



Number 14 of 1975

LOCAL AUTHORITIES (TRAFFIC WARDENS) ACT 1975

REVISED

Updated to 1 February 2022

This Revised Act is an administrative consolidation of the *Local Authorities (Traffic Wardens) Act 1975*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975 (3/1975)* to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Maritime Area Planning Act 2021 (50/2021)*, enacted 23 December 2021, and all statutory instruments up to and including the *Central Bank (Supervision and Enforcement) Act 2013 (Section 48(1)) (Investment Firms) (Amendment) Regulations 2022 (S.I. No. 45 of 2022)*, made 1 February 2022, were considered in the preparation of this Revised Act.

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Introduction

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Local Authorities (Traffic Wardens) Act 1975 and 1987: this Act is one of a group of Acts included in this collective citation (*Dublin Transport Authority (Dissolution) Act 1987*, s. 15(4)). The Acts in the group are:

- *Local Authorities (Traffic Wardens) Act 1975 (14/1975)*
- *Dublin Transport Authority (Dissolution) Act 1987 (34/1987)*, in so far as it amends the *Local Authorities (Traffic Wardens) Act 1975*

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.



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ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. Employment of traffic wardens by local authorities.
3. Provisions applying to certain offences relating to vehicles.
4. Provisions relating to traffic wardens.
5. Prosecution of offences.
6. General provisions relating to regulations.
7. Exercise of power under this Act by one local authority for another.
8. Expenses of local authorities.
9. Expenses of Minister.
10. Short title.

ACTS REFERRED TO

Road Traffic Act, 1961
Roads Act, 1920

1961, No. 24
1920, c. 72



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AN ACT TO ENABLE LOCAL AUTHORITIES TO MAKE ARRANGEMENTS FOR THE CARRYING OUT OF CERTAIN FUNCTIONS IN RELATION TO ROAD TRAFFIC, TO ENABLE THE MINISTER FOR LOCAL GOVERNMENT TO MAKE GRANTS TOWARDS EXPENSES INCURRED BY LOCAL AUTHORITIES UNDER THIS ACT, AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID. [12th July, 1975]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definitions.

1.—In this Act—

“Act of 1961” means the Road Traffic Act, 1961;

“local authority” means the council of a county, the corporation of a county or other borough, the council of an urban district or the commissioners of a town;

“mechanically propelled vehicle” has the meaning assigned to it by section 3 (1) of the Act of 1961;

F1[“Minister” means Minister for Transport;]

“prescribed” means prescribed by regulations made by the Minister under this Act.

Employment of
traffic wardens
by local
authorities.

2.—F2[(1) A local authority may, after consultation with the Commissioner of the Garda Síochána, make arrangements for the performance in the functional area of the authority, of the functions conferred on traffic wardens by this Act by persons employed by the authority or persons authorised in writing by the authority to perform those functions.]

F3[(2) The functions referred to in subsection (1) are—

(a) functions in respect of offences referred to in section 3(1), and

(b) such other functions as may be prescribed after consultation with the Minister for Justice, Equality and Law Reform, and different functions may be so prescribed in relation to the functional areas of different local authorities.]

(3) Persons referred to in subsection (1) of this section shall be known, and are in this Act referred to, as traffic wardens.

(4) For the purposes of this section, the functional area of a local authority includes the area of any local authority with which an agreement under section 7 of this Act has been entered into.

Provisions
applying to
certain offences
relating to
vehicles.

F4[3.—(1) (a) This section applies to such of the offences specified in paragraph (b) as may be declared by the Minister by regulations made after consultation with the Minister for Justice, Equality and Law Reform to be fixed charge offences and an offence standing so declared is referred to in this section as a fixed charge offence.

