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

Number 13 *of* 2015

VEHICLE CLAMPING ACT 2015

REVISED

Updated to 1 October 2025

This Revised Act is an administrative consolidation of *Vehicle Clamping Act 2015*. It is prepared by the Law Reform Commission in accordance with its function under *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Housing Finance Agency (Amendment) Act 2025* (11/2025), enacted 28 October 2025, and all statutory instruments up to and including the *Maritime Area Planning Act 2021 (Fit and Proper Person) Order 2025* (S.I. No. 467 of 2025), made 1 October 2025, were considered in the preparation of this Revised Act.

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

Number 13 *of* 2015

VEHICLE CLAMPING ACT 2015

REVISED

Updated to 1 October 2025

CONTENTS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title, commencement and collective citation
2. Interpretation
3. Laying of regulations and orders
4. Matters relating to regulations made by NTA
5. Specification of statutory clamping places - order of Minister
6. Expenses

PART 2

REGULATION OF CLAMPING ACTIVITIES IN CLAMPING PLACES

7. Function of NTA to regulate clamping, etc.
8. Ministerial policy directions
9. Clamping activities to be in accordance with Act
10. Clamping regulations
11. Signage
12. Codes of practice
13. Clamping notice
14. Prohibition on clamping and relocating certain vehicles
15. Maximum clamp release and relocation charges - non-statutory clamping places
16. Consultation by statutory bodies, etc., when fixing clamp release or relocation charges
17. Removal of clamp or release of vehicle

PART 3

Complaints and Appeals

18. Complaints procedure

19. Right of appeal

20. Appeal procedures - parking controller

21. Clamping appeals officers

22. Hearing of appeals - clamping appeals officer

PART 4

Enforcement and Proceedings

23. Powers of authorised persons

24. Search warrant

25. Prohibition on obstruction of authorised person

26. Compliance

27. Service of directions and notices

28. Proceedings

29. Payment of costs on conviction

30. Offence - body corporate

31. Fixed payment notices

PART 5

Clamping on Public Roads

32. Amendment of section 101B of Act of 1961 - immobilisation of unlawfully parked vehicles

33. Exemptions from certain provisions of Road Traffic Acts 1961 to 2014 for clamping operations

PART 6

CIÉ Property, Fishery Harbour Centres and Harbours

34. CIÉ property

35. Fishery harbour centres

36. Harbours

37. Light railways

ACTS REFERRED TO

Companies Acts
Dublin Transport Authority (Dissolution) Act 1987 (No. 34)
Fire Services Act 1981 (No. 30)
Fishery Harbour Centres Act 1968 (No. 18)
Fishery Harbour Centres Acts 1968 to 2006
Harbours (Amendment) Act 2000 (No. 21)

Harbours Act 1996 (No. 11)
Harbours Acts 1996 to 2009
Local Authorities (Traffic Wardens) Act 1975 (No. 14)
Local Government Act 2001 (No. 37)
Maritime Safety Act 2005 (No. 11)
Railway Safety Act 2005 (No. 31)
Road Traffic Act 1961 (No. 24)
Road Traffic Act 1994 (No. 7)
Road Traffic Act 2010 (No. 25)
Road Traffic Acts 1961 to 2014
State Airports Act 2004 (No. 32)
Transport (Railway Infrastructure) Act 2001 (No. 55)
Transport Act 1950 (No. 12)

Number 13 *of* 2015

VEHICLE CLAMPING ACT 2015

REVISED

Updated to 1 October 2025

An Act to provide for the regulation of the immobilisation of vehicles and related activities in certain places and in this regard to confer functions on the National Transport Authority and to amend the Transport Act 1950, section 101B of the Road Traffic Act 1961, the Fishery Harbour Centres Act 1968, the Harbours Act 1996and the Transport (Railway Infrastructure) Act 2001 and to provide for related matters.

[6 *th May*, 2015]

Be it enacted by the Oireachtas as follows:

Annotations

Modifications (not altering text):

C1 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.**]**

C2 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), reg. 42(22) and sch. 2, in effect as per reg. 1(3).

