Changes to Legislation: as of 3 November 2026, this Act is up to date with all changes known to be in force.



Number 14 *of* 2006

ROAD SAFETY AUTHORITY ACT 2006

REVISED

Updated to 1 February 2019

This Revised Act is an administrative consolidation of the *Road Safety Authority Act 2006*. 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 *Local Government Act 2019* (1/2019), enacted 25 January 2019, and all statutory instruments up to and including *Brown Crab (Conservation Of Stocks) Regulations 2019* (S.I. No. 26 of 2019), made 1 February 2019, were considered in the preparation of this revision.

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

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ROAD SAFETY AUTHORITY ACT 2006

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AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A BODY TO BE KNOWN IN THE IRISH LANGUAGE AS AN tÚDARÁS UM SHÁBHÁILTEACHT AR BHÓITHRE OR IN THE ENGLISH LANGUAGE AS THE ROAD SAFETY AUTHORITY, TO DEFINE ITS FUNCTIONS, TO AMEND SECTION 9 OF THE ROAD TRAFFIC ACT 2002 AND TO PROVIDE FOR CONNECTED MATTERS.

[31*st May*, 2006]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definitions.

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

"Authority" means Road Safety Authority established under *section 3* ;

"Board" means Board of the Authority;

"chief executive" means chief executive officer of the Authority;

"company" means a company established under the Companies Acts;

"driver testing service" means that part of the Department of Transport which carries out the function of the issuing authority under section 33 of the Road Traffic Act 1961 and the Road Traffic (Licensing of Drivers) Regulations 1999 (S.I. No. 352 of 1999);

"establishment day" means the day appointed by the Minister under *section 2* to be the establishment day for the purposes of this Act;

"local authority" has the meaning assigned to it by the Local Government Act 2001;

"Minister" means Minister for Transport;

"subsidiary" means a subsidiary established under *section 11* ;

"superannuation benefits" means pensions, gratuities and other allowances payable on or in respect of resignation, retirement or death.

Establishment day.

2.— The Minister may by order appoint a day to be the establishment day for the purposes of this Act.

Road Safety Authority.

3.— (1) There stands established on the establishment day a body to be known, in the Irish language, as an tÚdarás um Shábháilteacht ar Bhóithre or, in the English language, as the Road Safety Authority, and in this Act referred to as the Authority.

(2) The Authority shall be a body corporate with perpetual succession and an official seal and power to sue and be sued in its corporate name and, with the consent of the Minister with the agreement of the Minister for Finance, to acquire, hold and dispose of land or an interest in land and to acquire, hold and dispose of any other property.

Functions of Authority.

4.— (1) The Authority has such functions in respect of certificates of competency, test certificates and registration of driving instructors as conferred on it in accordance with the Road Traffic Acts 1961 to 2004.

F1**[**(1A) The Authority has the functions of a licensing authority within the meaning of section 21 of the Road Traffic Act 1961.**]**

(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.

(3) Every function of the Minister conferred on the Authority continues to be vested in the Minister, but is so vested concurrently with the Authority and the Minister so as to be capable of being exercised or performed by either of them.

(4) The Minister may by order require the Authority to carry out any or all of the following functions:

(*a*) such advisory, executive, administrative and organisational functions as may be specified in the order in respect of driving and provisional licences (within the meaning of the Road Traffic Act 1961), standards related to the registration, construction, equipment, use, testing and examination of vehicles and their components and replacement parts, including standards for the type approval of new vehicles and vehicle components and standards for vehicles already in use; and

(*b*) the promotion of public awareness of road safety and of measures, including the advancement of education, relating to the promotion of the safe use of roads, including co-operation with local authorities and other persons in this regard.

(5) F2**[**...**]**

(6) Every order made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House has sat after the order is laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done under it.

Outsourcing of functions of Authority.

5.— (1) The Authority may, with the consent of the Minister with the agreement of the Minister for Finance, 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 assigned to the Authority 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 Authority.

(5) A function referred to in *subsection (4)* shall, notwithstanding the agreement concerned, continue to be vested in the Authority 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 Authority shall not remove or derogate from the Authority's responsibility to the Minister for the performance of the function.

General duty of Authority.

6.— (1) The Authority shall—

(*a*) if requested by the Minister, provide such advice as may be appropriate in respect of any regulatory or other function vested in the Minister under the Road Traffic Acts 1961 to 2004 relating to vehicles, driver licensing, speed limits, and control of traffic,

(*b*) if requested by the Minister, represent the State at meetings with or arranged by, international organisations or governments of other states in so far as the meetings relate to matters to which the functions of the Authority relate,

(*c*) in carrying out its functions, promote the development and improvement of driving standards and in relation to the promotion of better driving standards may make such recommendations to the Minister as the Authority considers appropriate, and

(*d*) conduct its business at all times in a cost effective and efficient manner.

(2) The Authority shall have all such powers as are necessary for or incidental to the performance of its functions under this Act.

Road safety programmes.

7.— (1) The Authority shall prepare and submit to the Minister, at such intervals as the Minister determines, a comprehensive programme (in this section referred to as a "programme") of measures for the enhancement of road safety and in particular for the reduction of fatalities and serious injuries due to road traffic collisions.

