

# DÁIL ÉIREANN

## AN ROGHCHOISTE UM IOMPAR AGUS LÍONRAÍ

### SELECT COMMITTEE ON TRANSPORT AND COMMUNICATIONS

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*Dé Céadaoin, 22 Meitheamh 2022*

*Wednesday, 22 June 2022*

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Tháinig an Romhchoiste le chéile ag 1.30 p.m.

The Select Committee met at 1.30 p.m.

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Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	
Joe Carey,	
Cathal Crowe,	
Steven Matthews,	
James O'Connor,	
Darren O'Rourke,	
Eamon Ryan (Minister for Transport).	

I láthair / In attendance: Deputies Ciarán Cannon, Brian Leddin and Paul McAuliffe.

Teachta / Deputy Kieran O'Donnell sa Chathaoir / in the Chair.

## Road Traffic and Roads Bill 2021: Committee Stage

**Chairman:** The purpose of this meeting is to give Committee Stage consideration to the Road Traffic and Roads Bill 2021. I welcome the Minister for Transport, Deputy Eamon Ryan, and his officials to the meeting.

Witnesses are reminded of the long-standing parliamentary practice to the effect that 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 or otherwise engage in speech that might be regarded as damaging to the good name of the person or entity. Therefore, if their statements are potentially defamatory of an identifiable person or entity, they will be directed to discontinue their remarks. It is imperative that they comply with any such direction.

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 remind members of the constitutional requirement that they must be physically present within the confines of the Leinster House complex in order to participate in public meetings. Reluctantly, I will not permit a member to participate where he or she is not adhering to this constitutional requirement. Therefore, any member who attempts to participate from outside the precincts will be asked to leave the meeting. In this regard, I ask that members participating via Microsoft Teams that, prior to making their contributions, they confirm that they are on the grounds of the Leinster House campus.

If attending in the committee room, members and officials are asked to exercise personal responsibility in protecting themselves and others from the risk of contracting Covid-19.

I remind members that, should a vote be called, they must come to the committee room physically in order to vote.

Section 1 agreed to.

## SECTION 2

**Chairman:** Amendments Nos. 1 and 54 are related and will be discussed together.

**Minister for Transport (Deputy Eamon Ryan):** I move amendment No. 1:

In page 8, between lines 6 and 7, to insert the following: ““Act of 2016” means the Road Traffic Act 2016.”

I appreciate the second chance provided by Committee Stage to discuss this important legislation. I have a large number of amendments that are, by and large, technical in nature and I am happy to explain them all in turn. I do not believe that any of them changes the basic strategic intent or direction, but they address issues that have arisen in-----

**Chairman:** It might be helpful if the Minister gave an overview of the technical amendments and went into detail on the substantive ones. If members wish him to go into more detail on the technical side, he can, but this approach might allow us to get through the Bill efficiently.

**Deputy Eamon Ryan:** I appreciate that. They are mainly technical, but if any Deputy wants me to go into further detail, I will happily do so.

**Chairman:** Is that agreed? Agreed.

**Deputy Eamon Ryan:** Amendments Nos. 1 and 54 are an example of this. In discussions with the insurance industry, it became clear that the requirement to notify the Department within five days - a tight timeline that was set out in the 2016 Act - of an inspection in which a vehicle was written off because it was deemed not roadworthy or had come to the end of its life should be amended to ten days. In these provisions, we are amending the 2016 Act to allow the industry ten days to report rather than five. The requirement to report within five days was never commenced. We are now ensuring that it can be commenced, but as a ten-day timeline. It was felt that a five-day period was too short.

**Chairman:** If members wish to speak on an amendment or section, they might indicate. If they do not indicate, I will deem it that we can progress. No one is indicating on this amendment.

Amendment agreed to.

Section 2, as amended, agreed to.

### SECTION 3

**Deputy Eamon Ryan:** I move amendment No. 2:

In page 8, to delete line 16 and substitute the following:

“

A1	A1 and AM
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”.

This is a technical amendment. We noticed a mistake in the text of the original Bill. Older vehicles have older licence categorisations. The amendment will amend the text so that the A1 categorisation for older vehicles relates to the modern equivalent of A1 and AM.

It is largely a technical description whereby an older vehicle and a newer vehicle are categorised in a similar way.

Amendment agreed to.

Section 3, as amended, agreed to.

Section 4 agreed to.

### SECTION 5

**Deputy Eamon Ryan:** I move amendment No. 3:

In page 11, between lines 1 and 2, to insert the following:

“(b) in section 18(10), by the substitution of the following paragraph for paragraph (m):

“(m) the keeping, by the issuing authority or other persons specified in the regulations, of records in relation to tests, and the disclosure of such records

relating to a vehicle to the owner of the vehicle, or to a person nominated by the owner;”.”.

This is a new amendment to section 18 of the 1961 Act, which confers powers to make regulations for vehicle testing and the keeping up of records. The change is to insert additional text to extend the existing powers to include the disclosure of records to vehicle owners or persons nominated by the vehicle owner. In other words, it is the ability to get national car test, NCT, data in order that one has the right to access to data if one wants to buy a vehicle. It brings the position regarding privately owned vehicles into line with work already commenced in respect of the commercial sector. For example, if one is buying a commercial vehicle, one is allowed, under the Commercial Vehicles Roadworthiness Act 2012, to get access to the NCT data. This allows the same powers for a prospective vehicle owner or his or her nominee.

**Deputy Cathal Crowe:** This is a very good amendment. It speaks to consumers in that they will know what type of car they are buying. The Minister mentioned at a previous meeting he was considering setting up a type of national database for electric vehicles in order that people buying second-hand vehicles would know their battery history or powers. I take it he envisages that the amendment will also contemplate that. We all know what is under the bonnet of the petrol and diesel cars. We are already seeing the second and third iterations of electric vehicles. People want to know the electric vehicle they buy in seven or eight years' time is as good as it was when it left the garage and that it is still roadworthy. Does the Minister envisage such provision being contemplated by this amendment?

**Deputy Eamon Ryan:** I think it is contemplated by it. A significant percentage of new cars are already electric plug-ins or hybrid plug-ins. This amendment allows access to technical vehicle data, including test dates, the outcomes of tests, mileage, fuel types as well as battery types. It is not personal data; it is purely about the performance of the vehicle in previous tests and the characteristics of the vehicle. That would apply for electric as well as petrol cars.

Amendment agreed to.

**Chairman:** Amendments Nos. 4 and to 7, inclusive, are related and will be discussed together.

**Deputy Eamon Ryan:** I move amendment No. 4:

In page 11, between lines 1 and 2, to insert the following:

“(c) in section 22(2)—

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

“(b) shall be accompanied by—

(i) evidence, in accordance with regulations made under section 42(2)(cc), that the person has a legal right to reside in the State,

(ii) any—

(I) certificate of competency,

(II) certificate of fitness, or

(III) medical report, required under regulations under this Act, and

(iii) the fee payable on the taking out of such a licence,”, and (ii) in paragraph (c), by the substitution of the following subparagraph for subparagraph (i):

“(i) where required under regulations under this Act, a recent photograph of the applicant, and”.”.

These amendments arise on foot a desire for us to be able to issue licences to people, for example, to refugees who are in the international protection programme. People might be aware of the Landsberg case, which was before the High Court last November. The court gave a clear direction in that case, and we are very happy to follow it. These amendments give a person, on showing his or her temporary residency certificate or right to it on arriving in the country, the capability of accessing a driving licence. In circumstances where a person might be in the protection process, and who, thankfully, will now be able to work, this will ensure that if he or she can drive and meets all the other requirements, he or she will be able to access a licence.

There is another series of amendments. I will not go into all the details but the amendments before us set out how that will be allowed. The amendments provide for the endorsing of a licence, for a member of the Garda Síochána to retain a licence and forward it to the Minister if it is revoked and for certain provisions under the relevant Act that apply to learner permits to also apply to driving licences. The key intent of these legislative amendments is to make provision in law for the consequences of the Landsberg case and to provide for people in the international protection process to obtain licences.

**Deputy Darren O’Rourke:** I do not oppose the amendments. I am quite sure the judgment stated that a legislative change was not needed to give to the ruling and that the State should get on with it.

I support the move to the master licence record, but there is an opportunity to go further. There are anomalous situations whereby, for example, a vehicle can be sold to a child who does not have licence. I raised, during the pre-legislative scrutiny phase, the issue of the potential to create databases that would talk to each other, so to speak, in order to address that anomaly and it was indicated the master licence record would help in that regard. We will bring forward an amendment on Report Stage in my name and the name of my colleague, Deputy Gould, whose constituency in Cork has had some tragic experience of the implications of that anomaly. We hope the Minister will give it due consideration.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 5:

In page 11, between lines 13 and 14, to insert the following:

“(c) in section 23A by the insertion of “, for the purposes of an application for an Irish driving licence,” after “by order declare that”,

(d) by the insertion of the following sections after section 23A:

**“Automatic revocation of driving licence where holder is subject of**

### **deportation order**

**23B.** (1) Where the holder of an Irish driving licence is the subject of a deportation order the licence shall stand revoked.

(2) A revocation under subsection (1) shall take effect on the date on which the Minister for Justice notifies the Minister, in accordance with subsection (3), of the making of the order. (3) Where the Minister for Justice makes a deportation order in respect of a person he or she may notify the Minister of the making of the order and may share the following information with the Minister for the purposes of this section:

(a) the name of the person who is the subject of the deportation order;

(b) the date of birth of the person who is the subject of the deportation order;

(c) where the person who is the subject of the deportation order was issued with a document evidencing that he or she had a legal right to reside in the State, the number associated with that document.

(4) The Minister and his or her servants or agents shall not use information shared under subsection (3) for any purpose other than the purpose of this section.

(5) In this section, ‘deportation order’ means a deportation order made or deemed to be made under section 3 of the Immigration Act 1999 or section 51 of the International Protection Act 2015.

### **Endorsement of revocation of driving licence on license record relating to holder**

**23C.** (1) In this section and section 23D, ‘licence’ means an Irish driving licence or learner permit.

(2) Where the Minister receives a notification under section 23B(3), or where a licence has been revoked in accordance with regulations under section 42(2)(cd), he or she shall cause the fact that the licence stands revoked to be endorsed on the entry (within the meaning of section 1 of the Road Traffic Act 2002) of the person who is the subject of the notification or whose licence has been revoked.

### **Retention of revoked driving licence by member of Garda Síochána**

**23D.** (1) Where a person produces an Irish driving licence to a member of the Garda Síochána and the member has reasonable grounds to believe that the licence is one which has been revoked in accordance with section 23B or regulations under section 42(2)(cd), he or she shall retain the licence and forward it to the Minister.

(2) Where the Minister receives a driving licence under subsection (1) and the licence stands revoked the Minister shall cause the licence to be destroyed and notify the holder of the licence by letter in writing to the address provided

by the licence holder with his or her application for the licence or, where the holder has notified the Minister that he or she has changed address, to that address and by such other means as the Minister prescribes.

(3) Where the Minister receives a licence from a member of the Garda Síochána under subsection (1) and the licence does not stand revoked the Minister shall cause the licence, or a replacement licence, to be furnished to the holder.

(4) A person may make an application for a licence in accordance with this Act notwithstanding that a licence held by him or her has been revoked pursuant to this section or in accordance with regulations under section 42(2)(cd).”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 6:

In page 11, to delete lines 19 to 24 and substitute the following:

“(a) in section 35—

(i) in subsection (2)—

(I) in paragraph (b), by the deletion of “and”, and

(II) by the substitution of the following paragraphs for paragraph (c):

“(c) accompanied by—

(i) the appropriate fee, and

(ii) any photograph of the applicant, certificate of fitness or medical report, required under regulations under this Act, and

(d) accompanied by evidence, in accordance with regulations made under section 42(2)(cc), that the person has a legal right to reside in the State.”,

(ii) in subsection (6)—

(I) by the deletion of “22(2), (4) and (5).”,

(II) in paragraph (a), by the substitution of “section 35, and” for “section 35”,

(III) in paragraph (b), by the substitution of “section 35.” for “section 35, and”, and

(IV) by the deletion of paragraph (c),

and

(iii) by the insertion of the following subsections after subsec-

tion (6):

“(7) In addition to the matters specified in subsection (2), an application for a learner permit shall contain the applicant’s personal public service number allocated and issued to him or her under section 262(2) of the Social Welfare Consolidation Act 2005.

(8) Details of an applicant’s personal public service number referred to in subsection (7) may be entered in licence records.

(9) A person to whom this subsection applies may inspect and examine licence records and may take, or be supplied by the Minister or the licensing authority, as may be appropriate, with—

(a) such information from the records, and

(b) such copies of licence records or of such extracts from such records, as the person may reasonably require.

(10) Subsection (9) applies to—

(a) persons or categories of person with the approval of the Minister in fulfilling obligations under European Union and other international enactments and agreements for the exchange of driver and vehicle information, and

(b) such other categories of person and the purpose for such access as may be prescribed.

(11) In this section, ‘licence records’ means records maintained under section 60 of the Finance Act 1993.”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 7:

7. In page 11, between lines 28 and 29, to insert the following:

“(I) by the insertion of the following paragraphs after paragraph (c):

“(cc) the evidence to accompany an application for an Irish driving licence or a learner permit in order to show that the person has a legal right to reside in the State;

(cd) the automatic revocation of an Irish driving licence or a learner permit—

(i) where a person no longer has a right to reside in the State,

(ii) where the evidence that accompanied an application for an Irish driving licence or a learner permit showing that the person had a legal right to reside in the State expires or is revoked,



(iii) in circumstances where the evidence that accompanied an application for an Irish driving licence or a learner permit showed that the legal right of the person to reside in the State was limited or finite, on an anniversary of the date on which the licence is granted,

(iv) where the Minister becomes aware following the grant of an Irish driving licence or a learner permit that—

(I) at the time an Irish driving licence or a learner permit was granted, the applicant did not meet the requirements for the granting of the Irish driving licence or a learner permit, or

(II) the Irish driving licence or a learner permit was obtained by fraud, on the date on which the Minister notifies the holder of the Irish driving licence or a learner permit,

(ce) the retention of a revoked Irish driving licence or a learner permit by a member of the Garda Síochána, the subsequent destruction of a retained licence and the notification of the holder of the revoked licence;”, ”.

Amendment agreed to.

**Chairman:** Amendments Nos. 8 to 10, inclusive, and 32 are related and may be discussed together.

**Deputy Eamon Ryan:** I move amendment No. 8:

In page 12, to delete line 30 and substitute the following:

**“ “Obligation to supply vehicle insurer or certain intermediaries with certain information**

**56A.** (1) For the purpose or in the course of obtaining the issue of an approved”.

Amendment No. 8 is a purely technical amendment to add a heading, or what is called a shoulder note, to the new section 56A being added to the 1961 Act.

The import of amendments Nos. 9 and 10 and 32 is they will add references to intermediaries acting on behalf of vehicle insurers. This relates to a variety of the technical amendments I am presenting. It has been drawn to our attention since the original drafting of the Bill that many insurers operate through what are known as managing general agents, MGAs. A foreign insurance company might not be directly selling its products in Ireland but it would have administrative agents operating here. These measures are to give them the same powers or capabilities in terms of access to the database and there are also requirements to pass on information to the database. Such agents are common and are an important part of the insurance industry. These amendments are to make sure they are recognised legally as intermediaries under this legislation.

**Chairman:** For the purposes of clarification, I raise the issue of brokers having access to the database. That issue would have come on the Minister’s radar also. Do brokers selling insurance products, typical insurance brokerages in a county town or city, have access to this data. If not, why?

**Deputy Eamon Ryan:** They represent the insured and have access in passing on that information. They do not have the same general access to the wider database, but they do have access to-----

**Chairman:** The Minister might explain why access for them is not included? Is it historic? This question has arisen. Other members would probably also have been asked why brokers are not included in having access to this data.

**Deputy Eamon Ryan:** They act for the insured. In that sense, one could ask should every citizen have access to the full data. They are not there as the insurers, they are representing the person insured. In that role, they have the same access to all the data the insured might want but, just like the Chairman and I would not have wide access, they do not have wide access to the full database.

**Chairman:** Brokers' access is through the insurance companies.

**Deputy Eamon Ryan:** They act on behalf of the insured party and have all the associated rights and roles.

**Chairman:** Could the argument be made that they might have customers over many years? They basically just put in the data and it is then up to the insurance company to decide whether to insure. The brokers are not the insurers. Is that the logic?

**Deputy Eamon Ryan:** That is right, yes.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 9:

In page 12, line 31, after "insurer" to insert the following:

"or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf".

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 10:

In page 12, line 32, after "insurer" to insert "or intermediary".

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 11:

In page 12, lines 34 and 35, to delete "and the name and address of any person other than the insured who is to be named in the policy" and substitute "and the name of any other person who is mentioned in the policy".

This is again largely a technical amendment. To answer Deputy O'Rourke, this database is very important. It provides knowledge of what is happening, which will benefit us in a whole variety of ways. One of the issues with regard to the database of the motor insurance register was that it was felt that there was no need for the actual address. Many of those details are captured because details of the driving licence have to be included and this includes much of this information. It was felt that it was better to capture the person's name and licence de-

tails and that the address is not required. There is a benefit there with regard to ease of use, management, monitoring and updating the database. Not having to put in the address in that particular category makes the database simpler and more efficient to use. It is to simplify the working of the database.

Amendment agreed to.

**Chairman:** Amendments Nos. 12 to 15, inclusive, and 18 are related and may be discussed together by agreement. Amendments Nos. 14, 15 and 18 are consequential on amendment No. 13.

**Deputy Eamon Ryan:** I move amendment No. 12:

In page 12, line 37, to delete “except in cases where paragraph (d) applies,”.

