

DÁIL ÉIREANN

AN COMHCHOISTE UM IOMPAR, TURASÓIREACHT AGUS SPÓRT

JOINT COMMITTEE ON TRANSPORT, TOURISM AND SPORT

Dé Céadaoin, 28 Samhain 2018

Wednesday, 28 November 2018

The Joint Committee met at 1.30 p.m.

MEMBERS PRESENT:

Deputy Imelda Munster,	Senator Frank Feighan.
Deputy Catherine Murphy,	
Deputy Kevin O’Keeffe,	
Deputy Noel Rock,	
Deputy Robert Troy,	

In attendance: Deputy Dessie Ellis.

DEPUTY FERGUS O’DOWD IN THE CHAIR.

Business of Joint Committee

Chairman: Apologies have been received from Deputy Ruth Coppinger and Senator John O'Mahony. We will go into private session to deal with some housekeeping matters.

The joint committee went into private session at 1.35 p.m. and resumed in public session at 1.40 p.m.

Chairman: I ask members to switch off their mobile phones as they interfere with the broadcasting and recording equipment, even when left in silent mode.

The first item on the agenda is correspondence. No. 2018/356 is an email, dated 13 November 2018, received from Mr. Jim Ryan which was forwarded by Deputy Munster. Mr. Ryan asks if the joint committee will conduct a serious investigation into the poor behaviour of cyclists in the light of his experiences while commuting to work. I invite Deputy Munster to discuss the issue.

Deputy Imelda Munster: Perhaps the committee might include it as a topic for discussion in its work programme for 2019.

Chairman: That is fine. Is that agreed?

Deputy Robert Troy: What is the topic?

Chairman: The concerns expressed about the behaviour of cyclists. The Deputy will have received a copy of the email from him.

Deputy Imelda Munster: It relates to the dangerous behaviour of cyclists. Mr. Ryan asks for suggestions from the committee to improve it.

Deputy Robert Troy: Of cyclists.

Deputy Imelda Munster: Yes.

Deputy Robert Troy: By all means.

Chairman: It might be useful to forward the email to the Road Safety Authority.

Deputy Robert Troy: There are well established cycling advocacy groups in Dublin. We should bring them forward.

Deputy Imelda Munster: Yes. We will put the item on the agenda.

Chairman: It is an important issue. Often cyclists come up against others when cycling the wrong way on a road. It is a serious hazard, particularly on dark evenings in Dublin.

Deputy Imelda Munster: It covers all hazards.

Chairman: One might not see them and it is unexpected.

Deputy Robert Troy: That is what I am trying to ascertain. Are you speaking about the hazards cyclists face or discussing the hazards cyclists pose?

Chairman: I am sorry-----

Deputy Robert Troy: They are two very distinct issues.

Chairman: It is very clear to me, although it might not be clear to the Deputy. Perhaps twice a week, I see cyclists cycling the wrong way in traffic, breaking the lights, coming towards me and travelling in the opposite direction to the traffic. One does not see them in time. I do not know if that is the Deputy's experience, but it is certainly mine. It is an important issue.

Deputy Robert Troy: Are we going to invite every motorist who breaks the law?

Chairman: That is a good question too.

Deputy Robert Troy: That effectively is what you are asking us to do. I thought you were suggesting-----

Chairman: I do not know if the Deputy has had his lunch, but Deputy Munster asked that this issue be raised. We and the Deputy agreed that we would include it in our work programme. I do not know what the problem is.

Deputy Robert Troy: I am sorry, but I am seeking clarification. Are we inviting representative groups to discuss issues cyclists face and the welfare of cyclists in using roads-----

Chairman: That is a matter for the committee to decide.

Deputy Robert Troy: -----or are, as you seem to be indicating, inviting a person with a grievance about a cyclist who has broken the rules of the road?

Chairman: No.

Deputy Robert Troy: That is what I am trying to ascertain.

Chairman: That is not the case at all. The email was sent by the gentleman in question and forwarded by Deputy Munster and discussed here. I do not mind what the Deputy does. If he does not wish to come in for the discussion, he can do that; it does not matter. I am just trying to help people.

Deputy Catherine Murphy: If we are including the issue in the work programme for 2019-----

Chairman: Of road safety.

Deputy Catherine Murphy: -----we should try to have something comprehensive in one session.

Chairman: I agree.

Deputy Catherine Murphy: For example, Dublin City Council will have plans for changes that are likely to happen. It will also have some intelligence on behaviour at pinch points and so forth. If we are to do something, the discussion should be reasonably comprehensive. It should not be one dimensional but multi-faceted.

Chairman: I would not take from the citizen who wrote to express his concerns. It is good that he recognises it as a serious issue for him and it is also a serious issue for us. In that context, the Deputy is absolutely right. Deputy Munster proposed that we include it in the work programme for 2019 and that is what we agreed to.

Deputy Imelda Munster: I also agree with the other suggestion.

Chairman: Okay. Is Deputy Troy happy with that, or does you want to object to it?

Deputy Robert Troy: I was not objecting; I was merely asking-----

Chairman: As long as the Deputy is happy.

Deputy Robert Troy: I am sorry, but I was merely asking whom we would be inviting. Are we going to reach the stage where if somebody writes to the committee about somebody else breaking the rules of the road, we will invite him or her to appear before an Oireachtas committee? That would not be wise or prudent. I fully support Deputy Catherine Murphy's suggestion that we adopt a multi-faceted approach and invite the advocacy groups for those who are trying to promote and encourage the increased use of bicycles as a method of transport in the city. That is what should happen.

Chairman: That is a very good idea and the point has been well paid, but I commend the gentleman in question for writing to the committee.

No. 2018/357, (A) and (B), is an email addressed to me, dated 14 November 2018, received from the office of the Minister for Transport, Tourism and Sport, Deputy Ross, concerning the general scheme of the Taxi Regulation (Amendment) (Rickshaw) Bill 2018. A copy of the general scheme of the Bill is attached. As it is the subject of this meeting, we will note the correspondence.

No. 2018/358, (A) and (B), is an email, dated 15 November 2018, received from Mr. Aidan Flynn, general manager of Freight Transport Association Ireland. Part (B) is a press release entitled, Lack of fuelling sites parks cleaner HGV ambitions. The second item of correspondence is entitled, Draft Brexit agreement would keep Ireland trading. It is proposed to note the correspondence. Is that agreed? Agreed.

No. 2018/360 is an email, dated 19 November 2018, sent to the joint committee by Paul Kelly Clark concerning a meeting with Mr. Jim Meade, chief executive officer of Irish Rail, at Connolly Station on Wednesday, 21 November, and a meeting with Mr. Stephen Kemp of Bus Éireann at Busáras on the same day. The meetings took place last week and I am happy to update the committee, if members so wish.