(b) The offences referred to in paragraph (a) of this section are:

(i) an offence under the *Road Traffic Acts, 1961 to 2002*, relating to the prohibition or restriction of the stopping or parking of mechanically propelled vehicles,

F5[(ii) the offence under section 11 of the Principal Act of contravening Regulation 6 (requirement to display valid test disc on windscreen) of the Road Traffic (National Car Test) Regulations 2003 (S.I. No. 405 of 2003),]

(iii) an offence under section 73 of the Finance Act, 1976,

(iv) the offence under section 13 of the Roads Act, 1920, of using a vehicle for which a licence under the Finance (Excise Duties) (Vehicles) Act, 1952, is not in force,

(v) the offence under regulations under the Roads Act, 1920, of not fixing to and exhibiting on a vehicle in the manner prescribed by those regulations of a licence in respect of the vehicle for the time being in force taken out under the Finance (Excise Duties) (Vehicles) Act, 1952.

F6[(2) Where a traffic warden has reasonable grounds for believing that a fixed charge offence is being or has been committed by a person—

(a) if the warden identifies the person, the warden may serve, or cause to be served, personally or by post, on the person a notice under this section, or

(b) if the warden does not identify the person and the offence involves the use of a mechanically propelled vehicle, the warden may—

(i) serve, or cause to be served, personally or by post, on the registered owner of the vehicle a notice under this section, or

(ii) affix such a notice to the vehicle.

(2A) A prosecution in respect of a fixed charge offence shall not be instituted unless a notice under this section in respect of the alleged offence has been served on the person concerned under this section and the person fails to pay the fixed charge in accordance with the notice.]

(3) Where—

(a) a notice under this section is served on the registered owner of a mechanically propelled vehicle or affixed to such a vehicle, and

F7[(b) the registered owner of the vehicle—

(i) being an individual was not driving or otherwise using the vehicle, or

(ii) being a body corporate or an unincorporated body of persons was not capable of driving or otherwise using the vehicle,

at the time of the commission of the alleged offence to which the notice relates,]

the registered owner shall—

(i) not later than 28 days after the date of the notice give or send to a traffic warden at a place specified in the notice a document in the prescribed

form signed by the registered owner and stating the name and address of the person who was driving or otherwise using the vehicle at the time of such commission, and

- (ii) give or send to a traffic warden within such period as may be specified by the warden at the place aforesaid such other information within his or her knowledge or procurement as the warden may reasonably request for the purpose of identifying, and establishing the whereabouts of the person referred to in subparagraph (i) of this paragraph.

(4) Where a document referred to in subsection (3) of this section containing the name and address of the person who was driving or otherwise using the vehicle concerned at the time of the commission of the alleged offence concerned is given or sent to a traffic warden employed by a local authority, the authority shall, not later than 28 days thereafter, cause a notice under this section to be served, personally or by post, on the person.

(5) A notice under this section shall be in the prescribed form.

F8[(5A) (a) A notice under this section in the prescribed form may contain details of the manner of payment of a fixed charge.

- (b) Notwithstanding the requirements of subsections (6), (7) and (8) of this section requiring that the payment of a fixed charge be accompanied by the notice served or affixed, as the case may be, the notice in the F9[prescribed form] may contain details of the manner of payment of the fixed charge F10[with or without] the payment being accompanied by the notice.]

(6) If a notice is served pursuant to subsection (2)(a) or (4) of this section, it shall, without prejudice to subsection (5) of this section, contain a statement to the effect that—

- (a) the person on whom it is served is alleged to have committed an offence specified in the notice,
- (b) the person may, during the period of 28 days beginning on the date of the notice, make to the local authority specified in the notice at a place so specified a payment of a fixed charge of a prescribed amount accompanied by the notice, duly completed,
- (c) if the person does not make the payment specified in paragraph (b) of this subsection during the period so specified accompanied by the notice, duly completed, the person may, during the period of 28 days beginning on the expiration of that period, make to the local authority aforesaid at the place aforesaid a payment of a fixed charge of an amount 50 per cent. greater than the prescribed amount referred to in paragraph (b) of this subsection accompanied by the notice, duly completed, and
- (d) a prosecution in respect of the alleged offence will not be instituted during the periods specified in the notice or, if a payment so specified accompanied by the notice, duly completed, is made during the appropriate period so specified in relation to the payment, at all.

