



An Bille um Shábháilteacht Iarnróid, 2026
Railway Safety Bill 2026

Mar a tionscnaíodh

As initiated



AN BILLE UM SHÁBHÁILTEACHT IARNRÓID, 2026
RAILWAY SAFETY BILL 2026

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AN BILLE UM SHÁBHÁILTEACHT IARNRÓID, 2026
RAILWAY SAFETY BILL 2026

Bill

entitled

An Act to continue the Railway Accident Investigation Unit established in accordance 5
with Regulation 4 of the European Union (Railway Safety) (Reporting and Investigation
of Serious Accidents, Accidents and Incidents) Regulations 2014 (S.I. No. 258 of 2014)
and to enable it to perform the function of investigating railway accidents and incidents
relating to any railway, and to amend the Railway Safety Act 2005, in particular in
relation to intoxicants and persons working on railways, and to amend Schedule 1 to the 10
Freedom of Information Act 2014.

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title, commencement and construction 15

1. (1) This Act may be cited as the Railway Safety Act 2026.
- (2) This Act, other than *Part 1*, shall come into operation on such day or days as the
Minister may by order or orders appoint either generally or with reference to any
particular purpose or provision and different days may be so appointed for different
purposes or different provisions. 20
- (3) *Part 2* and the Railway Safety Act 2005 shall be construed together as one Act.

Interpretation

2. In this Act—
“Act of 2005” means the Railway Safety Act 2005;
“Minister” means Minister for Transport. 25

PART 2

INVESTIGATION OF SERIOUS ACCIDENTS, ACCIDENTS AND INCIDENTS BY RAILWAY ACCIDENT INVESTIGATION UNIT

Interpretation - *Part 2*

3. (1) In this Part—

“accident” means an unwanted or unintended sudden event or a specific chain of such events which have harmful consequences; accidents are divided into the following categories: collisions, derailments, level-crossing accidents, accidents to persons involving rolling stock in motion, fires and others; 5

“causes” means actions, omissions, events or conditions, or a combination thereof, which led to an accident or incident; 10

“Chief Investigator” means a person nominated, or deemed by *section 26(1)(a)* to have been nominated, under *section 5(3)*;

“conformity assessment body” has the same meaning that it has in the Regulations of 2020;

“extensive damage” means damage that can immediately be assessed by the Investigation Unit to cost at least €2 million in total; 15

“incident” means any occurrence, other than an accident or serious accident, affecting the safety of railway operations;

“infrastructure manager” has the meaning assigned to it by Regulation 2(1) of the Regulations of 2015; 20

“Investigation Unit” has the meaning assigned to it by *section 5*;

“investigator” means a person appointed, or deemed by *section 26(1)(a)* to have been appointed, under *section 5(3)* and includes a qualified person engaged, or deemed by this Act to be engaged, under *subsection (2)* or *subsection (5)* of *section 11*;

“investigator-in-charge” has the meaning given to it by *section 11*; 25

“light railway” and “metro” each has the same meaning as it has in the Transport (Railway Infrastructure) Act 2001;

“qualified person” means an individual who has appropriate expertise in railway operations or in a particular class or aspect of railway operations or other expertise relevant to the safety management systems or aspects thereof; 30

“Railway Accident Investigation Unit” means the Railway Accident Investigation Unit established under Regulation 4 of the Regulations of 2014;

“railway organisation” means an organisation that operates specified railway;

“railway property” means all land, buildings, railway infrastructure, rolling stock and vehicles under the control of a railway undertaking, an infrastructure manager or a railway organisation; 35

“railway undertaking” has the meaning assigned to it by Regulation 2(1) of the Regulations of 2015;

“record” means any memorandum, book, plan, map, drawing, diagram, pictorial or graphic work or other document, any photograph, film or recording (whether of sound or images or both), any form (including machine-readable form) or thing in which information is held or stored manually, mechanically or electronically and any thing that is a part or a copy, in any form, of any of the foregoing or is a combination of two or more of any of the foregoing; 5

“Regulations of 2014” means European Union (Railway Safety) (Reporting and Investigation of Serious Accidents, Accidents and Incidents) Regulations 2014 (S.I. No. 258 of 2014);

“Regulations of 2015” means European Union (Regulation of Railways) Regulations 2015 (S.I. No. 249 of 2015); 10

“Regulations of 2020” means the European Union (Railway Safety) (Reporting and Investigation of Serious Accidents, Accidents and Incidents) Regulations 2020 (S.I. No. 430 of 2020);

“safety management system” means the organisation, arrangements and procedures established by an infrastructure manager, railway undertaking or railway organisation to ensure the safe management of its operations; 15

“serious accident” means—

(a) any train collision or derailment of a train, resulting in—

(i) the death of at least one person or serious injuries to 5 or more persons, or 20

(ii) extensive damage to rolling stock, the infrastructure or the environment,
and

(b) any other accident with the same consequences,

which has an obvious impact on railway safety regulation or the management of safety; 25

“specified railway” means railway prescribed by the Minister in regulations made under *section 6*.

(2) A reference in this Part to a “railway organisation” does not include a reference to a railway undertaking or an infrastructure manager.

(3) A reference to an accident in this Part is to be construed as a reference to a serious accident when the investigation of a serious accident is being carried out. 30

Laying of regulations

4. Every regulation made by the Minister under this Part shall, as soon as may be after it is made, be laid before each of the Houses of the Oireachtas 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 thereunder. 35

Railway Accident Investigation Unit

5. (1) The Railway Accident Investigation Unit established under Regulation 4 of the Regulations of 2014 and continued by Regulation 4 of the Regulations of 2020 is continued in existence as a body to be known as the Railway Accident Investigation Unit and in this Act referred to as the “Investigation Unit”, to perform the function of investigating accidents and incidents in accordance with this Act and the Regulations of 2020 and under any other enactment. 5
- (2) The Investigation Unit shall—
- (a) be independent in its organisation, legal structure and decision making from any railway undertaking, infrastructure manager, railway organisation, charging body, allocation body and conformity assessment body and from any party whose interests could conflict with the functions entrusted to it, 10
 - (b) be functionally independent from the Commission, from the European Union Agency for Railways established by Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016¹ on the European Union Agency for Railways and repealing Regulation (EC) No. 881/2004 and from any regulator of railways, and 15
 - (c) perform its functions independently of the organisations referred to in paragraphs (a) and (b).
- (3) The Minister shall appoint such qualified persons to the staff of the Investigation Unit as investigators of railway accidents and incidents as the Minister thinks necessary for the purposes of performing its functions of investigating accidents and incidents in accordance with this Part and the Regulations of 2020 and shall nominate one of them to be responsible for directing the work of the Investigation Unit in accordance with this Part and the Regulations of 2020 (referred to in this Part as the “Chief Investigator”). 20 25
- (4) The Minister shall furnish an investigator with a warrant of his or her appointment and, when exercising any power conferred on him or her under this Part or the Regulations of 2020, an investigator shall, if requested by any person affected by the exercise of such power, show the warrant of his or her appointment or a copy of it to that person. 30
- (5) The remuneration of the Chief Investigator and of investigators shall be determined by the Minister, with the consent of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation.

Minister to make regulations providing for investigations relating to railway

6. (1) The Minister shall make regulations providing for the investigation by the Investigation Unit of accidents and incidents relating to a railway, heritage railway, rail network or railway vehicle, including light railway and metro. 35
- (2) Without prejudice to the generality of subsection (1), the Minister may—
- (a) prescribe the railway in respect of which the Regulations apply (referred to in this Part as “specified railway”), 40

1 OJ No. L138, 26.05.2016, p.1

- (b) prescribe circumstances in which the Investigation Unit shall carry out an investigation,
- (c) prescribe circumstances in which the Investigation Unit may carry out an investigation and the matters that the Investigation Unit are to take into account in deciding whether or not to do so, 5
- (d) provide that the Investigation Unit may, before commencing an investigation, make inquiries to determine whether an investigation is warranted,
- (e) provide for the objectives of such an investigation,
- (f) prescribe matters to be determined by the Investigation Unit in its investigation,
- (g) provide for procedures relating to the carrying out of an investigation, including persons to be notified of the investigation, 10
- (h) provide that where, during the course of an investigation and in advance of the publication of the final report of its investigation, the Investigation Unit becomes aware of any implications for railway safety which, in its opinion, warrant consideration by a railway undertaking, an infrastructure manager, a railway organisation or other person, the Investigation Unit shall immediately advise the Commission of the circumstances and may make and issue such interim safety recommendations as it considers to be warranted and feasible for the avoidance of accidents and incidents or otherwise for the improvement of railway safety, and 15
- (i) provide for safety recommendations to be made by the Investigation Unit. 20

Investigations

7. (1) An investigation by the Investigation Unit relating to specified railway shall in no case be concerned with apportioning blame or liability and shall—
 - (a) be carried out independently of any investigation of an alleged offence regarding the accident or incident, and 25
 - (b) be separate from any other proceedings whose function is to apportion blame or liability.
- (2) The Investigation Unit shall take account of the reasonable needs of the victims of accidents and incidents relating to railway, and their relatives, and keep them informed of the progress made in the investigation. 30
- (3) The necessary operational and technical expertise to carry out an investigation may be obtained from inside or outside the Investigation Unit depending on the character of the accident or incident to be investigated.
- (4) The Investigation Unit may, if necessary, and provided it does not undermine the independence of the Investigation Unit, request the assistance of investigating bodies from other states to supply expertise or to carry out technical inspections, analyses or evaluations. 35

