

Road Traffic Bill 2024

Bill No. 4 of 2024

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Abstract

The Road Traffic Bill 2024 proposes to amend the penalty points system to address certain anomalies, reduce certain default speed limits, amend the rules on testing for intoxicants to provide for drug testing to align with current rules on alcohol testing as well as making several miscellaneous technical amendments.



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Key Messages

- The [Road Traffic Bill](#) (the Bill) and the [Explanatory Memorandum](#) were published on 25 January 2024.
- Second Stage debate is scheduled in the Dáil on Tuesday 13 February 2024.
- The Bill intends to improve road safety by reducing the increasing number of road deaths by providing for:
 - Changes to the penalty points regime including addressing anomalies around differences in treatment where offences are committed on the same versus different occasions.
 - Reduction to certain default speed limits to give effect to the recommendations of the [Speed Limit Review](#).
 - Amending the rule on testing for intoxicants to provide for drug testing in the same circumstances as those currently provided for alcohol.
 - Miscellaneous amendments regarding traffic signs and correction of numbering, and cross-referencing of amendments made to the [Road Traffic Act 1961](#) by the [Road Traffic and Roads Act 2023](#).
- The Bill does not include an initial proposal¹ by the Department to empower the Minister for Transport to set higher penalties for driving offences during specified periods, such as bank holiday weekends.
- The Bill contains 14 sections and 5 Parts.
 - Part 1 (sections 1-2) deals with the typical preliminary and general matters including commencement and definitions.
 - Part 2 (section 3) provides for amendments to the penalty points system.
 - Part 3 (sections 4 – 10) provides for amendments to certain default speed limits.

¹ See Joint Oireachtas Committee on Transport and Communications, ' [Minister of State Speaking Note](#) ', 25 October 2023 at 5 – this was based on research from Australia which shows that increasing points for specified periods is likely to have a positive impact on driver behaviour. An [article in The Journal.ie](#) on 20 December 2023 noted that such a measure was not included in the Bill as it requires further legal scrutiny.

- Part 4 (sections 11-12) provides for amendments to intoxicated driving offences to include drug testing.
- Part 5 (section 13-14) provides for miscellaneous amendments.
- A request to grant a waiver for Pre-Legislative Scrutiny (PLS) was granted by the Oireachtas Committee on Transport and Communications on 26 October 2023.²

Introduction

The General Scheme of the Road Traffic Measures Bill was [approved for formal drafting](#) on 17 October 2023. The press release announcing the approval stated that the Bill “aims to provide for penalty point reform, mandatory drug testing at the scene of collisions, and safer speed limits.”³ As part of the change to the penalty point system, it advised that the Bill would also empower the Minister for Transport to set higher penalties for driving offences during specified periods, such as bank holiday weekends. This was stated to be on account of evidence which shows that more deaths, serious accidents, and road traffic law breaches occur on bank holiday weekends.⁴

Speaking after the Government meeting granting approval to draft the Bill, Minister of State at the Department of Transport, Jack Chambers, T.D., stated:

We have witnessed a terrible increase in the number of fatalities on our roads this year. As Minister with responsibility for road safety, I am determined to do everything in my power to reduce road deaths. Progress is being made to increase enforcement and compliance on our roads but we are also responding with **this new legislation, covering a range of issues and trends, that have been identified as being significant contributors to collisions on our roads in one single bill so the changes required can be made in a timely manner**. A more robust penalty points system, mandatory drug testing and safer speed limits are an important part of our response to these trends and delivering on our 2030 and 2050 road safety targets.⁵

The General Scheme of the Road Traffic Measures Bill was not published and on 20 December 2023, the [Cabinet approved the publication of the renamed Road Traffic Bill](#). In the press release, Minister of State for Transport, Jack Chambers, T.D., advised that the legislation would be used to address two legal anomalies in current road traffic legislation. The first relates to the introduction of a requirement for Gardaí to perform roadside drugs testing in the same circumstances as they are currently obligated to do with alcohol. The second relates to penalty points where currently a person who commits more than one penalty point offence on the same occasion, receives only one

² Internal email communication with clerk of the Committee on 31 January 2024.

³ Department of Transport, '[Cabinet approves drafting of Road Traffic Measures Bill 2023](#)', *Press Release*, 17 October 2023.

