

**Changes to Legislation:** as of 14 June 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.



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*Number 12 of 2002*

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**ROAD TRAFFIC ACT 2002**

**REVISED**

**Updated to 31 July 2023**

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This Revised Act is an administrative consolidation of the *Road Traffic Act 2002*. 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 *Wildlife (Amendment) Act 2023 (25/2023)*, enacted 20 July 2023, and all statutory instruments up to and including *Road Traffic and Roads Act 2023 (Commencement) (No. 2) Order 2023 (S.I. No. 392 of 2023)*, made 28 July 2023, were considered in the preparation of this Revised Act.

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Number 12 of 2002

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**ROAD TRAFFIC ACT 2002**

**REVISED**

**Updated to 31 July 2023**

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ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Endorsement of penalty points.
3. Disqualification by reason of penalty points.
4. Period of endorsement of penalty points.
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6. Interruption of period of endorsement of penalty points or disqualifications under *section 3*.
7. The appropriate date.
8. Endorsement of certain convictions and disqualifications on entries.
9. Disqualification pursuant to European Convention on Driving Disqualifications.
10. Obligation to provide preliminary breath specimen.
11. Fixed charge offences.
12. Amendment of Act of 1975.
13. Protection of environment.
14. Performance of certain functions.
15. Bye-laws in relation to stands for taxis.
16. Stopping places and stands for buses.
17. Amendment of section 56 of Principal Act.
18. Amendment of section 40 of Principal Act.
19. Amendment of section 18 of Act of 1968.
20. Amendment of section 35 of Act of 1994.
21. Evidence in relation to certain offences.
22. Inspection of driving licences of persons charged with certain offences.
23. Increase of certain penalties.
24. Regulations.
25. Repeals and amendment of sections 97(1)(b), 102, 107, 110, 111, 115, 125 and 126 of Principal Act.

Section

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FIRST SCHEDULE

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PART 11

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2000 (S.I. NO. 224 OF 2000)

PART 12

CONTRAVENTION OF REGULATION 3 OF ROAD TRAFFIC (CONSTRUCTION,  
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SECOND SCHEDULE

CONVENTION DRAWN UP ON THE BASIS OF ARTICLE K.3 OF THE  
TREATY ON EUROPEAN UNION ON DRIVING DISQUALIFICATIONS DONE  
AT BRUSSELS ON THE 17TH DAY OF JUNE, 1998

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ACTS REFERRED TO

Civil Service Commissioners Act, 1956	1956, No. 45
Civil Service Regulation Act, 1956	1956, No. 46
Environmental Protection Agency Act, 1992	1992, No. 7
Finance Act, 1976	1976, No. 16
Finance Act, 1993	1993, No. 13
Finance (Excise Duties) (Vehicles) Act, 1952	1952, No. 24
Interpretation Act, 1937	1937, No. 38
Local Authorities (Traffic Wardens) Act, 1975	1975, No. 14
Local Government Act, 1941	1941, No. 23
Petty Sessions (Ireland) Act, 1851	1851, c. 93
Road Traffic Act, 1961	1961, No. 24
Road Traffic Act, 1968	1968, No. 25
Road Traffic Act, 1994	1994, No. 23
Road Traffic Act, 1995	1995, No. 7
Road Traffic Acts, 1961 to 1994	
Road Traffic Acts, 1961 to 1995	
Road Traffic (Amendment) Act, 1984	1984, No. 16
Roads Act, 1920	1920, c. 72
Roads Act, 1993	1993, No. 14



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Number 12 of 2002

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**ROAD TRAFFIC ACT 2002**

**REVISED**

**Updated to 31 July 2023**

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AN ACT TO AMEND AND EXTEND THE ROAD TRAFFIC ACTS, 1961 to 1995. [10th April, 2002]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

**Annotations**

**Modifications (not altering text):**

- C1** Prospective affecting provision: application of collectively cited *Road Traffic Acts* affected by *Road Traffic Act 2010* (25/2010), s. 82(1), not commenced as of date of revision.

**Cost of prosecutions — road traffic offences.**

**82.—**(1) Where a person is convicted of an offence under the Road Traffic Acts 1961 to 2010 committed after the commencement of this section, the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay to the court the costs and expenses, measured by the court, incurred in relation to the investigation, detection and prosecution of the offence, including costs and expenses incurred in the taking of samples and the carrying out of tests, examinations and analyses.

...

- C2** Application of collectively cited *Road Traffic Acts 1961 to 2010* restricted (28.10.2011) by *Road Traffic Act 2010* (25/2010), s. 87(1), S.I. No. 543 of 2011; as substituted (20.03.2014) by *Road Traffic Act 2014* (3/2014), s. 23, S.I. No. 147 of 2014.

**Exemptions for emergency vehicles.**

**87.—**[(1) Requirements under the Road Traffic Acts 1961 to 2010 relating to vehicles and requirements, restrictions and prohibitions relating to the driving and use of vehicles, other than those provided under sections 49, 50, 51A, 52 and 53 of the Principal Act, sections 12, 13 and 15 of the Act of 1994 and sections 4, 5, 11, 12 and 14 of this Act, do not apply to—

- (a) the driving or use by a member of the Garda Síochána, an ambulance service (provided by a pre-hospital emergency care service provider recognised by the Pre-Hospital Emergency Care Council established by the Pre-Hospital Emergency Care Council (Establishment) Order 2000 ( S.I. No. 109 of 2000 )) or a fire brigade of a fire authority (within the meaning of the Fire Services Act 1981 ) of a vehicle in the performance of the duties of that member, or

(b) a person driving or using a vehicle under the direction of a member of the Garda Síochána, where such use does not endanger the safety of road users.]

**C3** Application of collectively cited *Road Traffic Acts 1961 to 2010* restricted (21.09.2011) by *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011), regs. 1(3), 42(22), sch. 2.

**42.—** ...

(22) Notwithstanding any provision of any statute listed in the Second Schedule that provides for the consent for a plan or project to which this Regulation applies to be obtained by default on the failure of the public authority to provide a response within a specified timescale or otherwise, that provision shall not have effect in respect of any plan or project to which this Regulation applies.

...

#### SECOND SCHEDULE

Number	Year	Short Title/Citation
...	...	...
...	...	Road Traffic Acts 1961 to 2010
...	...	...

**C4** Term “Commissioner” construed (1.06.2011) by *Road Traffic Act 2010* (25/2010), s. 83(1), S.I. No. 255 of 2011.

#### Functions of Commissioner of Garda Síochána.

**83.—** (1) Any reference to the Commissioner in the *Road Traffic Acts 1961 to 2010* or the *Roads Acts 1993 to 2007* is to be read as a reference to the Commissioner or another member of the Garda Síochána not below the rank of Chief Superintendent authorised by the Commissioner to act or carry out a function or requirement on his or her behalf.

...

**C5** Term “provisional licence” construed (30.10.2007) by *Road Traffic Act 2006* (23/2006), s. 11(3), S.I. No. 718 of 2007.

#### Learner permit.

**11.—** ...

(3) A reference to a provisional licence in the *Road Traffic Acts 1961 to 2006* or an instrument made thereunder is to be read as a reference to a learner permit.

...

**C6** Application of collectively cited *Road Traffic Acts 1961 to 2006* extended (21.07.2006) by *Road Traffic Act 2006* (23/2006), s. 2, S.I. No. 384 of 2006.

#### Regulations to give effect to acts of European Communities.

**2.—** The power to make regulations under the *Road Traffic Acts 1961 to 2006* includes the power to make provision in such regulations to give effect to—

- (a) a provision of the treaties of the European Communities, or
- (b) an act adopted by an institution of those Communities.

**C7** Application of collectively cited *Road Traffic Acts 1961 to 2002* modified by *Local Authorities (Traffic Wardens) Act 1975* (14/1975), s. 3(1), as substituted (3.04.2006) by *Road Traffic Act 2002* (12/2002), s. 12(1), S.I. No. 134 of 2006.

#### Provisions applying to certain offences relating to vehicles.

**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,

...]

**C8** Functions in relation to collectively cited *Road Traffic Acts 1961 to 2002* transferred from Department of and Minister for Environment and Local Government to Department of and Minister for Public Enterprise and terms construed (18.06.2002) by *National Roads and Road Traffic (Transfer of Departmental Administration and Ministerial Functions) Order 2002* (S.I. No. 298 of 2002). Note: name of Department of and Minister for Public Enterprise changed to Department of and Minister for Transport (19.06.2002) by *Public Enterprise (Alteration of Name of Department and Title of Minister) Order 2002* (S.I. No. 305 of 2002); name further changed to Department of and Minister for Transport, Tourism and Sport (2.04.2011) by *Transport (Alteration of Name of Department and Title of Minister) Order 2011* (S.I. No. 141 of 2011).

3.(1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 4 of this Order are transferred to the Department of Public Enterprise.

(2) References to the Department of the Environment and Local Government contained in any Act or instrument made thereunder and relating to any administration and business transferred by paragraph (1) of this Article shall, on and after the commencement of this Order, be construed as references to the Department of Public Enterprise.

4. (1) The functions vested in the Minister for the Environment and Local Government—

(a) by or under—

(i) the Road Traffic Acts 1961 to 2002,

...

are transferred to the Minister for Public Enterprise.

(2) References to the Minister for the Environment and Local Government contained in any Act or instrument made thereunder and relating to any functions transferred by this Article shall, on and after the commencement of this Order, be construed as references to the Minister for Public Enterprise.

**C9** Terms “road” and “public place” construed (11.09.1998) by *Air Navigation and Transport (Amendment) Act 1998* (24/1998), s. 59, S.I. No. 327 of 1998.

**Road for purposes of Road Traffic Acts, 1961 to 1995.**

59.—For the avoidance of doubt it is hereby declared that—

(a) the word “road” includes, for the purposes of the provisions of the Road Traffic Acts, 1961 to 1995, or any regulations made thereunder, a road in a State airport, and

(b) a State airport is, for the purposes of any enactment, a public place.

**C10** Application of collectively cited *Road Traffic Acts 1961 to 1987* modified (1.01.1994) by *Roads Act 1993* (14/1993), ss. 17(4), 23(1), S.I. No. 406 of 1993.

**Functions generally of the Authority.**

17.—...

(4) The Minister may make regulations providing that any function relating to national roads conferred on him or on a road authority under any enactment (including this Act), or on the Commissioner under the Road Traffic Acts, 1961 to 1987, shall, where the Minister is satisfied that the function could be more effectively performed by the Authority, in lieu of being performed by him or by that authority or by the Commissioner, be performed by the Authority with effect from a date specified in the regulations.

...

**The Authority and traffic management.**

**23.**—(1) The Authority may at any time make recommendations in writing to the Commissioner in relation to the performance of his functions under the Road Traffic Acts, 1961 to 1987 and the Commissioner shall have regard to such recommendations in the performance of his functions.

...

**C11** Term “class of mechanically propelled vehicles” in collectively cited *Road Traffic Acts 1961 to 1984* construed (7.11.1989) by *European Communities (Licensing of Drivers) Regulations 1989* (S.I. No. 287 of 1989), reg. 2.

2. A reference in the Road Traffic Acts, 1961 to 1984, to a class of mechanically propelled vehicles shall be construed as a reference to a class or category of such vehicles and cognate words and expressions shall be construed accordingly.

**Editorial Notes:**

**E1** Records of Medical Bureau of Road Safety performing certain functions under collectively cited *Road Traffic Acts 1961 to 2014* exempted from application of *Freedom of Information Act 2014* (14.10.2014) by *Freedom of Information Act 2014* (30/2014), s. 6 and sch. 1 part 1(u), commenced as per s. 1(2).

**E2** Previous affecting provision: application of collectively cited *Road Traffic Acts 1961 to 2004* restricted (24.01.2005) by *Road Traffic Act 2004* (44/2004), s. 27, S.I. No. 26 of 2005; s. 27 repealed (28.10.2011) by *Road Traffic Act 2010* (25/2010), s. 87, S.I. No. 543 of 2011.

**E3** Previous affecting provision: a record held or created by the Medical Bureau of Road Safety under the Road Traffic Acts 1961 to 2010 was exempted from application of *Freedom of Information Act 1997* by *Freedom of Information Act 1997* (13/1997), s. 46(1)(bb) as inserted (9.08.2010) by *Road Traffic Act 2010* (25/2010), s. 26(5), S.I. No. 394 of 2010; 1997 Act repealed (14.10.2014) by *Freedom of Information Act 2014* (30/2014), s. 5 and sch. 4, commenced as per s. 1(2).

Interpretation.

