Changes to Legislation: as of 12 March 2024, there are changes to this Act which have not been implemented by the Revised Acts editorial team, see highlighted entries **here**. Note that some amendments may not be in force until commenced by a commencement order or other provision.

Number 14 *of* 1975

LOCAL AUTHORITIES (TRAFFIC WARDENS) ACT 1975

REVISED

Updated to 1 January 2023

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

All Acts up to and including the *Local Government (Maternity Protection and Other Measures for Members of Local Authorities) Act 2022* (52/2022), enacted 21 December 2022, and all statutory instruments up to and including the *Planning And Development And Foreshore (Amendment) Act 2022 (Commencement) Order 2023* (S.I. No. 1 of 2023), made 9 January 2023, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 14 *of* 1975

LOCAL AUTHORITIES (TRAFFIC WARDENS) ACT 1975

REVISED

Updated to 1 January 2023

ARRANGEMENT OF SECTIONS

Section

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

ACTS REFERRED TO

Road Traffic Act, 1961	1961, No. 24
Roads Act, 1920	1920, c. 72

Number 14 *of* 1975

LOCAL AUTHORITIES (TRAFFIC WARDENS) ACT 1975

REVISED

Updated to 1 January 2023

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

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Modifications (not altering text):

C1 Power to make regulations provided (31.10.2002) by *Road Traffic Act 2002* (12/2002), s. 24, S.I. No. 491 of 2002.

Regulations.

24.—(1) The Minister may make regulations for the purpose of giving full effect to this Act and to the provisions inserted by this Act into the Acts and the Act of 1975.

(2) If in any respect any difficulty arises during the period of 3 years from the commencement of a provision of this Act or an amendment of another Act effected by this Act in bringing the provision or amendment into operation, the Minister may by regulations do anything which appears to be necessary or expedient for bringing the provision or amendment into operation.

...

Editorial Notes:

E1 Previous affecting provision: certain information could be shared with other bodies as provided (1.01.1993) by *Road Vehicles (Registration and Licensing) (Amendment) Regulations 1992* (S.I. No. 385 of 1992), reg. 23, in effect as per reg. 1(3); revoked (13.09.1994) by *Road Vehicles (Registration and Licensing) (Amendment) Regulations 1994* (S.I. No. 277 of 1994), reg. 4 and sch.

E2 Previous affecting provision: application of Act extended (13.10.1982) by *Road Vehicles (Registration and Licensing) Regulations 1982* (S.I. No. 311 of 1982), reg. 23(1); revoked (1.01.1993) by *Road Vehicles (Registration and Licensing) Regulations 1992* (S.I. No. 385 of 1992), s. 1(4) and sch.

Definitions.

1.—In this Act—

"Act of 1961" means the Road Traffic Act, 1961;

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

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

F1**[**"Minister" means Minister for Transport; **]**

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

Annotations

Amendments:

F1 Substituted (21.07.2006) by *Road Traffic Act 2006* (23/2006), s. 15(1), S.I. No. 384 of 2006.

Employment of traffic wardens by local authorities.

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

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

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

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

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

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

Annotations

Amendments:

F2 Substituted (1.01.2003) by *Road Traffic Act 2002* (12/2002), s. 12(2), S.I. 598 of 2002.

F3 Substituted (21.07.2006) by *Road Traffic Act 2006* (23/2006), subs. 15(2), S.I. No. 384 of 2006.

Modifications (not altering text):

C2 Application of section extended (18.08.1976) by *Finance Act 1976* (16/1976), ss. 73 and 74(2), S.I. No. 185 of 1976.

Licences to be fixed to and exhibited on vehicles.

73.—(1) Where a vehicle to which this Part applies is used, parked or otherwise kept at any time in a public place, if while the vehicle is being so used, parked or kept there is not fixed to and exhibited on the vehicle in accordance with section 5 (5) of the Act of 1920 a licence which is both issued in respect of the vehicle and is for the time being in force, then the person by whom the vehicle is so used, parked or kept at the time shall be guilty of an offence, and in addition to the person aforesaid, the person (if he is not the person aforesaid) who on the day on which the offence is committed is in relation to the vehicle the relevant person shall also be guilty of an offence.

...

Provisions supplementary to section 73.

74.— ...

(2) Section 2 of the *Local Authorities (Traffic Wardens) Act 1975*, shall be construed and shall have effect as if subsection (2) thereof contained a reference to functions relating to an offence under section 73 of this Act.

