



**An Bille um Thrácht ar Bhóithre (Feithiclí Uile-Thír-
Raoin agus Gluaisrothair Streachailte) (Leasú), 2019**
**Road Traffic (All Terrain Vehicle and Scrambler Motor-
cycle) (Amendment) Bill 2019**

Meabhrán Mínitheach
Explanatory Memorandum



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THÍR-RAOIN AGUS GLUAISROTHAIR STREACHAILTE)
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**ROAD TRAFFIC (ALL TERRAIN VEHICLE AND SCRAMBLER
MOTOR-CYCLE) (AMENDMENT) BILL 2019**

EXPLANATORY MEMORANDUM

Background

There are considerable issues with antisocial use of All Terrain Vehicles (quad bikes) and light motorcycles, which currently exist in a legal lacuna. Despite these vehicles being used extensively in public parks and greens, there are very few laws governing their use in this area. Furthermore, even where violations of existent law do occur, it can be very difficult for Gardaí to enforce the law.

This bill would strengthen law through a number of key provisions. First, the bill (*section 2*) would allow Gardaí to seize All Terrain Vehicles and motorbikes if they have suspicion or documentary evidence, such as photographs, that suggests that the ATV or motorbike is being driven in a public place without a clearly visible number plate. Furthermore, the bill will increase the penalty for the offence of supplying such a vehicle to a person who is underage from a fine of €3,000 to a class A fine (€5,000) or confiscation of the vehicle. It also introduces the possibility of imprisonment for a 6 month term.

The bill (*section 5*) for the first time makes it an offence to ride an ATV or scrambler motor-cycle dangerously in public place (which, under the Criminal Justice (Public Order) Act 2004 includes public parks) and to make confiscation the penalty for this offence.

Finally, in order to ensure that these provisions can be enforced, the bill (*section 6*) directs the Minister for Transport, Tourism and Sport to set out regulations providing for the seizure of scramblers and ATVs from the curtilage of a dwelling (such as a driveway), where a member of an Garda Síochána believes, on the balance of probabilities, that the vehicle is being used or has been used to commit an offence under this Act.

*John Lahart, TD and John Curran, TD,
Aibreán, 2019.*