Deputy Robert Troy: Both meetings were very productive and I am glad that I attended both of them, but I have a concern. When I checked the committee schedule for the week on the website on the Sunday, there was no work scheduled to be done by this committee. I tend to make my arrangements a week in advance, especially as I have to commute from my constituency. We should know a week in advance if something is happening. We should receive greater than 24 or 48 hours notice. However, I accept what the Chairman was trying to do and it was a worthwhile excursion, but in the future we should have a minimum notice period.

Chairman: I agree. The problem was the Minister had dropped out and the slot had become vacant. Excuse me, that is a reference to today's meeting. The Vice Chairman who is a member of the Deputy's party had organised a trip to Cork on that date which did not go ahead as there was a problem with the date which had been fixed and there was nothing other than the visit to Cork arranged for that day. When it was cancelled at the last minute, we thought it would be a good idea, notwithstanding the short notice, to do what we did. As the Deputy said, the meetings were very useful. Certainly, I learned a great deal from them. If any other member wishes

to visit the people in question, he or she would benefit from it.

Deputy Catherine Murphy: I was unable to go. Deputies from Kildare North and Kildare South met representatives of the National Transport Authority approximately a week ago and one of the matters discussed, as the members know, was overcrowding on trains at peak times. At the meeting we were told the refurbishment of 29 carriages would not proceed because of the prohibitive cost involved. They were talking about seeing if it would be possible to lease trains from other countries, but that is not as straightforward as it might seem because of the width of the rail gauge here. Was anything outlined on how to deal with overcrowding?

Chairman: All of those matters were discussed. We wanted to examine issues such as signalling and delays on commuter train services, especially on the northern line. At an earlier meeting Deputy Troy had referred to the state of Busáras. That was the origin of the meeting. We have a briefing document, but it may be very helpful to invite representatives of Irish Rail to discuss such matters and give the topic priority in our work programme. It is a critical point and as the demands on Irish Rail increase, we should know exactly what is going on with the strategy, particularly in the context of the national transport plan.

Deputy Robert Troy: To answer Deputy Catherine Murphy's question, it is fair to say there will be no new carriages for a minimum of 24 months.

Chairman: We know what happened at the meeting and will get them here. I do not think what the Deputy said is untrue, but it is of grave concern to me, as it is to the Deputy. Is she happy for us to invite representatives of Irish Rail to appear before the committee?

Deputy Catherine Murphy: If we are to include it in the work programme, there have been a number of announcements on changes to sustainable transport, etc. There was an issue related to BusConnects and the assumption that there was capacity on the rail network, but there really is not at peak times. If we are to invite representatives of some of the public transport providers to appear before the committee, there should be a theme.

Chairman: I would be happy if the Deputy could give us a proposal in that regard. The meeting happened because I was trying to support the views of members of the committee, as expressed to me. The visit to Cork had been cancelled and we wanted to do something productive. I am delighted the Deputy has raised this issue and I am very happy for it to be included in the work programme. I am very happy to hear of correspondence or proposals from members, as it is what we are here to consider. In my time as Chairman we have not refused to do anything suggested by a member. Deputy Catherine Murphy can make her suggestions and we can ensure the committee will take full and proper notice of them.

The next item is an email, dated 19 November 2018, received from Ms Jillian Harpur, Embassy of France, concerning an invitation to attend a breakfast meeting on 23 November in the Gibson Hotel with a number of French locally elected officials, Members of the French Parliament and transport officials from the French Ministry of Transport. A copy of the email was circulated last week and it is proposed to note the correspondence. Is that agreed? Agreed?

Deputy Robert Troy: Did anyone go?

Chairman: I was not able to make it, but some members were to attend. However, they are not here.

No. 2018/362 is an email, dated 22 November 2018, received from Deputy Catherine Mur-

phy requesting that the Joint Committee on Transport, Tourism and Sport invite representatives of the Football Association of Ireland and Mr. John Delaney to appear before it to update it on its governance and strategies and the challenges it was facing, domestically and internationally. Mr. Fran Gavin and Mr. Eamon Naughton may also be invited to outline some of the background to the challenges facing the national league.

Deputy Catherine Murphy: We are all familiar with this matter. We had before us at the beginning of last year the chief executives of the Gaelic Athletic Association, the Irish Rugby Football Union and the Football Association of Ireland. Essentially, we discussed matters of governance. We are not in the business of sitting here and talking about who should be the football manager. That is not my proposal. There are issues concerning the development of sport, which is one aspect of our remit. It is fair to say there is a certain degree of underperformance and that we could do with teasing it out. It should be included in our work programme.

Chairman: I agree absolutely.

Deputy Catherine Murphy: We should invite the executives of the League of Ireland and the FAI to appear before us. If we would benefit from hearing from other, it would be helpful to invite them also.

Chairman: If the committee agrees, we should certainly do what the Deputy has proposed. If any member can think of other parties or persons we ought to invite to appear before us, he or she should let the clerk know and we can circulate the names.

General Scheme of Taxi Regulation (Amendment) (Rickshaw) Bill 2018: Discussion

Chairman: The main purpose of the meeting is to engage in pre-legislative scrutiny of the general scheme of the Taxi Regulation (Amendment) (Rickshaw) Bill 2018. From the Department of Transport, Tourism and Sport I welcome Ms Maev Nic Lochlainn, Ms Nicola Dwyer and Ms Patricia Waller. By virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of the evidence they are to give to the committee. However, if they are directed by it to cease giving evidence on a particular matter and continue to do so, they are entitled thereafter only to qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person or entity by name or in such a way as to make him, her or it identifiable.

Members are reminded of the long-standing parliamentary practice to the effect that they should not comment on, criticise or make charges against a person outside the Houses or an official, either by name or in such a way as to make him or her identifiable.

I invite Ms Nic Lochlainn to make her opening statement.

Ms Maev Nic Lochlainn: I convey the sincere apologies of the Minister for Transport, Tourism and Sport, Deputy Ross, who is, unfortunately, unable to attend today because of another engagement. I am here to assist the joint committee in its consideration of the general scheme of the Taxi Regulation (Amendment) (Rickshaw) Bill 2018 as submitted recently to and approved by the Government for publication and drafting by the Parliamentary Counsel in the Office of the Attorney General.

The Minister is very pleased with the support the general scheme of the Bill has received so far and believes it will have positive impacts both for the rickshaw sector and general public alike. As members know, a key role for him is developing robust legislation to underpin vehicles used for the carriage of passengers for reward. As the committee is probably aware, under the Taxi Regulation Act 2013 which was passed into law in 2013, the National Transport Authority, NTA, is the independent regulator of the taxi, hackney and limousine sector. Technically, they are known under the legislation as small public service vehicles, SPSVs. The 2013 Act sets out new rules and arrangements for licences for small public service vehicles such as taxis. As we all know, taxis and taxi drivers must be fully licensed. As regulator, the NTA sets the standards and requirements for the sector which include rules for vehicle standards, the suitability of drivers and insurance requirements. It could be said Ireland's regulation of taxis exemplifies best practice in public safety and consumer protection.