...

Editorial Notes:

E3 Previous affecting provision: subs. (2)(a) and (b) substituted (1.01.1988) by *Dublin Transport Authority (Dissolution) Act 1987* (34/1987), s. 12(a), commenced as per s. 15(5).

E4 Previous amending provision: subss. (1) and (2) substituted by *Dublin Transport Authority Act 1986* (15/1986), s. 15(3), not commenced; superseded as per E-note and F-note above.

Provisions applying to certain offences relating to vehicles.

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

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

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

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

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

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

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

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

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

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

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

(ii) affix such a notice to the vehicle.

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

(3) Where—

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

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

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

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

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

the registered owner shall—

(i) not later than 28 days after the date of the notice give or send to a traffic warden at a place specified in the notice a document in the prescribed form signed by the registered owner and stating the name and address of the person who was driving or otherwise using the vehicle at the time of such commission, and

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

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

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

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

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

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

(*a*) the person on whom it is served is alleged to have committed an offence specified in the notice,

(*b*) the person may, during the period of 28 days beginning on the date of the notice, make to the local authority specified in the notice at a place so specified a payment of a fixed charge of a prescribed amount accompanied by the notice, duly completed,

(*c*) if the person does not make the payment specified in paragraph (*b*) of this subsection during the period so specified accompanied by the notice, duly completed, the person may, during the period of 28 days beginning on the expiration of that period, make to the local authority aforesaid at the place aforesaid a payment of a fixed charge of an amount 50 per cent. greater than the prescribed amount referred to in paragraph (*b*) of this subsection accompanied by the notice, duly completed, and

(*d*) a prosecution in respect of the alleged offence will not be instituted during the periods specified in the notice or, if a payment so specified accompanied by the notice, duly completed, is made during the appropriate period so specified in relation to the payment, at all.

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

(*a*) an offence specified in the notice is alleged to have been committed,

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

(*c*) if a person such as aforesaid does not make the payment specified in paragraph (*b*) of this subsection during the period so specified accompanied by the notice, duly completed, the person may, during the period of 28 days beginning on the expiration of the period specified in that subparagraph, make to the local authority aforesaid at the place aforesaid a payment of a fixed charge of an amount 50 per cent. greater than the prescribed amount referred to in paragraph (*b*) of this subsection accompanied by the notice, duly completed,

(*d*) if the registered owner of the vehicle concerned was not driving or otherwise using the vehicle at the time of the commission of the alleged offence concerned, he or she is required by subsection (3) of this section—

(i) not later than 28 days after the date of the notice to give or send to the local authority specified in the notice at the place so specified a document in the prescribed form signed by the registered owner and stating the name and address of the person who was driving or otherwise using the vehicle at the time of such commission, and

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

(*e*) a prosecution in respect of the alleged offence will not be initiated during the periods specified in the notice pursuant to paragraphs (*b*) and (*c*) of this subsection or, if a payment specified in the notice accompanied by the notice, duly completed, is made during the appropriate period so specified in relation to the payment, at all,

(*f*) if a payment aforesaid accompanied by the notice, duly completed, is made during the appropriate period aforesaid, the registered owner need not comply with subsection (3) of this section,

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

F11**[**(*h*) subject to paragraph (*f*), failure to comply with subsection (3) is an offence upon conviction of which the registered owner is liable to a fine not exceeding €1,000.**]**

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

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

(*a*) a person or the person to whom the notice applies may, during the period specified in the notice, make to the local authority so specified at the place so specified a payment so specified at the appropriate time so specified in relation to the payment accompanied by the notice, duly completed,

(*b*) the local authority may receive the payment, issue a receipt therefor and retain it for disposal in accordance with regulations under this Act and no payment so received shall F13**[**...**]** be recoverable by the person who made it,

(*c*) a prosecution in respect of the alleged offence to which the notice relates shall not be instituted during the periods specified in the notice or, if a payment so specified accompanied by the notice, duly completed, is made during the period so specified in relation to the payment, at all,

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

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

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

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

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

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

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

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

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

(14) In a prosecution for an offence under subsection (12) of this section consisting of a contravention of subsection (3) of this section, it shall be presumed, until the

contrary is shown, that the accused person received the notice under this section to which the offence relates.