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

“the Act of 1968” means the [Road Traffic Act, 1968](#);

“the Act of 1975” means the [Local Authorities \(Traffic Wardens\) Act, 1975](#);

“the Act of 1994” means the [Road Traffic Act, 1994](#);

“the Acts” means the Road Traffic Acts, 1961 to 1995;

“appeal” includes an appeal by way of case stated;

“appropriate date” shall be construed in accordance with [section 7](#);

“entry”, in relation to a person, means the entry in the licence record relating to the person;

**F1**["Irish licence" means an Irish driving licence or a learner permit granted under Part III of the Principal Act;]

**F2**["licence" means an Irish licence or a foreign driving licence, as the case may be;]

“licence record” means the record jointly established and maintained by the Minister and all the licensing authorities under section 60(2) of the [Finance Act, 1993](#), in relation to licences;

“penalty point” means a point specified in *column (4) or (5) of the First Schedule*;

“penalty point offence” means an offence specified in *column (2) of the First Schedule* committed after the commencement of [section 2](#);



“the Principal Act” means the [Road Traffic Act, 1961](#).

- (2) A word or expression that is used in this Act and is also used in the Principal Act has in this Act, unless the context otherwise requires, the same meaning as it has in the Principal Act.
- (3) In this Act—
- (a) a reference to a section or a Schedule is a reference to a section of, or a Schedule to, this Act unless it is indicated that reference to some other provision is intended,
- (b) a reference to a subsection or paragraph is a reference to a subsection or paragraph of the provision in which the reference occurs unless it is indicated that reference to some other provision is intended, and
- (c) a reference to any enactment or instrument made under statute shall be construed as a reference to that enactment or instrument as amended, adapted or extended by or under any subsequent enactment or instrument made under statute.

#### Annotations

##### Amendments:

- F1** Inserted (1.08.2014) by *Road Traffic Act 2014 (3/2014)*, s. 8(a)(i), S.I. No. 147 of 2014.
- F2** Substituted (1.08.2014) by *Road Traffic Act 2014 (3/2014)*, s. 8(a)(ii), S.I. No. 147 of 2014.

##### Editorial Notes:

- E4** Previous affecting provision: section amended by *Road Traffic Act 2010 (25/2010)*, s. 53(1), not commenced; repealed and superseded (1.08.2014) by *Road Traffic Act 2014 (3/2014)*, ss. 7, 8, S.I. No. 147 of 2014.
- E5** Previous affecting provision: definition of licence amended (30.10.2007) by *Road Traffic Act 2006 (23/2006)*, s. 11(2), S.I. No. 718 of 2007; superseded (1.08.2014) as per F-note above.

F3[ Records — foreign driving licence holders and unlicensed drivers.

**1A.— ...]**

#### Annotations

##### Amendments:

- F3** Inserted by *Road Traffic Act 2010 (25/2010)*, s. 53(2), not commenced; s. 53 repealed (1.08.2014) by *Road Traffic Act 2014 (3/2014)*, s. 7, S.I. No. 147 of 2014.

Endorsement of penalty points.

**2.—F4[(1) Where a person makes a payment under section 103 (inserted by section 11) of the Principal Act or under [section 37](#) or [44](#) of the [Road Traffic Act 2010](#) in respect of an alleged penalty point offence (other than such an offence specified at reference number 2A, 3, 8, 9, 10, 12, 14 or 19 in column (2) of *Part 1* of the *First Schedule*), the number of penalty points specified in column (4) of that Schedule opposite the mention of the offence in the said column (2), standing so specified on the day of the commission of the alleged offence, shall, subject to and in accordance with the provisions of this Act, be endorsed on the entry relating to the person in respect of the alleged offence.]**

(2) Where a person is convicted of a penalty point offence, the number of penalty points specified in *column (5)* of the *First Schedule* opposite the mention of the offence in *column (2)* of that *Schedule* F5[, *standing so specified on the day of the commission of the alleged offence,*] shall, subject to and in accordance with the provisions of this Act, be endorsed on the entry relating to the person in respect of the offence.

(3) (a) Where a person, whether on the same occasion or not—

(i) makes 2 or more payments referred to in *subsection (1)* in respect of alleged penalty point offences committed on the same occasion, or

(ii) is convicted of 2 or more penalty point offences committed on the same occasion,

penalty points in respect of one only of the alleged offences or offences, determined, where appropriate, in accordance with *subsection (4)*, shall be endorsed on the entry relating to the person.

(b) Where a person, whether on the same occasion or not, makes one or more payments referred to in *subsection (1)* and is convicted of one or more penalty point offences and the alleged penalty point offences concerned and the penalty point offences were committed on the same occasion, penalty points in respect only of any one of the alleged offences and offences, determined in accordance with *subsection (4)*, shall be endorsed on the entry relating to the person.

(4) In a case referred to in *subsection (3)*—

(a) if the number of penalty points falling (but for that subsection) to be endorsed on the entry concerned in respect of one of the alleged offences, or offences, concerned differs from that or those in respect of the other or others, the number which is the bigger or biggest shall, subject to *paragraph (b)*, be endorsed on the entry, and

(b) if 2 or more of the numbers aforesaid are bigger than the other or others, or are the biggest of the numbers, and are equal, one only of them shall be so endorsed.

(5) Upon the making of a payment referred to in *subsection (1)* to a member of the Garda Síochána F6[or a person appointed under section 103 of the Principal Act], the Commissioner F6[or a person appointed under section 103 of the Principal Act] shall, as soon as may be after the payment, cause the Minister to be notified of the payment and, thereupon, subject to *subsections (3), (7) and (8)*, the Minister shall cause the appropriate number of penalty points to be endorsed on the entry concerned.

(6) F7[(a) Where a person is convicted of a penalty point offence, the Minister shall be notified of the conviction by the Courts Service—

(i) in case an appeal is brought against the conviction and it is determined against the person, as soon as may be after such determination, and

(ii) in case an appeal is not brought against the conviction, as soon as may be after the expiration of the ordinary time for bringing such an appeal.]

(b) Where the conviction of a person of a penalty point offence is reversed on appeal, it shall not be necessary to notify the Minister of the conviction.

(c) Upon the receipt by the Minister of a notification under *paragraph (a)*, the Minister shall, subject to *subsections (3), (7) and (8)*, cause the appropriate number of penalty points to be endorsed on the entry concerned.

F8[(7) If an entry in relation to a person cannot be identified or does not exist at a time when, if there were such an entry, penalty points would fall to be endorsed on

it pursuant to *subsection (5) or (6) (c)*, and subsequently such an entry is identified or made, thereupon, the points shall be so endorsed.]

(8) Where, upon conviction of a person of a penalty point offence, an ancillary disqualification order is made in respect of the person, penalty points in respect of the offence shall not be endorsed on the entry of the person.

(9) The particulars stated in *column (3)* of the *First Schedule* are inserted solely to facilitate reference to and identification of the provisions specified in *column (2)* of that Schedule and, accordingly, nothing contained in the said *column (3)* shall affect the construction or limit or control the operation of this section or that Schedule.

(10) F9[...]

#### Annotations

##### Amendments:

- F4** Substituted (25.12.2014) by *Road Traffic (No. 2) Act 2014* (39/2014), s. 2(1), commenced on enactment.
- F5** Inserted (25.12.2014) by *Road Traffic (No. 2) Act 2014* (39/2014), s. 2(2), commenced on enactment.
- F6** Inserted (24.01.2005) by *Road Traffic Act 2004* (44/2004), s. 16(a), S.I. No. 26 of 2005.
- F7** Substituted (24.01.2005) by *Road Traffic Act 2004* (44/2004), s. 16(b), S.I. No. 26 of 2005.
- F8** Substituted (1.08.2014) by *Road Traffic Act 2014* (3/2014), s. 8(b)(ii), S.I. No. 147 of 2014.
- F9** Repealed (1.08.2014) by *Road Traffic Act 2014* (3/2014), s. 5(2), S.I. No. 147 of 2014.

##### Modifications (not altering text):

- C12** Certain endorsements deemed to be made pursuant to subs. (5) (25.12.2014) by *Road Traffic (No. 2) Act 2014* (39/2014), s. 3(3), commenced on enactment.

##### Endorsement of certain penalty points

#### 3. ...

(3) Where, at any time during the period from 1 August 2014 until the passing of this Act, a payment was made by a person under section 103 (inserted by section 11 of the Act of 2002) of the Road Traffic Act 1961 in respect of an alleged penalty point offence (other than such an offence specified at reference number 2A, 3, 8, 9, 10, 12, 14 or 19 in column (2) of Part 1 of the First Schedule to the Act of 2002) and if, upon the making of that payment to a member of the Garda Síochána or a person appointed under the said section 103, the Commissioner of the Garda Síochána or a person appointed under the said section 103 caused the Minister to be notified of the payment but no penalty points were caused to be endorsed on the entry relating to the person in respect of that alleged offence, the Minister shall, as soon as may be after the passing of this Act (subject to and in accordance with the provisions of the Act of 2002, other than section 2(5) ) cause to be endorsed on the entry relating to the person, the number of penalty points specified in column (4) of that Schedule opposite the mention of the offence in the said column (2), standing so specified on the day of the commission of the alleged offence, in respect of that offence, and such endorsement is deemed to be an endorsement pursuant to section 2(5) of the Act of 2002.

- C13** Definition of Minister extended and power to transfer functions of Minister to Road Safety Authority provided (1.09.2006, establishment day) by *Road Safety Authority Act 2006* (14/2006), s. 4(2), effectively commenced by establishment day order S.I. No. 462 of 2006.

##### Functions of Authority.

#### 4.— ...

(2) The Minister may by order confer on the Authority such functions of the Minister under section 2, 3, 4, 5, 7 or 9 of the Road Traffic Act 2002 or section 36(6), (7) or (8) of the Road Traffic

Act 1961 as specified in the order and, accordingly, a reference to the Minister in a provision so specified or connected with it includes a reference to the Authority.

(10) ...

**Editorial Notes:**

- E6** Power pursuant to *Road Safety Authority Act 2006* (14/2006), s. 4(2) exercised (13.09.2006) by *Road Safety Authority Act 2006 (Conferral of Functions) Order 2006* (S.I. No. 477 of 2006), art. 2.
- E7** Previous affecting provision: subs. (1) amended (1.08.2014) by *Road Traffic Act 2014* (3/2014), s. 8(b)(i), S.I. No. 147 of 2014; superseded as per F-note above.
- E8** Previous affecting provision: subs. (1) amended (17.12.2014) by *Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012* (16/2012), s. 44(a), S.I. No. 508 of 2014; superseded as per F-note above.
- E9** Previous affecting provision: subs. (1) amended (1.05.2009) by *Road Traffic Act 2006* (23/2006), s. 16(1), S.I. No. 148 of 2009; superseded as per F-note above.
- E10** Previous affecting provision: subss. (1) and (7) amended by *Road Traffic Act 2010* (25/2010), s. 53(3)(a) and (b), not commenced; s. 53 repealed and superseded as per F-note above.
- E11** Previous affecting provision: subs. (10) inserted (22.12.2012) by *Road Traffic Act 2010* (25/2010), s. 53(3)(c), S.I. No. 560 of 2012; deleted as per F-note above.

Disqualification by reason of penalty points.

**3.—F10[(1) Where penalty points are endorsed on the entry of a person and, in consequence, the total number of penalty points standing so endorsed—**

(a) equals or exceeds 12, or

(b) in the case of a person who at the time such points are endorsed is a learner driver or a novice driver, equals or exceeds 7,

the person shall stand disqualified for a period of 6 months beginning on the appropriate date for holding a licence and a licence held by him or her at the beginning of the period shall stand suspended accordingly.]

(2) At the end of a period of disqualification pursuant to *subsection (1)* the Minister—

(a) shall cause to be removed from the entry concerned penalty points standing endorsed on it on the date of the notice under *section 5* relating to the disqualification, and

(b) shall cause a notice to be given or sent, by post or otherwise, to the person to whom the entry relates—

(i) of the ending of the period and its date, and

(ii) of the removal and particulars of the penalty points the subject of the removal.

**Annotations**

**Amendments:**

- F10** Substituted (1.08.2014) by *Road Traffic Act 2014* (3/2014), s. 8(c), S.I. No. 147 of 2014.

**Modifications (not altering text):**

- C14** Definition of Minister extended and power to transfer functions of Minister to Road Safety Authority provided (1.09.2006, Establishment Day) by *Road Safety Authority Act 2006* (14/2006), s. 4(2), effectively commenced by Establishment Day order S.I. No. 462 of 2006.

**Functions of Authority.**

4.— ...

(2) The Minister may by order confer on the Authority such functions of the Minister under section 2, 3, 4, 5, 7 or 9 of the Road Traffic Act 2002 or section 36(6), (7) or (8) of the Road Traffic Act 1961 as specified in the order and, accordingly, a reference to the Minister in a provision so specified or connected with it includes a reference to the Authority.

...

**Editorial Notes:**

- E12** Power pursuant to *Road Safety Authority Act 2006 (14/2006)*, s. 4(2) exercised (13.09.2006) by *Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006)*, art. 2.
- E13** Previous affecting provision: subs. (1) amended (28.10.2011) by *Road Traffic Act 2010 (25/2010)*, s. 64(2), S.I. No. 543 of 2011; superseded as per F-note above.