Screening for Appropriate Assessment and Appropriate Assessment of implications for European Sites

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
		...

C3 References to term "Commissioner" in collectively cited *Road Traffic Acts 1961 to 2010* 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.

...

C4 References to term "provisional licence" in collectively cited *Road Traffic Acts 1961 to 2006* 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.

...

C5 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.

C6 Functions in relation to collectively cited *Road Traffic Acts 1961 to 2002* transferred and references 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), in effect as per art. 1(2), subject to transitional provisions in arts. 5-9. Note: title of Department and Minister, as altered (19.06.2002) by *Public Enterprise (Alteration of Name of Department and Title of Minister) Order 2002* (S.I. No. 305 of 2002), further altered 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), arts. 2-4, in effect as per art. 1(2).

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.

C7 References to "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 Prospective affecting provision: provision for order of costs of prosecution upon conviction of offence under collectively cited *Road Traffic Acts 1961 to 2010* prescribed by *Road Traffic Act 2010* (25/2010), s. 82, not commenced as of date of revision.

E2 Prospective affecting provision: prescribed offences under collectively cited *Road Traffic Acts 1961 to 2010* subjected to payment deposit notice procedure by *Road Traffic Act 2010* (25/2010), s. 50, not commenced as of date of revision.

E3 Multiple convictions for certain offences under collectively cited *Road Traffic Acts 1961 to 2014* excluded from vetting disclosure by *National Vetting Bureau (Children and Vulnerable Persons) Act 2012* (47/2012), ss. 14(4A) and 14A, as inserted (29.04.2016) by *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), ss. 20(b) and 21, S.I. No. 215 of 2016.

E4 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 para. (u), commenced as per s. 1(2).

E5 Procedure in relation to testing for and prosecution of intoxication offences under collectively cited *Road Traffic Acts 1961 to 2010* prescribed (28.10.2011) by *Road Traffic Act 2010* (25/2010), part 2, S.I. No. 543 of 2011, as last amended (30.03.2017 and 13.04.2017) by *Road Traffic Act 2016* (21/2016), part 3, S.I. No. 129 of 2017.

E6 Provision for production and inspection of driving licence of person suspected of offence under collectively cited *Road Traffic Acts 1961 to 2010* prescribed (28.10.2011) by *Road Traffic Act 2010* (25/2010), s. 61, S.I. No. 543 of 2011, as amended (28.10.2011) by *Road Traffic (No. 2) Act 2011* (28/2011), s. 9(l), S.I. No. 542 of 2011.

E7 Provision for review of existing plans under collectively cited *Road Traffic Acts 1961 to 2010* prescribed (21.09.2011) by *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011), reg. 46 and sch. 2, in effect as per reg. 1(3).

E8 Discretion to attach certain conditions to licences, consents, permissions, permits, derogations or other authorisations, granted under collectively cited *Road Traffic Acts 1961 to 2010*, prescribed (21.09.2011) by *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011), reg. 63(2) and sch. 2, in effect as per reg. 1(3).

E9 Road Safety Authority designated as authority responsible for certain vehicle testing arrangements required under the collectively cited *Road Traffic Acts 1961 to 2006* (13.09.2006) by *Road Safety Authority Act 2006 (Conferral of Functions) Order 2006* (S.I. No. 477 of 2006), art. 3(b)(i).

E10 Provision for proof of authorisation to carry out mandatory alcohol testing in proceedings under collectively cited *Road Traffic Acts 1961 to 2006* prescribed (21.07.2006) by *Road Traffic Act 2006* (23/2006), s. 4(9), S.I. No. 384 of 2006; repealed by *Road Traffic Act 2010* (25/2010), s. 33(f), not commenced as of date of revision.

E11 Responsibility for ongoing review of collectively cited *Road Traffic Acts 1961 to 2004* by Health and Safety Authority prescribed (1.09.2005) by *Safety, Health and Welfare At Work Act 2005* (10/2005), ss. 2(1) and 57(1) and sch. 1, S.I. No. 328 of 2005.