(15) In a prosecution of a person for—

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

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

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

(16) A person who, pursuant to subsection (3) of this section, gives or sends to a traffic warden information (whether or not contained in a document) that is, to his or her knowledge, false or misleading F17**[**is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,000**]**.

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

F18**[**(17A) Regulations prescribing the amount of a fixed charge may prescribe different amounts in relation to—

(*a*) different fixed charge offences,

(*b*) fixed charge offences involving different classes of vehicles, or

(*c*) fixed charge offences committed in different areas.**]**

(18) In this section, references to a notice under this section, duly completed, are references to such a notice on which the number, the date of the grant, and the period of validity, of the driving licence of the person to whom the notice relates F19**[**as required in the notice**]** have been inserted by or on behalf of the person.**]**

Annotations

Amendments:

F4 Substituted (3.04.2006) by *Road Traffic Act 2002* (12/2002), s. 12(1), S.I. No. 134 of 2006, subject to continuation in force of existing in-force regulations as provided by subs. (4).

F5 Substituted (21.07.2006) by *Road Traffic Act 2006* (23/2006), s. 15(3)(a), S.I. No. 384 of 2006.

F6 Substituted (1.06.2017) by *Road Traffic Act 2010* (25/2010), s. 46, S.I. No. 241 of 2017.

F7 Substituted (24.01.2005) by *Road Traffic Act 2004* (44/2004), s. 23(a), S.I. No. 26 of 2005.

F8 Inserted (24.01.2005) by *Road Traffic Act 2004* (44/2004), s. 23(b), S.I. No. 26 of 2005.

F9 Substituted (21.07.2006) by *Road Traffic Act 2006* (23/2006), s. 15(3)(b)(i), S.I. No. 384 of 2006.

F10 Substituted (21.07.2006) by *Road Traffic Act 2006* (23/2006), s. 15(3)(b)(ii), S.I. No. 384 of 2006.

F11 Substituted (21.07.2006) by *Road Traffic Act 2006* (23/2006), s. 15(3)(c), S.I. No. 384 of 2006. A fine of €1,000 translates into a class D fine not greater €1,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 7(3) and table ref. no. 1, S.I. No. 662 of 2010.

F12 Inserted (24.01.2005) by *Road Traffic Act 2004* (44/2004), s. 23(d), S.I. No. 26 of 2005.

F13 Deleted (21.07.2006) by *Road Traffic Act 2006* (23/2006), s. 15(3)(d), S.I. No. 384 of 2006.

F14 Substituted (24.01.2005) by *Road Traffic Act 2004* (44/2004), s. 23(e), S.I. No. 26 of 2005.

F15 Substituted (21.07.2006) by *Road Traffic Act 2006* (23/2006), s. 15(3)(e), S.I. No. 384 of 2006.

F16 Substituted (21.07.2006) by *Road Traffic Act 2006* (23/2006), s. 15(3)(f), S.I. No. 384 of 2006. A fine of €1,000 translates into a class D fine not greater €1,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 7(3) and table ref. no. 1, S.I. No. 662 of 2010.

F17 Substituted (21.07.2006) by *Road Traffic Act 2006* (23/2006), s. 15(3)(g), S.I. No. 384 of 2006. A fine of €1,000 translates into a class D fine not greater €1,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 7(3) and table ref. no. 1, S.I. No. 662 of 2010.

F18 Inserted (21.07.2006) by *Road Traffic Act 2006* (23/2006), subs. 15(3)(h), S.I. No. 384 of 2006.

F19 Inserted (21.07.2006) by *Road Traffic Act 2006* (23/2006), s. 15(3)(i), S.I. No. 384 of 2006.

Modifications (not altering text):

C3 Application of section affected (1.06.2017) by *Road Traffic Act 2010* (25/2010), s. 45, S.I. No. 241 of 2017.

Offence by body corporate

45.— Where an offence under section 38, 39 or 40 (2) (in respect of contravention of section 37 (1)(e) of this Act) or section 3(7)(h) (inserted by section 23(c) of the Act of 2004) of the Act of 1975 is committed by a body corporate or by a person purporting to act on behalf of a body corporate or on behalf of an unincorporated body of persons and it is proved to have been so committed with the consent or connivance of or to be attributable to any wilful neglect on the part of any other person who, when the offence was committed, was, or purported to act as, a director, manager, secretary or other officer (including a member of any committee of management or other controlling authority) of such body, such other person as well as the body, or the person so purporting to act on behalf of the body, commits an offence and is liable to be proceeded against and punished as if he or she committed the first-mentioned offence.