This relates to the issue of covering vehicle fleets. Approximately 8% of private cars are fleet vehicles. In the published Bill, we asked for information relating to “the classes of persons whose liability is proposed to be covered by the policy and the number and classes of vehicles”. Following further consideration, we now propose to recast this and divide it into two subsections. The first will require the name of persons covered in the policy and the second will require the class of driver covered. It is an important distinction because a policy will sometimes name drivers while other times it might cover a class of drivers, for example, heavy goods vehicle, HGV, drivers employed by a firm. By splitting the named drivers and class of drivers provisions into two subsections, we give ourselves the option to commence them separately. While I hope not to do that, it would be a useful option if the roll-out of the database was to take place in stages. We are not talking about the vehicles here. This is about the classification of the drivers. Reporting on vehicles held by a fleet is not to the insurer but directly to the Motor Insurers Bureau of Ireland, MIBI, and therefore to the database under section 56A(2) of the Act. This amendment is to provide greater flexibility in how companies might provide information on their drivers to the database.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 13:

In page 13, to delete lines 1 to 3 and substitute the following:

“(d) in relation to a policy in respect of a fleet owner or motor trader—

(i) the names of any persons mentioned in the policy, and

(ii) where applicable, the class of driver whose liability is proposed to be covered by the policy;”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 14:

In page 13, line 11, before “applies,” to insert “or (d)(i)”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 15:

In page 13, line 18, before “applies,” to insert “or (d)(i)”.

Amendment agreed to.

**Chairman:** Amendments Nos. 16 and 17 are related and may be discussed together by agreement. Amendment No. 17 is consequential on amendment No. 16.

**Deputy Eamon Ryan:** I move amendment No. 16:

In page 13, to delete lines 23 to 26 and substitute the following:

“(2) Any change in respect of the information which has been provided pursuant to subsection (1)(d) shall be notified by the owner to MIBI within 14 days of the change.

(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a class C fine.”.

To consider the Bill further, these amendments relate to the requirement for fleet owners to provide the data I have just mentioned to the MIBI. We feel a system of penalties is required. There needs to be some enforcement mechanism for cases where fleet owners do not provide regular updates on the constituent vehicles. In this case, a class C fine is to be introduced, which is a fine up to a maximum of €2,500, to ensure compliance. Fleet owners will have 14 days to give details of changes in the composition of their fleets. This should be sufficient time. The fine is there to make sure the authorities have an enforcement mechanism, should they need it.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 17:

In page 13, line 27, to delete “(3)” and substitute “(4)”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 18:

In page 13, line 27, before “applies” to insert “(other than subsection (1)(d))”.

Amendment agreed to.

**Chairman:** Amendments Nos. 19 to 26, inclusive, are related and may be discussed together by agreement. Amendments Nos. 20, 21, 23 and 24 are consequential on amendment No. 19. Amendment No. 26 is consequential on amendment No. 25.

**Deputy Eamon Ryan:** I move amendment No. 19:

In page 13, between lines 30 and 31, to insert the following:

“(5) A person who contravenes subsection (4) commits an offence and is liable on summary conviction to a class E fine.”.

In a similar vein to what I have just said about the need for an enforcement mechanism for commercial fleet vehicle, amendment No. 19 provides for such a mechanism for private individuals recognising that they also have to update the database if they have, for example, changed address, added a new named driver or changed other aspects of their own personal information. It is again to provide for a compliance mechanism in the event that someone was not updating the database in that way. In this case, because we are dealing with private

individuals rather than fleet owners, we are setting out a class E fine, which is a potential fine of up to €500. We set a higher standard for business.

Most of the other amendments in the grouping are largely technical and make small adjustments to errors in the text. The other one of some significance is amendment No. 25, which states that an insurer who issues a policy without receiving the proper information from the client first, which is an offence under the Bill, will be able to make a defence of having taken reasonable steps and exercised all due diligence. In other words, if an insurer does not provide an update and there is subsequently a problem, if it can be seen that the insurer took significant steps and did not ignore the requirement, which is a valid defence-----

**Chairman:** The Minister is referring to the insurer.

**Deputy Eamon Ryan:** Yes. That is a plausible defence if insurers are able to mount it. That is amendment No. 25. As I have said, the others are largely technical or pursuant to amendment No. 19.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 20:

In page 13, line 31, to delete “(4)” and substitute “(6)”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 21:

In page 13, line 33, to delete “(5)” and substitute “(7)”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 22:

In page 13, line 33, to delete “vehicle insurer that” and substitute “person who”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 23:

In page 13, line 33, to delete “subsection (4)” and substitute “subsection (6)”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 24:

In page 13, line 35, to delete “(6)” and substitute “(8)”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 25:

In page 13, after line 42, to insert the following:

“(9) In proceedings for an offence under subsection (8), it shall be a defence for a body corporate against which such proceedings are brought to prove that it took all reasonable steps and exercised all due diligence to avoid the commission of the offence.”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 26:

In page 14, line 1, to delete “(7)” and substitute “(10)”.

Amendment agreed to.

**Chairman:** Amendments Nos. 27, 29 and 30 are related and may be discussed together by agreement.

**Deputy Eamon Ryan:** I move amendment No. 27:

In page 14, line 5, to delete “and”.

Amendments Nos. 27 and 29 are technical and make minor corrections to the text. Amendment No. 30 adds a new definition of “motor trader.” The published Bill refers to policies for fleets, as we discussed earlier, but we are adding motor traders in a similar category because the insurance policy of a car sales showroom or garage often covers a large number of vehicles with these vehicles changing frequently. They are in similar circumstances to fleet operators. Their insurance covers a variety of vehicles under a flexible arrangement. Providing this new definition will allow the provisions to apply to them.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 28:

In page 14, line 6, to delete “Insurance” and substitute “Insurers”.

This is a technical amendment. It simply seeks to amend the wording by replacing “Insurance” with “Insurers”. It improves the language in the text.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 29:

In page 14, line 6, to delete “Ireland.” and substitute “Ireland, and”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 30:

In page 14, between lines 6 and 7, to insert the following:

“(d) ‘motor trader’ means a person carrying on the business of manufacturing, dealing in, distributing or repairing vehicles (but excluding a person carrying on the business of manufacturing, dealing in or distributing components or parts for vehicles or of the carriage of vehicles).”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 31:

In page 14, between lines 6 and 7, to insert the following:

“**Transitional provision (section 56A)**”.

This is a technical amendment. In effect, it inserts a shoulder note or a heading to allow the transitional provisions for section 56A. It does not affect or amend the content of the Bill; it provides a heading.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 32:

In page 14, line 8, after “insurer” to insert the following:

“or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf”.

Amendment agreed to.

**Chairman:** Amendments Nos. 33 to 36, inclusive, are related and may be discussed together.

**Deputy Eamon Ryan:** I move amendment No. 33:

In page 14, line 25, to delete “(1A)” and substitute “(1)”.

This is a technical amendment. It is a tabulation alteration more than anything else. Rather than being subsections (1A) and (1B), it will instead start with subsection (1) and then (1A) and so on. It is a retabulation. It does not affect the content or direction of the Bill but it tabulates it in a proper manner.

**Chairman:** That relates to all the amendments in this grouping.

**Deputy Eamon Ryan:** It relate to amendments Nos. 22 to 36, inclusive.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 34:

In page 14, line 25, to delete “subsection (1B)” and substitute “subsection (1A)”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 35:

In page 14, line 29, to delete “(1B)” and substitute “(1A)”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 36:

In page 14, line 29, to delete “subsection (1A)” and substitute “subsection (1)”.

Amendment agreed to.

**Chairman:** Amendments Nos. 37 to 43, inclusive, are related and may be discussed together.

**Deputy Eamon Ryan:** I move amendment No. 37:

In page 15, lines 1 and 2, to delete “and the name and address of any person other than the insured who is named in the policy” and substitute “and the name of any other person



who is mentioned in the policy”.

Amendment No. 37 makes two changes. The first is to drop the reference to the address. I referred to that earlier. We changed that in the context of the information provided to the insurer or agent by the client. The address of the persons on the policy is not required because, as I stated, we get that from the driving licence. The second change, which may relate to a question asked by Deputy O'Rourke, is to remove the term “insured” as a way of referring to the policy holder. As the Deputy stated, a policy holder is not necessarily the insured. In other words, a person may own a car but not drive it. He or she could take out a policy on the car so that another person can drive it. That is not common but it is something for which we need to allow. That is the nature of the amendment.

Amendment No. 38 changes the data to be provided by the insurers to the database in respect of fleet policies. The published text states that the insurer will provide the classes of persons covered by the policy. This will now be the names of the persons. We are also adding reference to policies held by a motor trader as these are similar to fleet policies but would not be captured by the present text, as referred to in a previous amendment. Finally, we are removing references to the vehicles covered. This is because that information will be provided directly to the database by the policy holder, rather than by the insurer.

Amendments Nos. 39 and 40 are small additions of a type we are making in a few places to add reference to intermediaries such as managing general agents, MGAs, after insurers. They, as well as insurers, will have to notify the database if a policy holder notifies them of changes to the information they have supplied. They, like insurers, will have to notify the database when a policy is cancelled.

Amendment No. 41 is more substantial. It adds an additional reason to the purposes for which the Minister may have access to the data. This will allow my Department to verify the validity of insurance coverage for vehicles to be authorised on a road transport operator licence. This is often an issue for the Department. For example, in the case of supports to the haulage industry recently, certain licensed vehicles were able to access such supports, while others were less able to do so. The amendment provides a joint capability within the Department in the context of sharing the insurance database details with the road transport operator licensing details. We currently rely on self-declarations and that would continue to be the case without the amendment. We do not have evidence that a person is in compliance with his or her insurance obligations.

Amendment No. 42 adds a reference to intermediaries alongside insurers. This will allow them to see the data they have uploaded to the database in order to verify or correct it. Under the amendment, MGAs will now be able to do the same.

Amendment No. 43 simply adds definitions of two terms, namely, “National Vehicle and Driver File” and “operator’s licence”, used in the insurance-related amendments made by the Bill. It is largely a technical amendment.

**Chairman:** The Minister referred to intermediaries. By way of clarification, how does he distinguish them from what we would regard as insurance brokers?

**Deputy Eamon Ryan:** Those intermediaries are selling for the insurers. They are representing and acting for the insurance company.

**Chairman:** Am I correct that many brokers are also intermediaries?



**Deputy Eamon Ryan:** They are intermediaries in the sense that they represent the insured. They may sell certain other products. In this instance, however, it is the intermediaries that have the same role as the insurer, not the broker.

**Chairman:** I wanted to clarify that.

**Deputy Eamon Ryan:** Amendment No. 40 proposes the insertion, after “insurer”, of, “or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf”.

**Chairman:** It depends on the relationship between the intermediary, who may be a broker, and the insurance company.

**Deputy Eamon Ryan:** In this case, MGAs are those who have a contract licence to sell the products of the insurance company.

**Chairman:** That is specifically down to an individual arrangement between the insurance company and the intermediary.

**Deputy Eamon Ryan:** Yes. Typically, it is an international company that has a direct contractual arrangement with a company here that can sell its contracts.

**Chairman:** I thank the Minister.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 38:

In page 15, to delete lines 7 to 9 and substitute the following:

“(d) in relation to a policy in respect of a fleet owner or motor trader the names of the persons mentioned in the policy;”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 39:

In page 15, line 35, after “insurer” to insert the following:

“or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 40:

In page 15, line 40, after “insurer” to insert the following:

“or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 41:

In page 16, line 9, after “File” to insert the following:

“and for the purposes of the Minister’s functions under section 2 of the Road Traffic and Transport Act 2006 in respect of an operator’s licence”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 42:

In page 16, line 17, after “(4),” to insert “or intermediary who provided it with information under subsection (3) or (4)”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 43:

In page 16, to delete lines 30 to 32 and substitute the following:

“(9) In this section—

(a) ‘National Vehicle and Driver File’ means records established and maintained by the Minister under section 60 of the Finance Act 1993, and

(b) ‘operator’s licence’ has the same meaning as it has in section 2(9) of the Road Traffic and Transport Act 2006.”.

Amendment agreed to.

**Chairman:** Amendments Nos. 44 and 66 to 74, inclusive, are related and may be discussed together.

**Deputy Eamon Ryan:** I move amendment No. 44:

In page 16, to delete lines 33 to 41, to delete page 17, and in page 18, to delete lines 1 to 27.

Moving on from the insurance provisions, these amendments relate to the management of the M50 initially. The provisions could apply to other roads if they are designated as such by the Minister of the day. It is to more specifically designate Transport Infrastructure Ireland, TII, as the organisation that will have the ability to implement the provisions of the text for managing traffic flows on the M50 and give it the ability to vary speed limits. It will allow TII to slow traffic on the M50, manage the road and close lanes temporarily to manage traffic flows. Those powers previously lay with local authorities - the Dublin local authorities in this case. It is to specifically designate TII as the operator of this new variable speed system and, as I stated, to give the Minister of the day power to designate other national roads as needs be to provide similar provisions.

A new section 49 will be inserted into the Bill to amend section 47 of the Road Traffic Act 1961 so that the current offence-----

**Chairman:** The Minister has gone slightly ahead. We are not dealing with amendment No. 47, although the Minister may wish to refer to it. We are dealing with amendments No. 44 and 66 to 74, inclusive. The Minister may be referring to it in his note, but we are not dealing with amendment No. 47.

**Deputy Eamon Ryan:** I will stick to the main initial commentary. As I said, this is to allow for the TII to have specific functions in management-----

**Chairman:** We will come to amendment No. 47 shortly.

**Deputy Darren O'Rourke:** I wish to speak on amendment No. 69 and the design of traffic signage. I want to speak specifically on the bilingual nature of much of our road signage and the prominence given to the English language. I engaged on this for years as a member of a local authority. I have had any amount of challenges with regard to road signage. Companies in my constituency deliver road signs for the whole country. There is sloppiness in attention to detail in many cases. More particularly, I want to discuss the standard that exists in signage. There is a spectacular opportunity if we make a tiny change in design to put the Irish and English languages on an equal platform. By doing so, we would raise awareness of the Irish language. There are multiple examples presented by Irish language activists that have been seen by other public representatives. It is our intention to table an amendment on Report Stage to reflect this in new road signs. There should not be an additional cost incurred. There should be an extra eye on the design. This has the potential to deliver a significant change and a move away from the disservice being done to the Irish language. I ask the Minister to consider the amendment we will table on Report Stage in good faith.

**Deputy Steven Matthews:** The Minister spoke-----

**Chairman:** Is this on a related theme?

**Deputy Steven Matthews:** I want to clarify-----

**Chairman:** What I will do is-----

**Deputy Steven Matthews:** The Minister has spoken on amendment No. 44, but we have not discussed amendments Nos. 66 to 74, inclusive.

**Chairman:** If it is a separate theme, I will allow the Minister to answer Deputy O'Rourke and then come to Deputies Matthews and Leddin. The Minister has spoken on the group of amendments. Deputy O'Rourke has raised a particular issue so I will separate them.

**Deputy Eamon Ryan:** Deputy O'Rourke has raised an interesting point. I recall the year before last having very lengthy meetings with our road safety teams on this very issue, with proposals for amended typology. There has been detailed and extensive research and investigation to see whether greater or equal prominence be given to the Irish language. I do not have the evidence in front of me but I remember a very strong and clear view that the existing system is optimal for safety, ease of reading and a variety of reasons. If the Deputy tables an amendment on Report Stage, I will look forward to the opportunity to share the information. We will see what is possible.

**Deputy Steven Matthews:** I want to speak to amendment No. 69. The Bill makes reference to the National Roads Authority, NRA. Is this correct? Who is the commissioner referred to in the Bill?

**Deputy Eamon Ryan:** I understand that reference is made to the NRA in various Acts. Transport Infrastructure Ireland is a brand name but it does not have the same legal backing. The name is a more accurate reflection of the organisation because it has a role in the building of rail, metro, greenways and cycle lanes. We have already spoken about its role in traffic management. Transport Infrastructure Ireland is the name we commonly use, but legal texts still refer to the NRA.

**Chairman:** I would have thought when the NRA evolved into the TII the remit was broadened. Surely it is embedded somewhere in primary legislation that the TII has taken over this role.

**Deputy Eamon Ryan:** As I recall it was an amalgamation.

**Chairman:** It was, yes.

**Deputy Eamon Ryan:** It was between the Railway Procurement Agency, RPA, and the NRA. Perhaps maintaining the term “National Roads Authority” in law reflects the fact that some feel the RPA was taken over by the NRA. There are different views on this. The legal texts still refer to the NRA.

**Deputy Steven Matthews:** Who is the commissioner mentioned in the Bill?

**Deputy Eamon Ryan:** It is the Garda Commissioner.

**Deputy Brian Leddin:** I reiterate the concern expressed by my colleague, Deputy Matthews, and, perhaps, reinforced by the Minister. The NRA is still referenced in legislation. Perhaps we should look at changing the term because we think about transport in a much more holistic sense now and primary legislation should reflect this.

On the general grouping of amendments, the thrust is to give the TII power to erect variable speed cameras. We should probably look to give this power to other road authorities as well as the TII so that we move beyond national roads to other roads. Local authorities should also have this power in the Bill. Is the intent of the legislation prescriptive with regard to traffic flow or is it broader than this? There are all kinds of reasons we might have variable speed limits, including safety, noise reduction and air quality emissions.

This might be the section of the Bill where we could look at a national kilometre reduction target as other countries have introduced. We have one in the climate action plan that is specific to fossil fuel vehicles. Other countries are applying such a target to all vehicles. If we are to be true to the policy approach of avoid, shift and improve, we should try to reduce the number of kilometres driven throughout the State. This is being done in other jurisdictions. It would probably fit into this section of the legislation.

**Deputy Eamon Ryan:** I would add the word “share” to the avoid, shift and improve approach. There will be a move towards shared mobility in a range of ways. This is a slightly pedantic point.

It Deputy Leddin were to table an amendment on Report Stage in the interim I would look have to look to the Office of the Attorney General to see whether there is any reason we could not accept an amendment whereby we change the title of the authority. We would have to be careful that we would not miss anything because the legislative block is unconsolidated. I am also conscious of time. I do not know how long such a trawl would take. I would certainly consider it if the Deputy were to table an amendment on Report Stage.