Notification and reporting of accidents and incidents

8. (1) When an accident or incident relating to railway occurs, the railway undertaking, infrastructure manager or railway organisation concerned, or, if the accident or incident involved more than one railway undertaking, infrastructure manager or railway organisation, the railway undertakings, infrastructure managers or railway organisations concerned and, as appropriate, the Commission, shall immediately notify the accident or incident by the quickest practicable means, and provide all available information, including brief particulars and details of the location of the accident or incident and, in relation to an accident, of any loss of life or personal injury—
- (a) to the Investigation Unit and as soon as practicable thereafter send a written report to the Investigation Unit, in such form and containing such particulars of the accident or incident as may be specified from time to time by the Investigation Unit, and
- (b) to the Commission and as soon as practicable thereafter send a written report to the Commission, in such form and containing such particulars of the accident or incident as may be specified from time to time by the Commission or as prescribed in regulations, if any, made pursuant to section 69(1)(g) of the Act of 2005.
- (2) On receiving a report under *subsection (1)(b)*, the Commission shall, by the quickest practicable means, send a report of the accident or incident to the Minister which shall include brief particulars and details of the location of the accident or incident and, in relation to an accident, details of any loss of life or personal injury.
- (3) Where as a result of an accident, a person sustains a personal injury and as a result of that accident the person dies within 30 days of the accident, the railway undertaking, infrastructure manager or railway organisation concerned shall, as soon as possible after the death comes to its knowledge, inform the Investigation Unit and the Commission in writing of the death.
- (4) A railway undertaking, infrastructure manager or railway organisation that does not comply with *paragraphs (a) and (b) of subsection (1)* or, where applicable, *subsection (3)* commits an offence and shall be liable on summary conviction to a class A fine.
- (5) The Investigation Unit shall, as soon as practicable but not later than 2 months after receipt of the notification referred to in *subsection (1)*, decide whether or not to start an investigation concerning the accident or incident.
- (6) The obligation under *subsection (1)* includes the obligation, in circumstances where information is unavailable at the time of the notification or report, to update the notification or report referred to in that paragraph as soon as such information becomes available.

Requirement to provide information

9. A railway undertaking, infrastructure manager or railway organisation that is notified of the commencement of an investigation in accordance with regulations made under *section 6* shall, as soon as practicable following such notification, provide to the

Investigation Unit details of all records held by it, and all information known to it, that may be relevant to the investigation and shall thereafter notify the Investigation Unit immediately of any further relevant records that come into its possession and any further relevant information that becomes known to it.

Investigation Unit may investigate relevant decision, etc. of Commission

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10. For the purposes of the exercise of its functions under regulations made under *section 6*, the Investigation Unit may, where it deems it appropriate to do so as part of an investigation into an accident or incident, investigate any decision, act or omission of the Commission which the Investigation Unit considers may be relevant to its investigation and the Commission shall co-operate with the Investigation Unit in this regard.

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Investigators

11. (1) The Chief Investigator may appoint himself or herself to be the investigator responsible for the organisation, conduct and control of any particular investigation of an accident or incident under this Part or under the Regulations of 2020 (referred to in this Act as the “investigator-in-charge”).

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- (2) Where the Chief Investigator does not appoint himself or herself as investigator-in-charge under *subsection (1)* he or she shall appoint an investigator from the Investigation Unit, or engage any other qualified person, whom he or she believes to be able to perform the relevant functions, to be the investigator-in-charge for any particular investigation.

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- (3) The Chief Investigator shall ensure that the person appointed or engaged to be the investigator-in-charge of any particular investigation under this section is able to perform the functions of investigator-in-charge required for that investigation.

- (4) The Chief Investigator may, from time to time, engage such consultants or advisers as he or she may consider necessary to assist the Investigation Unit in the performance of its functions.

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- (5) The Chief Investigator may engage one or more qualified persons as investigators to assist the investigator-in-charge during an investigation.

- (6) The investigator-in-charge shall be independent of any parties involved in the accident or incident, the organisations referred to in *section 5(2)* and of any party whose interests could conflict with the functions entrusted to the investigator-in-charge.

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- (7) Where—

- (a) a person other than an investigator from the Investigation Unit is engaged as investigator-in-charge under *subsection (2)*, or

- (b) a qualified person is engaged as an investigator under *subsection (5)*, to assist an investigator-in-charge,

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such person shall, on his or her engagement, be issued with a warrant by the Minister to act as an investigator, and shall have for the purpose of so acting, such powers of an investigator as may be specified at the time of his or her engagement and shall, when exercising any power so specified, if requested by any person affected by the exercise of such power, show the warrant or a copy of it to that person.

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- (8) A qualified person engaged under *subsection (5)* shall—
- (a) provide the investigator-in-charge with all relevant information available to him or her, and
 - (b) respect the confidentiality of the investigation and not disclose information on the progress, evidence and findings of the investigation without the written consent of the Chief Investigator. 5
- (9) Any fees due to a consultant or adviser engaged under *subsection (4)* or any fees payable to a qualified person engaged as an investigator-in-charge under *subsection (2)* or as an investigator under *subsection (5)* shall form part of the expenses of the Investigation Unit. 10

Investigator to be provided with access, etc.

12. (1) For the purposes of the investigation of an accident or an incident under this Part or the Regulations of 2020, an investigator shall, where appropriate in cooperation with the authorities responsible for any criminal investigation or other inquiry, as soon as possible, be given by any infrastructure manager, railway undertaking or railway organisation or by any other person responsible— 15
- (a) immediate access to the site of the accident or incident as well as to the rolling stock involved, the related infrastructure and traffic control and signalling installations,
 - (b) an immediate listing of, and access to, evidence and controlled removal of wreckage, infrastructure installations or components for examination or analysis purposes, 20
 - (c) unrestricted access to and use of the contents of on-board recorders and equipment for recording of verbal messages and registration of the operation of the signalling and traffic control system, 25
 - (d) access to the results of examination of the bodies of victims,
 - (e) access to the results of examinations of the train staff and other railway staff involved in the accident or incident,
 - (f) the opportunity to question the railway staff involved and other witnesses and anyone who the investigator-in-charge has reasonable grounds to believe may have information relevant to the investigation, and 30
 - (g) access to any relevant information or records held by the infrastructure manager, railway undertaking, railway organisation or the Commission.
- (2) The Investigation Unit shall consult with infrastructure managers, railway undertakings and railway organisations, as appropriate, in order to establish agreed procedures for entry by investigators upon railway property. 35

Powers of investigators

13. (1) An investigator shall be independent in carrying out an investigation under this Part or the Regulations of 2020.

- (2) An investigator may, for the purposes of carrying out an investigation under this Part or the Regulations of 2020, do any one or more of the following—
- (a) enter the site of the accident or incident to be investigated,
 - (b) bring with him or her onto the site—
 - (i) any person authorised by the Chief Investigator to accompany him or her, or 5
 - (ii) any equipment or materials required to carry out the investigation,
 - (c) direct that any railway property or part thereof and anything therein and any related scene of accident or incident be left undisturbed or be preserved for so long as reasonably necessary,
 - (d) make such examination and inquiry as may be necessary, 10
 - (e) subject to *section 14*, enter any place, premises or vehicle which he or she has reasonable cause to believe contains records or information relevant to the investigation,
 - (f) require the production of any record, including the results of any examination or test carried out as part of an investigation into the same accident or incident (and, in the case of information in non-legible form, to reproduce it in legible form) which, in the opinion of the investigator, it is necessary for him or her to examine and copy or require that a copy of it or of any entry therein be provided to him or her, 15
 - (g) examine and take copies of, or extracts from, any such records (including, in the case of information in non-legible form, a copy of or extract from such information in permanent legible form) which in the opinion of the investigator is necessary, 20
 - (h) direct that such records be retained for such period as may be reasonable for further examination, 25
 - (i) take samples or, as regards any article or substance he or she finds, require the railway undertaking, infrastructure manager, railway organisation or any member of staff of, or other person engaged by, the railway undertaking, infrastructure manager, railway organisation or any person who appears to him or her to be in possession of the article or substance, to supply without payment, for test, examination or analysis sufficient samples, thereof, 30
 - (j) in relation to any article or substance found, to take possession of it, preserve and detain it for so long as is necessary, for all or any of the following purposes, namely—
 - (i) to examine, or arrange for the examination of, it and do to it anything which he or she has power to do under *paragraph (k)*, 35
 - (ii) to ensure that it is not tampered with before the examination of it is completed,
 - (iii) to ensure that it is kept available for the purposes of the investigation and any other statutory investigation into the same accident or incident, or 40

- (iv) to ensure that results of any process or test to which it has been subjected are kept available for the purposes of the investigation and any other statutory investigation into the same accident or incident,
- (k) require that any article be operated or set in motion, or cause any article or substance found to be dismantled or subjected to any process or test which appears to him or her to be reasonably necessary (but not so as to damage or destroy it unless it is, in the circumstances, necessary to do so for the purposes of the process or test) and where an investigator proposes to exercise the power conferred by this paragraph in the case of an article or substance found, he or she shall, if so requested by a person who may have responsibilities in respect of such article or substance, cause anything which is to be done by virtue of that power to be done in the presence of that person, 5
- (l) before exercising the power conferred by *paragraphs (j) and (k)* in the case of any article or substance, an investigator shall, in so far as it is practicable to do so, consult such persons as appear to him or her to be appropriate for the purpose of ascertaining what risks and dangers, if any, there may be in doing anything which he or she proposes to do under that power, 10 15
- (m) take any measurements or photographs or make any tape, electronic or other audio or visual recordings which the investigator considers necessary,
- (n) require any person to afford the investigator such facilities and assistance within that person's control or responsibilities as are necessary to enable the investigator to exercise any of the powers conferred on him or her, 20
- (o) require any person by or on whose behalf data equipment is or has been used or any person having charge of, or otherwise concerned with the operation of, the data equipment or any associated apparatus or material to afford the investigator all reasonable assistance in relation to its use, 25
- (p) require any railway undertaking, infrastructure manager or railway organisation to have any train, railway infrastructure, equipment, system, or procedure examined and tested at the expense of the railway undertaking, infrastructure manager or railway organisation, as the case may be, where, in his or her opinion, this is necessary, 30
- (q) require any person whom he or she has reasonable cause to believe to be able to give information relevant for the purposes of the investigation, to answer such questions with respect to relevant matters as he or she thinks fit to ask, and
- (r) have a member of An Garda Síochána accompany him or her if the investigator has reasonable cause to apprehend any serious obstruction in the execution of his or her duty. 35
- (3) Where, under the power conferred by *subsection (2)(j)*, an investigator takes possession of any article or substance found at or in any railway property, he or she shall, if it is practicable for him or her to do so, take a sample thereof and give to the railway undertaking, infrastructure manager or railway organisation a portion of the sample marked in a manner sufficient to identify it. 40
- (4) An answer or statement given to an investigator as part of an investigation under this Part or the Regulations of 2020 may be reproduced in whole or in part in the

investigation report, but shall not be admissible as evidence in civil or criminal proceedings.

