



An Bille um Thrácht ar Bhóithre (Leasú) (Dlí Jax), 2026
Road Traffic (Amendment) (Jax's Law) Bill 2026

Meabhrán Miniúcháin
Explanatory Memorandum



ROAD TRAFFIC (AMENDMENT) (JAX'S LAW) BILL 2026

EXPLANATORY MEMORANDUM

Purpose of Bill

The statutory provisions relating to careless and dangerous driving are contained in sections 52 and 53, respectively, of the Road Traffic Act 1961 (as amended). Currently, the law deems careless and dangerous driving to be minor offences, to be prosecuted summarily (in the District Court) with limited penalties: a fine only in the case of careless driving; and a maximum sentence of 6 months in jail and/or a fine in the case of dangerous driving.

Only when there is death or serious bodily harm, are careless and dangerous driving considered serious in law. When there is death or serious bodily harm, the DPP can choose to prosecute an allegation of careless or dangerous driving on indictment (i.e. in the Circuit Court) and the penalties available to a judge increase to imprisonment for 2 years and/or a fine of €10,000 (for careless driving) or imprisonment for 10 years and/or a fine of €20,000 (for dangerous driving).

There has been a movement, advocating for change to the law in this area so that the loss of a pregnancy, as a result of careless or dangerous driving, would also allow the Director of Public Prosecutions to prosecute on indictment and to give a wider jurisdiction to the sentencing judge.

The Bill will primarily do three things:

1. Change the law so that careless and dangerous driving can be prosecuted on indictment where there is death, serious bodily harm or the loss of a pregnancy;
2. Give the Minister the power to direct the Road Safety Authority to collect statistics on pregnancies lost as a result of road traffic accidents;
3. Define a lost pregnancy in the same way that the Civil Registration Act 2024 defines a stillbirth: a pregnancy of at least 23 weeks' gestation or a foetus of at least 400g.



AN BILLE UM THRÁCHT AR BHÓITHRE (LEASÚ) (DLÍ JAX), 2026

MEABHRÁN MÍNIÚCHÁIN

Cuspóir an Bille

Tá na forálacha reachtúla a bhaineann le tiomáint neamhaireach agus chontúirteach le fáil in ailt 52 agus 53, faoi seach, den Acht um Thrácht ar Bhóithre, 1961 (arna leasú). Faoi láthair, meastar faoin dlí gur mionchionta iad tiomáint neamhaireach agus chontúirteach, ar féidir iad a ionchúiseamh go hachomair (sa Chúirt Dúiche) le pionóis theoranta: fineáil, agus é sin amháin, i gcás tiomáint go neamhaireach; agus pianbhreith uasta 6 mhí sa phríosún agus/nó fineáil i gcás tiomáint go contúirteach.

Ní mheastar tiomáint neamhaireach agus chontúirteach a bheith tromchúiseach de réir dlí ach amháin nuair a bhíonn bás nó mórdhíobháil choirp i gceist. Nuair a bhíonn bás nó mórdhíobháil choirp i gceist, féadfaidh an Stiúrthóir Ionchúiseamh Poiblí a roghnú ionchúiseamh a dhéanamh i gcás go líomhnaítear tiomáint neamhaireach nó chontúirteach ar díotáil (is é sin sa Chúirt Chuarda) agus méadaítear na pionóis atá ar fáil do bhreitheamh go príosúnacht ar feadh 2 bhliain agus/nó fineáil €10,000 (as tiomáint neamhaireach) nó príosúnacht ar feadh 10 mbliana agus/nó fineáil €20,000 (as tiomáint chontúirteach).

Tá feachtas ar siúl ag moladh go ndéanfaí athrú ar an dlí sa réimse seo ionas go gceadófaí, i gcás go raibh cailliúint toirchis mar thoradh ar thiomáint neamhaireach nó chontúirteach, don Stiúrthóir Ionchúiseamh Poiblí ionchúiseamh a dhéanamh ar díotáil agus dlínse níos leithne a thabhairt don bhreitheamh a ghearrann an phianbhreith.

Déanfaidh an Bille trí rud:

1. An dlí a athrú ionas gur féidir tiomáint neamhaireach agus chontúirteach a ionchúiseamh ar díotáil i gcás go bhfuil bás, mórdhíobháil choirp nó cailliúint toirchis mar thoradh;
2. Cumhacht a thabhairt don Aire treoir a thabhairt don Údarás um Shábháilteacht ar Bhóithre staidreamh a bhailiú maidir le toircheas a cailleadh mar thoradh ar thimpistí tráchta ar bhóithre;
3. Míniú a thabhairt ar thoircheas caillte ar an mbealach céanna a mhíníonn an tAcht um Chlárú Sibhialta, 2024 marbh-bhreith: toircheas a mhairfidh 23 seachtaine ar a laghad nó féatas de mheáchan 400g ar a laghad.