(2) A programme shall be accompanied by a statement of the resources, financial and otherwise, which in the opinion of the Authority are necessary to be expended by a State agency in the implementation of the measures contained in the programme.

(3) In preparing a programme the Authority shall consult with each State agency responsible for implementation of the measures contained in it.

(4) The Minister may approve of a programme submitted to him or her or may request the Authority to make such amendments to the programme as he or she specifies. The Authority shall comply with any such request. The Minister may approve of the amended programme re-submitted to him or her by the Authority.

(5) The Authority shall participate in such structures and in such a role for the oversight of the implementation of a programme as the Minister determines.

(6) In this section "State agency" means the Garda Síochána, a local authority, the National Roads Authority or such other person as the Minister considers appropriate.

Road safety information and statistics.

8.— (1) The Minister may direct the Authority to collect, compile, prepare, publish or distribute to such persons (including the Minister) such information and statistics relating to road safety and the functions of the Authority, as the Minister considers appropriate, for national or international planning, policy research and development, monitoring and reporting purposes and may specify any matter concerning the collection, compilation, preparation, publication and distribution of such data and statistics, as the Minister considers appropriate.

(2) The Minister shall consult the Authority, and may consult any other person he or she considers appropriate, before issuing a direction under *subsection (1)* .

(3) For the purpose of facilitating the collection of information and statistics under *subsection (1)* the Authority may require a person who holds records relating to road safety or matters relating to the functions of the Authority, to give to the Authority such information and statistics in such form (including electronic form) and at such reasonable times or intervals, as the Authority specifies. A person to whom such a requirement is directed shall comply with the requirement.

Ministerial directions.

9.— (1) The Minister may give in writing to the Authority general policy directions in respect of the performance of its functions under this Act.

(2) The Authority shall comply with any direction given to it under *subsection (1)* .

(3) Where the Minister gives a direction under *subsection (1)* —

(*a*) a notice of the giving of the direction and details of it shall be laid before each House of the Oireachtas, as soon as may be, after it is given, and

(*b*) a notice of the giving of the direction shall be published in the *Iris Oifigiúil* within 28 days of giving it.

Conferring of additional functions on Authority.

10.— (1) The Minister may, after consultation with the Authority, the Minister for Finance and any other Minister of the Government who in the opinion of the Minister is concerned, by order—

(*a*) confer on the Authority, such additional functions connected with the functions for the time being of the Authority or the services or activities that the Authority is authorised to provide or carry on (including functions of the Minister in relation to any directive, regulation or other act adopted by an institution of the European Communities or other international convention or agreement to which the State is or becomes a party, as the Minister considers appropriate), and

(*b*) make such provision as he or she considers necessary or expedient in relation to matters ancillary to or arising out of the conferral on the Authority of functions under this section or the performance by the Authority of functions so conferred (including provision for the transfer

to the Authority of any property held by the Minister for the purposes of functions conferred on the Authority under this section).

(2) Every order made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House has sat after the order is laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

Establishment of subsidiaries by Authority.

11.— (1) The Authority may, either by itself or with another person, with the consent of the Minister and the Minister for Finance, and subject to any conditions of the Minister, promote and take part in the formation or establishment of a subsidiary to perform any of the functions conferred upon it by this Act.

(2) The Authority may exercise total or partial control of the board of directors, by whatever name called, of a subsidiary that controls or manages the subsidiary.

(3) The memorandum and articles of association of a subsidiary shall be in such form consistent with this Act as may be approved of by the Authority with the consent of the Minister and the Minister for Finance.

(4) A subsidiary shall make such reports and in such manner to the Authority as it may require.

(5) A subsidiary may enter into joint ventures with other persons.

(6) The chief officer of a subsidiary shall hold office on and subject to such terms and conditions (including terms and conditions relating to remuneration) as may be approved of by the board of directors (or other authority, by whatever name called, that controls any such company) with the consent of the Minister and the Minister for Finance.

(7) The Minister may give a direction in writing to the Authority on any matter relating to a subsidiary and the Authority shall comply or, as may be appropriate, secure compliance with the direction.

(8) A direction under this section in relation to the disposal of any assets or surpluses of a subsidiary shall not be given without the consent of the Minister for Finance.

(9) In this section "subsidiary" means a subsidiary (within the meaning of section 155 of the Companies Act 1963) of the Authority.

Participation in companies by Authority.

12.— The Authority may, with the consent of the Minister and the Minister for Finance, acquire, hold and dispose of shares or other interests in a company and become a member of a company.

Borrowing by Authority.

13.— (1) Subject to the consent of the Minister with the agreement of the Minister for Finance, the Authority or any subsidiary may, whether by means of the issue of debentures or otherwise, borrow money (including money in a currency other than the currency of the State) for capital purposes, including working capital, from persons other than the Minister.

(2) The Authority or any subsidiary may borrow money (including money in a currency other than the currency of the State) temporarily but the aggregate at any one time of such borrowings shall not exceed such amount as has been approved by the Minister with the agreement of the Minister for Finance.