E12 Provision for inspection of driving license of person charged with offences under collectively cited *Road Traffic Acts 1961 to 2010* prescribed by *Road Traffic Act 2002* (12/2002), s. 22(1), as substituted (24.01.2005) by *Road Traffic Act 2004* (44/2004), s. 21, S.I. No. 26 of 2005; and as last substituted (13.04.2017) by *Road Traffic Act 2016* (21/2016), s. 33, S.I. No. 129 of 2017.

E13 Duty to give certain information to member of Garda Síochána, where offences under collectively cited *Road Traffic Acts 1961 to 1995* suspected, prescribed (23.12.2001) by *Transport (Railway Infrastructure) Act 2001* (55/2001), s. 59(1), commenced on enactment.

E14 Procedure in relation to evidence in certain proceedings under collectively cited *Road Traffic Acts 1961 to 1994* prescribed (2.12.1994) by *Road Traffic Act 1994* (7/1994), s. 21, S.I. No. 350 of 1994, as amended (4.10.2006) by *Road Traffic and Transport Act 2006* (28/2006), s. 1(1)(f), commenced on enactment; repealed by *Road Traffic Act 2010* (25/2010), s. 33(c), not commenced as of date of revision.

E15 Power to delegate functions under collectively cited *Road Traffic Acts 1961 to 1987* prescribed (1.01.1994) by *Roads Act 1993* (14/1993), s. 17(4), S.I. No. 406 of 1993.

E16 Power to make recommendations to Commissioner in relation to performance of functions under collectively cited *Road Traffic Acts 1961 to 1987* prescribed (1.01.1994) by *Roads Act 1993* (14/1993), s. 23(1), S.I. No. 406 of 1993.

E17 Discretion to transfer certain functions under collectively cited *Road Traffic Acts 1961 to 2002* to local authorities prescribed (12.07.1975) by *Local Authorities (Traffic Wardens) Act 1975* (14/1975), ss. 2 and 3(1), commenced on enactment, as substituted (3.04.2006) by *Road Traffic Act 2002* (12/2002), s. 12, S.I. No. 134 of 2006, and (21.07.2006) by *Road Traffic Act 2006* (23/2006), s. 15(2), S.I. No. 384 of 2006.

E18 Previous affecting provision: certain records held by Medical Bureau of Road Safety under collectively cited *Road Traffic Acts 1961 to 2010* 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; repealed (14.10.2014) by *Freedom of Information Act 2014* (30/2014), s. 5 and sch. 4, commenced as per s. 1(2).

E19 Previous affecting provision: application of collectively cited *Road Traffic Acts 1961 to 2004* restricted (20.01.2005) by *Road Traffic Act 2004* (44/2004), s. 27, S.I. No. 8 of 2005; repealed (28.10.2011) by *Road Traffic Act 2010* (25/2010), s. 87(2), S.I. No. 543 of 2011.

E20 Previous affecting provision: references to term "commissioner" in collectively cited *Road Traffic Acts 1961 to 2004* construed (24.01.2005) by *Road Traffic Act 2004* (44/2004), s. 28, S.I. No. 26 of 2005; repealed (1.06.2011) by *Road Traffic Act 2010* (25/2010), s. 83(2), S.I. No. 255 of 2011.

E21 Previous affecting provision: obligation to provide breath specimen, where offences suspected under collectively cited *Road Traffic Acts 1961 to 2003*, prescribed by *Road Traffic Act 1994* (7/1994), s. 12(1)(c), as substituted (1.12.2003) by *Road Traffic Act 2003* (37/2003), s. 2, S.I. No. 647 of 2003; repealed (29.10.2011) by *Road Traffic Act 2010* (25/2010), s. 33(c), S.I. No. 544 of 2011.

E22 Previous affecting provision: provision for proof of certain matters in proceedings under collectively cited *Road Traffic Acts 1961 to 1978* prescribed (20.07.1978) by *Road Traffic (Amendment) Act 1978* (19/1978), s. 23(1), S.I. No. 192 of 1978; repealed (2.12.1994) by *Road Traffic Act 1994* (7/1994), s. 4(1), S.I. No. 350 of 1994.

