An Bille um an gComhad Náisiúnta Feithiclí agus Tiománaithe, agus um Thrácht ar Bhóithre agus um Bóithre, 2026

National Vehicle and Driver File, Road Traffic and Roads Bill 2026

Meabhrán Míniúcháin

Explanatory Memorandum

AN BILLE UM AN gCOMHAD NÁISIÚNTA FEITHICLÍ AGUS TIOMÁNAITHE, AGUS UM THRÁCHT AR BHÓITHRE AGUS UM BÓITHRE, 2026

NATIONAL VEHICLE AND DRIVER FILE, ROAD TRAFFIC AND ROADS BILL 2026

EXPLANATORY MEMORANDUM

Purpose of the Bill

The Bill:

- updates the legislation underpinning the Department of Transport's National Vehicle and Driver File (NVDF) database to include GDPR provisions;
- underpins the Check My Vehicle website that allows members of the public to access certain vehicle data held on the NVDF;
- removes the requirement to display a paper motor tax disc;
- removes the current 12-month maximum and allows for open-ended declarations of non-use of a motor vehicle;
- amends the Road Traffic Act 2004 to allow for the setting of certain special speed limits;
- allows for the consideration of a charge of careless driving where a jury acquits a defendant of a charge of dangerous driving;
- amends the Roads Act 1993 to provide a basis for the sharing and processing of road traffic collision data with local authorities to enable them to assess safety risks and target maintenance on public roads;
- provides clarity on the application of penalty points in multi-offence incidents where a driver is disqualified; and
- provides for operators of mobile camera vans to provide certificate evidence in court when a fixed charge notice is not paid, rather than having to provide evidence in person.

PART 1

PRELIMINARY AND GENERAL

This Part contains provisions of a general nature, short title, commencement, citations, definitions and repeals.

Section 1. Short title, commencement, collective citation and construction

This section provides for the short title of the Bill; the commencement of the provisions of the Bill; and the collective citation and construction of certain provisions of the Bill with either the Road Traffic Acts, the Roads Acts, or the Local Authorities (Traffic Wardens) Acts, as the case may be.

Section 2. Definitions

This section provides the key definitions used in the Bill.

Section 3. Repeals

This section repeals certain provisions of motor tax legislation.

The provisions of the Roads Act 1920 that are being repealed are mostly obsolete. The repeal of subsection 5(5) will remove the requirement to display a vehicle licence (motor tax disc). Section 12(1)(e) provides for regulations for replacement discs and the associated fee.

Section 22 of the Finance Act 1921 provides for the payment of motor tax on a non-annual basis. This provision has been superseded by later legislation.

Section 62(1) of the Finance Act 1993 relates to the provision to An Garda Siochana and the Revenue Commissioners of details of vehicles that haven't been taxed within seven working days of registration. This provision hasn't ever been used.

Section 70(2)(a) of the Finance Act 1976 is being repealed as it refers to the surrender of a motor tax disc which will no longer be required following the commencement of subsection 3(a) of this Bill. Section 70 has never been commenced.

Section 73 of the Finance Act 1976 provides the current offence (now a fixed charge offence) of not displaying a motor tax disc. Following this repeal, section 27 of the Interpretation Act 2005 will allow for the continuation of any prosecutions currently in train. Section 71 of the Finance Act 1976, which provides for an offence for not having motor tax, will be made a fixed charge offence.

The provisions in section 74, which provide for the offence under section 73 to also apply to the Local Authorities (Traffic Wardens) Act 1975, have been superseded by later amendments to that Act.

Section 10(b) of the Road Traffic Act 2024 has not been commenced. Repeal is necessary to allow the setting of a special speed limit of 60 km/h on local roads in built-up areas, which is provided for in section 21 of this Bill.

PART 2

NATIONAL VEHICLE AND DRIVER FILE

This Part makes amendments to Chapter II of Part II the Finance Act 1993, which underpins the NVDF, to bring it in line with GDPR requirements and also underpins access to the public to certain data held on the NVDF.

Section 4. Amendment of section 57 of Act of 1993

This section amends section 57 of the Act of 1993 to provide for definitions related to the amendments being made to section 60 of the Act of 1993 in this Part.