(3) For the purposes of this section moneys borrowed in a currency other than the currency of the State shall be deemed to be the equivalent in the currency of the

State of the actual moneys borrowed, such equivalent being calculated according to the rate of exchange at the time of the borrowing for that currency and the currency of the State.

Membership of Board of Authority and term of office of members.

14.— (1) There shall be a Board of the Authority.

(2) Members of the Board shall be appointed by the Minister.

(3) The Board shall consist of a chairperson and not less than 6 and not more than 11 ordinary members.

(4) Each member of the Board shall be a person who in the opinion of the Minister has wide experience and competence in relation to roads, road safety, transport, driver education and examination, industrial and commercial matters, local government, the organisation of workers or administration.

(5) A member of the Board shall not be eligible for re-appointment if he or she has served two consecutive terms as a member of the Board.

(6) The Minister, when appointing an ordinary member of the Board, shall fix such member's period of membership which shall not exceed 5 years and, subject to this section, membership shall be on such terms as the Minister determines.

(7) Such number, as decided by the Minister, of the first ordinary members of the Board appointed under *subsection (2)* shall hold office for a period not exceeding 4 years from the date of their appointment as determined by the Minister by lot.

(8) A member of the Board may at any time resign his or her membership by letter addressed to the Minister and the resignation shall take effect from the date of receipt of the letter by the Minister.

(9) A member of the Board shall be paid out of funds at the disposal of the Authority—

(*a*) such remuneration (if any) as may be fixed from time to time by the Minister with the agreement of the Minister for Finance, and

(*b*) such amounts in respect of expenses (if any) as the Minister with the agreement of the Minister for Finance may determine.

(10) A member of the Board may at any time be removed from membership of the Board by the Minister if, in the Minister's opinion, the member has become incapable through ill-health of performing his or her functions, or has committed stated misbehaviour, or his or her removal appears to the Minister to be necessary for the effective performance by the Board of its functions.

(11) (*a*) If a member of the Board dies, resigns, becomes disqualified or is removed from office, the Minister may appoint a person to be a member of the Board to fill the casual vacancy so occasioned and the person so appointed shall be appointed in the same manner as the member of the Board who occasioned the casual vacancy.

(*b*) Subject to the other provisions of this section, a person appointed to be a member of the Board by virtue of *paragraph (a)* shall hold office for the remainder of the term of office of the member who occasioned the casual vacancy he or she is appointed to fill and shall be eligible for re-appointment for one further consecutive term as a member of the Board.

(*c*) The Authority may act notwithstanding a vacancy amongst its members.

(12) A member of the Board shall cease to hold and shall be disqualified from holding office if he or she—

(*a*) is adjudged bankrupt,

(*b*) makes a composition or arrangement with creditors,

(*c*) is sentenced by a court of competent jurisdiction to a term of imprisonment, or

(*d*) is disqualified or restricted from being a director of any company.

Chairperson of Board.

15.— (1) The Minister shall designate one member of the Board as chairperson.

(2) The term of office of the chairperson of the Board shall be 5 years.

(3) Where the chairperson of the Board ceases during his or her term of office as chairperson to be a member of the Board, he or she shall also then cease to be chairperson of the Board.

(4) The chairperson of the Board may at any time resign his or her office as chairperson by letter sent to the Minister, and the resignation shall, unless it is previously withdrawn in writing, take effect at the commencement of the meeting of the Board held next after the Board has been informed by the Minister of the resignation.

(5) The chairperson of the Board shall, unless he or she sooner dies, resigns office of chairperson, or ceases to be chairperson under *subsection (3)* or *(4)* , hold office until the expiration of his or her period as a member of the Board.

Meetings and procedures of Board.

16.— (1) The Board shall hold such and so many meetings as may be necessary for the performance of its functions.

(2) The Minister shall fix the date, time and place of the first meeting of the Board.

(3) At a meeting of the Board—

(*a*) the chairperson of the Board shall, if present, be chairperson of the meeting, and

(*b*) if and so long as the chairperson of the Board is not present or if the office of the chairperson is vacant, the members of the Board who are present shall choose one of their number to be chairperson of the meeting.

(4) At a meeting of the Board, each member of the Board present shall have a vote and every question shall be determined by a majority of votes of the members present and voting on the question and, in the case of an equal division of votes, the chairperson of the meeting shall have a second and casting vote.

(5) The Board may act notwithstanding one or more vacancies among its members.

(6) Subject to this Act, the Board shall regulate by standing orders or otherwise, the procedure and business of the Board.

(7) The quorum of the Board shall be fixed by the rules made under the foregoing subsection, but—

(*a*) it shall not be less than 5, and

(*b*) until it is so fixed, it shall be 5.

Chief executive officer.

17.— (1) There shall be a chief executive officer of the Authority who shall be known and is referred to in this Act as the "chief executive".

(2) The chief executive shall, subject to *subsection (3)* be appointed by the Board, with the consent of the Minister.

(3) Where a competition to appoint a chief executive officer of the Authority is held prior to the establishment day the successful candidate may be appointed by the Minister as the chief executive designate of the Authority.