⁴ *Ibid.*

⁵ Department of Transport, '[Cabinet approves drafting of Road Traffic Measures Bill 2023](#)', *Press Release*, 17 October 2023 (emphasis added).

set of penalty points, as opposed to someone who commits those offences on separate occasions receiving penalty points for each offence. The Bill will amend this so that persons who pay fixed charges for multiple offences committed at the same time will receive two sets of penalty points, (the highest or joint highest) for the offences committed.⁶

The [Road Traffic Bill](#) (the Bill) and the [Explanatory Memorandum](#) were published on 25 January 2024 and Second Stage debate is scheduled for the Dáil on Tuesday 13 February 2024.

This Bill Digest will outline the background legal and policy context of the Bill, provide a brief overview of the Regulatory Impact Analysis (RIA) and also examine the main provisions of the Bill.

Policy and legislative context

Road Safety in Ireland

Vision Zero

On 12 September 2023, the Road Safety Authority (RSA) launched the “[Who was Mary Ward? Vision Zero](#)” campaign which centres around the story of Mary Ward (1827 – 1869) who was the first person in the world to be killed in an automobile incident.⁷ The campaign aims to have the RSA, Government and the public work together to see the last death on Irish roads by 2050. Minister of State, Department of Transport, Jack Chambers, T.D., stated that:

“Vision Zero requires the collaboration of government agencies, law enforcement, and road users themselves. While the Vision Zero target is ambitious, it is achievable...[o]ur ambition now is to **reduce road deaths by 50% by 2030**. The ‘Road Safety Strategy 2021-2030’ outlines a comprehensive plan and framework to enhance road safety over the next number of years.⁸

This is part of a broader EU goal to move as close as possible to zero fatalities in road transport by 2050 (“[Vision Zero](#)”). [Our Journey Towards Vision Zero: Ireland’s Fifth Government Road Safety Strategy 2021 – 2023](#) was published on 14 December 2021 and aims to reduce the number of deaths and serious injuries on Irish roads by 50% by 2030. The Strategy features three Phases:

Phase 1 Action Plan: 2021-2024,

Phase 2 Action Plan: 2025-2027, and

Phase 3 Action Plan: 2028-2030.

⁶ Department of Transport, ‘[Cabinet approves publication of Road Traffic Bill 2023](#)’, *Press Release*, 20 December 2023.

⁷ Road Safety Authority, ‘[Who was Mary Ward? The Road Safety Authority Unveils Vision Zero Campaign, Urging Public Support to Achieve Zero Road Fatalities](#)’, *Press Release*, 12 September 2023.

⁸ Road Safety Authority, ‘[Who was Mary Ward? The Road Safety Authority Unveils Vision Zero Campaign, Urging Public Support to Achieve Zero Road Fatalities](#)’, *Press Release*, 12 September 2023 (emphasis added).

The 2021 – 2023 Strategy will be delivered via a Safe Systems approach, with seven Safe System priority areas identified as focal points of the work over the next ten years. The seven areas of intervention of the Safe System approach are:

1. Safe roads and roadsides
2. Safe speeds
3. Safe vehicles
4. Safe road use
5. Post-crash response
6. Safe and healthy modes of travel
7. Safe work-related road use.