On the variable speed limits and the management of it, the primary reason is safety. Near the port tunnel we have a monitoring service on the M50 and other roads approaching the capital. I happened to be there last year when a car broke down on the outer lane, the fastest lane, as it were, and was stuck there. It was an incredibly dangerous situation to look at. You had passing traffic going at 100 km/h. Emergency workers, an ambulance, gardaí or a fire truck

coming to that incident would have a real challenge with how to manage what is a real safety problem. Thus, the primary purpose here is for safety management of the road and potentially other roads, as I said, nominated by the Minister of the day. That could include part of a national road. We could do it section by section.

There are other potential benefits, such as alleviating traffic congestion problems. Often the road is not acting optimally when you have a certain speed limit. You may see you get greater capacity use out of it by regulating for speed but that is a matter for TII to decide on and we are giving it powers to make those judgment calls.

On the wider issue of avoiding, reducing, controlling, and management of emissions, there may well be cases, for example with issues of serious air pollution, and there are such issues. There is a real issue around the M50 and the surrounding suburbs. The emission of particulate matters, ozone, benzene and all sorts of chemicals is a very significant issue. If TII is looking, as I said, and it can be shown there is an optimal way of managing that, I do not believe this legislation would restrict it but the primary purpose is safety.

**Deputy Brian Leddin:** That is fair enough. It is important it is not prescriptive because there is the issue of noise as well. I am aware of a situation - as the Chairman will be as it is near his home - in Castletroy where the motorway is nearby and it is very noisy. It might make sense that at certain times you could slow the traffic down to reduce the noise, such as at night-time when people are more disturbed by it. That is why how we use the variable speed cameras should not be restrictive.

**Chairman:** Deputy Matthews wishes to come back in.

**Deputy Steven Matthews:** I thank the Chairman. It is to do with amendment Nos. 72 to 74, inclusive, and the setting of special speed limits. The Bill seems to deal mainly with national roads, TII roads, and not roads managed by local authorities directly within their areas. I see in the proposed section 55(10E) there is scope for ministerial policy direction on certain speed limits. Is there scope to be stronger on that? We have had the RSA in here. We have had many activist groups and cycling groups that are all keen to see a 30 km/h speed limit set in urban areas. That would of course assist us with active travel and also deal with the issues of noise and pollution that were just spoken about and generally make our roads a little safer and more inviting in the urban centres. Is there scope within this to be stronger in that the Minister just may, from time to time, issue a policy directive? I believe it lies with the local authorities to implement 30 km/h speed zones. We got advice recently, following committee sessions, there is no legal impediment to local authorities implementing those 30 km/h zones but that would seem to conflict with what is in the guidelines for setting speed limits. We need clarity on that.

**Deputy Eamon Ryan:** My understanding is in discussions with the Attorney General's office there was concern what we are introducing here is quite experimental, quite innovative and quite a significant change in terms of the ability to manage roads in new and different ways. I do not believe there was concern in principle around applying such experimental methods to non-national roads, it was more to introduce it in a way that there were certain parameters or controls. Again, the Deputy may wish to consider if it is possible to put a Report Stage amendment in that regard. We will use the interim period to consult the Attorney General's office further and see whether it is possible to extend the Minister's powers to designate non-national roads as well as national ones.

**Deputy Steven Matthews:** I thank the Minister. Chairman, I reserve the right to introduce

that on Report Stage.

**Chairman:** The Deputy is putting it down that he may bring it forward on Report Stage. That is fine. If I may clarify one thing with the Minister, do these speed limits purely relate to the M50?

**Deputy Eamon Ryan:** It gives the Minister the ability to designate other national roads.

**Chairman:** As well.

**Deputy Eamon Ryan:** Yes.

**Chairman:** That means the Minister could go to other motorways.

**Deputy Eamon Ryan:** Yes.

**Chairman:** Though its initial intent was around the M50. Is that correct?

**Deputy Eamon Ryan:** It is also around the physical infrastructure being put in around the M50. It is not just that you designate - you need the signage, the monitoring and the IT systems.

**Chairman:** The Minister would then bring forward anything else by way of statutory instrument. Is that correct?

**Deputy Eamon Ryan:** It is by regulations that areas can be designated, yes.

**Chairman:** That would be by way of statutory instrument.

**Deputy Eamon Ryan:** Secondary legislation, yes.

**Chairman:** I thank the Minister.

Amendment agreed to.

**Chairman:** Amendment No. 45 stands alone.

**Deputy Eamon Ryan:** I move amendment No. 45:

In page 18, to delete line 29 and substitute the following:

“ **“Powers of Garda Síochána in relation to dangerous driving**

**109A.** (1) Where a member of the Garda Síochána reasonably believes that a”.

Again, it is another of what we call shoulder notes. It is providing a heading, effectively setting out the powers of An Garda Síochána in relation to dangerous driving. It is to improve the literate understanding of the text rather than changing the content of it.

Amendment agreed to.

Section 5, as amended, agreed to.

## SECTION 6

**Chairman:** Amendment Nos. 46 to 49, inclusive, are related and may be discussed together.



**Deputy Eamon Ryan:** I move amendment No. 46:

In page 22, to delete line 18 and substitute the following:

**“ “Disqualification of driving instructors**

**18A.** (1) An applicant for, or the holder of, a licence shall notify the Authority”.

These amendments allow us to manage the potential disqualification of driving instructors. It effectively applies similar conditions to those that apply, I think, to taxi drivers and others in the sense of the ability to rescind or remove a licence if someone is in breach of certain basic standards. It starts with the provision of a shoulder note, as I said earlier, to change part of the text but it also brings in the “fit and proper” person provisions for driving instructors, so people with certain convictions will be barred for a certain period or for life from becoming driving instructors. This is similar, as I said, to the way we treat taxi drivers.

**Chairman:** That is not currently the situation.

**Deputy Eamon Ryan:** No.

**Chairman:** Deputy O’Rourke wishes to come in.

**Deputy Darren O’Rourke:** That is my question as well because it was not entirely clear from the briefing note. For talk’s sake, say pre- and post-, is it the case that “fit and proper” list that I think is there for taxi drivers is being brought in in totality, as in, it has not been there before for driving instructors and will be now?

**Deputy Eamon Ryan:** As I said earlier, it is not in place at the moment and this introduces the similar provisions.

**Deputy Darren O’Rourke:** Okay. There is a second piece then on a specific anomaly that was there, based on the briefing note, regarding a particular sexual offence that was categorised as a temporary ban and now needs to be made a lifetime ban. Is that the correct interpretation and was that already there or what is the provision to be?

**Deputy Eamon Ryan:** My understanding is we are proposing to amend this list at Part 2(12) of the new Schedule 2 to the 1968 Act to add a reference to an offence under section 22, and not section 21 as in the published Bill, of the Criminal Law (Sexual Offences) Act 2017. I think that covers that provision.

**Deputy Darren O’Rourke:** Would that then be a new “fit and proper” provision that then would apply to taxi drivers and those others who are already-----

**Deputy Eamon Ryan:** Yes. It is a similar provision.

**Deputy Darren O’Rourke:** That is the way that would work. Okay. I thank the Minister for that clarification. I reserve the right to bring forward an amendment on Report Stage when we have time to scrutinise that potential provision.

**Chairman:** I thank the Deputy.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 47:

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In page 24, line 23, after “21” to insert “or 22”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 48:

In page 25, line 9, to delete “6” and substitute “16”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 49:

In page 25, line 18, to delete “, 8 or 22” and substitute “or 8”.

Amendment agreed to.

Section 6, as amended, agreed to.

Sections 7 to 10, inclusive, agreed to.

#### SECTION 11

**Deputy Eamon Ryan:** I move amendment No. 50:

In page 36, to delete line 15 and substitute the following:

**“Regulations for control of certain vehicles**

**35A.** (1) The Minister may make regulations prohibiting or restricting the use”.

This amendment involves the insertion of a shoulder note, as we have done already in several different sections. We are inserting a new section, section 35A, into the Road Traffic Act. It is normal for an Act to have a description of the contents of a section, which is referred to as a shoulder note, as I said, and that is what this amendment does.

Amendment agreed to.

Section 11, as amended, agreed to.

Section 12 agreed to.

#### SECTION 13

Question proposed: “That section 13 be deleted.”

**Deputy Eamon Ryan:** This proposal provides for the deletion of this section because we already made this type of provision in the context of the amendment made regarding the speed limits. That removes the need for this section and this is why I am seeking its deletion.

Question put and agreed to.

#### SECTION 14

**Deputy Eamon Ryan:** I move amendment No. 51:

In page 39, between lines 29 and 30, to insert the following:

“(a) by the substitution of “Road Traffic Act 1961 to 2022”—



- (i) for “Road Traffic Acts 1961 to 2010” where it occurs in sections 20, 25, 61, 82 and 87,
- (ii) for “Road Traffic Acts 1961 to 2011” in section 9(1)(b), and
- (iii) for “Road Traffic Acts 1961 to 2016” in sections 10 and 20,”.

This amendment is more substantial than the previous technical ones. It updates the collective citation of the Road Traffic Acts in a number of places in the Road Traffic Act 2010. This is being done because these specific places involve Garda powers, and the legal advice is that we need to update the citations in these places. Some of them currently refer to the Road Traffic Acts 1961 to 2010. That original Road Traffic Act 1961 has been amended many times in the past five decades and more of its existence, including amendments made post 2010. In some of those previous updates, therefore, the citation, in the context of the Garda charging people under the legislation, could be to powers under the Road Traffic Act 2016, as amended by the Road Traffic Act 2010, for example. Some previous updates could refer to the Road Traffic Acts from 1961 to 2016. We have not updated every collective citation. That would be a significant task. We are seeking to ensure that we have a proper citation approach for An Garda Síochána in the implementation of the Road Traffic Acts.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment 52:

In page 39, between lines 37 and 38, to insert the following:

“(f) in section 13, by the insertion of the following subsection after subsection (1):

“(1A) The Minister may provide by regulations for a deduction to be made from the concentration of alcohol in a specimen determined by the apparatus referred to in section 12 to allow a margin of error in the making of such a determination.”,”.

The Road Traffic Act 2010 provides legal alcohol limits for persons driving or in charge of a mechanically propelled vehicle. Under section 12(1)(a) of the Road Traffic Act 2010, the Garda may in certain circumstances require a person under arrest to provide two specimens in the context of alcohol and drug testing. Section 13 of the Act provides for the “procedure following provision of a breath specimen under section 12”. As is normal in much scientific equipment, a margin of error is applied in the measurements taken by these machines. This amendment stems from the advice of the Attorney General on foot of a recent court case. The decision has been taken to amend section 13 of the Road Traffic Act 2010 to enable the margin of error to be set out in regulations. This is the primary difference. The amendment will allow for the margin of error to be described, defined and amended as “degrees of variation”.

Amendment agreed to.

Section 14, as amended, agreed to.

## SECTION 15

**Deputy Eamon Ryan:** I move amendment No. 53:

In page 41, between lines 20 and 21, to insert the following:

“(i) by the insertion of “or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf” after “vehicle insurer”. ”.

In section 15(c) of the Bill, we are amending the provisions of the Road Traffic Act 2014 which allow vehicle insurers to see endorsements of penalty points on a driver licence record. The original 2014 provision allows for access to the records so that insurers could factor in penalty points when pricing insurance, which is a valuable public benefit.

The published Bill will allow for access when “processing” rather than “issuing” insurance policies, so that insurers will have access when changes are made mid-term to a policy, such as when a new driver is added. We are now going to add an amendment here in order that access will be permitted for managing general agents. As we said earlier, they act on behalf of insurers operating in the State. One reason for doing this relates to the European Commission competition rules. These drew our attention to the fact that if insurers but not their agents have access to the data, then there might not be a playing field. This change is to provide that level playing field and, essentially, to comply with our obligations in the context of the Single Market.

Amendment agreed to.

Section 15, as amended, agreed to.

## NEW SECTION

**Deputy Eamon Ryan:** I move amendment No. 54:

In page 41, after line 34, to insert the following:

“PART 12

AMENDMENT OF ACT OF 2016

### **Amendment of section 4 of Act of 2016**

**16.** Section 4(1) of the Act of 2016 is amended by the substitution of “10 working days” for “5 working days”.

Amendment agreed to.

## SECTION 16

**Chairman:** Amendments Nos. 55 to 57, inclusive, are related and will be discussed together.

**Deputy Eamon Ryan:** I move amendment No. 55:

In page 43, line 18, to delete “55 kilograms,” and substitute “25 kilograms, or such other maximum unladen weight as the Minister prescribes,”.

As Deputies will be aware, this was a much sought-after provision in the Bill in the context of the regulation of powered personal transporters, PPT. Typically, these are e-scooters or other similar devices. In the published Bill, certain technical details characterising such vehicles are included in the revised definition for PPTs. We are amending paragraph (b) of section 16(e) by lowering the maximum unladen weight permitted to 25 kg and paragraph (d) of section 16(e) by increasing the continuous rated power permitted to 0.5 kW. The maximum speed of 25 km/h set out in paragraph (c) of section 16(e) will remain unchanged. These specifications are proposed as standard for vehicles falling under this category. Following expert advice, I am also amending paragraph (d) of section 16(e) by clarifying that for vehicles where there is more than one motor, a combined rated power of 0.5 kW is the maximum limit. Making these changes to the specifications for this class of vehicle will ensure that PPTs remain outside the scope of the EU motor insurance directive, which applies to mechanically

propelled vehicles, and consequently will not require insurance for use on Irish roads.

Even in the time since work on this Bill commenced, the reality of a maturing e-scooter market has been noted. The work of the Road Safety Authority informs our thinking. My solution is therefore to satisfy the recommendations of that organisation and the wider public interest is to insert or such other values “as the Minister prescribes” in paragraphs (b), (c) and (d) of section 16(e) in order that the weight, speed, and power output in the definition may be revised as needed through regulations. This will future-proof our road traffic legislation, allowing us to make necessary updates as the sector grows and providing an opportunity for further consultation once the Bill has been enacted. Those are the key provisions. It does not apply to e-bikes which are not powered personal devices. It does provide a standard provision for e-scooters and other powered personal transporters, PPTs, in the market today.

**Deputy Brian Leddin:** The Minister may have just answered it but for clarity, when I looked at this it seemed that it omits the potential for cargo bikes. There has been a huge uptake of such bikes in Dublin. Dublin City Council has led a very positive initiative around last-mile delivery and there are hubs all over the city. We will probably see that in every city and large town in Ireland in time as it becomes easier to travel in our urban areas by smaller vehicles. We can expect tradespeople to travel by cargo bike as well as families. There is evidence that families are getting rid of their second cars and getting a cargo bike in lieu. I would be concerned that this section is restrictive on cargo bikes and especially the line about reducing down from 55 kg to 25 kg. We must be careful when we discuss the power outputs of cargo bikes. I suggest that 0.5 KW is a lot of power for a light bike but may not be for a heavy bike, so we need to be very careful about how we word this. Maybe the Minister can allay the fears but if there is something to be worked on, I would like to come back on Report Stage with a proposal.

**Chairman:** For clarification, will the Minister explain the reason behind changing the unladen weight of 55 kg to 25 kg and why he inserted the prescription of a maximum speed of no greater than 25 km/h? What is the reason he went for giving the Minister flexibility to prescribe the speed limits? Do regulations follow on from this or do they have to come in by statutory instrument laid before the House? The Minister will appreciate that there is keen interest in this.

**Deputy Eamon Ryan:** Absolutely. First, I give Deputy Leddin an assurance that cargo bikes or any form of e-bikes are not PPTs and will not be affected by the legislation. That is a separate issue and category. It is completely different.

The main reason for going down to the 25 kg is that it avoids our tripping ourselves into insured categories under the European legislation where you are into a different class of vehicle. It would be a motorised vehicle categorisation under European motor regulations and that would require-----

**Chairman:** It does bring in a smaller electric vehicle under the legislation. Ijs that correct?

**Deputy Eamon Ryan:** Of those vehicles out there at the moment, the vast majority, to take e-scooters, will be under 25 kg. There may be some; a very small number-----

**Chairman:** No, I am talking about the reduction in the weight to 25 kg from 55 kg. It means that the smaller e-scooters-----

**Deputy Eamon Ryan:** No. Critically it is defining it as a non-mechanically propelled vehicle under European directives and legislation and therefore it is a personal mobility device. It is a new, different category. The vast majority of scooters on the market today would be below

the 25 kg weight limit. There may be a very small number that will not be legal under this legislative system but one of the benefits will be that they are not then classified as mechanically propelled vehicles and can be treated in this way.

As the Chair says, it will be secondary legislation. We must circulate the regulations to the EU first - I think within 12 weeks - in order to ensure they are not in breach of European competition and other rules.

**Chairman:** The speed limit under the draft legislation was 25 km/h. Is the Minister now leaving that in or-----

**Deputy Eamon Ryan:** I am giving the Minister flexibility. Groups such as the Road Safety Authority have been making the case, which I think is valid, that for many of the e-scooters a 25 km/h limit might bring significant safety benefits.

**Chairman:** So it is as much about the down reduction as up. That is number one. So that I can fully understand, will the Minister explain in layman's terms more about the change to the maximum laden weight of 55 kg in the draft legislation to 25 kg? I do not fully comprehend.

**Deputy Eamon Ryan:** Under European legislation, a vehicle above the 25 kg limit is defined as a mechanically propelled vehicle.

**Chairman:** That is under European legislation.

**Deputy Eamon Ryan:** That brings with it insurance and a whole range of other obligations. It is under the motor insurance directive. That would be a compulsory threshold.