Search warrant

14. (1) An investigator shall not, except under a warrant under *subsection (3)* or with the consent of the occupier, enter a domestic dwelling for the purposes of this Part or the Regulations of 2020. 5
- (2) Where an investigator in the exercise of his or her powers is prevented from entering any premises, place or vehicle, an application may be made under *subsection (3)* authorising such entry.
- (3) If a judge of the District Court is satisfied by information on oath of an investigator that there are reasonable grounds for suspecting that information required by an investigator for the purpose of an investigation under this Part or the Regulations of 2020 is held at any railway, premises, place or vehicle, the judge may issue a warrant authorising the investigator, accompanied if the investigator considers it necessary by other investigators or members of An Garda Síochána, at any time or times within one month from the date of issue of the warrant, on production of the warrant if so required, to enter, if need be by reasonable force, the railway, premises, place or vehicle and to exercise all or any of the powers conferred on the investigator under this Part or the Regulations of 2020. 10 15

Provision of records and other information

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15. (1) Where, in the opinion of an investigator carrying out an investigation, the inspection of any record may be necessary for the purpose of exercising his or her functions under this Part or the Regulations of 2020, the investigator may require a railway undertaking, an infrastructure manager, a railway organisation or the Commission to make available within such reasonable period as the investigator specifies, such record to enable the investigator to inspect and copy it and the railway undertaking, infrastructure manager, railway organisation or the Commission shall comply with the requirement. 25
- (2) An investigator may require the attendance before him or her of any person in the State for the purpose of providing to the investigator any information which may be known to the person and which, in the investigator's opinion may be relevant to the investigation and the person shall comply with the requirement. 30
- (3) A person required to attend before an investigator in accordance with *subsection (2)* shall be entitled to the reimbursement by the Investigation Unit of any reasonable expenses incurred in connection with his or her attendance. 35
- (4) An investigator may make such copies or take such extracts from the information gathered as the investigator considers necessary for the purposes of the investigation.

Offence of obstructing investigator

16. (1) A person shall be guilty of an offence where he or she—
- (a) obstructs or impedes an investigator in performing a function of an investigator under this Part or the Regulations of 2020, 40

- (b) fails to comply with a requirement or a direction of an investigator under this Part or the Regulations of 2020, or
 - (c) in purported compliance with a requirement of an investigator, gives information to an investigator under this Part or the Regulations of 2020 which the person knows to be false or misleading. 5
- (2) A person guilty of an offence under *subsection (1)* shall be liable on summary conviction to a class A fine.

Requirement to give name and address to member of An Garda Síochána, offence and arrest without warrant

17. (1) A member of An Garda Síochána accompanying an investigator may require of any person his or her name and address and, if such person refuses or fails to give his or her name and address or gives a name and address which the member has reasonable grounds for believing to be false or misleading, the person shall be guilty of an offence. 10
- (2) A person guilty of an offence under *subsection (1)* shall be liable on summary conviction to a class A fine. 15
- (3) A member of An Garda Síochána accompanying an investigator may arrest without warrant—
- (a) a person who obstructs or impedes an investigator exercising a power under this Part or who refuses to comply with a request or requirement of an investigator, or 20
 - (b) a person who is required to give his or her name and address under *subsection (1)* and refuses or fails to give his or her name and address to the member or gives a name or address which the member has reasonable grounds for believing to be false or misleading.

Prosecution of offences summarily 25

18. (1) Subject to *subsection (2)*, proceedings for an offence under this Part may be prosecuted summarily by the Minister.
- (2) Proceedings for an offence under *section 8(4)* may be prosecuted summarily by the Commission where the railway undertaking, infrastructure manager or railway organisation concerned does not comply with the obligation under *section 8(1)(b)* to notify or send a report to the Commission, or the obligation under *section 8(3)* to inform the Commission. 30
- (3) Notwithstanding *section 10(4)* of the Petty Sessions (Ireland) Act 1851, summary proceedings for an offence under this Part may be instituted at any time within 2 years from the date on which the offence is alleged to have been committed. 35

Offence by body corporate

19. Where an offence under this Part is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any 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 40

person as well as the body corporate shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

Immunity from claims

20. (1) An investigator is immune from claims for damages in respect of any thing done in good faith and in the course of carrying out investigations into accidents and incidents under this Part, and in assisting the Investigation Unit in the performance of its functions including the preparation and publication of a report. 5
- (2) In *subsection (1)* “report” includes an investigation report and a draft investigation report referred to in *section 21*, written observations on a draft report referred to in *section 21* and any safety recommendations and interim safety recommendations provided for in regulations made under *section 6*. 10

Investigation report

21. (1) The Minister may by regulations under *section 6* provide that the Investigation Unit shall prepare, publish and communicate a report of each investigation of an accident or incident relating to specified railway in such manner and within such time period as the Minister may prescribe. 15
- (2) Although it shall not be the purpose of the investigation report to apportion blame or liability, *section 7(1)* shall not prevent the reporting of relevant findings of an investigation indicating the cause or causes or probable cause or causes of the accident or incident or the making of safety recommendations in accordance with this Part or regulations under this Part. 20
- (3) Without prejudice to the generality of *subsection (1)*, the Minister may—
- (a) prescribe the procedures for the preparation of an investigation report, including the circulation of a draft report and the making of observations on the draft, and
- (b) the persons to whom a copy of an investigation report shall be sent. 25
- (4) A person to whom a draft investigation report is sent shall not disclose or permit to be disclosed to another person (other than by way of confidential disclosure to his or her legal or technical adviser) the draft report or its contents except with the prior consent in writing of the Investigation Unit and subject to such conditions, if any, which may be specified by the Investigation Unit in such consent. 30
- (5) A person who contravenes *subsection (4)* shall be guilty of an offence and shall be liable on summary conviction to a class A fine.

Safety recommendations

22. (1) The Commission shall take the measures necessary to ensure that a safety recommendation issued by the Investigation Unit pursuant to regulations made under *section 6* is duly taken into consideration, and, where appropriate, acted upon. 35
- (2) Any railway undertaking, infrastructure manager, railway organisation or other person to which a safety recommendation has been directed by the Investigation Unit on foot of an investigation shall report at least quarterly to the Commission on the progress of

measures that are taken or planned to be taken as a consequence of the safety recommendation.

- (3) The Commission and other authorities or bodies to which a safety recommendation has been addressed by the Investigation Unit on foot of an investigation shall report back at least annually to the Investigation Unit on measures that are taken or planned to be taken as a consequence of the safety recommendation. 5
- (4) In this section an “investigation” means an investigation under regulations made under *section 6*.

Investigation Unit may re-open investigation

23. (1) Where the Investigation Unit has carried out an investigation relating to a specified railway and it is satisfied that there is new evidence available which could materially alter the findings of the investigation and that the purpose of the investigation would be served by re-opening it, the Investigation Unit may re-open the investigation. 10
- (2) This Part and any regulations made under this Part shall apply to an investigation re-opened under *subsection (1)* in the same way as they apply to an investigation under this Part. 15

Annual report by Investigation Unit

24. The Minister may, by regulations under *section 6*, provide that the Investigation Unit shall publish an annual report in relation to investigations under this Part at such intervals and in such manner as the Minister may prescribe and to send a copy of the report to such persons as the Minister may prescribe. 20

Copyright in report published by Investigation Unit

25. Copyright in any report published by the Investigation Unit remains with the Investigation Unit but the copyrighted material may be freely used for educational or safety-related purposes but not for commercial benefit. 25

Saver

26. (1) On and from the date on which this section comes into operation—
- (a) any investigator appointed, or Chief Investigator nominated, under Regulation 4(5) before the coming into operation of this section shall be deemed to have been appointed or nominated, as the case may be, under *section 5(3)*, and the remuneration of an investigator or Chief Investigator determined under Regulation 4(8) shall be deemed to be the remuneration determined under *section 5(5)*, 30
- (b) any investigator-in-charge appointed under Regulation 6(2) or qualified person engaged under Regulation 6(2)(b) or Regulation 6(4) shall be deemed to have been appointed under *section 11*, or engaged under *section 11(5)*, as the case may be, 35
- (c) any warrant furnished under Regulation 4, issued under Regulation 6, or continued under Regulation 20, in force immediately before this section comes

into operation, shall continue in force as if furnished under *section 5(4)* or, as the case may be, issued under *section 11(7)*, and

- (d) any search warrant issued under Regulation 12 before the coming into operation of this section, shall have effect as if issued under *section 14*.

- (2) A reference in this section to a numbered Regulation is a reference to the Regulation so numbered of the Regulations of 2020. 5

Repeal and transitional provision

- 27. (1) The Railway Safety (Reporting and Investigation of Serious Accidents, Accidents and Incidents Involving Certain Railways) Act 2020 is repealed.