(4) A person shall not be appointed as chief executive officer of the Authority unless the Public Appointments Service, after holding a competition on behalf of the Minister or the Authority, have selected him or her for appointment as chief executive officer of the Authority.

(5) The chief executive shall manage and control generally the staff, administration and business of the Authority and perform such other functions as may be conferred on him or her by or under this Act or determined by the Board. He or she shall advise the Board in relation to the performance of the functions of the Authority and shall make any proper proposals to the Board on any matter relating to the activities of the Authority.

(6) The chief executive shall be responsible to the Board for the performance of his or her functions and the implementation of the Board's policies.

(7) The chief executive shall provide the Board with such information, including financial information, in relation to the performance of his or her functions as the Board may from time to time require.

(8) Such of the functions of the chief executive as from time to time may be specified by him or her may, with the consent of the Board, be performed by such member of the staff of the Authority as may be authorised by the chief executive.

(9) The functions of the chief executive may be performed in his or her absence or when the position of chief executive is vacant by such member of the staff of the Authority as may from time to time be designated for that purpose by the Board.

(10) The chief executive shall hold office on and subject to such terms and conditions (including terms and conditions relating to remuneration and superannuation) as may be determined by the Board with the consent of the Minister and with the agreement of the Minister for Finance. The chief executive may be removed from his or her position at any time, for stated reasons, by the Board, with the consent of the Minister.

(11) The person who, immediately before the establishment day, holds the position of chief executive designate of the Authority shall, on the establishment day, become the chief executive and shall hold such office until such time as the Board appoints a chief executive under *subsection (2)* .

(12) The chief executive shall not be a member of the Board. However, he or she will have the right to attend meetings of the Board and to address the Board on matters relating to the performance of the functions of the Authority.

(13) The chief executive shall be paid by the Authority, out of moneys at its disposal, such remuneration and such allowances for expenses incurred by him or her in the performance of his or her functions as may be determined by the Minister with the agreement of the Minister for Finance.

(14) The chief executive shall devote the whole of his or her time to his or her duties as chief executive and shall not hold any other office or position without the consent of the Board.

(15) The chief executive shall, whenever required to do so by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report

to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, give evidence to that Committee on—

(*a*) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account subject to audit by the Comptroller and Auditor General which the Authority is required by this Act to prepare,

(*b*) the economy and efficiency of the Authority in the use of its resources,

(*c*) the systems, procedures and practices employed by the Authority for the purpose of evaluating the effectiveness of its operations, and

(*d*) any matter affecting the Authority referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993, or in any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in *paragraph (a)* , *(b)* or *(c)*) that is laid before Dáil Éireann.

(16) From time to time, and whenever so requested, the chief executive shall account for the performance of the Authority's functions to a Committee of one or both Houses of the Oireachtas and shall have regard to any recommendations of such Committee relevant to these functions.

Staff.

18.— (1) Any person who immediately before the establishment day was a member of the staff of the Department of Transport and who is designated by the Minister for employment in the Authority shall on the appointed day be transferred to and become a member of the staff of the Authority.

(2) The Minister may by order appoint a day to be the appointed day for the purposes of *subsection (1)* .

(3) The Authority may appoint such number of persons to be members of the staff of the Authority as it may determine from time to time with the consent of the Minister with the agreement of the Minister for Finance.

(4) A member of the staff of the Authority—

(*a*) (other than the chief executive) shall be paid out of the moneys at the disposal of the Authority such remuneration and allowances for expenses incurred by him or her as the Board may, with the consent of the Minister with the agreement of the Minister for Finance, determine,

(*b*) referred to in *paragraph (a)* shall hold office or employment on such other terms and conditions as the Board may, with the consent of the Minister with the agreement of the Minister for Finance, determine.

(5) The grades of the staff of the Authority and the numbers of staff in each grade shall be determined by the Board with the consent of the Minister with the agreement of the Minister for Finance.

(6) Save in accordance with a collective agreement negotiated with any recognised trade union or staff association concerned, the terms and conditions relating to tenure of office which are granted by the Board in relation to a member of the staff of the Authority who immediately before the establishment day was a member of the staff of the Department of Transport shall not, while he or she is in the service of the Authority, be less favourable to him or her than those prevailing immediately before the establishment day.

(7) Save in accordance with a collective agreement negotiated with any recognised staff associations or trade unions concerned, the scales of pay to which a member of staff referred to in *subsection (1)* was entitled and the terms and conditions of service

(other than those relating to tenure of office), restrictions, requirements and obligations to which they were subject immediately before their transfer shall continue to apply to them and may be applied or imposed by the Board or the chief executive, as the case may be, while they are in the service of the Authority.

(8) In relation to staff transferred to the Authority under *subsection (1)* , previous service in, or service reckonable for the purposes of any superannuation benefits payable by or on behalf of, the civil service shall be reckonable for the purposes of, but subject to any other exceptions or exclusions in—

(*a*) the Redundancy Payments Acts 1967 to 2003,

(*b*) the Protection of Employees (Part-Time Work) Act 2001,

(*c*) the Protection of Employees (Fixed-Term Work) Act 2003,

(*d*) the Organisation of Working Time Act 1997,

(*e*) the Minimum Notice and Terms of Employment Acts 1973 to 2005,

(*f*) the Unfair Dismissals Acts 1977 to 2005,

(*g*) the Terms of Employment (Information) Act 1994,

(*h*) the Parental Leave Act 1998, and

(*i*) the Carer's Leave Act 2001.