We are all aware that a wide range of public concerns have been raised about rickshaws. The committee has discussed the dangers posed them on the streets and concerns have been expressed about the public safety issues that have been reported, particularly reckless driving and other unlawful behaviour. While there have been connections made between rickshaws and drug dealing, it would be unfair to say this type of behaviour applies to all who currently work within the sector. It is a concern, however, and it is not acceptable that it continues.

As the committee will remember, last year the NTA was tasked with conducting a public consultation on rickshaws. The NTA's subsequent report showed that 95% of those surveyed wanted rickshaw operators to have appropriate liability insurance, 86% wanted rickshaw drivers to be Garda vetted, while 95% wanted rickshaw vehicles to be required to complete a road-worthiness inspection.

With this in mind, it is intended to give powers to the NTA to introduce a licensing regime for non-motorised rickshaws only. The framework for this licensing regime will largely mirror that which is in place for taxis. First and foremost, this will ensure that all drivers and vehicles are vetted and registered. The NTA will be also able to set mandatory insurance requirements. The Minister believes this option will greatly reduce risk and significantly improve passenger and public safety, and enhance customer experience.

The Department met with a number of stakeholders to discuss the shape and practicalities of the future regulatory approach for rickshaws, including representatives from a number of relevant local authorities and the NTA, and broad agreement was indicated with the regulatory direction proposed. The Minister is appreciative of the input and assistance provided by stakeholders on the matter.

A few months ago, it was discussed with the committee that rickshaws can be either motorised, pedal powered or pedal assisted. The Bill will provide for the licensing of certain non-motorised vehicles carrying passengers for reward. In the case of rickshaws, this means that only pedal-powered and pedal-assisted rickshaws operating for the carriage of persons will be licensed. Non-motorised rickshaws are capable of achieving speeds of up to only 25 km/h. As it is recognised that vehicles travelling at lower speeds can lead to lower risks, the Bill will allow only the slower, pedal-type rickshaws to be licensed. It is anticipated that this approach should help to reduce risk. It is proposed that the faster, motorised rickshaws will not be licensed or permitted to be used for the carriage of passengers for reward in Ireland. Licensing slower rickshaws only will promote greater safety. Furthermore, it is expected that the licensing of these greener rickshaws will help improve the ambiance of our city centres, bringing further benefits for tourism and local businesses, which was an issue raised by many of the committee members

on the last occasion when the Minister appeared before them to discuss rickshaws.

The committee was previously informed about specific enforcement issues involving rickshaws. With a motor attached, the rickshaw is a mechanically propelled vehicle and subject to certain road traffic laws like any car. Detaching the motor transforms it into a pedal-powered vehicle which is regarded as a bicycle and which is treated very differently under road traffic law. This is challenging for enforcement since it is difficult to be certain about the type of vehicle involved in advance of taking any enforcement action.

To address this, the heads of the Bill make provision for the detention of any rickshaw where an enforcement officer is of the opinion that it could be a motorised rickshaw carrying passengers for reward. After detention, the authorities would be able to establish the vehicle type and prosecute if appropriate or, if no offence has been committed, return the vehicle to its owner. The committee will agree that these measures will facilitate decisive enforcement. Effective enforcement is central to the success of any licensing regime.

To provide for improved public safety and passenger experience, the draft heads include a number of licensing and enforcement provisions, addressing broad themes including vehicle checking and registration, driver vetting and registration, requirements for insurance and fair regulation. As mentioned, these provisions are largely reflective of existing provisions for the regulation of taxis under the Taxi Regulation Act, which was passed by the Oireachtas and signed into law by the President five years ago. As such, the Taxi Regulation Act 2013 constitutes modern legislation and is regarded as a helpful foundation as we move to introduce regulation for rickshaws, a sector also responsible for the carriage of passengers for reward. The intention is that the NTA will be able to move quickly to introduce the new licensing regime and to address the concerns expressed.

For rickshaw drivers, this will mean they will need to apply for a licence to work as a driver in the sector. As with taxi driver licences, the rickshaw driver licensing application will also involve applying for Garda vetting. The rickshaw vehicle itself will need to be licensed and comply with any vehicle regulations set by the regulator. The end result should be a regulatory regime for rickshaws that is as successful and robust as that which applies to the taxi sector.

As committee members will know, the Railway Safety (Amendment) Bill, discussed earlier this year, seeks to provide that railway safety critical workers will be subject to the same rules regarding alcohol limits and other intoxicants as “specified persons” under road traffic legislation. This category in road traffic legislation includes professional drivers on the road, such as drivers of buses, taxis or road haulage vehicles. The general scheme intends to ensure that licensed rickshaw drivers will be also recognised under statute as “specified persons” and that they will be subject to the same strict provisions for alcohol limits and other intoxicants as other professional drivers on the road. I am sure the committee will agree including these provisions is important, since a stricter approach in respect of drugs and alcohol for rickshaw drivers will help to ensure increased safety for passengers and other road users.

The draft heads will also amend provisions under the Taxi Regulation Act 2013 which relate to fixed payment notices. These are fines imposed by NTA enforcement officers on taxi drivers who commit certain offences. Under the new provisions, rickshaw drivers will be also subject to such fines. Furthermore, the amendments in the general scheme will modernise certain provisions for fixed payment notices to mirror the provisions set out under road traffic legislation for fixed charge notices as imposed by An Garda Síochána.

As I said, the intention of the draft general scheme is to improve public safety and enhance passenger experience for rickshaw drivers and rickshaw passengers. The Minister welcomes the broad support he has received to date and it is hoped the Bill will progress through the Houses without delay. I thank the Chairman for inviting me to make this presentation and look forward to hearing the views of the committee.

Deputy Robert Troy: I welcome the opportunity to engage in this pre-legislative scrutiny and the fact that at long last a Bill is coming forward. That is not intended as criticism of the officials, and I know that for a long time the Minister was considering an outright ban of rickshaws. I welcome that he has rowed back on his opinion and he intends to regulate them instead. Rickshaws offer an alternative mode of transport, not least in large urban areas which suffer from significant congestion. Outside the 3Arena or any large sporting event, rickshaws are a welcome mode of transport to transport people from congested areas to the city centre or wherever. It is from that perspective that I welcome the Minister's change of heart.

Deputy Munster and I tabled amendments to a road traffic Bill in December 2016 that would have had a similar effect to that which is proposed in the legislation, namely, giving the NTA powers to bring forward regulations. While the Bill is welcome, therefore, we have wasted almost two years through the lack of regulation. Again, that is not the officials' fault but rather it is that of the political masters of the day. Is there scope within the Bill to amend the Taxi Regulation Act 2013 to address the currently very restricted transfer of taxi licences? Is there an opportunity to address the shortage of taxis in certain large urban areas in the Bill?

I welcome the fact that all drivers will be vetted, which is extremely important in regard to those offering a public service in carrying passengers. People need to be confident that they are getting into a vehicle with a driver who has been vetted such that they can feel safe and secure.