Period of  
endorsement of  
penalty points.

4.—Penalty points endorsed on the entry of a person shall, subject to [section 3\(2\)](#), remain on the entry for a period of 3 years beginning on the appropriate date, and the Minister shall—

(a) cause the penalty points to be removed from the entry at the end of that period, and

(b) cause a notice to be given or sent, by post or otherwise, to the person—

(i) of the ending of the period and its date, and

(ii) of the removal and particulars of the penalty points the subject of the removal.

**Annotations****Modifications (not altering text):**

- C15** Definition of Minister extended and power to transfer functions of Minister to Road Safety Authority provided (1.09.2006, Establishment Day) by *Road Safety Authority Act 2006 (14/2006)*, s. 4(2), effectively commenced by Establishment Day order S.I. No. 462 of 2006.

**Functions of Authority.**

4.— ...

(2) The Minister may by order confer on the Authority such functions of the Minister under section 2, 3, 4, 5, 7 or 9 of the Road Traffic Act 2002 or section 36(6), (7) or (8) of the Road Traffic Act 1961 as specified in the order and, accordingly, a reference to the Minister in a provision so specified or connected with it includes a reference to the Authority.

...

**Editorial Notes:**

- E14** Power pursuant to *Road Safety Authority Act 2006 (14/2006)*, s. 4(2) exercised (13.09.2006) by *Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006)*, art. 2.

Notification to  
licence holder of  
endorsement of  
penalty points.

5.—(1) When penalty points are endorsed on the entry of a person, the Minister shall, as soon as may be thereafter, cause a notice to be given or sent, by post or otherwise, to the person—

(a) to the effect that the number of penalty points specified in the notice has been endorsed on the entry relating to the person following—

- (i) the making by the person of a payment referred to in *section 2(1)*, or
- (ii) the conviction of the person of a penalty point offence,

and that, subject to *section 3(2)*, they will remain on the entry for a period of 3 years beginning on the appropriate date, and

F11[(b) specifying the total number of penalty points that, following the endorsement aforesaid, stand so endorsed and, if that number—

- (i) equals or exceeds 12, or
- (ii) in the case of a person who at the time such points are endorsed is a learner driver or a novice driver, equals or exceeds 7,

specifying that the person will be disqualified under *section 3* for holding a licence for a period of 6 months beginning on the appropriate date and directing him or her to submit the licence held by him or her to the licensing authority not later than 14 days from that date.]

(2) When a notice is given or sent to a person under *subsection (1)*, the Minister shall cause particulars of the notice, including its date, to be entered on the entry relating to the person.

(3) A person who does not comply with a direction under *paragraph (b)* of *subsection (1)* in a notice under that subsection shall be guilty of an offence.

#### Annotations

##### Amendments:

F11 Substituted (1.08.2014) by *Road Traffic Act 2014 (3/2014)*, s. 8(d), S.I. No. 147 of 2014.

##### Modifications (not altering text):

C16 Definition of Minister extended and power to transfer functions of Minister to Road Safety Authority provided (1.09.2006, establishment day) by *Road Safety Authority Act 2006 (14/2006)*, s. 4(2), effectively commenced by establishment day order S.I. No. 462 of 2006.

##### Functions of Authority.

4.— ...

(2) The Minister may by order confer on the Authority such functions of the Minister under section 2, 3, 4, 5, 7 or 9 of the Road Traffic Act 2002 or section 36(6), (7) or (8) of the Road Traffic Act 1961 as specified in the order and, accordingly, a reference to the Minister in a provision so specified or connected with it includes a reference to the Authority.

...

##### Editorial Notes:

E15 Power pursuant to *Road Safety Authority Act 2006 (14/2006)*, s. 4(2) exercised (13.09.2006) by *Road Safety Authority Act 2006 (Conferral of Functions) Order 2006* (S.I. No. 477 of 2006), art. 2.

E16 Previous affecting provision: subs. (1)(b) amended (12.01.2013) by *Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 (16/2012)*, s. 52(a), S.I. No. 5 of 2013; superseded as per F-note above.

Interruption of period of endorsement of penalty points or disqualifications under [section 3](#).

F12[6.—(1) Where, during the period of 3 years for which penalty points stand endorsed on the entry of a person or the period of 6 months for which a person stands disqualified pursuant to [section 3](#) for holding a licence, the person—

(a) becomes disqualified pursuant to Part III of the Principal Act, section 29 of the Act of 2010 or section 40 of the Act of 2016, or

(b) ceases to be the holder of a licence,

no part of the period of the disqualification referred to in *paragraph (a)* or the cesser referred to in *paragraph (b)*, as the case may be, shall be reckoned as part of the period of 3 years or part of the period of 6 months, and the date of the ending of the two latter periods shall be determined accordingly.

(2) Where, during the period when a person—

(a) is disqualified pursuant to Part III of the Principal Act, section 29 of the Act of 2010 or section 40 of the Act of 2016, or

(b) ceases to be the holder of a licence,

penalty points are endorsed on the entry of the person, no part of the period of the disqualification referred to in *paragraph (a)* or the cesser referred to in *paragraph (b)*, as the case may be, shall be reckoned as part of the period of 3 years for which the penalty points stand endorsed on the entry and, should the person, in consequence of the endorsement of the penalty points, stand disqualified pursuant to [section 3](#), no part of the period of the disqualification referred to in *paragraph (a)* or the cesser referred to in *paragraph (b)*, as the case may be, shall be reckoned as part of the period of 6 months of that disqualification.]

#### Annotations

#### Amendments:

**F12** Substituted (31.07.2023) by *Road Traffic and Roads Act 2023* (16/2023), s. 12(a), S.I. Np. 392 of 2023, art. 2(d).

#### Editorial Notes:

**E17** Previous affecting provision: para. (a) substituted (26.10.2018) by *Road Traffic (Amendment) Act 2018* (18/2018), s. 3(a), S.I. No. 405 of 2018; section substituted (31.07.2023) as per F-note above.

**E18** Previous affecting provision: section substituted by *Road Traffic Act 2010* (25/2010), s. 53(4), not commenced; s. 53 repealed (1.08.2014) by *Road Traffic Act 2014* (3/2014), s. 7, S.I. No. 147 of 2014.

The appropriate date.

7.—(1) In this Act, subject to the provisions of this section, the appropriate date, in relation to penalty points, is the date that is 28 days from the date of the notice under [section 5](#) relating to the penalty points; and, for the purposes of the application of this section to [section 3\(1\)](#), the notice under [section 5](#) is that relating to the penalty points concerned that are the latest to be endorsed on an entry before a disqualification occurs under [section 3\(1\)](#) of the person to whom the entry relates.

(2) Where, but for this subsection, the appropriate date would fall on a day in a period when the person concerned stands disqualified pursuant to F13[[section 3, Part III of the Principal Act or section 29 of the Road Traffic Act 2010 for holding a licence](#)], or is otherwise not the holder of a licence, the appropriate date shall fall on the day immediately after the end of the period aforesaid or, as the case may be, the day on which the person becomes such a holder.

(3) If a court enlarges the time for instituting an appeal against a conviction for penalty point offence, it may, if it thinks it is appropriate and in the interests of justice to do so, by order provide that, in relation to the penalty points concerned—

(a) (i) the period of 6 months specified in *section 3*, or

(ii) the period of 3 years specified in *section 4*,

or both such periods shall begin on such date or dates other than that or those specified in *subsection (1)* as may be stated in the order, or

(b) such a period shall consist of 2 discontinuous periods stated in the order or each such period shall consist of 2 discontinuous periods so stated.

F14[(4) Where an order is made under *subsection (3)*, the Minister shall be notified by the Courts Service.]

(5) In relation to a case in which an order is made under *subsection (3)*, *subsections (1)* and *(2)*, as may be appropriate, shall be construed in accordance with the order.

(6) (a) In any proceedings, a certificate signed by an officer of the Minister authorised by the Minister in that behalf and stating—

(i) that he or she has examined the entry relating to a person,

(ii) that a penalty point was endorsed on the entry on a specified date, and

(iii) the date of the notice under *section 5* relating to the penalty point,

shall be admissible as evidence of those facts.

(b) A document purporting to be a certificate under *paragraph (a)* shall be deemed to be such a certificate, and to have been signed by the person purporting to have signed it and to have been so signed in accordance with an authorisation under *paragraph (a)*, unless the contrary is shown.

#### Annotations

#### Amendments:

**F13** Substituted (26.10.2018) by *Road Traffic (Amendment) Act 2018 (18/2018)*, s. 3(b), S.I. No. 405 of 2018.

**F14** Substituted (24.01.2005) by *Road Traffic Act 2004 (44/2004)*, s. 17, S.I. No. 26 of 2005.

#### Modifications (not altering text):

**C17** Definition of Minister extended and power to transfer functions of Minister to Road Safety Authority provided (1.09.2006, establishment day) by *Road Safety Authority Act 2006 (14/2006)*, s. 4(2), effectively commenced by establishment day order S.I. No. 462 of 2006.

#### Functions of Authority.

4.— ...

(2) The Minister may by order confer on the Authority such functions of the Minister under section 2, 3, 4, 5, 7 or 9 of the Road Traffic Act 2002 or section 36(6), (7) or (8) of the Road Traffic Act 1961 as specified in the order and, accordingly, a reference to the Minister in a provision so specified or connected with it includes a reference to the Authority.

...



**Editorial Notes:**

**E19** Power pursuant to *Road Safety Authority Act 2006* (14/2006), s. 4(2) exercised (13.09.2006) by *Road Safety Authority Act 2006 (Conferral of Functions) Order 2006* (S.I. No. 477 of 2006), art. 2.

Endorsement of certain convictions and disqualifications on entries.

**8.**—For the purpose of enabling the convictions and the disqualification orders referred to in subsections (3) and (4) of section 36 of the Principal Act to be endorsed on the entries of those concerned in lieu of being endorsed on the licences held by them, the following amendments of the said section 36 are made as respects such convictions occurring, and such orders made, after the commencement of this section—

(a) the references in those subsections to an order directing particulars of a conviction or of a disqualification order to be endorsed on the licence held by a person or, if the person is not the holder of a licence but subsequently a licence is granted to him or her, on that licence are construed as references to an order directing that those particulars be endorsed on the entry then existing or subsequently made in relation to the person, and

(b) the following subsections are added to the said section 36:

"(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) or (4) 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.

(8) The appropriate court registrar or court clerk or such other member of the staff of the Courts Service as that Service may designate shall notify the Minister of an order under subsection (3) or (4) of this section, of the suspension or postponement under the said subsection (3) or (4) of such an order and of an order under section 29 of this Act removing a disqualification referred to in that section.

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

Disqualification pursuant to European Convention on Driving Disqualifications.

**9.**—F15[...]

**Annotations****Amendments:**

**F15** Repealed (1.08.2017) by *Road Traffic Act 2016* (21/2016), s. 41, S.I. No. 301 of 2017.

**Editorial Notes:**

- E20** Previous affecting provision: subs. (1) amended (12.01.2013) by *Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012* (16/2012), s. 52(b), S.I. No. 5 of 2013; section repealed as per F-note above.
- E21** Previous affecting provision: subss. (9), (12)(a) amended (9.08.2010) by *Road Traffic Act 2010* (25/2010), s. 68, S.I. No. 394 of 2010; section repealed as per F-note above.
- E22** Previous affecting provision: functions under section transferred to Road Safety Authority (13.09.2006) by *Road Safety Authority Act 2006 (Conferral of Functions) Order 2006* (S.I. No. 477 of 2006), art. 2 ; section repealed as per F-note above.
- E23** Previous affecting provision: definition of Minister extended and power to transfer functions of Minister to Road Safety Authority provided (1.09.2006, establishment day) by *Road Safety Authority Act 2006* (14/2006), s. 4(2), effectively commenced by establishment day order S.I. No. 462 of 2006; section repealed as per F-note above.
- E24** Previous affecting provision: sub. (1)(a) substituted (31.05.2006) by *Road Safety Authority Act 2006* (14/2006), s. 38, commenced on enactment; section repealed as per F-note above.
- E25** Previous affecting provision: subss. (8), (9)(a) substituted (24.01.2005) by *Road Traffic Act 2004* (44/2004), s. 25, S.I. No. 26 of 2005; section repealed as per F-note above.

Obligation to provide preliminary breath specimen.

**10.—F16[...]**

**Annotations****Amendments:**

- F16** Repealed (1.12.2003) by *Road Traffic Act 2003* (37/2003), s. 4, S.I. No. 647 of 2003.

Fixed charge offences.

**11.—F17[...]**

**Annotations****Amendments:**

- F17** Repealed (1.06.2017) by *Road Traffic Act 2010* (25/2010), s. 49(b), S.I. No. 241 of 2017.