(9) The Authority may perform any of its functions through or by the chief executive or any other member of the staff of the Authority duly authorised by the Board in that behalf.

Remuneration of staff.

19.— Without prejudice to *section 18* , the Authority, in determining the remuneration or allowances for expenses to be paid to members of its staff or the other terms or conditions subject to which such members hold or are to hold their employment, shall comply with the Government or national agreed guidelines which are for the time being extant or to Government policy concerning remuneration and conditions of employment which is so extant and, in addition to the foregoing, the Authority shall comply with any directions with regard to such remuneration, allowances, terms or conditions which the Minister with the agreement of the Minister for Finance may give.

Superannuation of staff.

20.— (1) The Authority shall prepare and submit to the Minister a scheme or schemes for the granting of superannuation benefits to or in respect of members of staff as it may think fit.

(2) Every such scheme shall fix the time and conditions of retirement for all persons to or in respect of whom superannuation benefits are payable under the scheme or schemes and different times and conditions may be fixed in respect of different classes of persons.

(3) Every such scheme may be amended or revoked by a subsequent scheme prepared, submitted and approved under this section.

(4) A scheme submitted to the Minister under this section shall, if approved of by the Minister with the agreement of the Minister for Finance, be carried out by the Authority in accordance with its terms.

F3**[**(5) A scheme under this section shall include a provision for appeals from a decision relating to a superannuation benefit under the scheme.**]**

(6) No superannuation benefits shall be granted by the Authority nor shall any arrangements be entered into by the Authority for the provision of such benefit to a member of the staff of the Authority, otherwise than in accordance with a scheme under this section, or otherwise as may be approved of by the Minister with the agreement of the Minister for Finance.

(7) A scheme under this section shall, as respects a member of staff referred to in *section 18 (1)* , provide for the granting to or in respect of him or her of superannuation benefits upon and subject to terms and conditions that are not less favourable to him or her than the terms and conditions applied to him or her immediately before the establishment day in relation to the grant of such benefits.

(8) Where, in the period beginning on the establishment day and ending immediately before the commencement of a scheme under this section, a superannuation benefit falls due for payment to or in respect of a person who was transferred to the staff of the Authority under *section 18 (1)* , the benefit shall be calculated by the Authority in accordance with such scheme, or such enactments in relation to superannuation, as applied to the person immediately before the establishment day or such day as may be specified by the Minister under *section 18 (1)* and, for that purpose, his or her pensionable service with the Authority shall be aggregated with his or her previous pensionable service and shall be paid by the Authority.

(9) A scheme under this section shall be laid before each House of the Oireachtas by the Minister, as soon as may be after it is made and, if a resolution annulling the scheme is passed by either such House within the next 21 days on which that House has sat after the scheme is laid before it, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Engagement of consultants.

21.— The Authority may from time to time engage such consultants or advisers as it may consider necessary or expedient for the performance of its functions, and any remuneration due to a consultant or adviser engaged under this section shall be paid by the Authority out of moneys at its disposal having regard to guidelines issued from time to time by the Minister and, in addition to the foregoing, the Authority shall comply with any directions with regard to such consultants or advisers which the Minister may give to the Authority.

Membership of Houses of Oireachtas and European Parliament.

22.— (1) Where a member of the Board—

(*a*) is nominated as a member of Seanad Éireann,

(*b*) is elected as a member of either House of the Oireachtas or to the European Parliament,

(*c*) is regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997, as having been elected to the European Parliament to fill a vacancy, or

(*d*) becomes a member of a local authority,

he or she shall thereupon cease to be a member of the Board.

(2) Where a person employed by the Authority—

(*a*) is nominated as a member of Seanad Éireann,

(*b*) is elected as a member of either House of the Oireachtas or to the European Parliament, or

(*c*) is regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997, as having been elected to the European Parliament to fill a vacancy,

he or she shall thereupon stand seconded from his or her employment by the Authority and shall not be paid by, or be entitled to receive from, the Authority remuneration or allowances in respect of the period commencing on such nomination or election, or when he or she is regarded as having been elected, as the case may be, and ending when he or she ceases to be a member of either House or such Parliament.

(3) A person who is, for the time being, entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a member of the European Parliament shall, while he or she is so entitled or is such a member, be disqualified from becoming a member of the Board, or a member of the staff, of the Authority.

(4) A person who is a member of a local authority shall be disqualified from becoming a member of the Board.

(5) The Authority shall not employ or otherwise retain in any capacity a person who would otherwise be disqualified under this section from becoming a member of the Board, or a member of the staff, of the Authority, save with the approval of the Minister.

(6) Without prejudice to the generality of *subsection (2)* , that subsection shall be construed as prohibiting, among other things, the reckoning of a period mentioned in that subsection as service with the Authority for the purposes of any superannuation benefits.