**Chairman:** So you are dealing with vehicles that are below 25 kg.

**Deputy Eamon Ryan:** Exactly.

**Chairman:** And the vehicles that are about 25 kg?

**Deputy Eamon Ryan:** They will not be legal.

**Chairman:** What category do they fall under then?

**Deputy Eamon Ryan:** They would be mechanically propelled vehicles that would have to be insured.

**Chairman:** Are they currently under legislation?

**Deputy Eamon Ryan:** They are not currently legal under any legislation.

**Chairman:** I understand about below 25 kg and the speed. Will the Minister give an overarching explanation about the category that is out there now?

**Deputy Eamon Ryan:** They would remain illegal but as I say, they are not commonplace. The vast majority would be within the 25 kg limit.

**Chairman:** But all are not legal at the moment.

**Deputy Eamon Ryan:** Correct.

**Chairman:** The Minister is bringing in a category where below 25 kg will become legal.

**Deputy Eamon Ryan:** Yes.

**Chairman:** And would be regulated.

**Deputy Eamon Ryan:** Yes.

**Chairman:** The Minister says there are not many in the category over 25 kg out there but there are some out there. What will happen with that category?

**Deputy Eamon Ryan:** That would be up to An Garda Síochána and others. It would be much easier because it is very small and specific-----

**Chairman:** Under the legislation, do those vehicles fall in to being unsafe and so forth? Will the legislation allow the gardaí to deal with that issue? Does the current legislation do so?

**Deputy Eamon Ryan:** Yes. Currently the gardaí do. It is sporadic because the current law is not fit for purpose. It is important that we regulate what brings real benefits. There are some instances where gardaí are stopping-----

**Chairman:** Is the Minister currently satisfied that when this legislation comes in, those in the category over 25 kg are subject to the law?

**Deputy Eamon Ryan:** Yes, but they would remain outside the law.

**Chairman:** So they are subject to the law but they are outside it.

**Deputy Eamon Ryan:** Sorry, they are not legal. They are similar to other vehicles at the moment.

**Chairman:** They are not legal but they would be subject to the law.

**Deputy Eamon Ryan:** They would be. There are powers for the gardaí to be able to apprehend them.

**Deputy Ciarán Cannon:** I thank the Minister. This is a very positive development for the more sustainable use of the streets of our cities and towns. I have a question. I am sure it is easy to bring clarity to this. If one goes beyond the 25 kg weight and the 25 km/h, where would the categories of what might be described as electric motorbikes fall under the legislation? There are now many makes and models.

**Deputy Eamon Ryan:** They are separate. That is not a PPT. That does not apply to this. They are either motorbikes or electric bikes. The legislation here does not apply to those vehicles.

**Deputy Ciarán Cannon:** If I deliberately or inadvertently buy a scooter that can travel faster than 25 km/h and weighs more than 25 kg, what would stop me from registering that vehicle with a registration plate and getting requisite insurance to put it on the road? There seems to be a kind of limbo situation around how we move from the world of scooters into electrically powered motorbikes. Is there a lacuna that needs to be addressed?

**Deputy Eamon Ryan:** I am told by my officials that such vehicles would not meet the standards set out in legislation to describe a motorbike, therefore, as I said, they would be illegal. They would be outside the law.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 56:

In page 43, line 20, to delete “and” where it secondly occurs and substitute “or such other maximum design speed as the Minister prescribes, and”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 57:

In page 43, to delete line 22 and substitute the following:

“rated power, or electric motors having a combined maximum continuous rated power, of less than or equal to 0.5 kilowatts, or such other maximum continuous rated power, or combined maximum continuous rated power, as the Minister prescribes,”.

Amendment agreed to.

Section 16, as amended, agreed to.

Sections 17 to 32, inclusive, agreed to.

### SECTION 33

Question proposed: “That section 33 be deleted.”

**Deputy Eamon Ryan:** I had proposed in this section to amend section 9 of the 2004 Act to prescribe that when travelling on roads with a special speed limit of 20 km/h as specified in by-laws by the relevant local authority, that speed limit will also apply to powered personal transporters. This measure was made with the intention of clarifying that where the maximum design speed of the vehicle is in excess of the special speed limit, the lower of the two limits should automatically apply. Even if we said earlier that there might be provision for a 25 km/h speed limit for certain vehicles, it is better for the lower limit to apply.

Question put and agreed to.

### SECTION 34

Question proposed: “That section 34 be deleted.”

**Deputy Eamon Ryan:** I had proposed in this section to introduce a new section into the 2004 Act restricting the sale and supply of e-scooters to people aged over 16. This measure was made with the intention of reducing the risk of injury to minors from PPT use and, indeed, potential injury caused by minors to pedestrians and other vulnerable road users. However, my Department has identified several significant implementation challenges. There is no suitable mechanism to record PPT supply as vehicles falling into that category do not require registration. Furthermore, it can be expected that many purchases will be private second-hand sales or will take place on websites based outside the EU. In addition, no licence system is proposed for driving an e-scooter and there is no requirement in Ireland to carry proof of age. In light of those factors, I no longer consider that this provision will be enforceable and, consequently, I suggest it be withdrawn.

**Chairman:** By way of clarification on the regulations the Minister seeks to bring in, will



there be any age limit on people buying a PPT?

**Deputy Eamon Ryan:** It will be similar to the purchase of a bicycle. There is no age limit at present. We will issue guidelines and best practice, but there is no provision whereby one can regulate sale by age for this type of vehicle.

**Chairman:** This is a critical issue in the public domain. Will the Minister go back over his briefing note and the reason he seeks to take this section out and why it is not enforceable?

**Deputy Eamon Ryan:** The reason is these are not registered vehicles in respect of their licensing and use and, therefore, there is no mechanism, and in our country we do not carry identity cards. Identification cannot be enforced, so the policing of this is the primary reason it would not be enforceable. Law that is not enforceable is bad law.

**Deputy Brian Leddin:** Following on from the concerns the Chair expressed, even having this on the Statute Book as an offence is a significant deterrent to supply of PPTs to people under 16. By taking out the section, that deterrent is gone. It essentially sounds like turning a blind eye to it. I am, therefore, quite concerned that the effect of this is essentially to give licence to people to provide PPTs to people under 16 years of age.

**Deputy Steven Matthews:** I have similar concerns about this in that we will see varying degrees of quality of scooters and cheaper scooters, which may be aimed at the younger age cohort because they are more affordable to that cohort. We may end up with cheaper, lower quality, less safe equipment because they are attractive to the under-16 cohort as they have a little less money. That is why I would be concerned if this section were to be deleted.

**Chairman:** I know we have dealt with the section, but the Minister when speaking to previous sections referred to the speed limits in respect of e-scooters or PPTs. There is the option of regulation to amend such speed limits. This issue is a keen one in the public domain. I am asking only for points of clarification rather than expressing an opinion as Chair, but the Minister could further elaborate as to how he came to this conclusion with his officials. Deputy Leddin made a salient point, that is, that when this is taken out of primary legislation, the Minister may say it cannot be enforced, but it is there. The Minister might just elaborate on that. It is a key feature.

**Deputy Eamon Ryan:** We need to make sure we improve road safety. It is critical at this time of year, and given that we have seen the number of road deaths rise and a terrible fatality list. Road safety should absolutely come first at every turn. That is why we are looking, as I have indicated, to heed the advice of the RSA to bring in regulation of lower speed limits such that we can regulate the types of vehicles that are sold. As for sale of vehicles, however, there is nothing we could introduce that would regulate an adult purchasing one of these vehicles and then it being used by his or her son or daughter. It is impossible. We know that. It is a reality. Furthermore, as for the policing, in the absence of a mandatory identity card system and a licensing and registration arrangement, which we do not have with this, it is an unenforceable provision. It would be a false promise and bad policy for us to pursue supposed safety measures that did not actually enhance or improve safety and, therefore, it is better to remove the section, to my mind.

**Chairman:** Is there anything within the legislation that allows An Garda Síochána to ask someone who is riding a PPT his or her age? I take the Minister's point about purchase, but use is the big issue here.

**Deputy Eamon Ryan:** True, but a garda might ask me my age, and if I say-----

**Chairman:** The Minister would hardly pass for being 16 years of age.

**Deputy Eamon Ryan:** Perhaps 39 years of age.

**Chairman:** At a stretch.

**Deputy Eamon Ryan:** Given the Chairman is in his mid-30s, he will realise the difficult position he would be putting the member of An Garda Síochána into.

**Chairman:** The Minister will appreciate it is an issue of major concern in the public domain.

**Deputy Eamon Ryan:** It is, but it is different with a motorbike or a car because that vehicle is registered, with all of the licensing, insurance and other arrangements in place, which enables An Garda Síochána to have the power to use that information or its judgement in an appropriate manner. The evidence as to the purpose of one of these vehicles, where it was sold, who owns it, and its registration does not exist. In those circumstances, we are better off not creating laws that are not enforceable. That is a basic principle of good legislation.

**Deputy Brian Leddin:** I am not pressing the amendment but there is evidence that many of these conveyances are being used by very young people in a dangerous fashion and are being supplied by parents, guardians or older friends. It makes sense to me that it would be an offence to supply such a vehicle to younger people for real reasons of safety, notwithstanding that it may be something that is very difficult to police. The very fact of it being in the legislation would act as a significant deterrent.

**Chairman:** I ask the Minister and his officials, who have already looked at this, to have a further look at it prior to Report Stage to see if there is any mechanism in this regard to deal with the supply and, more particularly, the use. It is not uncommon to see two teenagers, whom I regard to be very young, on a scooter, and I fear in many cases for their safety. This is a safety issue and I ask the Minister to look at it further on Report Stage. I take the points made.

**Deputy Darren O'Rourke:** I want to pick up on a point raised by Deputy Matthews. We probably will not have the opportunity to look at this again despite the fact this committee had extensive hearings on these issues and had pre-legislative scrutiny with this sector and the sharing scheme sector where we heard concerns across the board about the implementation of this move. There is a recognition this is happening and that it is to be welcomed, but there are concerns and some relate to the training and how these vehicles will be used.

There are also concerns, which we have clearly heard, about the standard and quality of the vehicles, oversight, quality control, and the maintenance of high standards. We have heard of extreme cases of fires and issues with batteries. I wish to flag those issues because I am sure they are ones that will have to be considered in advance of secondary legislation.

I wish to put on the record that there is a general appreciation of the direction of travel here but that there is the potential this might go the wrong way if inappropriately handled, if the regulations are not sound, if there is not proper oversight, and if people are not properly trained. Nobody wants to end up in that place.

**Deputy Eamon Ryan:** I understand the Deputies' concerns and I respect their views because the committee has carried out very significant hearings on this issue. I agree with Deputy



Cannon that there is a significant benefit to be gained in the development of new e-mobility solutions but there are also big risks.

My own sense is I am frequently terrified as I get older and I am overtaken by other vehicles that are often very silent and often driven or used in a way that is far from satisfactory in terms of road safety. We need to regulate, maintain, police and ensure we have a good road safety system as we switch to new modes like this. There is a role for the Road Safety Authority, clearly, in its public information campaigns and within others. There is a role within our school education system and there are a range of different ways in which we can enforce or encourage good road usage and avoid, for example, the use of these vehicles on the paths. The protection of pedestrians is critical.

I agree with all those desires and the requirement for us to do that, but as I have said, we will not deliver all of that with this section. I am keen to press my amendment. I will consider this again between now and Report Stage and look to see if there are further and other options. I would prefer, if I can, to press our amendment and consider this issue before Report Stage.

Question put and agreed to.

**Chairman:** I thank the Minister that he will undertake to look at this issue again for Report Stage

Sections 35 to 42, inclusive, agreed to.

#### NEW SECTION

**Chairman:** This is a new section. Amendments Nos. 58 and 62 are related and will be discussed together. I call on the Minister to speak now, please.

**Deputy Eamon Ryan:** I move amendment No. 58:

In page 51, between lines 3 and 4, to insert the following:

“**43.** Section 2 of the Act of 1993 is amended—

(a) by the insertion of the following definitions after the definition of “busway scheme”:

“ ‘camera’ includes CCTV and other apparatus used for the purposes of creating and capturing photographic images and video;

‘CCTV’ means any fixed system employing recording devices for recording or processing, including through the use of automatic number plate recognition, a visual image or moving visual images in a public place;”,

(b) by the insertion of the following definition after the definition of “pedal cycle” and “pedal cyclist”:

“ ‘personal data’ has the same meaning as it has in Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016;”,

and

(c) in the definition of “road”—

(i) in paragraph (b), by the substitution of “carriageway (whether single or multiple and whether or not designated for a particular class of vehicle),” for “carriageway (whether single or multiple),”;

(ii) in paragraph (c), by the insertion of “verge,” after “margin,” and

(iii) in paragraph (d)—

(I) by the deletion of “and”, and

(II) by the substitution of “used, or the use of which is reasonably required, for” for “necessary for”.

Amendments Nos. 58 and 62 are related to the issue of the development of busways and to the use of CCTV. Under “busway”, section 43 provides for an amendment to the definition of a road in section 2 of the Roads Act 1993. To provide clarity on what constitutes part of the road, it is proposed to make a change to paragraph (b) by substituting “carriageway (whether single or multiple and whether or not designated for a particular class of vehicle)” with “carriageway (whether single or multiple)” and to paragraph (c) in the definition of “road” by inserting of the word “verge” after “margin”. These changes are included in the existing Bill, but as further changes are being made to the definition of a road, it is proposed to delete section 43 from the Bill and restate the proposed changes set out above.

There is also an amendment proposed to allow for a change to paragraph (d) of the definition of a road in the Roads Act 1993. It is proposed to insert the words “used, or the use of which is reasonably required, for” in place of “necessary for”. The reference to “necessary” potentially sets too high a threshold and needs to be altered to make it clear that the definition extends to anything used or reasonably capable of being used in connection with the safety, convenience, benefit and amenity of road users, including the provision of information. This amendment will reflect the reality of the range of facilities and infrastructure that is now provided as a matter of course as part of a public road and are not strictly speaking “necessary for” the safety, convenience or amenity of road users.

On the second of these amendments, which deals with CCTV, it recently came to the attention of the Department that Transport Infrastructure Ireland, TII, is using a network of CCTV for cameras to monitor traffic and to assist with enforcement. Local authorities use similar systems for traffic management and monitoring. Cameras are used to monitor and manage the movement of general traffic, public transport and various other different transport modes. These allow TII and local authorities to identify incidents, accidents, congestion, delays and other appropriate actions. Enforcement cameras can be located at toll plazas or along road gantries, such as those on the M50. At each enforcement location, the system of enforcement cameras monitors vehicles and captures necessary information, such as number plates, to support the management of the road. These cameras are generally fixed mounted and generate images that are used for post-image capture processing, such as automatic number plate recognition.

Traffic cameras are also used to monitor and manage other incidents, such as marches, protests and other events, including weather-related events. TII and road authorities share the data from these cameras with a number of bodies, in particular the emergency services, public transport operators such as Dublin Bus and Luas, and local authorities. On behalf of TII, several contracted service providers also have access to this information.

These cameras, and particularly the use of data, are being used without a proper legislative basis. The enforcement use of cameras, by its nature, requires identifying individual vehicles. While most of the traffic management information is captured from a distance and does not include individually distinctive information, it is possible for the cameras to zoom in, and some images of registration plates and at times faces may be captured. This amounts to personally identifying data and can raise concerns about the protection of the data in question and of individual rights in light of the general data protection regulation, GDPR.

Legal advice obtained is that this matter can be addressed by regulations in the short term. However, this solution will have effect only until 6 December 2022 due to section 6(2) of the Data Sharing and Governance Act 2019. It is, therefore, imperative that proper provision be put in place in an Act of the Oireachtas before that date.

It is proposed to address this situation by an amendment to insert a new section 77A into the Roads Act 1993 to allow for the provision of cameras by both TII and the local authorities, including CCTV cameras, and for the use of data from those cameras. The proposed additional section 77A will give a basis for the provision of cameras, including setting up and operation of cameras, first, for the safe and efficient management, operation and use of public roads, including traffic management and providing information to the public; second, for charging and collecting tolls and the operation of toll roads; third, for the deterrence, prevention, investigation and detection of criminal offences, including road traffic offences; and, fourth, for any other purpose to be prescribed by the Minister. The amendment will also address the publishing by TII or each relevant local authority of a schedule of the cameras in question operating on public roads. Finally, we will provide a legal basis for the sharing and processing or use of data from cameras in operation between a local authority, TII, the Garda Síochána, the National Transport Authority, the Road Safety Authority and any other person the Minister considers necessary for the purposes outlined above.

We are making sure that appropriate protections are in place for the sharing of data, for data sharing agreements, for the safeguarding of data and for directions, guidelines, standards and regulations. This is obviously not a position any of us want to be in. Traffic cameras are an essential tool for managing traffic. Come December, it will be necessary to have primary legislation in place to enable them to be used in a way which protects data in an appropriate manner. I hope the committee will appreciate that we reacted promptly to this matter as soon as it came to our attention and that we have developed the necessary proposals here to address it. In fact, it might have been a Limerick case that prompted this need for legislation before 6 December. It is a highly sensitive issue. It is important that we get the regulations right and that we respect the need for privacy as contained within the GDPR but also that we do not have an unenforceable use of cameras, which would be the case if we did not legislate.

**Deputy Darren O'Rourke:** The Minister might give us an update on the engagement in this regard. I presume everything that is being proposed here has been run by the Data Protection Commissioner or the Attorney General for compliance with GDPR. There is always a concern in regard to data gathering. The Minister might give us a sense of how we have come to this position and if he is satisfied this legislation will stand the test of time and will not fail any pushback in that regard from the Data Protection Commissioner. In addition, does this apply to Garda speed cameras or not?

I take the point in regard to cameras on the roads collecting data. I previously raised the issue that road users have cameras in vehicles or when cycling. With regard to the admissibility of video footage of near-passing incidents, I know it is admissible in a very simple and user-

friendly way in other jurisdictions but we do not seem to have been able to put those systems in place here. I would have thought that if ever there was an opportunity to do it, this is the perfect time to at least make some progress in that regard.