C4 Application of section extended (18.08.1976) by *Finance Act 1976*, ss. 73 and 74(3), S.I. No. 185 of 1976.

Licences to be fixed to and exhibited on vehicles.

73.—(1) Where a vehicle to which this Part applies is used, parked or otherwise kept at any time in a public place, if while the vehicle is being so used, parked or kept there is not fixed to and exhibited on the vehicle in accordance with section 5 (5) of the Act of 1920 a licence which is both issued in respect of the vehicle and is for the time being in force, then the person by whom the vehicle is so used, parked or kept at the time shall be guilty of an offence, and in addition to the person aforesaid, the person (if he is not the person aforesaid) who on the day on which the offence is committed is in relation to the vehicle the relevant person shall also be guilty of an offence.

...

Provisions supplementary to section 73.

74.— ...

(3) Section 3 of the Local Authorities (Traffic Wardens) Act 1975, shall apply to an offence under section 73 of this Act and the said section 3 shall be construed and shall have effect in accordance with the foregoing.

Editorial Notes:

E5 Power pursuant to section exercised (1.01.2023) by *Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge Offences) (Amendment) Regulations 2022* (S.I. No. 525 of 2022), in effect as per reg. 1(2).

E6 Power pursuant to subs. (8) exercised (12.07.1995) by *Local Authorities (Traffic Wardens) Act 1975 (Disposal of Moneys) (Amendment) Regulations 1995* (S.I. No. 185 of 1995).

E7 Power pursuant to subs. (8) exercised (14.11.1975) by *Local Authorities (Traffic Wardens) Act 1975 (Disposal of Moneys) Regulations 1975* (S.I. No. 262 of 1975).

E8 Previous affecting provision: power pursuant to section exercised (1.02.2022) by *Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge Offences) (Amendment) Regulations 2021* (S.I. No. 748 of 2021), in effect as per reg. 2; revoked (1.01.2023) by *Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge Offences) Regulations 2022* (S.I. No. 525 of 2022), reg. 6(e), in effect as per reg. 1(2).

E9 Previous affecting provision: power pursuant to section exercised (1.03.2018) by *Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge Offences) (Amendment) Regulations 2018* (S.I. No. 57 of 2018); revoked (1.01.2023) by *Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge Offences) Regulations 2022* (S.I. No. 525 of 2022), reg. 6(d), in effect as per reg. 1(2).

E10 Previous affecting provision: power pursuant to section exercised (15.07.2010) by *Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge offences) (Prescribed Notice and Document) Regulations 2009* (S.I. No. 359 of 2010); revoked (1.01.2023) by *Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge Offences) Regulations 2022* (S.I. No. 525 of 2022), reg. 6(c), in effect as per reg. 1(2).

E11 Previous affecting provision: power pursuant to section exercised (4.05.2009) by *Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge Offences) (Prescribed Notice and Document) Regulations 2009* (S.I. No. 114 of 2009), in effect as per reg. 1(2); revoked (1.01.2023) by *Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge Offences) Regulations 2022* (S.I. No. 525 of 2022), reg. 6(b), in effect as per reg. 1(2).

E12 Previous affecting provision: power pursuant to section exercised (3.04.2006) by *Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge Offences) Regulations 2006* (S.I. No. 136 of 2006); amended (15.07.2010) by *Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge Offences)(Prescribed Notice and Document) Regulations 2009* (S.I. No. 359 of 2010), reg. 2 and sch.; revoked (1.01.2023) by *Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge Offences) Regulations 2022* (S.I. No. 525 of 2022), reg. 6(a), in effect as per reg. 1(2).

E13 Previous affecting provision: subs. 7(h) substituted (24.01.2005) by *Road Traffic Act 2004*(44/2004), subs. 23(c), S.I. No. 26 of 2005; superseded as per F-note above.

E14 Previous affecting provision: application of section extended (24.01.2005) by *Road Traffic Act 2004* (44/2004), s. 19, S.I. No. 26 of 2005; repealed (1.06.2017) by *Road Traffic Act 2010* (25/2010), s. 49(c), S.I. No. 241 of 2017.

E15 Previous affecting provision: power pursuant to section exercised (1.10.1997) by *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) Regulations 1997* (S.I. No. 395 of 1997); revoked (3.04.2006) by *Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge Offences) Regulations 2006* (S.I. No. 136 of 2006), reg. 8.