Disclosure of interests by members of Board.

23.— (1) A member of the Board who has—

(*a*) any interest in any body or concerns with which the Authority has made a contract or proposes to make a contract, or

(*b*) any interest in any contract which the Authority has made or proposes to make,

shall disclose to the Board the fact of such interest and the nature thereof, and shall not be present at any deliberation or decision of the Board relating to the contract.

(2) Where at a meeting of the Board of the Authority any of the following matters arise, namely—

(*a*) an arrangement to which the Authority is a party or a proposed such arrangement, or

(*b*) a contract or other agreement with the Authority or a proposed such contract or other agreement,

then any Board member present at the meeting who otherwise than in his or her capacity as such a Board member is in any way, whether directly or indirectly, interested in the matter—

(i) shall at the meeting disclose to the Authority the fact of such interest and the nature thereof,

(ii) shall take no part in any deliberations of the Board relating to such matter save to such extent as the chairperson of the meeting at which such deliberations take place may permit, and

(iii) shall not vote on a decision relating to the matter.

(3) Where an interest is disclosed pursuant to this section, the disclosure shall be recorded in the minutes of the meeting concerned and, for so long as the matter to which the disclosure relates is being dealt with by the meeting, the member by whom the disclosure is made shall not be counted in the quorum for the meeting.

(4) Where, at a meeting of the Board, a question arises as to whether or not a course of conduct, if pursued by a member of the Board, would be a failure by him or her to comply with the requirements of *subsection (1)* , the question may be determined by the chairperson of the meeting whose decision shall be final and where such a question is so determined particulars of the determination shall be recorded in the minutes of the meeting.

(5) Where the Minister is satisfied that a Board member has failed to comply with a requirement of *subsection (1)* he or she may, if he or she thinks fit, remove that Board member from office or take such other action as he or she considers appropriate, and where a person is removed from office pursuant to this subsection he or she shall thenceforth be disqualified from being a member of the Board or a director of a subsidiary.

Disclosure of interests by directors of subsidiary.

24.— (1) A director of a subsidiary who has—

(*a*) any interest in any body or concerns with which the sub-sidiary has made a contract or proposes to make a contract, or

(*b*) any interest in any contract which the Authority has made or proposes to make,

shall disclose to the subsidiary the fact of such interest and the nature thereof, and shall not be present at any deliberation or decision of the subsidiary relating to the contract.

(2) Where at a meeting of the directors of a subsidiary any of the following matters arise, namely—

(*a*) an arrangement to which the subsidiary is a party or a proposed such arrangement, or

(*b*) a contract or other agreement with the subsidiary or a proposed such contract or other agreement, then any director present at the meeting who otherwise than in his or her capacity as such a director is in any way, whether directly or indirectly, interested in the matter—

(i) shall at the meeting disclose the fact of such interest and the nature thereof,

(ii) shall take no part in any deliberations of the directors relating to such matter save to such extent as the chairperson of the meeting at which such deliberations take place may permit, and

(iii) shall not vote on a decision relating to the matter.

(3) Where an interest is disclosed under this section, the disclosure shall be recorded in the minutes of the meeting concerned and, for so long as the matter to which the disclosure relates is being dealt with by the meeting, the member by whom the disclosure is made shall not be counted in the quorum for the meeting.

(4) Where, at a meeting of the directors of a subsidiary, a question arises as to whether or not a course of conduct, if pursued by a director, would be a failure by him or her to comply with the requirements of *subsection (1)* , the question may be determined by the chairperson of the meeting whose decision shall be final and where such a question is so determined particulars of the determination shall be recorded in the minutes of the meeting.

(5) Where the Board is satisfied that a director of a subsidiary has failed to comply with a requirement of *subsection (1)* the Board may, if it thinks fit, remove that director from office or take such other action as it considers appropriate, and where a person is removed from office pursuant to this subsection he or she shall thenceforth be disqualified from being a member of the Board or director of a subsidiary.

(6) Section 194 of the Companies Act 1963, does not apply to the director of a subsidiary.

Disclosure by members of staff of certain interests.

25.— (1) Where a member of the staff of the Authority or a subsidiary or a consultant or adviser to the Authority or to a subsidiary has an interest, otherwise than in his or her capacity as such a member, in any contract, agreement or arrangement, or proposed contract, agreement or arrangement, to which the Authority or the subsidiary is a party, he or she shall—

(*a*) disclose to the Authority or the subsidiary, as the case may be, his or her interest and the nature thereof,

(*b*) take no part in the negotiation of the contract, agreement or arrangement or in any deliberation by directors or members of the staff of the Authority or the subsidiary in relation thereto, and

(*c*) make no recommendation in relation to the contract, agreement or arrangement.

(2) *Subsection (1)* does not apply to contracts, or proposed contracts, of employment of members of the staff of the Authority with the Authority or of a subsidiary with the subsidiary.

(3) Where a person to whom *subsection (1)* applies fails to comply with a requirement of that subsection then—

(*a*) the Board, where the person is a member of the staff of the Authority or a consultant or adviser to the Authority, or

(*b*) the board of a subsidiary, where the person is a member of the staff of the subsidiary or a consultant or adviser to it,

shall decide the appropriate action (including removal from office or termination of contract) to be taken.