It is welcome that the vehicles will have to be roadworthy. Which competent body will sign off on the roadworthiness of the vehicles? Heavy goods vehicles and small buses must undergo the commercial vehicle roadworthiness test and private cars must undergo the national car test. What body will sign off on the roadworthiness of rickshaws?

The insurance requirements are welcome. Insurance is necessary to compensate a person injured in a collision, for example. Has there been engagement with the insurance industry regarding the provision of insurance to rickshaw owners when the regulations are brought in? I recently raised the issue of the exorbitant cost of insurance for taxi drivers. The insurance policy of a constituent of mine in Longford-Westmeath increased fourfold in 12 months, which forced him to reduce the number of cars in his fleet. What level of engagement has the Department had with the insurance industry in regard to the provision of insurance?

Will all types of rickshaws apart from motorised rickshaws be regulated? Will battery-assisted rickshaws be permitted to carry passengers as a public service vehicle?

On the set-up cost of approximately €500,000, will a registration fee be charged of rickshaw drivers? Will that fee go towards the initial set-up costs?

Who will police the regulation of rickshaws? Will enforcement officers be hired or will enforcement be left to already overstretched members of An Garda Síochána? Obviously, rickshaws are vehicles and the rules of the road in regard to alcohol and drugs should apply and that is welcome.

Ms Nic Lochlainn alluded to the railway safety (amendment) Bill which was discussed

earlier this year by the committee. I ask her to update the committee on the status of that Bill.

Chairman: I will take questions from Deputy Munster, to be followed by Deputies Catherine Murphy and Ellis.

Deputy Imelda Munster: I will share time with Deputy Ellis.

Chairman: That is fine. We will then revert to Ms Nic Lochlainn to respond to members' questions.

Ms Maev Nic Lochlainn: I will try to remember all of the questions.

Chairman: If too many questions are being asked, Ms Nic Lochlainn may respond sooner.

Ms Maev Nic Lochlainn: That is fine.

Deputy Imelda Munster: I thank the officials for their attendance. It is somewhat disappointing that the Minister, Deputy Ross, is not here.

I welcome the regulations in regard to non-motorised rickshaws. They are very similar to those that Deputy Troy and I suggested. However, Ms Nic Lochlainn did not make clear in her opening statement why it will not be permissible for motorised rickshaws to be used as public service vehicles and the regulations will apply only to non-motorised rickshaws. The statement outlines that slower vehicles are safer. What is the implication of that logic for cars, motor-bikes, taxis and other vehicles? Is that the only reason for that decision?

The statement refers to enforcement issues. It states: "With a motor attached, the rickshaw is a mechanically propelled vehicle and subject to certain road traffic laws like any car." Does that imply that motorised rickshaws are subject to the same regulations as taxis? If that is the case, what is the problem? I originally raised that issue because the vehicles were uninsured, unlicensed and unregulated. I ask Ms Nic Lochlainn to clarify those issues.

A document with which I was presented this afternoon states that it is not proposed to license motorised rickshaws to carry passengers for reward but, in line with Ireland's EU obligations, it will be permissible to drive motorised rickshaws with EU-type approval for personal use. How is public safety served by permitting the driving of motorised rickshaws for personal use but not for reward? How is it proposed to monitor that?

Ms Nic Lochlainn raised the issue of a rickshaw being a mechanically-propelled vehicle once a motor is attached. According to the statement, this is "challenging when it comes to enforcement since it is so hard to be certain about the type of vehicle involved in advance of taking any enforcement action." However, it is obvious whether a rickshaw is motorised as the driver does not have to pedal furiously to get from one place to another and can attain higher speeds. I ask Ms Nic Lochlainn to explain the rationale behind that statement. It is not clear why the Minister proposes to ban motorised rickshaws. The reasons given do not add up.

Ms Nic Lochlainn mentioned the importance of the consultation process in drafting the legislation. Rickshaw drivers did not engage in the initial consultation, so a separate consultation or process was conducted with them. I ask that the details of that process be provided to the committee. Did it involve more rickshaw owners or drivers? Ultimately, rickshaw drivers have the most to lose under the Bill. I seek clarity on the rationale behind the Minister's decision to ban motorised rickshaws and regulate non-motorised rickshaws.

Chairman: I am in a small quandary here. Perhaps I will call Deputies Catherine Murphy and Dessie Ellis before making some points of my own.

Deputy Catherine Murphy: I have a few questions. Every policy requires regulation and enforcement in addition to legislation. My first question relates to the regulatory impact analysis that the Department has provided us with. Where did the analysis of the costs come from? What urban centres are being looked at by the Department? What would the enforcement actually look like? Would the Department work with existing agencies? I would have expected the issue of insurance to have been considered in the context of the regulatory impact analysis. Was that considered in any kind of detail with the insurance industry or the insurance federation? Is it the case that only the vehicle will be licensed, or will the vehicle and the driver be licensed? It is not entirely clear if both will be covered.

I am confused about the motorised rickshaws. What place do they have? How will they be regulated? Will they be banned? How will they be dealt with if they present? This industry has grown up without any legislation or regulation. It is proposed that rather than banning these vehicles, they will be legislated for and regulated. Is it tenable to ban something that may already be in use here? What obstacles are posed in such circumstances? Where exactly might these vehicles be used? Will they be used on public roads? There tends to be a degree of parking of these vehicles on pedestrianised streets. Has that aspect of the matter been considered?

Deputy Dessie Ellis: I thank the officials for coming in. I have been tackling this ongoing problem for many years. The Minister originally said he was going to try to ban these vehicles outright. Now he is basically telling us that motorised rickshaws can be used for personal use and he will regulate non-motorised rickshaws. A number of questions arise in that context, for example, relating to insurance and tax issues. In the case of motorised rickshaws that are used for personal use, I imagine that insurance and tax will kick in. Where does that leave us in the case of non-motorised rickshaws? One is not required to get tax, insurance or a licence plate for a bicycle. I expect that there will have to be some way of identifying or checking non-motorised rickshaws. Is it intended that some kind of identification, like a licence plate, will be required for non-motorised rickshaws?

Where are we on the issue of an NCT-type test in respect of these vehicles? I am very curious about how this will be done. An ordinary driving licence covers motorised vehicles but it does not cover non-motorised vehicles like those the Minister is proposing to legislate for. Is it proposed that a licence will be needed for non-motorised vehicles? I am curious about how that will work. Will there be rules and regulations on overcrowding? How will this be judged? Some of these rickshaws carry two, three or four people. Many of them are built for no more than two people. One often sees three or four people in a rickshaw. Gangs of people jump into them. How will that be addressed? Will we do so by introducing a specific requirement for it to be indicated clearly on each vehicle that it is a two-seater or a three-seater? That definition needs to be very clear for us.