**Deputy Steven Matthews:** With regard to the use of cameras to manage and monitor traffic, I understand the authorities have to be given the clearance to do that. Does the term “fixed system” apply to the CCTV cameras that are used in buses in order to keep bus lanes clear? I completely understand the issue around data protection. However, as a cyclist, I have experienced close passes and while I do not have a camera on my helmet, many cyclists do. There is the ability to upload and send those data to the Garda or whoever it might be. We all frequently witness very poor traffic management and behaviour in our towns and villages, such as illegal parking on footpaths and in disability bays. Do we have the opportunity here to expand the use of cameras for managing and monitoring traffic to allow citizens who observe traffic offences to upload this to the Garda? I understand the photograph itself may not be an admissible piece of evidence in order to take a prosecution but it will allow the Garda to build up a pattern, for example, if they are getting 40 photographs a week of illegal parking in a certain area. While the photograph itself may not be used directly, the accumulation of photographs kept by the Garda would inform it of traffic offences that are happening regularly. I believe many people would like to be able to report those types of traffic offences.

**Deputy Brian Leddin:** Deputy Matthews got to a few of those points ahead of me. It is important that we recognise the full power of citizen-led data gathering, notwithstanding the concerns around GDPR, which we have to take seriously. It seems to me there is an opportunity here to create, as other jurisdictions have done very effectively, a portal where citizens can upload evidence, whether it is admissible or not. As Deputy Matthews noted, there is value in uploading that kind of evidence to a central system and that value may go as far as taking action against individual motorists and road users. While it seems to fit in here and is something we should be seriously considering, it is not in the provisions of the Bill. Also not in the provisions is the possibility of doing what is done in other jurisdictions, namely, having cameras on buses to pick out the bad behaviour of motorists and other road users. That is something we should also try to get into this important legislation.

**Deputy Ciarán Cannon:** I welcome this work on behalf of the Minister and his colleagues in allowing for the greater use of CCTV in how we manage traffic on our roads and make our roads safer for all road users. I think we should be very ambitious in how we move forward in this particular area, as others have mentioned, in replicating the good work of other jurisdictions. One of those jurisdictions quite close to us, just across the Irish Sea, has successfully put in place a portal for the uploading of dashcam evidence and camera evidence from all road users, not alone cyclists but also motorists and others. It is also important, as others have mentioned, that cameras are used within buses and bus lanes in general to ensure they are the most efficient way of moving people about, particularly in more heavily trafficked towns and cities.

I recently asked the Minister for Justice a parliamentary question about the creation of a portal for the uploading of dashcam evidence. The Minister’s response was somewhat neutral but reasonably supportive. It referred to the Department of Transport, stating, “The Department of Transport has advised that any decision to allow film by members of the public to be used in evidence in road traffic cases would raise questions of reliability of, and possible tampering with, the apparatus used, as well as potential privacy issues.” This will hopefully address some of the privacy issues. The fact of the matter is the Garda has sought and secured numerous successful prosecutions in our courts over the last four to five years using camera evidence

submitted by cyclists. There is already a provision within legislation, due to good work done by the Minister's predecessor Shane Ross, creating a unique offence of dangerous overtaking of a cyclist. That legislation, combined with camera evidence submitted by cyclists, has already provided for the successful prosecution of a number of motorists with penalty points issued and fines imposed. There is no question about the reliability of this evidence. The courts have already decided it is perfectly acceptable to use that evidence in the prosecution of such cases. I implore the Minister and his colleagues to engage amongst themselves and with the Department of Justice to provide for such a portal under the very significant road safety plan recently published by the Road Safety Authority and the Department, Towards Vision Zero.

**Deputy Eamon Ryan:** This is a critical issue for us as policymakers and legislators. Digital video CCTV cameras are increasingly prevalent and full of potential, as well as risks. We need to be careful in getting the balance right between the requirement for privacy and the need for good enforcement of road safety and other measures. There was extensive consultation with the Office of the Attorney General on these provisions regarding CCTV cameras because it had a central role in assessing some of the recent court cases and advising us on the steps we are taking. We have also referred the matter to the Data Protection Commission and will have to continue to do so very extensively because it has a critical role in making sure whatever regulations are put in place get that balance right between the right to privacy and the protections needed in the sharing of data. This legislation solely relates to cameras operated by TII and local authorities, for whatever purposes. It does not relate to personal private cameras and how they might be used in evidence. That is a matter for the Department of Justice and An Garda Síochána. There will be evolving legislation in that area and the Minister for Justice is working on that. This does not relate to Garda cameras or cameras other than the ones operated by TII and local authorities.

This is a step in the right direction. It gives certainty around the use of these cameras but it does not address the wider fundamental issues raised here. I understand the potential benefits from the use of personal cameras, and prosecutions on the back of that, but I have some concerns about this in a world where AI capabilities and other mechanisms are being used. Concerns around the erosion of personal privacy are real and we have to get the balance right in how we use this technology. What we are doing here primarily relates to traffic management. While faces or numberplates may occasionally be seen, this legislation does not carry those risks of breaching people's privacy. The regulations we will create in conjunction with the Data Protection Commissioner will give us assurance in that regard and we will not do it without that reassurance.

With regard to the wider issue of the use of personal and-or Garda cameras, I would be slightly nervous about adopting what the UK or other countries are doing. There are real concerns about some basic rights and privacy concerns about how cameras may be used in certain other jurisdictions. We have to be careful that we do not inadvertently bring in other effects that are not in the minds of Deputies here. We are working with the Department of Justice on this matter and will continue to do so.

**Deputy Ciarán Cannon:** I agree with the Minister. With emerging AI technology and deepfake videos, there is potential for abuse. There is no question about that. However, the overarching concern here should be the safety of all our road users and particularly the vulnerable ones. If we already have a justice system and a police force that has successfully used such evidence in prosecutions, we should all share the ambition to open up that opportunity to all road users so they feel equally safe and entitled to a safe space on our public roads. The issue is



very straightforward. It is a matter of the mechanism whereby people can submit the evidence and how it is assessed and treated by members of the Garda Síochána. In some stations around the country there are consistent and successful prosecutions and a very supportive environment for people who submit such evidence, while in other stations there is a dismissive attitude or gardaí who are not even aware of the law on the safe overtaking of cyclists. It is something we need to be cognisant of and concerned about as we move forward.

**Deputy Steven Matthews:** I want to clarify something. I am not suggesting that if I went out and took a picture of the Minister's numberplate or car, or somebody's car parked on the footpath, that in itself would be evidence enough for the Garda to pursue a prosecution. People get increasingly frustrated by these traffic offences, which they witness daily. They might be walking to school with children in the morning and find the footpath constantly blocked. I am talking about the opportunity for people and citizens to take those photographs. That would provide a very strong indicator to the Garda, the local authority and TII, or whoever it may be, that there is a problem in this location. It is not about getting that individual offender but highlighting that this is a problematic area and having evidence to back it up, as the various bodies would have received a lot of photographic evidence of potential offences taking place. Is that something we could include in this legislation? It is not a justice matter but a traffic management and monitoring matter.

**Deputy Brian Leddin:** I agree with the Minister that we have to get the balance right and have to respect personal privacy. However, I think we all agree that some of the behaviours we see on our roads are quite terrible. Just last week, I was nearly killed on the quays in Dublin. We come across these near misses every time we walk, cycle or even drive. In getting that balance right, we need to understand just how bad behaviour actually is on our roads. There are so many near misses and people do not get home safely or alive. We seriously need to look at this. This is a huge opportunity for this Oireachtas to take a brave step forward. Of course we need to understand the privacy concerns but we should be true to those people who have been injured or killed on our roads because of endemic bad behaviour over the years. There is an opportunity to do that in this legislation and we should look at it more closely. I would be happy for the Minister to come back with proposals on Report Stage.

**Deputy Eamon Ryan:** I share the concerns of the Deputies about the real risks in the current tolerance for threatening behaviour. That is not acceptable. I was just asking the officials about this. My understanding is that the regulations introduced by Shane Ross in the previous Administration have been commenced but I do not believe there has been any enforcement of them. I would not mind getting some background information so we can come back on Report Stage as to what has happened with that legislation. We pass legislation and think the problem is solved but it may not have led to convictions or changed behaviours. I would not mind reviewing the analysis as part of this conversation. It is difficult for us to solve the entire issue around this. The way the legislation is drafted relating to cameras for TII and local authorities is a step in the right direction. We have to introduce the legislation by 6 December. It will take some time to get the balance right in the criminal justice system as to how we use cameras effectively. I am nervous about trying to solve all problems in this one piece of law but I would like to see what impact that legislation has had.

**Chairman:** Regarding amendment No. 62, there was a context in terms of Limerick. Is there a sister element going through justice legislation on it, or is it stand-alone?

**Deputy Eamon Ryan:** It think it is stand-alone.

**Chairman:** Okay. We would welcome if the Minister did that body of work before Report Stage.

Amendment agreed to.

Section 43 deleted.

## SECTION 44

**Chairman:** Amendments No. 59, 60 and 63 to 65, inclusive, in the name of the Minister, are related and may be discussed together by agreement.

**Deputy Eamon Ryan:** I move amendment No. 59:

In page 51, line 18, to delete “and”.

These amendments make some further changes in relation to the BusConnects sections of the Bill. Section 46 amends section 44(6)(iii) of the Dublin Transport Authority Act 2008 to provide that the NTA cannot be interpreted as stepping into the role of a local authority under section 178 of the Planning and Development Act 2000. The section also provides for the insertion of a new subsection 6A into section 44 of the 2008 Act, which relates to the requirement to acquire lands by agreement or by means of a compulsory purchase order for the purpose of mitigating the impact of any public transport infrastructure on the environment generally, any particular site, building or structure, the availability of parking, or trees and landscaping. Following advice from the Attorney General, it is proposed to amend section 46 of the Bill in order to bring more clarity to the new section 44(6A) of the DTA Act 2008. I propose to insert the words “Without prejudice to the generality of subsection 6(ii)” at the start of the new section 44(6A).

This amendment is intended to make clear that this power is without prejudice to existing powers in the Act, given that the NTA already has general powers to acquire land under section 44(6)(ii) of the DTA Act. The current wording of section 46 of the Bill provides that a power exists to relocate or replace the items listed in the section, if necessary with a similar but not identical equivalent, if they need to be demolished or removed in order to provide the necessary public transport infrastructure. The Attorney General has advised that this provision should be reworded by way of an amendment which provides for a specific reference to a power to compulsorily acquire land for the purpose of any mitigation whatsoever, while removing specific references to relocating or replacing existing buildings.

The amendment will still permit compulsory purchase for the purpose of relocating or replacing buildings, but it will not highlight that purpose in order to avoid unreasonable demands being placed on the NTA, with the consequential risk of judicial review if those unreasonable demands are refused. I might go on to the other amendments.

**Chairman:** They are amendments Nos. 63 to 65. Has the Minister dealt with No. 60?

**Deputy Eamon Ryan:** Yes, that is primarily the one I was referring to there.

**Chairman:** Amendments Nos. 63 to 65 are to be discussed as well.

**Deputy Eamon Ryan:** This section provides for the amendment of section 13 of the Roads Act 1993, which deals with responsibilities of road authorities for the maintenance and construction of public roads. We are inserting a new section 13(7A), which will allow a road authority the power to carry out works to reduce, increase or modify specified items within an

existing road or forming part of a road, which may be necessary for the reconfiguration of the road. This is essential for the BusConnects project, given the need for core bus corridors, which will require the power to reconfigure some roads.

Section 13(8) is being amended to clarify the powers of the road authority in relation to works on, in, under, or over a road and provides clarity regarding the position on changes to pipes or other similar infrastructure that may currently be considered to be under the road, rather than forming part of the road. This section updates section 13(8) to allow for any structure or infrastructure to be provided on, in, under or over a road, including for the charging of electric vehicles and the provision of information to road users.

The amendments simply reflect the existing practice in relation to maintenance and improvement of public roads and the installation of infrastructure beneath public roads. The items listed in this amendment to 13(8) are those required to be undertaken in relation to BusConnects and in respect of which there appears to be a current gap in terms of spelling out these powers of a road authority to undertake these works, which exist as a matter of course for other undertakers.

The insertion of a new subsection (11) provides that subsection (10) of section 13 of the Roads Act will not be applicable to the NTA when it is exercising the powers of a road authority in accordance with the Dublin Transport Authority Act 2008. Section 13(10) provides that a road authority can give consent to a person to undertake specific actions in relation to a road, subject to such conditions, restrictions or requirements as the road authority thinks fit.

Given that the authority is exercising the powers of a road authority in accordance with subsection (2)(b) or (5)(a) of section 44 of the Dublin Transport Authority Act 2008, but is not a road authority, it was considered that section 13(10) should not apply to the NTA, as to apply that section could lead to the authority having to apply to the road authority for consent.

Amendment No. 64 deletes “mitigating” and substitutes “taking any measure whatsoever that may be reasonably required to mitigate, directly or indirectly,”. It gives the NTA and the BusConnects team responsible for delivery greater flexibility in the measures they take. I dealt with that at some length in the description I gave.

**Deputy Brian Leddin:** In respect of amendment No. 64, will the Minister explain the extent of the Dublin Transport Authority Act? Are we talking about places within Dublin or does the range go outside Dublin? That is the first question. Second, it seems to give compulsory purchase power to the authority to mitigate the impact of public transport infrastructure by purchasing land. I would argue it should include active travel infrastructure as well. It applies, for example, if there is an impact on the availability of parking. I am not sure that power is consistent with what we are trying to achieve. We cannot say parking is being removed here and we will provide it in some other place and acquire somebody’s land to do so. This could be looked at.

**Deputy Steven Matthews:** It was a similar question about the extent of that. I hear the positive sounds coming out of Cork about Cork BusConnects and the investment in its rail system. Would there need to be an amendment to extend this to Cork, Galway or Limerick?

**Deputy Eamon Ryan:** We spoke about how TII was formed through the merger of the NRA and the RPA and how the NTA came from the Dublin Transportation Office. While the legislative provisions on what the NTA can do in Dublin differ from those setting out what it can do in other cities like Cork, Galway, Waterford and Limerick, I understand that the Bill will



provide it the same flexibility in BusConnects projects in those cities as it has in Dublin. The NTA has a different remit outside the greater Dublin area. For example, it has a remit over the development and deployment of the greater Dublin area transport strategy, but it does not have quite the same legislative powers in respect of the authorities in Limerick and elsewhere. My understanding from the officials is that the flexibility we are creating in this Bill to deliver bus corridors will apply in those cities in the same way as it does in Dublin.

**Deputy Brian Leddin:** I wish to ask about giving compulsory purchase order, CPO, powers over private land to provide car parking. I am not sure that this is something that we should be empowering road authorities to do. Notwithstanding that point, it seems to me that this power should extend to active travel infrastructure as well as public transport infrastructure.

**Deputy Eamon Ryan:** The Deputy is right on that point. BusConnects is probably misnamed and should be “Sustainable Mobility Connects”. This is not just about providing better services. It is also about providing safer and quicker cycling and pedestrian environments and better public rail, enhancing local communities and providing commuting services. This is not just about bus infrastructure. It is about managing the carriageway for a variety of road users, including pedestrians.

What was the Deputy’s first question?

**Deputy Brian Leddin:** It was on compulsorily purchasing land.

**Deputy Eamon Ryan:** One could read that as a charter for widespread provision of additional parking. The BusConnects projects that I have seen to date require flexibility in certain instances. Sometimes, this is to relocate parking. At other times, it is to restrict parking. I have yet to see a BusConnects proposal that involves a major increase in on-street parking facilities. I see this legislative provision as giving the flexibility to adapt as opposed to creating a large increase in parking infrastructure.

**Deputy Brian Leddin:** I have yet to see a situation where public land could not be used for providing that parking, if required. This provision goes further, though, and gives the power to acquire private land in order to provide parking. That is a step too far and is not consistent with reallocating road space in public space. I would not like it if my front garden was commandeered to replace some parking that was lost as a-----

**Deputy Eamon Ryan:** The Deputy is right. The first BusConnects projects are going through the planning system in Dublin as we speak. We are already starting to see some of the benefits even before the core corridor infrastructure changes. With the introduction of the H-spine to Howth, the C-spine to Lucan and others, for example, we are seeing increased patronage, better services and so on. We have often seen an inability to deliver infrastructure, particularly in a timely manner. We are restricted in what can be done and everything is subject to such judicial review that nothing gets done. This Bill is designed within the proper limits of our planning system and so on to give our local authorities and the NTA the ability to progress what we need to do.

**Deputy Brian Leddin:** Amendment No. 65 deletes five lines. This part of the section looked positive to me. If an existing building, structure or amenity was removed as part of the development of a public transport project, the local authority would have had the power to replace it. However, amendment No. 65 is proposing to remove that power. I would have thought that the paragraph was a positive element of the section.

**Deputy Eamon Ryan:** I am sorry. I am trying to understand the Deputy's concern.

**Deputy Brian Leddin:** The subsection reads:

a compulsory purchase order made ... for the purpose of mitigating the impact of any public transport infrastructure provided on the environment generally or on—

(a) any particular site, building or structure,

(b) the availability of parking, or

(c) trees, landscaping and planting,

in particular, where appropriate, by relocating or replacing (if necessary with a similar but not identical equivalent) an existing building, structure or amenity, or any part of such a building, structure or amenity

Amendment No. 65 proposes to delete from “in particular” onwards, essentially removing the authority's power to replace an existing building, structure or amenity that has been removed as part of the compulsory purchase of land for the purpose of public transport.

**Deputy Eamon Ryan:** I understand better. I thank the Deputy. The Attorney General has advised us that this provision should be reworded by way of an amendment that provides for a specific reference to a power to acquire land compulsorily for the purpose of any mitigation whatsoever. In other words, the provision should not be so prescriptive that one might find oneself having less capability or flexibility. In removing the specific references, the amendment gives greater flexibility to the NTA to manage this process in a coherent way.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 60:

In page 51, line 19, to delete “road.”,” and substitute the following:

“road, and

(d) any land or substratum of land on which any of the foregoing is situated.”,”.