- (2) On the date on which *subsection (1)* comes into operation— 10

- (a) the Regulations of 2020 shall cease to apply to any—

- (i) metro, tram or other light railway system,
- (ii) privately owned rail network that exists solely for use by the infrastructure owner for its own freight operations insofar as it has an interface with a public road or with another railway system, 15

- (iii) heritage railway vehicle that runs on the railway system in the State,

- (iv) heritage railway, museum railway or tourist railway that operates on its own network, including workshops, vehicles and staff, and

- (v) other railway, or person that operates a railway, to which the Regulations of 2020 do not apply by virtue of Regulation 3 of those Regulations, (referred to in this section as “specified railway”), 20

- (b) where any investigation, or the preparation of any report, that relates to specified railway has been commenced by the Investigation Unit under the Regulations of 2014 or the Regulations of 2020 but has not been completed, the investigation or, as the case may be, the preparation of the report shall be continued in accordance with regulations made under *section 6*, 25

- (c) any investigation reports, annual reports and any other reports prepared or published under the Regulations of 2014 or the Regulations of 2020 relating to specified railway shall be deemed to have been prepared or, as the case may be, published under this Part, and 30

- (d) any safety recommendation or interim safety recommendation relating to specified railway issued pursuant to the Regulations of 2014 or the Regulations of 2020 by the Investigation Unit shall be deemed to be a safety recommendation or interim safety recommendation issued by the Investigation Unit under this Part. 35

Amendment of section 2 of Act of 2005

- 28. Section 2 of the Act of 2005 is amended—

- (a) by the insertion of the following definition:

- “ ‘Chief Investigator’ has the same meaning as it has in *Part 2* of the *Railway Safety Act 2026*;”,
- (b) by the substitution of the following definition for the definition of “investigation unit”:
- “ ‘Investigation Unit’ has the same meaning as it has in *Part 2* of the *Railway Safety Act 2026*;”,
- and
- (c) by the substitution of the following definition for the definition of “investigator”:
- “ ‘investigator’ has the same meaning as it has in *Part 2* of the *Railway Safety Act 2026*;”.

PART 3

MISCELLANEOUS AMENDMENTS TO ACT OF 2005

Amendment of section 2 of Act of 2005

29. Section 2 of the Act of 2005 is amended—

- (a) by the substitution of the following definition for the definition of “accident”:
- “ ‘accident’ means an unwanted or unintended sudden event or a specific chain of such events which have harmful consequences; accidents are divided into the following categories: collisions; derailments; level crossing accidents; accidents to persons involving rolling stock in motion; fires and others;”,
- (b) by the substitution of the following definition for the definition of “incident”:
- “ ‘incident’ means any occurrence, other than an accident or serious accident, affecting the safety of railway operations;”,
- (c) by the deletion of the definition of “medical practitioner”,
- (d) by the substitution of the following definition for the definition of “public road”:
- “ ‘public road’ has the same meaning as it has in the *Roads Act 1993*;”,
- (e) by the deletion of the definition of “reportable accident or incident”,
- (f) by the substitution of the following definition for the definition of “serious accident”:
- “ ‘serious accident’ means—
- (a) any train collision or derailment of a train, resulting in
- (i) the death of at least one person or serious injuries to 5 or more persons, or
- (ii) extensive damage to rolling stock, the infrastructure or the environment,

and

(b) any other accident with the same consequences,

which has an obvious impact on railway safety regulation or the management of safety;”,

(g) by the substitution of the following definition for the definition of “train”: 5

“ ‘train’ means a vehicle or series of connected vehicles with flanged wheels designed to operate on a railway for whatever purpose, and includes carriages and rolling stock;”,

and

(h) by the insertion of the following definitions: 10

“ ‘doctor’ means a person registered in the general register of medical practitioners established under section 43(1) of the Medical Practitioners Act 2007;

‘nurse’ means a person registered in the register of nurses established under section 27 of the Nurses Act 1985; 15

‘railway property’ means all land, buildings, railway infrastructure, rolling stock and vehicles under the control of a railway organisation;

‘Regulations of 2020’ means the European Union (Railway Safety) (Reporting and Investigation of Serious Accidents, Accidents and Incidents) Regulations 2020 (S.I. No. 430 of 2020); 20

‘road rail vehicle’ means a dual-mode vehicle designed, or adapted, to operate on a road and on a railway;”.

Amendment of section 10(1)(b) of Act of 2005

30. Section 10(1)(b) of the Act of 2005 is amended by the insertion of “and any other legislation, including regulations made under section 3 of the European Communities Act 1972, that confers additional functions on the Commission,” after “legislation relating to railway safety”. 25

Amendment of section 11 of Act of 2005

31. Section 11 of the Act of 2005 is amended—

(a) in subsection (1), by the insertion of “or the regulation of railways” after “in relation to railway safety”, and 30

(b) in subsection (2), by the insertion of “or the regulation of railways” after “relating to railway safety”.

Amendment of section 29(1) of Act of 2005

32. Section 29 is amended by the substitution of the following subsection for subsection (1): 35

“(1) The Commission shall adopt and submit to the Minister a statement of strategy within 6 months of the establishment day, and—

- (a) at least every 3 years from the submission date of the first statement until 2024, and
- (b) at least every 5 years from the submission date of the statement in 2027.”.

Removal of references to railway undertaking in Act of 2005 5

33. The Act of 2005 is amended by substituting “organisation” for “undertaking” in sections 39(7), 44(1) (in both places where it occurs), 54 (in the 5 places where it occurs), 82(3)(a), 90 (in the 3 places where it occurs), 113(3), and 132(1)(a)(ii).

Repeal of section 41 of Act of 2005

34. Section 41 of the Act of 2005 is repealed. 10

Amendment of section 42 of Act of 2005

35. Section 42 of the Act of 2005 is amended—

- (a) by inserting the following subsections after subsection (1):

“(1A) Within 1 month of receipt of a new works assessment under subsection (1), the Commission shall carry out an initial check of the information provided and— 15

- (a) inform the railway organisation that the information provided is complete, or

- (b) request the submission of supplementary information to complete the new works assessment. 20

(1B) On receipt of supplementary information submitted following a request under subsection (1A)(b) or further supplementary information following a request under paragraph (b), the Commission shall carry out a check of the supplementary information provided and within 1 month— 25

- (a) inform the railway organisation that the information provided is complete, or

- (b) request the submission of further supplementary information to complete the new works assessment.”,

- (b) by the substitution of the following subsection for subsection (12): 30

“(12) Without prejudice to the generality of subsection (11), and subject to subsection (9), it shall be the objective of the Commission to ensure that it issues a notice under subsection (2) or a communication under subsection (4) within—

- (a) 4 months, beginning on— 35

- (i) the date that the Commission informs the railway organisation that the information provided in the new works assessment is complete,

(ii) the date of receipt by the Commission of—

(I) a revised new works assessment, or

(II) additional information or clarifications requested under subsection (13),

or

5

(b) such other period as the Minister may specify by order, after consultation with the Commission and railway organisations.”,

and

(c) in subsection (13), by the substitution of “organisation” for “undertaking”.

Amendment of section 43 of Act of 2005

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36. Section 43 of the Act of 2005 is amended—

(a) by inserting the following subsections after subsection (1):

“(1A) Within 1 month of receipt of a new rolling stock assessment under subsection (1), the Commission shall carry out an initial check of the information provided and—

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(a) inform the railway organisation that the information provided is complete, or

(b) request the submission of supplementary information to complete the new rolling stock assessment.

(1B) On receipt of supplementary information submitted following a request under subsection (1A)(b) or further supplementary information following a request under paragraph (b), the Commission shall carry out a check of the supplementary information provided and within 1 month—

20

(a) inform the railway organisation that the information provided is complete, or

25

(b) request the submission of further supplementary information to complete the new rolling stock assessment.”,

(b) by the substitution of the following subsection for subsection (11)—

“(11) Without prejudice to the generality of subsection (10), and subject to subsection (8), it shall be the objective of the Commission to ensure that it issues a notice under subsection (2), or a communication under subsection (4), within—

30

(a) 4 months beginning on—

(i) the date that the Commission informs the railway organisation that the information provided in the new rolling stock assessment is complete,

35

(ii) the date of receipt by the Commission of—

(I) a revised new rolling stock assessment, or

(II) all information or clarifications requested under subsection (12),

or

(b) such other period as the Minister may specify by order, after consultation with the Commission and railway organisations.”, 5

(c) in subsection (12), by the substitution of “organisation” for “undertaking”, and

(d) by the substitution of the following subsection for subsection (14):

“(14) In this section, “new rolling stock” includes material alterations to existing rolling stock (other than any road rail vehicle) of a railway organisation and rolling stock (other than any road rail vehicle) which may have been in prior use but was not previously operated on the railway infrastructure of the relevant railway organisation.”. 10

Amendment of section 50(5)(c) of Act of 2005

37. Section 50(5)(c) of the Act of 2005 is amended by the substitution of “accident or incident” for “incident”. 15

Amendment of section 53 of Act of 2005

38. Section 53 of the Act of 2005 is amended—

(a) in subsection (1), by the substitution of—

(i) “such accident or incident” for “such incident”, and 20

(ii) “accidents or incidents” for “accidents”,

(b) in subsection (2), by the substitution of “the organisation” for “the undertaking” in each place that it occurs,

(c) in subsection (3)—

(i) in paragraph (b), by the substitution of “the organisation” for “the undertaking”, and 25

(ii) in paragraph (c), by the substitution of “the railway organisation” for “the undertaking” in each place that it occurs,

(d) in subsection (6), by the substitution of “the accident or incident” for “the incident”, 30

(e) in subsection (9), by the substitution of—

(i) “the accident or incident” for “the incident”, and

(ii) “accidents or incidents” for “incidents”,

(f) in subsection (11), by the substitution of—

- (i) “Where an accident or incident is investigated under this section and the accident or incident involves” for “Where a accident or incident is investigated under this section and the incident involves”, and
 - (ii) “each relevant organisation” for “each relevant undertaking”,
- 5
- and
- (g) in subsection (12), by the substitution of “the accident or incident” for “the incident” in each place that it occurs.

