge of an amount 100 per cent greater than the prescribed amount referred to in paragraph (b),”,

(g) by substituting for subsection (3)(g) the following:

“(g) if the registered owner complies with section 35(6), a payment aforesaid need not be made by the registered owner and a
prosecution of him or her in respect of the alleged offence will not be initiated,

(gg) if a summons has been served in respect of the alleged offence and, not later than 7 days before the day specified in the summons on which the person is required to appear in court, the person on whom the summons was served, makes a payment specified in the notice served with the summons, in accordance with that notice, the prosecution in respect of the alleged offence shall be discontinued,”,

and

(h) by deleting subsection (4).”.

—An tAire Iompair, Turasóireachta agus Spóirt.

25. In page 15, between lines 22 and 23, to insert the following:

“Amendment of section 37 of Act of 2010 - payment of fixed charge

22. Section 37 of the Act of 2010 is amended—

(a) in subsection (1)(a), by substituting “either 28 day period” for “the period”,

(b) in subsection (1)(c)—

(i) by substituting “either 28 day period specified” for “the period specified”,

(ii) by substituting “during either such period” for “during the period so specified”, and

(iii) by deleting “in relation to the payment,”,

(c) by substituting for subsection (2) the following:

“(2) Subject to section 44, the payment of a fixed charge shall not be accepted after the expiration of the second 28 day period specified in the fixed charge notice.”.”.

—An tAire Iompair, Turasóireachta agus Spóirt.

26. In page 15, between lines 22 and 23, to insert the following:

“Payment of fixed charge notice on service of summons

23. The Act of 2010 is amended by substituting for section 44 the following:

“44. (1) Where a member of the Garda Síochána serves a person with a summons in respect of a fixed charge offence the member shall serve, or cause to be served, on the person, a notice under this section (‘section 44 notice’).

(2) A section 44 notice shall be served with, and in the same manner as, the summons in respect of the fixed charge offence to which the
section 44 notice relates.

(3) A section 44 notice—

(a) shall be in the prescribed form,
(b) shall contain details of the manner of payment of a fixed charge,
(c) may specify the person to whom, and the place where, the payment is to be made and whether the payment is to be accompanied by the notice, duly completed, and
(d) if it relates to a penalty point offence shall—
   (i) require such details of the driving licence or learner permit held by the person on whom it is served as specified in the notice, and
   (ii) contain a statement to the effect that if the person on whom it is served pays the fixed charge or is convicted of that offence, different specified numbers of penalty points will be endorsed on the entry of the person.

(4) A section 44 notice shall, without prejudice to the generality of subsection (1), contain a statement to the effect that—

(a) the person on whom it is served is alleged to have committed an offence specified in the summons with which it is served,
(b) the person may, not later than 7 days before the date specified in the summons on which the person is required to appear in court, make a payment of a fixed charge of an amount stated in the notice in the manner specified in the notice,
(c) where the summons relates to a penalty point offence, if the person on whom it is served makes a payment in accordance with paragraph (b) or is convicted of that offence, different specified numbers of penalty points will be endorsed on the entry of the person, and
(d) if the person pays the fixed charge no proceedings in respect of the alleged offence will be continued and the person need not attend the court on the day specified in the summons.

(5) The fixed charge amount stated in a section 44 notice shall be an amount 100 per cent greater than the prescribed amount stated in the fixed charge notice served on the person, in accordance with section 35, in respect of the fixed charge offence to which it relates.

(6) Where a section 44 notice is served the person to whom it applies may, during the period specified in the notice and in accordance with the notice, make a payment specified in the notice.

(7) A payment under this section—
(a) may be received only within the period referred to in subsection (4) 
(b) and in accordance with the section 44 notice, and 
(b) is not recoverable by the persons paying it.

(8) The person receiving a payment under this section may issue a receipt 
for it.

(9) Where a person who has been served with a summons accompanied by 
a section 44 notice makes a payment of a fixed charge in accordance 
with the notice, proceedings in respect of the alleged offence to which 
the notice relates shall be discontinued.