Amendment of Act of 1975.

**12.—(1)** The following section is substituted for section 3 of the Act of 1975:

“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,

- (ii) the offence under section 18 of the Principal Act of contravening article 5 (prohibition of use of vehicles not displaying valid test disc) of the Road Traffic (National Car Test) Regulations, 1999 (S.I. No. 395 of 1999),
- (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](#).

(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 shall serve, or cause to be served, personally or by post, on the person a notice under this section,
- (b) if the warden does not identify the person and the offence involves the use of a mechanically propelled vehicle, the warden shall serve, or cause to be served, personally or by post, on the registered owner of the vehicle a notice under this section or shall affix such a notice to the vehicle.

(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
- (b) the registered owner of the vehicle was not 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.

(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
- (h) subject to paragraph (f) of this subsection, failure to comply with the said subsection (3) is an offence upon conviction of which the registered owner is liable to a fine not exceeding €800.

(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 in any circumstances 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.

(9) In a prosecution for a fixed charge offence, it shall be presumed, until the contrary is shown, that a payment pursuant to the relevant notice under this section accompanied by the notice, duly completed, 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 €800, 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 €800.

(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 shall be guilty of an offence.

(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.

(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 have been inserted by or on behalf of the person.”.

(2) Section 2 of the Act of 1975 is amended by the substitution of the following for subsection (1):

“(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.”.

(3) Section 5 of the Act of 1975 is amended by the substitution of “an offence under section 3(12) of this Act” for “an offence under section 3(5) of this Act.”.

(4) Regulations under section 3 of the Act of 1975 in force immediately before the commencement of this section shall continue in force after such commencement as if made under section 3 (as inserted by this Act) of that Act and may be amended or revoked accordingly.

**Annotations****Amendments:**

**F18** Repealed (1.06.2011) by *Road Traffic Act 2010* (25/2010), s. 91, S.I. No. 255 of 2011.

Performance of  
certain functions.

**14.**—(1) The Minister may, by an agreement in writing entered into with any person, upon such terms and conditions as may be specified in the agreement, provide for the performance by that person, subject to such terms and conditions (if any) as may be so specified, of such functions as may be so specified.

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

- (a) the fees (if any) to be charged by the person performing a function in pursuance of the agreement on those in relation to whom the function is performed or on the person on whom the function was originally conferred,
- (b) the payments (if any) to be made to the person on whom the function was originally conferred by the person performing the function in pursuance of the agreement, and
- (c) the disposal of any such fees and payments as aforesaid.

(3) An agreement under this section shall operate, so long as it continues in force, to confer and vest in the person concerned, to the extent and subject to the terms and conditions specified in the agreement, the function so specified.

(4) A function conferred on a person by an agreement under this section shall be performable by the person in his or her own name but subject to the general superintendence and control of the person on whom the function was originally conferred.

(5) A function referred to in *subsection (4)* shall, notwithstanding the agreement concerned, continue to be vested in the person on whom it was originally conferred but shall be so vested concurrently with the person on whom it is conferred by that agreement and so as to be capable of being performed by either of those persons.

(6) The conferral on a person by an agreement under this section of a function of the Minister shall not remove or derogate from the Minister's responsibility to Dáil Éireann or as a member of the Government for the performance of the function.

(7) In this section “function” includes a power and a duty; and the references to a function are references to a function conferred on the Minister, a licensing authority, a local authority, a road authority or the Commissioner by, or by a statutory instrument (within the meaning of the *Interpretation Act, 1937*), under the Acts or this Act other than a function of the Minister under this section, or a power to make, approve of, or consult in relation to, the making of, a statutory instrument (within the meaning aforesaid).

**Annotations****Modifications (not altering text):**

**C18** Application of subss. (2), (3) and (4) extended (1.06.2017) by *Road Traffic Act 2010* (25/2010), s. 43, S.I. No. 241 of 2017

**Outsourcing.**

**43.**— (1) The Minister for Justice and Law Reform may, by an agreement in writing entered into with a person, upon such terms and conditions as may be specified in the agreement, provide for the performance by that person of—

(a) the function of the Commissioner in respect of the serving of a document under section 35 (9)

...

(3) Section 14 (2), (3) and (4) of the Road Traffic Act 2002 apply to any agreement entered into by the Minister for Justice and Law Reform under subsection (1)(a).

**C19** Application of subss. (2), (3) and (4) extended (28.10.2011) by *Road Traffic Act 2010* (25/2010), s. 29(19), S.I. No. 543 of 2011.

**Fixed penalty notice — drink driving.**

**29.—** ...

(19) (a) The Minister for Justice and Law Reform may by an agreement in writing entered into with any person, upon such terms and conditions as may be specified in the agreement, provide for the performance by that person of any of the functions of a member of the Garda Síochána relating to the issuing of a fixed penalty notice, the receipt of such notice, the acceptance of a payment or the issuing of a receipt for such payment, as are set out in this section or of the function of the Commissioner in respect of the issue of a notice under subsection (9)

...

(c) Section 14(2), (3) and (4) of the Act of 2002 applies to any agreement entered into by the Minister for Justice and Law Reform under paragraph (a).

**C20** Application of subss. (2), (3) and (4) extended (1.06.2011) by *Road Traffic Act 2010* (25/2010), s. 81, S.I. No. 255 of 2011.

**Evidence in relation to speeding and certain other offences.**

**81.—** ...

(7) (a) The Minister for Justice and Law Reform may by an agreement in writing entered into with any person, upon such terms and conditions as may be specified in the agreement, which shall include a condition to the effect that the determination of the locations where equipment is to be operated shall be a function of a member of the Garda Síochána not below the rank of Superintendent, provide for the authorisation of that or other persons for the purposes of subsection (2), and the performance by those authorised persons of any function, which shall be specified in the agreement, relating to the establishing of prima facie proof of a constituent of an offence including the provision, maintenance and operation of equipment and the development, production and viewing of records produced by that equipment and the production of measurements or other indications from which a constituent of an offence can be inferred.

...

(c) Section 14(2), (3) and (4) of the Act of 2002 applies to any agreement entered into by the Minister for Justice and Law Reform under this subsection.

**C21** Application of subss. (2), (3) and (4) extended by *Road Traffic Act 1961* (24/1961), s. 103(23) as inserted (31.10.2002) by this Act, s. 11 (S.I. No. 491 of 2002) and (24.01.2005) by *Road Traffic Act 2004* (44/2004), s. 18(1)(i), S.I. No. 26 of 2005.

**Fixed charge offences.**

**103.—** ...

[(23) (a) The Minister for Justice, Equality and Law Reform may, by an agreement in writing, entered into with a person, upon such terms and conditions as may be specified in the agreement, provide for the performance by that person of—

(i) the function of the Commissioner in respect of the serving of a document under subsection (5) of this section, or

(ii) any of the functions of a member of the Garda Síochána or a traffic warden under this section other than the functions specified in subsection (2) of this section.



...

(c) Section 14(2), (3) and (4) of the Road Traffic Act 2002 applies to any agreement entered into by the Minister for Justice, Equality and Law Reform under paragraph (a) of this subsection. ]

**Editorial Notes:**

**E26** Previous affecting provision: application of subss. (2), (3) and (4) extended by *Road Traffic Act 2006* (23/2006), s. 5(15), not commenced; s. 5 repealed (28.10.2011) by *Road Traffic Act 2010* (25/2010), s. 32(2), S.I. No. 543 of 2011, subject to transitional provision in subs. (3).

Bye-laws in relation to stands for taxis.

**15.—F19[...]**

**Annotations**

**Amendments:**

**F19** Repealed (6.04.2014) by *Taxi Regulation Act 2013* (37/2013), s. 4(b), S.I. No. 163 of 2014.

Stopping places and stands for buses.

**16.—(1)** The following section is substituted for section 85 of the Principal Act:

“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](#).”.

(2) Directions under section 85 of the Principal Act in force immediately before the commencement of this section shall continue in force after such commencement as if given under section 85 (as inserted by this Act) of the Principal Act and may be amended or revoked accordingly.

Amendment of section 56 of Principal Act.

**17.**—The following subsection is substituted for subsection (2) of section 56 of the Principal Act:

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

(a) it may, in so far as it relates to injury to property, be limited to the sum of €200,000 in respect of injury caused by any one act of negligence or any one series of acts of negligence collectively constituting one event,

(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.”.

Amendment of section 40 of Principal Act.

**18.**—F20[...]

#### Annotations

#### Amendments:

**F20** Repealed (1.06.2011) by *Road Traffic Act 2010* (25/2010), s. 59(2)(b), S.I. No. 255 of 2011.

Amendment of section 18 of Act of 1968.

**19.**—Section 18 of the Act of 1968 is hereby amended by the insertion after subsection (1) of the following subsection:

“(1A) (a) In this subsection—

‘approval’ means a document authorising the holder to issue instruction certificates;

‘approved body’ means a body that holds an approval;

‘driving instruction’ means instruction given for reward in or in respect of the driving of a vehicle;

‘instruction certificate’ means a certificate referred to in paragraph (b)(ii).

(b) Regulations under this section may provide for—

(i) the exemption from the regulations or specified provisions of the regulations of holders of instruction certificates as respects vehicles to which the certificates relate,

- (ii) the issue of instruction certificates by an approved body to persons as respects whom the body is satisfied that they are competent, and appropriately qualified, to give driving instruction of a recognised standard specified in the regulations in respect of vehicles or vehicles of a specified class and the inclusion in the certificates of statements to the effect that the body is so satisfied,
- (iii) the revocation by an approved body of an instruction certificate issued by it,
- (iv) the grant by the Minister of approvals to persons as respects whom the Minister is satisfied that they are competent, and appropriately qualified, to assess the competence and qualifications of persons who apply to them for the issue of instruction certificates,
- (v) the attachment of conditions by the Minister to approvals and the revocation or amendment of such conditions,
- (vi) notification of the person concerned of a proposal to revoke an approval or instruction certificate, or to revoke or amend conditions of approvals, and of the reasons therefor,
- (vii) the making of representations to the Minister or the approved body concerned by the persons affected in relation to proposals referred to in subparagraph (vi) and the consideration of any such representations by the Minister or by the body, as the case may be, before deciding whether to proceed with the proposals,
- (viii) appeals to the District Court against a revocation or amendment aforesaid and against refusals to issue an approval or an instruction certificate,
- (ix) applications for approvals and the conditions to be complied with by applicants (including conditions relating to competence, standards and qualifications and the payment of fees to the Minister),
- (x) the systems to be established by approved bodies for ascertaining and assessing from time to time the competence and standards of holders of instruction certificates, and
- (xi) the entry on premises of approved bodies and applicants for approvals at all reasonable times by duly authorised officers of the Minister and the examination and copying by such officers of records and other documents, whether in electronic or other form, kept there and the provision to such officers by such bodies and applicants and their staff of such information as they may reasonably request for the purposes of the functions of the Minister under this subsection.”.

Amendment of section 35 of Act of 1994.

**20.**—Section 35 of the Act of 1994 is amended by the insertion in subsection (2) of the following paragraph after paragraph (r):

“(rr) the control and regulation of the use of stopping places, and stands, specified in notices under section 85 of the Principal Act including the restriction and prohibition of the parking and stopping of vehicles at such stopping places and stands;”.

Evidence in relation to certain offences.

**21.**—F21[...]

**Annotations****Amendments:**

**F21** Repealed (1.06.2011) by *Road Traffic Act 2010* (25/2010), s. 81(10)(a), S.I. No. 255 of 2011.

**Editorial Notes:**

**E27** Previous affecting provision: text substituted and inserted (21.07.2006) by *Road Traffic Act 2006* (23/2006), s. 17, S.I. No. 384 of 2006.

**E28** Previous affecting provision: text substituted and inserted (20.01.2005) by *Road Traffic Act 2004* (44/2004), s. 15, S.I. No. 8 of 2005.

Inspection of driving licences of persons charged with certain offences.

F22[F23]**22.**—F24[(1) Where a person is convicted of an offence under the *Road Traffic Acts 1961 to 2016* other than an offence under—

(a) section 38, 84, 85 or 101 of the Principal Act, or

(b) section 35 (in so far as it relates to the parking of vehicles), 36 or 36A (inserted by section 12 of the *Roads Act 2007*) of the Act of 1994,

the presiding judge shall require the person to produce his or her driving licence or learner permit to the registrar, clerk or other principal officer of the court, and the court shall record—

(i) whether or not the licence or permit was produced, and

(ii) where the licence or permit was produced, the details specified in that licence or permit.]