Current Statistics

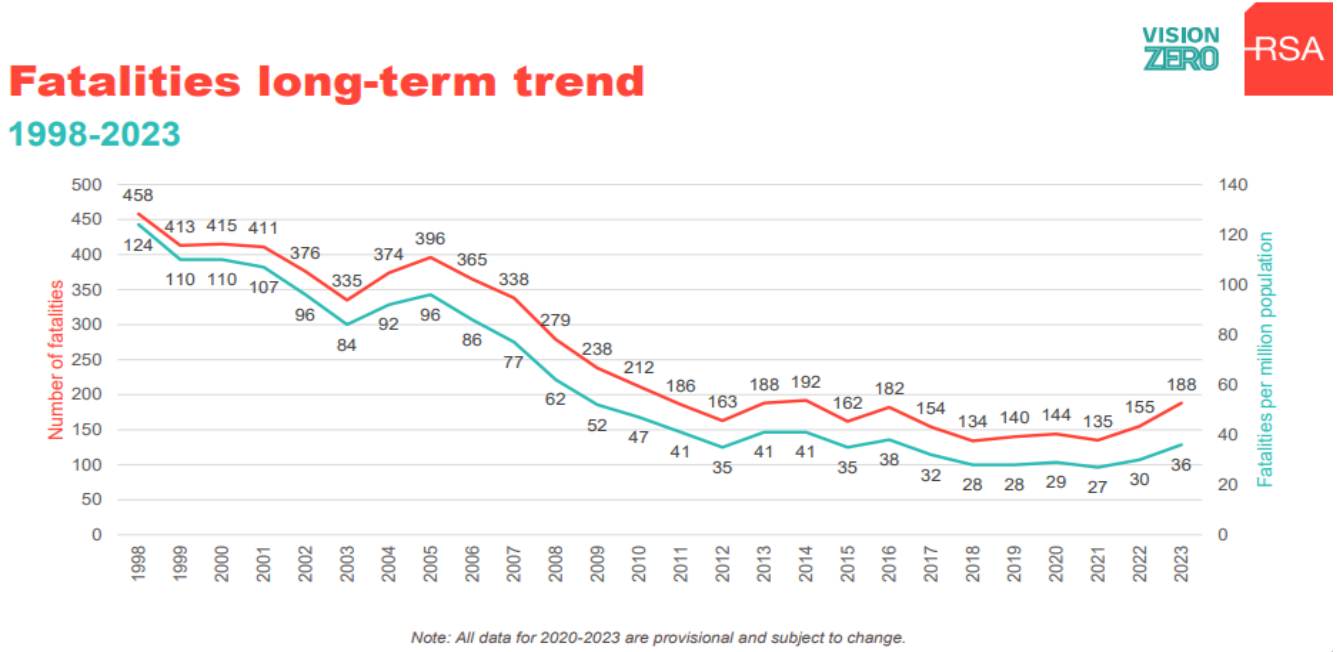
As seen in recent media coverage and noted in the foreword to the RSA's [Annual Report 2022](#):

2022 was a disappointing year for road safety, not only in Ireland but across Europe. There was an increase in the number of fatalities both at home and among our European neighbours compared with 2021, which brings road safety issues to the fore once again.⁹

The RSA produce official statistics to help develop evidence based road safety interventions, which are based on collision data received from An Garda Síochána. The most recent data available is the [Provisional fatality statistics 2019-2024](#) where data is current as at 7 February 2024. The following graph demonstrates that while there was a decline during Covid, the numbers of fatalities are steadily increasing to match 2013 figures.

⁹ Road Safety Authority, '[Annual Report 2022](#)' at 2.

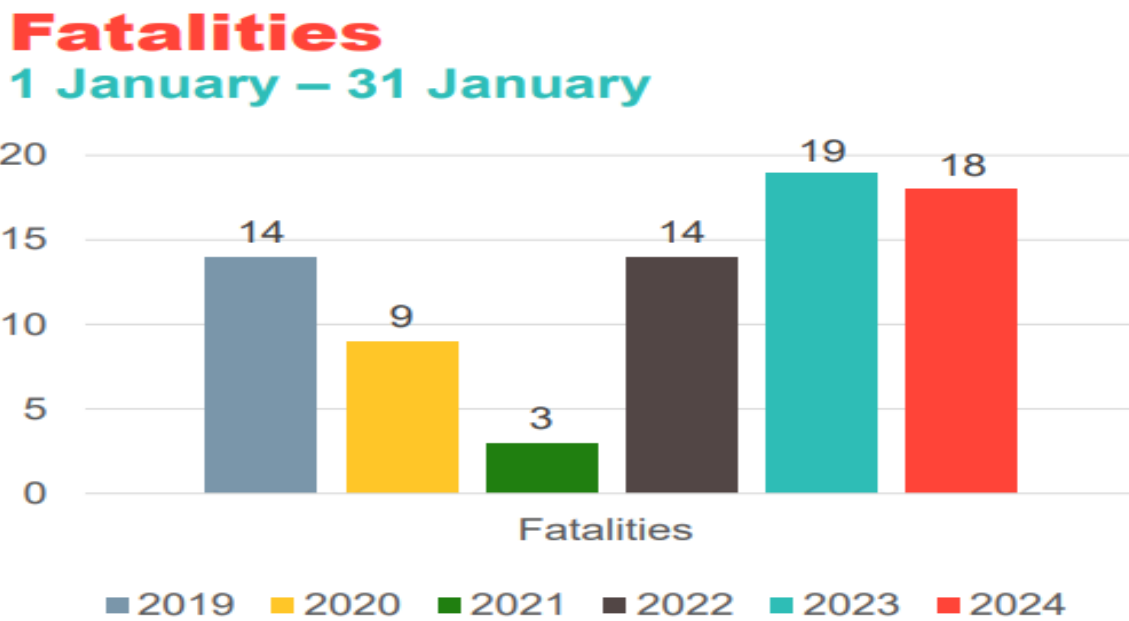
Figure 1: Fatalities long term trend 1998-2023



