Changes to Legislation: as of 11 November 2026, this Act is up to date with all changes known to be in force.



Number 24 *of* 1961

ROAD TRAFFIC ACT 1961

REVISED

Updated to 1 November 2026

This Revised Act is an administrative consolidation of the *Road Traffic Act 1961*. 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 *Public Health (Tobacco Products and Nicotine Inhaling Products) (Amendment) Act 2026* (38/2026), enacted 27 October 2026, and all statutory instruments up to and including the *Road Traffic (Licensing of Drivers) (Amendment) Regulations 2026* (S.I. No. 543 of 2026), made 28 October 2026, were considered in the preparation of this revision.

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Road Traffic Act, 1933	1933, No. 11
Documentary Evidence Act, 1925	1925, No. 24
Roads Act, 1920	1920, c. 72
Road Transport Act, 1932	1932, No. 2
Road Transport Act, 1933	1933, No. 8
Probation of Offenders Act, 1907	1907, c. 17
Licensing Act, 1872	1872, c. 94
Person Act, 1861	1861, c. 100
Insurance Act, 1936	1936, No. 45
Assurance Companies Act, 1909	1909, c. 49
Weights and Measures Act, 1889	1889, c. 21
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Petty Sessions (Ireland) Act, 1851	1851, c. 93
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Health Act, 1947	1947, No. 28
Finance (Excise Duties) (Vehicles) Act, 1952	1952, No. 24
Criminal Justice Act, 1951	1951, No. 2
Motor Car (International Circulation) Act, 1909	1909, c. 37
Motor Car Act, 1903	1903, c. 36

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REVISED

Updated to 1 November 2026

AN ACT TO MAKE PROVISION IN RELATION TO MECHANICALLY PROPELLED AND OTHER VEHICLES, THE REGULATION AND CONTROL OF ROAD TRAFFIC AND THE USE OF MECHANICALLY PROPELLED VEHICLES FOR THE CARRIAGE OF PASSENGERS, TO MAKE PROVISION FOR COMPULSORY INSURANCE AGAINST LIABILITIES ARISING FROM THE USE OF MECHANICALLY PROPELLED VEHICLES, TO REPEAL THE ROAD TRAFFIC ACT, 1933, AND CERTAIN OTHER ENACTMENTS, TO AUTHORISE CERTAIN CHARGES AND TO MAKE PROVISION FOR OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID. [29*th July,* 1961.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I.

Preliminary and general.

Short title.

1.—This Act may be cited as the Road Traffic Act, 1961.

Commencement.

2.—This Act shall come into operation on such day or days as may be fixed therefor by any order or orders of the Minister, either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions of this Act.

Interpretation.

3.—(1) In this Act, save where the context otherwise requires—

"ancillary disqualification order" has the meaning specified in subsection (1) of section 27;

"appointed stand" has the meaning specified in subsection (1) of section 84;

"appointed weighbridge" has the meaning specified in subsection (1) of section 15;

"approved guarantee" has the meaning specified in section 63;

"approved policy of insurance" has the meaning specified in section 62;

F1**[**"autonomous vehicle" means a mechanically propelled vehicle that has been designed, constructed, adapted or modified to move autonomously for certain periods of time but in respect of which driver intervention is still expected or required;**]**

"built-up area speed limit" has the meaning specified in subsection (4) of section 45;

"certificate of competency" has the meaning specified in subsection (4) of section 33;

"certificate of fitness" has the meaning specified in *subsection* (4) *of section 34*;

"certificate of exemption" has the meaning specified in section 68;

"certificate of guarantee" has the meaning specified in subsection (2) of section 66;

"certificate of insurance" has the meaning specified in subsection (1) of *section 66*;

"combination of vehicles" means a mechanically propelled vehicle and a vehicle or vehicles drawn thereby;

"the Commissioner" means the Commissioner of the Garda Síochána;

"consequential disqualification order" has the meaning specified in subsection (1) of section 26;

"contravenes" includes refuses or fails to comply with, and "contravention" shall be construed accordingly;

F2**[**"detachable disc" means that part of a test certificate, for the time being in force in respect of a vehicle, which may be detached from the certificate to be affixed to the vehicle;**]**

F3**[**"driving" includes—

(*a*) managing and controlling,

(*b*) in the case of an autonomous vehicle during periods of time in which the vehicle is moving autonomously, monitoring, overseeing and supervising, and

(*c*) in relation to a bicycle, tricycle or powered personal transporter, riding,

and "driver" and other cognate words shall be construed accordingly;**]**

F4**[**"driving licence" means—

(*a*) an Irish driving licence, or

(*b*) a foreign driving licence;**]**

F2**[**"EU roadworthiness certificate" in relation to a vehicle means a roadworthiness certificate within the meaning of the Roadworthiness Directive issued by a Member State competent authority or a Member State testing centre which has not expired or otherwise been cancelled or revoked and, insofar as the frequency intervals for vehicle testing are concerned, is still valid by reference to the frequency intervals prescribed by regulations made under section 18 for tests of mechanically propelled vehicles;**]**

F5**[**"European Economic Area" means the European Economic Area created by the Agreement on the European Economic Area signed at Oporto on 2 May 1992, as amended for the time being**]**

"footway" means that portion of any road which is provided primarily for the use of pedestrians;

F6**[**"foreign driving licence" means a licence or permit to drive a mechanically propelled vehicle—

(*a*) in respect of a category of vehicle referred to in the European Communities (Recognition of Driving Licences of Other Member States) Regulations 2008 (S.I. No. 464 of 2008) issued by the competent authority of another Member State or a member state of the European Economic Area, but does not include a licence or permit so issued to a person to enable the person to learn to drive or provisionally to drive a F7**[**vehicle,**]**

(*b*) recognised by an order made under *section* F7**[**23A(1), or**]**;**]**

F8**[**(*c*) recognised by an order under section 23B;**]**

F9**[**"general speed limit" means a speed limit under section 44A of this Act;**]**

"hire-drive agreement" means, in relation to a mechanically propelled vehicle, an agreement under which the vehicle is hired from its registered owner, other than—

(*a*) a hire-purchase F10**[**or letting**]** agreement,

(*b*) an agreement merely for the carriage of persons or goods, or

(*c*) an agreement under which the registered owner of the vehicle drives, or provides a driver for, the vehicle;

"the insured" has the meaning assigned to it in paragraph (*a*) of *subsection (1)* of *section 62*;

F11**[**"Irish driving licence" means a driving licence (within the meaning of section 22(1)) granted by a licensing authority under section 23;**]**

"large public service vehicle" means a public service vehicle having seating passenger accommodation for more than eight persons exclusive of the driver;

"mechanically propelled vehicle" means, subject to subsection (2) of this section, a vehicle intended or adapted for propulsion by mechanical means, including—

F12**[**(*a*) a bicycle or tricycle—

(i) with an attachment for propelling it solely by mechanical power or solely by electrical power, whether or not the attachment is being used, and having a maximum design speed of no less than 6 kilometres per hour, or

(ii) capable of propulsion solely by the physical exertions of a person or persons seated on it, and equipped with an auxiliary electric motor—

(I) which has a maximum continuous rated power greater than 0.25 kilowatts, and

(II) the output of which cuts off when the physical exertions stop,**]**

(*b*) a vehicle the means of propulsion of which is electrical or partly electrical and partly mechanical,

but not including a tramcar or other vehicle running on permanent rails F13**[**, or a powered personal transporter**]**;

F2**[**"Member State competent authority" means an authority or public body in a Member State, other than the State, with responsibility for managing the system of roadworthiness testing in that Member State, including, where appropriate, the carrying out of roadworthiness tests for the purposes of the Roadworthiness Directive;

"Member State testing centre" means a public or private body or establishment in a Member State, other than the State, authorised to carry out roadworthiness tests in that Member State for the purposes of the Roadworthiness Directive;**]**

F14**[**"Minister" means Minister for Transport;**]**

"mobile weighbridge" has the meaning specified in subsection (7) of section 15;

F10**[**"motorway" has the meaning assigned to it by the Roads Act, 1993;**]**

F10**[**"motorway speed limit" has the meaning assigned to it by section 44B (inserted by the Road Traffic Act, 1994) of this Act;**]**

"omnibus" means a large public service vehicle which is for the time being used on a definite route for the carriage of passengers who are carried at separate fares

and are picked up and set down along such route whether on request or at fixed stopping places;

"ordinary speed limit" has the meaning specified in *subsection (3)* of *section 44*;

F15**[**"owner", when used in relation to a mechanically propelled vehicle, trailer or semi-trailer which is the subject of a hire-purchase agreement or letting agreement, means the person in possession of the vehicle under the agreement;**]**

"park", in relation to a vehicle, means keep or leave stationary, and cognate words shall be construed accordingly;

"parking place" has the meaning specified in *paragraph (a)* of *subsection (2)* of *section 90*;

F12**[**"pedal bicycle" means—

(*a*) a bicycle which is intended or adapted for propulsion solely by the physical exertions of a person or persons seated on it, or

(*b*) a bicycle capable of propulsion solely by the physical exertions of a person or persons seated on it, and equipped with an auxiliary electric motor—

(i) which has a maximum continuous rated power less than or equal to 0.25 kilowatts, and

(ii) the output of which cuts off when those physical exertions stop, and is otherwise progressively reduced and finally cut off before the bicycle reaches the speed of 25 kilometres per hour;**]**

"pedal cycle" means a vehicle which is a pedal bicycle or pedal tricycle;

"pedal cyclist" means a person driving a pedal cycle;

F12**[**"pedal tricycle" means—

(*a*) a tricycle which is intended or adapted for propulsion solely by the physical exertions of a person or persons seated on it, or

(*b*) a tricycle capable of propulsion solely by the physical exertions of a person or persons seated on it, and equipped with an auxiliary electric motor—

(i) which has a maximum continuous rated power less than or equal to 0.25 kilowatts, and

(ii) the output of which cuts off when those physical exertions stop, and is otherwise progressively reduced and finally cut off before the tricycle reaches the speed of 25 kilometres per hour;**]**

F16**[**"pedestrian controlled vehicle"**]** means a mechanically propelled vehicle—

(*a*) which is neither intended nor adapted for use for carrying the driver or a passenger, or

(*b*) which is intended or adapted so that there are alternative methods of driving it, namely, by a person carried on it or by a pedestrian,

except during a period during which it is driven while carrying the driver or a passenger

"period of cover" has the meaning assigned to it in paragraph (b) of subsection (1) of section 62 or paragraph (b) of subsection (1) of section 63 (as may be appropriate);

F5**[**"permission to reside" means a permission under section 60(6) of the International Protection Act 2015, which permission is valid;**]**

F17**[**"powered personal transporter" means, subject to subsection (1A), a vehicle—

(*a*) designed and constructed for the carriage of a single person, but not designed or constructed for a person with restricted mobility or for the carriage of goods,

(*b*) with a maximum weight unladen of 25 kilograms,

(*c*) with a maximum design speed of no less than 6 kilometres per hour and no greater than 25 kilometres per hour, and

(*d*) equipped with an electric motor having a maximum continuous rated power, or electric motors having a combined maximum continuous rated power, of less than or equal to 0.5 kilowatts,

but not including a vehicle referred to in paragraph (b) of the definition of pedal bicycle or in paragraph (b) of the definition of pedal tricycle;**]**

"prescribed" means prescribed by regulations made by the Minister under this Act;

"principal debtor" has the meaning assigned to it in paragraph (a) of subsection (1) of section 63;

F15**[**"public place" means—

(*a*) any public road, and

(*b*) any street, road or other place to which the public have access with vehicles whether as of right or by permission and whether subject to or free of charge;**]**

"public road" means a road the responsibility for the maintenance of which lies on a road authority;

"public service vehicle" means a mechanically propelled vehicle F18**[**or combination of vehicles**]** used for the carriage of persons for reward;

F19**[**"registered owner" has the meaning assigned to it by the Road Vehicles (Registration and Licensing) (Amendment) Regulations 1992 (S.I. No. 385 of 1992) (as amended by the Road Vehicles (Registration and Licensing) (Amendment) Regulations 2004 (S.I. No. 213 of 2004)), but, if those regulations should be revoked, it shall have the meaning assigned to it by such regulations corresponding to those regulations as may for the time being be in force;**]**

F5**[**"relevant person" means a person who has been given a permission to reside;**]**

"the repealed Act" means the Road Traffic Act, 1933 (repealed by this Act);

"road" includes any bridge, pipe, arch, gully, footway, pavement, fence, railing or wall forming part thereof;

F14**[**"road authority" means—

(*a*) a county council, referred to in Part 1 of Schedule 5,

(*b*) a city council, referred to in Part 2 of Schedule 5,

(*c*) a borough council, referred to in Chapter 1 of Part 1 of Schedule 6, or

(*d*) a town council, referred to in Chapter 2 of Part 1 of Schedule 6,

to the Local Government Act 2001;**]**

"road traffic weighbridge" has the meaning specified in *subsection (4)* of *section 15*;

"roadway" means that portion of a road which is provided primarily for the use of vehicles;

F2**[**"Roadworthiness Directive" means Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014[1];**]**

[1] OJ No. L 127, 29.4.2014, p. 51.

"small public service vehicle" means a public service vehicle which is not a large public service vehicle;

"special disqualification order" has the meaning specified in *subsection (5)* of *section 28*;

F15**[**"special speed limit" has the meaning assigned to it by section 46 (inserted by the Road Traffic Act, 1994) of this Act;**]**

"street service vehicle" means a small public service vehicle the driver of which offers F20**[**in a public place**]** himself and the vehicle for hire and for that purpose stands or drives the vehicle F20**[**in a public place**]**;

F21**[**"test certificate" means -

(*a*) a certificate issued under section 18, or

(*b*) an EU roadworthiness certificate;**]**

"use", in relation to a vehicle, includes park, and cognate words shall be construed accordingly;

F22**[**"vehicle" means a mechanically propelled vehicle, F13**[**a powered personal transporter,**]** a trailer or semi-trailer, an animal-drawn vehicle or a pedal cycle;**]**

"vehicle guarantor" has the meaning specified in *section 59*;

F23**[**"vehicle identification number (VIN)" means the alphanumeric code assigned to a vehicle by the manufacturer in order to ensure proper identification of every vehicle;**]**

"vehicle insurer" has the meaning specified in *section 58*.

F13**[**(1A) The Minister may prescribe, for powered personal transporters or different classes of them, a maximum weight unladen, a maximum design speed, or a maximum continuous rated power or combined maximum continuous rated power different to the weight, speed or rated power referred to in the definition of "powered personal transporter" in subsection (1).**]**

F24**[**(2) Where a vehicle, which, apart from this subsection, would be a mechanically propelled vehicle, stands so substantially disabled (either through collision, breakdown or the removal of the engine or other such vital part) as to be no longer capable of being propelled mechanically, it shall be regarded—

(*a*) for the purposes of the Road Traffic Acts 1961 to 2010, if it is disabled through collision, as continuing to be a mechanically propelled vehicle, and

(*b*) for all other purposes of this Act as not being a mechanically propelled vehicle.**]**

(3) Save in relation to animal-drawn vehicles, any reference in this Act to a drawn vehicle is to a vehicle attached to another (including attached by way of partial superimposition) for the purpose of being drawn thereby, or actually drawn thereby.

(4) Any reference in this Act to the Rules of the Road is to the publication issued (whether before or after the commencement of this section) under that title by the Minister, being the edition thereof which, at the relevant time, is the latest edition.

(5) Any reference in this Act to use of a vehicle with the consent of a person includes a reference to use with his implied consent and to use on his order.

Application to persons and vehicles in the service of the State.

4.—(1) Save as is otherwise provided by this section, this Act applies to persons in the public service of the State and to vehicles owned by the State.

(2) Part VI of this Act shall not apply to—

(*a*) a vehicle owned by the State or a person using such vehicle in the course of his employment,

(*b*) a vehicle under seizure by a person in the service of the State in the course of his duty or a person using such vehicle in the course of his employment, or

(*c*) a member of the Garda Síochána or an officer of any Minister using a vehicle for the purpose of a test, removal or disposition of the vehicle pursuant to this Act or any regulation thereunder.

General provisions with respect to regulations.

5.—(1) The Minister may make regulations prescribing any matter or thing which is 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 subsequent 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.

Approval of bye-laws made by the Commissioner.

6.—(1) A bye-law made by the Commissioner under this Act which is required by this Act to be made with the consent of the Minister shall be submitted in the prescribed manner to the Minister for his approval.

(2) Where a bye-law is submitted to the Minister under this section, the Minister shall either, as he thinks proper, refuse to approve of the bye-law, approve thereof without modification or make such modifications therein as he thinks proper and approve of the bye-law as modified.

(3) A bye-law approved of by the Minister under this section (whether with or without modification) shall be published in the prescribed manner.

(4) No such bye-law as is mentioned in the foregoing subsections of this section shall be of any force or effect unless or until it has been submitted to and approved of by the Minister and published in accordance with this section.

(5) Where the Commissioner proposes to make under this Act a bye-law which is required by this Act to be made after consultation with the local authority concerned, the following provisions shall have effect:

(*a*) the Commissioner shall give, to the corporation of every county or other borough, council of a county, council of an urban district and commissioners of a town to which or to any part of which the bye-law is intended to apply, notice of his intention to make the bye-law, and the Commissioner shall consider all representations made to him by any such corporation, council or commissioners in respect of the proposed bye-law;

(*b*) the Commissioner shall, if and when he submits the bye-law to the Minister under this section, give to every such corporation, council and commissioners notice of the submission, and the Minister shall consider all representations made to him by such corporation, council or commissioners in respect of the bye-law;

(*c*) the Minister shall not approve of the bye-law before the expiration of one month after notice of the submission of the bye-law to him was given under this section to every such corporation, council and commissioners;

(*d*) for the purposes of this subsection, a bye-law shall not be deemed to be intended to apply to any part of a county unless it is intended to apply to some part of the county which is not in any borough, urban district or town.

(6) The making of representations pursuant to subsection (5) of this section shall—

(*a*) where they are made by the council of a county, the corporation of a borough other than a county borough, the council of an urban district or the commissioners of a town, be a reserved function for the purposes of the County Management Acts, 1940 to 1955, and

(*b*) where they are made by the corporation of a county borough, be a reserved function for the purposes of the Acts relating to the management of the county borough.

(7) Every bye-law made under section 86 or section 88 of this Act and approved of under this section shall be laid before each House of the Oireachtas as soon as may be after it is approved of and, if a resolution annulling the bye-law is passed by either such House within the next subsequent twenty-one days on which that House has sat after the bye-law is laid before it, the bye-law shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

Proof of certain bye-laws and rules.

7.—(1) Section 4 of the Documentary Evidence Act, 1925, shall apply to every bye-law F25**[**and rule made under the *Road Traffic Acts, 1961 to 1994.***]**

(2) Subsection (1) of section 6 of the Documentary Evidence Act, 1925, is hereby amended by adding to the official documents mentioned in that subsection bye-laws F25**[**and rules made under the Road Traffic Acts, 1961 to 1994**]**, and the said section 6 shall have effect accordingly.

Finance.

8.—(1) All expenses incurred by any Minister or by the Commissioner in execution of the Roads Act, 1920, of the Finance (Excise Duties) (Vehicles) Acts, 1952 and 1960, or of this Act shall, to such extent as may be sanctioned by the Minister for Finance, F26**[**be paid out of moneys provided by the Oireachtas.**]**

(2) F27**[**...**]**

(3) F27**[**...**]**

(4) F27**[**...**]**

(5) F27**[**...**]**

(6) So far as may be necessary for the purposes of the transition from the repealed Act to this Act, the references to this Act in subsections (1), (2) and (4) of this section shall be construed as including references to the repealed Act.

Disposal of fees and fines.

9.—F28**[**(1) Save as is otherwise expressly provided by this Act, all fees and other sums received under this Act or regulations thereunder by the Commissioner or any other member of the Garda Síochána or by an authorised person (within the meaning of section 103 of this Act) shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance directs.**]**

(2) Save as is otherwise expressly provided by this Act, all fines in respect of offences under this Act shall be paid into the Exchequer in accordance with such directions as may from time to time be given by the Minister for Finance.

(3) All moneys paid into or disposed of for the benefit of the Exchequer under this section shall, for the purposes of section 2 of the Roads Act, 1920, be deemed to have been paid into the Exchequer under that Act.

Repeals.

10.—(1) The enactments mentioned in the First Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) Orders, regulations, bye-laws and rules made under any enactment repealed by this Act and in force at the commencement of this section shall continue in force and be regarded as having been made under the corresponding provision of this Act, and they shall be capable of being amended or revoked accordingly, and documents issued under any such order, regulation, bye-law or rule and in force at such commencement shall continue in force for the purposes of this Act.

PART II.

General Provisions relating to Vehicles.

Regulations in relation to use of vehicles in public places.

11.—(1) The Minister may make regulations in relation to the use of vehicles in public places.

(2) Regulations under this section may, in particular and without prejudice to the generality of *subsection (1)* of this section, make provision in relation to all or any of the following matters :

(*a*) the construction of vehicles;

(*b*) vehicle equipment;

(*c*) the use and misuse of vehicles and vehicle equipment;

(*d*) the conditions subject to which vehicles and vehicle equipment may be used;

(*e*) the duties of drivers of vehicles and passengers therein;

(*f*) the equipment of such drivers and passengers;

(*g*) the use of loudspeakers (including any equipment or devices used in connection therewith) in or on vehicles;

(*h*) particulars to be affixed to or painted on vehicles.

(3) Different regulations may be made under this section—

(*a*) in respect of different classes of vehicles,

(*b*) for different circumstances and for different areas.

(4) A person shall not use in a public place a vehicle which does not comply with a regulation under this section applying in relation to the vehicle.

(5) (*a*) A person who contravenes subsection (4) of this section or a regulation under this section shall be guilty of an offence and, where the contravention is of the said subsection (4) and such person is not the owner of the vehicle, such owner shall also, in such cases as may be prescribed, be guilty of an offence.

(*b*) Where a person who contravenes subsection (4) of this section is not the owner of the vehicle and the owner is charged with an offence under this section, it shall be a good defence to the charge for such owner to show that the use of the vehicle on the occasion in question was unauthorised.

(6) In this section "vehicle equipment" includes all equipment, fittings and instruments fitted to a vehicle or carried on it, and, without prejudice to the generality of the foregoing, lights, reflectors and towing gear F29**[**and any device which is capable of being used to indicate the existence of, or to frustrate the operation of, electronic or other apparatus being used to give indications from which the speed at which a person was driving can be inferred.**]**

Maximum weights.

12.—(1) The Minister may make regulations for all or any of the following purposes:

(*a*) specifying the maximum weight unladen of mechanically propelled vehicles, of vehicles drawn thereby and of combinations of vehicles;

(*b*) specifying the maximum weight laden of mechanically propelled vehicles, of vehicles drawn thereby and of combinations of vehicles;

(*c*) specifying the maximum weight to be transmitted to the ground or any specified area of the ground by any part of a mechanically propelled vehicle or of a vehicle drawn thereby;

(*d*) specifying the manner in which and the conditions under which any particular weights (other than weights unladen) prescribed by the regulations are to be ascertained.

(2) Different regulations may be made under this section—

(*a*) in respect of different classes of vehicles or of combinations of vehicles,

(*b*) for different circumstances.

(3) A person shall not use on a public road—

(*a*) a vehicle or combination of vehicles of which the weight unladen exceeds the maximum weight specified by a regulation under this section applying in relation to the vehicle or combination,

(*b*) a laden vehicle or combination of vehicles of which the weight as then laden exceeds the maximum weight laden specified by a regulation under this section applying in relation to the vehicle or combination F30**[**or indicated on a plate or certificate issued under section 11 of the Road Traffic Act, 1968, and in force in respect of the vehicle or combination**]**, or

(*c*) a vehicle any part of which transmits to the ground a greater weight than the maximum weight specified in respect of such transmission by a regulation under this section applying in relation to the vehicle F30**[**or indicated on a plate or certificate issued under section 11 of the Road Traffic Act, 1968, and in force in respect of the vehicle**]**.

F31**[**(4) (*a*) Where a person contravenes subsection (3) of this section he and, if he is not the owner of the vehicle or combination of vehicles, such owner shall each be guilty of an offence.

(*b*) A person who is guilty of an offence under this section shall be liable on summary conviction to F32**[**a fine not exceeding €2,000**]** or, at the discretion of the court, to imprisonment for any term not exceeding three months or to both such fine and such imprisonment.**]**

F33**[**(4A) Where a person contravenes subsection (3)(b) of this section and the load or loads were consigned to such person by one consignor alone, that consignor shall be guilty of an offence.

(4B) In a prosecution under subsection (4A) of this section it shall be a good defence for the consignor to prove—

(*a*) that it was not practicable for the consignor to estimate the laden weight of the vehicle or combination of vehicles, or

(*b*) that an estimate of the laden weight of the vehicle or combination of vehicles carried out by the consignor prior to the dispatch of the goods indicated that the weight of the vehicle or combination of vehicles did not exceed the maximum weight laden specified by a regulation under this section applying in relation to the vehicle or combination of vehicles.

(4C) In this section "consignor" means a person who engages the services of another person for the carriage by road of merchandise in a vehicle or combination of vehicles.**]**

(5) Where a person charged with an offence under this section is the owner of the vehicle or combination of vehicles, it shall be a good defence to the charge for him to show that the vehicle or combination was being used on the occasion in question by another person and that such use was unauthorised.

Special permits for particular vehicles.

13.—(1) The Minister may make regulations for all or any of the following purposes:

(*a*) the issue of special permits authorising particular vehicles or combinations of vehicles which contravene one or more regulations under section 11 or 12 of this Act to be used notwithstanding such contravention;

(*b*) specifying the limitations, restrictions and conditions which are to be, or may be, inserted in the special permits, including conditions as to compensation, or as to securing by deposit the payment of compensation,

for damage to public roads which may arise from the use of the vehicles or combinations of vehicles to which the special permits relate;

(*c*) specifying the persons by whom the special permits may be issued;

(*d*) specifying the manner in which applications for the special permits are to be made.

(2) Notwithstanding anything contained in this Part of this Act, the use of a vehicle or combination of vehicles under and in accordance in all respects with a special permit issued in respect of the vehicle or combination under regulations under this section shall not constitute an offence under section 11 or 12 (as the case may be) of this Act.

Weight unladen.

14.—(1) For the purposes of this Act, F34**[**subject to subsection (1A),**]** the weight unladen of a vehicle or combination of vehicles shall be taken to be the weight of the vehicle or combination inclusive of all additions, but exclusive of the weight of water, fuel or accumulators (other than boilers) used for the purpose of propulsion and of loose tools or loose equipment.

F34**[**(1A) Where a vehicle referred to in subsection (1) is a powered personal transporter and has an accumulator that is a battery, the weight of the accumulator shall be considered to be included in the weight unladen of the powered personal transporter.**]**

(2) For the purposes of subsection (1) of this section—

(*a*) each of the following shall, with respect to a vehicle or combination of vehicles, be an addition:

(i) a body,

(ii) a part,

(iii) a fitting,

(iv) a receptacle,

(*b*) in a case in which there is one addition only, the reference to all additions shall be construed as a reference to that addition,

(*c*) in a case in which, there being two additions (and not more), on no occasion are both of them used, the reference to all additions shall be construed as a reference to the heavier only of the additions or, where they are of equal weight, to one of them only,

(*d*) in a case in which, there being three or more additions, on no occasion are all of them used, the reference to all additions shall be construed as a reference to the heaviest combination of the additions which is used on any occasion.

(3) In a case coming within paragraph (d) of subsection (2) of this section, where one only of the additions is used on a particular occasion, "combination of the additions" in that paragraph shall, in relation to that occasion, be taken as referring to that addition.

(4) (*a*) Anything placed on a vehicle or combination of vehicles for the purpose of the conveyance of goods or burden of any other description shall, subject to the next paragraph, be a receptacle for the purposes of the foregoing subsections of this section.

(*b*) Anything so placed is excepted from the foregoing paragraph if in relation to no journey are goods or burden of any other description both loaded into and unloaded from it without its being removed from the vehicle or combination.

(5) In a prosecution under this Act, the onus of proving that anything comes within the exception specified in *subsection (4)* of this section shall lie on the defendant.

Weighbridges.

15.—(1) (*a*) A road authority may declare any weighbridge (whether maintained by them or not, whether within or outside their functional area and whether a road traffic weighbridge or not) to be an appointed weighbridge for the purposes of this Act, and every weighbridge so declared shall be known and is in this Act referred to as an appointed weighbridge.

(*b*) Any such declaration may be revoked by a subsequent declaration made by the same road authority.

(*c*) Where a road authority make a declaration under this subsection, they shall give the prescribed notice to the public of the making of the declaration.

(2) A road authority may (and, if required by the Minister, shall) provide on or adjacent to any public road in their charge a weighbridge of such dimensions, power, design and construction as may be approved of by the Minister.

(3) Every road authority owning a weighbridge erected under an enactment repealed by the repealed Act, under the repealed Act or under this section shall maintain the weighbridge in good condition and proper order and shall make the weighbridge available for the weighing of vehicles and their loads at all reasonable times.

(4) A weighbridge maintained under subsection (3) of this section shall be known and is in this Act referred to as a road traffic weighbridge.

(5) The road authority by whom a road traffic weighbridge is maintained may charge for weighings on the weighbridge (except weighings requisitioned under this Act by a member of the Garda Síochána or an officer of a road authority F35**[**or an officer of the Minister**]**) such fees as they may fix from time to time.

(6) A road authority may contribute, on such conditions as they think fit, to the cost of the provision, maintenance or operation of an appointed weighbridge other than a road traffic weighbridge provided by themselves.

(7) (*a*) A road authority may acquire and operate a weighbridgewhich is transportable and may make it available for use by members of the Garda Síochána F35**[**or an officer of the Minister**]**.

(*b*) References in this Act to a mobile weighbridge are to a weighbridge under this subsection.

Requirements with respect to weighing.