(a) section 84 (inserted by section 15 of the Act of 2002), section 85 (inserted by section 16 of the Act of 2002) or section 101 of the Principal Act, or

(b) section 35 (in so far as it relates to the parking of vehicles), section 36 or section 36A (inserted by section 12 of the *Roads Act 2007*) of the Act of 1994,

and is due to appear before a court to answer the accusation or charge, shall on the first date he or she is due to appear before the court or on a subsequent date at the discretion of the presiding judge—

(i) produce to the court his or her driving licence or learner permit, and deliver it to the registrar, clerk or other principal officer of the court, and

(ii) provide a legible copy of that licence or learner permit to the court at that time, which the court shall require and retain for the purposes of establishing and recording the driving licence or learner permit details to which it relates,

and the court shall record whether or not the licence or permit and the copy of the licence or permit have been produced. ]

(2) A person who fails to produce his or her licence to the court in accordance with F24[a requirement under *subsection (1)*] is guilty of an offence.

(3) In any proceedings for an offence under *subsection (2)*—

(a) a certified copy of a court order in relation to an offence referred to in *subsection (1)*, or

(b) any other form of notification certifying that the driving licence was not produced to the court as provided for in the Rules of Court,

is admissible as evidence of those facts.]

**Annotations****Amendments:**

- F22** Substituted (24.01.2005) by *Road Traffic Act 2004 (44/2004)*, s. 21, S.I. No. 26 of 2005.
- F23** Substituted (28.10.2011) by *Road Traffic Act 2010 (25/2010)*, s. 63, S.I. No. 543 of 2011.
- F24** Substituted (13.04.2017) by *Road Traffic Act 2016 (21/2016)*, s. 33, S.I. No. 129 of 2017.

Increase in  
certain penalties

**23.—F25[...]****Annotations****Amendments:**

- F25** Repealed (5.03.2007) by *Road Traffic Act 2006 (23/2006)*, s. 18(2), S.I. No. 86 of 2007.

**Editorial Notes:**

- E29** Previous affecting provision: items in table deleted by *Road Traffic Act 2004 (44/2004)*, s. 35, not commenced; section repealed as per F-note above.
- E30** Previous affecting provision: part of table substituted (8.07.2003) by *Taxi Regulation Act 2003 (25/2003)*, s. 56(a) and (b), commenced on enactment; section repealed as per F-note above.

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.

(3) Regulations under this Act may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.

(4) Regulations under this Act (other than *subsection (2)*) shall be laid before each House of the Oireachtas as soon as may be after they are made and, if a resolution annulling the regulations is passed by either such House within the next subsequent 21 days on which that House has sat after the regulations are laid before it, the regulations shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(5) Where the Minister proposes to make regulations under *subsection (2)*, he or she shall cause a draft of the regulations to be laid before each House of the Oireachtas and the regulations shall not be made until a resolution approving of the draft has been passed by each such House.

Repeals and  
amendment of  
sections 97(1)(b),  
102, 107, 110,  
111, 115, 125 and  
126 of Principal  
Act.

**25.—(1)** Sections 97(1)(b), 102, 107, 110, 111, 115, 125 and 126 of the Principal Act are amended by the deletion, in each place where it occurs of "Road Traffic Acts, 1961 to 1994," and the substitution of "this Act".

(2) Subsections (1) and (2) of section 36 and sections 86, 104 and 105 of the Principal Act and section 64 of the Act of 1968 are repealed as respects offences committed after the commencement of this section.

Short title,  
commencement,  
construction and  
collective  
citation.

**26.—(1)** This Act may be cited as the **Road Traffic Act, 2002**.

(2) This Act shall come into operation on such day or days as, by order or orders made by the Minister under this section, may be fixed therefor either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions, including the application of **section 25** to different statutory provisions specified therein.

(3) The Acts and this Act shall be construed together as one Act and may be cited together as the Road Traffic Acts, 1961 to 2002.

#### Annotations

##### Editorial Notes:

**E31** Power pursuant to subs. (2) exercised (28.07.2015) by *Road Traffic Act 2002 (Section 22) (Commencement) Order 2015* (S.I. No. 332 of 2015).

2. Section 22 (inserted by section 21 of the Road Traffic Act 2004 (No. 44 of 2004) as amended by section 63 of the Road Traffic Act 2010 (No. 25 of 2010)) of the Road Traffic Act 2002 (No. 12 of 2002) (in so far as it is not already in operation) comes into operation on 28th July 2015.

**E32** Power pursuant to subs. (2) exercised (8.12.2014) by *Road Traffic Act 2006 (Commencement) (Penalty Point - Speed Limitation Devices) Order 2014* (S.I. No. 560 of 2014).

2. The day fixed as the day on which—

(a) section 16 (2)(e) (in so far as it relates to the insertion of Part 6 into the First Schedule to the Road Traffic Act 2002 (No. 12 of 2002) of the Road Traffic Act 2006 (No. 23 of 2006), and

(b) Part 6 (inserted by the said section 16 (2)(e)) of the First Schedule to the Road Traffic Act 2002 (No. 12 of 2002),

come into operation is 8th December 2014.

**E33** Power pursuant to subs. (2) exercised (17.11.2014) by *Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 (Commencement) (Penalty Points - Certificate of Road Worthiness) Order 2014* (S.I. No. 508 of 2014).

2. The day fixed as the day on which section 44 (a) and (b) of the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 (No. 16 of 2012) and the matter at reference number 2A (inserted by the said section 44(b)) in Part 1 of the First Schedule to the Road Traffic Act 2002 (No. 12 of 2002) come into operation is 17th November 2014.

**E34** Power pursuant to section exercised (9.01.2013 and 1.02.2013) by *Road Traffic Act 2002 (Certain Provisions) (Commencement) Order 2013* (S.I. No. 12 of 2013).

2. The day fixed as the day on which—

(a) section 8 (in so far as it is not already in operation),

(b) section 20, and

(c) section 25(2) (in so far as it is not already in operation),

of the Road Traffic Act 2002 (No. 12 of 2002) come into operation is the day after the making of this order.

3. The day fixed as the day on which section 16 of the Road Traffic Act 2002 comes into operation is 1 February 2013.

**E35** Power pursuant to section exercised (3.08.2012) by *Road Traffic Act 2002 (Commencement of Certain Provisions) (Penalty Points) Order 2012* (S.I. No. 296 of 2012).

2. The day fixed as the day on which the following provisions of the Road Traffic Act 2002 (No. 12 of 2002) namely—

(a) the matter mentioned—

(i) at reference number 1, in columns (1) to (5), of Part 1, and

(ii) in Part 7,

of the First Schedule to that Act, and

(b) to the extent specified in relation to them—

(i) sections 8 and 22 in so far as they apply to the offences specified at the reference numbers specified in paragraph (a) committed after 3 August 2012, and

(ii) section 25(2) as respects offences specified at those reference numbers, committed after 3 August 2012, in so far as it applies to the repeal of subsections (1) and (2) of section 36 of the Road Traffic Act 1961 (No. 24 of 1961),

come into operation is 3 August 2012.

**E36** Power pursuant to section exercised (28.01.2010) by *Road Traffic Act 2002 (Section 9) (Commencement) Order 2010* (S.I. No. 11 of 2010).

2. The day fixed as the day on which section 9 of the Road Traffic Act 2002 (No. 12 of 2002) comes into operation is 28th January 2010.

**E37** Power pursuant to section exercised (1.05.2009) by *Road Traffic Act 2002 (Commencement of Certain Provisions) (Penalty Points) Order 2009* (S.I. No. 149 of 2009).

2. The day fixed as the day on which the following provisions of the Road Traffic Act 2002 (No. 12 of 2002) namely—

(a) the matter mentioned at—

(i) reference numbers 2, 3, 10 and 19 (inserted by section 16(2)(c) of the Road Traffic Act 2006 (No. 23 of 2006)) in columns (1) to (5) of Part 1, and

(ii) reference number 1 in columns (1) to (5) of Part 8 (inserted by section 16(2)(e) of that Act), of the First Schedule to that Act, and

(b) to the extent specified in relation to them—

(i) sections 8 and 22 in so far as they apply to the offences specified at the reference numbers specified in paragraph (a) committed after 1 May 2009, and

(ii) section 25(2) as respects offences specified at those reference numbers, committed after 1 May 2009, in so far as it applies to the repeal of subsections (1) and (2) of section 36 of the Road Traffic Act 1961 (No. 24 of 1961),

come into operation is 1 May 2009.

**E38** Power pursuant to section exercised (1.09.2006) by *Road Traffic Act 2002 (Commencement of Certain Provisions relating to Driving while Holding Mobile Phone) Order 2006* (S.I. No. 443 of 2006).

2. The day fixed as the day on which the following provisions of the Road Traffic Act 2002 (No. 12 of 2002) come into operation is 1 September 2006, that is to say:

(a) sections 8 and 22, in so far as they apply to an offence under section (3)(3) of the Road Traffic Act 2006 (No. 23 of 2006),

(b) Part 1 of the First Schedule, in so far as it relates to the offence specified at reference number 18 (inserted by section 16 (2)(c) of the Road Traffic Act 2006 ), and

(c) section 25(2), in so far as it applies to the repeal of subsections (1) and (2) of section 36 of the Road Traffic Act 1961 (No. 24 of 1961) in respect of the offence specified at that reference number.

**E39** Power pursuant to section exercised (3.04.2006) by *Road Traffic Act 2002 (Commencement of Certain Provisions) Order 2006* (S.I. No. 134 of 2006).

3. The day fixed as the day on which the following provisions of the Act of 2002 come into operation is 3 April 2006 to the extent specified in relation to them, namely -

(a) section 12 (in so far as it is not already in operation),

(b) sections 9, 14 and 19,

(c) sections 8 and 22, in respect of —

(i) offences under sections 48, 51A, 55, 96, 106 and 109 of the Principal Act,

(ii) the offences specified in Part 4 of the First Schedule, and

(iii) the offences specified at reference numbers 8, 11, 13, 14, 15 and 17 in Part 1 of the First Schedule, and

(d) section 25(2), in so far as it applies to the repeal of subsections (1) and (2) of section 36 of the Principal Act in respect of the offences specified —

(i) at reference numbers 8, 11, 13, 14, 15 and 17 in Part 1 of the First Schedule, and

(ii) in Part 4 of the First Schedule.

**E40** Power pursuant to section exercised (4.06.2004) by *Road Traffic Act 2002 (Commencement of Certain Provisions) Order 2004* (S.I. No. 248 of 2004).

3. The 4th day of June 2004 is fixed as the day on which the following provisions of the 2002 Act come into operation in respect of offences committed on or after that date:

(a) sections 8 and 22 in so far as they apply to offences under section 52 (as substituted by section 50 of the 1968 Act) of the Principal Act, and so much of Part 1 of the First Schedule as relates to the offence specified at reference number 9 of that part;

(b) section 25 (2) in so far as it applies to subsections (1) and (2) of section 36 (as amended by section 49(1)(d) of the 1994 Act) of the Principal Act in respect of the offence specified at reference number 9 in Part 1 of the First Schedule to the 2002 Act.

**E41** Power pursuant to section exercised (25.08.2003) by *Road Traffic Act 2002 (Commencement)(No. 2) Order 2003* (S.I. No. 321 of 2003).

3. The 25th day of August 2003 is fixed as the day on which the matter at reference numbers 15 and 16 in columns (1) to (5) of Part 2 of the First Schedule to the Act of 2002 comes into operation and on which the following provisions of that Act come into operation to the extent specified in relation to them:

(a) section 22 of the Act of 2002 in so far as it applies to the following offences under section 11 of the Principal Act:

(i) an offence committed on or after 25th August 2003 consisting of a contravention by a driver of a vehicle of article 6 of the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) (No. 3) Regulations 1991 ( S.I. No. 359 of 1991 ) (being the offence specified at the said reference number 15), and

(ii) an offence committed on or after 25th August 2003 consisting of a contravention of article 7(3) of the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) (No. 3) Regulations 1991 (being the offence specified at the said reference number 16),

(b) section 8 of the Act of 2002 in so far as it applies to the offences specified at the said reference numbers 15 and 16 committed on or after 25th August 2003, and



(c) section 25(2) of the Act of 2002 as respects offences specified at the said reference numbers 15 and 16 committed on or after 25th August 2003, in so far as it applies to subsections (1) and (2) of section 36 of the Principal Act.

**E42** Power pursuant to section exercised (1.06.2003) by *Road Traffic Act 2002 (Commencement) Order 2003* (S.I. No. 214 of 2003).

3. The 1st day of June 2003 is fixed as the day on which sections 2 to 7, in so far as they are not in operation, of, and the matter at reference number 12 in columns (1) to (5) of Part I of the First Schedule to, the Act of 2002 comes into operation and the day on which the following provisions of that Act come into operation to the extent specified in relation to them:

(a) section 22 of the Act of 2002 in so far as it applies to an offence under section 56 of the Principal Act (being the offence specified at the said reference number 12) committed on or after 1 June 2003,

(b) section 8 of the Act of 2002 in so far as it applies to offences under sections 47 and 56 of the Principal Act (being the offences specified at reference numbers 7 and 12 in the said Part I) committed on or after 1 June 2003, and

(c) section 25(2) of the Act of 2002 -

(i) in so far as it applies to section 105 of the Principal Act, and

(ii) as respects the offences specified at the said reference numbers 7 and 12 committed on or after 1 June 2003, in so far as it applies to subsections (1) and (2) of section 36 of the Principal Act.