Source: Reproduced from [RSA - Provisional fatality statistics 2019-2024](#)

The RSA also reported that as of 31 January 2024, there were 18 fatalities in the month of January 2024 which is 1 less than what occurred in the same period in 2023. The following chart again demonstrates a notable increase in fatalities, when considering the number of fatalities in the month of January in each year from 2019 – 2024. The figure for 2024 significantly surpasses the figure from 2019 representing a worrying upward trend.

Figure 2: Comparison of number of fatalities on Irish Roads during period 1- 31 January (2019- 2024)



Source: Reproduced from [RSA - Provisional fatality statistics 2019-2024](#)

European context

In the [European Road Safety Observatory National Road Safety Profile – Ireland](#), out of 27 EU countries Ireland was found to have the second lowest number of fatalities per million inhabitants. It also found that when compared to the EU average, the distribution of fatalities in Ireland shows a relatively high proportion of car occupants and fatalities that occur in the night-time.¹⁰

However, the European Transport Safety Council in their '[Ranking EU Progress on Road Safety - 17th Road Safety Performance Index Report](#)', published in June 2023 reported a 15% increase in road fatalities in Ireland between 2021 and 2022.¹¹ It also noted that between 2012 to 2022, road deaths were reduced in Ireland by 4% but the reduction is well below the EU average reduction of 22%.¹² While Norway was found to be the safest country for road users, Ireland along with the U.K., Denmark, Switzerland, Germany and Finland, has a road mortality below 35 deaths per million inhabitants.¹³ The overall EU average in 2022 was 46 deaths per million inhabitants compared with 54 deaths per million inhabitants in 2012.¹⁴

Speed Limit Review

In September 2023, the Department of Transport published the findings of a [Speed Limit Review](#)¹⁵ which was undertaken in accordance with Action 6 of Ireland's [Government Road Safety Strategy \(2021 – 2030\) – Our Journey Towards Vision Zero](#) and on foot of a commitment made in the [Programme for Government](#). Action 6 called for the establishment of a working group to examine and review the framework for the setting of speed limits on Irish roads, including a specific consideration of the introduction of a 30 kilometre per hour (km/h) default speed limit in urban areas.¹⁶ A working group was established to examine and review the framework for setting speed limits on Irish roads. It was co-chaired by representatives of the Department of Transport and the RSA and also included representatives from An Garda Síochána, the National Transport Authority, and Transport Infrastructure Ireland. The review included modelling and research on international practice as well as a workshop report with a cross section of professionals working in road safety in Ireland such as members of An Garda Síochána's Traffic Corp, the RSA and consultants involved in road safety audits on the speed limits.¹⁷ The Speed Limit Review in reviewing provisional collision data found that:

¹⁰ European Road Safety Observatory, '[National Road Safety Profile – Ireland](#)', October 2022 at 2.

¹¹ European Transport Safety Council, '[Ranking EU Progress on Road Safety - 17th Road Safety Performance Index Report](#)', June 2023 at 20.

¹² European Transport Safety Council, '[Ranking EU Progress on Road Safety - 17th Road Safety Performance Index Report](#)', June 2023 at 20.

¹³ European Transport Safety Council, '[Ranking EU Progress on Road Safety - 17th Road Safety Performance Index Report](#)', June 2023 at 8.

¹⁴ European Transport Safety Council, '[Ranking EU Progress on Road Safety - 17th Road Safety Performance Index Report](#)', June 2023 at 8.

¹⁵ Department of Transport, '[Speed Limit Review 2023](#)', September 2023.

¹⁶ Ibid at 3.

¹⁷ Department of Transport, '[Speed Limit Review - Workshop Report](#)', September 2023 at 5.