(10) Where a person is served with a summons accompanied by a section 
44 notice in respect of a fixed charge offence, it shall not be a defence 
for the person served with the summons to show that he or she was not 
served with a fixed charge notice in respect of the alleged offence in 
accordance with section 35.

(11) In this section ‘summons’ means a summons issued under—

(a) section 10 of the Petty Sessions (Ireland) Act 1851, or 
(b) the Courts (No. 3) Act 1986”.”

—An tAire Iompair, Turasóireachta agus Spóirt.

27. In page 15, between lines 22 and 23, to insert the following:

“Interpretation

24. The Act of 2010 is amended by substituting for section 47 the following:

“47. (1) In this Part—

‘entry’ has the meaning assigned to it by section 1(1) of the Act of 
2002;
‘fixed charge’ means the amount of a fixed charge prescribed under 
section 41;
‘fixed charge notice’ means a notice served under section 35;
‘fixed charge offence’ means an offence referred to in section 34;
‘penalty point’ has the meaning assigned to it by section 1(1) of the 
Act of 2002;
‘penalty point offence’ has the meaning assigned to it by section 1(1) 
of the Act of 2002;
‘section 44 notice’ has the meaning assigned to it by section 44;
‘traffic warden’ means a person standing authorised under section 
42(1).

(2) In this Part, references to a fixed charge notice under this section, duly
completed, are references to such a notice on which the number, the
date of the grant, and the period of validity of the driving licence of
the person to whom the notice relates have been inserted by or on
behalf of the person.”.”.

—An tAire Iompair, Turasóireachta agus Spóirt.

28. In page 15, between lines 22 and 23, to insert the following:

“Fixed Charge Offences - transitional provisions
25. The Act of 2010 is amended by inserting after section 49 the following:

“49A.(1) Section 103 of the Principal Act and sections 19 and 20 of the Act of
2004 shall, notwithstanding section 49, apply to a fixed charge offence
(within the meaning of section 103 of the Principal Act) committed
before section 34 comes into operation.

(2) Notwithstanding section 48(4), that section shall continue to apply in
respect of a fixed charge offence (within the meaning of section 103 of
the Principal Act) committed before section 34 comes into
operation.”.”.

—An tAire Iompair, Turasóireachta agus Spóirt.

29. In page 16, line 5, to delete “unique identification mark” and substitute “vehicle registration
number”:

—An tAire Iompair, Turasóireachta agus Spóirt.

30. In page 16, line 6, to delete “and”.

—An tAire Iompair, Turasóireachta agus Spóirt.

31. In page 16, line 8, to delete “policy.”.” and substitute “policy, and”.

—An tAire Iompair, Turasóireachta agus Spóirt.

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

“(g) the licence number, or permit number, of the driving licence, or
learner permit, of the holder of a motor insurance policy and of any
named driver whose driving is covered under the policy.”.”.

—An tAire Iompair, Turasóireachta agus Spóirt.

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

“(g) the driving licence number of the policyholder and all named
drivers covered under the policy.”.

—Imelda Munster.
SECTION 20

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

“Obligation on Insurance Companies to notify NVDF about “Write Offs”

20. Motor insurance companies shall be required to notify the Minister for Transport, Tourism and Sport when they have declared a vehicle to be a “write off”, and the Minister shall then ensure such details are entered on the National Vehicle and Driver File.”.

—Imelda Munster.

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

“Regulation of Rickshaws

20. The Taxi Regulation Act 2013, is amended in section 20, by the insertion of the following subsection:

“(5) (i) The Authority may make regulations, to be known as non-motorised passenger transport regulations, in relation to the operation of non-motorised passenger transporters in towns and cities.

(ii) ‘non-motorised passenger transporters’ means hackney carriage or rickshaw propelled by pedal cycle, pedal tricycle, horse, pedestrian or other such non-motorised means.”