Section 5. Records

The establishment of records and access to data on the NVDF is provided for in section 60 of the Act of 1993. This is pre-GDPR and general in nature.

The amendments to section 60 set out the data held on the File and include data protection provisions in respect of personal data held on the NVDF that are not a feature of the current legislation. These data protection provisions will apply to access to the NVDF provided for elsewhere in primary legislation (e.g. for tolling purposes under the Roads Act 1993).

The amendments provide, through secondary legislation, for data to be provided to such bodies as may require it in the necessary performance of their functions. Access by most of these bodies is already provided for in regulations which also set out the basis on which data is required. However, certain bodies such as An Garda Síochána and the Office of the Revenue Commissioners are only provided for in the current section 60 as having access to such records as they may reasonably require. These bodies will henceforth also be specified in secondary legislation, with the legal basis for requiring access set out.

Section 6. Continuation of section 60 records

This section provides for the continuation of the current records held on the NVDF.

Section 7. Making certain records publicly available

Section 7 underpins the Check My Vehicle website that allows members of the public to check certain vehicle data held on the NVDF. Data is accessed by inputting the vehicle registration number and will include the status of motor tax and roadworthiness tests but not the owner’s name and address. With the proposed abolition of the requirement to display a motor tax disc (and roadworthiness discs through secondary legislation), the website facilitates parties who might need to be assured of compliance, such as driver testers, driving instructors or car buyers.

PART 3

REQUIREMENT TO DISPLAY A VEHICLE LICENCE

This Part relates to the abolition of the requirement to display a motor tax disc and related amendments, including offences.

Section 8. Amendment of Act of 1920

This section updates the Roads Act 1920 to reference the basis of charging motor tax under the Finance (Excise Duties) (Vehicles) Act 1952, as is currently the case, rather than referencing the earlier basis of taxation in the Finance Act 1920.

The amendment to subsection 5(3) removes the requirement to surrender an existing motor tax disc as part of the application process where a new licence is being taken out on a change of tax class.

The substitution of the Minister in section 12(1) stems from a time when the Minister for Housing had responsibility for motor tax, while change of vehicle ownership was a function of the Minister for Transport. As both functions are now under the auspices of the Minister for Transport, the distinction between the functions is no longer required.

General licences in the Act refer to trade licences (trade plates) held by motor dealers. These are now provided for under section 21 of the

Finance (No. 2) Act 1992. The amendment of section 13 reflects the fact that motor dealers are no longer required to specify the number of vehicles when applying for a trade licence.

Section 19 has been updated to include declarations of non-use of a vehicle and applications for trade licences, as well as motor tax, as functions that the Minister can remove from local authorities that are neglecting or refusing to perform them.

Section 9. Amendment of section 23 of Finance Act 1936

This section removes references to the taking back of a motor tax disc as part of the procedure for dealing with bouncing cheques. As the Office of the Revenue Commissioners also use the current provisions in respect of the licences under its auspices, a new section has been added to provide for motor tax.

Section 10. Amendment of Act of 1952

This section removes the requirement to surrender a disc when applying for a refund of motor tax in section 1 of the Finance (Excise Duties) (Vehicles) Act 1952.

A new section 1A has been inserted in the Act to provide that a vehicle licence will be deemed to be issued on the provision to the owner of a receipt for payment either in a local authority motor tax office or via the online motor tax facility.

Section 11. Amendment of section 33 of Act of 1961

This amendment to the Road Traffic Act 1961 removes the requirement to display a motor tax disc or roadworthiness certificate when taking a driving test.

Section 12. Amendment of section 3 of Local Authorities (Traffic Wardens) Act 1975

This section provides for the offence under section 71 of the Finance Act 1976 of not having motor tax to be made an offence under regulations made under the Local Authorities (Traffic Wardens) Act 1975. It deletes the reference to section 73 (offence of failing to display a motor tax disc) of the Finance Act 1976 and also a reference to an offence in regulations made under the Roads Act 1920 of not having a motor tax disc exhibited on a vehicle.