In Ireland almost three in four road deaths (73%) in 2017-2021 occurred on a rural road with a speed limit of 80km/h or greater.¹⁸

The Speed Limit Review made Principal, Specific and Support Recommendations and some of these related to the default speed limits. These included Principal Recommendations as follows:

- National Secondary Roads where it is recommended that the default Speed Limit be reduced from 100 km/h to 80 km/h to align with the Safe System principles and to reduce the severity of head on collisions.
- Local Roads where it is recommended that the default Speed Limit be reduced from 80 km/h to 60km/h to align with the use of the network and the Safe System principles.¹⁹

Oireachtas

During [Statements on Road Safety in the Seanad on 27 September 2023](#), the Minister of State at the Department of Transport, Deputy Jack Chambers, T.D., updated Members on road safety and current progress against actions within the Government's road safety strategy for the period from 2021 to 2030. He advised that from 1 January to 26 September 2023, there were 136 fatalities on Irish roads, which is 26 more deaths compared to the same period in 2022. Minister Chambers also noted that if the year-to-date trends continue, a predicted 192 will have been killed on Irish roads by the end of 2023. He also outlined the four main causes of road fatalities as “speeding, intoxicated driving, the non-wearing of seat belts and distracted driving, all of which come down to driver behaviour.”²⁰ The RSA reported on 1 January 2024 that a total of 184 people died on Irish roads in 2023, an increase of 19% compared to 2022.²¹

On 27 September 2023, the Joint Committee on Transport and Communications met with representatives from An Garda Síochána, the RSA and the Medical Bureau of Road Safety to discuss all aspects of road safety.²² In the [press release](#) advising of the meeting, Committee Leas-Chathaoirleach, Senator Gerry Horkan, stated that the Joint Committee wanted to:

get as much detail as possible on why road accidents are happening and where progress can be made in addressing the tragic increase in road fatalities that have been witnessed this year. Enforcement is a key area that needs to be enhanced, along with driver education and the use of technology to reduce road deaths and injuries.²³

¹⁸ Ibid at 17.

¹⁹ Department of Transport, '[Speed Limit Review - Workshop Report](#)', September 2023 at 8.

²⁰ Minister of State at the Department of Transport Deputy Jack Chambers, T.D., [Road Safety: Statements Seanad Éireann debate - Wednesday, 27 Sep 2023](#).

²¹ Road Safety Authority, '[Road Deaths in 2023 Increase by 19%](#)', *Press Release*, 1 January 2024.

²² Oireachtas Joint Committee on Transport and Communications, '[Joint Committee on Transport and Communications to meet for discussion on all aspects of road safety](#)', *Press Release*, 26 September 2023.

²³ Oireachtas Joint Committee on Transport and Communications, '[Joint Committee on Transport and Communications to meet for discussion on all aspects of road safety](#)', *Press Release*, 26 September 2023.

In his [Opening Statement, Mr Sam Waide, CEO of the RSA](#) noted that the Department of Transport requested that the RSA identify the resources required to urgently implement additional education and awareness campaigns targeting dangerous road user behaviours. Mr. Waide noted the various steps being taken by the RSA including social media campaigns to target younger road users and other targeted campaigns on drink-driving and distracted driving. He went on to emphasise that:

Recent trends serve as a reminder to all of us that we can never be complacent about road safety. It is critical it remains a priority for Government, even when sometimes it appears things are improving, and it requires continued (and/or sustained) investment.²⁴

In [Priority Questions taken on 1 February 2024](#) around the issue of road safety, concerns were raised by Members around enforcement and declining numbers of Gardaí in the Roads Policing Unit. The Minister of State for Transport, Jack Chambers, T.D. stated that:

When it comes to the issue of enforcement, yes, it needs to improve and yes, the Garda does need to provide additional prioritization of enforcement in the context of their overall numbers. We have significant recruitment happening this year and there should be a roads policing dividend from that... Enforcement does need to improve to underpin the wider reforms that we are trying to advance.²⁵

Commentary

The Bill has drawn some criticism from commentators who feel that legislation is not the answer but instead the focus should be on resourcing, education and enforcement. Writing in the *Irish Examiner* in September 2023, Conor Faughnan, CEO of the Royal Irish Automobile Club (RIAC) advised that:

... the **most important thing is enforcement. Identified internationally as one of the critical pillars of road safety, along with engineering, education and evaluation, it is where we have been falling down the most. This is where Government can help.** Provide more resources and whatever other recruitment support is needed so that we can get gardaí onto the streets... Truly, we do not need new laws. The ones we have are as strong as anywhere in Europe. But we do need road safety to get the sort of cabinet-level support and priority that it used to get... This is where Government can help.²⁶

²⁴ Oireachtas Joint Committee on Transport and Communications, '[Opening Statement by Mr Sam Waide, CEO of Road Safety Authority to the Joint Oireachtas Committee on Transport and Communication](#)', Wednesday 27th September 2023.