As I have said, the type of licence is a big issue. It will sometimes be difficult to figure out whether a vehicle is motorised. Will we have a specific definition to take account of whether it has an engine or other form of mechanical propulsion apart from pedal power? I imagine that someone might argue that he or she has removed the electrical components of his or her vehicle so that it can run on pedal power. Will there be a grey area here that there will be a bit of argument about? All of this will need to be monitored. We are struggling to monitor other industries. What form of inspection will we have? Will we have inspectors? It seems to me that the Garda will end up looking after this. I cannot see us putting people in place to deal

specifically with this activity. Clear guidelines will be needed to govern how it is tackled. I am curious. Will some sort of memorandum be given to the Garda? If certain rules will have to be followed, they will need to be outlined clearly.

An examination of this sector is long overdue. In light of the way we have introduced licences into the taxi industry, we should have a ceiling on the numbers of rickshaws. We should not just rubber-stamp applications for motorised or non-motorised rickshaws. If a non-motorised rickshaw is being used commercially and people are being charged, we should be able to set down clear rules and regulations in that regard. A similar point can be made about the use of motorised rickshaws for personal use. I am a bit worried about this whole issue. The next thing we will tackle is the motorised scooters that are being used now. That is the next thing on the agenda. When the new system for rickshaws comes in, it will have implications for motorised scooters. We need to watch that space as well.

Chairman: Some excellent probing questions have been asked and need to be answered. It is obvious that people have thought about these issues. I welcome the Minister's change of mind. He originally intended to ban all of these vehicles. I am glad he will not do so. I welcome the decision to provide for strict and fair regulation of them. It is very important that they are properly regulated. During the initial discussions we had some months ago, it was suggested that certain substances which are abused tend to be sold from these vehicles or by people who use them. Like many others, I made the point that the drug problem is a serious issue and a matter for Garda enforcement. If people are breaking the law, they should be apprehended regardless of where they are or what they are driving. I welcome the Department's clear assertion in its opening statement that it would be unfair to include all rickshaw drivers in the law-breaking category. It is clear that they are not all engaged in this activity. I welcome the clarification in that regard. I also welcome the recognition that driving rickshaws can be a way of earning a useful income for students and people who may be unemployed. It can make a difference for such people as they seek to meet the cost of living, etc. I would be happy for the witness to answer the questions although I know there are a lot of them. If she wants to put them in the order in which members asked them, or whatever she thinks is reasonable, members can come in and out as they wish. We will get through the business.

Ms Maev Nic Lochlainn: There were a number of common themes. I will address the issue about the actual vehicle as it seems to be causing some confusion as it caused us a lot of confusion for some time.

Chairman: We are in Ms Nic Lochlainn's hands.

Ms Maev Nic Lochlainn: I might open there. I will do my best and the Chairman can remind me if I forget something important. We have engaged with the NTA and An Garda Síochána extensively on the vehicle and both organisations have always been clear with us that motorised and pedal-assisted rickshaws look the same. One can have a pedal-powered rickshaw which is simply like a bicycle. One cycles it and it moves. One can have a pedal-assisted rickshaw which has a small motor. One pedals and the dynamo starts to work and the rickshaw moves faster. Under road traffic law, both types are regarded and treated as bicycles. As members have pointed out, they do not require motor tax or motor insurance. One cannot get a driving licence for one just as one cannot get a licence to cycle a bike. The other type of rickshaw has a larger motor. Our legal advice suggests that if one can hit a button or turn a throttle which makes the vehicle move without any pedalling or human effort, it is a mechanically-propelled vehicle. If one has a rickshaw which can be used without pedalling in any way, it is a mechanically-propelled vehicle and falls into the definition under road traffic legislation which covers

cars, for example. In that case, the rickshaw requires motor tax, a driving licence and motor insurance. That is the main differentiation. The enforcement difficulty is as follows. Deputy Munster mentioned that we are allowing them for personal use. The State is not allowed to prohibit people from using vehicles if there is type approval for that vehicle in the EU. There is type approval for some rickshaws under EU law. However, it is our general experience that rickshaws are really only used in two city centres in Ireland, namely Dublin and Cork. The NTA survey shows that a very high percentage of respondents – 83% - said they were from Dublin while only 5% were from Cork. In essence, the issue is city-centre based. It is not our experience that people buy rickshaws for personal use. They are somewhat cumbersome for personal use. They take a lot of energy to move. As such, our understanding is that people buy them to carry passengers.

Under existing laws, a motorised vehicle being used to carry passengers for hire or reward is governed under the existing Taxi Regulation Act. Currently, the NTA could make regulations to govern them. However, the regulations the NTA has made on small motorised public service vehicles requires them to have four wheels. In essence, the motorised ones are prohibited but as I said of our conversations with the NTA and the Garda, people on the ground seeking to enforce these laws cannot do so because they cannot tell whether a rickshaw is a motorised vehicle. Anecdotally, they have told us that if they put to someone that theirs is a motorised vehicle, the person can literally hop around the corner and remove or adjust the motor in such a way that it becomes a non-motorised vehicle in respect of which a prosecution cannot successfully be brought. While there is a ban on motorised rickshaws already in law, as one is not allowed to have a small mechanically propelled public service vehicle which does not have four wheels if one is trying to carry passengers, it has been impossible to enforce it. The new heads of legislation propose to introduce detention powers which allow anyone to, on a whim essentially, detain a vehicle that looks like a rickshaw that may be motorised and which is carrying passengers or plying to do so. The person can then establish whether it is a vehicle governed under the Taxi Regulation Act or governed by the new Bill when adopted. It means there will be detention powers and the possibility to enforce effectively what the NTA wants to see happen in respect of public service vehicles.

Deputy Imelda Munster: Going back to the motorised rickshaw for personal use, my question was how one determines that. I do not know of anyone who would buy a rickshaw for personal use. They might have a car. How does one determine, monitor or enforce? If one is going to stop somebody, the first thing he or she will say is that it is for personal use. How does one determine whether there is someone beside them or in the back? It leaves it wide open, does it not?

Chairman: If it has three wheels and a motor-----

Deputy Imelda Munster: No, but if it is-----

Chairman: It is the same question as Deputy Munster asks put in a different way. If it has three wheels and a motor, it is not a motorised rickshaw in the definition Ms Nic Lochlainn gave us. It has to have four wheels. Is that it?

Ms Maev Nic Lochlainn: No. Under the regulations, if it is a motorised vehicle for carrying passengers, it must have four wheels.

Chairman: Yes. If it has a motor and has three wheels, it is not a motorised vehicle. Is that not it? I am confused.

Deputy Catherine Murphy: If one is a tourist who has just landed into Grafton Street who does not know the customs and this Bill becomes law, how is one to know what rules apply to what vehicles? One will not be able to tell whether a rickshaw is a bicycle or small motorised vehicle.

Ms Maev Nic Lochlainn: If the Bill is commenced, the intention is that the NTA will make regulations which will require each vehicle and driver to be licensed. We expect that because the law will allow it, provisions will be made around signage or some form of registration. There will be some plate or indication that the vehicle has passed the procedures to ensure the vehicle is of the right type. They will be clearly marked. Any tourist who comes to a city gets tourism information about the public transport system. It is intended that there will be clear indications that rickshaws have been registered and are licensed and valid. I am not sure that answers the question, but it is the intention. It will happen at a later stage when the NTA develops statutory instruments and regulations to govern the sector. At this point, we are just providing the powers and functions to the NTA to do so.