16.—(1) Where an authorised officer observes a vehicle or combination of vehicles on any occasion on a public road and he suspects that the weight laden of the vehicle or combination or the weight transmitted to the ground by any part of the vehicle or combination is such that the use of the vehicle or combination constitutes an offence under this Act—

(*a*) in case the officer has with him a mobile weighbridge, the officer may require the person in charge of the vehicle or combination—

(i) to permit the officer to ascertain by means of the mobile weighbridge the weight transmitted to the ground by any part of the vehicle or combination with the load or loads (if any) thereon; and

(ii) to do all such things as may be indicated by the officer and are reasonably necessary to facilitate him in effecting such ascertainment;

(*b*) in any other case, the officer may require the person in charge of the vehicle or combination to do all or any of the following things:

(i) forthwith to bring the vehicle or combination with the load or loads (if any) thereon to any appointed weighbridge named by the officer and not more than F36**[**25 kilometres**]** distant by the shortest available route from the place at which the requisition is made;

(ii) to carry the officer to the weighbridge in the vehicle or combination;

(iii) to cause the vehicle (or any part thereof) or combination (or any part thereof) with the load or loads (if any) thereon to be weighed on the weighbridge in the presence of the officer.

(2) Where—

(*a*) an authorised officer observes a vehicle or combination of vehicles on any occasion on a public road,

(*b*) the officer suspects that the weight unladen of the vehicle or combination is such that use of the vehicle or combination constitutes an offence under this Act, and

(*c*) the vehicle or combination either has no load or has a load or loads which can be unloaded without undue inconvenience, the officer may require the person in charge of the vehicle or combination to do all or any of the following things:

(i) forthwith to bring the vehicle or combination, inclusive of all additions with it on the said occasion, to any appointed weighbridge named by the officer and not more than F36**[**25 kilometres**]** distant by the shortest available route from the place at which the requisition is made;

(ii) to carry the officer to the weighbridge in the vehicle or combination;

(iii) to unload the vehicle or combination if it has a load or loads;

(iv) to cause the vehicle or combination, inclusive of all additions with it on the said occasion, to be weighed on the weighbridge in the presence of the officer.

(3) For the purposes of subsection (2) of this section—

(*a*) each of the following shall, with respect to a vehicle or combination of vehicles, be an addition:

(i) a body,

(ii) apart,

(iii) a fitting,

(iv) a receptacle,

(*b*) in a case in which there is one addition only, any reference to all additions shall be construed as a reference to that addition.

(4) Anything placed on a vehicle or combination of vehicles for the purpose of the conveyance of goods or burden of any other description shall be a receptacle for the purposes of subsections (2) and (3) of this section.

F37**[**(5) A person who contravenes a requirement under this section shall be guilty of an offence and shall be liable on summary conviction to F38**[**a fine not exceeding €2,000**]** or, at the discretion of the court, to imprisonment for any term not exceeding three months or to both such fine and such imprisonment.**]**

(6) Where a weighing is, consequent upon a requirement under this section, carried out on an appointed weighbridge not maintained by a road authority, the fee for the weighing shall be recouped to the person paying it by—

(*a*) in case the weighbridge was declared to be an appointed weighbridge by one road authority only—that authority, and

(*b*) in any other case—by such one of the road authorities by whom the weighbridge was declared to be an appointed weighbridge as may be agreed upon between those authorities or, in default of agreement, as may be determined by the Minister.

(7) (*a*) In this section "authorised officer" means—

(i) a member of the Garda Síochána, or

(ii) an officer F39**[**or a servant**]** of the road authority charged with the maintenance of the public road on which the vehicle or combination of vehicles is observed, authorised by that authority as an authorised officer for the purposes of this section.

F39**[**or

(iii) an officer of the Minister authorised by the Minister as an authorised officer for the purposes of this section.**]**

(*b*) Where a person appointed to be an authorised officer for the purposes of this section makes a requirement under this section, he shall, if requested by the person to whom the requirement is addressed, produce his authorisation as such officer for examination by that person.

Expenses of extraordinary traffic.

17.—(1) Where it appears to the road authority charged with the maintenance of a public road that, having regard to the average expense of repairing that road, extraordinary expenses have been or will be incurred in repairing the road by reason of the damage caused by excessive weight passing along the road or other extraordinary traffic thereon, the amount of the extraordinary expenses shall be paid to the road authority by the person by whom or in consequence of whose order such weight or traffic has been conducted and, in default of that amount being so paid, it shall be recoverable as a simple contract debt in any court of competent jurisdiction.

(2) Subsection (1) of this section shall have effect subject to the following provisos:

(*a*) any person required by the subsection to pay extraordinary expenses may enter into an agreement with a road authority for the payment to them of a composition in respect of the relevant weight or traffic and, on paying the composition, shall not be liable under the subsection;

(*b*) the subsection shall be construed as not applying to damage caused as a result of—

(i) Córas Iompair Éireann carrying on a passenger road service,

(ii) a person carrying on a passenger road service under a licence granted under the Road Transport Act, 1932, or

(iii) a person carrying on a business authorised by a merchandise licence granted under the Road Transport Act, 1933;

(*c*) proceedings under the subsection shall be commenced within twelve months after the time at which the damage was done, or, where the damage is in consequence of any particular building contract or work extending over a long period, shall be commenced not later than six months after the completion of the contract or work;

(*d*) in any such proceedings the amount for which judgment may be given shall be the amount of the expenses shown to the satisfaction of the court to have been or to be likely to be incurred by the road authority by reason of the damage from the extraordinary traffic.

F40**[**(3) The jurisdiction relating to the recovery under this section of the amount of any extraordinary expenses incurred by a road authority in repairing a road shall, concurrently with the High Court, be exercised at the election of the plaintiff by—

(*a*) the judge of the Circuit Court for the time being assigned to the circuit or, as may be appropriate, the justice of the District Court for the time being assigned to the district, where the damage was done, or

(*b*) the judge of the Circuit Court for the time being assigned to the circuit or, as may be appropriate, the justice of the District Court for the time being assigned to the district, where the defendant or one of the defendants resides or carries on business.**]**

Tests of mechanically propelled vehicles.

18.—(1) A person shall not use in a public place a F41**[**...**]** vehicle to which this section applies unless at that time there is in force in respect of the vehicle a test certificate.

(2) Where a person contravenes subsection (1) of this section, he and, if he is not the owner of the vehicle, such owner shall each be guilty of an offence and shall be liable on summary conviction to F42**[**a fine not exceeding €2,000**]** or, at the discretion of the court, to imprisonment for any term not exceeding three months or to both such fine and such imprisonment.

(3) Where, in a prosecution for an offence under this section, it is shown that, a demand having been made under section 19 of this Act,—

(*a*) the person on whom the demand was made refused or failed to produce a test certificate then and there, or

(*b*) such person, having duly produced a test certificate consequent upon the demand, refused or failed to permit the member of the Garda Síochána to whom such certificate was produced to read and examine it,

it shall be presumed, until the contrary is shown by the defendant, that the vehicle was being used in contravention of this section.

(4) Where a person charged with an offence under this section is the owner of the vehicle, it shall be a good defence to the charge for the person to show that the vehicle was being used without his consent and either that he had taken all reasonable precautions to prevent its being used or that it was being used by his servant acting in contravention of his orders.

(5) Where a person charged with an offence under this section was the servant of the owner of the vehicle, it shall be a good defence to the charge for the person to show that he was using the vehicle in obedience to the express orders of the owner.

(6) In this section "the issuing authority" means the person who, in the case in question and in accordance with the regulations under this section, is the issuing authority.

(7) The owner of a F41**[**...**]** vehicle to which this section applies may apply to the issuing authority for a F43**[**certificate referred to in paragraph (a) of the definition of "test certificate" in section 3**]** in respect of the vehicle.

(8) Where an application is duly made under *subsection (7)* of this section and the prescribed fee is paid—

(*a*) the issuing authority shall test or cause to be tested the vehicle in accordance with the regulations under this section,

(*b*) in case the issuing authority is satisfied as a result of the test that the vehicle complies with the prescribed requirements, it shall issue a certificate F44**[**...**]** certifying such compliance,

(*c*) in case the issuing authority is not so satisfied—

(i) the issuing authority shall refuse to issue a test certificate and shall issue to the applicant a statement of the reasons for the refusal,

(ii) if the applicant is aggrieved by the refusal or the grounds thereof, he may appeal to the Justice of the District Court having jurisdiction in the place where the vehicle is ordinarily kept and the Justice may either refuse the appeal or direct a new test of the vehicle.

(9) The Minister may make regulations for the purpose of giving effect to this section.

(10) Regulations under this section may, in particular and without prejudice to the generality of *subsection (9)* of this section, make provision for all or any of the following matters:

(*a*) the classes of F41**[**...**]** vehicles to which this section applies;

(*b*) exempting from subsection (1) of this section the use of vehicles for specified purposes or in specified circumstances;

(*c*) the specifying of the persons to be issuing authorities for the purposes of this section;

(*d*) the specifying of the persons by whom issuing authorities may cause tests to be carried out for the purposes of this section;

(*e*) the specifying of the persons by whom new tests directed pursuant to subparagraph (ii) of paragraph (c) of subsection (8) of this section are to be carried out;

(*f*) the making of applications for F45**[**certificates referred to in paragraph (a) of the definition of "test certificate" in section 3**]** and the specifying of conditions subject to which such applications may be made;

(*g*) the fees to be paid by applicants for F45**[**certificates referred to in paragraph (a) of the definition of "test certificate" in section 3**]** and the disposition of such fees;

(*h*) the requirements in respect of which tests are to be carried out;

(*i*) the nature of tests;

(*j*) the manner in which, the conditions under which and the apparatus with which tests are to be carried out;

(*k*) the maintenance of apparatus used for carrying out tests;

(*l*) powers of inspection of premises and apparatus used for testing F41**[**...**]** vehicles;

F46**[**(*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;**]**

(*n*) F47**[**the form of certificates referred to in paragraph (a) of the definition of "test certificate" in section 3**]** and period of validity of test certificates;

(*o*) the delegation by issuing authorities to specified persons of the functions of such authorities F48**[**under paragraphs (b) and (c) of subsection (8);**]**

F49**[**(*p*) the verification of the validity of a test certificate where there is doubt as to the validity of the certificate.**]**

(11) Regulations under this section may make different provisions for different classes of cases coming within the same matter.

(12) A person who contravenes a regulation under this section which is stated to be a penal regulation shall be guilty of an offence.

(13) The existence of a test certificate shall not affect any prosecution for an offence under any other section of this Act.

Production of test certificate on demand.

19.—(1) (*a*) Where a member of the Garda Síochána has reasonable grounds for believing that a F50**[**...**]** vehicle to which *section 18* of this Act applies has been used in a public place on a particular occasion (including a case in which the member has himself observed the use) and that the actual user of the vehicle on that occasion was a particular person, the member may, at any time not later than one month after the occasion, demand of the person the production of a test certificate in respect of the vehicle in force on the occasion and, if the person refuses or fails to produce any such certificate then and there, he shall, unless within ten days after the day on which the production was demanded he produces such certificate in person to a member of the Garda Síochána at a Garda Síochána station named by the person at the time at which the production was demanded, be guilty of an offence.

(*b*) In a prosecution for an offence under this subsection, it shall be presumed, until the contrary is shown by the defendant, that he did not, within ten days after the day on which the production was demanded produce the certificate in person to a member of the Garda Síochána at a Garda Síochána station named by the defendant at the time at which the production was demanded.

(*c*) It shall be a good defence in a prosecution for an offence under this subsection if the defendant shows that on the occasion in question—

(i) he did not use the vehicle, or

(ii) he was the servant of the owner of the vehicle and was using the vehicle in obedience to the express orders of the owner.

(2) (*a*) Where a member of the Garda Síochána has reasonable grounds for believing that a F50**[**...**]** vehicle to which section 18 of this Act applies has been used in a public place on a particular occasion (including a case in which the member has himself observed the use), the member may, at any time not later than one month after the occasion, demand of the owner of the vehicle the production of a test certificate in respect of the vehicle in force on the occasion and, if the owner refuses or fails to produce any such certificate then and there, he shall, unless within ten days after the day on which the production was demanded he produces such certificate in person to a member of the Garda Síochána at a Garda Síochána station named by the owner at the time at which such production was demanded, be guilty of an offence.

(*b*) In a prosecution for an offence under this subsection, it shall be presumed, until the contrary is shown by the defendant, that he did not, within ten days after the day on which production was demanded, produce the certificate in person to a member of the Garda Síochána at a Garda Síochána station named by the defendant at the time at which the production was demanded.

(*c*) It shall be a good defence in a prosecution for an offence under this subsection if the defendant shows—

(i) that the vehicle was not used on the occasion in question, or

(ii) that a person other than himself used the vehicle on the occasion in question, that it was so used without his consent and either that he had taken all reasonable precautions to prevent its being so used or that the person so using it was his servant acting in contravention of his orders.

(3) Where a person produces pursuant to this section a certificate to a member of the Garda Síochána but refuses or fails to permit the member to read and examine it, he shall be guilty of an offence and the member may demand of him his name and address.

(4) Where a person whose name and address is demanded under subsection (3) of this section refuses or fails to give his name and address or gives a name or address which is false or misleading, he shall be guilty of an offence.

(5) A member of the Garda Síochána may arrest without warrant—

(*a*) a person who pursuant to this section produces a certificate but refuses or fails to permit the member to read and examine it, or

(*b*) a person who, when his name and address is demanded of him by the member under this section, refuses or fails to give his name and address or gives a name or address which the member has reasonable grounds for believing to be false or misleading.

Powers of occasional examination, inspection and test.

20.—(1) Where a member of the Garda Síochána observes a mechanically propelled vehicle or combination of vehicles in a public place and he suspects that there is a defect affecting the vehicle or combination which is such that it is, when in use, a danger to the public or, in the case of a public service vehicle, there is a defect affecting it which is such that either it is a danger to the public or it is rendered unfit for the carriage of passengers, he may inspect and examine the vehicle or combination and, for the purpose of carrying out the inspection and examination, may do all such things and make all such requirements in relation to it as are reasonably necessary.

(2) For the purposes of subsection (1) of this section and without prejudice to the generality of the powers conferred thereby, a member of the Garda Síochána may—

(*a*) require the person in charge of a mechanically propelled vehicle or combination of vehicles to bring it to a convenient place indicated by the member suitable for the carrying out of an inspection and examination under this section and not more than five miles distant by the shortest available route from the place at which the requisition is made, and to carry the member in the vehicle or combination,

(*b*) drive a mechanically propelled vehicle or combination of vehicles for a reasonable time and distance,

(*c*) require the person in charge of a mechanically propelled vehicle or combination of vehicles to drive it or cause it to be driven for a reasonable time and distance in such direction and manner and at such speed as the member directs, and to carry the member in it while it is being so driven,

(*d*) carry out or cause to be carried out such tests as the member considers reasonable.

(3) Where a member of the Garda Síochána has, F51**[**consequent upon an inspection and examination under section 12 of the Road Traffic Act, 1968, of a mechanically propelled vehicle, or**]** consequent upon having inspected and examined under this section a mechanically propelled vehicle, reasonable grounds for believing that there is a defect affecting it which is such that it is, when in use, a danger to the public, he may—

(*a*) instruct the person in charge that it is not to be driven in a public place until the defect has been remedied,

(*b*) require the person in charge or the owner to submit it for a further examination and test at a specified time and place.

(4) Where a member of the Garda Síochána has, consequent upon having inspected and examined under this section a public service vehicle, reasonable grounds for believing that there is a defect (other than a defect referred to in subsection (3) of this section) affecting it which is such that it is rendered unfit for the carriage of passengers, he may—

(*a*) instruct the person in charge that it is not to be used for the carriage of passengers for reward until the defect is remedied,

(*b*) require the person in charge or the owner to submit it for a further examination and test at a specified time and place.

(5) Where a member of the Garda Síochána has, F52**[**consequent upon an inspection and examination under section 12 of the Road Traffic Act, 1968, of a vehicle drawn by a mechanically propelled vehicle, or**]** consequent upon having inspected and examined under this section a vehicle drawn by a mechanically propelled vehicle, reasonable grounds for believing that there is a defect affecting it which is such that it is, when in use, a danger to the public, he may—

(*a*) instruct the person in charge that the vehicle is not to be drawn in a public place by a mechanically propelled vehicle until the defect is remedied,

(*b*) require the person in charge or the owner to submit the vehicle for a further examination and test at a specified time and place.

(6) A member of the Garda Síochána may test any pedal cycle F53**[**or powered personal transporter**]** and, for the purpose of carrying out the test, may do all such things and make all such requirements in relation to the cycle F53**[**or transporter**]** as are reasonably necessary.

(7) For the purposes of *subsection (6)* of this section and without prejudice to the generality of the powers conferred thereby, a member of the Garda Síochána may—

(*a*) drive any pedal cycle F53**[**or powered personal transporter**]** for a reasonable time and distance,

(*b*) require any person in charge of a pedal cycle F53**[**or powered personal transporter**]** to drive it or cause it to be driven for a reasonable time and distance in such a direction as the member directs.

(8) Where a member of the Garda Síochána has, consequent upon having tested under this section a pedal cycle F53**[**or a powered personal transporter**]**, reasonable grounds for believing that it has a dangerous defect, he may—

(*a*) instruct the person in charge of the cycle F53**[**or transporter**]** that it is not to be driven in a public place until the defect is remedied,

(*b*) require such person to submit the cycle F53**[**or transporter**]** for a further test at a specified time and place.

(9) A person who, in a case in which a requirement under subsection (1), (2), (6) or (7) of this section has been made on him, contravenes the requirement shall be guilty of an offence.

(10) (*a*) A person who, in a case in which an instruction under subsection (3) of this section that a vehicle is not to be driven in a public place until a defect is remedied has been given to him or in which he is aware that such an instruction has been given, so drives it or causes or permits it to be so driven before the defect is remedied shall be guilty of an offence and shall be liable on summary conviction to F54**[**a fine not exceeding €2,000**]** or, at the discretion of the court, to imprisonment for any term not exceeding three months or to both such fine and such imprisonment.

(*b*) Where a person is charged with an offence under this subsection, it shall be a good defence for him to show that, at the time the instruction was given, there was not a defect affecting the vehicle which was such that the vehicle was, when in use, a danger to the public.

(11) (*a*) A person who, in a case in which a requirement under subsection (3) of this section has been made on him, contravenes the requirement shall be guilty of an offence.

(*b*) Where a person is charged with an offence under this subsection, it shall be a good defence for him to show that, at the time the requirement was made, there was not a defect affecting the vehicle which was such that the vehicle was, when in use, a danger to the public.

(12) (*a*) A person who, in a case in which an instruction under subsection (4) of this section that a vehicle is not to be used for the carriage of passengers until a defect is remedied has been given to him or in which he is aware that such an instruction has been given, so uses it or causes or permits it to be so used before the defect is remedied shall be guilty of an offence.

(*b*) Where a person is charged with an offence under this subsection, it shall be a good defence for him to show that, at the time the instruction was given, there was not a defect affecting the vehicle which was such that the vehicle was rendered unfit for the carriage of passengers.

(13) (*a*) A person who, in a case in which a requirement under *subsection (4)* of this section has been made on him, contravenes the requirement shall be guilty of an offence.

(*b*) Where a person is charged with an offence under this subsection, it shall be a good defence for him to show that, at the time the requirement was made, there was not a defect affecting the vehicle which was such that the vehicle was rendered unfit for the carriage of passengers.

(14) (*a*) A person who, in a case in which an instruction under subsection (5) of this section that a vehicle drawn by a mechanically propelled vehicle is not to be so drawn in a public place until a defect is remedied has been given to him or in which he is aware that such an instruction has been given, so draws it or causes or permits it to be so drawn before the defect is remedied shall be guilty of an offence.

(*b*) Where a person is charged with an offence under this subsection, it shall be a good defence for him to show that, at the time the instruction was given, there was not a defect affecting the vehicle which was such that the vehicle was, when in use, a danger to the public.

(15) (*a*) A person who, in a case in which a requirement under subsection (5) of this section has been made on him, contravenes the requirement shall be guilty of an offence.

(*b*) Where a person is charged with an offence under this subsection, it shall be a good defence for him to show that, at the time the requirement was made, there was not a defect affecting the vehicle which was such that the vehicle was, when in use, a danger to the public.

(16) (*a*) A person who, in a case in which an instruction under *subsection (8)* of this section that a cycle F53**[**or transporter**]** is not to be driven in a public place until a defect is remedied has been given or in which he is aware that such an instruction has been given, so drives it or causes or permits it to be so driven before the defect is remedied shall be guilty of an offence.

(*b*) Where a person is charged with an offence under this subsection, it shall be a good defence for him to show that, at the time the instruction was given, the cycle F53**[**or transporter**]** had not a dangerous defect.

(17) (*a*) A person who, in a case in which a requirement under *subsection (8)* of this section has been made on him, contravenes the requirement shall be guilty of an offence.

(*b*) Where a person is charged with an offence under this subsection, it shall be a good defence for him to show that, at the time the requirement was made, the cycle F53**[**or transporter**]** had not a dangerous defect.

(18) Where a requirement is made under subsection (3), (4), (5) or (8) of this section—

(*a*) the person required shall have the right to be present at the examination and, if he exercises this right—

(i) he shall be afforded an opportunity of observing the examination,

(ii) he shall have the further right to bring with him to the examination another person selected by him and, if he exercises this right, the person accompanying him shall also be afforded an opportunity of observing the examination,

(*b*) if he does not exercise his right to be present at the examination, he shall have the right to be represented at it by another person selected by him and, if he exercises this right, the person representing him shall be afforded an opportunity of observing the examination.

In this subsection "examination" includes "test".

PART III.

DRIVING LICENCES.

F55**[**Licensing Authority.

F56**[21.**—In this Part, "licensing authority" means the Road Safety Authority and references to a licensing authority shall be read as references to the licensing authority.**]]**

F57**[**Application for Irish driving licence.

22.—(1) Subject to this Part, a person may apply to a licensing authority for a licence ("Irish driving licence") to drive a mechanically propelled vehicle of a specified category.

(2) An application for an Irish driving licence—

(*a*) shall be made—

(i) to the licensing authority F58**[**...**]**

(ii) in accordance with the regulations made under section 42(2)(c),

F59**[**(*b*) shall be accompanied by—

(i) evidence, in accordance with F60**[**regulations made under section 42(2)(ca)**]**, 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,**]**

(*c*) shall contain—

F59**[**(i) where required under regulations under this Act, a recent photograph of the applicant, and**]**

(ii) 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.

(3) Details of an applicant's personal public service number referred to in subsection (2)(c) may be entered in licence records.

(4) (*a*) 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 F58**[**...**]**, as may be appropriate, with—

(i) such information from the records, and

(ii) such copies of licence records or of such extracts from such records,

as the person may reasonably require.

(*b*) This subsection applies to—

(i) 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

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

(5) In this section "licence records" means records maintained under section 60 (as amended by section 86 of the Finance Act 1994) of the Finance Act 1993. **]**

F61**[**Disqualification for applying for Irish driving licence or learner permit if disqualified for holding such.

22A.—(1) Where a person is disqualified by this Act for holding any driving licence or learner permit—

(*a*) whatsoever during a period, he or she shall be disqualified for applying for any Irish driving licence or learner permit whatsoever, or

(*b*) in respect of vehicles of a category during a period, he or she shall be disqualified for applying for an Irish driving licence or a learner permit in respect of vehicles of that category,

for that period or any period the whole or part of which is within that period.

(2) Where a person is disqualified for applying for any Irish driving licence or learner permit—

(*a*) whatsoever for a period, he or she shall not apply for any such licence or permit whatsoever for that period,

(*b*) in respect of a category of vehicle for a period, he or she shall not apply for such a licence or permit in respect of that category, for that period,

and, if he or she does so and obtains such a licence or permit on the application, it is void and of no effect.**]**

F62**[**Prohibition on applying for another Irish driving licence or learner permit in respect of a licence or permit already held in respect of vehicle.

F63**[22B.**—(1) Subject to subsection (2), where a person has been granted an Irish driving licence or a learner permit in respect of vehicles of a category for a period, he or she is disqualified for applying for an Irish driving licence or a learner permit in respect of vehicles of that category for that period or any part of it.

(2) Where a person who is the holder of a learner permit in respect of vehicles of a category for a period has been granted a certificate of competency in respect of such category, he or she shall not, by virtue of the application of subsection (1), be disqualified for applying for a driving licence in respect of vehicles of that category for any period which, or part of which, is within that period.**]]**

F64**[**Grant of Irish driving licence.

23.—(1) Where an application is duly made for an Irish driving licence, the licensing authority shall grant the licence unless it appears to them—

(*a*) that the applicant is disqualified for applying for the licence, or

(*b*) that, having regard to the particulars contained in the application, the applicant has not a satisfactory knowledge of the Rules of the Road.

(2) Subject to this Part and any regulations under it, an Irish driving licence shall be granted for a period of 12 months or such longer period as may be prescribed beginning on—

(*a*) in case the licence is granted during a period during which an Irish driving licence previously granted to the applicant remains unexpired — the day following the expiration of the driving licence previously granted, and

(*b*) in any other case — the day on which the licence is granted.**]**

F65**[**Recognition of foreign driving licences.

23A.—(1) The Minister may by order declare that F66**[**, for the purposes of an application for an Irish driving licence,**]** a licence or permit permitting a person to drive a mechanically propelled vehicle, not being a licence or permit issued to a person to enable that person to learn or provisionally to drive such a vehicle, issued by the competent authority of a state other than the State, shall be recognised for the purpose of exchange of that licence or permit for a driving licence, in respect of any one or more of the categories in respect of which the licence or permit is held, and subject to such restrictions, if any, as may be specified in the order.

(2) Every order made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after it is mad e and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House has sat after the order is laid before it, the order shall be annulled

accordingly but without prejudice to the validity of anything previously done under it.**]**

F67**[**Recognition of foreign driving licences held by certain persons

23B.—(1) The Minister, after consultation with the Minister for Justice, may by order declare that a licence or permit permitting a relevant person to drive a mechanically propelled vehicle, not being a licence or permit to enable that relevant person to learn or provisionally to drive such a vehicle, issued by the competent authority of a relevant state, shall be recognised for the purpose of use in the State in respect of any one or more of the categories in respect of which the licence or permit issued to a relevant person is held, and subject to such restrictions, if any, as may be specified in the order.

(2) In this section, "relevant state" means a state other than the State or a Member State or member state of the European Economic Area.**]**

F68**[**Automatic revocation of driving licence where holder is subject of deportation order

23C.—(1) Where the holder of an Irish driving licence is the subject of a deportation order F69**[**or a return decision**]** 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 F69**[**or the coming into effect of the decision**]**.

(3) Where the Minister for Justice F70**[**makes a deportation order or a return decision**]** in respect of a person he or she may notify the Minister of the F70**[**making of the order or coming into effect of the decision**]** 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 F69**[**or return decision**]**;

(*b*) the date of birth of the person who is the subject of the deportation order F69**[**or return decision**]**;

(*c*) where the person who is the subject of the deportation order F69**[**or return decision**]** 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 F69**[**and "return decision" means a return decision under Part 11 of the International Protection Act 2026**]**.**]**

F71**[**Endorsement of revocation of driving licence on license record relating to holder

23D.—(1) In this section and section 23E, "licence" means an Irish driving licence or learner permit.

(2) Where the Minister receives F72**[**a notification under section 23C(3)**]**, or where a licence has been revoked in accordance with regulations under F72**[**section 42(2)(cb)**]**, 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.**]**

F73**[**Retention of revoked driving licence by member of Garda Síochána

23E.—(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 23C or F74**[**regulations under section 42(2)(cb)**]**, 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 F74**[**regulations under section 42(2)(cb)**]**.**]**

Signing of driving licence by grantee thereof.

24.—F75**[**...**]**

Period during which driving licence has effect.

25.—F76**[**...**]**

Consequential disqualification orders.

F77**[26.**—(1) Subject to subsection (5)(b), where a person is convicted of an offence specified in the Second Schedule, the court shall make an order ("consequential disqualification order") declaring him or her to be disqualified for holding a driving licence.

(2) Subject to subsection (3), a consequential disqualification order operates to disqualify the person to whom the order relates for holding any driving licence whatsoever during a specified period or during a specified period and thereafter until he or she has produced to the F78**[**...**]** licensing authority, as may be specified in the order, a certificate of competency or a certificate of fitness or both.

(3) A consequential disqualification order resulting from a conviction for an offence under—

(*a*) section 52 or 53 tried on indictment where the contravention involved the driving of a mechanically propelled vehicle, or

(*b*) section 106, where—

(i) the offence involved a contravention of F79**[**paragraph (a), (aa) or (b)**]** of subsection (1) of that section,

(ii) injury was caused to a person,

(iii) a mechanically propelled vehicle was involved in the occurrence of the injury, and

(iv) the convicted person was the driver of the vehicle concerned,

operates to disqualify the person to whom the order relates for holding any driving licence whatsoever during a specified period and, unless the court is satisfied that a special reason (which it shall specify when making its order) had been proved by the convicted person to exist in his or her particular case such that it should not so operate, thereafter until the person has produced to the F78**[**...**]** licensing authority, as may be specified in the order, a certificate of competency or both a certificate of competency and a certificate of fitness.

(4) (*a*) The period of disqualification specified in a consequential disqualification order shall, where the person to whom the order relates is convicted of an offence under—

(i) section 4 of the Road Traffic Act 2010 consisting of a contravention of subsection (1) of that section,

(ii) section 5(1) of the Road Traffic Act 2010,

(iii) section 52 or 53, tried on indictment,

(iv) *section 106*, where the offence involved the matters specified in subparagraphs (i) to (iv) of subsection (3)(b) of this section,

F80**[**(v) section 12, 13B, 14 or 17A of the Road Traffic Act 2010, or**]**

(vi) section 138(3) of the Railway Safety Act 2005, tried on indictment,

be not less than 4 years in the case of a first offence under the section concerned and not less than 6 years in the case of a second or any subsequent offence under the same section.