²⁵ Dáil Éireann debate, '[Priority Questions](#)', Thursday, 1 February 2024.

²⁶ Conor Faughnan, '[A record year for road deaths due to political indifference](#)', *Irish Examiner*, 4 September 2023 (emphasis added).

Previous legislation related to the current Bill

- [Road Traffic Act 1961](#)
- [Road Traffic Act 2002](#)
- [Road Traffic Act 2004](#)
- [Road Traffic Act 2010](#)
- [Road Traffic and Roads Act 2023](#)

Regulatory Impact Analysis (RIA)

While the Regulatory Impact Analysis (RIA) hasn't been published, the Department of Transport has helpfully provided a copy of the RIA and confirmed that it can be quoted within the Bill Digest.²⁷ The RIA comprises of 8 sections exploring the policy context and background to the Bill as well as its objectives and potential impact.

In the section on the policy context of the RIA, it states that in all areas of transport in Ireland, **safety is the highest priority**. It also notes that Road Safety Strategies (RSS) were first introduced in Ireland in 1998 and since then road safety has increased significantly with a record low in 2018 of 138 deaths. However, since 2018 there has been a worrying reversal of the trend.²⁸

The Department together with the Ministerial Road Safety Committee considered this trend and are proposing the Bill as a robust measure to address it. The Bill only addresses specific key areas of road traffic law – penalty points; speed; and intoxicated driving.

The RIA states that “[t]he overall objective of the legislation is to reverse the upward trend in road deaths and get back on track to reaching the target of halving road deaths by 2030.”²⁹

It goes on to note the specific objectives the Bill is trying to achieve as follows:

The factors in the rise in deaths since the return to normal activity after Covid are largely matters concerning driver behaviour. These include speeding, mobile phone usage, and intoxicated driving... [t]he Department has concluded that urgent action is needed in a number of areas to influence driver behaviour. These specific measures relate to the penalty points system, speeding, and intoxicated driving.³⁰

²⁷ Email correspondence from the Department of Transport dated 29 January 2024.

²⁸ Regulatory Impact Analysis (RIA) for Road Traffic Bill 2023 as provided by the Department of Transport at 2.

²⁹ Regulatory Impact Analysis (RIA) for Road Traffic Bill 2023 as provided by the Department of Transport at 2.

³⁰ Regulatory Impact Analysis (RIA) for Road Traffic Bill 2023 as provided by the Department of Transport at 3.

Pre-legislative scrutiny of the General Scheme of the Bill

A request was made to grant a waiver for pre-legislative scrutiny of the Bill. Jack Chambers T.D., Minister of State, Department of Transport and Department of Environment, Climate and Communications (the Minister) appeared before the Joint Committee on Transport and Communications on 25 October 2023 to discuss road safety and the Bill.³¹ During the discussion, reference was made to the Minister seeking a waiver and the fact the meeting was taking place so that the Committee were in a position to grant the waiver. The clerk of the Committee confirmed that the waiver was granted by letter to the Minister on 26 October 2023.³² In the [Minister's Speaking Note](#), he noted how 2023 had been a dark year for Ireland in terms of the high number of fatalities. He stated that to address this it "requires action across four key areas, enhanced enforcement, increased driver education, infrastructural improvements and legislative reform."³³

As PLS was waived, there are no recommendations to undertake the usual L&RS traffic light analysis, considering whether or not PLS recommendations were incorporated into the final Bill.

Principal provisions of the Bill

This section of the Bill Digest examines the main provisions of the Bill, which contains 14 sections and is divided into five Parts. It should be noted that this is not exhaustive but attempts to provide a useful analysis of the key changes being introduced by the Bill.

Part 1

Part 1 of the Bill contains sections 1 and 2 which are standard legislative provisions. Section 1 provides for the short title of the Bill, commencement information and for the collective citation of the Act within the road traffic legislation. Section 2 provides definitions for the relevant road traffic Acts that are referenced within the Bill.

Part 2

Part 2 of the Bill contains section 3 which provides for the endorsement of penalty points in relation to offences alleged to have been committed on the same occasion. The penalty points regime was first introduced to Ireland by the [Road Traffic Act 2002](#) (2002 Act). As the RSA advises "[t]he aim of penalty points is to improve driver behaviour in Ireland and reduce the levels of death and serious injury on our roads."³⁴ Penalty point offences are recorded on a driving licence record for two reasons:

³¹ Joint Oireachtas Committee on Transport and Communications debate - Wednesday, 25 October 2023, '[Road Safety: Discussion](#)'.