Deputy Dessie Ellis: I take the point about the confusion around motorised rickshaws for personal use. I cannot see how anyone would use a rickshaw for personal use, but one never knows. That is why I referred to motorised scooters with four wheels. People are starting to use them. They are used in European countries. They might be small wheels but there are four of them. I wonder, therefore, if that is going to leave us open. Will it be taken into account when the legislation is drawn up that this could be an issue? We are going to see a great many more motorised scooters flying around during and after Christmas. I have a feeling that is the next big complaint coming down the road.

Ms Maev Nic Lochlainn: Regarding motorised scooters, is it the simple L-shaped vehicle with a motor that we are talking about?

Deputy Dessie Ellis: It is like an ordinary scooter but it has four wheels and a motor.

Ms Maev Nic Lochlainn: Do they carry passengers?

Deputy Dessie Ellis: One could carry a passenger, but it is for personal use. I am agreeing with Ms Nic Lochlainn.

Deputy Imelda Munster: A small passenger.

Deputy Dessie Ellis: Deputy Rock was on one and he is not a small passenger.

Ms Maev Nic Lochlainn: As far as I understand it, the Minister recently indicated his intention to look at the question of motorised scooters. We see far more of them on the streets because people are dealing with congestion by using motorised scooters. I am unsure if it is possible to fit another person on the vehicles I have in mind. Either way, the intention is to look at road traffic law and move into some form of recognition. Beyond that, if there is someone with a motorised scooter with a platform large enough to take passengers and there are passengers willing to go, then such a person would already be governed under the existing Taxi Regulation Act, which covers motorised vehicles carrying passengers. However, such a person would be prohibited from carrying passengers because the vehicle would not have the correct number of doors. I understand a vehicle must have four doors and four wheels.

Deputy Dessie Ellis: They do not have safety belts either.

Ms Maev Nic Lochlainn: They do not have safety belts either so they would not meet the regulations in any way.

Chairman: It would be helpful if the officials could get further clarity on the point Deputy Ellis raised.

Ms Maev Nic Lochlainn: Is that the point about motorised scooters?

Chairman: I think that was his question.

Deputy Dessie Ellis: Yes, I think it has been answered in the sense that the Minister is looking at the overall picture on all these issues.

Chairman: Reference was made to hybrid vehicles.

Ms Maev Nic Lochlainn: Only in the past week or so, the Minister indicated his intention to look at definitions relating to motorised scooters and to look at this concept under road traffic law. Until recently, this was not really an issue but in recent times we have seen far more of them and so it is going to be looked at.

Chairman: I am looking for some clarity and I am keen to get it right – I might be a little slow today. If I am carrying passengers on any three-wheeled vehicle, then it will not matter whether it has a motor. Is that correct? This is because the future scenario applies only to a four-wheeled motorised vehicle. Is that a fair point? I am simply trying to understand it. If I am wrong, there is no problem in saying that I am wrong.

Ms Maev Nic Lochlainn: Any motorised vehicle that is carrying passengers-----

Chairman: It has to have four wheels to be licensed.

Ms Maev Nic Lochlainn: Yes, if it is a motorised vehicle. Let us suppose a person stopped a rickshaw and it had a heavy motor. If the driver could turn a throttle and the rickshaw started, then it would be a motorised vehicle and-----

Chairman: What about a vehicle with three wheels and a motor that was carrying people?

Ms Maev Nic Lochlainn: A three-wheeled motorised rickshaw with a throttle that can be turned or a button that could start the rickshaw once pressed would be a motorised mechanically propelled vehicle. Under the current law for taxis, since such a vehicle does not have three wheels, it is prohibited.

Chairman: It is prohibited because it does not have four wheels.

Ms Maev Nic Lochlainn: It does not meet the specifications and it is not licensed.

Chairman: I will study the regulations afterwards so that I can understand them fully. Does anyone else have any other questions?

Ms Maev Nic Lochlainn: I am happy to-----

Chairman: I know you are.

Ms Maev Nic Lochlainn: I am doing my best. We are happy to come through with further clarification.

Chairman: It will take Deputy Rock, who is a member of the committee, to show how it works. The Minister may show us too, of course.

Ms Maev Nic Lochlainn: The Minister said in May that it is a complicated issue.

Chairman: That is no problem.

Deputy Robert Troy: I am keen to get answers to the other questions we raised.

Ms Maev Nic Lochlainn: Deputy Ellis asked whether a person would need a driving licence to drive a rickshaw. For non-motorised rickshaws, a person will not need a cycling or driving licence. However, to carry passengers such a person will need a rickshaw driver licence to be a valid person and must have Garda vetting to operate as a rickshaw driver. The vehicles are not motorised, so a driver would not have to do a driving test in the way a car driver has to for a driving licence. A taxi driver must do a car driver test and then get a licence. Subsequently, he or she must apply to become a taxi driver and secure a taxi driver licence. Since a rickshaw is essentially a bicycle and is not motorised, the first stage does not apply. An applicant does not have to do a cycle or rickshaw test. However, since an applicant will be carrying passengers, he or she will have to submit an application that will involve Garda vetting to become a driver of a rickshaw carrying passengers.

Deputy Dessie Ellis: A taxi has a meter that records passenger distances. There are different charging rates and so on. How will the Department operate that system for a rickshaw that is carrying passengers in a non-motorised way? Is there some mechanism or will there simply be a standard charge? I am unsure how that would work. We hear of people getting into these rickshaws. One driver charges a tenner while another charges €20 or €30. We must have some way of monitoring revenue. That is the issue.

Ms Maev Nic Lochlainn: The general scheme will set up the National Transport Authority as an independent regulator. One of the functions of the NTA will be to regulate fares. The NTA may decide how to regulate fares. I think it is unlikely the authority will have powers to go in a serious way and regulate and set fares. The NTA may decide to go more down the route of hackneys whereby an oral fare is agreed in advance and then a trip is made. The powers are permissive. The NTA may regulate the fares or it may be hands-off in how it regulates fares. There are powers in the general scheme to allow the authority to regulate fares.

Chairman: Can we have a note before the legislation comes through on that issue? It would provide clarity for Deputy Ellis once the authority has made a decision.

Deputy Dessie Ellis: The problem is that it amounts to unfair competition. What we are doing in that case is allowing someone to barter. If that is what we end up with, I think it would be very unfair to people who use meters.

Chairman: The point is that a person may have thought the fare was €10 but when he got there it turned out to be €20. That is the other side of it. The Deputy is looking for clarity. What the witness is saying is that we will have that by the time-----

Ms Maev Nic Lochlainn: I will clarify the position on the taxi sector at the moment. My understanding is that fares for taxis are regulated and the maximum fares are clear. The case of hackneys is different. Hackneys also operate under regulation by the NTA. However, hackneys operate on the approach of an agreed fare in advance, which is more light-touch regulation.

