



**An Bille um Thrácht ar Bhóithre (Feithiclí Uile-Thír-Raoin agus Gluaisrothair
Streachailte) (Leasú), 2020**

**Road Traffic (All-Terrain Vehicle and Scrambler Motorcycle) (Amendment) Bill
2020**

Mar a tionscnaíodh

As initiated



**AN BILLE UM THRÁCHT AR BHÓITHRE (FEITHICLÍ UILE-THÍR-RAOIN AGUS
GLUAISROTHAIR STREACHAILTE) (LEASÚ), 2020
ROAD TRAFFIC (ALL-TERRAIN VEHICLE AND SCRAMBLER MOTORCYCLE)
(AMENDMENT) BILL 2020**

Mar a tionscnaíodh

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ACTS REFERRED TO

Criminal Justice (Public Order) Act 1994 (No. 2)

Criminal Justice Act 1951 (No. 2)

Police (Property) Act 1897 (60 & 61 Vict. c.30)

Road Traffic Act 1961 (No. 24)

Road Traffic Act 2004 (No. 44)



**AN BILLE UM THRÁCHT AR BHÓITHRE (FEITHICLÍ UILE-THÍR-RAOIN AGUS
GLUAISROTHAIR STREACHAILTE) (LEASÚ), 2020
ROAD TRAFFIC (ALL-TERRAIN VEHICLE AND SCRAMBLER MOTORCYCLE)
(AMENDMENT) BILL 2020**

Bill

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entitled

An Act to amend the Road Traffic Act 1961 to further regulate the use of all-terrain vehicles and scrambler motorcycles in a public place, to make further provision for the seizure, by An Garda Síochána, of said vehicles and motorcycles in certain circumstances, to provide for the confiscation and disposal of same when a person contravenes the law in relation to the use of both all-terrain vehicles and scrambler motorcycles in a public place and to provide for related matters. 10

Be it enacted by the Oireachtas as follows:

Interpretation

1. In this Act, save where context otherwise requires— 15
- “all-terrain vehicle” includes a mechanically propelled vehicle referred to as a quad, quad bike, three-wheeler, four-track, four-wheeler, quadricycle and/or a vehicle that travels on low-pressure tyres, with a seat that is straddled by the operator, along with handlebars for steering control;
- “Minister” refers to the Minister for Climate Action, Communications and Transport; 20
- “National Vehicle and Driver File (NVDF)” means the database containing details of all registered vehicles and their owners as well as licensed drivers in the State, which system is maintained and supported by the Driver and Vehicle Computer Services Division of the Department of Transport;
- “scrambler motorcycle” includes a mechanically propelled vehicle that includes a lightweight motorcycle equipped with rugged tyres and suspension, an off-road motorcycle designed for riding cross country or over unpaved ground, a dirt bike and/or a trail bike; 25
- “vehicle registration plate” has the same meaning as it has in S.I. No. 318/1992 – Vehicle Registration and Taxation Regulations, 1992. 30

Amendment to definition of public place

2. The Road Traffic Act 1961 is hereby amended in *section 3(1)* by the substitution of the following definition for the definition of “public place”:

“ ‘public place’ means—

- (a) any public road, 5
- (b) any street, road or other place to which the public have access with vehicles whether as of right or by permission and whether subject to or free of charge, and
- (c) any outdoor area including public parks and beaches which are used for recreation to which the public have access, whether as of right or by permission and whether subject to or free of charge. 10

Seizure and disposal of scrambler motorcycle and/or all-terrain vehicle

3. (1) Where a member of An Garda Síochána is of the opinion that either—

- (a) a scrambler motorcycle, or
- (b) an all-terrain vehicle, 15

is being or has been ridden by any person, in a public place, pursuant to either or both the Road Traffic Act 1961 and the Criminal Justice (Public Order) Act 1994, without displaying a clearly visible and clearly legible vehicle registration plate, the said member may seize and retain such scrambler motorcycle or all-terrain vehicle.

- (2) Property seized in accordance with *subsection (1)* shall be disposed of in accordance with section 1 of the Police (Property) Act 1897 and section 25 of the Criminal Justice Act 1951. 20

Amendment of section 53 of Road Traffic Act 1961

4. Section 53 of the Road Traffic Act 1961 (as amended) is amended—

- (a) in subsection (2) by the substitution of the following for paragraph (b): 25

“(b) in any other case, he or she is liable, on summary conviction, to—

- (i) a class A fine and/or confiscation of the vehicle,
- (ii) imprisonment for a term not exceeding 6 months, or
- (iii) both subparagraphs (i) and (ii),”

- (b) by the insertion of the following subsection after subsection (2): 30

“(2A) Property confiscated in accordance with subsection (2) shall be disposed of in accordance with section 1 of the Police (Property) Act 1897.”,

and

- (c) by the insertion of the following new subsections: 35

“(7) Where the vehicle to which an offence under subsection (1) relates is

either an all-terrain vehicle or a scrambler motorcycle, the member of An Garda Síochána may seize the vehicle.