—Imelda Munster.

SECTION 21

36. In page 16, between lines 15 and 16, to insert the following:

“Amendment of section 22 of Road Traffic Act 2002

21. Section 22 of the Road Traffic Act 2002 is amended—

(a) by substituting for subsection (1) (inserted by section 63 of the Road Traffic Act 2010) the following:

“(1) Where a person is convicted of an offence under the Road Traffic Acts 1961 to 2016 other than an offence under—

(a) section 38, 84, 85 or 101 of the Principal Act, or

(b) section 35 (in so far as it relates to the parking of vehicles), 36 or 36A (inserted by section 12 of the Roads Act 2007) of the Act of 1994,

the presiding judge shall require the person to produce his or her driving licence or learner permit to the registrar, clerk or other principal officer of the court, and the court shall record—
(i) whether or not the licence or permit was produced, and

(ii) where the licence or permit was produced, the details specified in that licence or permit.”.

and

(b) in subsection (2) by substituting “a requirement under subsection (1)” for “the requirements of subsection (1)”.

—An tAire Iompair, Turasóireachta agus Spóirt.

SECTION 22

37. In page 17, between lines 20 and 21, to insert the following:

“Amendment of Part 4 of First Schedule to Road Traffic Act 2002 - penalty points

22. (1) Part 4 of the First Schedule to the Road Traffic Act 2002 is amended by substituting the following for the entry at reference number 8:

<table>
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<tr>
<th>Reference Number</th>
<th>Offence</th>
<th>General Description</th>
<th>Penalty Points on Payment of Fixed Charge</th>
<th>Penalty Points on Conviction</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
<td>(4)</td>
<td>(5)</td>
</tr>
<tr>
<td>8</td>
<td>Offence consisting of contravention of sub-article (5)(a) or (7)(d) of article 14</td>
<td>Contravention of restrictions on driving vehicle on cycle track or shared tract</td>
<td>1</td>
<td>3</td>
</tr>
</tbody>
</table>

(2) Section 10(c)(i) of the Road Traffic Act 2014 is repealed.”.

—An tAire Iompair, Turasóireachta agus Spóirt.

38. In page 17, between lines 20 and 21, to insert the following:

“Use of a Mobile Phone while driving

22. The Road Traffic Act 2006, is amended in section 3, by the insertion of the following subsection:

“(10) It shall be an offence under this subsection to use a mobile phone which is held in a device by the steering wheel or is in a cradle by the driver’s side of the vehicle. Without prejudice to the generality of the foregoing it shall not be an offence to use a hands-free device while driving.”.”.

—Imelda Munster.
SECTION 22

Section proposed to be deleted.

—An tAire Iompair, Turasóireachta agus Spóirt.

SECTION 24

39. In page 18, between lines 22 and 23, to insert the following:

“Amendment of section 4 of Vehicle Clamping Act 2015

24. Section 4 of the Vehicle Clamping Act 2015 is amended—

(a) by substituting the following for subsection (1):

“(1) Before making regulations under this Act (other than under section 15)
the NTA shall—

(a) consult with the Minister, and where the proposed regulations
relate to a statutory clamping place, the body having responsibility
for that place,

(b) publish a notice in at least one national newspaper circulating in
the State and on its website—

(i) indicating that it proposes to make regulations under this Act,

(ii) indicating that a copy of the proposed regulations is available
for inspection at the NTA offices specified in the notice and on
its website for a specified period (being not less than 30 days),

and

(iii) stating that representations concerning the proposed regulations
may be made in writing before a specified date (which shall be
not less than 14 days after the end of the period for inspection),

and

(c) consider any representations received pursuant to paragraph (b).”.

and

(b) in subsection (4), by deleting “(1)(b) or”.

—An tAire Iompair, Turasóireachta agus Spóirt.