**E43** Power pursuant to section exercised (1.01.2003 and 1.02.2003) by *Road Traffic Act 2002 (Commencement) Order 2002* (S.I. No. 598 of 2002).

2. The 1st day of January 2003 is fixed as the day on which sections 12(2) and 18 of the Road Traffic Act 2002 ( No. 12 of 2002 ) come into operation.

3. The 1st day of February 2003 is fixed as the day on which section 15 of the Road Traffic Act 2002 comes into operation.

**E44** Power pursuant to section exercised (31.10.2002) by *Road Traffic Act 2002 (Commencement) Order 2002* (S.I. No. 491 of 2002).

2. (1) The 31st day of October 2002 is fixed as the day on which sections 1, 11, 21, 23, 24 and 26 of, and the matter at reference number 7 in columns (1) to (5) of Part 1 of the First Schedule to, the Act of 2002 come into operation and on which the following provisions of that Act come into operation to the extent specified in relation to them:

(a) sections 2 to 7 and 22 of the Act of 2002 in so far as they apply to an offence under section 47 of the Principal Act (being the offence specified at the said reference number 7), and

(b) section 25 (2) of the Act of 2002, as respects offences committed after the said 31st day of October 2002, in so far as it applies to section 104 of the Principal Act.

## Section 2.

## FIRST SCHEDULE

## PENALTY POINTS

## PART 1

## CONTRAVENTION OF CERTAIN STATUTORY PROVISIONS

F26[The offences specified in column (2) of this Part at reference numbers 2, 3, 8, 9, 10, 11, 12, 14 and 19] do not include offences on conviction of which the court is required to make a consequential disqualification order.

Reference Number	Offence	General Description of Offence	Penalty Points on Payment of Fixed Charge	Penalty Points on Conviction
(1)	(2)	(3)	(4)	(5)
1	Offence under section 12 of Road Traffic Act, 1961	Using vehicle— (a) whose weight unladen exceeds maximum permitted weight, (b) whose weight laden exceeds maximum permitted weight, or (c) any part of which transmits to ground greater weight than maximum permitted weight.	1	3
2	Offence under F27[section 18(2)] of Road Traffic Act, 1961	Using vehicle without test certificate	F28[3]	5
F29[2A]	Offence under section 6(2) of the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 (other than in circumstances referred to in paragraph 15 of the Second Schedule to the Road Traffic Act 1961).	Using vehicle without certificate of roadworthiness		5]
3	Offence under section 20(10) of Road Traffic Act, 1961	Driving vehicle before remedying dangerous defect		3
F30[4]	Offence consisting of contravention of Article 10(1)(a)	Overtaking of a pedal cyclist in the circumstances prohibited	3	5]
F31[4a]	Offence consisting of contravention of Article 10(1)(b)	Overtaking in prohibited circumstances (other than overtaking a pedal cyclist)	3	5]

Reference Number	Offence	General Description of Offence	Penalty Points on Payment of Fixed Charge	Penalty Points on Conviction
(1)	(2)	(3)	(4)	(5)
5	Offence under section 39 of Road Traffic Act, 1961	Applying for a licence while disqualified for so applying	1	3
6	Offence under section 40 of Road Traffic Act, 1961	Failure to produce a licence to member of Garda Síochána	1	3
7	Offence under section 47 of Road Traffic Act, 1961	Exceeding a speed limit	F32[3]	F33[5]
8	Offence under section 48 of Road Traffic Act, 1961	Driving vehicle when unfit		3
9	Offence under section 52 of Road Traffic Act, 1961	Careless driving F34[where the offence involves the use of a mechanically propelled vehicle]		5
10	Offence under section 54 of Road Traffic Act, 1961	Driving dangerously defective vehicle F35[or combination of vehicles]		5
11	Offence under section 55 of Road Traffic Act, 1961	Parking vehicle in dangerous position	F28[3]	5
12	Offence under section 56 of Road Traffic Act, 1961	Using vehicle without insurance or guarantee		5
13	Offence under section 96 of Road Traffic Act, 1961	Failure to stop vehicle at school warden sign	F32[2]	F33[5]
14	Offence under section 106 of Road Traffic Act, 1961	Breach of duties on occurrence of accident		5
15	Offence under section 109 of Road Traffic Act, 1961	Failure to stop vehicle when so required by member of Garda Síochána	2	5
16	Offence under section 115 of Road Traffic Act, 1961	Furnishing false or misleading particulars in connection with application for licence	1	3
F36[17]	Offence under section 51A of Road Traffic Act 1961	Driving without reasonable consideration	2	4]
F37[18]	Offence under section 3(3) of Road Traffic Act 2006	Driving a vehicle while holding a mobile phone	F32[3]	F33[5]
19	Offence under section 138(3) of Railway Safety Act 2005, tried summarily	Bridge strikes, etc.	2	3]

**Annotations****Amendments:**

- F26** Substituted (1.05.2009) by *Road Traffic Act 2006* (23/2006), s. 16(2)(a), S.I. No. 148 of 2009.
- F27** Inserted (25.12.2014) by *Road Traffic (No. 2) Act 2014* (39/2014), s. 2(3), commenced on enactment.
- F28** Inserted (8.12.2014) by *Road Traffic Act 2014* (3/2014), s. 10(a)(i)(I) and (III), S.I. No. 562 of 2014.
- F29** Inserted (17.11.2014) by *Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012* (16/2012), s. 44(b), S.I. No. 508 of 2014.
- F30** Substituted (31.07.2023) by *Road Traffic and Roads Act 2023* (16/2023), s. 12(b), S.I. No. 392 of 2023.
- F31** Inserted (31.07.2023) by *Road Traffic and Roads Act 2023* (16/2023), s. 12(b), S.I. No. 392 of 2023.
- F32** Substituted (1.08.2014) by *Road Traffic Act 2014* (3/2014), s. 10(a)(i)(II) and (IV), S.I. No. 345 of 2014.
- F33** Substituted (1.08.2014) by *Road Traffic Act 2014* (3/2014), s. 10(a)(ii), S.I. No. 345 of 2014.
- F34** Inserted (24.01.2005) by *Road Traffic Act 2004* (44/2004), s. 22(a)(i), S.I. No. 26 of 2005.
- F35** Inserted (27.03.2013) by *Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012* (16/2012), s. 44(c), S.I. No. 105 of 2013.
- F36** Inserted (24.01.2005) by *Road Traffic Act 2004* (44/2004), s. 22(a)(ii), S.I. No. 26 of 2005.
- F37** Inserted (1.09.2006 and 1.05.2009) by *Road Traffic Act 2006* (25/2006), s. 16(2)(c), S.I. No. 457 of 2006 (reference no. 18) and S.I. No. 148 of 2009 (reference no. 19).
- F38** Inserted by *Road Traffic Act 2016* (21/2016), s. 34(b), not commenced as of date of revision.
- F39** Substituted by *Road Traffic Act 2006* (23/2006), s. 16(2)(b), not commenced as of date of revision.
- F40** Substituted by *Road Traffic Act 2010* (25/2010), s. 54(a), not commenced as of date of revision.

**Modifications (not altering text):**

- C22** Prospective affecting provision: ref. 2A, column 4 inserted by *Road Traffic Act 2016* (21/2016), s. 34(b), not commenced as of date of revision.

F29[2A]	Offence under section 6(2) of the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 (other than in circumstances referred to in paragraph 15 of the Second Schedule to the Road Traffic Act 1961).	Using vehicle without certificate of roadworthiness	F38[3]	5]
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- C23** Prospective affecting provisions: sch. 1 part 1, reference numbers 4 and 9 amended by *Road Traffic Act 2006* (23/2006), s. 16(2)(b), not commenced as of date of revision and by *Road Traffic Act 2010* (25/2010), s. 54(a), not commenced as of date of revision.

Reference Number	Offences	General Description of Offence	Penalty Points on Payment of Fixed Charge	Penalty Points on Conviction
...	...	...	...	...

F39[4	Offence under section 38(2)(a)(ii) of Road Traffic Act 1961 (other than in the circumstances referred to in subsection (5)(a) of that subsection)	Driving without a licence	1	3]
...	...	...	...	...
9	F40[Offence under section 52 of the Road Traffic Act 1961, where the contravention involved the use of a mechanically propelled vehicle, tried summarily	Careless driving]		F40[3]
...	...	...	...	...

## F41[PART 1A

Reference Number	Offence	General Description of Offence	Penalty Points on Payment of Fixed Charge	Penalty Points on Conviction
(1)	(2)	(3)	(4)	(5)
1	Offence under section 4 of the Road Traffic Act 2014	Failure to display N-plate or tabard	2	4]

**Annotations****Amendments:**

**F41** Inserted (8.12.2014) by *Road Traffic Act 2014* (3/2014), s. 10(b), S.I. No. 562 of 2014.

## PART 2

CONTRAVENTION OF CERTAIN PROVISIONS OF ROAD TRAFFIC (CONSTRUCTION, EQUIPMENT AND USE OF VEHICLES) REGULATIONS, 1963 TO 2002

In this Part—

(1) “offence” means an offence under section 11 of the Act of 1961,

(2) references to an article at *reference numbers 1 to 8* are references to an article of the Road Traffic (Construction, Equipment and Use of Vehicles) Regulations, 1963 (S.I. No. 190 of 1963),

(3) references to an article at *reference numbers 9 and 10* are references to an article of the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) Regulations, 1971 (S.I. No. 96 of 1971),

(4) references to an article at *reference numbers 11 and 12* are references to an article of the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) (No. 2) Regulations, 1978 (S.I. No. 360 of 1978),

(5) references to an article at *reference numbers 13 and 14* are references to an article of the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) Regulations, 1985 (S.I. No. 158 of 1985),

(6) references to an article at *reference numbers 15 and 16* are references to an article of the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) (No. 3) Regulations, 1991 (S.I. No. 359 of 1991), and

(7) references to an article at *reference numbers 17, 18 and 19* are references to an article of the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) Regulations, 1993 (S.I. No. 299 of 1993).

Reference Number	Offence	General Description of Offence	Penalty Points on Payment of Fixed Charge	Penalty Points on Conviction
(1)	(2)	(3)	(4)	(5)
1	Offence consisting of contravention of article 10	Using vehicle whose width exceeds maximum permitted width	1	3
2	Offence consisting of contravention of article 11	Using vehicle whose width exceeds maximum permitted length	1	3
3	Offence consisting of contravention of article 16	Using a vehicle with defective or worn tyres	2	4
4	Offence consisting of contravention of article 23	Using a vehicle from which driver has inadequate view of road and traffic	1	3
5	Offence consisting of contravention of article 24	Using vehicle whose windscreen is not of safety glass or gives distorted view	1	3
6	Offence consisting of contravention of article 25	Using vehicle not fitted with efficient windscreen wiper	1	3
7	Offence consisting of contravention of article 26	Using vehicle not fitted with adequate driving mirror	1	3
8	Offence consisting of contravention of article 46	Using vehicle whose brakes are inadequate	1	3
9	Offence consisting of contravention of article 3	Using vehicle not fitted with adequate anchorage points for safety belts	2	4
10	Offence consisting of contravention of article 4	Using vehicle not fitted with safety belts	2	4
11	Offence consisting of contravention of article 10	Using motor cycle without wearing crash helmet	2	4
12	Offence consisting of contravention of article 11	Permitting passenger not wearing crash helmet to be carried on motor cycle	2	4

Reference Number	Offence	General Description of Offence	Penalty Points on Payment of Fixed Charge	Penalty Points on Conviction
(1)	(2)	(3)	(4)	(5)
13	Offence consisting of contravention of article 4	Using vehicle not equipped with rear underrun protective device	1	3
14	Offence consisting of contravention of article 5	Using vehicle not equipped with side-guard	1	3
15	Offence consisting of contravention by driver of a vehicle of article 6	Using vehicle when driver not wearing safety belt or permitting person under 17 to occupy front seat when not wearing safety belt or appropriate child restraint	2	4
16	Offence consisting of contravention by driver of a vehicle of article 7(3)	Driver of vehicle permitting person under 17 to occupy rear seat when not wearing safety belt or appropriate child restraint	2	4
17	Offence consisting of contravention by driver of a vehicle of article 3	Using vehicle not equipped with speed limitation device	1	3
18	Offence consisting of contravention by driver of a vehicle of article 4	Using vehicle equipped with speed limitation device not complying with specified requirements	1	3
19	Offence consisting of contravention by driver of a vehicle of article 6	Using vehicle equipped with speed limitation device not sealed or not sealed in compliance with specified requirements	1	3
20	Offence consisting of contravention of article 4 of the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) (No. 2) Regulations, 2002 (S.I. No. 93 of 2002)	Use by driver of vehicle of mobile phone while in the vehicle in a public place except when the vehicle is parked	1	3

**Annotations****Amendments:**

**F42** Substituted by *Road Traffic Act 2010* (25/2010), s. 54(b)(i), not commenced as of date of revision.

**F43** Deleted by *Road Traffic Act 2006* (23/2006), s. 16(2)(d), not commenced as of date of revision.

**F44** Deleted by *Road Traffic Act 2010* (25/2010), s. 54(b)(ii), not commenced as of date of revision.

**Modifications (not altering text):**

- C24** Prospective affecting provisions: paras. 2, 6 and 7 and reference numbers 1, 2, 3, 15, 16, 17, 18, 19, and 20 deleted by *Road Traffic Act 2006* (23/2006), s. 16(2)(d), not commenced as of date of revision and by *Road Traffic Act 2010* (25/2010), s. 54(b), not commenced as of date of revision.