³² Internal email communication with clerk of the Committee on 31 January 2024.

³³ Joint Oireachtas Committee on Transport and Communications, '[Minister of State Speaking Note](#)', 25 October 2023 at 2.

³⁴ Road Safety Authority website - '[How the penalty points system works](#)' (accessed 9 February 2024).

- Where a person is convicted of a driving offence that attracts penalty points, and
- Where a person is served with a fixed charge notice (fine) for an alleged offence that attracts penalty points and pays the fine rather than having the matter go to Court.³⁵

Currently, [section 2](#)(3) of the [Road Traffic Act 2002](#) provides that where a person has made two or more payments for alleged penalty point offences committed on the same occasion, or is convicted of two or more penalty point offences committed on the same occasion, they will only receive one set (highest or joint highest) of penalty points concerned.

Section 3 of the Bill provides for several changes to [section 2](#) of the 2002 Act so that this will no longer be the case. This includes substituting a new subsection 2 into section 2 of the 2002 Act so that all of the associated penalty points will be recorded even where a person is convicted of multiple penalty point offences committed on the same occasion. This will be so regardless of whether they have paid fixed charge notices in respect of penalty points alleged to have been committed on those same occasions. Section 2(3) and (4) of the 2002 Act are repealed as they are the current provisions providing for the recording of only one set of penalty points for multiple offences committed on the same occasion.

Section 3 also inserts new subsections 3A and 4A into section 2 of the 2002 Act. The new subsection 3A provides that where a person pays three or more fixed charge notices for alleged penalty point offences on the same occasion, they will only receive two sets of penalty points. The new subsection 4A provides that the two sets of points which are the largest must be endorsed on the licence record. It also provides for several substitutions to reflect the insertion of the new subsections.

Section 3(2) of the Bill provides that where multiple penalty point offences are committed or alleged to have been committed on the same occasion prior to the commencement of the changes introduced by section 3, then the old system will apply and only one set of penalty points will be endorsed.

Part 3

Part 3 of the Bill contains sections 4 to 10 and deals with changes to certain default speed limits in light of the recommendations of the Speed Limit Review which were outlined above.

Section 4 amends [section 47](#)(3) of the *Road Traffic Act 1961* (1961 Act) which provides for the offence of speeding. It substitutes “the regional roads speed limits” in place of regional and local roads speed limit in paragraph (c), inserts a new paragraph (ca) to include “the local roads speed limit” and inserts a new paragraph (da) to include “the national primary roads speed limit”. This is to account for the implementation of some of the recommendations of the Speed Limit Review.

Section 5 amends [section 5](#)(1) of the *Road Traffic Act 2004* (2004 Act) which currently provides for the built-up area speed limit of 50km/h. This will be substituted for 30km/h.

Section 6 substitutes a new section 6 into the 2004 Act which relates to the regional and local roads speed limit. Currently this is 80 km/h for both local and regional roads. However, the new section 6 of the Bill provides that there will be a separate regional roads limit of 80 km/h except for

³⁵ Road Safety Authority website - '[About Penalty Points](#)' (accessed 9 February 2024).

built up areas while the speed limit for all local roads other than those in built up areas will be 60 km/h. The speed limits for regional and local roads will not apply where special speed limits or road works speed limits apply.

Section 7 amends [section 7](#) of the 2004 Act which provides for the national road limit. Currently this is 100 km/h for both primary and secondary national roads but section 7 provides that the speed limit will be reduced to 80 km/h for all national secondary roads other than those in built up areas or where special speed limits or road works speed limits apply

Section 8 inserts a new section 7A into the 2004 Act to provide for a separate speed limit for national primary roads of 100 km/h, other than those in built up areas or where special speed limits apply.

Section 9 amends [section 9\(2\)](#) of the Act of 2004 which provides that county and city councils may set special speed limits for specified public roads within their relevant areas replacing the default speed limits. Section 9 of the Bill makes several changes to section 9(2) to take account of the new default speed limits.