- (8) Property seized in accordance with subsection (1) shall be disposed of in accordance with section 1 of the Police (Property) Act 1897 and section 25 of the Criminal Justice Act 1951.”.

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Amendment of section 30 of Road Traffic Act 2004

5. Section 30 of the Road Traffic Act 2004 (as amended) is amended by the substitution of the following subsections for subsection (2):

“(2) A person who contravenes subsection (1) commits an offence and is liable, on summary conviction, to—

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(a) a class A fine and/or confiscation of the mechanically propelled vehicle, or

(b) imprisonment for a term not exceeding 6 months, or

(c) both paragraphs (a) and (b).”.

(2A) Property confiscated in accordance with subsection (2) shall be disposed of in accordance with section 1 of the Police (Property) Act 1897 and section 25 of the Criminal Justice Act 1951.”.

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Amendment of Criminal Justice (Public Order) Act 1994

6. The Criminal Justice (Public Order) Act 1994 is amended by the insertion of the following section after section 6:

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“Riding an all-terrain vehicle/scrambler motorcycle dangerously in a public place

6A. (1) It shall be an offence for any person, to ride an all-terrain vehicle or scrambler motorcycle dangerously, in a public place, which having regard to all the circumstances, is likely to cause serious offence, annoyance or upset, to any person who is, or might reasonably be expected to be, aware of such behaviour.

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(2) A person who is guilty of an offence under this section shall be liable, on summary conviction, to—

(a) a class A fine and/or confiscation of the mechanically propelled vehicle, or

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(b) imprisonment for a term not exceeding 6 months, or

(c) both paragraphs (a) and (b).”.

Regulations

7. (1) The Minister shall, within three months of the enactment of this Act, and, after consultation with the Minister for Justice, make regulations authorising and providing for the removal from the curtilage of a dwelling (but not including a dwelling) and subsequent disposal of either a scrambler motorcycle or an all-terrain vehicle, that in

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the opinion of a member of An Garda Síochána, on the balance of probabilities, is being used or has been used to commit an offence under this Act.

- (2) The Minister shall, within six months of the enactment of this Act, and after consultation with the Minister for Finance, issue a report on the establishment of a database of all All-Terrain Vehicles in the State, both new and second hand, with a view to ensuring all such vehicles be registered on the National Vehicle Driver File. 5
- (3) The Minister may make regulations for the general purpose of this Act and may, by regulation, provide for any matter referred to in this Act as prescribed or to be prescribed.
- (4) Every regulation under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done under the regulation. 10
- (5) Regulations under this Act may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations. 15

Short title and citation

8. (1) This Act may be cited as the Road Traffic (All-Terrain Vehicle and Scrambler Motorcycle) (Amendment) Act 2020. 20
- (2) This Act shall come into operation on such day as may be fixed by order of the Minister.

An Bille um Thrácht ar Bhóithre (Feithiclí
Uile-Thír-Raoin agus Gluaisrothair
Streachailte) (Leasú), 2020

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú an Achta um Thrácht ar Bhóithre, 1961 chun úsáid feithiclí uile-thír-raoin agus gluaisrothar streachailte in áit phoiblí a rialáil tuilleadh, do dhéanamh socrú breise maidir leis an nGarda Síochána d'urghabháil na bhfeithiclí agus na ngluaisrothar sin in imthosca áirithe, do dhéanamh socrú chun an céanna a choigistiú agus a dhiúscairt nuair a sháraíonn duine an dlí i ndáil le húsáid feithiclí uile-thír-raoin agus gluaisrothar streachailte araon in áit phoiblí agus do dhéanamh socrú i dtaobh nithe gaolmhara.

*Na Teachtaí Pól Mac Amhlaóibh agus Seán Ó
Laibheartaigh a thug isteach,*

17 Samhain, 2020

Road Traffic (All-Terrain Vehicle and
Scrambler Motorcycle) (Amendment) Bill
2020

BILL

(as initiated)

entitled

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*Introduced by Deputies Paul McAuliffe and John
Lahart,*

17th November, 2020

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