PART 1

Preliminary and General

Short title, commencement and collective citation

1. (1) This Act may be cited as the Vehicle Clamping Act 2015.

(2) This Act comes into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

(3) The Road Traffic Acts 1961 to 2014 and *Part 5* may be cited together as the Road Traffic Acts 1961 to 2015.

(4) The Fishery Harbour Centres Acts 1968 to 2006 and *section 35* may be cited together as the Fishery Harbour Centres Acts 1968 to 2015.

(5) The Harbours Acts 1996 to 2009 and *section 36* may be cited together as the Harbours Acts 1996 to 2015.

Annotations

Editorial Notes:

E23 Power pursuant to subs. (2) exercised (1.06.2017 and 1.10.2017) by *Vehicle Clamping Act 2015 (Commencement) Order 2017* (S.I. No. 211 of 2017).

2. The day fixed as the day on which the following provisions of the Vehicle Clamping Act 2015 (No. 13 of 2015), come into operation—

(*a*) namely—

(i) Part 1 (sections 1 to 6), and

(ii) in Part 2, sections 7, 8, 10, 11(2), (3) and (7) and 15(1), (3), (4) and (5),

is 1 June 2017,

and

(*b*) namely—

(i) in Part 2, sections 9, 11(1), (4), (5) and (6), 12, 13, 14, 15(2), (6) and (7), 16 and 17, and

(ii) Parts 3, (sections 18 to 22), 4 (sections 23 to 31), 5 (sections 32 and 33) and 6 (sections 34 to 37),

is 1 October 2017.

Interpretation

2. In this Act—

"Act of 1961" means Road Traffic Act 1961;

"Act of 2005" means Railway Safety Act 2005;

"airport" means a State Airport (within the meaning of the State Airports Act 2004) or another airport for which the Minister may make bye-laws under section 15 of that Act;

"authorised person" means a person or a class of persons appointed under *section 23* ;

"clamp" means a device or appliance designed or adapted for fixing to a vehicle for the purpose of preventing it from being driven or otherwise put in motion;

"clamping" means fixing a clamp to a parked vehicle;

"clamping activities" means—

(a) clamping,

(b) removing a clamp from a vehicle,

(c) relocating a vehicle, or

(d) imposing charges—

(i) as a condition for removing a clamp from a vehicle, or

(ii) in respect of the relocation of a vehicle;

"clamping appeals officer" means a person designated by the NTA under *section 21* ;

"clamping notice" means a notice affixed to a vehicle in accordance with *section 13* ;

"clamping operator" means a person who is authorised by a parking controller to carry out clamping activities on behalf of the parking controller and includes an employee of a clamping operator or any other person engaged by a clamping operator to carry out such activities on his or her behalf and, in respect of clamping activities carried out under section 101B, includes a clamping officer (within the meaning of that section);

"clamping place" means a statutory clamping place or a non-statutory clamping place, or both, as the case may be;

"clamping regulations" means regulations made under *section 10* ;

"clamp release charge" means a charge for the removal of a clamp fixed to an unlawfully or a wrongfully parked vehicle;

"code of practice" means a code of practice established under *section 12(1)*;

"enactment" includes an instrument made under an enactment;

"fishery harbour centre" has the meaning assigned to it in the Fishery Harbour Centres Act 1968;

"harbour" has the meaning assigned to it in the Harbours Act 1996;

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

"Minister" means Minister for Transport, Tourism and Sport;

"non-statutory clamping place" means a place, other than a statutory clamping place, where clamping activities are in operation;

"NTA" means National Transport Authority;

"park", in relation to a vehicle, has the meaning assigned to it in section 3 of the Act of 1961;

"parking controller", in relation to a clamping place, means the person who as regards that clamping place is responsible for enforcement of the law or rules applicable to parking in that place, but does not include a member of the Garda Síochána or a traffic warden authorised in that behalf;

"prescribe" means prescribe by regulations;

"public road" has the meaning assigned to it by section 3 of the Act of 1961;

"relevant charge" means a clamp release charge or a relocation charge or both;