The possibility of unintentionally raising issues relating to the status of unborn children is specifically excluded. Equally, without seeking to amend the provisions of the Civil Registration Act 2024, the Bill seeks to distinguish a lost pregnancy from a stillbirth.

The Bill is named for Jax Aylward, an unborn child, who died as a result of a road traffic collision in 2024, when his mother, Saoirse Aylward was the victim of a careless driving incident. He is representative of many pregnancies that are lost as a result of careless or dangerous driving but are unrecognised and unrecorded.

Provisions of the Bill

Section 1 defines the terms used in the Bill.

Section 2 amends section 52 of the Road Traffic Act 1961 to allow careless driving to be prosecuted on indictment in circumstances where a pregnancy is lost as a result of the driving.

Section 3 amends section 53 of the Road Traffic Act 1961 to allow dangerous driving to be prosecuted on indictment in circumstances where a pregnancy is lost as a result of the driving.

Section 4 specifically excludes both the conferral of personhood on an unborn child and the possibility of any prosecution for unlawful killing of an unborn child.

Section 5 provides for the Minister to make regulations instructing the Road Safety Authority to gather statistics relating to pregnancies lost as a result of road traffic collisions.

Section 6 acknowledges the difference between a stillbirth and a pregnancy loss as a result of a road traffic collision.

Section 7 sets out the name and collective citation of the Bill, and the commencement provisions.

Barry Ward, TD, Emer Currie, TD, Brian Brennan, TD, Catherine Callaghan, TD, Colm Burke, TD, David Maxwell, TD, Edward Timmins, TD, Grace Boland, TD, James Geoghegan, TD, Joe Cooney, TD, Joe Neville, TD, John Clendennen, TD, John Paul O'Shea, TD, Keira Keogh, TD, Maeve O'Connell, TD, Michael Murphy, TD, Micheál Carrigy, TD, Naoise Ó Muirí, TD, Noel McCarthy, TD, Paula Butterly, TD, Peter Roche, TD, Seán Kyne, TD, William Aird, TD, George Lawlor, TD, Aindrias Moynihan, TD, Aisling Dempsey, TD, Albert Dolan, TD, Brendan Smith, TD, Cathal Crowe, TD, Cormac Devlin, TD, Eamon Scanlon, TD, Erin McGreehan, TD, James O'Connor, TD, John Connolly, TD, John Lahart, TD, John McGuinness, TD, Malcolm Byrne, TD, Martin Daly, TD, Michael Cahill, TD, Naoise Ó Cearúil, TD, Pádraig O'Sullivan, TD, Pat "the Cope" Gallagher, TD, Paul McAuliffe, TD, Peter "Chap" Cleere, TD, Ryan O'Meara, TD, Séamus McGrath, TD, Seán Fleming, TD, Seán Ó Fearghaíl, TD, Shane Moynihan, TD, Shay Brennan, TD, Tom Brabazon, TD, Tony McCormack, TD, Willie O'Dea, TD, Aidan Farrelly, TD, Cian O'Callaghan, TD, Daniel Ennis, TD, Eoin Hayes, TD, Gary Gannon, TD, Holly Cairns, TD, Jen Cummins, TD, Jennifer Whitmore, TD, Liam Quaide, TD, Pádraig Rice, TD, Rory Hearne, TD, Sinéad Gibney, TD, Barry Heneghan, TD, Brian Stanley, TD, Gillian Toole, TD, Michael Lowry, TD, Paul Gogarty, TD, Paul Lawless, TD, Peadar Tóibín, TD, Charles Ward, TD, Johnny Mythen, TD,
Meán Fómhair, 2026.

Eisiatar go sonrach saincheisteanna a ardú go neamhbheartaithe a bhaineann le stádas leanaí gan breith. Ar an gcaoi chéanna, gan iarracht a dhéanamh forálacha an Acht um Chlárú Sibhialta, 2024 a leasú, tá sé mar aidhm ag an mBille idirdhealú a dhéanamh idir toircheas caillte agus marbh-bhreith.

Ainmníodh an Bille in omós do Jax Aylward, leanbh gan breith, a fuair bás mar thoradh ar imbhualadh tráchta bóthair i 2024, nuair a bhí a mháthair, Saoirse Aylward, ina híospartach i dtimpiste mar gheall ar thiomáint neamhaireach. Tá sé ionadaíoch do go leor toircheas a chailltear mar thoradh ar thiomáint neamhaireach nó chontúirteach ach nach n-aithnítear agus nach dtaifeadtar.