Chairman: There is less regulation but there is agreement. It is almost a matter of ticking a box to ensure that parties agree to the fare.

Ms Maev Nic Lochlainn: The NTA will be an independent regulator and can make its own choices. It will have powers to regulate fares. It may well opt for a more light-handed approach but I cannot make that decision. We are simply putting in the powers.

Chairman: When that decision is made, we will be told. Are there any other questions?

Deputy Robert Troy: I am keen to get a response to the initial round of questions - the outstanding questions that have not been answered. Could we get them answered?

Chairman: I am happy to get clarity on those questions. I think the witnesses are doing their best to help us. I do not think they are avoiding any questions.

Deputy Robert Troy: It is not the witnesses I have an issue with.

Chairman: Who is it, then?

Ms Maev Nic Lochlainn: I will return to Deputy Troy's questions. Deputy Troy asked who the competent authority was. As I have said, the general scheme will set up the NTA as an independent regulator. In our conversations with the NTA the authority officials have been clear that at the moment the NTA does not regulate this sector. The authority has some understanding about sustainable transport because it has responsibilities for investment in cycling infrastructure and so on. As in other parts of the authority's functions, the NTA expects to sub-contract to an expert in the field. The authority will find someone who has expertise in cycling, inspecting vehicles and checking them. These people exist in the market.

Deputy Robert Troy: At the moment we do not know the position. Is that correct?

Ms Maev Nic Lochlainn: The regulator will have powers. The regulator will ensure that vehicle inspection occurs. As I understand it, at the moment the NTA does not have expertise in-house. However, such expertise certainly exists, as far as I understand, in Ireland and certainly in the EU. There are people who can inspect vehicles, establish the size of the motor and whether a vehicle is motorised or non-motorised. I do not envisage any difficulty with the NTA even though it does not have those skills in-house at present. These issues were discussed with the NTA before developing the general scheme.

A question was raised about insurance. Several Deputies asked whether we had engaged directly with the insurance industry. We have not engaged directly with the insurance industry. As I have pointed out, the vehicles that will be licensed under this general scheme will not be motorised vehicles. Therefore, they will not be subject to the normal motor insurance requirements. It is expected in our conversation that the insurance requirements relating to these vehicles may well be public liability insurance requirements. However, that is a step further down the road. We are giving powers to the NTA to ensure that insurance is in place. I imagine that in future when it becomes clear that this sector will be regulated, it will be inspected carefully. At the moment, as Deputies have indicated, there are concerns that the sector is unregulated and it is not clear what kind of standards or vehicles are there but once we have this regime in place it will be quite clear that only vehicles that are roadworthy will be licensed. The drivers will be Garda vetted and will be persons of good repute so we will be looking at an entirely different industry.

While I am aware that in recent days the NTA has issued reports on the costs of entry into the taxi industry, it is also the case that these are slower vehicles and that cyclists do not face the same kind of premiums and these vehicles are like bicycles. I can only say that we expect that the industry will be much more regulated, that standards will be much higher, that they will be carefully enforced and that the insurance industry will take all of that into cognisance when it begins to set premiums.

Deputy Robert Troy: Will the NTA publish the draft regulations that it intends to bring in at the same time that this Bill will be debated in the Dáil? This Bill is giving it the power to regulate so we cannot sign off on legislation to give the NTA full authority without knowing what the regulations are. To be fair, Ms Nic Lochlainn is not even able to say for definite today what exact regulations will come in, only that the NTA will ultimately have the power to draw them up.

Ms Maev Nic Lochlainn: It would not be possible for it to publish them at that point because, as the Deputy knows, when Bills pass through the Oireachtas, there is a space for Deputies and Senators to give their views and it is often the case that the Bill changes shape while it is in the Houses. It may also change shape in terms of the powers for the making of regulations. In any case, I cannot speak on behalf of the NTA but given the context that the Heads of the Bill may vary after the discussions in the Oireachtas, it would be highly unusual for the NTA to publish the draft regulations. Of course we can engage with the NTA, and we have done so already, to establish if it wishes to publicise the direction it will take with the regulations, so we can certainly continue to engage with it to see if that is possible.

Chairman: Deputy Troy is really saying that it would not be unreasonable for the committee to ask that they would be required to publish them before they would be signed into law. He is saying that there needs to be transparency around what the regulations will be so that Members can comment on them before they come into place.

Ms Maev Nic Lochlainn: Once the Bill has been enacted and has commenced, if the Oireachtas so wishes, in terms of the discussions on Report or Committee Stage of course we could have-----

Chairman: The point that Deputy Troy is making is that he would like there to be a consultation and that the NTA would publish its draft regulations and say what it proposes to do. It may well be that they may have left a lacuna in their recommendations.

Deputy Robert Troy: If we leave total and extreme power to the NTA without any recourse, it can go back and say-----

Chairman: It can say that this is what it got.

Deputy Robert Troy: We cannot give the power over in that manner. Anyway, we will have the opportunity to tease this out as it goes through the Oireachtas.

Deputy Dessie Ellis: On the rules of the road and safety, will we lay down some rules that anyone who carries passengers must do safety courses and pass the rules of the road? It is important that we have some sort of regulation around how they deal with traffic lights and all of these issues because it would be madness to put a Bill through without having such a guide.

Chairman: That is a very good point. Is the Deputy saying that at the licensing phase, if one applies for a licence he or she would have to do all these tests?

Deputy Dessie Ellis: In the case of non-motorised vehicles, a licence is not needed but surely we should have-----

Chairman: They will need a licence. Do they not all need a licence?

Deputy Dessie Ellis: No, they do not need a driver's licence but I just saying that surely we should have some-----

Chairman: No, but do they not need a licence to man the rickshaw?

Ms Maev Nic Lochlainn: They need a licence if they want to carry passengers.

Chairman: They will need a licence so they should probably do a test of knowledge.

Ms Maev Nic Lochlainn: Head 18 relates to assessment of licence applicants and it says that the NTA may, by regulations, establish requirements and conditions for the assessment of applicants and these include Garda vetting, knowledge and ability to meet the needs of people with disabilities, knowledge and ability to meet the pedicab transport needs of consumers and knowledge of the rules of the road so it is essentially covered there.

Deputy Dessie Ellis: That is not saying that it will be compulsory so is that something that we would have to address as we go along?

Ms Maev Nic Lochlainn: At the moment the approach in the Bill has been to be permissive and to say that the NTA may do so but again these will obviously be discussed in the Houses of the Oireachtas and if Members feel there are issues that should be mandatory that can be raised at that point.

Chairman: On that last point, it would not be unreasonable to expect that there would have to be a mandatory test of knowledge.

Deputy Imelda Munster: On one of the questions I had asked about the separate consultation process, when it became clear that the drivers had not engaged with the initial public consultation process, I was looking to see how many drivers engaged or was it rickshaw business owners who engaged?