(*b*) The period of disqualification specified in a consequential disqualification order shall, where the person to whom the order relates is convicted of an offence under section 4 of the Road Traffic Act 2010 consisting of a contravention of subsection (2), (3) or (4) of that section or an offence under subsection (2), (3) or (4) of section 5 of the Road Traffic Act 2010, be—

(i) in the case of a first offence under the section concerned, not less than the appropriate period specified in column (3) of the Table to this subsection, and

(ii) in the case of—

(I) a second or subsequent offence under that section, or

F81**[**(II) a first offence under that section, where the person has been previously convicted of an offence under the other section,**]**

not less than the appropriate period specified in column (4) of that Table.

F82**[**(*ba*) The period of disqualification specified in a consequential disqualification order shall, where the person to whom the order relates is convicted of an offence under section 4 of the Road Traffic Act 2010 consisting of a contravention of subsection (1A) of that section or an offence under subsection (1A) of section 5 of that Act, be—

(i) not less than 1 year, in the case of a first offence under the section concerned, and

(ii) not less than 2 years, in the case of—

(I) a second or subsequent offence under the same section, or

(II) a first offence under that section, where the person has been previously convicted of an offence under the other section.**]**

(*c*) In paragraph (b) "appropriate period" means the period that is appropriate having regard to—

(i) the concentration of alcohol in the blood, urine or breath, as the case may be, of the person concerned in relation to which that person was convicted of the offence concerned, and

(ii) the concentrations of alcohol in blood, urine or breath, as may be appropriate, specified in column (2) of the Table to this subsection.

TABLE

Reference Number (1)	Concentration of alcohol (2)	First offence under the section concerned (3)	F83[Second or any subsequent offence under the same section or first offence where previously convicted under the other section] (4)
1.	(*a*) Not exceeding 80 milligrammes of alcohol per 100 millilitres of blood; (*b*) Not exceeding 107 milligrammes of alcohol per 100 millilitres of urine; (*c*) Not exceeding 35 microgrammes of alcohol per 100 millilitres of breath.	6 months	1 year
2.	(*a*) Exceeding 80 milligrammes but not exceeding 100 milligrammes of alcohol per 100 millilitres of blood; (*b*) Exceeding 107 milligrammes but not exceeding 135 milligrammes of alcohol per 100 millilitres of urine; (*c*) Exceeding 35 microgrammes but not exceeding 44 microgrammes of alcohol per 100 millilitres of breath.	1 year	2 years
3.	(*a*) Exceeding 100 milligrammes but not exceeding 150 milligrammes of alcohol per 100 millilitres of blood; (*b*) Exceeding 135 milligrammes but not exceeding 200 milligrammes of alcohol per 100 millilitres of urine; (*c*) Exceeding 44 microgrammes but not exceeding 66 microgrammes of alcohol per 100 millilitres of breath.	2 years	4 years
4.	(*a*) Exceeding 150 milligrammes of alcohol per 100 millilitres of blood; (*b*) Exceeding 200 milligrammes of alcohol per 100 millilitres of urine; (*c*) Exceeding 66 microgrammes of alcohol per 100 millilitres of breath.	3 years	6 years

(5) (*a*) Subject to paragraph (b), the period of disqualification specified in a consequential disqualification order shall, where the person to whom the order relates is convicted of an offence under section 52 or 53 tried summarily or under section 56, be not less than 2 years in the case of a

first offence under the section concerned and not less than 4 years in the case of a second or any subsequent offence under the same section committed within the period of 3 years from the date of the commission of the previous offence or, in the case of more than one such offence, the last such offence.

(*b*) Where a person is convicted of an offence under section 52 tried summarily or under section 56, the court may, in the case of a first offence under the section concerned, where it is satisfied that a special reason (which it shall specify when making its order) has been proved by the convicted person to exist in his or her particular case to justify such a course—

(i) decline to make a consequential disqualification order, or

(ii) specify a period of disqualification in the consequential disqualification order of less than 1 year.

(6) The period of disqualification specified in a consequential disqualification order shall, in a case not coming within *subsection (4)* or *(5)*, be not less than 1 year.

(7) Where a person is convicted of an offence under section 49 or 50 of this Act or section 13 or 15 of the Road Traffic Act 1994 ("the former section") whether before or after the commencement of section 4, 5, 12 or 14 of the Road Traffic Act 2010 and is subsequently convicted of one or more offences under any other of those sections ("the latter section") the conviction under the latter section shall, for the purposes of this section, be regarded as a second or, as the case may be, a subsequent conviction for an offence under the latter section.

(8) Where a person is convicted of an offence ("the latter conviction") under section 49 or 50 of this Act or section 13 or 15 of the Road Traffic Act 1994 whether before or after the commencement of section 4, 5, 12 or 14 of the Road Traffic Act 2010, and

(*a*) the conviction is, or is by virtue of subsection (7) to be regarded as, a second or subsequent conviction for an offence under the same section, and

(*b*) a period of 4 years or more during which such person was not disqualified for holding a driving licence has elapsed since the previous conviction of the person by reference to which the later conviction is, or is by virtue of subsection (7) to be regarded as, a second or subsequent conviction,

the court may, for the purposes of this section, deal with the later conviction as a first conviction.

(9) Subject to subsections (10) and (11), in every case in which an appeal may be brought in respect of a conviction for an offence on conviction of which a consequential disqualification order may be made, jurisdiction to make, confirm, annul or vary a consequential disqualification order is conferred on the appellate court unless it otherwise has that jurisdiction or the conferring of that jurisdiction is unnecessary because the appeal is by way of rehearing.

(10) A consequential disqualification order shall not be annulled on appeal unless—

(*a*) the conviction by reference to which it was imposed is reversed, or

(*b*) the provisions of subsection (5)(b) apply.

(11) Where a consequential disqualification order is, on an appeal, made or varied, the requirements of subsections (2) to (7) shall be complied with and the provisions of subsection (8), where relevant, shall also apply. **]**

Ancillary disqualification orders.

27.—(1) (*a*) Where a person is convicted of an offence under this Act or otherwise in relation to a mechanically propelled vehicle or the driving of any such vehicle (other than an offence in relation to which section 26 of this Act applies) or of a crime or offence in the commission of which a mechanically propelled vehicle was used, the court may, without prejudice to the infliction of any other punishment authorised by law, make

an order (in this Act referred to as an ancillary disqualification order) declaring the person convicted to be disqualified for holding a driving licence.

(*b*) A disqualification under this subsection—

(i) shall disqualify the convicted person either for holding any driving licence whatsoever or for holding a driving licence in respect of a class or classes of mechanically propelled vehicles, and

(ii) shall so disqualify him during a specified period or during a specified period and thereafter until he has produced to the F84**[**...**]** licensing authority a certificate of competency or a certificate of fitness or both.

(2) Subject to subsection (3) of this section, in every case in which an appeal may be brought in respect of a conviction of an offence on conviction of which an ancillary disqualification order may be made, jurisdiction to make, confirm, annul or vary an ancillary disqualification order is hereby conferred on the appellate court unless it otherwise has that jurisdiction or the conferring of that jurisdiction is unnecessary because the appeal is by way of rehearing.

(3) Where an ancillary disqualification order is, on an appeal, made or varied, the requirements of paragraph (b) of subsection (1) of this section shall be complied with.

(4) An ancillary disqualification order shall be subject to appeal notwithstanding that an appeal is not taken against the relevant conviction.

Special disqualification orders.

28.—(1) Where an officer of the Garda Síochána F85**[**or appropriate licensing authority**]** has reasonable grounds for believing that a person who is the holder of a driving licence is by reason of disease or physical or mental disability unfit to drive any mechanically propelled vehicle whatsoever or any class or classes of mechanically propelled vehicles covered by such licence, such officer F85**[**or licensing authority**]** may apply to a Justice of the District Court having jurisdiction in the place in which such person ordinarily resides for an order under this subsection, and if the Justice is satisfied that such person is by reason of disease or physical or mental disability unfit to drive any mechanically propelled vehicle whatsoever or any such class or classes of mechanically propelled vehicles as are within the terms of the application, he may make the appropriate order declaring such person to be disqualified for holding a driving licence until he produces to the F86**[**licensing authority**]** a certificate of fitness.

(2) Where an officer of the Garda Síochána has reasonable grounds for believing that a person who is the holder of a driving licence is incompetent to drive any mechanically propelled vehicle whatsoever or any class or classes of mechanically propelled vehicles covered by such licence, such officer may apply to a Justice of the District Court having jurisdiction in the place in which such person ordinarily resides for an order under this subsection in respect of such person, and if the Justice is satisfied that such person is incompetent to drive any mechanically propelled vehicle whatsoever or any such class or classes of mechanically propelled vehicles as are within the terms of the application, he may make the appropriate order declaring such person to be disqualified for holding a driving licence until he produces to the F86**[**licensing authority**]** a certificate of competency.

(3) An order shall not be made under this section in respect of a person unless not less than ten days' previous notice in writing of the application for the order has been given to him.

(4) A person who is aggrieved by a special disqualification order made in respect of him may appeal to the Circuit Court.

(5) Orders made under this section are referred to in this Act as special disqualification orders.

Removal of disqualification under consequential or ancillary disqualification order.

F87**[29.**—(1) This section applies to a person in respect of whom a disqualification order has been made, whether before or after the commencement of section 7 of the Road Traffic Act 2006, disqualifying the person for holding a licence during a period of more than 2 years, and which is the first such order made in respect of that person within a period of 10 years.

(2) A person to whom this section applies may, at any time following the completion of one-half of the period specified in the disqualification order, apply to the court which made the order, for the removal of the disqualification.

(3) In considering an application made under this section a court, without prejudice to its power to have regard to all of the matters that appear to the court to be relevant, may, in particular, have regard to the character of the applicant, his or her conduct after the conviction and the nature of the offence.

F88**[**(4) Where a court considers it to be appropriate the court may—

(*a*) confirm the period specified in the order of disqualification, or

(*b*) order the removal of the disqualification from a specified date that is such that the disqualification will have effect for a least two-thirds of the period specified in the order of disqualification, or a period of 2 years, whichever is the greater.**]**

(5) A person intending to make an application under this section shall give 14 days notice in writing to the Superintendent of the Garda Síochána for the district in which the person ordinarily resides.

(6) The court hearing an application under this section may order the applicant to pay the whole or any part of the costs.

(7) In this section "disqualification order" means a consequential or an ancillary disqualification order.**]**

Operation of disqualification order.

F89**[30.**—F90**[**(1) A person in respect of whom a consequential, ancillary or special disqualification order is made stands disqualified in accordance with the order for holding a driving licence, and—

(*a*) an Irish driving licence or learner permit held by him or her at the date of the order stands suspended, correspondingly,

(*b*) where he or she holds a foreign driving licence to which the European Communities (Recognition of Driving Licences of Other Member States) Regulations 2008 (S.I. No. 464 of 2008) apply, those Regulations do not apply to that licence, or

(*c*) a foreign driving licence (other than a licence referred to in paragraph (b)) held by him or her at the date of the order has no effect in the State.**]**

(2) Where a disqualification is removed under section 29 of this Act, *subsection (1)* of this section shall cease to have effect as and from the date from which the disqualification is so removed.

(3) (*a*) Save as provided by paragraphs (b) to (e) of this subsection—

(i) a special disqualification order shall come into operation immediately it is made and a consequential or ancillary disqualification order shall come into operation on the fifteenth day after it is made,

(ii) the operation of a special, ancillary or consequential disqualification order shall not be suspended or postponed.

(*b*) Where an appeal is being brought against a special disqualification order, the court making the order may direct the suspension of the operation of the order pending the appeal.

(*c*) Where a consequential or ancillary disqualification order (or, where the order is related to a conviction, that conviction) is the subject of an appeal, notice of which is lodged within fourteen days of the making of the order, and

the convicted person has duly entered into a recognisance to prosecute the appeal, the operation of the order shall stand suspended pending the appeal.

(*d*) When making, confirming or varying a consequential or ancillary disqualification order the court may, at its discretion but subject to paragraph (e) of this subsection, postpone the operation of the order for a period not exceeding six months.

(*e*) A Court shall not postpone under paragraph (d) of this subsection the operation of a consequential or ancillary disqualification order unless it is satisfied that a special reason (which it shall specify when postponing the operation of the order) relating to his personal circumstances (including the nature of his employment) has been proved by the convicted person to exist in his particular case.

(4) Where—

(*a*) a notice of appeal has been lodged in a case in which a consequential, ancillary or special disqualification order has been made,

(*b*) the operation of the order stands suspended pending the appeal, and

(*c*) the appellant has given notification in writing that he wishes to withdraw the appeal,

the suspension of the operation of the order shall be regarded as having terminated immediately before the day on which the notification was given and the period of disqualification shall begin on that day.

(5) Where—

(*a*) a consequential or ancillary disqualification order (or, where the order is related to a conviction, that conviction) is the subject of an appeal,

(*b*) the operation of the order stands suspended pending the appeal, and

(*c*) the appeal is not prosecuted or the order is confirmed or varied by the appellate court,

the period of disqualification shall begin on the day on which the appropriate order of the appellate court is made, save in a case where the operation of the consequential or ancillary disqualification order is postponed under *paragraph (d)* of *subsection (3)* of this section.

(6) Where—

(*a*) a consequential, ancillary or special disqualification order operates until the person concerned produces to the F91**[**...**]** licensing authority a certificate of competency or fitness, and

(*b*) such person produces to that authority such certificate,

the authority shall, where appropriate, note the production of such certificate on the relevant driving licence.**]**

Disqualifications related to age.

31.—(1) A person who has not attained the age of sixteen years shall be disqualified for holding any driving licence whatsoever during the period expiring on his attaining that age.

(2) The Minister may make regulations specifying an age, being the age of seventeen years or more, as the age below which a person shall be disqualified for holding a driving licence for a specified class of mechanically propelled vehicles.

(3) A person who has not attained an age specified in regulations under subsection (2) of this section shall be disqualified for holding a driving licence, for mechanically propelled vehicles of the class in relation to which the regulations specify that age, during the period expiring on his attaining that age.

Disqualification on grounds of health.

32.—(1) This section applies to a person suffering from any disease or physical or mental disability declared by the Minister by regulations to be a disease or disability such that a sufferer therefrom shall be disqualified for holding any driving licence whatsoever.

(2) A person to whom this section applies shall be disqualified for holding any driving licence whatsoever during the period during which he is suffering from the relevant disease or disability.

Certificates of competency.

33.—(1) In this section "the issuing authority" means the person who, in the case in question and in accordance with regulations made by the Minister, is the issuing authority for the purposes of this section.

F92**[**(1A) Notwithstanding subsection (1), the Road Safety Authority is deemed to be and have been the issuing authority for the purpose of this section with effect from 1 January 2007 and every act done or purported to have been done by the Road Safety Authority in the performance or purported performance of the functions of the issuing authority under this Act on and from that date and prior to the coming into operation of section 5 (g)(i) of the Road Traffic and Roads Act 2023 shall be, and be deemed always to have been, valid and effectual for all purposes.

(1B) The functions of the issuing authority under subsection (4) are deemed to be and have been delegated to persons appointed, on or after 1 January 2007, by the Road Safety Authority to carry out tests under this section and every act done or purported to have been done by persons so appointed shall be, and be deemed always to have been, valid and effectual for all purposes.

(1C) If subsection (1A) or (1B) 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.**]**

(2) A person, other than a person to whom section 32 of this Act applies, may apply to the issuing authority for a certificate of competency in the following cases:

(*a*) where he is disqualified for holding a driving licence until he produces a certificate of competency,

(*b*) where under the regulations under this Act an application by him for a driving licence is required to be accompanied by a certificate of competency.

F92**[**(2A) An application for a certificate of competency under this section shall contain the personal public service number allocated and issued to the applicant under section 262 (2) of the Social Welfare Consolidation Act 2005.**]**

(3) Where an application is duly made under this section and the appropriate fee is paid, the issuing authority shall test or cause to be tested—

(*a*) the competency of the applicant to drive the class or classes of mechanically propelled vehicle to which the application relates, and

(*b*) the knowledge of the applicant of the Rules of the Road, the test, so far as it is a test of competency to drive, being carried out in such vehicles (to be provided by the applicant) as the person carrying out the test considers necessary.

F93**[**(3B) An issuing authority shall not carry out nor cause to be carried out a test for a certificate of competency unless the mechanically propelled vehicle in which the test is to be carried out displays on its front windscreen—

(*a*) a licence taken out under section 1 of the Finance (Excise Duties) (Vehicles) Act 1952, F94**[**and**]**

(*b*) F95**[**subject to subsection (3BB), where the vehicle**]** is a vehicle to which section 18 applies, a test certificate,

for the time being in force, in respect of the vehicle.

F96**[**(3BB) Where an EU roadworthiness certificate does not have a detachable disc, the proof of test issued by the Member State competent authority or the Member State testing centre concerned for the purposes of Article 10 of the Roadworthiness Directive shall be presented to the issuing authority for the purposes of subsection (3B).**]**

(3C) If a licence or test certificate referred to in subsection (3B) is not displayed in accordance with that subsection, the application for a certificate of competency is refused and any fee paid in respect of the application is forfeited.**]**

(4) On completion of a test under subsection (3) of this section, the issuing authority shall either—

(*a*) refuse the application, or

(*b*) F97**[**where a person has not been issued with a theory test certificate (within the meaning of European Communities (Driving Theoretical Tests) Regulations 2003 (S.I. No. 52 of 2003)) in respect of the category of vehicle in respect of which the person applied for a certificate of competency**]** subject to being satisfied that the applicant has a satisfactory knowledge of the Rules of the Road, issue a certificate (in this Act referred to as a certificate of competency) certifying—

(i) in case the application is for a certificate of competency to drive any mechanically propelled vehicle whatsoever and the issuing authority is satisfied that the applicant is competent to drive any mechanically propelled vehicle whatsoever—that the applicant is competent to drive any mechanically propelled vehicle whatsoever, or

(ii) in any other case—that the applicant is competent to drive any specified class or classes of mechanically propelled vehicle, being a class or classes in respect of which a certificate of competency was applied for and which the issuing authority is satisfied that the applicant is competent to drive,

but, where the issuing authority so thinks proper, it may defer a decision under this subsection pending production by the applicant of a certificate of fitness.

(5) (*a*) A person aggrieved by the deferring of a decision under subsection (4) of this section may appeal to a Justice of the District Court having jurisdiction in the place in which such person ordinarily resides, and the Justice may either refuse the appeal or direct that the application shall be dealt with without requiring a certificate of fitness.

(*b*) A decision under this subsection of a Justice of the District Court shall be final and not appealable.

(6) (*a*) A person aggrieved by a decision under subsection (4) of this section may appeal to a Justice of the District Court having jurisdiction in the place in which such person ordinarily resides, and the Justice may either refuse the appeal or, if satisfied that the test was not properly conducted, direct that the applicant shall be given a further test.

(*b*) A decision under this subsection of a Justice of the District Court shall be final and not appealable.

(7) Notwithstanding anything contained in this Act, it shall be lawful for a person who does not hold a driving licence, or is disqualified for holding a driving licence, to drive a mechanically propelled vehicle during a test under this section, and the driving shall not be a contravention of any provision of this Act merely by reason of his not being the holder of a driving licence.

Certificates of fitness.

34.—(1) In this section—

"the issuing authority" means the person who, in the case in question and in accordance with regulations made by the Minister, is the issuing authority for the purposes of this section;

"relevant aspects of his physical and mental condition" means, in relation to a person proposing to apply for a certificate of fitness, such aspects of his physical and mental condition as are declared by the Minister by regulations to be for the purposes of this section relevant aspects of a person's physical and mental condition in the case of an application for that certificate of fitness.

(2) A person, other than a person to whom section 32 of this Act applies, may apply to the issuing authority for a certificate of fitness in the following cases:

(*a*) where he is disqualified for holding a driving licence until he produces a certificate of fitness,

(*b*) where under the regulations under this Act an application by him for a F100**[**Irish driving licence**]** is required to be accompanied by a certificate of fitness.

(3) A person who proposes to apply for a certificate of fitness shall, within the prescribed period prior to his application, cause himself to be examined by a registered medical practitioner and shall obtain from the practitioner a signed report in writing as to the relevant aspects of his physical and mental condition.

(4) Where—

(*a*) an application is duly made under this section to the issuing authority, and

(*b*) the appropriate fee is paid and the application is accompanied by the appropriate report referred to in *subsection (3)* of this section,

the issuing authority shall, after consideration of the application and report, either—

(i) refuse the application, or

(ii) issue a certificate (in this Act referred to as a certificate of fitness) certifying—

(I) in case the application is for a certificate of fitness to drive any mechanically propelled vehicle whatsoever and the issuing authority is satisfied that the applicant is fit to drive any mechanically propelled vehicle whatsoever—that the applicant is fit to drive any mechanically propelled vehicle whatsoever, or

(II) in any other case—that the applicant is fit to drive any specified class or classes of mechanically propelled vehicle, being a class or classes in respect of which a certificate of fitness to drive was applied for and which the issuing authority is satisfied that the applicant is fit to drive,

but, where the issuing authority so thinks proper, it may defer a decision under this subsection pending production by the applicant of a certificate of competency.

(5) (*a*) A person aggrieved by a decision under subsection (4) of this section or the deferring of such decision may appeal to a Justice of the District Court having jurisdiction in the place in which such person ordinarily resides, and the Justice may either refuse the appeal or give such direction to the issuing authority as he considers just, and the issuing authority shall comply with any such direction.

(*b*) A decision under this subsection of a Justice of the District Court shall be final and not appealable.

Provisional licence.

F101**[35.**—(1) A person who wants to learn to drive a mechanically propelled vehicle of any category in order to pass a test for a certificate of competency may, except in such cases as may be prescribed, apply for a permit ("learner permit") licensing him or her provisionally to drive a mechanically propelled vehicle of that category in a public place.

(2) An application for a learner permit shall be—

(*a*) made to the licensing authority F102**[**...**]**,

(*b*) in accordance with the regulations under section 42, F103**[**...**]**

F104**[**(*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**]**

F105**[**(*d*) accompanied by evidence, in accordance with F106**[**regulations made under section 42(2)(ca)**]**, that the person has a legal right to reside in the State.**]**

(3) Where an application under subsection (2) is duly made, a learner permit shall be granted to the applicant by the licensing authority.

(4) A learner permit has effect in accordance with its terms and conditions.

(5) In a prosecution for an offence under—

(*a*) section 38(2), it is a defence for the defendant to show that, at the time he or she drove the vehicle, he or she held a learner permit then having effect and permitting him or her to drive the vehicle,

(*b*) section 38(4), it is a defence for the defendant to show that the person employed to drive the vehicle held, at the time he or she drove the vehicle, a learner permit then having effect and permitting him or her to drive the vehicle,

(*c*) *section 40*, it is a defence for the defendant to show that, in lieu of producing a driving licence in accordance with that section, he or she produced a learner permit having effect at the material time and permitting him or her to drive the vehicle and that he or she permitted the member of the Garda Síochána to whom it was produced to read it.

(6) Sections F103**[**...**]** 26, 27, 28(1), (3), (4) and (5), 29, 30, 31, 32, 34, 36, 37, 39, 40 and 41 apply to learner permits as they apply to driving licences, except that where—

(*a*) a person has been disqualified under section 26 or 27 for holding a driving licence during a specified period and thereafter until he or she has produced to the F102**[**...**]** licensing authority a certificate of competency, the person may, at the end of the specified period, apply for and be granted a learner permit in accordance with F104**[**section 35, and**]**

(*b*) a person has been disqualified under section 28(2) for holding a driving licence, he or she may apply for and be granted a learner permit in accordance with F104**[**section 35.**]**

(*c*) F103**[**...**]]**

F105**[**(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.**]**

F107**[**Offences by owner of mechanically propelled vehicle driven by another person

35A.—(1) An owner of a mechanically propelled vehicle shall be guilty of an offence where a person, not being that owner, drives the vehicle in a public place at a time that the person—

(*a*) is not the holder of a driving licence or learner permit for the category of vehicle concerned, or

(*b*) is the holder of a learner permit for a vehicle of a category specified in clause (iv) of Regulation 17(6)(b) of the Road Traffic (Licensing of Drivers) Regulations 2006 (S.I. No. 537 of 2006) and is not driving the vehicle in accordance with that clause.

(2) It shall be a defence to proceedings for an offence under this section for the owner of a mechanically propelled vehicle to show—

(*a*) that the vehicle was used or taken possession of without his or her consent,

(*b*) in the case of proceedings for an offence under paragraph (a) of subsection (1), that prior to the driving of the vehicle in a public place he or she took all reasonable steps to satisfy himself or herself that the person held a driving licence or learner permit, as the case may be, or

(*c*) in the case of proceedings for an offence under paragraph (b) of subsection (1), that he or she took all reasonable steps to satisfy himself or herself that the person would be driving in accordance with clause (iv) of Regulation 17(6)(b) of the Road Traffic (Licensing of Drivers) Regulations 2006.

(3) A person guilty of an offence under this section shall be liable on summary conviction to a class D fine.**]**

Order for endorsement in case of conviction, disqualification order or removal of disqualification.

36.—(1) F108**[**...**]**

(2) F109**[**...**]**

(3) (*a*) Where a person is convicted of an offence and a consequential or ancillary disqualification order is made by the court on his conviction, the court shall by order direct particulars of F110**[**...**]** the disqualification order to be endorsed on the driving licence held by such person or, if he is not the holder of a driving licence but subsequently a driving licence is granted to him, on that driving licence.

(*b*) Where a consequential or ancillary disqualification order is suspended F111**[**...**]** pending an appeal, the relevant order under this subsection shall also stand suspended F111**[**...**]**, but, upon the appellant having given notification in writing that he wishes to withdraw the appeal, the suspension F111**[**...**]** of the order under this subsection shall be regarded as having terminated immediately before the day on which the notification was given.

(*c*) In every case in which an appeal may be brought in respect of a conviction of an offence on conviction of which a consequential or ancillary disqualification order was made and in the case of an appeal under subsection (4) of section 27 of this Act, jurisdiction to make, confirm or annul an order made under paragraph (a) of this subsection is hereby conferred on the appellate court unless it otherwise has that jurisdiction or the conferring

of that jurisdiction is unnecessary because the appeal is by way of rehearing, and the appellate court shall—

(i) where it makes a disqualification order and in consequence makes an order under *paragraph (a)* of this subsection, annul the order previously made under that paragraph,

(ii) where it confirms the disqualification order, confirm the order made under paragraph (a) of this subsection,

(iii) where it annuls the disqualification order, annul the order made under paragraph (a) of this subsection,

(iv) where it varies the disqualification order, annul the order previously made under paragraph (a) of this subsection and by a new order direct particulars F110**[**...**]** of the disqualification order (as varied) to be endorsed on the driving licence held by the person concerned or, if he is not the holder of a driving licence but subsequently a driving licence is granted to him, on that driving licence.

(4) (*a*) Where a special disqualification order is made in relation to any person, the court shall by order direct particulars of the special disqualification order to be endorsed on the driving licence held by such person or, if he is not the holder of a driving licence but subsequently a driving licence is granted to him, on that driving licence.

(*b*) Where a special disqualification order is suspended F111**[**...**]** pending an appeal, the relevant order under this subsection shall also stand suspended F111**[**...**]**, but, upon the appellant having given notification in writing that he wishes to withdraw the appeal, the suspension F111**[**...**]** of the order under this subsection shall be regarded as having terminated immediately before the day on which the notification was given.

(*c*) Where an appeal is taken in a case in which an order has been made under this subsection, the Circuit Court shall (as may be appropriate)—

(i) annul such order, or

(ii) annul such order and make an order under this subsection.

(5) Where a disqualification is removed under section 29 of this Act, the court shall by order direct particulars of the removal to be endorsed on the driving licence held by the person concerned or, if he is not the holder of a driving licence but subsequently a driving licence is granted to him, on that driving licence.

F112**[**(6) In the cases referred to in subsections (3) and (4) of this section, the Minister shall cause the particulars referred to in those subsections to be endorsed on the appropriate entries.

(7) Where a disqualification referred to in section 29 of this Act is removed under that section or the period of a disqualification referred to in subsection (3) of this section expires (being in each case a disqualification to which an order relates that stands endorsement on an entry), the Minister shall cause the endorsement and any endorsement relating to the relevant conviction (if any) to be removed from the entry concerned.

F113**[**(8) The Courts Service shall inform the Minister of an order made—

(*a*) under subsection (3) or (4) of this section,

(*b*) suspending or postponing an order under either of those subsections, or

(*c*) under section 29 of this Act removing a consequential or ancillary disqualification.**]**

(9) In this section, "entry" has the meaning assigned to it by the Road Traffic Act, 2002.**]**

Transfer of endorsement to new licence.

37.—F114**[**...**]**

Prohibition on driving without driving licence.

38.—(1) A person shall not drive a mechanically propelled vehicle in a public place unless he holds a driving licence for the time being having effect and licensing him to drive the vehicle.

F115**[**(2) (*a*) A person who contravenes subsection (1) is guilty of an offence and, subject to subsection (5), is liable on summary conviction—

(i) where at the time of the commission of the offence he or she had been the holder of a driving licence (other than a learner permit) which had expired beyond its period of validity for a period of not more than F116**[**3 months**]** before the commission of the offence, to a fine not exceeding €1,000, and

(ii) in any other case, to a fine not exceeding €2,000.**]**

(*b*) In a prosecution for an offence under this subsection, it shall be presumed, until the contrary is shown by the defendant, that he did not, at the time he drove the vehicle, hold a driving licence then having effect and licensing him to drive the vehicle.

(3) The owner of a mechanically propelled vehicle shall not employ a person to drive the vehicle in a public place unless the person holds a driving licence for the time being having effect and licensing him to drive the vehicle.

(4) (*a*) A person who contravenes subsection (3) of this section shall be guilty of an offence.

(*b*) In a prosecution for an offence under this subsection, it shall be presumed, until the contrary is shown by the defendant, that the person employed to drive the vehicle did not, at the time he drove the vehicle, hold a driving licence then having effect and licensing him to drive the vehicle.