E16 Previous affecting provision: power pursuant to section exercised (1.06.1995) by *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) Regulations 1995* (S.I. No. 88 of 1995); revoked (1.10.1997) by *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) Regulations 1997* (S.I. No. 395 of 1997), reg. 7.

E17 Previous affecting provision: words "Road Traffic Acts 1961 to 1984" construed (22.07.1994) by *Road Traffic Act 1994* (7/1994), s. 49(2), S.I. No. 222 of 1994; provision substituted as per F-note above.

E18 Previous affecting provision: power pursuant to subss. (1), (6) exercised (30.01.1990) by *Local Authorities (Traffic Wardens) Act, 1975 (Section 3) (Offences) (Amendment) Regulations 1990* (S.I. No. 22 of 1990), in effect as per reg. 5; revoked (1.06.1995) by *Local Authorities (Traffic Wardens) Act, 1975 (Section 3) (Offences) Regulations 1995* (S.I. No. 88 of 1995), reg. 6 and sch. 2, in effect as per reg. 7.

E19 Previous affecting provision: section amended (1.01.1988) by *Dublin Transport Authority (Dissolution) Act 1987* (34/1987), s. 12(b), commenced as per s. 15(5); section substituted as per F-note above.

E20 Previous affecting provision: power pursuant to section exercised (1.01.1987) by *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) (Amendment) Regulations 1986* (S.I. No. 444 of 1986), in effect as per reg. 5; revoked (1.06.1995) by *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) Regulations 1995* (S.I. No. 88 of 1995), reg. 6 and sch. 2, in effect as per reg. 7.

E21 Previous amending provision: subss. (2) to (4) substituted by *Dublin Transport Authority Act 1986* (15/1986), s. 15(5), not commenced; superseded as per F -note above.

E22 Previous affecting provision: power pursuant to section exercised (2.09.1985) by *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) (Amendment) Regulations* 1985 (S.I. No. 256 of 1985); revoked (1.06.1995) by *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) Regulations 1995* (S.I. No. 88 of 1995), reg. 6 and sch. 2.

E23 Previous affecting provision: power pursuant to section exercised (10.08.1979) by *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) (Amendment) Regulations 1976* (S.I. No. 187 of 1976); revoked (1.06.1995) by *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) Regulations 1995* (S.I. No. 88 of 1995), reg. 6 and sch. 2.

E24 Previous affecting provision: power pursuant to section exercised (20.06.1979) by *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) (Amendment) Regulations 1979* (S.I. No. 168 of 1979); revoked (1.06.1995) by *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) Regulations 1995* (S.I. No. 88 of 1995), reg. 6 and sch. 2.

E25 Previous affecting provision: power pursuant to section exercised (14.11.1975) by *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) Regulations 1975* (S.I. No. 261 of 1975); revoked (1.06.1995) by *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) Regulations 1995* (S.I. No. 88 of 1995), reg. 6 and sch. 2.

Provisions relating to traffic wardens.

4.—(1) A person who obstructs a traffic warden acting in the course of his duty shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding F20**[**€1,000**]**.

(2) Where a traffic warden has reasonable grounds for believing that a person is committing or has committed an offence to which section 3 of this Act applies, F21**[**an offence under section 3(12)**]** or an offence under this section, he may request or demand of the person his name and address.

(3) Where a person whose name and address is requested or demanded of him under this section refuses or fails to give his name or address or gives a name or address which is false or misleading, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding F20**[**€1,000**]**.

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

Annotations

Amendments:

F20 Substituted (21.07.2006) by *Road Traffic Act 2006* (23/2006), s. 15(4)(a), S.I. No. 384 of 2006. A fine of €1,000 translates into a class D fine not greater than €1,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 7(3) and table ref. no. 1, S.I. No. 662 of 2010.

F21 Substituted (21.07.2006) by *Road Traffic Act 2006* (23/2006), s. 15(4)(b), S.I. No. 384 of 2006.

Editorial Notes:

E26 Previous affecting provision: amount of fines in subss. (1) and (3) substituted (1.01.1988) by *Dublin Transport Authority (Dissolution) Act 1987* (34/1987), s. 12(c) commenced as per s. 15(5); substituted as per F-note above.

Prosecution of offences.