Section 13. Amendment of section 34 of Act of 2010

Section 34 of the Road Traffic Act 2010 provides for the making of regulations for fixed charge offences. This amendment deletes the reference to section 73 (offence of failing to display a motor tax disc) of the Finance Act 1976 and provides for an offence under section 71 of the Finance Act 1976 of not having motor tax to be made a fixed charge offence under regulations.

PART 4

NON-USE DECLARATIONS

This Part provides for open-ended declarations of non-use of a vehicle by way of amendment to the Finance (No. 2) Act 1992 and also sets out transitional arrangements where a declaration of non-use of a vehicle is in force on commencement of the amending provisions. Currently the requirement is that a vehicle must be declared off the road for a period between three and 12 months. The amendments will mean that declarations can be made in the last month of motor tax for an indefinite period.

Section 14. Amendment of section 18 of Act of 1992

Section 14 inserts a definition of public place in the 1992 Act for the purposes of the amendments in sections 16, 17 and 18 of this Bill.

Section 15. Amendment of section 20 of Act of 1992

The effect of the amendments in this section removes references to an end date for a declaration of a non-use of a vehicle. Section 20 also provides for arrears of motor tax and this section contains an amendment specifically setting out that arrears will not apply to the first application for motor tax following an open-ended declaration of non-use. Under the current system, arrears can accrue where there is a gap between the end date given on a declaration of non-use and the next taxing of the vehicle.

Section 16. Amendment of section 20B of Act of 1992

Currently, a vehicle can be declared off the road for a period in calendar months for between three and 12 months. This section amends the Act of 1992 to provide for open-ended declarations of non-use of a vehicle.

Section 17. Amendment of section 20C of Act of 1992

Section 20C currently provides for an offence of making a declaration of non-use which is false or misleading. This amendment adds a new provision setting out explicitly that it is an offence to use a vehicle in respect of which a declaration of non-use is in effect and provides for a penalty.

Section 18. Transitional provisions relating to non-use declaration

This section provides for transitional arrangements for declarations in effect on the commencement of section 16. Currently, a declaration must be made for a period of between three and 12 calendar months. The intention of the transitional arrangement is that a declaration currently in force will end on the date that had been specified in the declaration of non-use and that another open-ended declaration will then be required if the vehicle is not going to be in use for a further period.

Section 19. Amendment of section 21 of Act of 1992

Section 21 provides for motor dealers to take out trade licences in lieu of motor tax. Section 21(5) sets out that motor tax under section 1 of the Finance (Excise Duties) (Vehicles) Act 1952 and motor tax offences will not apply while a vehicle has a trade plate exhibited on it. This amendment removes the references to offences of not displaying a motor tax disc.

PART 5

SPEED LIMITS

This Part includes amendments to special speed limits by way of amendment to the Road Traffic Act 1994.

Section 20. Amendment of section 2 of Act of 2004

This amendment defines “national primary road” for the purposes of the amendments in section 21 and 22 of this Bill.

Section 21. Amendment of section 9 of Act of 2004

This amendment allows local authorities to set a special speed limit of 60 km/h on some local roads in built-up areas.

Section 9 of the 2004 Act offers a list of options for speed limits which may be set as special speed limits, including providing the option of ’60 kilometres per hour.’ It is a general principle in section 9 that a speed limit is not available to be used as a special speed limit where it would be the same as the default limit. To date, 60km/h has not been a default speed limit. However, with the commencement of section 7 of the Road Traffic Act 2024 (the 2024 Act), 60km/h is now the default speed limit for local roads. For this reason, section 10(b) of the 2024 Act amended section 9(2)(c) of the 2004 Act to make 60km/h an option for a special speed limit 'in respect of any road other than a local road.'

During discussions with local authorities on the issue, a difficulty was identified, in that section 5 of the 2004 Act sets a speed limit for 'built-up areas.' This is currently 50km/h and will be reduced to 30km/h on commencement of the relevant provisions of the 2024 Act. The 'built-up area speed limit' applies to all roads in a built-up area except for motorways. Some roads in built-up areas are in fact classed as local roads. If the provisions of section 10(b) were to be commenced as they currently stand, local roads in built-up areas could not be given a 60 km/h special speed limit, because the vires would no longer exist, and the nearest options would be 80 km/h or 50 km/h.