F115**[**(5) A person—

(*a*) who is summarily convicted of the offence of contravening subsection (1) and was at the time he or she committed the offence—

(i) disqualified for holding a driving licence, or

(ii) a person required to produce a certificate of competency or a certificate of fitness before obtaining a driving licence,

in lieu of the penalty mentioned in subsection (2)(a), or

(*b*) who is summarily convicted of the offence of contravening subsection (3) in a case in which the person employed to drive the vehicle was at the time he or she drove the vehicle—

(i) disqualified for holding a driving licence, or

(ii) a person required to produce a certificate of competency or a certificate of fitness before obtaining a driving licence,

in lieu of the penalty mentioned in section 102,

is liable to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months or both.**]**

(6) Subsections (1) to (5) of this section shall not apply in relation to a member of the Garda Síochána driving a mechanically propelled vehicle in the course of his duty.

(7) Pedestrian-controlled vehicles which are specified for the purposes of this subsection by the Minister by regulations and which comply with the conditions

stated in the regulations are hereby excepted from subsections (1) to (5) of this section and sections 40 and 41 of this Act.

F117**[**(7A) Subsections (1), (2), (3), (4) and (5) shall not apply in relation to a mechanically propelled vehicle that is a bicycle or tricycle capable of propulsion solely by the physical exertions of a person or persons seated on it, and equipped with an auxiliary electric motor—

(*a*) which has a maximum continuous rated power greater than 0.25 kilowatts but less than or equal to 1 kilowatt, and

(*b*) the output of which cuts off when the physical exertions stop and before, or when, the bicycle or tricycle reaches the speed of 25 kilometres per hour.**]**

F118**[**(8) A member of the Garda Síochána may arrest without warrant a person who in the member's opinion—

(*a*) is committing, or has committed, an offence under *subsection (1)*, and

(*b*) is disqualified from holding a driving licence.**]**

F119**[**(9) In this section, notwithstanding the definition of driving licence in section 3, "driving licence" means —

(*a*) an Irish driving licence,

(*b*) a licence or permit to drive a mechanically propelled vehicle in respect of a category of vehicle referred to in the European Communities (Recognition of Driving Licences of Other Member States) Regulations 2008 issued by the competent authority of another Member State or a member state of the European Economic Area, but does not include a licence or permit so issued to a person to enable the person to learn to drive or provisionally to drive a vehicle,

(*c*) a licence or permit to drive a mechanically propelled vehicle in respect of a category of vehicle recognised by an order made under section 23A(1), or

(*d*) both—

(i) a licence or permit to drive a mechanically propelled vehicle in respect of a category of vehicle recognised by an order made under section 23B(1), and

(ii) the permission to reside given to a relevant person who holds the licence or permit referred to in subparagraph (i).**]**

Prohibition on applying for driving licence when disqualified.

F120**[39.**—(1) A person shall not apply for an Irish driving licence or a learner permit if he or she is disqualified for applying therefor.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months or to both.**]**

Production of driving licence on demand by member of Garda Síochána.

F121**[40.**—(1) A member of the Garda Síochána may demand of a person—

(*a*) driving in a public place a mechanically propelled vehicle, or

(*b*) accompanying under regulations under this Act the holder of a learner permit while such holder is driving in a public place a mechanically propelled vehicle,

the production to him or her for his or her inspection of a driving licence then having effect and licensing the person to drive the vehicle. If the person refuses or fails so to produce the licence there and then, he or she commits an offence.

(2) A member of the Garda Síochána may demand of a person who is driving in a public place a mechanically propelled vehicle and is not the holder of a driving licence the production to him or her for his or her inspection of a learner permit then having effect and licensing the person to drive the vehicle. If the person refuses or fails so to produce the learner permit and is a person falling within section 35(1), he or she commits an offence.

(3) Where a person who is driving in a public place a mechanically propelled vehicle and of whom the production of a driving licence is demanded under paragraph (a) of subsection (1) or is required under subsection (4)(a) produces, in accordance with the demand or requirement, a learner permit then having effect and licensing the person to drive the vehicle concerned, the person has not committed an offence under subsection (1) or (4)(a), as the case may be.

(4) F122**[**(*a*) Where a person of whom the production of a driving licence or learner permit is demanded under this section refuses or fails to produce the licence or permit there and then, a member of the Garda Síochána may require the person to produce within 10 days after the date of the requirement the licence or permit in person to a member of the Garda Síochána at a Garda Síochána station to be named by the person at the time of the requirement. If the person refuses or fails so to produce the licence or permit, he or she commits an offence.**]**

(*b*) In any proceedings a certificate, purporting to be signed by the member in charge of the Garda Síochána station at which the defendant concerned was required, under paragraph (a), to produce the driving licence or learner permit, stating that the defendant did not, within 10 days after the day on which the production was required, produce a driving licence or learner permit in accordance with paragraph (a) shall, without proof of the signature of the person purporting to sign the certificate or that he or she was the member in charge of the Garda Síochána station, be evidence, until the contrary is shown, of the facts stated in the certificate.

(*c*) Where any person is required to produce a driving licence or learner permit at a Garda Síochána station and the person produces the licence or permit within 10 days after the day on which the production was required, the member in charge of the Garda Síochána station shall issue a certificate stating that the licence or permit was so produced and such certificate shall be evidence of the facts stated in the certificate.

(5) Where a person of whom the production of a driving licence or learner permit is demanded or required under this section produces the licence or permit in accordance with the demand or requirement, but refuses or fails to permit the member of the Garda Síochána to whom it is produced to read the licence or permit, he or she commits an offence.

F124**[**(6) Where a person of whom the production of a driving licence or learner permit is demanded or required under this section refuses or fails so to produce the licence or permit or produces the licence or permit but refuses or fails to permit the member of the Garda Síochána to whom it is produced to read the licence or permit, the member may demand of the person his or her name and address and date of birth and, if the person refuses or fails to give to the member his or her name and address and date of birth or gives to the member a name or address or date of birth which is false or misleading, he or she commits an offence.**]**

(7) A member of the Garda Síochána may arrest without warrant—

(*a*) a person who under this section produces a driving licence or learner permit to the member but refuses or fails to permit the member to read it, or

F125**[**(*b*) a person who, when his or her name and address and date of birth are lawfully demanded of him or her by a member of the Garda Síochána under this section, refuses or fails to give to the member his or her name and address and date of birth or gives to the member a name or address or date of birth which the member has reasonable grounds for believing to be false or misleading.**]**

(8) A person who, when the production of a driving licence or learner permit is demanded or required of him or her under this section, does not produce the licence

or permit because he or she is not the holder of a driving licence or learner permit is deemed to fail to produce his or her driving licence or learner permit, as the case may be, under this section.

F126**[**(9) Section 1(1) of the Probation of Offenders Act 1907 does not apply to an offence under this section.**]]**

F127**[**(9A) This section does not apply in relation to a mechanically propelled vehicle referred to in section 38(7A).**]**

F128**[**(10) In this section "driving licence" has the meaning given to it by section 38(9).**]**

Writing of signature on demand by member of Garda Síochána.

41.—(1) A member of the Garda Síochána may, on any day with respect to which the condition specified in subsection (2) of this section is fulfilled, request a person driving in a public place a mechanically propelled vehicle or accompanying the holder of a provisional licence while such holder is driving in a public place a mechanically propelled vehicle, or a person producing his driving licence at a Garda Síochána station in pursuance of the immediately preceding section, to sign his name in a book and with a pen or pencil to be provided by the member and at the place in the book indicated by the member, and if such person, on being so requested and on being provided with the book and pen or pencil, refuses or fails to sign his name in the book or with the pen or pencil or at the place in the book indicated by the member, he shall be guilty of an offence.

(2) The condition referred to in subsection (1) of this section is that all or some of the driving licences that could have stood granted on the day in question could have been expressed as not having effect until they are signed by the grantees.

F129**[**(3) This section does not apply in relation to a mechanically propelled vehicle referred to in section 38(7A).**]**

Regulations under Part III.

F130**[42.**—(1) In this section "licence" means a driving licence or learner permit.

(2) The Minister may make regulations to provide for all or any of the following:

(*a*) the categorization for the purposes of this Part of mechanically propelled vehicles;

(*b*) the form of driving licences and learner permits;

(*c*) the form and manner of application for a licence, the particulars to be embodied in the application and the documents to be given with the application;

F131**[**(*ca*) 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;

(*cb*) 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,

F132**[**(*cc*)**]** 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;**]**

(*d*) the surrender of licences;

(*e*) the securing that licences for a category are not issued to persons already holding licences for such category;

(*f*) the issue by F133**[**the licensing authority**]** of duplicate licences in place of licences lost, destroyed, or mutilated, the fees to be paid in respect of such issue and the disposal of such fees;

(*g*) F134**[**...**]**

(*h*) the making available for the use of members of the Garda Síochána and other persons of information in the possession of F135**[**the licensing authority**]** with respect to persons disqualified for holding licences and persons whose licences have been endorsed under this Part;

(*i*) the fees to be paid in respect of the grant of licences and the disposal of such fees;

(*j*) the period during which a learner permit is to remain in force;

(*k*) the conditions to attach to a learner permit and failure to comply with which makes the permit void;

(*l*) the issue of licences by officers of any Minister of the Government or the F136**[**...**]** licensing authority;

(*m*) conditions in relation to courses of instruction which an applicant for, or the holder of, a learner permit must comply with;

(*n*) the courses of instruction which persons must undergo prior to being granted a licence in respect of any category or categories of vehicles;

(*o*) the content of courses of instruction which persons must undergo prior to being granted a licence in respect of any category or categories of vehicles;

(*p*) the fees to be paid to a licensing authority in respect of the supply by the authority of information relating to a licence F137**[**and the disposal of such fees**]**.

(*p*) the fees to be paid to a licensing authority in respect of the supply by the authority of information relating to a licence F137**[**and the disposal of such F138**[**fees;**]]**

F131**[**(*q*) the application to learner permits of harmonised Community codes under Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006[1] on driving licences;

(*r*) the application to licences of national codes, along with corresponding information indicating—

(i) restrictions on the conditions of validity of a licence, or

(ii) matters voluntarily brought to the Minister's attention by the holder of the licence.**]**

(3) The Minister may make regulations, in relation to sections 33 and 34, to provide for all or any of the following matters:

[1] OJ No. L 403, 30.12.2006, p. 18

(*a*) the classes of persons who are required to produce a certificate of competency or fitness or a medical report when applying for a driving licence;

(*b*) voluntary submission to tests as to competency and knowledge of the Rules of the Road;

(*c*) the making of applications for certificates;

(*d*) the minimum period which has to elapse before a person who has failed to secure a certificate is eligible to apply again for a certificate;

(*e*) the fees to be paid on applications for certificates and their disposition;

(*f*) the persons by whom the issuing authority under section 33 may cause tests to be carried out;

(*g*) the persons by whom further tests directed under section 33(6) are to be carried out;

(*h*) the nature of and manner of holding tests;

(*i*) the form of reports by registered medical practitioners under section 34;

(*j*) the form and manner of issue of certificates and the period of their validity;

(*k*) the keeping of records by specified persons;

(*l*) the delegation by issuing authorities to specified persons of the functions of such authorities under section 33(4);

(*m*) the delegation by issuing authorities to specified persons of the functions of such authorities under section 34(4);

(*n*) the minimum period which has to elapse, following the granting of a learner permit and in circumstances as may be prescribed, during which the holder of the licence may not apply for a certificate of competency.

F131**[**(3A) The Minister may make regulations providing for—

(*a*) minimum standards of physical and mental fitness (including different standards in relation to a driving licence or learner permit in respect of different categories of vehicle) to be met by a person when he or she is making an application for a driving licence or learner permit,

(*b*) the classes of persons who, when applying for a driving licence or learner permit, are required to produce a medical report that certifies that the person meets standards prescribed under paragraph (a),

(*c*) the classes of persons who may carry out a medical examination and sign a medical report that certifies that a person meets standards prescribed under paragraph (a), and

(*d*) the form of a medical report for the purposes of paragraph (b).

(3B) The Minister may publish guidelines to be followed by a person who carries out a medical examination or signs a report for the purposes of the production of a medical report referred to in subsection (3A)(b).

(3C) A person who certifies that a person meets standards prescribed under subsection (3A)(a) who, at the time of so certifying, knows this to be false, or who includes in a medical report referred to in subsection (3A)(b), information which he or she knows to be false, is guilty of an offence.**]**

(4) Regulations under this section in relation to disqualifications and endorsements under this Act may F139**[**...**]** provide for all or any of the following matters:

(*a*) the production of licences in court;

(*b*) the effecting of endorsements ordered under section 36;

(*c*) the transmission of licences by the court to F140**[**the licensing authority**]** to be retained F141**[**...**]** until they have expired or the disqualification ends (whichever is the shorter period);

(*d*) the notification to F140**[**the licensing authority**]** of the making, confirming, annulling, varying or removal of a consequential, ancillary or special disqualification order or the making, confirming or annulling of endorsements ordered under *section 36*.

(5) Regulations under this section may make different provisions for different classes of cases coming within the same matter.

F142**[**(5A) Regulations under this section which provide for the payment of fees may provide for the method by which fees are to be paid and for a combination of fees separately payable to be paid together as one fee.**]**

(6) A person who contravenes a regulation under this section which is stated to be a penal regulation is guilty of an offence.**]**

Transitional provisions (Part III).

43.—(1) A licence under Part III of the repealed Act in force at the commencement of this subsection shall be deemed to be a driving licence.

(2) An order under section 30 of the repealed Act in force at the commencement of this subsection shall be deemed to be a consequential disqualification order.

(3) An order under section 31 of the repealed Act in force at the commencement of this subsection shall be deemed to be an ancillary disqualification order.

(4) An order under section 32 of the repealed Act in force at the commencement of this subsection shall be deemed to be a special disqualification order.

(5) If and so long as, section 26 of this Act having come into operation, the repeal by this Act of Part III (other than sections 29 and 30) of the repealed Act has not come into operation, a consequential disqualification order shall be deemed for the purposes of the repealed Act to be a consequential disqualification order under that Act notwithstanding the repeal of section 30 thereof.

(6) If and so long as, section 29 of this Act having come into operation, the repeal by this Act of section 31 of the repealed Act has not come into operation, the said section 29 shall apply to an order under the said section 31.

PART IV.

SPEED LIMITS.

Ordinary speed limits.

44.—F144**[**...**]**

F145**[**General speed limit

44A. —F146**[**...**]]**

F147**[**Motorway speed limit.

44B.—F148**[**...**]]**

Built-up area speed limits.

45.—F149**[**...**]**

Special speed limits.

46.—F150**[**...**]**

Offence of exceeding speed limit.

F151**[47.**—(1) A person shall not drive a mechanically propelled vehicle F152**[**or a powered personal transporter**]** at a speed exceeding the speed limit—

(*a*) that applies in respect of that vehicle F152**[**or transporter, as the case may be**]**, or

(*b*) that applies to the road on which the vehicle F152**[**or transporter**]** is being driven where that speed limit is lower than that applying to that vehicle F152**[**, or transporter, as the case may be**]**.

(2) A person who contravenes subsection (1) is guilty of an offence.

F153**[**(2A) In a prosecution for an offence under this section, it is presumed, until the contrary is shown by the defendant, that the speed limit indicated on a traffic sign is the speed limit that F154**[**...**]** applied under this Act to the road when the offence is alleged to have been committed.**]**

(3) In this section "speed limit" means a limit which is—

(*a*) an ordinary speed limit,

(*b*) the built-up area speed limit,

F155**[**(*c*) the regional roads speed limit,**]**

F156**[**(*ca*) the local roads speed limit,**]**

(*d*) the national roads speed limit,

(*e*) the motorway speed limit,

(*f*) a special speed limit F157**[**,**]**

(*g*) a road works speed limit F157**[**, or**]]**

F158**[**(*h*) a variable speed limit.**]**

PART V.

Driving Offences.

Driving mechanically propelled vehicle when unfit.

48.—(1) A person shall not drive or attempt to drive a F160**[**vehicle**]** in a public place when he is to his knowledge suffering from any disease or physical or mental disability which would be likely to cause the driving of the vehicle by him in a public place to be a source of danger to the public.

F161**[**(2) A person who contravenes subsection (1) of this section shall be guilty of an offence and shall be liable on summary conviction, F162**[**in the case of a first offence, to a fine not exceeding €1,000**]** or, at the discretion of the court, to imprisonment for any term not exceeding one month or to both such fine and such imprisonment and, F162**[**in the case of a second or any subsequent offence, to a fine not exceeding €2,000**]** or, at the discretion of the court, to imprisonment for any term not exceeding three months or to both such fine and such imprisonment.**]**

Driving mechanically propelled vehicle while under influence of intoxicating liquor or drug.

49.—F163**[**...**]**

Being in charge of mechanically propelled vehicle while under influence of intoxicating liquor or drug.

F164**[50.**—(1) F165**[**...**]**

(2) F165**[**...**]**

(3) F165**[**...**]**

(4) F165**[**...**]**

(5) F165**[**...**]**

(6) F165**[**...**]**

(7) F165**[**...**]**

(8) In a prosecution for an offence under this section it shall be presumed that the defendant intended to drive or attempt to drive the vehicle concerned until he shows the contrary.

(9) F165**[**...**]**

(10) F165**[**...**]]**

Driving animal-drawn vehicle or pedal cycle while under influence of intoxicating liquor or drug.

51.—F166**[**...**]**

F167**[**Driving without reasonable consideration.

51A.—(1) A person shall not drive a vehicle in a public place without reasonable consideration for other persons using the place.

(2) A person who contravenes subsection (1) commits an offence. **]**

F168**[**Careless driving.

52.—(1) A person shall not drive a vehicle in a public place without due care and attention.

(2) A person who contravenes subsection (1) commits an offence and—

(*a*) in case the contravention causes death or serious bodily harm to another person, he or she is liable on conviction on indictment to imprisonment for a term not exceeding 2 years or to a fine not exceeding €10,000 or to both, and

(*b*) in any other case, he or she is liable on summary conviction to a class A fine.

(3) Where a member of the Garda Síochána is of opinion that a person has committed an offence under this section and that the contravention has caused death or serious bodily harm to another person, he or she may arrest the first-mentioned person without warrant. **]**

F169**[**Dangerous driving.

53.—(1) A person shall not drive a vehicle F170**[**...**]** in a manner (including speed) which having regard to all the circumstances of the case (including the condition of the vehicle, the nature, condition and use of the place F171**[**in which it is driven**]** and the amount of traffic which then actually is or might reasonably be expected then to be in it) is or is likely to be dangerous to the public.

(2) A person who contravenes subsection (1) commits an offence and—

(*a*) in case the contravention causes death or serious bodily harm to another person, he or she is liable on conviction on indictment to imprisonment for a term not exceeding 10 years or to a fine not exceeding €20,000 or to both, and

(*b*) in any other case, he or she is liable on summary conviction to a class A fine or to imprisonment for a term not exceeding 6 months or to both.

(3) In a prosecution for an offence under this section or section 52, it is not a defence to show that the speed at which the accused person was driving was not in excess of a speed limit applying in relation to the vehicle or the road, whichever is the lower, under Part 2 of the Road Traffic Act 2004.

(4) Where, when a person is tried on indictment or summarily for an offence under this section, the jury, or, in the case of a summary trial, the District Court, is of the opinion that he or she had not committed an offence under this section but had committed an offence under section 52, the jury or court may find him or her guilty of an offence under *section 52*, and he or she may be sentenced accordingly.

(5) Where a member of the Garda Síochána is of opinion that a person has committed an offence under this section, he or she may arrest the person without warrant.**]**

F172**[**Driving of dangerously defective vehicle.

54.—(1) A person who drives a mechanically propelled F173**[**vehicle F174**[**, a powered personal transporter,**]** or a combination of vehicles**]** in a public place while there is a defect affecting the F173**[**vehicle F174**[**, transporter,**]** or a combination of vehicles**]** which he or she knows of or could have discovered by the exercise of ordinary care and which is such that the F173**[**vehicle F174**[**, transporter,**]** or a combination of vehicles**]** is, when in motion, a danger to the public, commits an offence.

(2) Where a mechanically propelled F173**[**vehicle F174**[**, a powered personal transporter,**]** or a combination of vehicles**]** is driven in a public place while there is a defect affecting the F173**[**vehicle F174**[**, transporter,**]** or a combination of vehicles**]** which the owner knows of or could have discovered by the exercise of ordinary care and which is such that the F173**[**vehicle F174**[**, transporter,**]** or a combination of vehicles**]** is, when in motion, a danger to the public, such owner commits an offence.

(3) Where a person is charged with an offence under *subsection (2)*, it is a defence to the charge for him or her to show that the F173**[**vehicle F174**[**, transporter,**]** or a combination of vehicles**]** was being driven on the occasion in question by another person and that such driving was unauthorised.

(4) A person who commits an offence under this section is liable on summary conviction to a class A fine or to imprisonment for a term not exceeding 3 months or to both.

(5) Where a member of the Garda Síochána is of opinion that a person has committed an offence under this section, he or she may arrest the person without warrant.**]**

F175**[**(6) Where a person is charged with an offence under this section involving a combination of vehicles it shall be presumed, until the contrary is shown, that the owner of the mechanically propelled vehicle was also the owner of any vehicle or vehicles drawn thereby at the time of the alleged offence.**]**

F176**[**Parking vehicle in dangerous position.

55.—(1) A person shall not park a vehicle in a public place if, when so parked, the vehicle would be likely to cause danger to other persons using that place.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction—

(*a*) in the case of—

(i) a first offence, where any part of the period of the contravention was a period within lighting-up hours (as declared by regulations under section 11) during which the vehicle did not fulfil the requirements imposed by law with respect to lighting and reflectors, or

(ii) a second or any subsequent offence, to a class B fine or to imprisonment for a term not exceeding one month or to both,

and

(*b*) in any other case, to a class C fine.

(3) Where a member of the Garda Síochána is of opinion that a person is committing or has committed an offence under this section, he or she may arrest the person without warrant.**]**

PART VI.

Compulsory Insurance of Mechanically Propelled Vehicles.

Obligation to be insured or guaranteed.

56.—(1) A person (in this subsection referred to as the user) shall not use in a public place a F177**[**vehicle**]** unless either a vehicle insurer, a vehicle guarantor or an exempted person would be liable for injury caused by the negligent use of the vehicle by him at that time or there is in force at that time either—

(*a*) an approved policy of insurance whereby the user or some other person who would be liable for injury caused by the negligent use of the vehicle at that time by the user, is insured against all sums without limit (save as is hereinafter otherwise provided) which the user or his personal representative or such other person or his personal representative shall become liable to pay to any person F178**[**...**]** by way of damages or costs on account of injury to person or property caused by the negligent use of the vehicle at that time by the user, or

(*b*) an approved guarantee whereby there is guaranteed the payment by the user, or some other person who would be liable for injury caused by the negligent use of the vehicle at that time by the user, of all sums without limit (save as is hereinafter otherwise provided) which the user or his personal representative or such other person or his personal representative shall become liable to pay to any person (exclusive of the excepted persons) by way of damages or costs on account of injury to person or property caused by the negligent use of the vehicle at that time by the user.

F179**[**(2) The insurance required by this section may be subject to the following limitation and the following exception or either of them—

F177**[**(*a*) it may, in so far as it relates to injury to property, be limited to the sum of €1,300,000 per claim, whatever the number of injured parties,**]**

(*b*) there may be excepted from the liability covered thereby any liability (in excess of the common law or the statutory liability applicable to the case) undertaken by the insured or the principal debtor by special contract.**]**

F181**[**(2A) An approved policy of insurance referred to in paragraph (a) of subsection (1) of this section shall extend to damages or costs on account of injury to persons or property incurred by the negligent use of a mechanically propelled vehicle by the user in any of the designated territories to the extent required by the law relating to compulsory insurance against civil liability in respect of the use of mechanically propelled vehicles of the territory where the damages or costs may be incurred, or to the extent required by this Part of this Act, whichever is the greater.**]**

F182**[**(2B) An approved policy of insurance referred to in paragraph (a) of subsection (1) shall extend to any use of a vehicle that is consistent with the vehicle's function as a means of transport at the time of the accident irrespective of the vehicle's characteristics and irrespective of the terrain on which the motor vehicle is used and of whether it is stationary or in motion.**]**

(3) Where a person contravenes subsection (1) of this section, he and, if he is not the owner of the vehicle, such owner shall each be guilty of an offence and shall be liable on summary conviction to F183**[**a fine not exceeding €5,000**]** or, at

the discretion of the court, to imprisonment for any term not exceeding six months or to both such fine and such imprisonment.

(4) Where, in a prosecution for an offence under this section, it is shown that, a demand having been made under section 69 of this Act,—

(*a*) the person on whom the demand was made refused or failed to produce a certificate of insurance, certificate of guarantee or certificate of exemption then and there, or

(*b*) such person, having duly produced such certificate consequent upon the demand, refused or failed to permit the member of the Garda Síochána to whom such certificate was produced to read and examine it,

it shall be presumed, until the contrary is shown by the defendant, that the vehicle was being used in contravention of this section.

(5) Where a person charged with an offence under this section is the owner of the vehicle, it shall be a good defence to the charge for the person to show that the vehicle was being used without his consent and either that he had taken all reasonable precautions to prevent its being used or that it was being used by his servant acting in contravention of his orders.

(6) Where a person charged with an offence under this section was the servant of the owner of the vehicle, it shall be a good defence to the charge for the person to show that he was using the vehicle in obedience to the express orders of the owner.

F184**[**(7) F185**[**...**]**

F186**[**(8) F177**[**In this Part a reference to the use of a vehicle in the territory in which the vehicle is normally based is a reference to—**]**

(*a*) the territory of the state of which the vehicle bears a registration plate, irrespective of whether the plate is permanent or temporary,

(*b*) in a case where no registration plate is required for a type of vehicle, but the vehicle bears an insurance plate or a distinguishing sign analogous to the registration plate, the territory of the state in which the plate or sign is issued, or

(*c*) in a case where a registration or insurance plate or distinguishing sign is not required for a vehicle, the territory of the state in which the person who has custody of the vehicle is resident.

F177**[**(9) In this Part—

"designated territories" means the territories of the Member States (other than the State) and Iceland, Norway and Switzerland;

"party injured" and "injured party" means any person entitled to compensation in respect of any loss or injury caused by vehicles;

"use of a vehicle" means any use of a vehicle that is consistent with the vehicle's function as a means of transport at the time of the accident, irrespective of the vehicle's characteristics and irrespective of the terrain on which the motor vehicle is used and of whether it is stationary or in motion;

"vehicle" means—

(*a*) any motor vehicle propelled exclusively by mechanical power on land but not running on rails with—

(i) a maximum design speed of more than 25 km/h, or

(ii) a maximum net weight of more than 25 kg and a maximum design speed of more than 14 km/h, or

(*b*) any trailer to be used with a vehicle referred to in paragraph (a), whether coupled or uncoupled,

but does not include a wheelchair vehicle exclusively intended for use by a person with a physical disability.**]]]**

F187**[**(10) F185**[**...**]]**

F189**[**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 policy of insurance and to assist a vehicle insurer or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf to comply with its obligations under section 78A, a person, other than a fleet owner or motor trader, shall supply to the insurer or intermediary the following information:

(*a*) his or her name and address and the name of any other person who is to be named in particular 6 of the certificate of insurance;

(*b*) the date of birth of each person to whom paragraph (a) applies;

(*c*) the registration number or, in the event that the registration number is not available, the vehicle identification number (VIN) or any other unique identifying number given by the manufacturer, if available;

F190**[**(*d*) in respect of each person who is to be named in particular 6 of the certificate of insurance—

(i) the country of issue of the licence or permit, and

(ii) in the case the person concerned holds—

(I) an Irish driving licence, the number given at item 4d and described as "Uimhir tiomána" or "Driver number" on the licence,

(II) a learner permit, the number given at item 4d and described as 'Uimhir tiomána' or 'Driver number' on the permit, or

(III) a foreign driving licence, the driver number, licence number or unique identifier of any person to whom the licence is issued.**]**

(2) Any change or error in respect of the information which has been provided pursuant to subsection (1) shall be notified by the person to whom the approved policy of insurance is issued or to be issued to the vehicle insurer or intermediary referred to in that subsection as soon as is practicable.

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

(4) For the purpose of or in the course of obtaining an approved policy of insurance and to assist a vehicle insurer or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf to comply with its obligations under section 78A, a fleet owner or motor trader shall supply to the vehicle insurer or intermediary, as the case may be—

(*a*) his or her name and address and the names of any other person to be named in particular 6 of the certificate of insurance, and

(*b*) where applicable, the class or classes of driver whose liability is proposed to be covered by the policy.

(5) Any change or error in respect of the information which has been provided pursuant to subsection (4) shall be notified by the fleet owner or motor trader, as the case may be, to the vehicle insurer or intermediary referred to in that subsection as soon as is practicable.

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

F190**[**(7) A fleet owner or motor trader, as the case may be, shall, in respect of an approved policy of insurance to which subsection (4) refers, supply to MIBI within 14 days—

(*a*) of the issuing of an approved policy of insurance, in respect of a person named in particular 6 of the certificate of insurance—

(i) his or her date of birth, and

(ii) the information specified in F191**[**paragraph (d)(i) or (ii),**]** as the case may be, of subsection (1),

F191**[**(*b*) of a person's name being added to particular 6 of the certificate of insurance—

(i) his or her name and date of birth, and

(ii) such of the information specified in paragraph (d)(i) or (ii) of subsection (1) as is relevant to him or her,

and**]]**

F192**[**(*c*) of a vehicle being in the possession of the fleet owner or motor trader, as the case may be, the registration number or, in the event that the registration number is not available, the Vehicle Identification Number (VIN) or any other unique identifying number given by the manufacturer, if available. **]**

F192**[**(8) Where a vehicle is in the possession of a fleet owner or motor trader for 14 days or less, the requirement under subsection (7)(c) does not apply.

(9) Any change or error in respect of the information provided pursuant to subsection (7)(a), (b) or (c) shall be notified by the fleet owner or motor trader to MIBI within 5 days of the change occurring or the error coming to the attention of the owner or trader, as the case may be.