Forálacha an Bhille

Alt 1 - mínítear na téarmaí a úsáidtear sa Bhille in Alt 1.

Alt 2 - leasaíonn alt 2 alt 52 den Acht um Thrácht ar Bhóithre, 1961, chun go gceadófar tiomáint neamhaireach a ionchúiseamh ar díotáil i gcúinsí ina gcailltear toircheas mar thoradh ar an tiomáint.

Alt 3 - leasaíonn alt 3 alt 52 den Acht um Thrácht ar Bhóithre, 1961, chun go gceadófar tiomáint chontúirteach a ionchúiseamh ar díotáil in imthosca ina gcailltear toircheas mar thoradh ar an tiomáint.

Alt 4 - eisiatar, go sonrach, in alt 4 pearsanúlacht a thabhairt do leanbh gan bhreith agus an fhéidearthacht go ndéanfaí aon ionchúiseamh i leith marú neamhdhleathach linbh gan breith.

Alt 5 - foráiltear le halt 5 go bhféadfaidh an tAire rialacháin a dhéanamh lena dtugtar treoir don Údaráis um Shábháilteacht ar Bhóithre staidreamh a bhailiú a bhaineann le toircheas a cailleadh mar thoradh ar imbhuailtí tráchta bóthair.

Alt 6 - aithnítear in alt 6 an difríocht idir marbh-bhreith agus cailliúint toirchis mar thoradh ar imbhualadh tráchta bóthair.

Alt 7 - tugann Alt 7 sonraí faoi ainm agus comhlua an Bhille, agus na forálacha maidir le tosach feidhme.

Barra Mac an Bhaird, TD, Emer Ní Chomhraí, TD, Brian Ó Braonáin, TD, Cáit Ní Cheallacháin, TD, Colm de Búrca, TD, Daithí Ó Meiscill, TD, Eamon Ó Toimín, TD, Grainne Ní Bheoláin, TD, Séamus Mac Eochagáin, TD, Seosamh Ó Cunaí, TD, Seosamh Ó Niadh, TD, John Clendennen, TD, Seán Pól Ó Sé, TD, Ciara Nic Eochaidh, TD, Maeabh Ní Chonaill, TD, Micheál Ó Murchú, TD, Micheál Mac Conncarraigí, TD, Naoise Ó Muirí, TD, Nollaig Mac Cárthaigh, TD, Paula Butterly, TD, Peadar de Róiste, TD, Seán Kyne, TD, Liam Aird, TD, Seoirse Ó Leathlobhair, TD, Aindrias Ó Muimhneacháin, TD, Aisling Ní Dhiomasaigh, TD, Albert Ó Dóláin, TD, Breandán Mac Gabhann, TD, Cathal Mac Concradha, TD, Cormac Ó Doibhilin, TD, Éamonn Ó Scannláin, TD, Éirinn Ní Ghreacháin, TD, Séamus Ó Conchobhair, TD, Séan Ó Conghaile, TD, Séan Lahart, TD, Séan Mac Aonghusa, TD, Maolcholm Ó Broin, TD, Máirtín Ó Dálaigh, TD, Micheál Ó Cathail, TD, Naoise Ó Cearúil, TD, Pádraig Ó Súilleabháin, TD, Pat “the Cope” Ó Gallachóir, TD, Pól Mac Amhlaoibh, TD, Peadar “Chap” de Cléir, TD, Rian Ó Meára, TD, Séamus Mac Craith, TD, Séan Ó Pléamonn, TD, Séan Ó Fearghail, TD, Séin Ó Muineacháin, TD, Séamus Ó Braonáin, TD, Tomás Brabazon, TD, Antaine Mac Cormaic, TD, Liam Ó Deághaidh, TD, Aodán Ó Fearghaile, TD, Cian Ó Ceallacháin, TD, Daniel Ennis, TD, Eoin Ó hAodha, TD, Gearóid Ó Fionnáin, TD, Holly Ní Chiaráin, TD, Sinéad Ní Chiaráin, TD, Sinéad Whitmore, TD, Liam Mac Uaid, TD,

*Pádraig de Rís, TD, Ruairí Ó hEachthiarna, TD, Sinéad Ní Ghibne, TD,
Barra Ó hÉineacháin, TD, Brian de Stainléigh, TD, Gillian Ní Thuathail,
TD, Micheál Ó Labhraí, TD, Pól Ó Gogartaigh, TD, Pól Laighléis, TD,
Peadar Tóibín, TD, Cathal Mac an Bhaird, TD, Seán Mythen, TD,
Meán Fómhair, 2026.*