SECTION 25

40. In page 18, between lines 31 and 32, to insert the following:

“Owner permitting vehicle to be driven by unaccompanied learner

25. (1) Subsection (2) applies where a holder of a learner permit—

(a) commits an offence by driving a vehicle when not accompanied by and under the
supervision of a qualified person, contrary to Article 20(6)(b)(iv) of the Road
Traffic (Licensing of Drivers) Regulations 1999, and

(b) is not the owner of the vehicle concerned.
(2) Where this subsection applies, the owner of the vehicle concerned also commits an offence and is liable on summary conviction to a class A fine, or to imprisonment for a term not exceeding 6 months, or to both.

(3) In proceedings for an offence under subsection (2), it is a defence to show that the vehicle concerned was driven without the owner’s consent and that he or she had taken all reasonable precautions to prevent its being so driven.”.

—Brendan Ryan.

41. In page 18, between lines 31 and 32, to insert the following:

“Regulation of Rickshaws

25. Section 3 of the Principal Act is amended by—

(a) substituting the following for the definition of “public service vehicle”:

“‘public service vehicle’ means a mechanically propelled, battery assisted, pedal propelled or non-mechanically propelled vehicle used for the carriage of persons for reward;”

and

(b) inserting the following new definition:

“‘public service rickshaw’ is not a large public service vehicle that is battery assisted, pedal or non-mechanically propelled;”.”.

—Robert Troy.

42. In page 18, between lines 31 and 32, to insert the following:

“Amendments to Taxi Regulation Act 2013

25. (1) The Taxi Regulation Act 2013, is amended in section 2 by inserting the following definitions:

“(a) ‘PSR’ means public service rickshaw, and

(b) ‘PSR regulations’ means regulations made under section 20.”.

(2) The Taxi Regulation Act 2013, is amended in section 6(3) by inserting “public service rickshaws” after “vehicles”.

(3) The Taxi Regulation Act 2013, is amended in section 7—

(a) in subsection (1)(a), by inserting “and public service rickshaws” after “vehicles”,

(b) in subsection (1)(b), by inserting “and public service rickshaws” after “vehicles”,

(c) in subsection (1)(c), by inserting “or public service rickshaws” after “vehicles”,

(d) in subsection (2)(a), by inserting “or public service rickshaws” after “vehicle”,

(e) in subsection (2)(b), by inserting “or public service rickshaws” after “vehicle”,

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(f) in subsection (2)(c), by inserting “or public service rickshaws” after “vehicles”,
(g) in subsection (2)(f), by inserting “or public service rickshaws” after “vehicle”,
(h) in subsection (2)(f)(iv), by inserting “or PSR” after “SPSV”,
(i) in subsection (2)(m), by inserting “and public service rickshaws” after “vehicle”,
(j) in subsection (2)(o), by inserting “or public service rickshaws” after “vehicle”,
(k) in subsection (4)(a)(i), by inserting “and public service rickshaws” after “vehicles”, and
(l) in subsection (4)(a)(ii), by inserting “and public service rickshaws” after “vehicles”.

(4) The Taxi Regulation Act 2013, is amended in section 8—
(a) in subsection (1)(d), by inserting “or, if applicable, public service rickshaws” after “transport”,
(b) in subsection (1)(e), by inserting “or, if applicable, public service rickshaws” after “vehicles”, and
(c) in subsection (5), by inserting “or a public service rickshaw” after “vehicle”.

(5) The Taxi Regulation Act 2013, is amended in section 10—
(a) in subsection (2)(c), by inserting “or driving a public service rickshaw” after “driving a small public service vehicle”, and
(b) in subsection (2)(d), by inserting “or a public service rickshaw” after “vehicle”.

(6) The Taxi Regulation Act 2013, is amended in section 47(3) by inserting “or a public service rickshaw” after “vehicle”.

(7) The Taxi Regulation Act 2013, is amended in section 48(4)(b) by inserting “or a public service rickshaw” after “vehicle”.