(10) A person who contravenes subsection (7) or (9) commits an offence and is liable on summary conviction to a class E fine.**]**

(11) A vehicle insurer shall not issue a policy of insurance to a person who fails to supply the information required under subsection (1) or (4).

(12) A person who contravenes subsection (11) commits an offence and shall be liable on summary conviction to a class E fine.

(13) Where an offence under this section is committed by a body corporate and it is proved that the offence was committed with the consent or the connivance, or was attributable to any wilful neglect, of a person who, when the offence was committed, was a director, manager, secretary or other officer of the body corporate, or a person purporting to act in that capacity, that person, as well as the body corporate, is guilty of an offence and may be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(14) In proceedings for an offence under this section or section 78A 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.

(15) For the purposes of this section and section 78A—

(*a*) a renewal of an approved policy of insurance shall be deemed to be an issue thereof,

(*b*) "certificate of insurance" means the certificate the form of which is in the Second Schedule to the Road Traffic (Compulsory Insurance) Regulations 1962 (S.I. No. 14 of 1962),

(*c*) "fleet owner" has the same meaning as it has in the Road Traffic (Insurance Disc) Regulations 1984 (S.I. No. 355 of 1984),

(*d*) "MIBI" means the Motor Insurers' Bureau of Ireland, and

(*e*) "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).**]**

F193**[**Transitional provision (section 56A)

56B.—Where, immediately after the commencement of section 56A, a person is in the process of submitting information to an insurer or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf for the purpose, or in the course, of obtaining the issue of an approved policy of insurance, but the policy has not issued to him or to her, the provisions of section 56A shall apply.**]**

Fine in lieu of damages and imprisonment in addition to damages.

57.—(1) Where—

(*a*) the court, on a conviction for an offence under the immediately preceding section, is satisfied that injury was caused to person or property by the negligent use on the occasion on which the offence was committed of the vehicle in relation to which the offence was committed and

(*b*) the court is of opinion that some person then present or represented would be entitled to recover in a civil action against the convicted person damages in respect of the injury,

the court may, if it thinks fit and the person present or represented consents, inflict on the convicted person, in addition to any other punishment, a fine not exceeding the damages which in the opinion of the court the person present or represented would be entitled to recover against the convicted person.

(2) Where a fine is imposed under subsection (1) of this section on a convicted person—

(*a*) the court imposing the fine may sentence the convicted person to any term of imprisonment, not exceeding six months, in default of payment of the fine within such time, not being less than fourteen days, as the court appoints,

(*b*) the amount of the fine shall be paid to the person on account of whose right to recover damages the fine was imposed and, if there is more than one such person, in such proportions as the court directs,

(*c*) the payment of the fine by the convicted person shall be a good defence to any civil action brought by any person to whom the fine or any part thereof was so paid in respect of the injury on account of which the fine was inflicted,

(*d*) without prejudice to any right of appeal by any other person, the person or any of the persons to whom the fine is made payable shall have a right of appeal (limited to one or more of the following matters, that is to say, the amount of the fine and the person to whom and the proportions in which it is payable) to the Judge of the Circuit Court within whose circuit is situate the district or any part of the district of the Justice by whom the fine was inflicted, and the decision of the Judge on the appeal shall be final.

(3) Where damages are recovered in a civil action against a person who was convicted of an offence under the immediately preceding section in respect of injury to person or property caused by the negligent use on the occasion on which the offence was committed of the F194**[**vehicle**]** in relation to which the offence was committed, the court before whom the damages are recovered may if the damages are not paid within fourteen days or such longer period as the court may determine order that the person against whom the damages were recovered be forthwith taken into custody and be imprisoned for whichever of the following periods is the shorter, that is to say, until the expiration of six months from the taking into custody or until he pays the amount of the damages to the person by whom they were recovered and lodges in court, by way of security for the payment of the costs recovered by that person in the action, such sum (if any) as the court fixes.

(4) This section applies only to injury against liability with respect to which an approved policy of insurance or an approved guarantee is required by this Act to be effected.

Vehicle insurer.

F195**[58.**—F196**[**(1) In this Act, "vehicle insurer" means an insurer or an insurer authorised in another Member State—

(*a*) issuing policies covering risk in the State classified under class 10 in Part 1 of Schedule 1 to the European Union (Insurance and Reinsurance) Regulations 2015 (S.I. No. 485 of 2015), and

(*b*) which is a member of the Motor Insurers' Bureau of Ireland, other than an insurer that issues policies covering carrier's liability only.**]**

(2) F197**[**...**]]**

Vehicle guarantor.

59.—In this Act "vehicle guarantor" means, subject to *subsection (2)* of *section 78* of this Act, a person who—

(*a*) is not a vehicle insurer, and

(*b*) carries on the business of issuing approved guarantees, and

(*c*) has made and maintains the deposit with the Accountant of the Courts of Justice authorised by this Part of this Act to be made by persons who intend to carry on the business of issuing approved guarantees,

F198**[**Exempted person.

60.—(1) In this Part of this Act "exempted person" means, subject to subsection (3) of section 78 of this Act—

(*a*) a board or other body established by or under an Act of the Oireachtas or an Act of the Oireachtas of Saorstát Éireann,

(*b*) a company (hereinafter referred to as a State-sponsored company) within the meaning of subsection (1) of Section 2 of the Companies Act, 1963, in which the majority of the shares are held by or on behalf of a Minister of State, or

(*c*) a company within the meaning of subsection (1) of section 2 of the Companies Act, 1963, in which the majority of the ordinary shares are held by a State-sponsored company or a board or other body mentioned in paragraph (a) of this subsection,

in respect of which the Minister has issued a certificate that such board, other body or company is for the time being an exempted person for the purposes of this Act.

(2) The Minister shall not issue a certificate under this section unless he is of the opinion (having, in a case where a deposit under section 61 of this Act has been made and maintained, taken such deposit into account) that the board, other body or company is, and will be, capable of meeting any liability arising out of the negligent use of a F199**[**vehicle**]** in respect of which, if such board, other body or company were not an exempted person or a vehicle insurer, an approved policy of insurance would be required to be in force at the material time.**]**

F200**[**Deposits by exempted persons.

61.—(1) The Minister may from time to time require the deposit with the Accountant of the Courts of Justice by a person desiring to become an exempted person of such sum as the Minister shall specify in such requirement.

(2) The Accountant of the Courts of Justice shall invest a sum deposited under this section in such of the securities authorised by law for the investment of funds in the High Court as the depositor directs, and the income accruing on the securities shall be paid to the depositor.

(3) The Accountant of the Courts of Justice shall not accept a deposit under this section save on a warrant of the Minister.

(4) The Minister may make rules with respect to applications for warrants for the purposes of this section, the payment of deposits and the investment thereof or dealing therewith, the deposit of stocks, shares or other securities in lieu of money,

the payment of the income from time to time accruing on securities in which deposits are for the time being invested and the withdrawal and transfer of deposits.**]**

Approved policy of insurance.

62.—(1) A policy of insurance shall be an approved policy of insurance for the purposes of this Act if, but only if, it complies with the following conditions:

(*a*) it is issued by a vehicle insurer to a person (in this Act referred to as the insured) named therein;

(*b*) the insurer by whom it is issued binds himself by it to insure the insured against all sums without limit which the insured or his personal representative shall become liable to pay to any person F201**[**...**]** whether by way of damages or costs on account of injury to person or property caused by the negligent use, during the period (in this Act referred to as the period of cover) specified in that behalf in the policy, of a F202**[**vehicle**]** to which the policy relates, by the insured or by any of such other persons (if any) as are mentioned or otherwise indicated in that behalf in the policy;

(*c*) the liability of the insurer under the policy is not subject to any condition, restriction, or limitation prescribed as not to be inserted in an approved policy of insurance; F201**[**...**]**

F203**[**(*cc*) The liability of the insurer extends, in addition to the negligent use of the F204**[**vehicle**]** in the State, to the negligent use of the vehicle in the designated territories according to the law relating to compulsory insurance against civil liability in respect of the use of F202**[**vehicles**]** in force in those territories or to the extent required by this Part, whichever is the greater;**]**

(*d*) the period of cover is not capable of being terminated before its expiration by effluxion of time by the insurer save either with the consent of the insured or after seven days' notice in writing to the F205**[**insured; and**]**

F204**[**(*e*) the liability of the insurer extends to any loss or injury suffered by the injured party, due to the negligent use of a vehicle, during a direct journey between two Member States, if there is no national insurers' bureau responsible for the territory which is being crossed in accordance with the law relating to compulsory insurance against civil liability in respect of the use of vehicles in the territory.**]**

F206**[**(1A) For the purpose of this Part a policy of insurance issued in accordance with the laws on compulsory insurance in force in any of the designated territories, other than the State, in respect of a F204**[**vehicle**]** normally based in that territory is an approved policy of insurance.**]**

(2) A policy of insurance which complies with the conditions specified in subsection (1) of this section shall not be prevented from being an approved policy of insurance merely by reason of its containing provisions additional to and not inconsistent with the provisions required by those conditions.

F207**[**(3) A policy of insurance shall not be prevented from being an approved policy of insurance merely by reason of the insurance being subject to a limitation or an exception referred to in subsection (2) of section 56 of this Act.**]**

F208**[**(4) In this section "national insurers' bureau" means a professional organisation which is constituted in accordance with Recommendation No. 5 adopted on 25 January 1949 by the Road Transport Sub-committee of the Inland Transport Committee of the United Nations Economic Commission for Europe and which groups together insurance undertakings which, in a state, are authorised to conduct the business of motor vehicle insurance against civil liability.**]**

Approved guarantee.

63.—(1) A guarantee shall be an approved guarantee for the purposes of this Act if, but only if, it complies with the following conditions;

(*a*) it is issued by a vehicle insurer or a vehicle guarantor to a person (in this Act referred to as the principal debtor) named therein;

(*b*) the insurer or guarantor by whom it is issued binds himself by it to guarantee the payment by the principal debtor or his personal representative of all sums without limit which the principal debtor or his personal representative shall become liable to pay to any person (exclusive of the excepted persons) whether by way of damages or costs on account of injury to person or property caused by the negligent use during the period (in this Act referred to as the period of cover) specified in that behalf in the guarantee, of a F209**[**vehicle**]** to which the guarantee relates, by the principal debtor or by any of such other persons (if any) as are mentioned or otherwise indicated in that behalf in the guarantee;

(*c*) the liability under the guarantee of the insurer or guarantor by whom it is issued is not subject to any condition, restriction, or limitation prescribed as not to be inserted in an approved guarantee; and

(*d*) the period of cover is not capable of being terminated before its expiration by effluxion of time by the insurer or guarantor save either with the consent of the principal debtor or after seven days' notice in writing to the principal debtor.

(2) A guarantee which complies with the conditions specified in subsection (1) of this section shall not be prevented from being an approved guarantee merely by reason of its containing provisions additional to and not inconsistent with the provisions required by those conditions.

(3) A guarantee shall not be prevented from being an approved guarantee merely by reason of the guarantee being subject to the following limitation and the following exception or either of them:

(*a*) the limitation thereof, in so far as it relates to injury to property, to the sum of one thousand pounds in respect of injury occasioned by any one act of negligence or any one series of acts of negligence collectively constituting one event,

(*b*) the exception therefrom of any liability (in excess of the common law or the statutory liability applicable to the case) undertaken by the principal debtor by special contract.

(4) An approved guarantee issued by a vehicle insurer shall, for the purposes of sections 25, 26 and 27 of the Insurance Act, 1936, be regarded as if it were a policy issued by the insurer in the course of carrying on F209**[**vehicle**]** insurance business within the meaning of section 3 of that Act.

Fraud in obtaining policy or guarantee.

64.—(1) A person shall not, for the purpose or in the course of obtaining the issue of an approved policy of insurance or an approved guarantee to himself or to another person, or for the purpose of securing his or another person's participation in the cover afforded by an approved policy of insurance or an approved guarantee, commit any fraud or make any representation or statement (whether in writing or verbally or by conduct) which is to his knowledge false or misleading in any material respect.

(2) A person who contravenes *subsection (1)* of this section shall be guilty of an offence and shall be liable on summary conviction to F210**[**a fine not exceeding €5,000**]** or, at the discretion of the court, to imprisonment for any term not exceeding six months or to both such fine and such imprisonment.

(3) In a prosecution for an offence under F211**[**...**]** this section, a document—

(*a*) which purports to be—

(i) a proposal forming the basis of the relevant contract of insurance or guarantee,

(ii) a document (other than a proposal) forming that basis, or

(iii) an application for participation in the cover afforded by the relevant contract of insurance or guarantee, and

(*b*) which purports to be signed by the defendant,

may be tendered in evidence without proof and shall be presumed, until the contrary is shown by the defendant, to be such proposal or document as aforesaid and to have been signed by the defendant.

F212**[**(4) (*a*) For the purposes of a prosecution for an offence under this section, a member of the Garda Síochána may, by a notice in writing served by post on a vehicle insurer, require the person within 10 days of the date of service of the notice to furnish to the member any document referred to in subsection (3) of this section which is in that person's possession or within his procurement and is specified in the notice.

(*b*) A person who refuses or fails to comply with a requirement of a member of the Garda Síochána under paragraph (a) of this subsection shall be guilty of an offence.**]**

Excepted persons.

65.—(1) In this Part of this Act "excepted persons" means the following persons:

F213**[**(*a*) any person claiming in respect of injury to himself sustained while he was in or on a F214**[**vehicle**]** (or a vehicle drawn thereby) to which the relevant document relates, other than a F214**[**vehicle**]**, or a drawn vehicle, or vehicles forming a combination of vehicles, of a class specified for the purposes of this paragraph by regulations made by the Minister, provided that such regulations shall not extend compulsory insurance in respect of civil liability to passengers to—

(i) any part of a F214**[**vehicle**]**, other than a large public service vehicle, unless that part is designed and constructed with seating accommodation for passengers, or

(ii) a passenger seated in a caravan attached to a F214**[**vehicle**]** while such a combination of vehicles is moving in a public place.**]**

(*b*) any person claiming in respect of injury to person to another person where—

(i) in case the injury caused the other person's death—the other person would, assuming that the injury had not caused his death, be an excepted person under paragraph (*a*) of this subsection if he were himself claiming in respect of the injury, and

(ii) in any other case—the other person would be such an excepted person if he were so claiming,

(*c*) any person claiming in respect of injury to property sustained while the property was in or on a F214**[**vehicle**]** F215**[**(or a vehicle drawn thereby)**]** to which the relevant document relates,

(*d*) any person claiming in respect of injury to property sustained while the property was owned by or was in the possession, custody or control of the insured or the principal debtor in the relevant document,

(*e*) F216**[**...**]**

(*f*) F216**[**...**]**

(*g*) F216**[**...**]**

(2) In this section—

(*a*) "relevant document" means the approved policy of insurance or the approved guarantee in relation to which the expression "excepted persons" is used, and

(*b*) references to injury sustained while in or on a vehicle include injury sustained while entering, getting on to, being put into or on, alighting from, or being taken out of or off, the vehicle, and injury caused by being thrown out of or off the vehicle.

F217**[** (*c*) "seating accommodation for a passenger" means—

(i) in the case of a vehicle other than a cycle, a fixed or folding seat permanently and securely installed in or on the vehicle, and

(ii) in the case of a cycle, a seat for one passenger behind the driver or a seat in a sidecar, in each case permanently and securely installed,

and "seating accommodation for passengers" shall be similarly construed.**]**

Certificate of insurance and certificate of guarantee.

66.—(1) Where a vehicle insurer issues an approved policy of insurance, he shall give to the person to whom it is issued the prescribed number of certificates (each of which is referred to in this Act as a certificate of insurance) in the prescribed form certifying that it has been issued and stating the prescribed particulars thereof.

(2) Where a vehicle insurer or a vehicle guarantor issues an approved guarantee, he shall give to the person to whom it is issued the prescribed number of certificates (each of which is referred to in this Act as a certificate of guarantee) in the prescribed form certifying that it has been issued and stating the prescribed particulars thereof.

(3) For the purposes of this section, a renewal of an approved policy of insurance or an approved guarantee shall be deemed to be an issue thereof.

Effect of certificate of insurance or guarantee.

67.—(1) Where a vehicle insurer has issued a certificate of insurance certifying that an approved policy of insurance has been issued by him to a specified person—

(*a*) if and so long as no such policy as is described in the certificate has been issued, the insurer shall, as between himself and any other person except the specified person, be deemed to have issued to the specified person an approved policy of insurance conforming in all respects with the description and particulars stated in the certificate, and

(*b*) if the insurer has issued to the specified person a policy such as is described in the certificate, but the actual terms of the policy are less favourable to persons claiming under or by virtue of the policy against the insurer, either directly or through the specified person, than the particulars of the policy as stated in the certificate, the policy shall, as between the insurer and any other person except the specified person, be deemed to be in terms conforming in all respects with those particulars.

(2) Where a vehicle insurer or a vehicle guarantor has issued a certificate of guarantee certifying that an approved guarantee has been issued by him to a specified person—

(*a*) if and so long as no such guarantee as is described in the certificate has been issued, the insurer or guarantor shall, as between himself and any other person except the specified person, be deemed to have issued to the specified person an approved guarantee conforming in all respects with the description and particulars stated in the certificate, and

(*b*) if the insurer or guarantor has issued to the specified person a guarantee such as is described in the certificate, but the actual terms of the guarantee are less favourable to persons claiming under or by virtue of the guarantee against the insurer or guarantor, either directly or through the specified person, than the particulars of the guarantee as stated in the certificate, the guarantee shall, as between the insurer or guarantor and any other person except the specified person, be deemed to be in terms conforming in all respects with those particulars.

(3) Nothing in this section shall render a certificate of insurance or a certificate of guarantee liable to any stamp duty to which it would not have been liable if this section had not been enacted.

Certificate of exemption.

68.—(1) A vehicle insurer, a vehicle guarantor or an exempted person may at any time issue one or more certificates (each of which is in this Act referred to as a certificate of exemption) in the prescribed form in respect of any mechanically propelled vehicle owned by him certifying that the vehicle is owned by him and stating the prescribed particulars in respect of his liability for injury caused by the negligent use of the vehicle.

(2) A certificate of exemption issued by a vehicle insurer shall, for the purposes of sections 25, 26 and 27 of the Insurance Act, 1936, be regarded as if it were a policy issued by the insurer in the course of carrying on mechanically propelled vehicle insurance business within the meaning of section 3 of that Act.

Production of certificate on demand.

69.—(1) (*a*) Where a member of the Garda Síochána has reasonable grounds for believing that a mechanically propelled vehicle has been used in a public place on a particular occasion (including a case in which the member has himself observed the use) and that the actual user of the vehicle on that occasion was a particular person, the member may, at any time not later than one month after the occasion, demand of the person the production of either a certificate of insurance or a certificate of guarantee or a certificate of exemption in respect of the use of the vehicle by the person on the occasion and, if the person refuses or fails to produce any such certificate then and there, he shall, unless within ten days after the day on which the production was demanded he produces such certificate in person to a member of the Garda Síochána at a Garda Síochána station named by the person at the time at which the production was demanded, be guilty of an offence.

(*b*) In a prosecution for an offence under this subsection, it shall be presumed, until the contrary is shown by the defendant, that he did not, within ten days after the day on which the production was demanded produce the certificate in person to a member of the Garda Síochána at a Garda Síochána station named by the defendant at the time at which the production was demanded.

(*c*) It shall be a good defence in a prosecution for an offence under this subsection if the defendant shows that on the occasion in question—

(i) he did not use the vehicle, or

(ii) he was the servant of the owner of the vehicle and was using the vehicle in obedience to the express orders of the owner.

(2) (*a*) Where a member of the Garda Síochána has reasonable grounds for believing that a mechanically propelled vehicle has been used in a public place on a particular occasion (including a case in which the member has himself observed the use), the member may, at any time not later than F218**[**3 months**]** after the occasion, demand of the owner of the vehicle the production of either a certificate of insurance or a certificate of guarantee or a certificate of exemption in respect of the use on the occasion of the vehicle by the person then actually using it and, if the owner refuses or fails to produce any such certificate then and there, he shall, unless within ten days after the day on which the production was demanded he produces such certificate in person to a member of the Garda Síochána at a Garda Síochána station named by the owner at the time at which such production was demanded, be guilty of an offence.

(*b*) In a prosecution for an offence under this subsection, it shall be presumed, until the contrary is shown by the defendant, that he did not, within ten days after the day on which production was demanded, produce the certificate in person to a member of the Garda Síochána at a Garda Síochána station named by the defendant at the time at which the production was demanded.

(*c*) It shall be a good defence in a prosecution for an offence under this subsection if the defendant shows—

(i) that the vehicle was not used on the occasion in question, or

(ii) that a person other than himself used the vehicle on the occasion in question, that it was so used without his consent and either that he had taken all reasonable precautions to prevent its being so used or that the person so using it was his servant acting in contravention of his orders.

F219**[**(3) Where a person produces under this section a certificate to a member of the Garda Síochána but refuses or fails to permit the member to read and examine it, he or she commits an offence and the member may demand of him or her his or her name and address and date of birth.

(4) Where a person whose F220**[**name and address and date of birth**]** is demanded under subsection (3) refuses or fails to give his or her F220**[**name and address and date of birth**]** or gives a F220**[**name and address and date of birth**]** which is false or misleading, he or she commits an offence.

(5) A member of the Garda Síochána may arrest without warrant—

(*a*) a person who under this section provides a certificate but refuses or fails to permit the member to read and examine it, or

(*b*) a person who, when his or her F220**[**name and address and date of birth**]** is demanded of him or her by the member under this section, refuses or fails to give his or her F220**[**name and address and date of birth**]** or gives a F220**[**name and address and date of birth**]** which the member has reasonable grounds for believing to be false or misleading. **]**

F221**[**(6) F222**[**...**]]**

F223**[**Insurance of certain vehicles entering the State.

F224**[69A.**—(1) In this section—

"authorised official" means an officer of the Revenue Commissioners or a member of the Garda Síochána;

"vehicle" means—

(*a*) any motor vehicle propelled exclusively by mechanical power on land but not running on rails with—

(i) a maximum design speed of more than 25 km/h, or

(ii) a maximum net weight of more than 25 kg and a maximum design speed of more than 14 km/h, or

(*b*) any trailer to be used with a vehicle referred to in paragraph (a), whether coupled or uncoupled,

but does not include a wheelchair vehicle exclusively intended for use by a person with a physical disability.

(2) An authorised official may demand of a person having charge of a vehicle, being a vehicle, which is not normally—

(*a*) based in the State,

(*b*) based in any of the designated territories, or

(*c*) having entered the State from the territory of another Member State,

when entering the State with the vehicle or having so entered, to produce evidence that the use of the vehicle in the State and in the designated territory is covered by insurance in accordance with the requirements of the laws of the State and of the designated territories relating to compulsory insurance against civil liability in respect of the use of vehicles and if on such demand having been made such evidence is not produced the vehicle shall not be used in the State.**]**

(3) Where the use of the vehicle in the State is prohibited under subsection (2) of this section an authorised official may remove and retain the vehicle or he may direct the driver to remove the vehicle to such place and subject to such conditions

as may be specified in the direction, and, notwithstanding the provisions of subsection (2) of this section, it shall be lawful to move the vehicle to the extent necessary to comply with such direction.

(4) A vehicle which has been removed by or at the direction of an authorised official under subsection (3) of this section may be retained until evidence is produced that the use of the vehicle is covered by insurance in accordance with the provisions of subsection (2) of this section or until the vehicle is being removed from the State to a country which is not a designated territory.

(5) A person who uses a vehicle or causes or permits a vehicle to be used in contravention of subsection (2) of this section, or who refuses, neglects or otherwise fails to comply with a direction under subsection (3) of this section, shall be guilty of an offence and shall be liable on summary conviction to F225**[**a fine not exceeding €5,000**]**.**]**

F226**[**Insurance of certain trailers towed by a vehicle

69B.—(1) In the case of an accident caused by a set of vehicles consisting of a vehicle towing a trailer, which is not normally based in the State, where the trailer has separate third-party liability insurance, the injured party may bring their claim directly against the insurance undertaking that insured the trailer where the trailer can be identified, but the vehicle towing it cannot be identified and the national law of another Member State provides for the insurer of the trailer to provide compensation.

(2) An insurance undertaking that has compensated the injured party shall have recourse to the undertaking that insured the towing vehicle, or to the compensation body if and to the extent that this is provided for under the applicable national law of another Member State.

(3) In the case of an accident caused by a set of vehicles consisting of a vehicle towing a trailer, which is not normally based in the State, the insurer of the trailer, unless the applicable national law of another Member State requires it to provide full compensation, shall, at the request of the injured party, inform him or her without undue delay of the identity of the insurer of the towing vehicle; or where the insurer of the trailer cannot identify the insurer of the towing vehicle, the compensation mechanism provided under the Agreement dated 29 January 2009 between the Minister for Transport and the Motor Insurers' Bureau of Ireland.**]**

F227**[**Dispatch of vehicles

69C.—Where a vehicle is dispatched from the State to another Member State, the Member State in which the risk is situated shall be considered, depending on the choice of the person responsible for third party liability cover, to be either the Member State of registration or, immediately upon acceptance of delivery by the purchaser, the Member State of destination, for a period of 30 days, even if the vehicle has not formally been registered in the Member State of destination.**]**

Obligation to deliver up certificate.

70.—(1) Where the period of cover under an approved policy of insurance is terminated or suspended by any means before its expiration by effluxion of time, the insured shall, within seven days after the termination or suspension, deliver to the vehicle insurer by whom the policy was issued the latest certificate of insurance in respect of the policy.

(2) Where the period of cover under an approved guarantee is terminated or suspended by any means before its expiration by effluxion of time, the principal debtor shall, within seven days after the termination or suspension, deliver to the vehicle insurer or the vehicle guarantor by whom the guarantee was issued the latest certificate of guarantee in respect of the guarantee.

(3) A person who contravenes subsection (1) or subsection (2) of this section shall be guilty of an offence.

Obligation of insured or principal debtor to give notice of accident.

71.—(1) Subject to *subsection (2)* of this section, where an event occurs in relation to a F228**[**vehicle**]** in consequence of which the vehicle insurer who issued an approved policy of insurance or the vehicle insurer or the vehicle guarantor who issued an approved guarantee, then in force in respect of the vehicle, may become liable to pay money to any person, the insured or the principal debtor (as the case may be) shall, as soon as practicable after the occurrence of the event, or where the event did not occur in his presence, within forty-eight hours after the occurrence of the event first came to his knowledge, give to the insurer by whom the policy was issued or to the insurer or guarantor by whom the guarantee was issued notice in writing of the occurrence of the event together with such particulars of the event as are in his knowledge or procurement and are reasonably required by the insurer or guarantor.

(2) An approved policy of insurance or an approved guarantee may contain a provision relieving the insured or the principal debtor (as the case may be) from the obligation of giving the notice mentioned in *subsection (1)* of this section and, in any such case, that notice need not be given.

(3) A person who contravenes subsection (1) of this section shall be guilty of an offence.

(4) A notice or particulars required by this section may be given by posting the notice or particulars in a properly closed and prepaid envelope addressed to the insurer or guarantor, and the notice or particulars shall be deemed to be given in the time specified in this section for the giving thereof if so posted within that time.

Obligation of user of vehicle to give notice of accident.

72.—(1) Where an event occurs in relation to a F229**[**vehicle**]** in consequence of which the vehicle insurer who issued an approved policy of insurance, or the vehicle insurer or the vehicle guarantor who issued an approved guarantee, then in force in respect of the vehicle, may become liable to pay money to any person, the person who is actually using the vehicle when the event occurs shall—

(*a*) unless he is himself the insured under the policy or the principal debtor under the guarantee or the event occurs in the presence of such insured or principal debtor, give to such insured or principal debtor, as soon as practicable after the occurrence of the event, notice of the occurrence together with full particulars thereof,

(*b*) give, on demand, to the insurer or guarantor such particulars relating to the event as are in his knowledge or procurement and are reasonably required by the insurer or guarantor.

(2) A person who contravenes subsection (1) of this section shall be guilty of an offence.

(3) A notice or particulars required by paragraph (a) of subsection (1) of this section may be given by posting the notice or particulars in a properly closed and prepaid envelope addressed to the insured or the principal debtor.

F230**[**Notice of accident involving vehicle temporarily in the State.

72A.— Where an event occurs in relation to a F231**[**vehicle**]** normally based in the designated territories in consequence of which a liability to pay money to any person may occur the person who is actually using the vehicle when the event occurs shall send to the F232**[**Motor Insurers' Bureau of Ireland**]** notice of the occurence of the event with full particulars thereof and particulars as to the territory in which the vehicle is normally based, the identification mark of the vehicle, the insurance of the vehicle (including the period covered thereby, the number of the policy and the name and address of the insurer and of the insured) and the name and address of the person using the vehicle.**]**

Obligation to give information as to insurance.

73.—(1) Where a claim is made against a person in respect of any such liability as is appropriate in accordance with this Act to be covered by an approved policy of insurance or an approved guarantee, such person, on demand in writing (served by registered post) by or on behalf of the person making the claim, shall—

(*a*) if the liability was so covered, state that fact, state the name and address of the insurer or guarantor concerned and state the prescribed particulars referred to in subsection (1) or subsection (2) (as may be appropriate) of section 66 of this Act,

(*b*) if the liability would have been so covered but for an approved policy of insurance or an approved guarantee having been avoided, cancelled or otherwise terminated, state that fact and state the name and address of the insurer or guarantor concerned,

(*c*) if the liability was not so covered on account of the person against whom the claim is made having been a vehicle insurer, a vehicle guarantor or an exempted person, state that fact and state the prescribed particulars referred to in section 68 of this Act, and

(*d*) if none of the foregoing paragraphs apply, state that fact.

(2) A person who contravenes subsection (1) of this section shall be guilty of an offence.

(3) A statement demanded under this section may be given by posting the statement in a properly closed and prepaid envelope addressed to the person demanding it.