(7) If a notice is served or affixed to a mechanically propelled vehicle pursuant to subsection (2)(b) of this section, it shall, without prejudice to the generality of subsection (5) of this section, contain a statement to the effect that—

- (a) an offence specified in the notice is alleged to have been committed,
- (b) a person liable to be prosecuted for the offence may, during the period of 28 days beginning on the date of the notice, make to a local authority specified in the notice at the place so specified a payment of a fixed charge of a prescribed amount accompanied by the notice, duly completed,

- (c) if a person such as aforesaid does not make the payment specified in paragraph (b) of this subsection during the period so specified accompanied by the notice, duly completed, the person may, during the period of 28 days beginning on the expiration of the period specified in that subparagraph, make to the local authority aforesaid at the place aforesaid a payment of a fixed charge of an amount 50 per cent. greater than the prescribed amount referred to in paragraph (b) of this subsection accompanied by the notice, duly completed,
- (d) if the registered owner of the vehicle concerned was not driving or otherwise using the vehicle at the time of the commission of the alleged offence concerned, he or she is required by subsection (3) of this section—
- (i) not later than 28 days after the date of the notice to give or send to the local authority specified in the notice at the place so specified a document in the prescribed form signed by the registered owner and stating the name and address of the person who was driving or otherwise using the vehicle at the time of such commission, and
- (ii) to give or send to the authority aforesaid at the place aforesaid within such period as may be specified by the authority such other information within his or her knowledge or procurement as the authority may reasonably request for the purpose of identifying, and establishing the whereabouts, of the person referred to in subparagraph (i) of this paragraph,
- (e) a prosecution in respect of the alleged offence will not be initiated during the periods specified in the notice pursuant to paragraphs (b) and (c) of this subsection or, if a payment specified in the notice accompanied by the notice, duly completed, is made during the appropriate period so specified in relation to the payment, at all,
- (f) if a payment aforesaid accompanied by the notice, duly completed, is made during the appropriate period aforesaid, the registered owner need not comply with subsection (3) of this section,
- (g) if the registered owner complies with the said subsection (3), a payment aforesaid need not be made by the registered owner and a prosecution of him or her in respect of the alleged offence will not be initiated, and
- F11[(h) subject to paragraph (f), failure to comply with subsection (3) is an offence upon conviction of which the registered owner is liable to a fine not exceeding €1,000.]

F12[(7A) The payment of a fixed charge shall not be accepted after the expiration of the period of 56 days beginning on the date of the notice concerned that was served or affixed under subsection (2) or served under subsection (4) of this section, as the case may be,]

(8) Where a notice is served or affixed under subsection (2) of this section or served under subsection (4) of this section—

- (a) a person or the person to whom the notice applies may, during the period specified in the notice, make to the local authority so specified at the place so specified a payment so specified at the appropriate time so specified in relation to the payment accompanied by the notice, duly completed,
- (b) the local authority may receive the payment, issue a receipt therefor and retain it for disposal in accordance with regulations under this Act and no payment so received shall F13[...] be recoverable by the person who made it,
- (c) a prosecution in respect of the alleged offence to which the notice relates shall not be instituted during the periods specified in the notice or, if a

payment so specified accompanied by the notice, duly completed, is made during the period so specified in relation to the payment, at all,

(d) in case the notice is served or affixed pursuant to paragraph (b) of the said subsection (2) and a payment aforesaid accompanied by the notice, duly completed, is so made, the registered owner need not comply with subsection (3) of this section, and

(e) if the registered owner complies with the said subsection (3), the payment aforesaid need not be made by the registered owner and a prosecution of him or her in respect of the offence shall not be initiated.

F14[(9) In a prosecution for a fixed charge offence it shall be presumed until the contrary is shown that—

(a) the relevant notice under this section has been F15[served or affixed] or caused to be served, and

(b) that a payment pursuant to the relevant notice under this section, accompanied by the notice, duly completed (unless the notice provides for payment without the notice accompanying the payment) has not been made.]

(10) Where, in a case to which subsection (2)(b) of this section applies, the registered owner of the mechanically propelled vehicle concerned does not furnish in accordance with subsection (3) of this section the information specified in paragraph (i) of that subsection, then, in a prosecution of that owner for the alleged offence to which the notice under the said subsection (2)(b) relates, it shall be presumed, until the contrary is shown, that he or she was driving or otherwise using the vehicle at the time of the commission of the alleged offence.