Prohibition on unauthorised disclosure of confidential information.

26.— (1) Save as otherwise provided by law, a person shall not disclose confidential information obtained by him or her while performing duties as—

(*a*) a member of the Board or a member of the staff of, or an adviser or consultant to, the Authority, or

(*b*) a director or a member of the staff of, or an adviser or consultant to, a subsidiary,

unless he or she is duly authorised by the Authority or the subsidiary, as the case may be, or by a member of the staff of the Authority or the subsidiary, as the case may be, duly authorised in that behalf, to do so.

(2) Particular information or information of a particular class or description shall be considered, for the purposes of *subsection (1) ,* to be confidential if it is stated to be confidential or the Board or an officer of the Authority or, as the case may be, the board or an officer of a subsidiary has directed that it be treated as confidential.

(3) In this section, "confidential" means that which is expressed to be confidential either as regards particular information or as regards information of a particular class or description.

(4) A person who contravenes *subsection (1)* is guilty of an offence and is liable on summary conviction to a fine not exceeding €3,000.

(5) The Third Schedule to the Freedom of Information Act 1997 is amended by inserting at the end of Part 1:

(*a*) in column (2), "*Road Safety Authority Act 2006*", and

(*b*) in column (3), "*Section 26* ".

Advances by Minister to Authority.

27.— (1) The Minister may, from time to time, with the consent of the Minister for Finance, advance to the Authority, out of moneys provided by the Oireachtas, such sums as the Minister may determine for the purposes of expenditure by the Authority in the performance of its functions.

(2) The sums to be advanced under *subsection (1)* shall be expended solely for the purpose and exercise of the functions conferred on the Authority by this Act or in specified circumstances that are subject to Ministerial direction.

Service agreement.

28.— (1) The Minister shall from time to time make an agreement with the Authority (a "service agreement") that, in accordance with *section 4* and *section 6* , certain tasks will be carried out, advice given, functions performed or standards adhered to in the performance of its functions in the public interest, and such agreement may encompass such other supplementary matters as the Minister and the Authority may decide.

(2) The Authority shall, without prejudice to *section 4* , carry out its functions in accordance with any such service agreement.

(3) Where a service agreement has been reached, it shall be a condition of the advance of funds under *section 27* that the Authority shall seek at all times to meet the terms of the agreement.

(4) Where the Minister has sought to make a service agreement with the Authority, but it has not been possible to reach such an agreement, the Minister may direct the Authority to accept a service agreement on such terms as he or she may decide.

(5) Without prejudice to *subsection (2)* , a service agreement may contain terms and conditions in relation to accounting matters, pricing of products and recovery of costs.

(6) The Authority shall not, as a matter of course, be compelled to surrender to the Exchequer any moneys it has on hands at the end of a financial year and may retain such moneys to finance its operations but the Minister may require the Authority to pay a dividend to the Exchequer of an amount determined by him or her.

Accounts of Authority.

29.— (1) The chief executive shall cause to be kept, on a continuous basis, all proper and usual books or other records of account of—

(*a*) all income and expenditure of the Authority,

(*b*) the sources of such income and the subject matter of such expenditure, and

(*c*) the property, assets and liabilities of the Authority,

and shall keep all such special accounts as the Minister may from time to time direct.

(2) The accounts of the Authority for each financial year shall be prepared by the chief executive and approved by the Board as soon as practicable but not later than three months after the end of the financial year to which they relate for submission to the Comptroller and Auditor General for audit.

(3) A copy of the accounts referred to in *subsection (2)* and the report of the Comptroller and Auditor General thereon shall, as soon as is practicable, be presented to the Minister who shall cause copies thereof to be laid before each House of the Oireachtas.

(4) The Authority shall, if so required by the Minister, furnish to him or her, such information as he or she may require in respect of any balance sheet, account or report of the Authority or in relation to the policy and operations of the Authority other than day-to-day operations.

(5) The financial year of the Authority shall be the period of 12 months ending on 31 December in any year and, for the purposes of this section, the period commencing on the establishment day and ending on 31 December of that year is deemed to be a financial year.

(6) The Authority shall submit estimates of income and expenditure to the Minister in such form, in respect of such periods, and at such times as may be required by him or her and shall furnish to the Minister any information which he or she may require in relation to such estimates.

(7) The Authority, the chief executive and the other officers of the Authority shall, whenever so requested by the Minister, permit any person appointed by the Minister to examine the books or other records of account of the Authority in respect of any financial year or other period and shall facilitate any such examination, and the Authority shall pay such fee as may be fixed by the Minister.

Annual Report.

30.— (1) As soon as may be after the end of each financial year of the Authority, but not later than 6 months thereafter, the Authority shall make a report to the Minister of its activities during that year and the Minister shall cause copies of such report to be laid before each House of the Oireachtas.

(2) Each report under *subsection (1)* shall include information in such form and regarding such matters as the Minister may direct.

Premises of Authority.

31.— (1) The Authority may for the purposes of providing premises necessary for the due performance of its functions—

(*a*) purchase or take on lease any land,

(*b*) build, equip and maintain offices and premises.