Section 10 deletes section 9A 2(b) of the Act of 2004 (inserted by [section 54](#) of the *Road Traffic and Roads Act 2023*) which provides for special speed limits on national managed roads. Section 9A 2(b) provides for a possible speed limit of 50 km/h “in respect of any national managed road other than a national managed road in a built-up area”. As section 5 of the Bill will change the default speed limit for a built up area to 30 km/h, this needs to be deleted as it will no longer be possible to set it to 50 km/h.

The following table provides an overview of the changes to the default speed limits proposed by Part 3 of the Bill compared with the current ones.

Table 1: Comparison of current default speed limits and those proposed within the Bill

Current Default Speed Limits*	Default Speed Limits proposed by the Bill
120 km/h for motorways	120 km/h for motorways
100 km/h for National Roads (Primary and Secondary) that do not have motorway status	80 km/h for national secondary roads 100 km/h for national primary roads
80 km/h for local and regional roads	80 km/h for regional roads except for those in built up areas 60 km/h for all local roads except those in built up areas
50 km/h in built-up areas	30 km/h in built-up areas

Source: Appendix B: - Existing System of Speed Limits in [Speed Limit Review 2023](#) and L&RS analysis of the Bill.

* The legal Speed Limit that applies to each class of road unless varied through Special Speed Limits.

PARC Road Safety Group (Promoting Awareness Responsibility and Care on our roads) have expressed concern over the time that it will take to implement a reduction in speed limits, emphasising that enforcement is vital. The group also noted that previous reviews initiated between 2011 - 2014 appeared not to have been completed by all local authorities by 2020.³⁶

Part 4

Part 4 of the Bill contains sections 11 and 12 which provide for the amendment of the [Road Traffic Act 2010](#) (2010 Act) to require a member of the Gardaí Síochána to take a sample of oral fluid for drug testing in certain circumstances as outlined in the legislation.

Section 11 amends [section 9](#) of the *Road Traffic Act 2010* which relates to the obligation to provide a preliminary breath specimen in certain circumstances. These include where in the opinion of a member of the Garda Síochána a person:

- has consumed an intoxicant;
- is committing or has committed an offence under the *Road Traffic Acts 1961 to 2011*
- is or has been, with the vehicle, involved in a collision, or
- is or has been, with the vehicle, involved in an event in which death occurs or injury appears or is claimed to have been caused to a person of such nature as to require medical assistance for the person at the scene of the event or that the person be brought to a hospital for medical assistance.

Currently section 9(2) is drafted so that a Garda must take a breath specimen where they believe a person has consumed an intoxicant or has been involved in a serious road traffic collision resulting in injury or death. They have the option to do so where a person is committing or has committed an offence under the *Road Traffic Acts 1961 to 2011* or has been, with the vehicle, involved in a collision. Section 9(2)A is currently drafted so that a Garda may but is not obligated to request a specimen of oral fluid from a driver using an apparatus for indicating the presence of drugs in any of the four circumstances outlined above. Section 11 of the Bill provides for the substitution of subsection 2A so that a member of an Garda Síochána must request an oral fluid specimen for drug testing in the same circumstances as currently provided for alcohol testing. That is where a Garda is of the opinion that a person has consumed an intoxicant or has been involved in a serious road traffic collision resulting in injury or death.

Section 12 amends [section 23](#) of the 2010 Act which relates to a bar to a defence for intoxicated driving offences which currently only mentions a breath specimen to include “oral fluid” after “of his or her breath” to take account of the change to drug testing introduced by section 11.

Part 5

Part 5 of the Bill contains sections 13 and 14 of the Bill providing for several miscellaneous amendments in light of the enactment of the [Road Traffic and Roads Act 2023](#).

³⁶ Tim O' Brien, '[Speed limit reduction 'could take county councils years to implement'](#)', *The Irish Times*, 6 September 2023.

Section 13 amends [section 95](#) of the Act of 1961 which deals with the provision of road signs. Section 95 was amended by [section 51](#) of the Act of 2023 to provide for the provision of road signs on a new class of 'national managed roads' where 'consent' is required before the erection of road traffic signs. This is substituted to provide for 'consent in writing'.

Section 14 provides for minor corrections to certain sections of the Act of 1961 which was amended by the Act of 2023. Primarily this relates to cross referencing and numbering of sections. It also relates to section 5(1) of the 2023 Act which inserted a new section 56A into the 1961 Act relating to the obligation to supply vehicle insurer or certain intermediaries with certain information. This section has not yet been commenced and section 14 makes two substitutions in section 56A(7) of the 2023 Act in paragraphs (a)(ii) and paragraph (b).

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