Amendment of section 64 of Act of 2005

- 39.** Section 64(6) of the Act of 2005 is amended by the substitution of “accidents or incidents” for “incidents”.
- 10

Amendment of section 73 of Act of 2005

- 40.** Section 73 of the Act of 2005 is amended—
- (a) by substituting “organisation” for “undertaking” in the 6 places where it occurs,
 - and
 - (b) by the deletion of subsection (15).
- 15

PART 4

INTOXICANTS AND PERSONS WORKING ON RAILWAY INFRASTRUCTURE

Amendment of section 85 of Act of 2005

- 41.** Section 85 of the Act of 2005 is amended—
- (a) by the substitution of the following definition for the definition of “analysis”:

“ ‘analysis’ includes any operation used in determining the presence (if any) of alcohol or a drug or drugs in a specimen of breath, oral fluid, blood or urine and any operation used in determining the presence (if any) or concentration of a drug or drugs in a specimen of blood or urine, and cognate words shall be construed accordingly;”

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25
 - (b) in the definition of “analysis body”, by the deletion of “and the Commission”,
 - (c) in the definition of “code of conduct”, by the deletion of “and accepted by the Commission under section 88(5)”,
 - (d) in the definition of “sample”, by the substitution of “breath, oral fluid, blood or urine” for “blood or urine”, and
 - (e) in the definition of “sampling procedures”, by the deletion of “and accepted by the Commission under section 88(5)”.
- 30

Amendment of section 86 of Act of 2005

42. Section 86 of the Act of 2005 is amended—

- (a) in subsection (1), by the substitution of “(subject to subsection (1A), other than a heritage railway)” for “(other than a heritage railway)”, and
- (b) by the insertion of the following subsection after subsection (1): 5
“(1A) This Part applies to a heritage railway which operates train services on the railway infrastructure of another railway organisation where such infrastructure is used, or intended to be used, wholly or partly for the carriage of members of the public or freight.”.

Amendment of section 88 of Act of 2005

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43. Section 88 of the Act of 2005 is amended—

- (a) in subsection (1)—
 - (i) by the substitution of “the staff of the railway organisation” for “the staff of its undertaking”, and
 - (ii) in paragraph (b), by the substitution of “railway accident or incident” for “railway incident”, 15
- (b) in subsection (2)(a), by the substitution of “organisation” for “undertaking”,
- (c) by the deletion of subsections (4) to (7),
- (d) in subsection (8), by the substitution of “organisation” for “undertaking”,
- (e) in subsection (10)— 20
 - (i) by the substitution of “the staff of the railway organisation” for “the staff of its undertaking”, and
 - (ii) by the substitution of “subsections (8) and (9)” for “subsections (4) to (9)”,
- (f) in subsection (11)—
 - (i) by the substitution of “1 month” for “3 months”, and 25
 - (ii) by the deletion of “The report shall contain such particulars as the Commission may direct.”,
- (g) by the substitution of the following subsection for subsection (12):
“(12) The Commission shall include details of the report received under subsection (11) as part of its annual report under section 28, but 30
without giving information of a personal, confidential or prejudicial nature.”,
and
- (h) by the deletion of subsection (13).

Amendment of section 89 of Act of 2005

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44. Section 89 of the Act of 2005 is amended—

- (a) in subsection (1)—
 - (i) by the substitution of “a sample of breath, oral fluid, blood or urine” for “a sample of blood or urine”,
 - (ii) in paragraph (a)—
 - (I) by the deletion of “, or on the request of an inspector who is of the opinion,”, and 5
 - (II) by the substitution of “an intoxicant” for “a drug”,
 - (iii) in paragraph (b), by the deletion of “, or on the request of an inspector who is of the opinion,”, and
 - (iv) in paragraph (c), by the substitution of “organisation” for “undertaking”, 10
- (b) by the substitution of the following subsection for subsection (2):
 - “(2) No person other than a doctor or nurse, designated by an authorised person for the purpose, shall take a specimen of blood on foot of a requirement under this section.”,
- (c) in subsection (4), by the substitution of “doctor” for “medical practitioner” in each place that it occurs, 15
- (d) in subsection (5), by the substitution of—
 - (i) “A sample of blood or urine provided” for “A sample provided”, and
 - (ii) by the substitution of “intoxicants” for “drugs”,
 - and 20
- (e) in subsection (7), by the deletion of “under the Regulations of 2014”.

PART 5

AMENDMENTS TO PART 10 OF ACT OF 2005

Amendment of section 93 of Act of 2005

- 45.** Section 93(1) of the Act of 2005 is amended— 25
- (a) by the substitution of the following definition for “analysis”:
 - “ ‘analysis’ includes any operation used in determining the concentration of alcohol in a specimen of breath, blood or urine, the concentration of a drug specified in column (2) of Schedule 3 in a specimen of blood and any operation used in determining the presence (if any) of a drug or drugs in a specimen of blood or urine, and cognate words shall be construed accordingly;” 30
 - (b) by the insertion of the following definitions after the definition of “designated”:
 - “ ‘drug’ includes all drugs whether legally obtained or otherwise;

‘medical exemption certificate’ has the meaning given to it in section 97;”,

and

(c) in the definition of “safety critical task”—

(i) by the substitution of “organisation” for “undertaking” in each place that it occurs, and 5

(ii) in paragraph (d), by the substitution of the following subparagraph for subparagraph (ii):

“(ii) controlling or managing the movement of persons—

(I) on a train or platform or across a level crossing, or 10

(II) boarding, or alighting from, a train, or”.

Regulations for the purposes of Part 10

46. The Act of 2005 is amended by the insertion of the following section after section 93:

“93A. The Minister may by regulation provide for any matter referred to in this Part as prescribed or to be prescribed.”. 15

Amendment of section 95 of Act of 2005

47. Section 95 of the Act of 2005 is amended—

(a) in subsection (1), by the substitution of “(subject to subsection (1A), other than a heritage railway)” for “(other than a heritage railway)”,

(b) by the insertion of the following subsection after subsection (1): 20

“(1A) This section applies to a heritage railway which operates train services on the railway infrastructure of another railway organisation where such infrastructure is used, or intended to be used, wholly or partly for the carriage of members of the public or freight.”,

(c) in subsection (3), by the deletion of “, with the consent of the Commission,”, 25

(d) in subsections (4), (6) and (10), by the substitution of “organisation” for “undertaking” in each place that it occurs, and

(e) by the deletion of subsection (7).

Amendment of section 96 of Act of 2005

48. Section 96 of the Act of 2005 is amended— 30

(a) in subsection (2)—

(i) by the substitution of the following paragraph for paragraph (b):

“(b) the determination, in respect of such specimens, of—

(i) the concentration of alcohol in the blood or urine,

- (ii) the presence (if any) of a drug or drugs in the blood or urine, and
 - (iii) the concentration of a drug or drugs present in the blood,”
- (ii) in paragraph (c), by the substitution of “the Bureau,” for “the Bureau.”, and
- (iii) by the insertion of the following paragraphs after paragraph (c): 5
 - “(d) the provision of equipment for the taking of such specimens,
 - (e) the approval of—
 - (i) apparatus for indicating the presence of alcohol, and
 - (ii) apparatus for determining the concentration of alcohol, in the breath, and 10
 - (f) the approval of apparatus for indicating the presence of drugs in oral fluid.”.
- (b) by the insertion of the following subsections after subsection (2):
 - “(2A) The Bureau may—
 - (a) arrange for the supply and testing of— 15
 - (i) apparatus for indicating the presence of alcohol, and
 - (ii) apparatus for determining the concentration of alcohol, in the breath, and
 - (b) arrange for the supply and testing of apparatus for indicating the presence of drugs in oral fluid. 20
 - (2B) Equipment or apparatus provided, supplied, approved or tested by the Bureau under Part 2 of the Road Traffic Act 2010 shall be deemed to be provided, supplied, approved or, as the case may be, tested by the Bureau for the purposes of this Chapter.”,
- (c) in subsection (4), by the substitution of “the carrying out of any analysis or determination” for “any analysis or determination”, and 25
- (d) by the insertion of the following subsections after subsection (4):
 - “(5) In this section, “Director” means the Director of the Bureau.”.

Amendment of section 97 of Act of 2005

- 49.** Section 97 of the Act of 2005 is amended— 30
 - (a) in subsection (2)—
 - (i) in paragraph (a), by the substitution of “20” for “80”,
 - (ii) in paragraph (b), by the substitution of “27” for “107”, and
 - (iii) in paragraph (c), by the substitution of “9” for “35”,
 - (b) by the insertion of the following subsections after subsection (2): 35

- “(2A) Subject to subsection (2B), a safety critical worker who performs a safety critical task, or who makes himself or herself available to perform such a task by attending at work, while there is present in his or her body a quantity of a drug specified in column (2) of Schedule 3 such that, within 3 hours after so performing that task or of so attending at work, the concentration of that drug in his or her blood is equal to or greater than the concentration specified in column (3) at the same reference number, is guilty of an offence. 5
- (2B) Subsection (2A) does not apply to a person in respect of a drug specified at reference number 1 or 2 in column (2) of Schedule 3 where the person is the holder of a certificate, in the prescribed form (referred to in this Part as a “medical exemption certificate”) which indicates that at the time at which that drug was found to be present in his or her blood Δ^9 - Tetrahydrocannabinol had been lawfully prescribed for him or her and which is signed by the doctor who prescribed it. 10 15
- (2C) A person who signs a medical exemption certificate containing information which he or she knows to be false is guilty of an offence and is liable on summary conviction to a class C fine.
- (2D) Section 1(1) of the Probation of Offenders Act 1907 does not apply to an offence under this section.” 20
- (c) by the deletion of subsections (3) and (4), and
- (d) in subsection (5), by the substitution of “, section 87 and section 101C,” for “and in section 87,”.