5.—F22**[**Proceedings for an offence to which section 3 applies or an offence under section 3(12) or 4 may be brought and prosecuted summarily by the local authority in whose functional area the offence is alleged to have been committed or where the local authority concerned has entered into an agreement with another local authority under section 7 by that other authority**]**.

Annotations

Amendments:

F22 Substituted (21.07.2006) by *Road Traffic Act 2006* (23/2006), s. 15(5), S.I. No. 384 of 2006.

Editorial Notes:

E27 Previous affecting provision: section amended (3.04.2006) by *Road Traffic Act 2002* (12/2002), s. 12(3), S.I. No. 134 of 2006, substituted as per F-note above.

E28 Previous amending provision: section substituted by *Dublin Transport Authority Act 1986* (15/1986), s. 15(6), not commenced; repealed (1.01.1988) by *Dublin Transport Authority (Dissolution) Act 1987* (34/1987), s. 13, commenced as per s. 15(5).

General provisions relating to regulations.

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

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

Annotations

Editorial Notes:

E29 Previous affecting provision: power pursuant to section exercised (3.04.2006) by *Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge Offences) Regulations 2006*, S.I. No. 136 of 2006,

E30 Power pursuant to subs. (8) exercised (12.07.1995) by *Local Authorities (Traffic Wardens) Act 1975 (Disposal of Moneys) (Amendment) Regulations 1995*, S.I. No. 185 of 1995; these regulations to be construed as one with *Local Authorities (Traffic Wardens) Act 1975 (Disposal of Moneys) Regulations 1975*, S.I. No. 262 of 1975 below.

E31 Power pursuant to s. 6 exercised (14.11.1975) by *Local Authorities (Traffic Wardens) Act 1975 (Disposal of Moneys) Regulations 1975*, S.I. No. 262 of 1975.

E32 Previous affecting provision: power pursuant to section exercised (1.10.1997) by *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) Regulations 1997*, S.I. No. 395 of 1997; revoked (3.04.2006) by *Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge Offences) Regulations 2006* (S.I. No. 136 of 2006), reg. 8.

E33 Previous affecting provision: power pursuant to section exercised (1.06.1995) by *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) Regulations 1995*, S.I. No. 88 of 1995; revoked (1.10.1997) by *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) Regulations 1997* (S.I. No. 395 of 1997), reg. 7.

E34 Previous affecting provision: power pursuant to section exercised (30.01.1990) by *Local Authorities (Traffic Wardens) Act, 1975 (Section 3) (Offences) (Amendment) Regulations 1990* (S.I. No. 22 of 1990), in effect as per reg. 5; revoked (1.06.1995) by *Local Authorities (Traffic Wardens) Act, 1975 (Section 3) (Offences) Regulations 1995* (S.I. No. 88 of 1995), reg. 6 and sch. 2, in effect as per reg. 7.

E35 Previous affecting provision: power pursuant to section (as amended by *Finance Act 1976* (16/1976), s. 74) exercised (1.01.1987) by *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) (Amendment) Regulations 1986*, S.I. No. 444 of 1986, in effect as per reg. 5; revoked (1.06.1995) by *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) Regulations 1995* (S.I. No. 88 of 1995), reg. 6 and sch. 2, in effect as per reg. 7.

E36 Previous affecting provision: power pursuant to section exercised (2.09.1985) by *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) (Amendment) Regulations* 1985, S.I. No. 256 of 1985; revoked (1.06.1995) by *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) Regulations 1995* (S.I. No. 88 of 1995), reg. 6 and sch. 2.

E37 Previous affecting provision: power pursuant to section exercised (10.08.1979) by *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) (Amendment) Regulations 1976*, S.I. No. 187 of 1976; revoked (1.06.1995) by *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) Regulations 1995* (S.I. No. 88 of 1995), reg. 6 and sch. 2.

E38 Previous affecting provision: power pursuant to section exercised (20.06.1979) by *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) (Amendment) Regulations 1979*, S.I. No. 168 of 1979; revoked (1.06.1995) by *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) Regulations 1995* (S.I. No. 88 of 1995), reg. 6 and sch. 2.

E39 Previous affecting provision: power pursuant to section exercised (14.11.1975) by *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) Regulations 1975*, S.I. No. 261 of 1975; revoked (1.06.1995) by *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) Regulations 1995* (S.I. No. 88 of 1995), reg. 6 and sch. 2.

Exercise of power under this Act by one local authority for another.