Amendment agreed to.

Section 44, as amended, agreed to.

## NEW SECTION

**Chairman:** Amendments Nos. 61, 75 and 77 are related. Amendment No. 77 is consequential on amendment No. 75. Amendments Nos. 61, 75 and 77 will be discussed together.

**Deputy Eamon Ryan:** I move amendment No. 61:

In page 52, between lines 8 and 9, to insert the following:

### “Amendment of section 19 of Act of 1993

**45.** Section 19(1) of the Act of 1993 is amended by the insertion of the following paragraph after paragraph (c):

“(cc) prepare, or arrange for the preparation of, schemes for the provision of a safe and efficient network of recharging infrastructure and refuelling infrastructure for such zero to low emission vehicles as the Minister may prescribe and provide and maintain, or secure the provision and maintenance of, such a network;”.”.

Amendment No. 75 inserts a new miscellaneous Part 15 into the Road Traffic and Roads Bill 2021. Section 56 of this new Part concerns functions of the Minister for Transport in respect of zero-to-low-emission vehicles. This new section, along with the associated amendments in this group, are related to the establishment of an office of low-emission vehicles, as recommended in the electric vehicles policy pathway report that was published last September and mandated under action No. 274 of the Climate Action Plan. Preparations are under way in my Department to establish this office, to be known as “Zero Emission Vehicles Ireland”, or “ZEVl”, which will play an important role in our transition to zero-emission vehicles. ZEVl will have a broad remit in support of the Government’s goal of achieving almost 1 million electric vehicles, EVs, on Irish roads by 2030 and will play an important role in Ireland’s transition to zero-emission vehicles by co-ordinating measures to support the uptake of EVs and the roll-out of charge point infrastructure. It will work across the government and society to support this transition. Its operations will include: supports for EV uptake; infrastructure delivery; strategy; and policy lead, including in respect of taxation and regulation, research and innovation, communications and public and stakeholder engagement. ZEVl will have an objective voice on EVs, providing advice to the public and private sectors and carrying out significant stakeholder engagement.

Currently, ZEVl’s functions are split across four organisations: my Department; the Sustainable Energy Authority of Ireland, SEAI; the NTA; and TII. It is intended that these functions will continue to be delivered by the named organisations but under the umbrella of the new office, which will bring these policy and delivery functions into one hybrid organisation with a single identity and focus to enable delivery of the ambitious EV targets under the Climate Action Plan.

I anticipate that ZEVl will be established in my Department next month. To facilitate the establishment of the office within my Department, the new sections 56(1) and 56(2) give the Minister for Transport new statutory functions in relation to zero- to low-emission vehicles and the related charging and refuelling infrastructure to enable him or her, as the case may be, to establish ZEVl to operate in the EV and infrastructure space. ZEVl will be mandated to promote and seek to accelerate the uptake of EVs and to promote, increase and develop public awareness of such vehicles and the availability of the related infrastructure to support this uptake.

In this context, the new section 56(3) sets out a number of actions the Minister for Transport, essentially ZEVl, may take, as required, to achieve these objectives. The Minister may assist in the provision of recharging and refuelling infrastructure, carry out EV and infrastructure training and research, promote and assist research of new EV technologies, advise on design, standards, accessibility, operation and use of EVs and related infrastructure and, critically, engage with key stakeholders with regard to electricity network development requirements to facilitate EV infrastructure.

In parallel to the foregoing, amendment No. 61 inserts a new section 45, which in turn amends section 19(1) of the Road Traffic Act 1993 concerning the specific functions of the NRA by inserting a new section 19(1)(cc) to confer a new function on the NRA or, more specifically, TII. This section will enable TII to prepare schemes for the provision of recharging and refuelling infrastructure for zero to low-emission vehicles in relation to national roads or

proposed such roads. TII will be empowered to provide and maintain this network. The Minister for Transport may prescribe, by regulation, the vehicles in respect of which one or more refuelling or recharging networks will be delivered by TII. The purpose of this amendment is to enable TII to deliver EV charging infrastructure on the national roads network in the context of its role as a roads authority

Government amendment No. 77 provides for the consequent amendment of the Long Title to the Bill arising from the proposed inclusion in the Bill of matters relating to new functions for the Minister for Transport in respect of zero- to low-emission vehicles and related infrastructure.

**Chairman:** ZEVI sounds like a brand of clothes. It is zero emissions vehicles Ireland, is it?

**Deputy Eamon Ryan:** That is right.

**Chairman:** What will be its structure? Will it be a stand-alone body? Will it have to be provided for under legislation? Will it be within the Department?

**Deputy Eamon Ryan:** It will be within the Department initially but I expect that it will end up with TII.

**Chairman:** Is it up and running?

**Deputy Eamon Ryan:** No. We will establish it next month.

**Chairman:** Does the Minister have an idea of the staff complement and the roles they will take up?

**Deputy Eamon Ryan:** We do. This has effectively moved from the Department of the Environment, Climate and Communications to the Department of Transport, which I believe was appropriate. It is a key-----

**Chairman:** This is a completely new section, however.

**Deputy Eamon Ryan:** Yes.

**Chairman:** Will its remit include the roll-out of EV charging points?

**Deputy Eamon Ryan:** As I set out in the introduction, yes. However, it will not just be about charging points but a whole range of initiatives to accelerate our switch away from the use of fossil fuels.

**Chairman:** The Minister will appreciate that the committee will very much look forward to having ZEVI and its staff come before us. Will it be headed up by an assistant secretary? What will be the status of its head?

**Deputy Eamon Ryan:** At the present time, it is a principal officer.

**Chairman:** Obviously, it is something the committee is very interested in. We welcome the measure. It is something we will take up in a general sense.

**Deputy Steven Matthews:** I will speak to amendment No. 75. It is a positive amendment. I do not need to list the benefits of electric vehicles, especially with regard to emissions. This refers to carbon emissions but we also have to consider air pollution and noise pollution. I won-

der if there is an opportunity to address within the Bill the issue of internal combustion engines idling. It is particularly problematic where vehicles are congregating around schools. Is there an opportunity in the Bill to address the issue of leaving engines idling for periods of time at specific locations?

I have another comment. In encouraging the uptake of electric vehicles, which rolling out the network will do, we have to ensure that we are not encouraging extra-large electric vehicles onto our roads. These take up an unnecessary amount of space and the extra weight they carry makes them less efficient. There seems to be a general move among car purchasers in Ireland to go for those larger vehicles. This is probably more of a policy issue than something to cover within legislation but there are probably legislative changes that could be made to disincentivise the purchase of unnecessarily large EVs and to encourage the purchase of much more suitable EVs for personal use.

**Deputy Brian Leddin:** I support Deputy Matthews's comments. I welcome the amendment. There might be an opportunity to go a bit further. Electric bikes and cargo bikes are electric vehicles as well. We could get into that space. Deputy Matthews talked about smaller and lighter vehicles. The main driving force - pardon the pun - with respect to vehicular transport should be the smaller, the lighter and the slower. There are all kinds of very good reasons to go in that direction and I believe we can go a little bit further here. If the Minister is agreeable, we might come back with some proposals on Report Stage.

In this section, section 45, there is an interesting part on An Bord Pleanála. It states that it "shall approve a scheme, or a proposed road development, that contravenes materially any development plan or any local area plan [...] only if it considers that one of the following is the case:" before listing four scenarios, any one of which can apply. The first is that "the scheme or proposed road development is of strategic, regional or national importance". The second is that "there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the scheme or proposed road development is concerned". The third relates to the Dublin Transport Authority Act 2008, the regional, spatial and economic strategy for the area and any statutory obligations therein. The fourth is that "the scheme or proposed road development should be approved having regard to the pattern of development, and planning permissions granted, in the area since the making of the development plan." It seems that there is very wide scope for this to be misinterpreted or applied in a way that is not intended, especially when one considers the stories around An Bord Pleanála in recent weeks. With the way An Bord Pleanála is set up, a great deal of power is vested in very few people. It seems that this section might cause some difficulty for Ministers down the line. It should be tightened up so that its intent, which I believe relates to BusConnects, is clear before the legislation is passed by the Houses.

**Deputy Darren O'Rourke:** I support Deputy Leddin's point. I have a sense of the intent but, all things considered, I am concerned about the possible interpretation of the text, particularly in the context of current goings-on at An Bord Pleanála. I suggest that it requires a second reading at the very least. It is something we will look at before Report Stage and we may bring forward amendments but I ask the Minister to reflect on it at this juncture.

**Deputy Eamon Ryan:** Deputies raised a variety of different issues. I will start with the last one. As I read it, amendment No. 61 amends that section with regard to An Bord Pleanála. In section 45(19)(1)(cc), we are saying that we would also "prepare, or arrange for the preparation of, schemes for the provision of a safe and efficient network of recharging infrastructure and refuelling infrastructure for such zero to low emission vehicles as the Minister may prescribe



and provide and maintain, or secure the provision and maintenance of, such a network". That amends the same section the Deputy is concerned about, if I am correct on this.

I will go back to the wider point about the BusConnects infrastructure we need to deliver. People will be aware that the Government will have real difficulty in meeting our climate change targets, particularly in transport, which is probably the most challenging area. One of the mechanisms the Government is developing is the acceleration of certain key areas, one of which is sustainable mobility. That will require some of the infrastructure we are looking for to be delivered in a very quick timeframe, especially in towns and cities throughout the country. For that to work, An Bord Pleanála will have to have a critical role because if the ordinary timeframes it takes for us to deliver infrastructure apply, for example, the cycleway to Clontarf being built at present has been in the planning system or process for almost ten years, we will have to accelerate those timeframes.

That has been recognised by the Government through a variety of different factors. We have increased the staffing within the likes of the NTA and our Department to be able to do that work. The Minister for Housing, Local Government and Heritage, Deputy Darragh O'Brien, has also recognised that An Bord Pleanála needs enhanced staffing and other resources, especially in the public planning realm and ecology, including the transport planning and marine planning side, to be able to deliver quick decisions, particularly on projects that will be central to meeting our climate targets. We have set up a special acceleration team to look at this. We are looking for projects within local authorities throughout the country that might be what could be called pathfinder projects, which can be delivered very quickly at low cost. Obviously, these have to be within our planning system and planning structures but it will require An Bord Pleanála to play its part in making sure such decisions are given very quick attention and that it has the resources in place to be able to turn around decisions. This cannot come from the top down and it cannot ignore local and public interests. It has to come from the local authorities. It has to be from the councillors themselves looking at what the examples might be in their towns, cities or villages.

That transformative approach to accelerate development will characterise where we are at present. The historical approach, which was very much based on roads and a sprawled, ever-outwards development model, will not work in a low-carbon environment. The overriding legislation behind all this is our climate law, as well as European law, which requires us to meet these targets. If we fail to do so in transport, we will have to introduce policy measures to go quicker and faster. The historical concern the Deputy has would be the case if the situation continues, but it will not be the defining characteristic.

I will briefly address the issue of idling vehicles raised by Deputy Matthews. Many of those measures, and some of the regulations, are sometimes best done at European level where, for example, new cars could have mechanisms whereby they are switched off. Certain cars already do that. However, the wider reality is, and I expect it will come up at the European Council meeting next week, Europe is moving towards a stage where there will be no new combustion engine vehicles by 2035. There has to be recognition that we are going towards better electric vehicles. It would be terrible for us if we just replaced a fossil fuel vehicle fleet with a heavy vehicle fleet that used up a lot of other resources, be those rare earths, lithium or other batteries. What the Deputy said about the need to make sure we are very efficient in our transport system is true. It is not just about replacing all of one type of car with another type of car. As the Deputy said, the characteristics of our current fleet, where almost half the private cars last year were heavy vehicles by any definition, will not work.

This Bill cannot solve all those problems. This specific amendment No. 61 relates to the

EV charging infrastructure I mentioned, as well as the creation of an EV office. Those wider concerns are best addressed elsewhere.

**Deputy Brian Leddin:** Does this EV office include zero emission vehicles such as bikes, e-bikes and e-cargo bikes? Does its remit cover those as well?

**Deputy Eamon Ryan:** It will also cover e-mobility.

**Deputy Brian Leddin:** On the other point in respect of the section on An Bord Pleanála, the way it reads, it does not refer to sustainable or public transport infrastructure at all. It states: “a proposed road development”. It can be seen how in some future scenario this gives An Bord Pleanála not just the power but creates a requirement to approve a proposed road development that contravenes a development plan or local area plan, if any one of those conditions is satisfied. That needs to be looked at.

**Deputy Darren O’Rourke:** I will come back on that. It is still my read of section 45 that it gives significant power to An Bord Pleanála. To be honest, I thought this was one of the pieces that was going to be substantially amended between Second Stage and Committee Stage. I will again raise a concern about the potential for unintended consequences. I suggest the Minister consider the various perspectives that have been raised at the committee. I also restate that on Report Stage we may table an amendment following consultation with colleagues.

**Chairman:** I will speak to section 45. As it currently stands, where does the planning regulator stand in all this? Has the Attorney General’s advice been sought on section 45, given that it states, “An Bord Pleanála shall approve a scheme, or a proposed road development, that contravenes materially any development plan or any local area plan ... only if it considers that one of the following is the case”? I would have thought it highly unlikely a local authority would put a proposal to An Bord Pleanála that contravenes its own development plan. This is something that will probably come from TII or the Department of Transport. The section goes on to set out that these conditions are that: “the scheme or proposed road development is of strategic, regional or national importance; (b) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the scheme or proposed road development is concerned; (c) the scheme or proposed road development should be approved having regard to the transport strategy...; (d) the scheme or proposed road development should be approved having regard to the pattern of development, and planning permissions granted, in the area since the making of the development plan.” What is the purpose behind this section?

**Deputy Eamon Ryan:** The main purpose is to support the NTA rather than TII. On the various roles, as was mentioned earlier, TII has a key strategic role in the national roads network and the likes of delivering major rail projects and greenways. The key purpose of this whole section is around the provision of sustainable mobility measures in our cities. As I said, that will be a critical role of the NTA and the local authorities, which are key. We will not force it from the top down. The funding will be made available to those local authorities that want to be proactive. There may be specific examples, however, although only in very limited circumstances, where An Bord Pleanála may decide. The section could be read in different ways, but the way it is drafted reflects the need to give An Bord Pleanála such powers where “the scheme or proposed road ... is of strategic, regional or national importance”. The key strategic national objectives we now have to deliver are the reduction in emissions, the increase in the shifting modes-----

**Chairman:** I accept that but, in terms of the practical import, development plans are going



through up and down the country at present. Those plans go before the national planning regulator - I may not be calling it by the correct name. In many cases, the regulator is coming back with, in effect, certain issues with development plans. That body has a major input. If there is a particular thing from the NTA, and a plan that has been overseen by the planning regulator nationally, how does that sit with a body such as the NTA making a proposal that contravenes a development plan, when we now have a national regulator that has significant input into all development plans? It is really just a question in terms of practical input. Does Deputy Matthews wish to come in?

**Deputy Steven Matthews:** My comment is on section 45 as well. The way it reads to me, I understand that one of either options (a), (b), (c) or (d), applies. The language is quite strong in saying the board “shall approve a scheme”. I think either option (a), (b), (c) or (d) should be covered by a caveat saying this scheme does not contribute to increasing emissions or does not encourage disproportionate private vehicle use. Something should cover that off. It can be any one of option (a), (b), (c) or (d) but it also needs to have the cover of saying this scheme will not increase transport emissions excessively or whatever the wording might be. That might be something that should be looked at.

**Deputy Eamon Ryan:** The powers of An Bord Pleanála to give approvals that are in material contravention to a development plan are circumscribed in legislation in a manner that may not include BusConnects projects. It is desirable that we address this opportunity to make sure BusConnects projects are not left out. This is to make sure we can actually deliver those sustainable mobility projects.

In determining any application for approval under section 51 of the Roads Act, boards must have regard to development and local area plans. If the BusConnects project infrastructure is not contemplated by the relevant development plans and local authority board, it could be seen as being in contravention of such plans. It is just to make sure.

I want us to be able to deliver the sustainable mobility BusConnects infrastructure in a timely manner and make sure An Bord Pleanála is not constrained in that regard. That is the reason. The Attorney General’s office was central in advising, supporting and recommending some of these suggestions to make sure we do not have any gap in the capability.

**Chairman:** I understood a review is currently being undertaken by the Attorney General’s office around the area of planning infrastructural projects. Did the Minister consider how that would fit into this particular amendment? Is it something that will be catered for in that review by the Attorney General as distinct from having a specific section within the Road Traffic and Roads Bill, that is, section 45?

**Deputy Eamon Ryan:** The Chairman is right. That piece of work by the Attorney General’s office is critical. In truth, our Planning and Development Act 2000 has been amended so many times and there are so many internal contradictions within it that it can make it very difficult to build anything in our country at present.

**Chairman:** Is there a case for awaiting the outcome of that particular review before the Minister proceeds with the amendment concerning this particular section?

**Deputy Eamon Ryan:** We must remember that the Attorney General’s office, which was centrally involved in the revision of that planning legislation, was also centrally involved in the drafting of these provisions. I am confident it will fit in with section 45.

**Chairman:** Was section 45 run by the Attorney General's office?

**Deputy Eamon Ryan:** Absolutely. It came from the Attorney General's office.

Amendment agreed to.

Section 45 agreed to.

#### NEW SECTION

**Deputy Eamon Ryan:** I move amendment No. 62:

In page 52, between lines 32 and 33, to insert the following:

**“Use of cameras on roads to obtain data**

**46.** The Act of 1993 is amended by the insertion of the following section after section 76:

**“Use of cameras on roads to obtain data**

**77A.** (1) A road authority may set up and operate cameras on any public road, other than a national managed road, situated in its functional area for any of the following purposes:

- (a) the safe and efficient management, operation and use of public roads, including traffic management and providing information to the public;
- (b) charging and collecting tolls and the operation of toll roads;
- (c) the deterrence, prevention, investigation and detection of criminal offences, including road traffic offences;
- (d) any other purpose prescribed by the Minister.