Amendment of section 98 of Act of 2005

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50. Section 98 of the Act of 2005 is amended—

- (a) in subsection (1)—
- (i) in paragraph (a)(i), by the substitution of “an intoxicant” for “intoxicating liquor”, and
- (ii) by the deletion of “or at the request of an inspector who is of such opinion,” 30
- (b) by the substitution of the following subsection for subsection (3):
- “(3) A member of An Garda Síochána may, in the circumstances referred to in subsection (1) or (2), require a safety critical worker—
- (a) to provide a specimen of his or her breath (by exhaling into an apparatus for indicating the presence of alcohol in the breath) in the manner indicated by the member, 35
- (b) to provide a specimen of oral fluid from his or her mouth, using an apparatus for indicating the presence of drugs in oral fluid, in the manner indicated by the member,
- (c) to accompany him or her or another member of An Garda Síochána to a place (including a vehicle) at or in the vicinity of the railway 40

infrastructure concerned and there to provide a specimen of his or her breath, as specified in paragraph (a), a specimen of oral fluid from his or her mouth, as specified in paragraph (b), or both, in the manner indicated by him or her or that other member, or

- (d) where the member does not have an apparatus referred to in paragraph (a) or (b) with him or her, to remain at that place in his or her presence or in the presence of another member of An Garda Síochána (for a period that does not exceed one hour) until such an apparatus becomes available to him or her and then to provide a specimen of his or her breath, as specified in paragraph (a), a specimen of oral fluid from his or her mouth, as specified in paragraph (b), or both, in the manner indicated by him or her or that other member.”,

(c) by the insertion of the following subsections after subsection (3):

“(3A) Where a member of An Garda Síochána requires a person to provide a specimen of oral fluid, the member shall require the person of whom the first-mentioned requirement is made—

- (a) to produce for inspection any medical certificate of exemption referred to in section 97(2B) which he or she holds, and
- (b) to remain at a place (including a vehicle) at or in the vicinity of the place where the request is made (for a period that does not exceed 30 minutes after the provision of the specimen) until the apparatus used to provide the specimen of oral fluid indicates the presence or absence of drugs in the specimen.

(3B) Without prejudice to subsection (4), an authorised person may, in the circumstances referred to in subsection (1) or (2), require a safety critical worker—

- (a) to provide a specimen of his or her breath (by exhaling into an apparatus for indicating the presence of alcohol in the breath) in the manner indicated by the authorised person,
- (b) to accompany him or her or another authorised person to a place (including a vehicle) at or in the vicinity of the railway infrastructure concerned and there to provide a specimen of his or her breath, as specified in paragraph (a), in the manner indicated by him or her or that other authorised person, or
- (c) where the authorised person does not have such an apparatus with him or her, to remain at that place in his or her presence or in the presence of another authorised person (for a period that does not exceed one hour) until such an apparatus becomes available to him or her and then to provide, by exhaling into such an apparatus, a specimen of his or her breath in the manner indicated by him or her or that other authorised person.”,

(d) in subsection (4), by the substitution of—

- (i) “an intoxicant” for “intoxicating liquor”, and
- (ii) “may require” for “shall require”,
- (e) in subsection (5), by the insertion of “or subsection (3B)” after “subsection (3)”,
- (f) by the substitution of the following subsection for subsection (7):
 - “(7) In a prosecution for an offence under this Chapter, it shall be presumed, until the contrary is shown, that—
 - (a) an apparatus provided by a member of An Garda Síochána or an authorised person for the purpose of enabling a person to provide a specimen of breath under this section is an apparatus for indicating the presence of alcohol in the breath, and
 - (b) an apparatus provided by a member of An Garda Síochána for the purpose of enabling a person to provide an oral fluid specimen under this section is an apparatus for indicating the presence of drugs in oral fluid.”,
- and
- (g) by the insertion of the following subsection after subsection (7):
 - “(8) Section 1(1) of the Probation of Offenders Act 1907 does not apply to an offence under this Chapter.”.

Arrest without warrant and power of entry

51. The Act of 2005 is amended by the substitution of the following section for section 99:

- “**99.** (1) A member of An Garda Síochána may arrest without warrant a person who in the member’s opinion is committing or has committed an offence under section 97 or 98.
- (2) A member of An Garda Síochána may, for the purpose of—
 - (a) arresting a person under subsection (1) or section 111(6), or
 - (b) making a requirement of a person under section 98(3),
 enter (if need be by use of reasonable force) any place (including the curtilage of a dwelling but not the dwelling) where that person is or where the member, with reasonable cause, suspects him or her to be.”.

Amendment of section 100 of Act of 2005

52. The Act of 2005 is amended by the substitution of the following section for section 100:

- “**100.** (1) Where a person is arrested under section 99 or 111, a member of An Garda Síochána may, at a Garda Síochána station or hospital, do either or both of the following:
 - (a) require the person to provide, by exhaling into an apparatus for determining the concentration of alcohol in the breath, 2 specimens

of his or her breath and may indicate the manner in which he or she is to comply with the requirement;

(b) require the person either—

(i) to permit a designated doctor or designated nurse to take from the person a specimen of his or her blood, or

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(ii) at the option of the person, to provide for the designated doctor or designated nurse a specimen of his or her urine,

and if the doctor or nurse states in writing—

(I) that he or she is unwilling, on medical grounds, to take from the person or be provided by him or her with the specimen to which the requirement in either of the foregoing subparagraphs related, or

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(II) that the person is unable or unlikely within the period of time referred to in section 97 to comply with the requirement,

the member may make a requirement of the person under this paragraph in relation to the specimen other than that to which the first requirement related.

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(2) Subject to section 108, a person who refuses or fails to comply immediately with a requirement under subsection (1)(a) commits an offence.

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(3) Subject to section 108, a person who, following a requirement under subsection (1)(b)—

(a) refuses or fails to comply with the requirement, or

(b) refuses or fails to comply with a requirement of a designated doctor or designated nurse in relation to the taking under that subsection of a specimen of blood or the provision under that subsection of a specimen of urine,

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commits an offence.

(4) In a prosecution for an offence under this Chapter it shall be presumed, until the contrary is shown, that an apparatus provided by a member of An Garda Síochána for the purpose of enabling a person to provide 2 specimens of breath under this section is an apparatus for determining the concentration of alcohol in the breath.

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

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Amendment of section 101 of Act of 2005

53. Section 101 of the Act of 2005 is amended—

(a) in subsection (1), by the insertion of “, or following” after “in consequence of”,

- (b) by the substitution of “designated doctor or designated nurse” for “designated medical practitioner” in each place that it occurs,
- (c) in subsection (2), by the substitution of “doctor or nurse” for “medical practitioner”,
- (d) in subsection (4), by the substitution of— 5
 - (i) “Notwithstanding subsection (3)” for “Notwithstanding subsection (2)”, and
 - (ii) “doctor or nurse” for “medical practitioner” in both places where it occurs, and
- (e) by the insertion of the following subsection after subsection (4):
 - “(5) Where it appears to the member of An Garda Síochána concerned that, 10
for medical reasons, a person referred to in subsection (1) cannot be
the subject of, or is incapable of complying with, a requirement under
that subsection the member shall direct a designated doctor or
designated nurse to take from the person a specimen of his or her
blood. 15
 - (6) Before making a requirement of a person under subsection (1) or a
direction under subsection (5), the member of An Garda Síochána
concerned shall consult with a doctor treating the person, and if a
doctor treating the person advises the member that such a requirement
or direction would be prejudicial to the health of the person the 20
member shall not make such requirement or direction.
 - (7) A member of An Garda Síochána may, for the purposes of making a
requirement of a person under subsection (1) or a direction under
subsection (5), enter without warrant any hospital where the person is
or where the member, with reasonable cause, suspects the person to be. 25
 - (8) A designated doctor or designated nurse may, for the purpose of taking
from a person a specimen of his or her blood or being provided by a
person with a specimen of his or her urine under subsection (1) or of
taking a specimen of his or her blood as directed under subsection (5),
enter any hospital where the person is or where the doctor or nurse is 30
informed by a member of An Garda Síochána that the person is.
 - (9) Section 1(1) of the Probation of Offenders Act 1907 does not apply to
an offence under this section.
 - (10) It shall be lawful for a designated doctor or designated nurse to take
from the person a specimen of his or her blood as directed under 35
subsection (5).”.

Obligation to provide oral fluid specimen following arrest

54. The Act of 2005 is amended by the insertion of the following section after section 101:

- “**101A.** (1) Where a person is arrested under section 99 or 111, and a member of
An Garda Síochána is of the opinion that the person had, at the time of 40
the alleged offence, consumed drugs the member may, at a Garda

Síochána station or hospital, require the person to provide a specimen of oral fluid from his or her mouth, using an apparatus for indicating the presence of drugs in oral fluid, in the manner indicated by the member.

- (2) A person who refuses or fails to comply immediately with a requirement of a member of An Garda Síochána under this section commits an offence. 5
- (3) In a prosecution for an offence under this Chapter it shall be presumed, until the contrary is shown, that an apparatus provided by a member of An Garda Síochána for the purpose of enabling a person to provide an oral fluid specimen under this section is an apparatus for indicating the presence of drugs in oral fluid. 10
- (4) Section 1(1) of the Probation of Offenders Act 1907 does not apply to an offence under this section.”.

Obligation to provide blood specimen where suspected of certain offences involving drugs 15

55. The Act of 2005 is amended by the insertion of the following section after section 101A:

“**101B.** (1) Where a person is arrested under section 99 or 111 and a member of An Garda Síochána, having carried out—

- (a) a preliminary oral fluid test under section 98, or
- (b) an oral fluid test under section 101A, 20

is of the opinion that the person has committed an offence under section 97 consisting of a contravention of subsection (2A) of that section the member may, at a Garda Síochána station or hospital, require the person to permit a designated doctor or designated nurse to take from the person a specimen of his or her blood. 25

- (2) Subject to section 108, a person who, following a requirement under subsection (1)—
 - (a) refuses or fails to comply with the requirement, or
 - (b) refuses or fails to comply with a requirement of a designated doctor or designated nurse in relation to the taking of a specimen of blood under that subsection, 30
 commits an offence.
- (3) Section 1(1) of the Probation of Offenders Act 1907 does not apply to an offence under this section.”.