(8) The Taxi Regulation Act 2013, is amended in section 64—
(a) in subsection (1), by inserting “and public service rickshaws” after “vehicles”, and
(b) in subsection (1)(e), by inserting “or public service rickshaw” after “vehicle”.

Robert Troy.

43. In page 18, between lines 31 and 32, to insert the following:

“Amendment of section 36 of Act of 1994 - parking of vehicles in parking places on public roads
25. The Road Traffic Act 1994, is amended in section 36(3), by inserting the following paragraph after paragraph (c):

“(d)(i) a road authority may make minor alterations to certain parking bye-laws, specified in subparagraph (d)(ii), as they consider
desirable in respect of control and regulation of the parking of vehicles in places in their charge, without having to consult with the Commissioner (as specified by paragraph (a)) or publish a notice of the intended changes (as specified by paragraph (b)),

(ii) minor alterations to bye-laws may be made to the following:

(I) removing, installing or making minor alterations to three or less parking spaces;

(II) removing, installing or making minor alterations to three or less disability parking spaces;

(III) removing, installing or making minor alterations to three or less certain designated bays, that may be specified by bye-laws (such as ‘mother and baby bays’ or ‘bays designated for electric vehicle charging’);

(IV) removing, installing or making minor alterations to loading bays;

(V) removing, installing or making minor alterations to the position of parking payment machines;

(VI) removing, installing or making minor alterations to the position of parking signage;

(iii) the Minister shall make regulations and publish technical guidance on what constitutes minor alterations, as provided for in subparagraph (ii).”.

—Frank O'Rourke.

44. In page 18, between lines 31 and 32, to insert the following:

“Learner Driver driving unaccompanied (Owner)

25. The Road Traffic Act 1961, is amended by the insertion of the following section:

“35A.(1)It shall be an offence for the owner of a vehicle to allow their vehicle be driven by a learner driver driving unaccompanied.

(2) Where a person charged with an offence under this section is the owner of the vehicle, it shall be a good defence to the charge for the person to show that the vehicle was being used without his consent and either that he had taken all reasonable precautions to prevent its being used or that it was being used by his servant acting in contravention of his orders.

(3) Where a person is guilty of an offence under this section and disregarding any disqualification that may be capable of being imposed, such person shall be liable on summary conviction to a fine not exceeding €2,000 or a term not exceeding six months imprisonment or both such fine and imprisonment.”."

—Frank O'Rourke.
[SECTION 25]

—Imelda Munster.

45. In page 18, line 37, after “residence” to insert “on the date of the offence”.

—An tAire Iompair, Turasóireachta agus Spóirt.

46. In page 20, line 36, after “residence” to insert “on the date of the offence”.

—An tAire Iompair, Turasóireachta agus Spóirt.

47. In page 21, line 12, to delete “he or she” and substitute “the licensing authority”.

—An tAire Iompair, Turasóireachta agus Spóirt.

48. In page 21, line 12, to delete “his or her” and substitute “its”.

—An tAire Iompair, Turasóireachta agus Spóirt.

49. In page 21, between lines 33 and 34, to insert the following:

““provisional licence” means a provisional licence issued in Great Britain or Northern Ireland;”.

—An tAire Iompair, Turasóireachta agus Spóirt.

NEW SECTION

50. In page 21, after line 40, to insert the following:

“Repeal of section 9 of, and Schedule 2 to, Road Traffic Act 2002

26. Section 9 (as amended by section 52 of the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012) of, and the Second Schedule to, the Road Traffic Act 2002 are repealed.”.

—An tAire Iompair, Turasóireachta agus Spóirt.

SCHEDULE

51. In page 22, to delete lines 1 to 38, to delete pages 23 to 25, and in page 26, to delete lines 1 to 12 and substitute the following:

“SCHEDULE

Section 25

Agreement on the Mutual Recognition of Driving Disqualifications between Ireland and the United Kingdom of Great Britain and Northern Ireland

The Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland;

Desiring to operate bi-lateral arrangements between them on the reciprocal recognition of driving disqualifications,

Have agreed as follows:

ARTICLE 1
The Contracting States agree to cooperate in accordance with their national laws in order to mutually recognise driving disqualifications.