**PART 2****CONTRAVENTION OF CERTAIN PROVISIONS OF ROAD TRAFFIC (CONSTRUCTION, EQUIPMENT AND USE OF VEHICLES) REGULATIONS, 1963 TO 2002**

...

(2) references to an article at F42[reference numbers 4 to 8] are references to an article of the Road Traffic (Construction, Equipment and Use of Vehicles) Regulations, 1963 (S.I. No. 190 of 1963),

...

(6) F43[...]

(7) F43[...]

Reference Number	Offences	General Description of Offence	Penalty Points on Payment of Fixed Charge	Penalty Points on Conviction
1	F44[...]	F44[...]	F44[...]	F44[...]
2	F44[...]	F44[...]	F44[...]	F44[...]
3	F44[...]	F44[...]	F44[...]	F44[...]
...	...	...	...	...
15	F43[...]	F43[...]	F43[...]	F43[...]
16	F43[...]	F43[...]	F43[...]	F43[...]
17	F43[...]	F43[...]	F43[...]	F43[...]
18	F43[...]	F43[...]	F43[...]	F43[...]
19	F43[...]	F43[...]	F43[...]	F43[...]
20	F43[...]	F43[...]	F43[...]	F43[...]

**PART 3****CONTRAVENTION OF CERTAIN PROVISIONS OF ROAD TRAFFIC (LIGHTING OF VEHICLES) REGULATIONS, 1963**

In this Part—

(1) “offence” means an offence under section 11 of the Act of 1961, and

(2) the references to article 9 are references to article 9 of the Road Traffic (Lighting of Vehicles) Regulations, 1963 (S.I. No. 189 of 1963).



Reference Number	Offence	General Description of Offence	Penalty Points on Payment of Fixed Charge	Penalty Points on Conviction
(1)	(2)	(3)	(4)	(5)
1	Offence consisting of contravention of sub-article (1) of article 9	Using vehicle not equipped with required lamps and identification mark lighting	1	3
2	Offence consisting of contravention of sub-article (2) or (3) of article 9	Using trailer not equipped with required lamps and identification mark lighting	1	3
3	Offence consisting of contravention of sub-article (4) of article 9	Using vehicle not equipped with required rear projecting load lamp or lateral projecting load lamp	1	3
4	Offence consisting of contravention of sub-article (5) of article 9	Using trailer not equipped with required marker lamp	1	3
5	Offence consisting of contravention of sub-article (6) of article 9	Using public service vehicle not equipped with required internal lighting	1	3
6	Offence consisting of contravention of sub-article (7) of article 9	Using vehicle not equipped with required direction indicators	1	3

#### PART 4

#### CONTRAVENTION OF CERTAIN PROVISIONS OF ROAD TRAFFIC (TRAFFIC AND PARKING) REGULATIONS, 1997

In this Part—

(1) “offence” means an offence under section 35 of the Act of 1994, and

(2) references to an article are references to an article of the Road Traffic (Traffic and Parking) Regulations, 1997 (S.I. No. 182 of 1997).

Reference Number	Offence	General Description of Offence	Penalty Points on Payment of Fixed Charge	Penalty Points on Conviction
(1)	(2)	(3)	(4)	(5)
1	Offence consisting of contravention of article 7	Contravention of general speed restriction for vehicles	F45[3]	F45[5]

Reference Number	Offence	General Description of Offence	Penalty Points on Payment of Fixed Charge	Penalty Points on Conviction
(1)	(2)	(3)	(4)	(5)
2	Offence consisting of contravention of article 8	Failure by F46[driver of] vehicle to yield right of way	2	4
3	Offence consisting of contravention of article 9	Failure to drive vehicle on left	F45[2]	F45[4]
4	Offence consisting of contravention of article 10	Dangerous overtaking	F45[3]	5
5	Offence consisting of contravention of article 11	Contravention of requirements regarding driving of vehicles at road junctions	1	3
6	Offence consisting of contravention of article 12	Contravention of requirements regarding reversing of vehicles	1	3
7	Offence consisting of contravention of article 13	Contravention of restrictions on driving vehicle on footway	1	3
8	Offence consisting of contravention of article 14(5)	Contravention of restrictions on driving vehicle on cycle track	1	3
9	Offence consisting of contravention of article 15	Contravention of requirement to turn vehicle left onto a roundabout	1	3
10	Offence consisting of contravention of article 16	Contravention of prohibition of driving vehicle along or across median strip	F45[2]	F45[4]
11	Offence consisting of contravention of article 19	Failure of driver of vehicle to comply with signals given by members of Garda Síochána	1	3
12	Offence consisting of contravention of article 20	Failure to stop vehicle before stop sign or stop line	F45[3]	F45[5]
13	Offence consisting of contravention of article 21	Failure of vehicle to yield right of way at yield sign or yield line	F45[3]	F45[5]
14	Offence consisting of contravention of article 22	Failure of vehicle to comply with mandatory traffic signs	F45[2]	F45[4]
15	Offence consisting of contravention of article 23	Failure of vehicle to comply with prohibitory traffic signs	1	3
16	Offence consisting of contravention of article 24	F47[Failure to comply with certain mandatory signs]	1	3
17	Offence consisting of contravention of article 25	Crossing of white lines by vehicle	F45[3]	F45[5]

Reference Number	Offence	General Description of Offence	Penalty Points on Payment of Fixed Charge	Penalty Points on Conviction
(1)	(2)	(3)	(4)	(5)
18	Offence consisting of contravention of article 26	Entry by vehicle on hatched marked area of roadway	1	3
19	Offence consisting of contravention of article 27	Failure by vehicle to comply with traffic lane markings	1	3
20	Offence consisting of contravention of article 28	Failure by vehicle to comply with traffic sign signifying that a roadway not be entered	1	3
21	Offence consisting of contravention of article 30	Failure by vehicle to obey traffic lights or to halt at traffic sign adjacent to such lights	F45[3]	5
22	Offence consisting of contravention of article 31	F45[Failure by driver of vehicle to obey traffic lights at railway level crossing, swing bridge or lifting bridge or to halt at traffic sign adjacent to such lights]	2	5
23	Offence consisting of contravention of sub-article (1)(a) of article 33	Prohibition on driving vehicle against traffic flow on motorway	2	4
24	Offence consisting of contravention of sub-article (1)(b) of article 33	Prohibition on driving vehicle on part of motorway not a carriageway	1	3
25	Offence consisting of contravention of sub-article (1)(d) of article 33	Prohibition of driving vehicles with F45[90 km/h] speed limit on outside traffic lane of carriageway of motorway	1	3
26	Offence consisting of contravention of article 34	Passing of sign indicating height restriction by vehicle to which sign applies	2	4
F48[27]	Offence consisting of contravention of article 35	Contravention of ban on U-turns	2	4]

**Annotations****Amendments:**

**F45** Substituted (8.12.2014) by *Road Traffic Act 2014* (3/2014), s. 10(c)(ii)(II), (III), (iii) and (iv), S.I. No. 562 of 2014.

**F46** Inserted (8.12.2014) by *Road Traffic Act 2014* (3/2014), s. 10(c)(ii)(I), S.I. No. 562 of 2014.

- F47** Substituted (24.01.2005) by *Road Traffic Act 2004 (44/2004)*, s. 22(b), S.I. No. 26 of 2005.
- F48** Inserted by *Road Traffic Act 2014 (3/2014)*, s. 10(c)(v), not commenced as of date of revision.
- F49** Substituted by *Road Traffic Act 2016 (21/2016)*, s. 35(1), not commenced as of date of revision.
- F50** Substituted by *Road Traffic Act 2014 (3/2014)*, s. 10(c)(i), not commenced as of date of revision.

**Modifications (not altering text):**

- C25** Prospective affecting provision: ref. 8 substituted by *Road Traffic Act 2016 (21/2016)*, s. 35(1), not commenced as of date of revision.

F49[8]	F49[Offence consisting of contravention of sub-article (5)(a) or (7)(d) of article 14]	F49[Contravention of restrictions on driving vehicle on cycle track or shared track]	F49[1]	F49[3]
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- C26** Prospective affecting provisions: ref. 8, column 2 substituted by *Road Traffic Act 2014 (3/2014)*, s. 10(c)(i), not commenced as of date of revision. Note: s. 10(c)(i) repealed by *Road Traffic Act 2016 (21/2016)*, s. 35(2), not commenced as of date of revision.

8	F50[Offence consisting of contravention of sub-article (5) (a) or (7) (d) of article 14]	Contravention of restrictions on driving vehicle on cycle track	1	3
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**F51[PART 5****CONTRAVENTION OF ARTICLE 17 OF ROAD TRAFFIC (LICENSING OF DRIVERS) REGULATIONS 2006 (S.I. NO. 537 OF 2006)**

In this Part, a reference to Regulation 17 is a reference to Regulation 17 (as amended by Regulation 2(b) of the Road Traffic (Licensing of Learner Drivers) Regulations 2007 (S.I. No. 719 of 2007)) of the Road Traffic (Licensing of Drivers) Regulations 2006 (S.I. No. 537 of 2006).

Reference Number	Offence	General Description of Offence	Penalty Points on Payment of Fixed Charge	Penalty Points on Conviction
(1)	(2)	(3)	(4)	(5)
1	Offence under section 42 of the Road Traffic Act 1961 consisting of a contravention of Regulation 17(6)(b)(iii)	Failure to display L-plate or tabard	2	4
2	Offence under section 42 of the Road Traffic Act 1961 consisting of a contravention of Regulation 17(6)(b)(iv)	Learner permit holder driving unaccompanied by qualified person	2	4]

**Annotations****Amendments:**

**F51** Substituted (8.12.2014) by *Road Traffic Act 2014* (3/2014), s. 10(d), S.I. No. 562 of 2014.

**F52**[PART 6

CONTRAVENTION OF REGULATION 4 OF EUROPEAN COMMUNITIES (INSTALLATION AND  
USE OF SPEED LIMITATION DEVICES IN MOTOR VEHICLES) REGULATIONS 2005

In this Part, a reference to a Regulation is a reference to a Regulation of the European Communities (Installation and Use of Speed Limitation Devices in Motor Vehicles) Regulations 2005 (S.I. No. 831 of 2005).

Reference Number	Offence	General Description of Offence	Penalty Points on Payment of Fixed Charge	Penalty Points on Conviction
(1)	(2)	(3)	(4)	(5)
1	Offence consisting of contravention of Regulation 4	Using vehicle not equipped with a speed limitation device or using a vehicle equipped with a speed limitation device not complying with requirements specified in Regulation 4, 5 or 6	F53[3]	F53[5]]

**Annotations****Amendments:**

**F52** Part inserted (8.12.2014) by *Road Traffic Act 2006* (23/2006), s. 16(2)(e), S.I. No. 560 of 2014.

**F53** Substituted (8.12.2014) by *Road Traffic Act 2014* (3/2014), s. 10(e), S.I. No. 562 of 2014.

**F54**[PART 7

CONTRAVENTION OF CERTAIN PROVISIONS OF EUROPEAN COMMUNITIES (COMPULSORY  
USE OF SAFETY BELTS AND CHILD RESTRAINT SYSTEMS IN MOTOR VEHICLES)  
REGULATIONS 2006

In this Part, a reference to a Regulation is a reference to a Regulation of the European Communities (Compulsory Use of Safety Belts and Child Restraint Systems in Motor Vehicles) Regulations 2006 (S.I. No. 240 of 2006).