Amendment of Assurance Companies Act, 1909.

74.—(1) Section 1 of the Assurance Companies Act, 1909, as adapted by or under subsequent enactments, shall have effect as if after paragraph (e) thereof the following paragraph were added:

"(*f*) mechanically propelled vehicle insurance business, that is to say, the business of effecting contracts of insurance against loss of or damage to or arising out of or in connection with the use of mechanically propelled vehicles, including third party risks."

(2) Where an assurance company or syndicate within the meaning of section 3 of the Insurance Act, 1936, carries on mechanically propelled vehicle insurance business within the meaning of that section, the Assurance Companies Act, 1909, as adapted by or under subsequent enactments, shall apply with respect to that business, subject to the following modifications:

(*a*) sections 5 and 6 of the said Act shall not apply to the company or syndicate;

(*b*) the company or syndicate shall annually prepare a statement of its mechanically propelled vehicle insurance business in such form as shall from time to time be directed by the Minister for Industry and Commerce and the statement shall be printed, signed and deposited with that Minister in accordance with section 7 of the said Act and that section shall apply accordingly;

(*c*) paragraphs (d), (e), (f) and (g) of section 32 of the said Act shall apply to the company or syndicate as if those paragraphs were here set out with the substitution of the expression "mechanically propelled vehicle insurance business" for the expression "accident insurance business" wherever that expression occurs in those paragraphs.

Regulations in relation to certificates, keeping of records and giving of information.

75.—(1) The Minister may make regulations for all or any of the following purposes:

(*a*) the issue of certificates of insurance, certificates of guarantee and certificates of exemption;

(*b*) the issue of copies of, or new certificates in lieu of, any such certificates which are lost or destroyed and the maximum charges that may be made on such issues;

(*c*) the cancellation and surrender of such certificates;

(*d*) requiring vehicle insurers to keep records of all approved policies of insurance and approved guarantees issued by them;

(*e*) requiring vehicle guarantors to keep records of all approved guarantees issued by them;

(*f*) requiring exempted persons to keep records of all certificates of exemption issued by them;

(*g*) specifying the matters to be recorded in the records;

(*h*) enabling the records to be inspected by members of the Garda Síochána and officers of the Minister;

(*i*) requiring vehicle insurers to furnish to members of the Garda Síochána and officers of the Minister information in relation to approved policies of insurance and approved guarantees issued by such insurers;

(*j*) requiring vehicle guarantors to furnish to members of the Garda Síochána and officers of the Minister information in relation to approved guarantees issued by such guarantors.

(2) A person who contravenes a regulation under this section which is declared to be a penal regulation shall be guilty of an offence.

Miscellaneous provisions in relation to insured or guaranteed moneys.

76.—(1) Where a person (in this section referred to as the claimant) claims to be entitled to recover from the owner of a mechanically propelled vehicle or from a person (other than the owner) using a mechanically propelled vehicle (in this section referred to as the user), or has in any court of justice (in proceedings of which the vehicle insurer or vehicle guarantor hereinafter mentioned had prior notification) recovered judgment against the owner or user for, a sum (whether liquidated or unliquidated) against the liability for which the owner or user is insured by an approved policy of insurance or the payment of which by the owner or user is guaranteed by an approved guarantee, the claimant may serve by registered post, on the vehicle insurer by whom the policy was issued, or on the vehicle insurer or the vehicle guarantor by whom the guarantee was issued, a notice in writing of the claim or judgment for the sum, and upon the service of the notice such of the following provisions as are applicable shall, subject to *subsection (2)* of this section, have effect:

(*a*) the insurer shall not after service of the notice pay to the owner or user in respect of the sum any greater amount than the amount (if any) which the owner or user has actually paid to the claimant in respect of the sum;

(*b*) where the claimant has so recovered judgment for the sum, or after service of the notice so recovers judgment for the sum or any part thereof, the insurer or guarantor shall pay to the claimant so much of the moneys (whether damages or costs) for which judgment was or is so recovered as the insurer or guarantor has insured or guaranteed and is not otherwise paid to the claimant, and the payment shall, as against the insured or principal debtor, be a valid payment under the policy or guarantee;

(*c*) where the claimant has so recovered judgment for the sum, or after service of the notice so recovers judgment for the sum or any part thereof, and has not recovered from the owner or user or such insurer or guarantor the whole amount of the judgment, the claimant may apply to the court in which he recovered the judgment for leave to execute the judgment against the insurer or guarantor, and thereupon the court may, if it thinks proper, grant the application either in respect of the whole amount of the judgment or in respect of any specified part of that amount;

(*d*) where the claimant has not so recovered judgment for the sum, the claimant may apply to any court of competent jurisdiction in which he might institute proceedings for the recovery of the sum from the owner or user for leave to institute and prosecute those proceedings against the insurer or guarantor (as the case may be) in lieu of the owner or user, and the court, if satisfied that the owner or user is not in the State, or cannot be found or cannot be served with the process of the court, or that it is for any other reason

just and equitable that the application should be granted, may grant the application, and thereupon the claimant shall be entitled to institute and prosecute those proceedings against the insurer or guarantor, and to recover therein from the insurer or guarantor any sum which he would be entitled to recover from the owner or user and the payment of which the insurer or guarantor has insured or guaranteed;

(*e*) the insurer or guarantor shall not, as a ground for refusing payment of moneys to the claimant or as a defence to proceedings by the claimant, rely on or plead any invalidity of the policy or guarantee arising from any fraud or any misrepresentation or false statement (whether fraudulent or innocent) to which the claimant was not a party or privy and which, if constituting F233**[**an offence**]** under this Part of this Act, was not the subject of a prosecution and conviction under the relevant section of this Act.

(2) Where, in respect of any one act of negligence or any one series of acts of negligence collectively constituting one event, there are two or more claimants and the total of the sums claimed for damages for injury to property or for which judgment has been recovered for damages for such injury exceeds the sum which the insurer or guarantor has insured or guaranteed, the liability, as regards each claimant, of the insurer or guarantor in relation to such damages shall be reduced to the appropriate proportionate part of the sum insured or guaranteed.

(3) Subsections (1) and (2) of this section apply only to claims against the liability for which an approved policy of insurance or an approved guarantee is required by this Act to be effected.

(4) F234**[**...**]**

(5) A reference in this section to the owner or user of a mechanically propelled vehicle shall, where the context so admits, be construed as including a reference to his personal representative.

Application and repayment of deposit.

77.—(1) In this section "deposit" means a deposit under section 61 of this Act.

(2) Where a person has recovered judgment in any court against the depositor of a deposit for a sum to which this section applies, the High Court may, on the application of that person and if satisfied that the depositor has no goods which can be taken in execution to satisfy the judgment, order the amount of the judgment, together with the costs of the order, the application therefor and the proceedings thereunder, to be paid by the Accountant of the Courts of Justice out of the deposit.

(3) Where the amount of a judgment is paid under this section out of a deposit, the depositor may deposit with the Accountant of the Courts of Justice a sum equal to the sum paid out, and until he does so, he, shall be deemed not to comply with the provisions of this Part of this Act relating to the making of deposits.

(4) Where the depositor of a deposit, if an individual, becomes bankrupt or insolvent or dies or, if a corporate body, is wound up or, if a partnership or other unincorporated association, is dissolved, the deposit shall be applied, firstly, in payment of liabilities for sums to which this section applies and, secondly, as general assets.

(5) Where the High Court is satisfied, on the application of the depositor of a deposit or a person claiming through or under him and after notice to F235**[**the Minister**]** and after such publication of advertisements as the High Court directs, that the deposit should be paid out to the applicant, the High Court may order it to be so paid out either unconditionally or subject to conditions.

(6) Each of the following sums shall, for the purposes of the foregoing subsections of this section, be a sum to which this section applies:

(*a*) a sum against the liability for which the depositor of a deposit, being a vehicle guarantor, is guarantor under an approved guarantee,

(*b*) a sum against the liability for which the depositor of a deposit, being a vehicle guarantor or an exempted person, would, if he were not such

depositor, have been required by this Act to have effected an approved policy of insurance or an approved guarantee.

Provisions relating to Motor Insurers' Bureau of Ireland.

F236**[78.**—F237**[**(1) Subject to subsection (1A), a person shall not issue policies covering risk in the State classified under class 10 in Part 1 of Schedule 1 to the European Union (Insurance and Reinsurance) Regulations 2015 (S.I. No. 485 of 2015), unless the person is a member of the Bureau.**]**

F238**[**(1A) The policies referred to in subsection (1) exclude policies covering carriers' liability only.**]**

(2) A person shall not be an exempted person unless there is in force an undertaking by him in terms approved of by the Minister that he will deal with third-party claims in respect of mechanically propelled vehicles owned by him on terms similar to those standing agreed from time to time between the Minister and the Bureau in respect of the Bureau.

(3) The provisions of this section shall have effect notwithstanding any other provision of this or any other Act.

(4) In this section,

"the Bureau" means the Motor Insurers' Bureau of Ireland.**]**

F239**[**Vehicle insurers to provide details of motor insurance policies.

F240**[78A.**—(1) MIBI shall maintain a database of information specified in subsections (2), (3), (4), (5) and (7), and of information submitted to it under section 56A(7) and (9), and is designated as a data controller in relation to personal data processed for the purposes of this section and section 56A.

(2) A vehicle insurer or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf shall, within 5 working days after it has issued an approved policy of insurance, notify MIBI of the following information in respect of persons to whom section 56A(1) applies:

(*a*) the name and address of the person to whom the policy of insurance is issued and the name of any other person named in particular 6 of the certificate of insurance;

(*b*) the date of birth of a person to whom paragraph (a) applies;

(*c*) any limitations as to the use of a F241**[**vehicle**]** to which the policy relates;

(*d*) the policy number and the period of cover of the policy;

(*e*) the registration number or, in the event that the registration number is not available, the Vehicle Identification Number (VIN) or any other unique identifying number given by the manufacturer, if available;

F242**[**(*f*) in respect of each person named in particular 6 of the certificate of insurance—

(i) the country of issue of the licence or permit, and

(ii) in the case the person concerned holds—

(I) an Irish driving licence, the number given at item 4d and described as "Uimhir tiomána" or "Driver number" on the licence,

(II) a learner permit, the number given at item 4d and described as "Uimhir tiomána2 or "Driver number" on the licence, or

(III) a foreign driving licence, the driver number, licence number or unique identifier of any person to whom the licence is issued.**]**

(3) Where a vehicle insurer or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf becomes aware of any error in or change to information provided to the insurer under section 56A(1), the insurer or intermediary, as the case may be, shall, within 5 working days of being made aware of the change or error, notify MIBI of such change or error.

(4) A vehicle insurer or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf shall, within 5 working days after it has issued an approved policy of insurance to a fleet owner or motor trader, notify MIBI of the following information in respect of that policy:

(*a*) the name and address of the fleet owner or motor trader, as the case may be, and the names of any person named in particular 6 of the certificate of insurance;

(*b*) any limitations as to the use of a mechanically propelled vehicle to which the policy relates;

(*c*) the policy number and the period of cover of the policy.

(5) A vehicle insurer or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf shall ensure that any changes or errors with respect to the matters provided for in subsection (4) are notified to MIBI within 5 working days after the insurer or intermediary, as the case may be, becomes aware of the change or error.

(6) A vehicle insurer or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf who contravenes subsection (2), (3), (4), (5) or (7) commits an offence and is liable on summary conviction to a class E fine.

(7) A vehicle insurer or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf shall, within 5 working days after it has cancelled an approved policy of insurance, notify MIBI of the cancellation.

(8) MIBI may process data received by it under subsections (2), (3), (4), (5) and (7) and section 56A(7) and (9) for the purposes of its functions under Regulations 5 and 6 of the European Communities (Fourth Motor Insurance Directive) Regulations 2003 (S.I. No. 651 of 2003).

(9) MIBI shall make available data received by it under subsections (2), (3), (4), (5) and (7) and section 56A(7) and (9) to—

(*a*) the Minister, for the purposes of the Minister's functions under section 60 of the Finance Act 1993 in respect of the National Vehicle and Driver File 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,

(*b*) the Garda Síochána, for the purposes of carrying out its functions in respect to enforcement of the Road Traffic Acts 1961 to 2023,

(*c*) ...

(*d*) a vehicle insurer or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf who provided it with information under subsection (2), (3), (4), (5) or (7), and

(*e*) a vehicle insurer or intermediary with specific sanction from a vehicle insurer to conclude insurance contracts on its behalf for the purposes of verifying information provided pursuant to section 56A(7) and (9) in circumstances where there is an approved policy of insurance to which section 56A(4) applies.

(10) MIBI shall, within 18 months of the commencement of this section and thereafter annually, submit to the Minister a report in relation to its operation of the database maintained by it pursuant to subsection (1).

(11) MIBI may, subject to regulations made by the Minister for that purpose, make available the information specified in subsections (2), (3), (4), (5) or (7) and section 56A(7) and (9)—

(*a*) to the recipients specified in subsection (9) for such further purposes as may be specified in the regulations, and

(*b*) to such further recipients as may be specified in the regulations for such further purposes as may be specified therein.

(12) In this section—

"National Vehicle and Driver File" means records established and maintained by the Minister under section 60 of the Finance Act 1993;

"operator's licence" has the same meaning as it has in section 2 (9) of the Road Traffic and Transport Act 2006.**]]**

F244**[**Recovery of sums paid by Motor Insurers' Bureau of Ireland

78B.—(1) Any proceedings initiated by or on behalf of the Motor Insurers' Bureau of Ireland seeking recovery of liquidated sums paid by the Bureau pursuant to the MIBI Agreement may be brought under Order 2, rule 1 of the Rules of the Superior Courts (S.I. No. 15 of 1986).

(2) In this section "MIBI Agreement" means the Agreement on the Compensation of Uninsured Road Accident Victims dated 29 January 2009 between the Minister for Transport and the Motor Insurers' Bureau of Ireland and includes any subsequent agreement which amends or replaces that Agreement.**]**

Exception of pedestrian-controlled vehicles.

79.—Pedestrian-controlled vehicles which are specified for the purposes of this section by the Minister by regulations and which comply with the conditions stated in the regulations are hereby excepted from this Part of this Act.

Special provisions for non-residents.

80.—The Minister may make regulations for the purpose of facilitating compliance with this Part of this Act by persons who ordinarily reside outside the State, and the regulations may modify in respect of those persons all or any of the provisions of this Part of this Act, but not so as substantially to exempt any person from the obligations imposed by this Part of this Act.

Transitional provisions (Part VI).

81.—(1) A deposit under section 61 of the repealed Act existing at the commencement of this subsection shall be deemed to be a deposit under section 61 of this Act.

(2) A certificate under subsection (1) of section 68 of the repealed Act in force at the commencement of this subsection shall be deemed to be a certificate under subsection (1) of section 66 of this Act.

(3) A certificate under subsection (2) of section 68 of the repealed Act in force at the commencement of this subsection shall be deemed to be a certificate under *subsection (2)* of section 66 of this Act.

(4) A certificate under section 70 of the repealed Act in force at the commencement of this subsection shall be deemed to be a certificate under section 68 of this Act.

F245**[**Non-application of Part to motorsports events, etc.

81A.—This Part does not apply to the use of a vehicle in motorsports events and activities, including races, competitions, training, testing and demonstrations in restricted and demarcated areas, where the local authority (within the meaning of the Local Government Act 2001) in whose functional area the event or activity takes place ensures that the organiser of the event or activity or any other party has taken out an alternative insurance or guarantee policy covering the damage to any third party, including spectators and other bystanders.**]**

PART VII.

Control and Operation of Public Service Vehicles.

Regulations in relation to control and operation of public service vehicles.

82.—F246**[**(1) The Minister may make regulations in relation to the control and operation of large public service vehicles.**]**

(2) Regulations under this section may, in particular and without prejudice to the generality of *subsection (1)* of this section, make provision in relation to all or any of the following matters:

(*a*) the licensing of public service vehicles;

(*b*) the licensing of drivers and conductors of public service vehicles;

(*c*) the payment of specified fees in respect of licences, badges or plates granted F247**[**or applied for**]** under the regulations and the disposition of such fees;

(*d*) the conduct and duties of drivers and conductors of public service vehicles and of their employers;

(*e*) the conduct and duties of passengers and intending passengers in public service vehicles;

(*f*) the conditions (including the use of taximeters) subject to which vehicles may be operated as public service vehicles;

(*g*) the keeping of specified records and the issue of specified certificates and the specifying of the persons by whom such certificates are to be issued;

(*h*) the authorising of the fixing of maximum fares for street service vehicles;

(*i*) matters related to the transition from the repealed Act to the regulations under this section.

(3) Different regulations may be made under this section—

(*a*) in respect of different classes of vehicles,

(*b*) for different circumstances and for different areas.

(4) A certificate purporting to be issued pursuant to regulations under this section that on a specified day a specified fare was the maximum fare fixed for street service vehicles in a specified area shall, without proof of the signature of the person purporting to sign it or that he was the proper person to issue it, be evidence in any legal proceedings until the contrary is shown of the matters certified therein.

(5) A certificate purporting to be issued pursuant to regulations under this section that a specified person was on a specified day the holder of a licence under the regulations or that on a specified day a licence under the regulations was in force in respect of a specified vehicle shall, without proof of the signature of the person purporting to sign it or that he was the proper person to issue it, be evidence in any legal proceedings until the contrary is shown of the matters certified therein.

(6) A person who contravenes a regulation under this section which is declared to be a penal regulation and, in such cases involving a vehicle as may be prescribed and where such person is not the owner of the vehicle, such owner shall each be guilty of an offence.

(7) In a prosecution for an offence under this section in which a licence under regulations under this section is material, it shall be presumed, until the contrary is shown by the defendant, that at the material time, such a licence, then having effect, was not held.

(8) Where a mechanically propelled vehicle is used for the carriage of eight or more persons who are not in the employment of the owner of the vehicle, they shall, until the contrary is shown, be deemed to be carried in the vehicle for reward.

F248**[**(9) (*a*) If a person refuses or omits to pay to the owner, driver or conductor of a public service vehicle a sum payable by the person to such owner, driver or conductor, as the case may be, in respect of the hire of, or the fare for the person's carriage in, the vehicle, the person shall, if so requested by such owner, driver or conductor, as the case may be, give him his name and address.

(*b*) Where a person refuses or fails to comply with a request under *paragraph (a)* of this subsection or, following such a request, gives a name or address that the owner, driver or conductor concerned has reasonable grounds for believing to be false or misleading, the owner, driver or conductor, as the case may be, aforesaid may detain the person until the arrival of a member of the Garda Síochána.

(*c*) A member of the Garda Síochána may request—

(i) a person who has refused or failed to comply with a request under *paragraph (a)* of this subsection,

(ii) a person who, following a request under that paragraph, has given to the owner, driver or conductor concerned a name or address that the latter has reasonable grounds for believing to be false or misleading,

or

(iii) a person detained pursuant to *paragraph (b)* of this subsection,

to give to the member his name and address and, if the person refuses or fails to give his name and address or gives a name or address that the member has reasonable grounds for believing to be false or misleading, the member may arrest the person without warrant and, if the person has refused or failed to give his name and address or has given a name or address that is false or misleading, the person shall be guilty of an offence.**]**

Annual inspection and verification of taximeters.

83.—F249**[**...**]**

Bye-laws in relation to stands for street service vehicles.

84.—F250**[**...**]**

Stopping places and stands for omnibuses.

F251**[85.**—(1) A road authority may, by notice in writing, direct, in respect of a route upon which buses are operated, that specified points shall be stopping places at which persons may board or descend from buses or that specified places shall be used as stands for buses.

(2) A road authority may by notice in writing amend or revoke a direction given, or amendment made, by it under this section.

(3) A person operating or proposing to operate a bus service may apply to the road authority in whose functional area the service is being or will be operated for a direction under this section and the authority may, if it so thinks fit, after consultation with the person, give a direction specifying such points for stopping places, and places for stands, for buses as it considers appropriate.

(4) A notice under this section may direct that—

(*a*) one or more of the stopping places specified in the notice shall be used only for boarding buses or, as the case may be, only for descending from buses, or

(*b*) one or more of the stopping places so specified, or one or more of the stands so specified, shall be used only by buses providing a service or services operated by a specified person or by specified persons.

(5) A notice under this section—

(*a*) shall be given or sent by post to the person who is operating the bus service to which it relates, and

(*b*) shall specify the date on which it comes into operation,

and the notice shall come into operation on the date so specified.

(6) A certificate purporting to be signed by an officer of a road authority and stating that a notice under this section in specified terms was in force on a specified day or during a specified period shall, without proof of the signature of the person purporting to sign the certificate or that he or she was such an officer, be evidence in any legal proceedings until the contrary is shown that a notice under this section in the specified terms was given or sent by post to the person named in it and that it was in force on the specified day or during the specified period.

(7) In this section—

"bus" means omnibus;

"road authority" has the meaning assigned to it by the Roads Act, 1993.**]**

Bye-laws with respect to stopping places and stands for omnibuses.

86.—F252**[**...**]**

Property left in public service vehicle.

87.—(1) The Commissioner may, in respect of any area and in respect of all public service vehicles or any class of public service vehicles, make bye-laws for all or any of the following purposes:

(*a*) requiring the owners, drivers and conductors of public service vehicles to deposit in an appointed place within a specified time property left in the vehicles by passengers therein;

(*b*) providing for the safe custody of such property and the re-delivery of such property to the owners thereof;

(*c*) providing for the disposal of all such property which is not re-delivered to the owners thereof and, in particular, making special provision in regard to property which is a live animal or is of a perishable or offensive character;

(*d*) authorising the charging of fees for re-deliveries;

(*e*) providing, with the consent of the Minister for Finance, for the disposition of fees, proceeds of sale and other moneys received by the Commissioner in respect of such property, including the payment out of those moneys of rewards to persons depositing property in pursuance of this section.

(2) Bye-laws shall not be made under this section save where the Commissioner is of opinion that, as respects the area and vehicles to which the bye-laws relate, satisfactory provision has not been made for the safe custody, re-delivery and disposal of property left in the vehicles by passengers.

(3) A person who contravenes a bye-law under this section shall be guilty of an offence.

(4) The Commissioner shall cause to be established and kept registers of lost property deposited under this section.

(5) A register kept in pursuance of this section shall be in such form and in respect of such area as the Commissioner directs, and there shall be entered therein all such matters as he directs.

(6) A register kept in pursuance of this section shall be received in evidence without further proof in any legal proceedings on being produced as such register by an officer of the Garda Síochána.

(7) A document purporting to be a copy of an entry in a register kept in pursuance of this section and purporting to be certified by an officer of the Garda Síochána to be a true copy of the entry shall, without proof of the signature of the person purporting so to certify or that he was such officer, be received in evidence in any

legal proceedings and shall, until the contrary is shown, be deemed to be a true copy of the entry and to be evidence of the terms of the entry.

(8) A register kept in pursuance of this section shall at all reasonable times be open to inspection by any person on payment of F253**[**the prescribed fee**]**.

(9) A person shall be entitled to obtain from the Commissioner a copy, certified in writing by an officer of the Garda Síochána to be a true copy, of any entry in any register kept in pursuance of this section on payment therefor of F253**[**the prescribed fee**]**.

PART VIII.

Regulation of Traffic.

Bye-laws for the general control of traffic and pedestrians.

88.—F254**[**...**]**

Bye-laws for the control of traffic and pedestrians in specified area.

89.—F255**[**...**]**

Parking of vehicles on public roads.

90.—F256**[**...**]**

Control of traffic when there is event attracting large assembly, etc.

91.—(1) For the purpose of preserving order in relation to traffic when there is an event attracting a large assembly of persons or when there is traffic congestion or a fire, flood or similar occurrence, a member of the Garda Síochána in uniform may do all or any of the following things: divert, regulate and control traffic and regulate and control the parking of vehicles.

(2) The powers conferred by subsection (1) of this section shall, in particular, include power to do all or any of the following things by oral or manual direction F257**[**or by the use of portable signs of such size, form and colour and having such significance as may be prescribed**]**:

(*a*) prohibit the passage of traffic;

(*b*) indicate the direction in which traffic is to proceed;

(*c*) prohibit the parking of vehicles;

(*d*) indicate places for the parking of vehicles or as standsfor public service vehicles and regulate their use;

(*e*) make any other prohibitions or indications which he considers necessary for preventing obstruction or disorder in traffic.

(3) A person who contravenes a direction given by a member of the Garda Síochána under this section F257**[**or who contravenes a prohibition, restriction or requirement indicated by a sign referred to in subsection (2) of this section**]** shall be guilty of an offence.

(4) Notwithstanding any other provision of this Act, a person may, for the purposes of this section, act temporarily as a parking attendant subject to his having been authorised so to do by an officer of the Garda Síochána.

Prevention of obstruction of traffic by fairs and markets.

92.—(1) Where any fair or market is held in any public place within the functional area of the corporation of a county or other borough, the council of a county or an urban district or the commissioners of a town, the corporation, council or commissioners may make such bye-laws as they consider necessary for securing the free passage of vehicular traffic through public roads on the occasion of fairs or markets.

(2) F258**[**Sections 219 and 221 to 223**]** of the Public Health (Ireland) Act, 1878, shall apply to bye-laws under this section in like manner as they apply to bye-laws under that Act, subject to the modification that references therein to a sanitary authority shall be construed as references to the corporation of a county or other borough, the council of a county or an urban district, or the commissioners of a town, as the case may require.

(3) A person who contravenes a bye-law under this section shall be guilty of an offence.

(4) Where a county includes any borough, urban district or town, the functional area of the council of the county shall, for the purposes of this section, be deemed not to include the borough, urban district or town.

Protection of bridges from excessive burdens.

93.—(1) (*a*) A road authority, railway F259**[**...**]** company or other person liable to maintain a bridge carrying a public road may, by notices in the prescribed form placed in the prescribed manner on the approaches to the bridge, prohibit any vehicle, which with the load (if any) thereon exceeds the weight specified in the notices, from passing over the bridge either (as may be specified in the notices) at all, at a speed exceeding a specified speed or subject to specified conditions.

(*b*) A notice placed on the approaches to a bridge which purports to be a notice under this subsection shall, in any legal proceedings, be presumed, until the contrary is shown, to be a notice placed pursuant to this subsection and to be in the prescribed form and placed in the prescribed manner.

(2) Notices shall not be placed under *subsection (1)* of this section in respect of a bridge unless some restriction on the use of the bridge is reasonably necessary to ensure that the traffic over the bridge will not impose on the bridge a greater burden than it is capable of bearing, and no such notice shall impose a greater restriction on the use thereof than is reasonably necessary for that purpose.

(3) A person, who claims that notices purporting to have been placed under subsection (1) of this section have been so placed in contravention of subsection (2) of this section, may appeal in the prescribed manner to the Minister and, on the hearing of the appeal, the Minister shall give such directions (whether for the maintenance, removal or alteration of the notices) as he thinks proper.

(4) Where the Minister, in consequence of an appeal to him under this section, gives directions for the removal or alteration of the notices to which the appeal relates, the person by whom the notices were placed shall, within three days after the communication of the directions to him, remove or alter the notices in accordance with the directions.

(5) A person who contravenes subsection (4) of this section shall be guilty of an offence.

(6) A person shall not drive a vehicle over a bridge in contravention of a notice placed under subsection (1) of this section in relation to the bridge (notwithstanding that the notice may have been placed in contravention of subsection (2) of this section).

(7) A person who contravenes subsection (6) of this section shall be guilty of an offence.

(8) Where a vehicle is driven over a bridge in such circumstances as to constitute an offence under *subsection (6)* of this section, the owner of the vehicle shall be liable in damages to the authority, company or other person liable to maintain the bridge for any injury caused to the bridge by the driving of the vehicle over the

bridge, and the damages shall be recoverable by such person from the owner of the vehicle by civil action in any court of competent jurisdiction.

(9) Where notices are placed under this section in respect of a bridge, it shall be lawful, with the consent of the Commissioner, for the authority, company or other person liable to maintain the bridge, and it shall be the duty of such authority, company or other person if required by the Commissioner, to erect and maintain a sign, either in advance of or at the bridge, to give indication to traffic of the prohibition provided for by the notices, being a sign conforming with the prescribed provisions as to size, shape, colour and character.

Closing of particular roads to vehicles.

94.—(1) The Minister may, after holding a public inquiry, by order prohibit, subject to such exceptions or conditions as may be specified in the order, the driving of vehicles or any class of vehicles on any specified public road in respect of which it appears to him, in consequence of the inquiry, to be proved that the driving of vehicles or the class of vehicles on the road would endanger the traffic thereon or that the road is for any other reason unsuitable for use by vehicles or such class of vehicles.

(2) Where an order is made under subsection (1) of this section—

(*a*) it shall be the duty of the road authority charged with the maintenance of the road to which the order relates to erect and maintain, at such places as are specified in the order, notices in a form approved of by the Minister stating the effect of the order, and

(*b*) it shall be lawful for such road authority, with the consent of the Commissioner, and shall be their duty if required by the Commissioner, to erect and maintain a sign, either in advance of or at the road, to give indication to traffic of the prohibition provided for by the order, being a sign conforming with the prescribed provisions as to size, shape, colour and character.

(3) Where an order has been made under subsection (1) of this section, the Minister may at any time, after giving notice to the road authority charged with the maintenance of the road to which the order relates and considering any representations made to him by such road authority, by order revoke or amend the first-mentioned order and thereupon it shall be the duty of such road authority to remove or alter the notices erected and maintained by them under *subsection (2)* of this section in relation to the first-mentioned order.

(4) The making of representations pursuant to subsection (3) of this section shall—

(*a*) where they are made by the council of a county, the corporation of a borough other than a county borough or the council of an urban district, be a reserved function for the purposes of the County Management Acts, 1940 to 1955, and

(*b*) where they are made by the corporation of a county borough, be a reserved function for the purposes of the Acts relating to the management of the county borough.

(5) A person shall not drive a vehicle on a road in contravention of an order under subsection (1) of this section.