ARTICLE 2

For the purposes of this Agreement:

(a) “Central authority” and “competent authority” mean the authorities designated as such for the purpose of the Agreement by the State in question and as notified to the other Contracting State;

(b) “driving disqualification” means any measure related to the commission of a road traffic offence which results in withdrawal or suspension of a right to drive a power driven vehicle and which is no longer subject to a right of appeal;

(c) “normal residence” has the meaning given by Article 12 of Directive 2006/126/EC;

(d) “power driven vehicle” has the meaning given by Article 4.1 of Directive 2006/126/EC;

(e) “Relevant State” means:
   i) Ireland where the road traffic offence is committed in the UK and the offender has normal residence in Ireland or the offender does not have normal residence in Ireland but holds an Ireland driving licence (including a learner permit); or
   ii) the UK where the road traffic offence is committed in Ireland and the offender has normal residence in the UK or the offender does not have normal residence in the UK but holds a Great Britain or Northern Ireland licence (including a provisional licence);

(f) “State of the offence” means the Contracting State within the territory of which the road traffic offence occurred; and

(g) “UK” means United Kingdom of Great Britain and Northern Ireland.

ARTICLE 3

A competent authority of the State of the offence shall notify a driving disqualification imposed by a court in its territory for an offence arising from conduct referred to in the Annex to the Central authority of the Relevant State.

ARTICLE 4

1. After notification of its Central authority in accordance with Article 3 the Relevant State shall give effect to the decision imposing disqualification from driving made in the State of the offence in accordance with the conditions laid down in clause 2.

2. The Relevant State:

   (a) shall take into account any part of the period of the driving disqualification imposed by the State of the offence which has already been served in that State;
(b) may reduce the duration of the driving disqualification but only to the maximum term provided for acts of the same kind under its national law;

(c) shall not extend the duration of the driving disqualification imposed by the State of the offence; and

(d) shall not impose the disqualification beyond the date of the expiration of the disqualification in the State of the offence.

3. When giving effect to a driving disqualification under this Article, the Relevant State shall, where necessary, determine a date from which it will enforce the driving disqualification.

ARTICLE 5

1. The Relevant State shall refuse to give effect to the driving disqualification where:

(a) the driving disqualification has already been fully served in the State of the offence;

(b) the offender has already had a driving disqualification imposed on him in the Relevant State for the same acts and that disqualification has been or is being served;

(c) the period of limitation for prosecuting the offence would have expired under its own legislation; or

(d) in the circumstances of the particular case, after receiving any information supplied under Article 6, it considers that the person concerned has not had an adequate opportunity to defend himself.

2. The Relevant State may refuse to give effect to the driving disqualification if:

a) the conduct for which the driving disqualification has been imposed in the State of the offence does not constitute an offence under the law of the Relevant State;

b) the remaining period of disqualification which could be enforced in the Relevant State is less than three months; or

c) driving disqualification is not a measure available under the legislation of the Relevant State for the acts giving rise to the driving disqualification imposed by the State of the offence.

ARTICLE 6

1. The notification referred to in Article 3 shall be accompanied by:

a) details allowing the Relevant State to locate the person disqualified from driving;

b) the original or a certified copy of the decision imposing a driving disqualification;

\[22\] c) a brief statement of the circumstances and a reference to the legal provisions in the State of the offence on the basis of which the driving disqualification
[SCHEDULE]

was imposed, if these are not given in the decision;

d) an attestation that the decision is final;
e) information regarding the enforcement of the driving disqualification in the State of the offence, including the length of the disqualification and, where known, the dates on which the disqualification starts and expires;
f) the driving licence, if it has been seized; and

g) the name, address and date of birth of the offender.