Going back to the fact that the Minister plans to ban the motorised rickshaws, regardless of motorised and non-motorised rickshaws looking the same, practically every other city in the world has managed to regulate motorised rickshaws so I wonder if the taxi industry had a part in the decision based on the fact that as I have said, every other city seems to have managed to regulate both pedal powered and motorised rickshaws?

Ms Maev Nic Lochlainn: It is a policy choice in various cities. Some cities have chosen to only have pedal powered or pedal assisted rickshaws. In New York, for example, it is only pedal powered rickshaws and pedal assisted rickshaws are not allowed. It depends on how authorities want to manage their environments and city spaces.

Some 75% of the people who answered the NTA survey, when they were asked what type of rickshaw they operate, said either pedal powered or pedal assisted, so it seems that a large number of the rickshaws on the street are already in that vein.

On the consultation that the Department launched in the summer-----

Deputy Imelda Munster: A separate one, yes.

Ms Maev Nic Lochlainn: It was launched and there were advertisements in the national newspapers. We received 35 unique submissions, 27 of which were from those working in the sector - 25 of whom appeared to be drivers, one who appeared to be a fleet owner and one was a repair specialist. It seems that there were a further eight responses from outside of the rickshaw sector even though we had specifically invited views from the sector. In essence, the majority of views expressed desired to have the sector regulated and they raised the kind of issues we have been discussing today such as insurance, driver registration, vehicle registration and the benefits for tourism. A view that emerged from it was the industry is good for tourism and supports job creation for students. That was the response from the consultation.

Chairman: Deputy Rock wishes to come in.

Deputy Noel Rock: I did not indicate but I was listening to the proceedings upstairs-----

Chairman: We were talking about you earlier.

Deputy Noel Rock: -----as the Chairman might have gleaned. It is always important to allow for legislative changes to keep pace with changing technology and with changes in attitudes and behaviours on our streets. As referenced by my constituency colleague, there are advances in technology and changes in technology and indeed-----

Chairman: Deputy Rock is counting the wheels on the vehicles.

Deputy Noel Rock: -----much like the wheels of politics continue to go around and around, the wheels of transport continue to go around and around and it is important that our laws reflect that. I very much welcome the work put into this, from the consultation to this point that we are at right now, from the perspective of the Minister, Department and the NTA. The Minister has done work on this matter. He has been criticised and pilloried by many for his work. However, it is important to acknowledge that this legislation has reached this point. We had a consultation. There are various vested interests whether one is a driver, a taxi person or a pedestrian or an individual who feels threatened by these vehicles. It is important that we take account of all these perspectives and the consultation has done so. We have reached a good point.

My colleague from Fianna Fáil, Deputy Troy, has subsequently mentioned a further consultation with which the Chairman agreed.

Chairman: Yes.

Deputy Noel Rock: It is important that we set down a framework for a consultation. That is the only comment that I sought to make. I wanted my comment noted because it is important to review these things and make sure that if we put this on the books, it has the desired effect.

Chairman: If we agree the heads of the Bill then the legislation comes into the Oireachtas. The Minister will then have a commentary on what we said and on the main points that we made. If anything is not changed in the Bill that we wanted to change then we can change it while the Bill is progressing. That is the way things work.

Ms Maev Nic Lochlainn: This is an opportunity to hear the views of the committee-----

Chairman: And protect.

Ms Maev Nic Lochlainn: -----which will help us to shape the legislation.

Chairman: Yes.

Ms Maev Nic Lochlainn: We will spend some time drafting the legislation with the Office of the Parliamentary Counsel.

Deputy Kevin O’Keeffe: I am all for regulation. I welcome what will come through, in principle, and know there will be amendments. Taxis have representative groups. Are rickshaw users represented by a group? When the Department goes to meet people do they meet individuals who represent the rickshaw users?

It is important that the legislation is enacted all over the country and not just in selected areas. Will the legislation affect Galway and Limerick?

Ms Maev Nic Lochlainn: This Bill will be a national piece of legislation. Earlier I spoke about how rickshaws operate. At the moment we are aware of rickshaws in Dublin and Cork. There were rickshaws in Galway but they are not there at the moment. As far as I understand, they are not in Limerick. Once the Houses of the Oireachtas adopt the legislation then it will be national and will allow for the licensing of rickshaws anywhere in Ireland.

Deputy Kevin O’Keeffe: Who does the Department consult on the rickshaw side?

Ms Maev Nic Lochlainn: As we have pointed out, the rickshaw sector operates below the radar to a large extent. The operators do not have a representative organisation that I am aware of. As I suggested, when we sought views specifically from the sector rather than from the wider public quite a limited number of people contacted us.

Chairman: Did some people contact the Department?

Ms Maev Nic Lochlainn: Yes. We had 35 unique submissions and 27 of them were from people who worked in the rickshaw sector. From the content of the submissions, 25 people declared that they were or appeared to be drivers; one seemed to be a fleet owner; one seemed to be a repair specialist; and eight people were from outside of the sector.

Deputy Kevin O’Keeffe: Can we create a public awareness about these views?

Chairman: I hope that this debate will do so. This is our second discussion of this topic.

Deputy Kevin O’Keeffe: Yes.

Chairman: In terms of the legislation, anybody who is a rickshaw user, rickshaw owner, rickshaw cyclist or whatever one wants to call them given the different combinations of rickshaw, can write to the committee or the Minister.

Deputy Kevin O’Keeffe: How will the Department convey that message to such people?

Chairman: We will make sure that the Department knows.

Ms Maev Nic Lochlainn: There has been quite a lot of coverage about rickshaws.

Chairman: Yes.

Ms Maev Nic Lochlainn: It has been apparent for quite some time that a change in the approach to regulating the sector is imminent. From the amendments tabled by Deputy Munster, the Private Members’ Bill brought forward by Deputy Troy and from the Department’s engage-

ment with the committee, the Minister has said that he is minded to take a different approach and has published a general scheme of the Bill. There has been quite a lot of clear discussion that there is going to be a change.

Deputy Kevin O’Keeffe: There has been discussion in here and in the media. If one asked the people with rickshaws on Grafton Street about the proposed regulations I am sure that half of them would not know anything about them and would look amazed.

Chairman: I suppose due process allows them to have the opportunity of listening to our dulcet tones in here but, more important, they can read or listen to the debates and this discussion. In the Oireachtas if we pass the heads of the Bill, which I presume we will now, and they are agreed, then we can move on to the next Stage where the Minister will bring in the legislation and then we will have the full debate there.

Ms Maev Nic Lochlainn: A significant amount of drafting work still needs to be done and the Bill published.

Chairman: I accept that totally. Whenever it is, we can inform the debate as we go along. I think everybody is happy with the situation.

I thank the witnesses for their attendance today. The committee is now able to conclude its consideration of the general scheme of the legislation and, accordingly, report back to the Minister.

The joint committee adjourned *sine die*.