Medical examination at Garda Síochána station or hospital 35

56. (1) The Act of 2005 is amended by the insertion of the following section after section 101B:

“**101C.** (1) Where a person is arrested under section 99 or 111 or is admitted to hospital in the circumstances referred to in section 101, a member of

An Garda Síochána, at a Garda Síochána station or the hospital, as the case may be, may require the person to undergo a medical examination carried out by a designated doctor or designated nurse for the purpose of obtaining evidence that the person was, at the time he or she was arrested or at the time of the accident or incident, as the case may be, 5
unfit.

- (2) A person who refuses or fails to comply with a requirement under subsection (1) commits an offence.
- (3) Where a designated doctor or designated nurse carries out a medical examination of a person for the purposes of subsection (1), he or she 10
shall make a written statement of the results of the examination.
- (4) A requirement under subsection (1) of a person admitted to hospital in the circumstances referred to in that subsection shall not be made unless a doctor treating the person has been consulted and it would not be prejudicial to the health of the person to make the requirement. 15
- (5) A member of An Garda Síochána may, for the purpose of making a requirement of a person under subsection (1), enter without warrant any hospital where the person is or where the member, with reasonable cause, suspects him or her to be.
- (6) A designated doctor or designated nurse may, for the purpose of 20
carrying out a medical examination under subsection (1), enter any hospital where the person is or where the doctor or nurse is informed by a member of An Garda Síochána that the person is.
- (7) Section 1(1) of the Probation of Offenders Act 1907 does not apply to an offence under this section.”. 25

Detention of intoxicated persons where a danger to themselves or others

57. The Act of 2005 is amended by the substitution of the following section for section 102:

“102. Where a person is at a Garda Síochána station having been arrested under section 99 or 111, section 16 of the Road Traffic Act 2010 shall apply and references in that section to ‘detained under subsection (1)’ and ‘detention 30
authorised by subsection (1)’ shall include detention in accordance with this section.”.

Amendment of section 103 of Act of 2005

58. Section 103 of the Act of 2005 is amended—

- (a) by the substitution of the following subsection for subsection (1): 35
 “(1) Where, consequent on a requirement under section 100(1)(a) of him or her, a person provides 2 specimens of his or her breath and the apparatus referred to in that section determines the concentration of alcohol in each specimen—

- (a) in case the apparatus determines that each specimen has the same concentration of alcohol, either specimen, and
 - (b) in case the apparatus determines that each specimen has a different concentration of alcohol, the specimen with the lower concentration of alcohol,

shall be taken into account for the purposes of section 97(2) and the other specimen shall be disregarded.”,
- (b) by the insertion of the following subsection after subsection (1):

“(1A) Any deduction to be made from the concentration of alcohol in a specimen provided for in regulations made under section 13(1A) of the Road Traffic Act 2010 shall apply to the determination of the concentration of alcohol in a specimen under this Chapter.”,
- (c) by the substitution of the following subsection for subsection (2):

“(2) Where the apparatus referred to in section 100 determines that in respect of the specimen of breath to be taken into account as aforesaid the person may have contravened section 97(2), he or she shall be supplied immediately by a member of An Garda Síochána with 2 identical statements, automatically produced by that apparatus in the prescribed form and duly completed by the member in the prescribed manner, stating the concentration of alcohol in that specimen determined by that apparatus.”,
- (d) by the substitution of the following subsection for subsection (3):

“(3) On receipt of those statements, the person shall on being requested so to do by the member—

 - (a) immediately acknowledge such receipt by placing his or her signature on each statement, and
 - (b) thereupon return either of the statements to the member.”,
- (e) in subsection (4)—
 - (i) by the substitution of “a Class A fine” for “a fine not exceeding €1,000”, and
 - (ii) by the substitution of “3 months” for “1 month”,

and
- (f) by the insertion of the following subsection after subsection (5):

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

Permission following taking of blood sample from unconscious person

59. The Act of 2005 is amended by the insertion of the following section after section 103:

- “**103A** (1) Where a specimen of blood has been taken from a person under section 101(5), a member of An Garda Síochána shall, as soon as practicable but in any event no later than 6 months after the date of the

accident or incident referred to in section 101(1), require that person to give his or her permission for a completed certificate to be forwarded under section 105.

- (2) A member of An Garda Síochána shall notify the Bureau as soon as practicable after he or she has been given the permission of a person following a requirement under subsection (1). 5
- (3) Where the Bureau receives a specimen under section 105 taken from a person under section 101(5) the Bureau shall not forward a completed certificate under section 105(3) unless the Bureau has received a notification under subsection (2) in relation to that specimen. 10
- (4) The Minister may prescribe forms for the purposes of this section.
- (5) A person who, following a requirement under subsection (1), without reasonable excuse, refuses or fails to give his or her permission for a completed certificate to be forwarded under section 105 commits an offence. 15
- (6) In a prosecution for an offence under subsection (5) for refusing or failing to give permission for a completed certificate to be forwarded under section 105, it is a defence for the defendant to satisfy the court that there was a special and substantial reason for his or her refusal or failure and that, as soon as practicable after the refusal or failure concerned, he or she complied (or offered, but was not called upon, to comply) with a requirement under subsection (1). 20
- (7) Section 1(1) of the Probation of Offenders Act 1907 does not apply to an offence under this section.”.

Amendment of section 104 of Act of 2005

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60. Section 104 of the Act of 2005 is amended—

- (a) by the substitution of the following subsection for subsection (1):

“(1) Where under this Chapter a designated doctor or designated nurse has taken a specimen of blood from a person or has been provided by the person with a specimen of his or her urine, the doctor or nurse, as the case may be, shall divide the specimen into 2 parts, place each part in a container which he or she shall immediately seal and complete the form prescribed for the purposes of this section.”. 30

- (b) by the substitution of the following subsection for subsection (2):

“(2) Where a specimen of blood (other than a specimen taken under section 101(5)) or urine of a person has been divided into 2 parts under subsection (1), a member of An Garda Síochána shall offer to the person one of the sealed containers and inform the person that he or she may retain either of the containers.”. 35

- (c) by the substitution of the following subsection for subsection (3): 40

“(3) As soon as practicable after—

- (a) in the case of a specimen of blood taken under section 101(5), subsection (1) has been complied with, or
 - (b) in the case of any other specimen, subsection (2) has been complied with,
- a member of An Garda Síochána shall cause to be forwarded to the Bureau— 5
- (i) the completed form referred to in subsection (1),
 - (ii) where the specimen of blood was taken from the person concerned under section 101(5), a label, notice or statement in writing to that effect, 10
 - (iii) where the person chooses to retain one of the sealed containers offered under subsection (2), the other sealed container, and
 - (iv) where the person declines to retain, or in the case of a specimen of blood taken under section 101(5) has not been offered, one of the sealed containers, both sealed containers.”. 15

Amendment of section 105 of Act of 2005

61. Section 105 of the Act of 2005 is amended—

- (a) in subsection (1), by the substitution of the following for “and determine the concentration of alcohol or (as may be appropriate) the presence of a drug or drugs in the specimen.”: 20
 - “and may determine, as appropriate, all or any of the following:
 - (a) the concentration of alcohol in the specimen;
 - (b) the presence of a drug or drugs in the specimen;
 - (c) the concentration of a drug or drugs in the specimen.”,
- and 25
- (b) in subsection (3), by the insertion of “, subject to section 103A(3),” after “the Bureau shall”.

Amendment of section 106 of Act of 2005

62. Section 106 of the Act of 2005 is amended—

- (a) in subsection (1), by the substitution of “an intoxicant” for “alcohol”, and 30
- (b) in subsection (3)—
 - (i) by the substitution of “an intoxicant” for “alcohol”, and
 - (ii) by the insertion of “so” before “taken”.

Amendment of section 107 of Act of 2005

63. Section 107 of the Act of 2005 is amended— 35

- (a) by the substitution of “shall, until the contrary is shown, be” for “is, until the contrary is shown,” in each place that it occurs,
- (b) by the substitution of “designated doctor or designated nurse” for “designated medical practitioner”, in each place that it occurs,
- (c) by the substitution of “his or hers” for “his or her” in each place that it occurs, 5
and
- (d) in subsection (5), by the substitution of “the doctor or nurse shall, in any proceedings under this Part, be” for “the medical practitioner is, in any proceedings under this Part,”.

Evidential requirements in prosecutions under this Chapter 10

64. The Act of 2005 is amended by the insertion of the following sections after section 107:

“Provisions regarding certain evidence in prosecutions under this Chapter

- 107A.** (1) On the hearing of a charge for an offence under section 97 it shall not be necessary to show that the defendant had not consumed an intoxicant after the time when the offence is alleged to have been committed but before the taking or provision of a specimen under section 100, 101 or 101B. 15
- (2) Where, on the hearing of a charge for an offence under section 97, evidence is given by or on behalf of the defendant that, after the time when the offence is alleged to have been committed but before the taking or provision of a specimen under section 100, 101 or 101B, he or she had consumed alcohol, the court shall disregard the evidence unless satisfied by or on behalf of the defendant— 20
- (a) that, but for that consumption, the concentration of alcohol in the defendant’s blood (as specified in a certificate under section 105) would not have exceeded the concentration of alcohol for the time being standing specified in section 97(2)(a), 25
 - (b) that, but for that consumption, the concentration of alcohol in the defendant’s urine (as specified in a certificate under section 105) would not have exceeded the concentration of alcohol for the time being standing specified in section 97(2)(b), or 30
 - (c) that, but for that consumption, the concentration of alcohol in the defendant’s breath (as specified in a statement under section 103 would not have exceeded the concentration of alcohol for the time being standing specified in section 97(2)(c). 35
- (3) Where, on the hearing of a charge for an offence under section 97(2A) evidence is given by or on behalf of the defendant that, after the time when the offence is alleged to have been committed but before the taking or provision of a specimen under section 100, 101 or 101B he or she had consumed a drug specified in column (2) of Schedule 3 the court shall disregard the evidence unless satisfied by or on behalf of the defendant that, but for that consumption, the concentration of the 40

specified drug in the defendant's blood (as specified in a certificate under section 105) would not have been equal to or exceeded the concentration of that drug for the time being standing specified in Schedule 3.