Some local authorities have reasons – based on road circumstances and traffic planning – for wishing to set a 60 km/h special speed limit on some local roads in built-up areas. It was never the intention for them to be deprived of this option. Local authorities are best placed to determine the appropriate limit for particular roads in their functional area. Section 9(2)(c) of the 2004 Act is now being further amended to allow local authorities to set a special speed limit of 60km/h for local roads when those local roads are in built-up areas.

The amendment also allows for the setting of a special speed limit of 100 km/h on national secondary roads. Following the publication of the Speed Limit Review in 2023, key recommendations of the review were included in the Road Traffic Act 2024. A further amendment is now needed in order to progress phase three of lower default limits. Phase three will reduce the default speed limit of national secondary roads from 100km/h to 80km/h. A technical amendment is necessary to ensure that road authorities will have the opportunity to retain a special speed limit of 100 km/h on national secondary roads through adoption of special speed limit bye laws, should such roads meet the criteria set out in the Speed Limit Guidelines.

Section 22. Amendment of section 9A of Act of 2004

Related to the amendment in section 21, this amendment allows for the setting of a special speed limit of 100 km/h on national secondary managed roads. National managed roads are managed by Transport Infrastructure Ireland.

PART 6

MISCELLANEOUS AMENDMENTS

This Part contains amendments to Road Traffic and Roads legislation.

Section 23. Amendment of section 53 of Act of 1961

Under current legislation, if a jury acquits a defendant of a charge of dangerous driving, they cannot consider the lesser charge of careless driving. The amendment to section 53 of the Road Traffic Act 1961 allows for the lesser charge to be considered.

Section 24. Amendment of section 13 of Roads Act 1993

This amendment provides a legal basis in the Roads Act 1993 for local authorities to receive traffic collision data from An Garda Síochána or the Road Safety Authority for the purposes of identifying and assessing safety risks of public roads within their functional area, targeting maintenance or construction of public roads, and the appropriate allocation of resources.

With regard to the definition of nominated local authority, where 2 or more local authorities agree that, in the interests of efficiency and effectiveness, a specified executive function should be performed by one of them, that authority is the nominated local authority.

Section 25. Amendment of section 2 of Road Traffic Act 2002

Under current road traffic legislation, a driver who is caught committing several penalty point offences in a single incident (speeding while failing to wear a seatbelt and speaking on a mobile phone, for example), will only have one set of penalty points endorsed on their licence upon payment of the associated fixed charge. As-yet un-commenced amendments to the Road Traffic Act 2002 made under the Road Traffic Act 2024 introduce the concept of the multi-offence incident (MOI), whereby drivers will in future receive two sets of points upon payment of the fixed charge, or all points upon conviction by the Courts.

An operational complication has arisen from the fact that drivers do not, in practice, have to pay fixed charge notices from a MOI all at once, and may in fact choose to stagger payment over weeks or even months.

In the case of a disqualification, if a higher set of points associated with the same multiple offence incident is received after the disqualification has already started, section 3 of the 2024 Act appears to require that only the highest sets of points associated with the incident should be endorsed on a driver record. In that case, the original disqualification would have to be cancelled, to allow the more recently notified, higher set of points to be swapped in for a lower set of points that had already been counted towards a disqualification.

There is nothing in road traffic legislation to allow the cancellation of an existing disqualification and then the reconstruction of it to include the new offence, with a new notification date. Apart from the absence of a legal basis, dismantling and reconstructing a disqualification is not desirable, as it may significantly advantage or disadvantage the driver in terms of the length of the disqualification, depending on how the original disqualification was configured.

The amendment to the 2002 Act clarifies that the swapping in of penalty points will not apply in a case where the driver has been disqualified.

Section 26. Amendment of section 81 of Act of 2010

This section amends the Road Traffic Act 2010 to provide for operators of mobile camera vans to provide certificate evidence in court when a fixed charge notice is not paid, rather than having to provide evidence in person.

An Roinn Iompair,

Meán Fómhair, 2026.