2. Where the person on whom the driving disqualification has been imposed did not appear personally or was not represented at the proceedings, notifications pursuant to Article 3 must be accompanied by evidence that the person has been duly notified of the proceedings in accordance with the law of the State of the offence.

3. If the information communicated in accordance with clauses 1 and 2 is found to be insufficient to allow a decision to give effect to the driving disqualification to be taken, in particular, where in the circumstances of the particular case, there is doubt whether the person concerned has had an adequate opportunity to defend himself, the competent authorities of the Relevant State may request the competent authorities of the State of the offence to provide the necessary supplementary information without delay.

ARTICLE 7
The Relevant State shall inform the State of the offence of any decision taken in respect of a notification given pursuant to Article 3 and in respect of enforcement, and where it refuses to give effect to a driving disqualification pursuant to Article 5, of the reasons for its refusal.

ARTICLE 8
1. The right of the State of the offence to execute in its territory the full period of the driving disqualification determined by the State of the offence shall not be affected by any decision of the Relevant State.

2. When notifying the person concerned of the decision to disqualify, the State of the offence which proposes to apply clause 1 shall at the same time inform the person of this fact, and shall confirm in the notification given in accordance with Article 3 to the Relevant State that it has done so.

ARTICLE 9
Each Contracting State shall adopt the measures necessary to enable it to prohibit the driving of a power driven vehicle in its territory when the driver is disqualified from driving by the Relevant State in implementation of this Agreement.

ARTICLE 10
Costs incurred in implementing this Agreement shall be borne in the Contracting State in which they occur.

ARTICLE 11
Unless requested to do so earlier the Contracting States shall review the implementation of this Agreement 2 years after entry into force of this Agreement, and at any other time both Contracting States otherwise agree to do so.

ARTICLE 12

Any dispute arising from or relating to this Agreement shall be settled through negotiation between the Contracting States.

ARTICLE 13

1. This Agreement shall apply:
   a) to Ireland; and
   b) in relation to the United Kingdom to Great Britain and Northern Ireland.

2. References to the territory of a Contracting State shall be construed in accordance with clause 1 of this Article.

ARTICLE 14

1. The Parties shall notify each other in writing when their necessary internal procedures for entry into force have been completed. The Agreement shall enter into force on the date of the later of such notifications, and shall continue in force until terminated.

2. Either of the Contracting States may terminate this Agreement at any time by giving notice to the other through the diplomatic channel; and if such notice is given the Agreement shall cease to have effect six months after the receipt of the notice.

3. This Agreement shall only apply to offences committed after the entry into force of the Agreement.

In witness whereof the undersigned, duly authorised thereto by their respective Governments, have signed this Agreement.

Done in Duplicate at Dublin this 30th day of October 2015.

Niall A. Burgess
For the Government of Ireland:

Dominick Chilcott
For the Government of the United Kingdom of Great Britain and Northern Ireland:

Annex

Conduct covered by Article 3 of this Agreement

1. Reckless or dangerous driving (whether or not resulting in death, injury or serious risk).
2. Wilful failure to carry out the obligations placed on drivers after being involved in road accidents.
3. Driving a vehicle while under the influence of alcohol or other substances affecting or diminishing the mental and physical abilities of a driver.
4. Refusal to submit to alcohol and drug tests
5. Driving a vehicle faster than the permitted speed
6. Driving a vehicle whilst disqualified.
7. Other conduct constituting an offence for which a driving disqualification has been imposed
[SCHEDULE]

by the State of the offence:
  a. of a duration of six months or more, or
  b. of a duration of less than six months where this has been agreed between the Contracting States.”.

—An tAire Iompair, Turasóireachta agus Spóirt.

TITLE

52. In page 5, line 5, after “2015” to insert the following:

“, to amend the Vehicle Clamping Act 2015, to give effect to the Agreement on the Mutual Recognition of Driving Disqualifications between the State and the United Kingdom done at Dublin on 30 October 2015”.

—An tAire Iompair, Turasóireachta agus Spóirt.