Written statement by member of An Garda Síochána in respect of section 100(1), 101(1), 101(5) or 101B(1) 5

107B. (1) In any proceedings against a person for an offence under section 97, a written statement by a member of An Garda Síochána in respect of either the making of a requirement under section 100(1), 101(1), 101(5) or 101B(1) or carrying out a procedure under those subsections, or both, shall, if the conditions mentioned in subsection (2) are satisfied, until the contrary is shown, be sufficient evidence of the facts stated in it, without proof of any signature on it or that the signatory was the proper person to sign it, and shall, until the contrary is shown, be sufficient evidence of compliance by the member with the requirements imposed on him or her under section 100(1), 101(1), 101(5) or 101B(1), as the case may be. 10 15

(2) The conditions referred to in subsection (1) are—

- (a) the statement purports to be signed by the member of An Garda Síochána who made it, 20
- (b) the statement contains a declaration by that member of An Garda Síochána to the effect that it is true to the best of his or her knowledge and belief and that he or she made the statement, and
- (c) a copy of the statement is served on the accused.

(3) A copy of a statement required by this section to be served on a person may be served— 25

- (a) by delivering it to him or her,
- (b) by addressing it to him or her and leaving it at his or her usual or last known residence or place of business, or
- (c) by sending it by registered post to him or her at his or her usual or last known residence or place of business. 30

Written statement by member of An Garda Síochána in respect of section 101C

107C. (1) In any proceedings against a person for an offence under section 101C(2), a written statement by a member of An Garda Síochána in respect of either the making of a requirement under section 101C(1), or carrying out an examination under that subsection, or both, shall, if the conditions mentioned in subsection (2) are satisfied, until the contrary is shown, be sufficient evidence of the facts stated in it, without proof of any signature on it or that the signatory was the proper person to sign it, and shall, until the contrary is shown, be sufficient evidence of compliance by the member with the requirements imposed on him or her under section 101C. 35 40

- (2) The conditions referred to in subsection (1) are—
- (a) the statement purports to be signed by the member of An Garda Síochána who made it,
 - (b) the statement contains a declaration by that member of An Garda Síochána to the effect that it is true to the best of his or her knowledge and belief and that he or she made the statement, and
 - (c) a copy of the statement is served on the accused.
- (3) A copy of a statement required by this section to be served on a person may be served—
- (a) by delivering it to him or her,
 - (b) by addressing it to him or her and leaving it at his or her usual or last known residence or place of business, or
 - (c) by sending it by registered post to him or her at his or her usual or last known residence or place of business.
- (4) A duly completed statement purporting to have been made under section 101C(3) shall, until the contrary is shown, be sufficient evidence under this Act of the facts stated in it, without proof of any signature on it or that the signatory was the proper person to sign it, and shall, until the contrary is shown, be sufficient evidence of compliance by the designated doctor or designated nurse concerned with the requirements imposed on him or her under section 101C.
- (5) In a prosecution for an offence under section 101C(2) it shall be presumed until the contrary is shown that the person—
- (a) who carried out a medical examination of a person under section 101C(1), or
 - (b) for whom, following a requirement under section 101C(1) there was a refusal or failure to undergo a medical examination,
- is a designated doctor or designated nurse.

Costs of prosecutions by Bureau under Part 10

- 107D.** (1) Where a person is convicted of an offence under this Chapter, committed after the commencement of this section, the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay to the court a contribution towards the costs and expenses incurred by the Bureau in the performance of its functions not exceeding such amount as may, for the time being, stand prescribed.
- (2) Payments under subsection (1) shall be disposed of in such manner as may be prescribed.”.

Amendment of section 108 of Act of 2005

- 65.** Section 108 of the Act of 2005 is amended—

(a) by the substitution of “designated doctor or designated nurse” for “designated medical practitioner” in each place that it occurs,

(b) by the insertion of the following subsection after subsection (1):

“(1A) In a prosecution of a person for an offence under section 98(6) for refusing or failing to comply with a requirement under subsection (3), (3A) or (3B) of section 98, it shall be a defence for the defendant to satisfy the court that there was a special and substantial reason for his or her refusal or failure.”, 5

(c) in subsection (3), by the insertion of “, (1A)” after “subsections (1)”,

(d) by the insertion of the following subsection after subsection (3): 10

“(3A) In a prosecution of a person for an offence under section 101B(2) for refusing or failing to comply with a requirement to permit a designated doctor or designated nurse to take a specimen of blood or for refusing or failing to comply with a requirement of a designated doctor or designated nurse in relation to the taking of a specimen of blood, it is a defence for the defendant to satisfy the court that there was a special and substantial reason for his or her refusal or failure.”, 15

and

(e) in subsection (4), by the insertion of “or oral fluid” after “his or her breath”.

Amendment of section 109 of Act of 2005 20

66. Section 109 of the Act of 2005 is amended by the substitution of “section 97(2C)” for “section 103(4)”.

Amendment of section 112 of Act of 2005

67. Section 112 of the Act of 2005 is amended—

(a) in subsection (1), by the substitution of “organisation” for “undertaking”, and 25

(b) in subsections (1), (2), (3) and (8), by the substitution of “doctor” for “medical practitioner” in each place that it occurs.

Amendment of section 122 of Act of 2005

68. Section 122 of the Act of 2005 is amended by the insertion of “(other than an offence under Part 10)” after “Proceedings for an offence under this Act”. 30

Schedule of specified Drugs

69. The Act of 2005 is amended by the insertion of the following Schedule after Schedule 2:

“SCHEDULE 3

Section 97(2A)

SPECIFIED DRUGS

Reference Number	Drug	Level (units in whole blood)
(1)	(2)	(3)
1	Δ^9 -Tetrahydrocannabinol (Cannabis)	1ng/ml
2	11-nor-9-carboxy- Δ^9 -tetrahydrocannabinol (Cannabis)	5ng/ml
3	Cocaine	10ng/ml
4	Benzoylcegonine (Cocaine)	50ng/ml
5	6-Acetylmorphine (Heroin)	5ng/ml

”.

Amendment of section 126 of Act of 2005

70. Section 126 of the Act of 2005 is amended by—

(a) in subsection (1)—

(i) by the insertion of “, the Regulations of 2020 or under Part 2 of the *Railway Safety Act 2026* or any Regulations made under that Part,” after “the Regulations of 2014”, and

(ii) in paragraph (e), by the substitution of “the Regulations of 2014, the Regulations of 2020 or Part 2 of the *Railway Safety Act 2026* or any Regulations made under that Part,” for “Regulation 9(2)(c) of the Regulations of 2014,”,

(b) in subsection (3), by the insertion of “the Regulations of 2020, or Part 2 of the *Railway Safety Act 2026* or any Regulations made under that Part, or” after “the Regulations of 2014,”, and

(c) in subsection (4), by the substitution of “under the Regulations of 2014 or the Regulations of 2020 or under Part 2 of the *Railway Safety Act 2026* or any Regulations made under that Part,” for “Regulation 9(1) of the Regulations of 2014,”.

PART 6

CONSEQUENTIAL AMENDMENT TO FREEDOM OF INFORMATION ACT 2014

Amendment of Schedule 1 to Freedom of Information Act 2014

71. Part 1 of Schedule 1 to the Freedom of Information Act 2014 is amended by the substitution of the following paragraph for paragraph (u)—

“(u) the Medical Bureau of Road Safety, insofar as it relates to records concerning, or arising from, the forensic criminal investigation functions performed by the Bureau under—

- (i) the Railway Safety Act 2005, or
 - (ii) the Road Traffic Acts 1961 to 2024,
- including the analysis of specimens and the approval, supply, testing and maintenance of apparatus and of equipment used for the purposes of those Acts;”.

5

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht chun an tAonad um Imscrúdú Tionóiscí Iarnróid arna bhunú de réir Rialachán 4 de Rialacháin an Aontais Eorpaigh (Sábháilteacht Iarnróid) (Tuairisciú agus Imscrúdú Tionóiscí Tromchúiseacha, Tionóiscí agus Teagmhas), 2014 (I.R. Uimh. 258 de 2014) a choimeád ar marthain agus dá chumasú dó an fheidhm a chomhlíonadh arb éard í tionóiscí iarnróid agus teagmhais a bhaineann le haon iarnród a imscrúdú, agus do leasú an Achta um Shábháilteacht Iarnróid, 2005, go háirithe i ndáil le meiscigh agus le daoine a oibríonn ar iarnróid, agus do leasú Sceideal 1 a ghabhann leis an Acht um Shaoráil Faisnéise, 2014.

An tAire Iompair a thíolaic,

24 Iúil, 2026

BILL

(as initiated)

entitled

An Act to continue the Railway Accident Investigation Unit established in accordance with Regulation 4 of the European Union (Railway Safety) (Reporting and Investigation of Serious Accidents, Accidents and Incidents) Regulations 2014 (S.I. No. 258 of 2014) and to enable it to perform the function of investigating railway accidents and incidents relating to any railway, and to amend the Railway Safety Act 2005, in particular in relation to intoxicants and persons working on railways, and to amend Schedule 1 to the Freedom of Information Act 2014.

Presented by the Minister for Transport,

24th July, 2026

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN, CILL MHAIGHNEANN,
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