(2) The Authority may set up and operate cameras on any national road for any of the purposes specified in paragraphs (a) to (d) of subsection (1).

(3) The Minister may provide by regulations that the exercise by a road authority of a power in subsection (1) or by the Authority of a power referred to in subsection (2) be subject to authorisation by the Minister or to conditions, and such regulations may prescribe criteria by which the Minister may grant or refuse such authorisation and conditions subject to which the Minister may grant an authorisation or subject to which the powers may be exercised without authorisation.

(4) Each road authority shall publish, and update, a schedule of cameras in operation on any road situated in its functional area for any of the purposes specified in paragraphs (a) to (d) of subsection (1) as soon as possible after this section comes into operation and then in such manner and at such times as the Minister prescribes.

(5) The Authority shall publish, and update, a schedule of cameras in operation on any national road for any of the purposes specified in paragraphs (a) to (d) of subsection (1) as soon as possible after this section comes into operation and

then in such manner and at such times as the Minister prescribes.

(6) The Minister may, by regulations, provide for data obtained using cameras operated by or on behalf of a road authority or the Authority on public roads to be processed and to be provided to any of the following persons, or for any of the following persons to be given access to such data, for any of the purposes specified in paragraphs (a) to (d) of subsection (1):

- (a) a local authority;
- (b) the Authority;
- (c) the Garda Síochána;
- (d) the National Transport Authority;
- (e) the Road Safety Authority;

(f) any other person to whom the Minister considers that it is necessary, for any of the purposes specified in paragraphs (a) to (d) of subsection (1), that the data or access to the data be provided or given, and so prescribes.

(7) Regulations under subsection (6) may provide that data only be provided to persons, or access to data only be given to persons, on specified conditions.

(8) Regulations under subsection (6) may provide for the entry into data-sharing agreements between a road authority, or the Authority, and persons to whom data is to be provided or access to data is to be given, which agreements shall specify:

- (a) the personal data to be provided, and to which access is to be given,
- (b) how personal data provided or to which access is given is to be processed after it has been provided or such access has been given,
- (c) that a data protection impact assessment be carried out under section 84 of the Data Protection Act 2018,
- (d) the security measures to apply to the transmission, storage and accessing of data to which the agreement applies (in a manner that does not compromise those security measures),
- (e) requirements in relation to the retention of—
  - (i) data provided or to which access is given, and
  - (ii) information resulting from the processing of that data, for the duration of the agreement and in the event that the agreement is terminated,
- (f) the method to be employed to destroy or delete—
  - (i) data provided or to which access is given, and
  - (ii) information resulting from the processing of that data, at the end of the period for which the data is to be retained in accordance with the

agreement,

and

(g) the procedure in accordance with which a party may withdraw from the agreement.

(9) The Minister may prescribe suitable and specific measures to be taken by a road authority or the Authority to safeguard the fundamental rights and freedoms of data subjects in processing personal data of those subjects and that enable processing of such data only in so far as is necessary and proportionate for the purposes for any of the purposes specified in paragraphs (a) to (d) of subsection (1).

(10) The Minister may prescribe measures to safeguard data obtained using cameras operated by or on behalf of a road authority or the Authority on public roads, or provided or to which access is given under this section, including any of the following:

(a) limitations on access to the data undergoing processing within a workplace in order to prevent unauthorised consultation, alteration, disclosure or erasure of personal data,

(b) time-limits for the erasure of data and mechanisms to ensure that such limits are observed,

(c) specific targeted training for those involved in processing operations, and

(d) having regard to the state of the art, the context, nature, scope and purposes of data processing and the likelihood of risk to, and the severity of any risk to, the rights and freedoms of data subjects—

(i) logging mechanisms to permit verification of whether and by whom the personal data have been consulted, altered, disclosed or erased,

(ii) in cases in which it is not mandatory under Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016, designation of a data protection officer,

(iii) pseudonymisation of the data, and

(iv) encryption of the data.

(11) The Minister may issue guidelines relating to the operation of this section and may amend or cancel any such guidelines and any person carrying out a function under this section shall have regard to such guidelines.

(12) The Minister may make such further regulations as the Minister considers necessary for the purposes of enabling this section to have effect.

(13) Nothing in this section shall affect an authorisation under section 38 of the Garda Síochána Act 2005.”.”.

Amendment agreed to.

#### SECTION 46

**Deputy Eamon Ryan:** I move amendment No. 63:

In page 52, line 38, to delete “Land” and substitute “Without prejudice to the generality of subsection (6)(ii), land”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 64:

In page 52, line 40, to delete “mitigating” and substitute “taking any measure whatsoever that may be reasonably required to mitigate, directly or indirectly,”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 65:

In page 53, to delete lines 5 to 10 and substitute the following:

“(c) trees, landscaping and planting.”.

Amendment agreed to.

Section 46, as amended, agreed to.

#### NEW SECTIONS

**Deputy Eamon Ryan:** I move amendment No. 66:

In page 53, after line 13, to insert the following:

“PART 14

#### MANAGEMENT OF CERTAIN ROADS AND SPEED LIMITS

##### **Amendment of section 2 of Act of 1993 – national managed road**

**47.** Section 2 of the Act of 1993 is amended by the insertion of the following definition after the definition of “national road”:

“ ‘national managed road’ means a national road or a proposed national road, or any part thereof, which is designated as a national managed road under section 10A;”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 67:

In page 53, after line 13, to insert the following:

##### **“National managed road**

**48.** The Act of 1993 is amended by the insertion of the following section after section 10:

**“10A.** The Minister may by order designate a national road or a proposed national road, or any part thereof, as a ‘national managed road’.”.”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 68:

In page 53, after line 13, to insert the following:

**“Amendment of section 47 of Act of 1961**

**49.** Section 47 of the Act of 1961 is amended—

- (a) in subsection (2A), by the deletion of “has been”, and
- (b) in subsection (3)—
  - (i) in paragraph (f), by the substitution of “,” for “, or”,
  - (ii) in paragraph (g), by the substitution of “, or” for “.”, and
  - (iii) by the insertion of the following paragraph after paragraph (g):

“(h) a variable speed limit.”.”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 69:

In page 53, after line 13, to insert the following:

**“Amendment of section 95 of Act of 1961**

**50.** Section 95 of the Act of 1961 is amended—

- (a) in subsection (1)—
  - (i) by the insertion of the following definition before the definition of “road regulation”:

“ ‘national road’ and ‘national managed road’ each has the same meaning as it has in the Roads Act 1993.”,
  - (ii) by the substitution of the following definition for the definition of “provide”:

“ ‘provide’ includes erect or place, maintain and (in the case of a device or an instrument for giving or displaying signals) operate or put into operation and cognate words shall be construed accordingly;”,

and
  - (iii) by the substitution of the following definition for the definition of “traffic sign”:

“ ‘traffic sign’ means any sign, device, notice or road marking, or any

instrument for giving or displaying signals by mechanical, electronic, electromechanical or other means, which does one or more of the following in relation to a public road or public roads:

(a) gives information (such a sign being referred to in this section as ‘an information sign’),

(b) warns persons of danger or advises persons of the precautions to be taken against such danger, or both (such a sign being referred to in this section as ‘a warning sign’),

(c) indicates the existence of a road regulation or implements such a regulation, or both, or indicates the existence of a provision in an enactment relating to road traffic (such a sign being referred to in this section as ‘a regulatory sign’);”,

(b) in subsection (2)(a), by the deletion of “, if he so thinks fit,”,

(c) in subsection (3), by the insertion of “, other than national managed roads,” after “in their charge” in both places where it occurs,

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

“(3A) (a) The National Roads Authority may provide in respect of national managed roads such information signs and warning signs as it considers desirable.

(b) The National Roads Authority may after consultation with the Commissioner, provide in respect of national managed roads such regulatory signs as it considers desirable.”,

(e) in subsection (5)—

(i) in paragraph (a), by the insertion of “, other than national managed roads,” after “in their charge”, and

(ii) in paragraph (b), by the insertion of “from any public road in their charge, other than a national managed road,” after “remove any regulatory sign”,

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

“(5A) (a) The National Roads Authority shall provide in respect of national managed roads such regulatory signs as may be requested by the Commissioner, in the positions indicated by him or her, and shall, as respects any traffic signs so provided, carry out any periodical transfers from place to place and any alterations and removals which he or she may request.

(b) The National Roads Authority shall, at the request of the Commissioner, remove any regulatory sign from a national managed road that the Commissioner considers has been provided in a manner or at a location that might adversely affect the safety of road users.”,

(g) in subsection (6), by the substitution of “land adjacent to a public road, other than a national managed road, but not forming part of such road” for “land adjacent



to but not forming part of a public road”,

(h) by the insertion of the following subsection after subsection (6):

“(6A) Where the provision by the National Roads Authority of a traffic sign on land adjacent to but not forming part of a national managed road is reasonably necessary, the National Roads Authority may, after at least twenty-one days’ notice, given by registered post to the occupier (if any) of the land and to every (if any) person interested in the land whose existence, name and address can be ascertained by the National Roads Authority by reasonable enquiries, enter and provide the traffic sign on the land.”,

(i) by the substitution of the following subsection for subsection (7):

“(7) Where a traffic sign is provided by a road authority under subsection (6) or the National Roads Authority under subsection (6A), any person interested in the land may at any time, on giving notice of his or her intention so to do to the road authority or, as the case may be, the National Roads Authority, apply to the Minister to direct the removal of the traffic sign.”,

(j) in subsection (9), by the insertion of “or, as the case may be, the National Roads Authority,”,

(k) in subsection (10), by the insertion of “(other than a national managed road)” after “a public road”,

(l) by the insertion of the following subsection after subsection (10):

“(10A) A person other than the National Roads Authority shall not provide a traffic sign visible from a national managed road without the consent of the National Roads Authority.”,

(m) by the substitution of the following subsection for subsection (11):

“(11) The occupier or (in the case of unoccupied land) the owner of land on which a traffic sign is provided in contravention of subsection (10) or (10A) shall be guilty of an offence and, in any prosecution for an offence under this subsection and notwithstanding any other provision of this Act, the traffic sign shall be presumed, until the contrary is shown by the defendant, to have been provided by a person other than a road authority or the National Roads Authority and without the consent of the road authority having charge of the road or the National Roads Authority.”,

(n) in subsection (12), by the insertion of “or (6A)” after “subsection (6)”,

(o) in subsection (13), by the insertion of “or the National Roads Authority” after “a road authority”,

(p) by the insertion of the following subsection after subsection (14):

“(14A) A person who provides a sign, device, notice or light in contravention of subsection (14) of this section shall be guilty of an offence.”,

and

(q) in subsection (16), by the insertion of “or by the National Roads Authority” after “by a road authority”.”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 70:

In page 53, after line 13, to insert the following:

**“Amendment of section 2 of Act of 2004**

**51.** Section 2 of the Act of 2004 is amended—

(a) by the insertion of the following definitions after the definition of “built up area”:

“ ‘chief executive’, in relation to a county council or city council, means a chief executive for the purposes of section 144 of the Local Government Act 2001;

‘Chief Executive of the National Roads Authority’ means a person—

(a) directed under section 28(1)(b) of the Roads Act 1993 to perform the functions referred to in section 29(2) of that Act, or

(b) appointed under section 29 of the Roads Act 1993;”,

(b) by the insertion of the following definition after the definition of “Minister”:

“ ‘national managed road’ has the same meaning as it has in the Roads Act 1993;”,

and

(c) by the insertion of the following definitions after the definition of “Principal Act”:

“ ‘road works speed limit’ means a speed limit applied by—

(a) the chief executive of a county council or a city council under section 10, or

(b) the Chief Executive of the National Roads Authority under section 10A;

‘road works speed limit order’ means an order made by—

(a) the chief executive of a county council or a city council under section 10, or

(b) the Chief Executive of the National Roads Authority under section 10A;

‘special speed limit’ means a speed limit specified by—

(a) a county council or a city council in bye-laws under section 9,  
or

(b) the National Roads Authority in bye-laws under section 9A;

‘special speed limit bye-laws’ means bye-laws made by—

(a) a county council or a city council under section 9, or

(b) the National Roads Authority under section 9A;”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 71:

In page 53, after line 13, to insert the following:

**“Amendment of section 9 of Act of 2004**

**52.** Section 9 of the Act of 2004 is amended—

(a) in subsection (1)—

(i) by the deletion of “(‘special speed limit bye-laws’), and “(‘special speed limit’), and

(ii) by the insertion of “other than a national managed road, part of a national managed road or carriageway or lane of a national managed road” after “specified carriageway or lane of a public road”,

(b) in subsection (2)—

(i) in paragraph (a), by the substitution of “section 10D” for “this section”, and

(ii) in paragraph (f), by the substitution of “section 10D” for “subsection (9)”,

(c) by deleting subsection (6),

(d) by the deletion of subsection (9),

(e) in subsection (11), by inserting “under this section” after “special speed limit bye-laws”, and

(f) in subsection (12), by inserting “under this section” after “special speed limit bye-laws”.”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 72:

In page 53, after line 13, to insert the following:

**“Special speed limits on national managed roads**

**53.** The Act of 2004 is amended by the insertion of the following section after section 9:

**“9A.** (1) The National Roads Authority may make bye-laws specifying in respect of any specified national managed road or specified part of a national managed road or specified carriageway or lane of a national managed road, the speed limit which shall be the speed limit on that road or those roads for mechanically propelled vehicles.

(2) The special speed limits that may be specified in bye-laws under this section are—

- (a) (i) 20 kilometres per hour,
- (ii) 30 kilometres per hour,
- (iii) 40 kilometres per hour,

in respect of a national managed road or nationally managed roads in accordance with guidelines issued by the Minister under this Part,

(b) 50 kilometres per hour, in respect of any national managed road other than a national managed road in a built-up area,

(c) 60 kilometres per hour,

(d) 80 kilometres per hour, in respect of a national managed road that is—

- (i) a motorway,
- (ii) a national road, or
- (iii) in a built-up area,

(e) 100 kilometres per hour, in respect of a national managed road that is—

- (i) a motorway, or
- (ii) in a built-up area,

and

(f) 120 kilometres per hour, in respect of a dual carriageway that forms part of a national managed road that—

- (i) is a national road, and
- (ii) is not a motorway,

in accordance with guidelines issued by the Minister under this Part.

(3) Before making special speed limit bye-laws pursuant to subsection

(1), the National Roads Authority shall give notice to—

(a) the council of any county council or city council concerned of any provision in the proposed bye-laws relating to roads in their respective administrative areas, and

(b) the Commissioner,

and shall consider any representations made in writing by any such council or the Commissioner where they are received within the period (not being less than one month after the date of service of the notice) specified in the notice.

(4) Whenever the National Roads Authority, having considered any representations under subsection (3), proposes to make bye-laws under this section, the following provisions have effect—

(a) the National Roads Authority shall publish notice of the proposal at least once in at least 2 daily newspapers published in and circulating in the State or the area to which the bye-laws relate,

(b) the notice shall include—

(i) a statement of the purpose for which the bye-laws are to be made,

(ii) an intimation that a copy of draft bye-laws is open for public inspection at the address stated in the notice, and

(iii) an intimation that any person may submit to the National Roads Authority objections to the draft bye-laws at any time during the period of 30 days commencing on the date of the first publication of the notice,

(c) the National Roads Authority shall, during that period of 30 days, keep a copy of the draft bye-laws open for public inspection during ordinary office hours at the address stated in the notice, and

(d) any person who objects to the draft bye-laws may submit his or her objection to the National Roads Authority in writing at any time during that period of 30 days and the Authority shall consider the objections.

(5) In making special speed limit bye-laws under this section the National Roads Authority may, in the interests of road safety, apply a special speed limit for a specified period or periods during any day or during specified days (such periods and days being indicated in such bye laws) on a specified national managed road or part of it and such special speed limit shall, notwithstanding any other provision in the said bye-laws relating to any such national managed road or part of it, be the speed limit for that national road for that period or periods only.

(6) The Minister may make regulations in relation to all or any of the following matters:

(a) the varying of the speed limits standing specified in subsection (2) and that subsection shall have effect in accordance with any such regulations for the time being in force;

(b) the exemption of a class or classes of mechanically propelled vehicles from a specified speed limit or from all of the speed limits specified or having effect under this section.

(7) Where special speed limit bye-laws under this section apply a special speed limit to a specified national managed road or specified part of a national managed road or specified carriageway or lane of a national managed road, that speed limit does not apply where—

(a) a road works speed limit order is made in respect of, or

(b) a variable speed limit is applied to, that national managed road, part, carriageway or lane.

(8) A document which purports to be a copy of special speed limit bye-laws made under this section and which has endorsed on it a certificate purporting to be signed by an officer of the National Roads Authority stating that the document is a true copy of the bye-laws and that the bye-laws were in force on a specified day, shall, without proof of the signature of such officer or that he or she was in fact such officer, be evidence, until the contrary is shown, in every court and in all legal proceedings, of the bye-laws and of the fact that they were in force on that date.”.”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 73:

In page 53, after line 13, to insert the following:

**“Speed limits at road works on roads other than national managed roads**

**54.** The Act of 2004 is amended by the substitution of the following section for section 10:

**“10.** (1) The chief executive of a county council or a city council may, where he or she considers it is in the interests of road safety on a road, other than a national managed road, or part of such a road, in the administrative area of the county council or city council for which he or she is the chief executive, where road works are being carried out, by order apply to that road or part of it a special limit being a speed limit of not less than 20 kilometres per hour, as the speed limit on the road for mechanically propelled vehicles, in lieu of the speed limit provided or having effect under this Act in respect of the road or motorway or part of it.

(2) An order under subsection (1) is in force for the duration of the road works, subject to no such order having effect for a period of more than 12 months from the date of its making.

(3) The chief executive of a county council or a city council shall not make an order under subsection (1) in respect of a national road without the

prior written consent of the National Roads Authority.