(6) Where a person contravenes subsection (5) of this section, he and, if he is not the owner of the vehicle, such owner shall each be guilty of an offence.

(7) Where a person charged with an offence under this section is the owner of the vehicle, it shall be a good defence to the charge for him to show that the vehicle was being used on the occasion in question by another person and that such use was unauthorised.

Traffic signs.

95.—(1) In this section—

F262**[**"national road" and "national managed road" each has the same meaning as it has in the Roads Act 1993.**]**

F263**[**"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;**]**

"road regulation" means an order, regulation, bye-law or rule under an enactment (other than *section 86*, F264**[***91*,**]** *93*, *94* or *96* of this Act) relating to traffic on F265**[**roads**]**;

F263**[**"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");**]**

(2) (*a*) The Minister F266**[**...**]** may make regulations with respect to specified traffic signs, and where a traffic sign of the same kind as a traffic sign specified in any such regulations is provided by a road authority, it shall be in accordance with the regulations unless otherwise authorised by the Minister.

(*b*) Regulations under this subsection may specify the significance to be attached to a traffic sign specified in the regulations, but this provision shall not be construed as requiring the regulations to provide that the traffic sign is to comprise any word, words or symbol indicating precisely the significance of the traffic sign.F265**[**

F267**[**(3) (*a*) A road authority may provide in respect of public roads in their charge F262**[**, other than national managed roads,**]** such information signs and warning signs as they consider desirable.

(*b*) A road authority may, after consultation with the Commissioner, provide in respect of public roads in their charge F262**[**, other than national managed roads,**]** such regulatory signs as they consider desirable.**]**

F262**[**(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.**]**

(4) F268**[**...**]**

(5) F269**[**(*a*) A road authority shall provide in respect of public roads in their charge F262**[**, other than 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*) A road authority shall, at the request of the Commissioner, remove any regulatory sign F262**[**from any public road in their charge, other than a national managed road,**]** which the Commissioner considers has been provided in a manner or at a location that might adversely affect the safety of road users.**]**

F262**[**(5A) (*a*) The National Roads Authority shall provide in respect of national managed roads such regulatory signs as may be requested by the Commis-

sioner, 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.**]**

(6) Where the provision by a road authority of a traffic sign on F263**[**land adjacent to a public road, other than a national managed road, but not forming part of such road**]** is reasonably necessary, the road 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 such road authority by reasonable enquiries, enter and provide the traffic sign on the land.

F262**[**(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.**]**

F263**[**(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.**]**

(8) Where an application is made under subsection (7) of this section, in relation to a traffic sign provided on any land, the Minister, after consideration of the application, shall either—

(*a*) refuse the application,

(*b*) if he is satisfied that the provision of the traffic sign is not reasonably necessary, direct the removal of the traffic sign from the land, or

(*c*) if he is satisfied that the provision of the traffic sign in its existing position causes unnecessary or unreasonable hardship, direct the removal of the traffic sign to another position on the land.

(9) Where the Minister F262**[**or, as the case may be, the National Roads Authority,**]** gives a direction under subsection (8) of this section in relation to a traffic sign, the road authority who provided the traffic sign shall comply with the direction.

(10) A person other than a road authority shall not provide a traffic sign visible from a public road F262**[**(other than a national managed road)**]** without the F270**[**consent in writing**]** of the F265**[**road authority having charge of the road**]**.

F262**[**(10A) A person other than the National Roads Authority shall not provide a traffic sign visible from a national managed road without the F270**[**consent in writing**]** of the National Roads Authority.**]**

F263**[**(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 F270**[**consent in writing**]** of the road authority having charge of the road or the National Roads Authority.**]**

(12) Where a person wilfully obstructs or interferes with the exercise by a road authority of the powers conferred by subsection (6) F262**[**or (6A)**]** of this section, or without lawful authority, removes, defaces or otherwise injures a traffic sign provided under this section, he shall be guilty of an offence.

(13) Expenses incurred by a road authority F262**[**or the National Roads Authority**]** in providing traffic signs for a public road shall be part of the expenses of maintaining the road.

(14) A person shall not provide any such sign, device, notice or light as is not a traffic sign if, on provision thereof, it is visible from a public road and—

(*a*) it is capable of being confused with a traffic sign,

(*b*) it makes a traffic sign provided in accordance with this section less visible to road users, or

(*c*) it obstructs the view of public road users so as to render the road dangerous to them.

F262**[**(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.**]**

(15) The occupier or (in the case of unoccupied land) the owner of land on which a sign, device, notice or light is provided in contravention of subsection (14) of this section shall be guilty of an offence.

(16) Where a traffic sign, not being a traffic sign to which regulations under *subsection (2)* of this section relate, is provided under this section by a road authority F262**[**or by the National Roads Authority**]**, it shall be in conformity with any general or particular directions that may be given from time to time by the Minister.

(17) A traffic sign standing provided under any subsection of section 69 of the Local Government Act, 1946, at the commencement of this section shall be deemed to be provided under the corresponding subsection of this section.

(18) A traffic sign on or near a public road shall, in any prosecution for an offence under this Act, be presumed, until the contrary is shown by the defendant, to have been so placed lawfully and to be in accordance with any regulation, or in conformity with any direction, under this section relating to it.

(19) A request by F271**[**...**]** the Commissioner under this section may be signed by an officer of the Garda Síochána authorised in that behalf by the Commissioner.

(20) Where a person is charged with an offence under subsection (11) or subsection (15) of this section, it shall be a good defence to the charge for him to show—

(*a*) that the traffic sign, sign, device, notice or light to which the charge relates was provided neither by him nor with his consent, and

(*b*) that as soon as was practicable after its provision came to his notice, he had it removed.

Patrol of places where school-children cross public roads.

96.—(1) 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 may, with the consent of the Commissioner of the Garda Síochána, make arrangements for the patrolling, by persons (in this section referred to as F272**[**school wardens**]**) employed or nominated by them, of places where school-children cross public roads.

(2) A F272**[**school warden**]** may exhibit such sign as may be prescribed requiring traffic to stop and remain stopped so as to enable school-children to cross the road in safety, and traffic shall stop and remain stopped accordingly so long as the sign is exhibited.

(3) A person who fails to stop a vehicle or animal or keep it stopped in accordance with *subsection (2)* of this section shall be guilty of an offence.

(4) The power conferred on a F272**[**school warden**]** by *subsection (2)* of this section shall be exercisable only if the warden is wearing such uniform as may be prescribed.

(5) Where a county includes any borough, urban district or town, the functional area of the council of the county shall, for the purposes of this section, be deemed not to include the borough, urban district or town.

(6) A person acting as a F272**[**school warden**]** shall, in any legal proceedings, be presumed, until the contrary is shown, to have been so acting in accordance with arrangements duly made under this section and with the regulations for the purposes of this section.

(7) In this section—

"traffic" does not include pedestrians;

"uniform" includes any garment, armlet or cap.

F273**[**Removal of vehicles abandoned or unlawfully parked.

97.—(1) The Minister may make regulations authorising and providing for the removal, storage and disposal of vehicles which—

(*a*) have been, or appear to have been, abandoned on a public road, or in a car park provided under *section 101* of this Act, or

(*b*) have been parked in contravention of F274**[**the *Road Traffic Acts, 1961 to 1994*] or of a regulation, bye-law or rule thereunder.

(2) Regulations under this section may, in particular and without prejudice to the generality of *subsection (1)* of this section—

(*a*) specify the persons or classes of persons by or on whose authority vehicles may be removed, stored or disposed of,

(*b*) authorise and provide for the recovery by persons referred to in *paragraph (a)* of this subsection from the owners of vehicles removed or stored of charges, in accordance with a prescribed scale, in respect of such removal or storage and for the disposition of moneys received in respect of such charges,

(*c*) authorise and provide for the sale (or the disposal otherwise than by sale) by or on behalf of persons referred to in paragraph (*a*) of this subsection of vehicles removed or stored and provide for the disposition of moneys received in respect of such sale or other disposal.

(3) Regulations under this section may apply generally or in such circumstances as may be specified in such regulations and different regulations may be made for different circumstances.

(4) Notwithstanding any other provisions of this section, a vehicle removed under this section shall not be disposed of thereunder before the expiration of a period of six weeks from the date of the removal or two weeks after notice has been given in the prescribed manner, whichever is the longer.

(5) A person who obstructs or impedes, or assists another person to obstruct or impede, the removal of a vehicle under this section shall be guilty of an offence.

(6) No action shall lie in respect of anything done in good faith and without negligence in the course of the removal, storage or disposal of a vehicle under this section.

(7) For the purposes of this section "vehicle" shall include—

(*a*) a part of a vehicle,

(*b*) an article designed as a vehic12le but not at the time of removal capable of functioning as a vehicle,

(*c*) a load on or in a vehicle.**]**

Prohibition of obstruction of traffic.

98.—(1) A person shall not do any act (whether of commission or omission) which causes or is likely to cause traffic through any public place to be obstructed.

(2) A person who contravenes subsection (1) of this section shall be guilty of an offence.

(3) Where a person is charged with an offence under this section, it shall be a good defence to the charge for him to show that there was lawful authority for the act complained of or that it was due to unavoidable accident.

Prohibition of unauthorised holding or getting on to vehicles.

99.—(1) F276**[**Subject to subsection (1A), a person**]** shall not hold on to, or get on or in to, a moving vehicle in a public place.

F277**[**(1A) Subsection (1) shall not apply to a person who holds on to a moving vehicle in a public place for the purposes of driving it.**]**

(2) A person who contravenes subsection (1) of this section shall be guilty of an offence.

(3) Where a person is charged with an offence under this section, it shall be a good defence to the charge for him to show that there was lawful authority for the act complained of or that otherwise there was reasonable cause therefor.

Cyclists holding on to other vehicles.

100.—(1) A person on a bicycle or a tricycle in a public place shall not hold on to any other vehicle (other than a pedal bicycle which no person is driving) which is in motion or hold on to any person or thing on, in or attached to any such vehicle.

(2) A person who contravenes subsection (1) of this section shall be guilty of an offence.

F278**[**Driver of powered personal transporter holding on to other vehicle

100A.—(1) A person on a powered personal transporter in a public place shall not hold on to any other vehicle which is in motion or hold on to any person or thing on, in, or attached to, any such vehicle.

(2) A person who contravenes subsection (1) shall be guilty of an offence.**]**

Provision of car parks by local authorities.

101.—(1) In this section—

"local authority" means a sanitary authority within the meaning of the Local Government (Sanitary Services) Acts, 1878 to 1952;

"car park" means a place (not being part of a public road) for the parking of mechanically propelled vehicles.

(2) A local authority may provide such one or more car parks (and access thereto) as they consider desirable in order to relieve or prevent traffic congestion.

(3) A local authority may, with the consent of the Minister, assist any person providing a car park, and the assistance may consist either of a contribution of money or the execution of works or the grant or lease of land.

(4) F279**[**...**]**

(5) F279**[**...**]**

(6) Subsection (2) of this section shall be construed as conferring on a local authority—

(*a*) power, subject to the consent of the Minister, to erect a building used wholly or mainly for parking mechanically propelled vehicles,

(*b*) power, subject to the consent of the Minister, to erect waiting rooms, cloak rooms F280**[**, petrol stations, shops**]** and similar facilities for any car park provided by them,

(*c*) power to adapt land for use as a car park.

(7) A local authority may make bye-laws as to the use of any car park provided by them under this section, and, in particular, in relation to all or any of the following matters:

(*a*) restricting the classes of vehicles which may be admitted to the car park;

(*b*) specifying the charges to be made for the use of the car park;

(*c*) specifying the periods for which vehicles may remain in the car park.

F280**[**(*d*) specifying the conditions subject to which vehicles may use the car park.**]**

F280**[**(7A) A person who contravenes a bye-law under subsection (7) of this section shall be guilty of an offence.**]**

F281**[**(7B) Where, in relation to a mechanically propelled vehicle, there is a contravention of a bye-law under subsection (7) of this section, each of the following persons shall be guilty of an offence—

(*a*) the registered owner of the vehicle,

(*b*) if the vehicle is the subject of a hire-drive agreement on the occasion in question, the person to whom the vehicle is hired under the agreement, and

(*c*) if the person who parked the vehicle is not its registered owner or the person to whom it is hired under a hire-drive agreement, the first-mentioned person.

(7C) (*a*) Where a person charged with an offence under subsection (7B) (inserted by the Road Traffic Act, 1994) of this section is the registered owner of the vehicle concerned, it shall be a defence for him to show that the vehicle was being used on the occasion in question by another person and that—

(i) such use was unauthorised, or

(ii) the vehicle was on that occasion the subject of a hire-drive agreement.

(*b*) Where a person charged with an offence under *subsection (7B)* (as so inserted) of this section is a person to whom the vehicle concerned stood hired at the time of the commission of the offence, it shall be a defence for him to show that the vehicle was being used on the occasion in question by another person and that such use was unauthorised.**]**

(8) F282**[**...**]**

(9) Where a local authority become of opinion that the land used for a car park provided by them under this section should be used for a different purpose for which they may lawfully use land, the local authority may terminate the use of the land for a car park.

(10) A local authority who have provided under this section a car park may, with the consent of the Minister, sell or lease the car park or any part thereof F280**[**or any facilities provided for the car park under subsection (6) of this section**]** to any person subject to such conditions as they think proper.

(11) The Minister may, with the consent of the Minister for Finance, F283**[**make grants from moneys provided by the Oireachtas**]** towards the expenses incurred under this section by a local authority.

F280**[**(12) The Minister may, with the consent of the Minister for Finance and on such terms and conditions as to repayment as that Minister thinks proper, make loans from the Road Fund towards the expenses incurred under this section by a local authority.

(13) The operation of a car park (including the operation of facilities therefor) on or in property leased by a local authority shall be deemed not to be a business within the meaning of the Landlord and Tenant Acts, 1931 to 1967.**]**

F284**[**Control of vehicles by bollards and ramps.

101A.—F285**[**...**]]**

F286[Immobilisation, removal etc. of unlawfully parked vehicles.

F287[**101B.** (1) In this section—

"clamping officer" means—

(*a*) a member of the Garda Síochána,

(*b*) a traffic warden (within the meaning of the Local Authorities (Traffic Wardens) Act 1975), or

(*c*) a person or a class of persons authorised by a local authority under subsection (2);

"immobilisation device" means any device or appliance designed or adapted for fixing to a vehicle for the purpose of preventing it from being driven or otherwise put in motion;

"prescribed charge" means the amount of the charge prescribed under subsection (7) (a) and includes, where a vehicle is moved to another place for the purpose of fixing an immobilisation device to it, the costs involved in the removal of the vehicle;

"vehicle" means a mechanically propelled vehicle, a trailer or semi-trailer or a combination of two or more of them.

(2) A local authority may authorise a person or a class of persons for the purposes of this section to fix immobilisation devices to vehicles within its functional area.

(3) Where a clamping officer finds on a public road a vehicle that is parked in contravention of any regulation made under section 35 or bye-law made under section 36 or 36A of the Road Traffic Act 1994, he or she or a person acting under his or her direction may—

(*a*) fix an immobilisation device to the vehicle while it remains in the place where he or she finds it, or

(*b*) move it from the place where he or she finds it (whether or not he or she has fixed an immobilisation device to it) to another place and fix an immobilisation device to it in that other place.

(4) When fixing an immobilisation device to a vehicle, a clamping officer shall also affix to the vehicle a notice in the prescribed form—

(*a*) indicating the reason for the device being fixed to the vehicle,

(*b*) indicating—

(i) that the device has been fixed to the vehicle, and

(ii) the time and date when—

(I) the contravention referred to in *subsection (3)* in relation to the vehicle was detected, and

(II) the device was fixed to the vehicle,

(*c*) warning that an attempt should not be made to drive the vehicle or otherwise put it in motion until the device is removed,

(*d*) specifying the steps to be taken to secure such removal, and

(*e*) giving details of the appeals process under Part 3 of the Vehicle Clamping Act 2015.

(5) Subject to subsection (8), an immobilisation device that has been fixed to a vehicle under this section may be removed only by a clamping officer or a person acting under his or her direction.

(6) Where an immobilisation device is fixed to a vehicle in accordance with this section a fixed charge notice under *section 103* of this Act or section 35 of the Road Traffic Act 2010 need not be served on a person, or affixed to the vehicle concerned,

in respect of the contravention unless it is contemplated that proceedings for an offence in relation to the contravention might be brought.

(7) The Minister may, after consultation with the Minister for Justice and Equality and the National Transport Authority, prescribe—

(*a*) the amount of the charge to be paid for the removal of an immobilisation device under subsection (8) and different charges may be prescribed in different circumstances,

(*b*) the form of a notice under subsection (4),

(*c*) the manner in which and the person to whom such charge shall be paid.

(8) (*a*) An immobilisation device fixed to a vehicle under this section shall be removed only—

(i) if the person seeking its removal shows to the satisfaction of any clamping officer that he or she is the owner of the vehicle or is authorised by its owner to seek such removal and pays the prescribed charge,

(ii) for the purpose of the removal of the vehicle under section 97, or

(iii) for the purpose of moving the vehicle under subsection (3).

(*b*) Where the owner of a vehicle that is parked and to which an immobilisation device has been fixed under this section shows to the satisfaction of any clamping officer that the vehicle was so parked while being used by a person other than the owner and that such use was not authorised by the owner, the clamping officer shall waive the prescribed charge and he or she or a person acting under his or her direction shall remove the immobilisation device from the vehicle.

(*c*) An immobilisation device fixed to a vehicle under this section shall be removed from the vehicle—

(i) where regulations under section 10 of the Vehicle Clamping Act 2015 prescribe the period of time within which an immobilisation device shall be removed from a vehicle, after payment of the prescribed charge or its waiver, within that period after such payment or waiver, or

(ii) where no such period is prescribed, not later than 2 hours after payment of the prescribed charge or its waiver.

(*d*) Where an immobilisation device is removed from a vehicle otherwise than in accordance with *paragraph (c)*, the clamping operator concerned (within the meaning of section 2 of the Vehicle Clamping Act 2015) shall ensure that the prescribed charge (if paid) and any additional charges are refunded without delay to the person who paid the charge or charges.

(9) A notice affixed to a vehicle under this section shall not be removed or interfered with by a person other than the owner of the vehicle or a person authorised by such owner to use the vehicle and a person who contravenes this subsection commits an offence.

(10) A person who is not a clamping officer or a person acting under the direction of a clamping officer who fixes an immobilisation device to a vehicle on a public road commits an offence.

(11) A person who—

(*a*) obstructs or impedes a clamping officer, or a person acting under his or her direction, in the performance of his or her functions under this section, or

(*b*) without being authorised to do so under this section, removes or attempts to remove from a vehicle an immobilisation device fixed to it under this section,

commits an offence.**]]**

F288**[**Control of access to and egress from construction sites by vehicles.

101C.—(1) A road authority may, after consultation with the Commissioner, make bye-laws providing for the regulation and control of access to and egress from construction sites generally or a specified class of construction site or a specified construction site by vehicles or a specified class of vehicle.

(2) Bye-laws under this section may, in particular but without prejudice to the generality of *subsection (1)* of this section—

(*a*) specify the times and days during which such access and egress as aforesaid is permitted,

(*b*) specify the number of vehicles permitted to have such access and egress during specified periods, and

(*c*) require vehicles or a specified class of vehicle to be cleaned before leaving a construction site or a specified class of construction site or a specified construction site.

(3) A person who contravenes a bye-law under this section shall be guilty of an offence.

(4) This section shall not apply to construction sites for the purpose of the widening of or other alteration to, or the carrying out of repairs, maintenance or other works to, above or under, a public road or the construction of a public road.

(5) Sections 219 and 221 to 223 of the Public Health (Ireland) Act, 1878, shall apply to bye-laws under this section as they apply to bye-laws under that Act.

(6) Any bye-laws under section 41 of the Dublin Transport Authority Act, 1986, and in force immediately before the commencement of the Dublin Transport Authority (Dissolution) Act, 1987, shall continue in force after such commencement, and may be amended or revoked, as if they had been made under this section.**]**

F289**[**Roadworks.

101D.—(1) In this section—

"local authority" means—

(*a*) the council of a county,

(*b*) the corporation of a county or other borough, or

(*c*) the council of an urban district

standing prescribed for the time being for the purposes of this section;

"roadworks" means repairs, maintenance, alterations, improvements or installations or any other works to, above or under, a public road;

"emergency roadworks" means roadworks the carrying out of which is immediately required in order to prevent, or reduce the risk of, loss, injury or damage to persons or property.

(2) (*a*) Notwithstanding any other enactment, a local authority may give a direction in writing to any person in relation to the carrying out of roadworks in its functional area.

(*b*) A local authority may, by a direction in writing given to the person to whom a direction was given under this subsection, revoke or amend the latter direction.

(*c*) A direction given to a person under this subsection may apply to all roadworks undertaken by the person or to specified roadworks undertaken by him.

(3) A direction under subsection (2) of this section may specify:

(*a*) the periods during which and the times at which roadworks shall or shall not be carried out,

(*b*) the period within which roadworks shall be completed,

(*c*) the manner in which roadworks shall or shall not be carried out,

(*d*) requirements and standards in relation to the temporary or permanent reinstatement of a public road following the carrying out of roadworks.

(*e*) requirements in relation to the giving of security for satisfactory reinstatement of a public road following the carrying out of roadworks,

(*f*) requirements in relation to the control of traffic in the vicinity of roadworks.

(4) When giving a direction under this section, a local authority shall have regard to:

(*a*) the need to co-ordinate, in such manner as to minimise any disruption of traffic by the roadworks concerned, the periods during which and the times at which the roadworks concerned and other roadworks (whether or not they are in the functional area of the local authority) are carried out,

(*b*) the necessity to minimise the disruption to traffic caused by the roadworks concerned and other roadworks,

(*c*) the urgency of the need to carry out the roadworks, and

(*d*) any cost likely to be incurred as a result of the direction.

(5) (*a*) Subsection (2) of this section does not apply to the carrying out of roadworks (being roadworks the carrying out of which would, but for this subsection, be in contravention of a direction or regulations under this section) at any time when the person carrying them out reasonably believes that the roadworks are emergency roadworks,

(*b*) Paragraph (a) of this subsection shall not be construed as preventing a local authority from giving a direction under subsection (2) of this section where it is satisfied that the carrying out of the roadworks concerned is not, or is no longer, immediately required in orderto prevent or reduce the risk of loss, injury or damage to persons or property.

(6) (*a*) The Minister may make regulations for the purpose of giving effect to this section and, without prejudice to the generality of the foregoing, such regulations may contain provisions:

(i) specifying local authorities and the areas in which they may perform their functions under this section,

(ii) requiring advance notice of proposed roadworks, other than emergency roadworks, to be given to the local authority concerned,

(iii) requiring notice of emergency roadworks to be given to the local authority concerned as soon as may be after their commencement,

(iv) requiring specified information to be given to the local authority concerned regarding—

(I) proposed roadworks, or

(II) emergency roadworks,

(v) specifying time limits for the giving of directions by local authorities,

(vi) specifying requirements and standards for the temporary or permanent reinstatement of roadworks,

(vii) specifying requirements in relation to traffic control in the vicinity of roadworks.

(*b*) Different regulations may be made under this subsection:

(i) in respect of different local authorities,

(ii) in respect of different areas of the functional area of a local authority,

(iii) in respect of different types of roadworks,

(iv) for different circumstances.

(7) (*a*) A person who contravenes a direction or regulation under this section shall be guilty of an offence and shall be liable:

(i) on summary conviction, to a fine not exceeding £1,000 or, at the discretion of the court, to imprisonment for a term not exceeding 12 months or to both the fine and the imprisonment, or

(ii) on conviction on indictment, to a fine not exceeding £50,000 or, at the discretion of the court, to imprisonment for a term not exceeding 5 years or to both the fine and the imprisonment.

(*b*) Where an offence under this subsection has been committed by a body corporate and is found to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person as well as the body corporate shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(*c*) Section 13 of the Criminal Procedure Act, 1967, shall apply in relation to an offence to which paragraph (a) of this subsection relates as if, in lieu of the penalties provided for in subsection (3) of the said section, there were specified therein the penalties provided for in the said paragraph (a) and the reference in subsection (2) (a) of the said section 13 to the penalties provided for in the said subsection (3) shall be construed and have effect accordingly.

(8) (*a*) Local authorities or the Minister shall not be liable for any loss, injury or damage, or any expenditure incurred by another person by reason of the performance or non-performance of their functions under this section.

(*b*) Subsection (2) of this section does not apply to the carrying out of roadworks by a local authority.

(9) In performing its functions a local authority shall—

(*a*) have regard to the need to co-ordinate works carried out by it to, above or under, a public road with the carrying out of roadworks by other persons,

(*b*) have regard to the need to minimise traffic disruption,

(*c*) comply with regulations under subsection (6) which are stated therein to apply to local authorities.

(10) Any bye-laws or directions under section 40 of the Dublin Transport Authority Act, 1986, that are in force immediately before the commencement of the Dublin Transport Authority (Dissolution) Act, 1987, shall continue in force after such commencement, and may be amended or revoked, as if, in the case of bye-laws, they were regulations under this section and, in the case of directions, had been made under this section.**]**

PART IX.

MISCELLANEOUS.

General penalty.

102.—Where a person is guilty of an offence under any section or subsection of a section of F290**[**the Road Traffic Acts, 1961 to 1994**]** and, apart from this section and disregarding any disqualification that may be capable of being imposed, no penalty is provided for the offence, such person shall be liable on summary conviction—

(*a*) in the case of a first offence under that section or subsection—to F291**[**a fine not exceeding €1,000**]**,

(*b*) in the case of a second offence under that section or subsection, or of a third or subsequent such offence other than an offence referred to in the next paragraph—to F292**[**a fine not exceeding €2,000**]**, and

(*c*) in the case of a third or subsequent offence under that section or subsection which is the third or subsequent such offence in any period of twelve consecutive months—to F293**[**a fine not exceeding €2,000**]** or, at the discretion of the court, to imprisonment for any term not exceeding three months or to both such fine and such imprisonment.

Special provision applying where certain offences are alleged to have been committed.

103.—F295**[**...**]**

Notice of offence.

104.—F296**[**...**]**

Evidence of speed.

105.—F297**[**...**]**

Duties on occurrence of accident.

106.—(1) Where injury is caused to person or property in a public place and a vehicle is involved in the occurrence of the injury (whether the use of the vehicle was or was not the cause of the injury), the following provisions shall have effect:

(*a*) if the vehicle is not stationary after the occurrence, the driver of the vehicle shall stop the vehicle;

F298**[**(*aa*) if injury has been caused to any person, or any person appears to require assistance, the driver of the vehicle shall offer assistance;**]**

(*b*) the driver or other person in charge of the vehicle shall keep the vehicle at or near the place of the occurrence for a period which is reasonable in all the circumstances of the case and having regard to the provisions of this section;

(*c*) the driver of the vehicle or, if he is killed or incapacitated, the person then in charge of the vehicle shall give on demand the appropriate information to a member of the Garda Síochána or, if no such member is present, to one person entitled under this section to demand such information;

F299**[**(*d*) if—

(i) injury is caused to property other than that of the driver of the vehicle and for any reason he or, if he is killed or incapacitated, the person then in charge of the vehicle does not at the place of the occurrence give the appropriate information to a person entitled under this section to demand it, or

(ii) injury is caused to a person other than the driver of the vehicle,

the driver of the vehicle or, if he is killed or incapacitated, the person then in charge of the vehicle shall, unless he had already given the appropriate information to a member of the Garda Síochána, report the occurrence as soon as possible to such a member and, if necessary, shall go for that purpose to the nearest convenient Garda station and also give on demand the appropriate information to the member.**]**

(2) Where—

(*a*) a member of the Garda Síochána has reasonable grounds for believing that an injury has been caused to person or property in a public place and that a vehicle was involved in the occurrence of the injury (whether the use of the vehicle was or was not the cause of the injury), and

(*b*) the member is not aware of the place where the vehicle is being kept,

the member may require the owner of the vehicle to state to the member where the vehicle is being kept and the owner shall comply with that requirement.

(3) A person who contravenes subsection (1) or subsection (2) of this section shall be guilty of an offence and shall be liable F300**[**...**]**—

(*a*) in a case in which injury is caused to person, F301**[**on summary conviction,**]** to F302**[**a fine not exceeding €2,000**]** or, at the discretion of the court, to imprisonment for any term not exceeding six months or to both such fine and such imprisonment, and

F298**[**(*aa*) in a case in which injury is caused to a person, and the person who contravenes subsection (1) or subsection (2) —

(i) does so with intent to escape civil or criminal liability, and

(ii) knows that injury has been caused to a person of such nature as to require medical assistance for the person at that place or that the person be brought to a hospital for medical assistance,

on conviction on indictment to a fine not exceeding €10,000 or, at the discretion of the court, to imprisonment for any term not exceeding 7 years or to both such fine and such imprisonment,

(*ab*) in a case where injury is caused to a person, and the person who contravenes subsection (1) or subsection (2) does so with intent to escape civil or criminal liability, and

(i) knows that the person to whom injury has been caused is dead, or

(ii) knows that injury has been caused to a person and is reckless as to whether the death of the person injured so results, and the death of the person injured so results,

on conviction on indictment to a fine not exceeding €20,000 or, at the discretion of the court, to imprisonment for any term not exceeding 10 years or to both such fine and such imprisonment,**]**

(*b*) in any other case, F301**[**on summary conviction,**]** to F303**[**a fine not exceeding €1,000**]** or, at the discretion of the court, to imprisonment for any term not exceeding three months or to both such fine and such imprisonment.

F304**[**(3A) A member of the Garda Síochána may arrest without warrant a person who in the member's opinion is committing or has committed an offence under subsection (3) of this section where the contravention involves or, as may be appropriate, involved non-compliance with paragraph (a) or (b) of subsection (1) of this section, injury was caused to person, a mechanically propelled vehicle was involved in the occurrence of the injury and the first-mentioned person is, or as may be appropriate, was in the member's opinion the driver of the vehicle concerned.