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

Annotations

Modifications (not altering text):

C5 Function to be performed by municipal district members prescribed (1.06.2014) by *Local Government Act 2001* (37/2001), s. 131A(1)(a), (4) and sch. 14A pt. 1 ref. no. 21, as inserted by *Local Government Reform Act 2014* (1/2014), s. 21(3), (4) and sch. 3, S.I. No. 214 of 2014.

SCHEDULE 14A

Section 131 and 131A

PART 1

Reserved Functions to be Performed, Subject to Section 131A(4), by Municipal District Members

Reference No. (1)	Description of reserved function (2)	Provision under which reserved function is conferred (3)
...	...	...

21	Entry into an agreement for the exercise of power under the Local Authorities (Traffic Wardens) Act 1975 by another local authority.	Section 7 of the Local Authorities (Traffic Wardens) Act 1975.
...	...	...

C6 Function under section assigned to Local Authority (1.03.1993) by *Local Government Act, 1991 (Reserved Functions) Order 1993* (S.I. No. 37 of 1993), art. 2 and sch. in effect as per art. 3.

2. It is hereby declared that each function of a local authority specified in the Schedule to this Order shall be performed, insofar as the same is performable by such authority, by resolution of the members of that authority.

...

SCHEDULE

...

Entry into an agreement under section 7 of the Local Authorities (Traffic Wardens) Act, 1975

...

Expenses of local authorities.

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

Expenses of Minister.

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

Short title.

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

Number 14 *of* 1975

LOCAL AUTHORITIES (TRAFFIC WARDENS) ACT 1975

REVISED

Updated to 1 January 2023

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

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

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

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations

Material not updated in this revision

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

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

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

Acts which affect or previously affected this revision

- *Road Traffic Act 2010* (25/2010)

- *Road Traffic Act 2006* (23/2006)
- *Road Traffic Act 2004* (44/2004)
- *Road Traffic Act 2002* (12/2002)
- *Local Government Act 2001* (37/2001)
- *Road Traffic Act 1994* (7/1994)
- *Dublin Transport Authority (Dissolution) Act 1987* (34/1987)
- *Dublin Transport Authority Act 1986* (15/1986)
- *Finance Act 1976* (16/1976)

All Acts up to and including *Local Government (Maternity Protection and Other Measures for Members of Local Authorities) Act 2022* (52/2022), enacted 21 December 2022, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge Offences) (Amendment) Regulations 2022* (S.I. No. 525 of 2022)
- *Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge Offences) (Amendment) Regulations 2021* (S.I. No. 748 of 2021)
- *Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge Offences) (Amendment) Regulations 2018* (S.I. No. 57 of 2018)
- *Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge offences) (Prescribed Notice and Document) Regulations 2009* (S.I. No. 359 of 2010)
- *Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge Offences) Regulations 2006* (S.I. No. 136 of 2006)
- *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) Regulations 1997* (S.I. No. 395 of 1997)
- *Local Authorities (Traffic Wardens) Act 1975 (Disposal of Moneys) (Amendment) Regulations 1995* (S.I. No. 185 of 1995)
- *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) Regulations 1995* (S.I. No. 88 of 1995)
- *Local Government Act, 1991 (Reserved Functions) Order 1993* (S.I. No. 37 of 1993)
- *Road Vehicles (Registration and Licensing) (Amendment) Regulation 1992* (S.I. No. 385 of 1992)
- *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) (Amendment) Regulations 1990* (S.I. No. 22 of 1990)
- *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) (Amendment) Regulations 1986* (S.I. No 444 of 1986)
- *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) (Amendment) Regulations 1985* (S.I. No 256 of 1985)
- *Road Vehicles (Registration and Licensing) Regulation 1982* (S.I. No. 311 of 1982)
- *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) (Amendment) Regulations 1979* (S.I. No 168 of 1979)
- *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) (Amendment) Regulations 1976* (S.I. No. 187 of 1976)
- *Local Authorities (Traffic Wardens) Act 1975 (Disposal of Moneys) Regulations 1975* (S.I. No. 262 of 1975)
- *Local Authorities (Traffic Wardens) Act 1975 (Section 3) (Offences) Regulations 1975* (S.I. No. 261 of 1975)

All statutory instruments up to and including *Planning And Development And Foreshore (Amendment) Act 2022 (Commencement) Order 2023* (S.I. No. 1 of 2023), made 9 January 2023, were considered in the preparation of this revision.