(11) A notice which is affixed to a mechanically propelled vehicle under subsection (2) of this section shall not be removed or interfered with except by a person to whom the notice applies.

(12) A person who contravenes subsection (3) of this section shall, subject to subsection (8)(d) of this section, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding F16[€1,000], and a person who contravenes subsection (11) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding F17[€1,000].

(13) It shall be a defence for a person charged with an offence under subsection (12) of this section consisting of a contravention of subsection (3) of this section for the person to show that the information concerned was not within his or her knowledge or procurement and that he or she had taken all reasonable steps to obtain the information.

(14) In a prosecution for an offence under subsection (12) of this section consisting of a contravention of subsection (3) of this section, it shall be presumed, until the contrary is shown, that the accused person received the notice under this section to which the offence relates.

(15) In a prosecution of a person for—

(a) the alleged offence to which a notice under this section, served on the registered owner of a mechanically propelled vehicle, relates, or

(b) an offence under subsection (16) of this section,

a document, purporting to be a document under subsection (3) of this section stating the name and address of the person who was driving or otherwise using the vehicle at the time of the commission of the alleged offence referred to in paragraph (a) of this subsection and to be signed by that registered owner, given or sent under paragraph (i) of that subsection by that owner to a traffic warden shall, until the contrary is shown, be deemed to be such a document and to be so signed and, in case

the prosecution is for the offence referred to in paragraph (a) of this subsection, shall be admissible, until the contrary is shown, as evidence of the facts stated in it.

(16) A person who, pursuant to subsection (3) of this section, gives or sends to a traffic warden information (whether or not contained in a document) that is, to his or her knowledge, false or misleading F18[is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,000].

(17) Notwithstanding the provisions of section 10(4) of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under subsection (12) of this section consisting of a contravention of subsection (3) of this section may be brought at any time within 2 years from the date on which the offence was committed.

F19[(17A) Regulations prescribing the amount of a fixed charge may prescribe different amounts in relation to—

- (a) different fixed charge offences,
- (b) fixed charge offences involving different classes of vehicles, or
- (c) fixed charge offences committed in different areas.]

(18) In this section, references to a notice under this section, duly completed, are references to such a notice on which the number, the date of the grant, and the period of validity, of the driving licence of the person to whom the notice relates F20[as required in the notice] have been inserted by or on behalf of the person.]

Provisions relating to traffic wardens.

4.—(1) A person who obstructs a traffic warden acting in the course of his duty shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding F21[€1,000].

(2) Where a traffic warden has reasonable grounds for believing that a person is committing or has committed an offence to which section 3 of this Act applies, F22[an offence under section 3(12)] or an offence under this section, he may request or demand of the person his name and address.

(3) Where a person whose name and address is requested or demanded of him under this section refuses or fails to give his name or address or gives a name or address which is false or misleading, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding F23[€1,000].

(4) Where a traffic warden requests or demands information of a person under this section, the person shall not be bound to comply with the request or demand unless the warden produces, if requested by the person, official identification of his identity.

Prosecution of offences.

5.—F24[Proceedings for an offence to which section 3 applies or an offence under section 3(12) or 4 may be brought and prosecuted summarily by the local authority in whose functional area the offence is alleged to have been committed or where the local authority concerned has entered into an agreement with another local authority under section 7 by that other authority].

General provisions relating to regulations.

6.—(1) The Minister may make regulations prescribing any matter or thing referred to in this Act as prescribed or to be prescribed.

(2) Every regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Exercise of power under this Act by one local authority for another. **7.**—A local authority may enter into an agreement with another local authority that any power conferred on the first-mentioned authority by this Act may be exercised on its behalf by the second-mentioned authority and the power shall from such entry become exercisable by the second-mentioned authority.

Expenses of local authorities. **8.**—The Minister may, with the consent of the Minister for Finance, make grants towards the expenses under this Act of a local authority.

Expenses of Minister. **9.**—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Short title. **10.**—This Act may be cited as the Local Authorities (Traffic Wardens) Act, 1975.