Reference Number (1)	Offence (2)	General Description of Offence (3)	Penalty Points on Payment of Fixed Charge (4)	Penalty Points on Conviction (5)
1	Offence consisting of contravention by driver of vehicle of Regulation 5(1)	Driver of car or goods vehicle not wearing safety belt	F55[3]	F55[5]
2	Offence consisting of contravention by driver of vehicle of Regulation 5(2)	Driver permitting person under specified age to occupy a seat when not wearing safety belt	F55[3]	F55[5]
3	Offence consisting of contravention by driver of vehicle of Regulation 6	Driver of car or goods vehicle permitting child under 3 years of age to travel in it without being restrained by appropriate child restraint	F55[3]	F55[5]
4	Offence consisting of contravention by driver of vehicle of Regulation 7	Driver of car or goods vehicle permitting child over 3 years of age to travel in it without being restrained by appropriate child restraint	F55[3]	F55[5]
5	Offence consisting of contravention by driver of vehicle of Regulation 8	Driver of car or goods vehicle permitting child to be restrained by rearward-facing child restraint fitted to a seat protected by active frontal air-bag	F55[3]	F55[5]
6	Offence consisting of contravention by driver of vehicle of Regulation 9	Driver of bus not wearing safety belt	F55[3]	F55[5]

**Annotations****Amendments:**

- F54** Part inserted (3.08.2012) by *Road Traffic Act 2006* (23/2006), s. 16(2)(e), S.I. No. 295 of 2012.
- F55** Substituted (1.08.2014) by *Road Traffic Act 2014* (3/2014), s. 10(f), S.I. No. 345 of 2014.

**PART 8****CONTRAVENTION OF REGULATION 19 OF EUROPEAN COMMUNITIES (VEHICLE TESTING) REGULATIONS 2004**

F56[...]

**Annotations****Amendments:**

- F56** Part repealed (25.12.2014) by *Road Traffic (No. 2) Act 2014* (39/2014), s. 2(4), commenced on enactment.

**Modifications (not altering text):****Editorial Notes:**

- E45** Previous affecting provision: Part inserted (1.05.2009) by *Road Traffic Act 2006* (23/2006), s.16(2)(e), S.I. No. 148 of 2009; superseded as per F-note above.
- E46** Previous affecting provision: ref. no. 1, col. 4 inserted by *Road Traffic Act 2014* (3/2014), s. 10(g), not commenced; superseded as per F-note above.

**F57[PART 9****CONTRAVENTION OF CERTAIN PROVISIONS OF THE ROAD TRAFFIC (CONSTRUCTION AND USE OF VEHICLES) REGULATIONS 2003 (S.I. No. 5 of 2003)**

In this Part—

- (a) "offence" means an offence under section 11 of the Principal Act,
- (b) a reference to a Regulation is a reference to a Regulation of the Road Traffic (Construction and Use of Vehicles) Regulations 2003 (S.I. No. 5 of 2003).

Reference Number	Offence	General Description of Offence	Penalty Points on Payment of Fixed Charge	Penalty Points on Conviction
(1)	(2)	(3)	(4)	(5)
1	...	...	...	...
2	...	...	...	...

Reference Number	Offence	General Description of Offence	Penalty Points on Payment of Fixed Charge	Penalty Points on Conviction
(1)	(2)	(3)	(4)	(5)
3	Offence consisting of contravention of Regulation 55	Using a vehicle with defective or worn tyres	2	4]

**Annotations****Amendments:**

- F57** Inserted (17.04.2016) by *Road Traffic Act 2010 (25/2010)*, s. 54(d), commenced by S.I. No. 168 of 2016 in relation to reference number 3 only.

**Modifications (not altering text):**

- C27** Prospective affecting provision: Part 9 inserted by *Road Traffic Act 2010 (25/2010)*, s. 54(d), not commenced as of date of revision in relation to reference numbers 1 and 2.

F57[Reference Number	Offence	General Description of Offence	Penalty Points on Payment of Fixed Charge	Penalty Points on Conviction
(1)	(2)	(3)	(4)	(5)
1	Offence consisting of contravention of Regulation 26 or 27	Using a vehicle which exceeds the maximum permissible width	1	3
2	Offence consisting of contravention of Regulation 28, 29, 30 or 31	Using a vehicle which exceeds the maximum permissible length	1	3
3	...	...	...	...]

**F58[Part 10**

**CONTRAVENTION OF CERTAIN PROVISIONS OF ROAD TRAFFIC (TRAFFIC AND PARKING)  
(AMENDMENT) (NO. 2) REGULATIONS 2012 (S.I. NO. 332 OF 2012)**

In this Part, a reference to an Article is a reference to an Article of the Road Traffic (Traffic and Parking) (Amendment) (No. 2) Regulations 2012 (S.I. No. 332 of 2012).

Reference Number	Offence	General Description of Offence	Penalty Points on Payment of Fixed Charge	Penalty Points on Conviction
(1)	(2)	(3)	(4)	(5)
1	Offence consisting of contravention of Article 5	Contravention of rules for use of mini-roundabouts	1	3



Reference Number	Offence	General Description of Offence	Penalty Points on Payment of Fixed Charge	Penalty Points on Conviction
(1)	(2)	(3)	(4)	(5)
2	Offence consisting of contravention of Article 6	Proceeding beyond no entry to vehicles sign	1	3
3	Offence consisting of contravention of Article 7	Proceeding beyond maximum vehicle width sign where width exceeds maximum displayed	1	3
4	Offence consisting of contravention of Article 8	Proceeding beyond maximum design gross vehicle weight (safety) sign where design gross vehicle weight exceeds maximum displayed	1	3
5	Offence consisting of contravention of Article 9	Proceeding beyond maximum design gross vehicle weight (safety) sign where design gross vehicle weight exceeds maximum displayed	1	3
6	Offence consisting of contravention of Article 10	Proceeding beyond maximum vehicle axle loading weight sign where vehicle axle loading weight exceeds maximum specified	1	3
7	Offence consisting of contravention of Article 15	Proceeding beyond a traffic lane control sign other than in accordance with such sign or without yielding	1	3]

**Annotations****Amendments:**

**F58** Inserted (8.12.2014) by *Road Traffic Act 2014 (3/2014)*, s. 10(h), S.I. No. 562 of 2014.

**F59[Part 11**

**Contravention of Regulation 3 of Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) Regulations 2000 (S.I. No. 224 of 2000)**

In this Part—

(a) "offence" means an offence under section 11 of the Principal Act,

(b) a reference to a Regulation is a reference to a Regulation of the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) Regulations 2000 (S.I. No. 224 of 2000).

Reference Number	Offence	General Description of Offence	Penalty Points on Payment of Fixed Charge	Penalty Points on Conviction
(1)	(2)	(3)	(4)	(5)
1	Offence consisting of a contravention of Regulation 3(2)	Using vehicle in a public place without an authorisation plate	3	5
2	Offence consisting of a contravention of Regulation 3(3)	Using vehicle in a public place that has been modified or altered such that authorisation plate is inaccurate	3	5]

#### Annotations

#### Amendments:

**F59** Inserted (8.12.2014) by *Road Traffic Act 2014* (3/2014), s. 10(h), S.I. No. 562 of 2014.

## F60[Part 12

### Contravention of Regulation 3 of Road Traffic (Licensing of Trailers and Semi-Trailers) Regulations 1982 (S.I. No. 35 of 1982)]

#### Annotations

#### Amendments:

**F60** Inserted by *Road Traffic Act 2016* (21/2016), s. 34(a), not commenced as of date of revision.

#### Modifications (not altering text):

**C28** Prospective affecting provision: schedule inserted by *Road Traffic Act 2016* (21/2016), s. 34(a), not commenced as of date of revision.

F60[In this Part—

(a) “offence” means an offence under section 10 of the Act of 1968, and

(b) a reference to a Regulation is a reference to a Regulation of the Road Traffic (Licensing of Trailers and Semi-Trailers) Regulations 1982 (S.I. No. 35 of 1982).

Reference Number	Offence	General Description of Offence	Penalty Points on Payment of Fixed Charge	Penalty Points on Conviction
(1)	(2)	(3)	(4)	(5)
1.	Offence consisting of contravention of Regulation 3	Using a trailer or semi-trailer with a maximum permissible weight exceeding 3,500kg without a licence	2	4]

## Section 9.

## SECOND SCHEDULE

CONVENTION DRAWN UP ON THE BASIS OF ARTICLE K.3 OF THE TREATY ON EUROPEAN UNION ON DRIVING DISQUALIFICATIONS DONE AT F61[LUXEMBOURG] ON THE 17TH DAY OF JUNE 1998

F62[...]

**Annotations****Amendments:**

- F61** Substituted (9.08.2010) by *Road Traffic Act 2010* (25/2010), s. 68(c), S.I. No. 394 of 2010.
- F62** Repealed (1.09.2017) by *Road Traffic Act 2016* (21/2016), s. 41, S.I. No. 301 of 2017.



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Number 12 of 2002

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**ROAD TRAFFIC ACT 2002**

**REVISED**

**Updated to 31 July 2023**

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**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 2023:** this Act is one of a group of Acts included in this collective citation, to be read together as one (*Road Traffic and Roads Act 2023* (16/2023), 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* (16/1978) (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
- *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

**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 6 (ss. 7-10)

### 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](http://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](http://www.irishstatutebook.ie).

### Acts which affect or previously affected this revision

- *Road Traffic and Roads Act 2023* (16/2023)
- *Road Traffic (Amendment) Act 2018* (18/2018)
- *Road Traffic Act 2016* (21/2016)
- *Vehicle Clamping Act 2015* (13/2015)
- *Road Traffic (No. 2) Act 2014* (39/2014)
- *Freedom of Information Act 2014* (30/2014)
- *Road Traffic Act 2014* (3/2014)
- *Taxi Regulation Act 2013* (37/2013)
- *Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012* (16/2012)
- *Road Traffic (No. 2) Act 2011* (28/2011)
- *Road Traffic Act 2011* (7/2011)
- *Road Traffic Act 2010* (25/2010)
- *Dublin Transport Authority Act 2008* (15/2008)
- *Roads Act 2007* (34/2007)
- *Road Traffic Act 2006* (23/2006)
- *Road Traffic and Transport Act 2006* (28/2006)
- *Road Safety Authority Act 2006* (14/2006)
- *Railway Safety Act 2005* (31/2005)
- *Road Traffic Act 2004* (44/2004)
- *Road Traffic Act 2003* (37/2003)
- *Taxi Regulation Act 2003* (25/2003)
- *Air Navigation and Transport (Amendment) Act 1998* (24/1998)
- *Freedom of Information Act 1997* (13/1997)
- *Local Authorities (Traffic Wardens) Act 1975* (14/1975)
- *Road Traffic Act 1961* (24/1961)

All Acts up to and including *Wildlife (Amendment) Act 2023* (25/2023), enacted 20 July 2023, were considered in the preparation of this revision.

### **Statutory instruments which affect or previously affected this revision**

- *Road Traffic Act 2002 (Section 22) (Commencement) Order 2015* (S.I. No. 332 of 2015)
- *Road Traffic Act 2006 (Commencement) (Penalty Point - Speed Limitation Devices) Order 2014* (S.I. No. 560 of 2014)
- *Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 (Commencement) (Penalty Points - Certificate of Road Worthiness) Order 2014* (S.I. No. 508 of 2014)
- *Road Traffic Act 2002 (Certain Provisions) (Commencement) Order 2013* (S.I. No. 12 of 2013)
- *Road Traffic Act 2002 (Commencement of Certain Provisions) (Penalty Points) Order 2012* (S.I. No. 296 of 2012)
- *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011)
- *Road Traffic Act 2002 (Section 9) (Commencement) Order 2010* (S.I. No. 11 of 2010)
- *Road Traffic Act 2002 (Commencement of Certain Provisions) (Penalty Points) Order 2009* (S.I. No. 149 of 2009)
- *Road Traffic Act 2006 (Part Commencement Section 16) (Penalty Points) Order 2009* (S.I. No. 148 of 2009)
- *Road Safety Authority Act 2006 (Conferral of Functions) Order 2006* (S.I. No. 477 of 2006)
- *Road Traffic Act 2002 (Commencement of Certain Provisions) Order 2006* (S.I. No. 134 of 2006)
- *Road Traffic Act 2002 (Commencement of Certain Provisions relating to Driving while Holding Mobile Phone) Order 2006* (S.I. No. 443 of 2006)
- *Road Traffic Act 2002 (Commencement of Certain Provisions) Order 2004* (S.I. No. 248 of 2004)
- *Road Traffic Act 2002 (Commencement)(No. 2) Order 2003* (S.I. No. 321 of 2003)
- *Road Traffic Act 2002 (Commencement) Order 2003* (S.I. No. 214 of 2003)
- *Road Traffic Act 2002 (Commencement) Order 2002* (S.I. No. 491 of 2002)
- *Road Traffic Act 2002 (Commencement) Order 2002* (S.I. No. 598 of 2002)
- *European Communities (Licensing of Drivers) Regulations 1989* (S.I. No. 287 of 1989)

All statutory instruments up to and including *Road Traffic and Roads Act 2023 (Commencement) (No. 2) Order 2023* (S.I. No. 392 of 2023), made 28 July 2023, were considered in the preparation of this revision.