(2) The Authority may, with the consent of the Minister, sell or lease any land, offices or premises held by it which are no longer required for the due performance of its functions.

Charges by Authority.

32.— (1) The Authority may with the consent of the Minister, make such charges as it considers necessary and appropriate in consideration of—

(*a*) the performance by it of its functions,

(*b*) the provision by it of any service,

(*c*) the carrying on by it of any activities.

(2) Under the terms of a service agreement with the Authority, the Minister may agree to the Authority varying its charges in line with a financial model specified in the service agreement.

(3) The Authority may recover as a simple contract debt in any court of competent jurisdiction from any person by whom it is payable any amount due and owing under *subsection (1)* .

Seal of Authority.

33.— (1) The Authority shall, as soon as may be after its establishment, provide itself with a seal.

(2) The seal of the Authority shall be authenticated by the signature of the chairperson of the Board or some other member thereof or an officer of the Authority authorised by the Board to act in such manner.

(3) Judicial notice shall be taken of the seal of the Authority and every document purporting to be an instrument made by the Authority and to be sealed with the seal (purporting to be authenticated in accordance with *subsection (2)*) of the Authority shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.

Transfer of assets and liabilities.

34.— (1) The following shall be and are transferred to the Authority on the establishment day—

(*a*) all property and rights relating to such property held or enjoyed immediately before that day by the Minister in respect of the driver testing service or any other function transferred to the Authority, and

(*b*) all liabilities incurred before that day by the Minister in respect of the driver testing service or any other function transferred to the Authority that had not been discharged before that day,

and, accordingly, without any further conveyance, transfer or assignment—

(i) the said property, real and personal, shall, on that day, vest in the Authority for all the estate, term or interest as the case may be for which, immediately before that day, it was so vested in the Minister in respect of the driver testing service or any other function transferred to the Authority, but subject to all trusts and equities affecting the property subsisting and capable of being performed,

(ii) the said rights shall, as on and from that day, be enjoyed by the Authority, and

(iii) the said liabilities shall, as on and from that day, be liabilities of the Authority.

(2) Every right and liability transferred to the Authority by this section may, on or after the establishment day, be sued on, recovered or enforced by or against the Authority in its own name and it shall not be necessary for the Authority to give notice to the person whose right or liability is transferred by this section of the transfer.

(3) Where any function of the Minister, which is operated under contract by another person, is transferred to the Authority the contract operates as if the Authority were the Minister.

Preservation of certain continuing contracts.

35.— Every bond, guarantee or other security of a continuing nature made or given by or on behalf of the Minister in respect of the driver testing service or any other function transferred to the Authority to any person or given by any person to and accepted by or on behalf of the Minister in respect of the driver testing service or any other function transferred to the Authority and every contract or agreement made between the Minister in respect of the driver testing service or any other function transferred to the Authority, or any trustee or agent thereof acting on its behalf, and any other person, and in force but not fully executed and completed immediately before the establishment day shall continue in force on or after that day and shall be construed and have effect as if the name of the Authority were substituted therein for that of the Minister in respect of the driver testing service or any other function transferred to the Authority or, as appropriate, its said trustee or agent and shall be enforceable by or against the Authority.

Saving for certain acts.

36.— Nothing in this Act shall affect the validity of any act that was done before the establishment day by or on behalf of the Minister in respect of the driver testing service or any other function transferred to the Authority and every such act shall, if and in so far as it was operative immediately before that day, have effect on and after that day as if it had been done by or on behalf of the Authority.

Pending legal proceedings.

37.— Where, immediately before the establishment day, any legal proceedings are pending in any court or tribunal and the Minister acting on behalf of the driver testing service or any other function transferred to the Authority is a party to the proceedings, the name of the Authority shall be substituted therein for that of the Minister acting on behalf of the driver testing service or any other function transferred to the Authority and the proceedings shall not abate by reason of such substitution.

Declarations under European Convention on Driving Disqualifications.

38.— Section 9(1) of the Road Traffic Act 2002 is amended by substituting for paragraph (*a*) the following:

"(*a*) by reason of the commission after—

(i) the entry into force of the Convention, or

(ii) the date on which the Convention has become applicable between the State and another Member State by declaration under Article 15.4 of the Convention,

of a specified offence in another Member State ('State of the offence') by a person who is normally resident in the State, a driving disqualification is imposed on the person for any period in the State of the offence, and".

Expenses.

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

Short title.

40.— This Act may be cited as the Road Safety Authority Act 2006.



Number 14 *of* 2006

ROAD SAFETY AUTHORITY ACT 2006

REVISED

Updated to 1 February 2019

About this Revised Act

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

Related legislation

Road Safety Authority Acts 2006 and 2012: this Act is one of a group of Acts included in this collective citation to be construed together as one (*Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012* (16/2012), s. 1(3)). The Acts in this group are:

- *Road Safety Authority Act 2006* (14/2006)
- *Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012* (16/2012)

Annotations

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

Material not updated in this revision

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

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

A list of legislative changes to any Act, and to statutory instruments from 1977, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.