F298**[**(3B) In a prosecution under subsection (3) (aa) or (ab) evidence that an accused failed to stop his or her vehicle, offer assistance, keep the vehicle at or near the place for a reasonable period, or give the appropriate information is, in the absence of evidence to the contrary, proof of an intent to escape civil or criminal liability.**]]**

(4) In this section "appropriate information" means the name and address of the person required by this section to give such information, the name and address of the owner of the vehicle of which such person is the driver or is in charge, the identification mark of such vehicle under the Roads Act, 1920, or any other enact ment and particulars of the insurance or guarantee of the vehicle pursuant to this Act.

(5) The persons entitled under this section to demand the appropriate information are—

(*a*) in the case of injury to a person, that person or, where that person is killed or incapacitated, any one other person for the time being having charge of the person so injured by reason of family relationship, the relationship of master and servant or otherwise,

(*b*) in the case of injury to property, the owner of the property or, where the owner of the property is killed or injured or is not present, any one person having charge of the property,

(*c*) where there is no person entitled under whichever of the foregoing paragraphs is applicable, any one person who was present when the injury was inflicted and who is not the employer of or in the employment or company of the person required to give the information.

(6) (*a*) Where—

(i) a member of the Garda Síochána has reasonable grounds for believing that an injury has been caused to person or property in a public place and that a vehicle was involved in the occurrence of the injury (whether the use of the vehicle was or was not the cause of the injury), and

(ii) the member has, either consequent upon a statement made pursuant to subsection (2) of this section or otherwise, reasonable grounds for believing that the vehicle is being kept in any premises,

the member may, on information on oath, apply to any Justice of the District Court or Peace Commissioner for a warrant under this subsection.

(*b*) On an application being made under the foregoing paragraph, the Justice of the District Court or Peace Commissioner to whom the application is made may, if he so thinks proper, by warrant—

(i) authorise any specified member or members of the Garda Síochána to enter, within one week from the date of the warrant, and if necessary by the use of force, the premises to which the application relates, and

(ii) authorise any person or persons entering the premises under the warrant to search the premises and to examine, and take possession of for the purposes of examination, any vehicle found during the search,

and any such warrant shall operate in accordance with its terms.

Duty to give information on demand by member of Garda Síochána.

F305**[107.**—F306**[**(1) Where a member of the Garda Síochána alleges to a person using a F307**[**vehicle**]** that the member suspects that such person has committed a specified offence under this Act, the member may demand of such person his or her name and address and date of birth and may, if such person refuses or fails to give his or her name and address and date of birth or gives a name or address or date of birth which the member has reasonable grounds for believing to be false or misleading, arrest such person without warrant.**]**

(2) Where a member of the Garda Síochána has reasonable grounds for believing that an offence under this Act has been committed and that the vehicle in relation to which the offence was committed does not carry its identification mark under the Roads Act 1920, section 131(5) of the Finance Act 1992 or any other enactment, the member may arrest without warrant the person whom he or she has reasonable grounds for believing was using the vehicle when the offence was so believed to have been committed.

F308**[**(3) Where a person, when his or her name and address and date of birth are demanded of him or her under this section, refuses or fails to give his or her name and address and date of birth or gives a name or address or date of birth which is false or misleading, such person commits an offence.**]**

(4) Where a member of the Garda Síochána has reasonable grounds for believing that there has been an offence under this Act involving the use of a F307**[**vehicle**]**—

(*a*) the owner of the vehicle shall, if required by the member, state whether he or she was or was not actually using the vehicle at the material time and, if he or she fails to do so, commits an offence,

(*b*) if the owner of the vehicle states that he or she was not actually using it at the material time, he or she shall give such information as he or she may be required by the member to give as to the identity of the person who was actually using it at that time and, if he or she fails to do so, commits an offence unless he or she shows to the satisfaction of the court that he or she did not know and could not with reasonable diligence have ascertained who that person was, or

(*c*) any person other than the owner of the vehicle shall, if required by the member, give any information which it is in his or her power to give and which may lead to the identification of the person who was actually using the vehicle at the material time and, if he or she fails to do so, commits an offence.

(5) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding €2,000.**]**

Right to demand name and address of pedal cyclist.

F309**[108.**—A member of the Garda Síochána may demand of a person in charge of a pedal cycle F310**[**or a powered personal transporter**]** whom the member suspects of having committed any crime or offence or of having been concerned or involved in a collision or other event in a public place causing injury to person or property, the name and address and date of birth of such person, and if such a person refuses or fails to give his or her F311**[**name and address and date of birth**]** or gives a F311**[**name and address and date of birth**]** which the member has reasonable grounds for believing to be false or misleading, the member may take the cycle F310**[**or transporter**]**, by reasonable force if necessary, and retain it until such time as he or she is satisfied as to the identity of such person.**]**

Obligation to stop.

109.—(1) A person driving a vehicle in a public place shall stop the vehicle on being so required by a member of the Garda Síochána F312**[**and shall keep it stationary for such period as is reasonably necessary in order to enable such member to discharge his duties**]**.

(2) A person who contravenes subsection (1) of this section shall be guilty of an offence.

F313**[**Powers of Garda Síochána in relation to dangerous driving

109A.—(1) Where a member of the Garda Síochána reasonably believes that a vehicle has been, or is being, driven or used (or is likely to be driven or used) in any place in which it is, or is likely to be, dangerous to any persons present (including the driver or user) or persons who might reasonably be expected to be present, the member may do all or any of the following:

(*a*) require any person driving or using any such vehicle—

(i) to stop and keep the vehicle stationary for such period as is reasonably necessary in order to enable such member to discharge his or her duties,

(ii) to give to the member his or her name and address and date of birth,

(iii) to exit, dismount or otherwise relinquish charge and control of the vehicle, or

(iv) to leave the place concerned;

(*b*) seize, remove, store and subsequently dispose of the vehicle, subject to this section.

(2) For the purposes of subsection (1)(b), where a member of the Garda Síochána identifies the driver or user of the vehicle, the member shall, in so far as is practicable, inform the person of the seizure of the vehicle.

(3) A member of the Garda Síochána may, for the purposes of exercising a power under subsection (1), enter without warrant (if need be by use of reasonable force) any place including the curtilage of a dwelling but not the dwelling.

(4) A person who fails or refuses to comply with a requirement under subsection (1) or who obstructs or impedes, or assists another person to obstruct or impede, a member of the Garda Síochána in the exercise of his or her powers under subsection (1) or (3), including by giving a name or address or date of birth which is false or misleading when required to give such under subsection (1)(a)(ii), shall be guilty of an offence and shall be liable on summary conviction to a class A fine or, at the discretion of the court, to imprisonment for any term not exceeding six months or to both such fine and such imprisonment.

(5) A member of the Garda Síochána may arrest without warrant a person who in the member's opinion is committing or has committed an offence under this section.

(6) A vehicle shall not be disposed of under this section before the expiration of a period of 2 months from the date of its seizure under subsection (1)(b).

(7) Following the seizure of a vehicle under subsection (1)(b), but prior to the disposal of the vehicle, any person may apply to the District Court for the area within which the vehicle was seized for an order releasing the vehicle.

(8) A person intending to make an application under subsection (7) shall give notice in writing before the expiry of the period of 2 months referred to in subsection (6) to a Superintendent of the Garda Síochána in the division in which the vehicle was seized.

(9) On being satisfied by evidence adduced by or on behalf of the applicant that he or she is the owner, and that—

(*a*) at the time at which the vehicle was seized it was being driven or used by another person without his or her consent, or

(*b*) he or she will not drive or use the vehicle, or allow the vehicle to be driven or used, in any place in which it is, or is likely to be, dangerous to any persons present (including the driver or user) or persons who might reasonably be expected to be present,

the court shall direct the release of the vehicle to a person specified in the order.

(10) In making an assessment under subsection (9)(b), the court, without prejudice to its power to have regard to all of the matters that appear to the court to be relevant, may, in particular, have regard to the circumstances and the conduct of the applicant at the time at which the vehicle was seized and whether or not the vehicle or another vehicle owned by the applicant has been seized under subsection (1)(b) on any other occasion.

(11) The decision of the District Court on an application under subsection (7) shall be final save that, by leave of that court, an appeal shall lie to the High Court on a point of law.

(12) The standard of proof on an application for the release of a vehicle under this section shall be that applicable to civil proceedings.

(13) Where no application is made for the release of a vehicle seized under this section or the District Court refuses an application to release the vehicle, the Commissioner of the Garda Síochána may dispose of the seized vehicle in any manner he or she thinks fit.

(14) No action shall lie in respect of anything done in good faith and without negligence in the course of the seizure, removal, storage, release or disposal of a vehicle under this section.**]**

Disposition of vehicle on arrest of person in charge.

110.—Where a member of the Garda Síochána arrests under F314**[**the *Road Traffic Acts, 1961 to 1994***]** without warrant a person in charge of a F315**[**vehicle**]**, the member may, if the circumstances so require, take or cause to be taken such steps as he may consider proper for the temporary disposition of the vehicle.

Identification of member of Garda Síochána.

111.—Where, in exercise of any power or the performance of any duty conferred or imposed by or under F317**[**the Road Traffic Acts, 1961 to 1994**]**, any member of the Garda Síochána makes in a public place a request, requirement or demand of, or gives an instruction to, any person, such person shall not be bound to comply with the request, requirement, demand or instruction unless the member either—

(*a*) is in uniform, or

(*b*) produces, if requested by such person, an official identification card or such other evidence of his identity as may be prescribed.

Taking vehicle without authority.

112.—F319**[**(1) (*a*) A person shall not use or take possession of a mechanically propelled vehicle without the consent of the owner thereof or other lawful authority.

(*b*) Where possession of a vehicle has been taken in contravention of this subsection, a person who knows of the taking shall not allow himself to be carried in or on it without the consent of the owner thereof or other lawful authority.**]**

F320**[**(2) A person who contravenes subsection (1) of this section shall be guilty of an offence and shall be liable—

(*a*) on summary conviction, to F321**[**a fine not exceeding €5,000**]** or, at the discretion of the court, to imprisonment for a term not exceeding 12 months, or to both such fine and such imprisonment;

(*b*) on conviction on indictment, to F322**[**a fine not exceeding €20,000**]** or, at the discretion of the court, to imprisonment for a term not exceeding five years or to both such fine and such imprisonment.**]**

(3) A person shall not use or take possession of a pedal cycle F323**[**or a powered personal transporter**]** without the consent of the owner thereof or other lawful authority.

(4) A person who contravenes subsection (3) of this section shall be guilty of an offence.

(5) Where a person is charged with an offence under this section, it shall be a good defence to the charge for him to show that, when he did the act alleged to constitute the offence, he believed, and had reasonable grounds for believing, that he had lawful authority for doing that act.

(6) Where a member of the Garda Síochána has reasonable grounds for believing that a person is committing F324**[**or has committed**]** an offence under this section, he may arrest the person without warrant.

(7) Where, when a person is tried on indictment or summarily for the larceny of a vehicle, the jury, or, in the case of a summary trial, the District Court, is of opinion that he was not guilty of the larceny of the vehicle but was guilty of an offence under this section in relation to the vehicle, the jury or court may find him guilty of that offence and he may be sentenced accordingly.

Unauthorised interference with mechanism of vehicle.

113.—(1) A person shall not, without lawful authority or reasonable cause, interfere or attempt to interfere with the mechanism of a F325**[**vehicle**]** while it is stationary F326**[**...**]**, or get on or into or attempt to get on or into the vehicle while it is so stationary.

F327**[**(2) A person who contravenes subsection (1) of this section shall be guilty of an offence and shall be liable on summary conviction to F328**[**a fine not

exceeding €2,000**]** or, at the discretion of the court, to imprisonment for any term not exceeding three months or to both such fine and such imprisonment.**]**

(3) Where a member of the Garda Síochána has reasonable grounds for believing that a person is committing F329**[**or has committed**]** an offence under this section, he may arrest the person without warrant.

(4) This section shall not apply to a person taking, in relation to a F325**[**vehicle**]** which is obstructing his lawful ingress or egress to or from any place, such steps as are reasonably necessary to move the vehicle by human propulsion for a distance sufficient to terminate the obstruction.

(5) Where a person is charged with an offence under this section, it shall be a good defence to the charge for him to show that, when he did the act alleged to constitute the offence, he believed, and had reasonable grounds for believing, that he had lawful authority for doing that act.

Limitations on periods of continuous driving.

114.—(1) Each of the following periods or series of periods of driving shall be an excessive period for the purposes of this section:

(*a*) any continuous period of driving exceeding five and one-half hours;

(*b*) any series of continuous periods of driving amounting in the aggregate to more than eleven hours in any period of twenty-four hours beginning two hours after midnight;

(*c*) any period or series of periods of driving so arranged that the driver has not at least ten consecutive hours for rest in every period of twenty-four hours beginning at the commencement of any period of driving.

(2) For the purposes of subsection (1) of this section—

(*a*) Where a driver has at least nine consecutive hours for rest in a period of twenty-four hours beginning at the commencement of a period of driving, the period of at least nine consecutive hours shall be reckoned as a period of ten consecutive hours if the driver has at least twelve consecutive hours for rest in the twenty-four hours next after the expiration of the above-mentioned period of twenty-four hours;

(*b*) any two consecutive periods of driving shall be regarded as one continuous period unless they are separated by an interval of not less than half-an-hour during which the driver can obtain rest and refreshment;

(*c*) any time spent by the driver of a vehicle at work (other than driving) in relation to the vehicle or the load carried thereon, including in the case of a public service vehicle any time spent in any capacity (other than as driver or as a passenger) on the vehicle while on a journey, shall be reckoned as time spent in driving;

(*d*) in the case of a vehicle which is being used for or in the course of any operation of agriculture or forestry, time spent driving or working on or in connection with the vehicle while it is not on a public road shall not be reckoned as time spent in driving.

(3) A person shall not drive, or cause or permit any person employed by him or subject to his orders to drive, for an excessive period a mechanically propelled vehicle which either is a large public service vehicle or is intended or adapted solely for the drawing of another vehicle or is fitted with a body intended or adapted solely for the carriage of goods or two or more such vehicles successively.

(4) (*a*) The Minister for Industry and Commerce may make regulations for enabling this section to have effect.

(*b*) Regulations under this subsection may, in particular and without prejudice to the generality of the foregoing paragraph, make provision in relation to all or any of the following matters:

(i) the keeping of records in respect of persons engaged in driving vehicles to which this section applies;

(ii) the form of the records;

(iii) the persons by whom the records are to be kept;

(iv) the production of the records to members of the Garda Síochána and specified officers of the Minister for Industry and Commerce;

(v) the exhibition of specified notices in vehicles in relation to which this section applies.

F330**[**(vi) the exclusion from the regulations of specified classes of vehicles.**]**

(5) Where a person contravenes subsection (3) of this section or a regulation under subsection (4) of this section which is stated to be a penal regulation, he shall be guilty of an offence.

(6) Where a person is charged with an offence under this section consisting of driving, or causing or permitting driving, for an excessive period, it shall be a good defence to the charge for him to show that the act alleged to constitute the offence was due to delay in the completion of a journey and that the delay was unavoidable and was caused by circumstances which he could not reasonably have foreseen.

(7) (*a*) The Minister for Industry and Commerce may by regulations vary or suspend in any manner any excessive period.

(*b*) Regulations under this subsection shall not be made save—

(i) where the Minister for Industry and Commerce is satisfied that bodies representative of the employers and employees concerned are in favour of the change to be effected by the regulations, and

(ii) after consultation by that Minister with the Minister.

(*c*) Different regulations may be made under this subsection—

(i) in respect of different classes of vehicles,

(ii) for different circumstances.

F331**[**(8) This section does not apply to or in respect of

(*a*) vehicles owned by the State and used for military or police purposes, or

(*b*) persons in the public service of the State driving vehicles so owned and used, or

(*c*) carriage by road to which Council Regulation (EC) 561/2006 applies.**]**

Penalty for false declaration, etc.

115.—F332**[**(1) Where a person is required by or under this Act or under regulations made under section 34 of the Taxi Regulation Act 2003 to furnish or give particulars in connection with an application for the grant or issue of a licence, permit, plate or certificate or otherwise in connection with a licence, permit, plate, certificate or vehicle, he or she shall not furnish or give pursuant to the requirement any particulars which to his or her knowledge are false or in any material respect misleading.**]**

(2) A person who contravenes subsection (1) of this section shall be guilty of an offence.

(3) Where, in a prosecution for an offence under subsection (2) of this section with respect to particulars in connection with an application for the grant or issue of a F332**[**licence, permit, plate or certificate**]** such grant or issue and an application therefor are proved, it shall be presumed, until the contrary is shown by the defendant, that the person to whom the F332**[**licence, permit, plate or certificate**]** was granted or issued made the application.

F332**[**(4) A person shall not forge or fraudulently alter or use, or fraudulently lend to, or allow to be used by, any other person, any licence, permit, plate, badge or certificate issued under this Act or under regulations made under section 34 of the Taxi Regulation Act 2003.**]**

(5) A person who contravenes subsection (4) of this section shall be guilty of an offence.

(6) A person who is guilty of an offence under this section shall be liable on summary conviction to F333**[**a fine not exceeding €3,000**]** or, at the discretion of the court, to imprisonment for any term not exceeding six months or to both such fine and such imprisonment.

F334**[**(6A) Notwithstanding section 10 (4) of the Petty Sessions (Ireland) Act 1851, summary proceedings for an offence under this section may be instituted within 2 years from the date on which the offence was committed.**]**

(7) F335**[**...**]**

Liability of Minister for Finance for negligent use of mechanically propelled vehicle.

116.—F336**[**...**]**

Extension of personal liability for negligent use of mechanically propelled vehicle.

117.—F337**[**...**]**

Liability in respect of person using mechanically propelled vehicle with consent of owner.

118.—Where a person (in this section referred to as the user) uses a mechanically propelled vehicle with the consent of the owner of the vehicle, the user shall, for the purposes of determining the liability or non-liability of the owner for injury caused by the negligent use of the vehicle by the user, and for the purposes of determining the liability or non-liability of any other person for injury to the vehicle or persons or property therein caused by negligence occurring while the vehicle is being used by the user, be deemed to use the vehicle as the servant of the owner, but only in so far as the user acts in accordance with the terms of such consent.

Reimbursement of hospitals.

119.—F338**[**...**]**

Promotion of road safety.

120.—(1) 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 may incur expenditure for the purpose of promoting safety on roads, and the expenditure may include payments for that purpose to any other authority or person.

(2) The Minister may, with the consent of the Minister for Finance, F339**[**make grants from moneys provided by the Oireachtas**]**—

(*a*) towards the expenses of an association or body where the advancement of road safety is among the primary objects of the association or body, and

(*b*) towards the expenses under subsection (1) of this section of any council, corporation or commissioners.

Calculation of passenger accommodation of mechanically propelled vehicles.

121.—The Minister may by regulations prescribe the method of calculating for the purposes of this Act the passenger accommodation of mechanically propelled vehicles or of any class of such vehicles, and may in such regulations distinguish between seating passenger accommodation and standing passenger accommodation.

Keeping and use of petroleum.

122.—F340**[**...**]**

Extended power of making regulations in relation to application for licence under Finance (Excise Duties) (Vehicles) Act, 1952.

123.—The power to make regulations conferred by section 12 of the Roads Act, 1920, shall include—

(*a*) power to make regulations requiring a person applying for a licence under section 1 of the Finance (Excise Duties) (Vehicles) Act, 1952, in respect of a mechanically propelled vehicle—

(i) to make such declaration and produce such evidence as is necessary to show whether the vehicle is or is not a mechanically propelled vehicle to which Part VI of this Act applies,

(ii) where it is such a vehicle, to produce evidence or specified evidence showing either that he is F341**[**a vehicle insurer or an exempted person within the meaning of Part VI of this Act**]** or that, when the licence comes into operation, there will be in force an approved policy of insurance or an approved guarantee covering the use of the vehicle by him or by other persons with his consent,

(*b*) power to make regulations requiring a person applying for a licence under the said section 1 in respect of a mechanically propelled vehicle—

(i) to make such declaration and produce such evidence as is necessary to show whether the vehicle is or is not a mechanically propelled vehicle to which *section 18* of this Act applies,

(ii) where it is such a vehicle, to produce a test certificate which will be in force in respect of the vehicle when the licence comes into operation.

Restriction on section 23 of Criminal Justice Act, 1951.

124.—A disqualification under this Act for holding a driving licence shall not be capable of being remitted under section 23 of the Criminal Justice Act, 1951.

Saving for indictment for nuisance.

125.—Nothing in F343**[**the Road Traffic Acts, 1961 to 1994**]** shall authorise any person to use in a public place a vehicle so constructed or used as to cause a public or private nuisance, and any person who so uses such vehicle shall, notwithstanding anything in F343**[**the Road Traffic Acts, 1961 to 1994**]**, be liable to an indictment or action, as the case may be, for such use when, but for the passing of the repealed Act and F343**[**the Road Traffic Acts, 1961 to 1994**]**, such indictment or action could be maintained.

Saving for general power of Commissioner.

126.—Nothing in F345**[**the Road Traffic Acts, 1961 to 1994**]** shall prejudice or derogate from the general power and duty of the Commissioner and other members of the Garda Síochána to preserve order in public places and to regulate and control traffic therein.

Modification of Motor Car (International Circulation) Act, 1909.

127.—So much of the Motor Car (International Circulation) Act, 1909, as relates to the licensing of drivers shall have effect as though for the references therein to the Motor Car Act, 1903, there were substituted references to Part III of this Act.

Section 10.

FIRST SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter or Number and Year.	Short title	Extent of Repeal
1 & 2 Geo. V., c. 45.	Public Roads (Ireland) Act, 1911.	The whole Act.
No. 11 of 1933.	Road Traffic Act, 1933.	The whole Act.
No. 7 of 1940.	Fire Brigades Act, 1940.	Section 10.
No. 24 of 1946.	Local Government Act, 1946.	Section 69.
No. 9 of 1955.	Local Government Act, 1955.	Sections 36 and 37.
No. 3 of 1956.	Fatal Injuries Act, 1956.	Section 7.

Section 26.

F347[SECOND SCHEDULE

Offences under the *Road Traffic Acts 1961 to 2010* involving Consequential Disqualification Orders.

Using mechanically propelled vehicle without test certificate.

1. An offence by a person under subsection (2) of section 18, being an offence committed in a period of 3 years in which a previous offence was committed by the person under that subsection for which he or she was convicted.

Driving mechanically propelled vehicle before remedying dangerous defect.

2. An offence by a person under subsection (10) of section 20, being an offence committed in a period of 3 years in which a previous offence was committed by the person under that subsection for which he or she was convicted.

Driving mechanically propelled vehicle when unfit.

F348[3. An offence by a person under section 48—

(*a*) where the vehicle which the person drove, or attempted to drive, in contravention of that section was a mechanically propelled vehicle, and

(*b*) the offence was committed during a period of 3 years in which the person committed a previous offence, of which he or she was convicted, of driving or attempting to drive a mechanically propelled vehicle in contravention of that section.]

Driving mechanically propelled vehicle while under the influence of intoxicating liquor or drug.

4. An offence under section 4 of the Road Traffic Act 2010.

Being in charge of mechanically propelled vehicle while under the influence of intoxicating liquor or drug.

5. An offence under section 5 of the Road Traffic Act 2010.

F349[*Failure to comply with requirement to perform impairment test*

5A. An offence under section 11 of the Road Traffic Act 2010.**]**

Refusal or failure to provide specimen or to comply with requirement of designated doctor or nurse.

F348**[**6. (*a*) Subject to subparagraph (b), an offence under section 12, 13B or 14 of the Road Traffic Act 2010.

(*b*) Subparagraph (a) shall not include an offence under section 12 of the Road Traffic Act 2010, where the person convicted of the offence was arrested under—

(i) section 6 (4) of the Road Traffic Act 2010,

(ii) section 10 (7) of the Road Traffic Act 2010, where the vehicle of which the person was in charge, referred to in section 10(4) of that Act, was a vehicle other than a mechanically propelled vehicle,

(iii) section 52(3), where the vehicle the person was driving in contravention of section 52(1) was a vehicle other than a mechanically propelled vehicle,

(iv) section 53(5), where the vehicle the person was driving in contravention of section 53(1) was a vehicle other than a mechanically propelled vehicle, or

(v) section 112(6), for committing an offence under section 112(4).**]**

F350**[***Failure to give permission to forward specimen test certificate*

6A. An offence under section 17A of the Road Traffic Act 2010.**]**

Careless driving.

7. An offence by a person under section 52, where the contravention involved the driving of a mechanically propelled vehicle, being an offence committed in a period of 3 years in which 2 or more previous offences were committed by the person under that section for which he or she was convicted.

Dangerous driving of mechanically propelled vehicle.

8. An offence under section 53 where the contravention involved the driving of a mechanically propelled vehicle.

Driving of dangerously defective mechanically propelled vehicle.

F348**[**9. An offence by a person under section 54—

(*a*) other than—

(i) an offence of driving a powered personal transporter in contravention of section 54(1), or

(ii) an offence under section 54(2), where the vehicle driven in contravention of that subsection is a powered personal transporter,

and

(*b*) the offence is committed during a period of 3 years in which the person committed a previous offence under section 54 (other than an offence described in subparagraph (a) of this paragraph) of which he or she was convicted.**]**

Parking mechanically propelled vehicle in dangerous position.

10. An offence by a person under section 55 where the contravention involved the parking of a mechanically propelled vehicle and where any part of the period of the contravention was a period within lighting-up hours (as specified in the

section) during which the vehicle did not fulfil the requirements imposed by law with respect to lighting and reflectors, being an offence committed in a period of 3 years in which a previous offence was committed by the person under that section for which he or she was convicted.

Use of mechanically propelled vehicle not insured.

11. An offence under section 56.

Failure to fulfil duties on occurrence of accident.

12. (*a*) An offence under section 106 where the contravention involved non-compliance with F351**[**paragraph (a), (aa) or (b)**]** of subsection (1) of that section, injury was caused to a person, a mechanically propelled vehicle was involved in the occurrence of the injury and the convicted person was the driver of the vehicle concerned.

(*b*) An offence under section 106 (other than an offence to which subparagraph (a) of this paragraph relates) where injury was caused to a person, a mechanically propelled vehicle was involved in the occurrence of the injury and the convicted person was the driver of the vehicle concerned, being an offence committed in a period of 3 years in which a previous such offence was committed by the person for which he or she was convicted.

Taking mechanically propelled vehicle without authority.

13. An offence under subsection (2) of section 112.

Driving mechanically propelled vehicle without driving licence while disqualified, etc.

14. An offence under section 38(2) in the circumstances referred to in subsection (5)(a) of that section.

Using vehicle without certificate of roadworthiness.

F352**[**15. An offence by a person under—

(*a*) Regulation 19(1) of the European Communities (Vehicle Testing) Regulations 2004 (S.I. No. 771 of 2004), or

(*b*) section 6(2) of the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012,

being an offence committed in a period of 3 years in which a previous offence was committed by the person under (a) or (b) for which he or she was convicted.
]]

Number 24 *of* 1961

ROAD TRAFFIC ACT 1961

REVISED

Updated to 1 November 2026

About this Revised Act

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

Road Traffic Acts 1961 to 2024: this Act is one of a group of Acts included in this collective citation, to be read together as one (*Road Traffic Act 2024*, s. 1(3)). The Acts in the group are:

- *Road Traffic Act 1961* (24/1961)
- *Road Traffic Act 1968* (25/1968)
- *Road Traffic (Amendment) Act 1973* (15/1973) (repealed)
- *Road Traffic (Amendment) Act 1978* (19/1978) (repealed)
- *Road Traffic (Amendment) Act 1984* (16/1984)
- *Dublin Transport Authority (Dissolution) Act 1987* (34/1987), insofar as it amends the *Road Traffic Acts 1961 to 1984*
- *Road Traffic Act 1994* (7/1994)
- *Road Traffic Act 1995* (7/1995) (repealed)
- *Road Traffic Act 2002* (12/2002)
- *Road Traffic Act 2003* (37/2003) (repealed)
- *Road Traffic Act 2004* (44/2004), other than Part 6
- *Railway Safety Act 2005* (31/2005), Part 17
- *Road Traffic Act 2006* (23/2006), other than s. 21
- *Road Traffic and Transport Act 2006* (28/2006), s. 1 (repealed)
- *Roads Act 2007* (34/2007), s. 12
- *Road Traffic Act 2010* (25/2010)
- *Road Traffic Act 2011* (7/2011)
- *Road Traffic (No. 2) Act 2011* (28/2011)
- *Taxi Regulation Act 2013* (37/2013), Part 11 (citation only)
- *Road Traffic Act 2014* (3/2014)
- *Road Traffic (No. 2) Act 2014* (39/2014)
- *Vehicle Clamping Act 2015* (13/2015), Part 5 (citation only)
- *Public Transport Act 2016* (3/2016), s. 8
- *Road Traffic Act 2016* (21/2016) (citation only)
- *Road Traffic (Amendment) Act 2018* (18/2018)
- *Civil Law (Miscellaneous Provisions) Act 2022* (19/2022), Part 7 (ss. 46, 47)
- *Road Traffic and Roads Act 2023* (16/2023), other than Part 3 (s. 4), Part 6 (ss. 7-10) and ss. 36-47
- *Road Traffic Act 2024* (10/2024)

Weights and Measures Acts 1878 to 1961: this Act is one of a group of Acts previously included in this collective citation, to be construed together as one (*Road Traffic Act 1961* (24/1961), s. 83(6)). The provisions of this Act (s. 83) and

other legislation included in the collective citation were repealed (12.05.1997) by *Metrology Act 1996* (27/1996), s. 6(1) and sch. 1 part 1, S.I. No. 177 of 1997.

Local Authorities (Traffic Wardens) Acts 1975 to 2023: this Act deals with similar subject matter to a group of Acts included in this collective citation (*Road Traffic and Roads Act 2023*, s. 1(5)). 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*
- *Road Traffic and Roads Act 2023* (16/2023), Part 7 (ss. 7-10)

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. 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.