(4) Before making an order under subsection (1), the chief executive concerned shall notify the Commissioner in writing of his or her intention to make the order.

(5) The chief executive shall consider any representations made by the Commissioner in writing and in such manner as the Minister may prescribe received by the chief executive within 1 month, or such other period as the Minister may prescribe in relation to the type of road and type of road works concerned, of the notification under subsection (4).

(6) When a chief executive of a county council or a city council makes an order under subsection (1) he or she shall publish a notice—

(a) in one or more newspapers circulating in the county council or city council to which the order relates, or

(b) in such other manner as the Minister may prescribe in relation to the type of road and type of road works concerned, indicating the location where the order will have effect, the period for which it will have effect and the speed limit being applied through the order.

(7) The chief executive shall have regard to any representations that are made to him or her in relation to the order under subsection (1) prior to making such an order.

(8) A chief executive of a county council or a city council may at any time within the period specified in subsection (2) revoke or amend an order made by him or her under subsection (1).

(9) A document which purports to be a copy of an order made under subsection (1) which has endorsed on it a certificate purporting to be signed by the chief executive of a county council or, as the case may be, a city council, making the order or an officer of the county council or a city council concerned designated by the chief executive stating that the document is a true copy of the order and that the order was in force on a specified day, shall, without proof of the signature of the chief executive or officer or that he or she was in fact such chief executive or officer, be evidence, until the contrary is shown, in every court and in all legal proceedings, of the order and of the fact that it was in force on that date.”.”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 74:

In page 53, after line 13, to insert the following:

**“Amendment of Act of 2004 in relation to national managed roads**

**55.** The Act of 2004 is amended by the insertion of the following sections after section 10:



**“Speed limits at road works on national managed roads**

**10A.** (1) The Chief Executive of the National Roads Authority may, where he or she considers it is in the interests of road safety on a national managed road, or part of a national managed road where road works are being carried out, by order apply to that road or part of it, subject to section 10C, a special limit being a speed limit of not less than 20 kilometres per hour, as the speed limit on the national managed road for mechanically propelled vehicles, in lieu of the speed limit provided or having effect under this Act in respect of the national managed road or part of it.

(2) An order under subsection (1) is in force for the duration of the road works, subject to no such order having effect for a period of more than 12 months from the date of its making.

(3) The Chief Executive of the National Roads Authority shall not make an order under subsection (1) in respect of a national managed road without giving, or causing to be given, prior written notification to the county council or city council, within whose administrative area the road works occur in writing of his or her intention to make the order.

(4) Before making an order under subsection (1) the Chief Executive of the National Roads Authority shall notify the Commissioner in writing of his or her intention to make the order.

(5) The Chief Executive of the National Roads Authority shall consider any representations made by the Commissioner in writing and in such manner as the Minister may prescribe received by the Chief Executive within 1 month, or such other period as the Minister may prescribe in relation to the type of road and type of road works concerned, of the notification under subsection (4).

(6) When the Chief Executive of the National Roads Authority makes an order under subsection (1), he or she shall publish a notice—

(a) in one or more newspapers circulating in the county council or city council to which the order relates, or

(b) in such other manner as the Minister may prescribe in relation to the type of road and type of road works concerned,

indicating the location where the order will have effect, the period for which it will have effect and the speed limit being applied through the order.

(7) The Chief Executive of the National Roads Authority shall have regard to any representations that are made to him or her in relation to the order made under subsection (1) prior to making such an order.

(8) The Chief Executive of the National Roads Authority may at any time within the period specified in subsection (2) revoke or amend an order made by him or her under subsection (1).

(9) A document which purports to be a copy of an order made under subsection (1) which has endorsed on it a certificate purporting to be signed by the Chief Executive of the National Roads Authority or an officer of the National Roads Authority designated by the Chief Executive stating that the document is a true copy of the order and that the order was in force on a specified day, shall, without proof of the signature of the Chief Executive, or the officer or that he or she was in fact the Chief Executive of the National Roads Authority, or such officer, be evidence, until the contrary is shown, in every court and in all legal proceedings, of the order and of the fact that it was in force on that date.

### **Variable speed limits**

**10B.** (1) The National Roads Authority may apply, or cause to be applied, by automated means or otherwise, to any national managed road or any part, carriageway or lane thereof, a special limit (referred to in this Act as a ‘variable speed limit’) being a speed limit of—

(a) not less than 20 kilometres per hour, and

(b) not more than the speed limit otherwise provided or having effect under this Act,

as the speed limit for mechanically propelled vehicles on that national managed road, part, carriageway or lane, in lieu of the speed limit provided or having effect under this Act by displaying the speed limit, or causing it to be displayed, electronically on a traffic sign above or to the side of the national managed road, or part, carriageway or lane thereof.

(2) A variable speed limit is in force for the period during which it is displayed in accordance with subsection (1).

(3) The speed limits that may be applied under this section are—

(a) 20 kilometres per hour,

(b) 30 kilometres per hour,

(c) 40 kilometres per hour,

(d) 50 kilometres per hour,

(e) 60 kilometres per hour,

(f) 70 kilometres per hour,

(g) 80 kilometres per hour,

(h) 90 kilometres per hour,

(i) 100 kilometres per hour,

(j) 110 kilometres per hour,

(k) 120 kilometres per hour,

and different variable speed limits may be applied to different carriageways and different lanes on different parts of the same national managed road.

(4) The Chief Executive of the National Roads Authority may authorise persons to carry out the functions referred to in subsection (1).

(5) In any legal proceedings in which it is shown that a speed limit was displayed electronically on a traffic sign above or to the side of a national managed road, or part, carriageway or lane thereof it shall be presumed until the contrary is shown that the speed limit was displayed in accordance with subsection (1).

(6) A document which has endorsed on it a certificate purporting to be signed by the Chief Executive of the National Roads Authority or a person authorised by the Chief Executive of the National Roads Authority under subsection (4) stating that a variable speed limit applied at a specified location on a specified day, at a specified time or during a specified period, shall, without proof of the signature of the Chief Executive or the person or that he or she was in fact the Chief Executive of the National Roads Authority or so authorised, be evidence, until the contrary is shown, in every court and in all legal proceedings, of the fact that the electronic speed limit applied at that location on that day, at that time or during that period.

(7) Where a speed limit other than a speed limit referred to in subsection (3) is displayed electronically on a traffic sign above or to the side of a national managed road, or part, carriageway or lane thereof such speed limit shall have no effect and the speed limit provided or having effect under this Act shall apply to the road, or part, carriageway or lane thereof.

(8) No action or other proceedings shall lie or be maintainable (except in the case of willful neglect or default) against any officer of, or person authorised by, the National Roads Authority for the recovery of damages in respect of loss of life and personal injury in respect of any injury to persons, damage to property or other loss alleged to have been caused or contributed to by the performance of functions referred to in subsection (1).

### **Variable speed limit schemes**

**10C.** (1) The National Roads Authority may prepare a scheme in relation to the application of variable speed limits to a national managed road or any section, carriageway or lane of a national managed road.

(2) The National Roads Authority shall specify in any scheme prepared under subsection (1)—

(a) the national managed road or the section, carriageway or lane of the national managed road to which the scheme relates,

(b) the speed limits that the Authority intends will be applied to the

road, section, carriageway or lane to which the scheme relates,

(c) information regarding the rationale for applying variable speed limits to the road, section, carriageway or lane to which the scheme relates,

(d) such other information as the National Roads Authority considers relevant to the application of variable speed limits to the road, section, carriageway or lane to which the scheme relates, and

(e) such other information in relation to the application and operation of variable speed limits as the Minister may prescribe.

(3) The National Roads Authority shall publish a draft of any scheme prepared under subsection (1) on its website.

(4) Where the National Roads Authority publishes a draft of a scheme in accordance with subsection (3) it shall give notice of such publication to—

(a) the council of any county council or city council concerned of any part of the scheme that relates to roads in their respective administrative areas, and

(b) the Commissioner,

and shall consider any representations made in writing by such a council or the Commissioner where they are received within the period (not being less than one month after the date of service of the notice) specified in the notice.

(5) Where the National Roads Authority publishes a draft of a scheme in accordance with subsection (3) the following provisions shall have effect:

(a) the National Roads Authority shall publish notice of the publication of the draft scheme in at least 2 daily newspapers published in and circulating in the State or the area to which the proposed scheme relates,

(b) the notice shall state that—

(i) it is intended to apply variable speed limits on a specified national managed road or a section, carriageway or lane of a national managed road,

(ii) a copy of the draft scheme in relation to the road, section, carriage or lane is available for public inspection, and

(iii) any person may make submissions to the National Roads Authority in relation to the draft scheme at any time during the period of 30 days commencing on the date of the first publication of the notice,

(c) the National Roads Authority shall, during that period of 30 days, keep a copy of the draft scheme open for public inspection during ordinary office hours at the address stated in the notice,

(d) any person who wishes may make submissions to the National Roads Authority in relation to the draft scheme in writing at any time during that period of 30 days and the National Roads Authority shall consider the submissions.

(6) Having considered any representations and submissions received in accordance with this section the National Roads Authority may make the scheme with or without amendment and shall publish such scheme on its website.

### **Speed limit guidelines**

**10D.** (1) The Minister may issue guidelines relating to the making of special speed limit bye-laws, road works speed limit orders and variable speed limit schemes and may amend or cancel any such guidelines.

(2) Where guidelines under subsection (1) are, for the time being in force, a county council, city council or the National Roads Authority, as the case may be, shall ensure when they are making any special speed limit bye-laws, road works speed limit orders or variable speed limit schemes that such bye-laws, order or schemes are in accordance with such guidelines.

(3) Any guidelines issued by the Minister under section 9(9) that are in force on the day on which this subsection comes into force shall be deemed to have been made under this section.

### **Ministerial policy directions in relation to certain speed limits**

**10E.** (1) The Minister may, from time to time, give policy directions in writing to a county council, city council or the National Roads Authority with regard to any of its functions that relate to the application and operation of special speed limits, road works speed limits, or variable speed limits and a county council, city council and the National Roads Authority shall comply with any such direction.

(2) Notice of any direction given under subsection (1) and details of it shall be—

(a) laid before each House of the Oireachtas, as soon as may be, after it has been given, and

(b) published in *Iris Oifigiúil* and on a website operated by or on behalf of the Department of Transport not later than 21 days of it being given.”.”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 75:

In page 53, after line 13, to insert the following:

“PART 15

MISCELLANEOUS

**Functions of Minister in relation to zero to low emission vehicles**

**56.** (1) The Minister for Transport (referred to in this section as the “Minister”) shall promote and seek to accelerate the uptake of zero to low emission vehicles.

(2) The Minister shall promote and increase and develop public awareness of zero to low emission vehicles and the availability of recharging infrastructure and refuelling infrastructure for zero to low emission vehicles.

(3) The Minister may—

(a) assist the provision of recharging infrastructure and refuelling infrastructure for zero to low emission vehicles,

(b) carry out, arrange to have carried out or assist the carrying out of training and research activities in relation to zero to low emission vehicles and recharging infrastructure and refuelling infrastructure for zero to low emission vehicles,

(c) promote and assist research, development and demonstration of technologies connected with zero to low emission vehicles and recharging infrastructure and refuelling infrastructure for zero to low emission vehicles,

(d) provide advice, information and guidance in relation to design, standards, accessibility, operation and consumer use of zero to low emission vehicles and recharging infrastructure and refuelling infrastructure for zero to low emission vehicles, and

(e) engage with stakeholders and prepare reports in relation to the development of the electricity network to meet requirements for charging infrastructure for zero to low emission vehicles.”.

Amendment agreed to.

**Chairman:** Amendments Nos. 76 and 78 are related and may be discussed together. Amendment No. 78 is consequential on amendment No. 76. Amendment No. 78 is in the name of the Minister.

With the indulgence of the clerk to the committee, I propose that we continue until quarter to five as we are nearing conclusion. We should conclude with any bit of fair wind. This is the last substantive discussion on the Bill.

**Deputy Eamon Ryan:** I move amendment No. 76:

In page 53, after line 13, to insert the following:

**“Effect and validity of certain regulations**

**57.** (1) Notwithstanding section 5(1) of the European Communities Act 2007, the Road Traffic (Construction and Use of Vehicles) Regulations 2003 (S.I. No. 5 of 2003)



(referred to in this section as the “Principal Regulations”) shall not have statutory effect pursuant to that section and shall be deemed to have been validly made under sections 5, 11, 12 and 13 of the Act of 1961, sections 8, 10 and 11 of the Road Traffic Act 1968 and section 2 of the Road Traffic Act 2006 on the date those Regulations were purported to be made.

(2) Notwithstanding section 5(1) of the European Communities Act 2007, the Road Traffic (Construction and Use of Vehicles) (Amendment) Regulations 2004 (S.I. No. 99 of 2004) shall not have statutory effect pursuant to that section and shall be deemed to have been validly made under sections 5 and 11 of the Act of 1961 and section 2 of the Road Traffic Act 2006 on the date those Regulations were purported to be made.

(3) Subject to *subsections (4) and (5)*, all regulations amending the Principal Regulations made before the coming into operation of this section shall be deemed to have been validly made on the date those Regulations were purported to be made.

(4) The Road Traffic (Construction and Use of Vehicles) (Amendment) Regulations 2015 (S.I. No. 136 of 2015) shall be deemed to have been validly made under sections 11 and 12 of the Act of 1961 and section 2 of the Road Traffic Act 2006 on the date those Regulations were purported to be made.

(5) The Road Traffic (Construction and Use of Vehicles) (Amendment) Regulations 2018 (S.I. No. 23 of 2018) shall be deemed to have been validly made under sections 5, 11 and 12 of the Act of 1961, sections 8, 10 and 11 of the Road Traffic Act 1968 and section 2 of the Road Traffic Act 2006 on the date those Regulations were purported to be made.

(6) Every act done, or purporting to have been done, under the Principal Regulations before the date of coming into operation of this section shall be deemed to be, and always to have been, valid and effectual for all purposes.

(7) If *subsection (6)* would, but for this subsection, conflict with a constitutional right of any person, the operation of that subsection shall be subject to such limitation as is necessary to secure that it does not so conflict but shall otherwise be of full force and effect.”.

Some of the amendments have, on reflection, been substantive. I think the debate has been very useful and very good. This amendment is more on the technical nature. Amendment No. 76 is designed to address an irregularity in the enabling provisions for certain road traffic regulations with regard to the construction and use of vehicles, that is, the maximum weights and dimensions permitted for vehicles driven on our roads. Based on advice from the Attorney General’s office and my Department’s legal advisers, I am proposing to insert new text to state that the construction and use of vehicles regulations made between 2003 and 2007, and those made in 2015 and 2018, do not have statutory effect and were validly made under the Road Traffic Acts, including section 2 of the Road Traffic Act 2006. This change confers the appropriate *vires* to give effect to European legislation and allows us to make further amendments to those regulations from time to time as needed.

As I said, it is a purely technical amendment and so does not itself imply any change to broader policy in the area. Our next steps, once this has come into effect, will be to transpose

European regulations to allow an increase in permitted weights for zero-emission vehicles as part of our ongoing efforts to support the switch away from fossil fuels.

Amendment No. 78 follows this with a consequential change to the Long Title of the Bill. A gap has been seen in the implementation of EU directives and this is an opportunity to clean it up.

Amendment agreed to.

#### TITLE

**Deputy Eamon Ryan:** I move amendment No. 77:

In page 7, line 5, after “Act” to insert the following:

“to confer functions on the Minister for Transport in relation to zero to low emission vehicles and recharging and refuelling infrastructure relating to such vehicles;”.

Amendment agreed to.

**Deputy Eamon Ryan:** I move amendment No. 78:

In page 7, line 7, after “2008;” to insert “to provide for the effect and validity of certain regulations;”.

Amendment agreed to.

Title, as amended, agreed to.

**Chairman:** Pursuant to Standing Order 187(3), the clerk will report specifically to the Dáil that the committee has amended the Title.

Bill reported with amendments.

**Chairman:** I thank the Minister and his officials for their engagement with the committee today, for their hard work and for the briefing they provided earlier in the week. With the Minister’s indulgence, there are one or two issues that we wish to raise.

**Deputy Paul McAuliffe:** I thank the Minister and the committee for processing the Bill, particularly the sections that deal with scrambler bikes. As the Minister is aware, it is an issue that I am very passionate about. The legislation will make a real difference to the lives of people living in my area. Is the Minister in a position to give a commitment on the timeframe of the passage of the Bill through the Oireachtas. Is it the Minister’s intention that the Bill will come to us on Report Stage before the summer recess? Is that possible?

**Deputy Eamon Ryan:** I thank the Chairman and the members of the committee. I think we made significant progress today and the debate was very useful. I commend my officials on their work on the legislation. I would like to get the Bill through the Dáil and the Seanad before the summer recess, if at all possible. The scrambler bike situation is unacceptable and needs to be addressed. The fact that there is illegal use of e-scooters all over the place needs to be addressed. The database will provide real assistance to the gardaí in reducing road accidents and improving road safety. The legislation needs to be implemented. I am very pleased that we got through Committee Stage today. I would like to get to Report Stage as soon as possible, and to get the Bill into the Seanad straight away.

**Deputy Paul McAuliffe:** That is really welcome news.

**Chairman:** Just to recap, section 34 sets out provisions on the supply of powered personal transporters to persons under 16 years of age. The issue is of huge concern in the public domain. I assume that the Minister sought advice from the Attorney General on section 34. I ask the Minister to work on it prior to Report Stage. The issue is very much in the public consciousness. It is all about safety. We all want to move towards a green agenda, but in as safe a way possible.

### **Message to Dáil**

**Chairman:** In accordance with Standing Order 101, the following message will be sent to the Dáil:

The Select Committee on Transport and Communications has completed its consideration of the Road Traffic and Roads Bill 2021 and has made amendments thereto.

The select committee adjourned at 4.33 p.m. *sine die*.