"relocating", in relation to a wrongfully or an unlawfully parked vehicle, means moving the vehicle from the place where it is parked (whether or not a clamp has been fixed to it before or after its relocation) to another place;

"relocation charge" means a charge for relocating an unlawfully or wrongfully parked vehicle to another place;

"section 101B" means section 101B (inserted by *section 32*) of the Act of 1961;

"signage regulations" means regulations made under *section 11* ;

"statutory body" means, as the case may be, an airport, Coras Iompair Éireann, the Railway Procurement Agency, a harbour or a fishery harbour centre or a body established under statute having charge of a clamping place specified under *section 5* ;

"statutory clamping place" means—

(a) a public road where clamping activities are carried out in accordance with section 101B,

(b) an airport where clamping activities are carried out under bye-laws made under section 15(3)(o) of the State Airports Act 2004,

(c) land belonging to or occupied by Coras Iompair Éireann where clamping activities are carried out under bye-laws made under section 22(1)(ee)(ii) (inserted by *section 34(c)*) of the Transport Act 1950,

(d) a fishery harbour centre where clamping activities are carried out under bye-laws made under section 4(2)(aa) (inserted by *section 35(a)*) of the Fishery Harbour Centres Act 1968,

(e) a harbour where clamping activities are carried out under bye-laws made under section 42(1A)(b) (inserted by *section 36(c)*) of the Harbours Act 1996,

(f) a place where clamping activities are carried out under section 66A (inserted by section 134 of the Act of 2005) of the Transport (Railway Infrastructure) Act 2001, and

(g) such other places as may be specified by the Minister under *section 5* where clamping activities are carried out under an enactment;

"traffic warden" has the meaning assigned to it in the Local Authorities (Traffic Wardens) Act 1975;

"unlawful", in relation to a vehicle parked in a statutory clamping place, means a vehicle that is parked in contravention of an enactment;

"vehicle" means a mechanically propelled vehicle (within the meaning of section 3 of the Act of 1961) a trailer or semi-trailer or a combination of two or more of them;

"website", in relation to the NTA, means a website maintained by the NTA on the internet;

"wrongful", in relation to a vehicle parked in a clamping place, means—

(a) where the clamping place is a non-statutory clamping place, the vehicle is parked in contravention of the terms and conditions or restrictions or prohibitions applicable to parking in the place concerned, or

(b) where the clamping place is a statutory clamping place under the control of a statutory body, the charge imposed for parking the vehicle, permitted to be fixed under an enactment, is not paid and the failure to pay the charge does not constitute a contravention of an enactment.

Annotations

Modifications (not altering text):

C8 Reference to "Railway Procurement Agency" construed (1.08.2015) by *Roads Act 2015* (14/2015), s. 7(2), commenced as per section and S.I. No. 298 of 2015.

Definitions

2. In this Act— ...

"Authority" means National Roads Authority;

...

"dissolution day" means the day appointed by the Minister under *section 6* for the dissolution of the Railway Procurement Agency;

"dissolved body" means the Railway Procurement Agency as it stands dissolved by virtue of this Act;

...

Transfer of functions of dissolved body to Authority

7. ...

(2) References—

(a) to the dissolved body, in any enactment (other than this Act or an enactment mentioned in the Schedule) or any instrument made under an enactment, in so far as they relate to a function transferred by subsection (1), or

...

shall be construed, on and after the dissolution day, as references to the Authority.

Laying of regulations and orders

3. Every regulation made under this Act or order made under *section 5* shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation or order is passed by either such House within the next 21 days on which that House sits after the regulation or order is laid before it, the regulation or order is annulled, but without prejudice to the validity of anything previously done under it.

Matters relating to regulations made by NTA

4. F1**[**(1) Before making regulations under this Act (other than under *section 15*) the NTA shall—

(a) consult with the Minister, and where the proposed regulations relate to a statutory clamping place, the body having responsibility for that place,

(b) publish a notice in at least one national newspaper circulating in the State and on its website—

(i) indicating that it proposes to make regulations under this Act,

(ii) indicating that a copy of the proposed regulations is available for inspection at the NTA offices specified in the notice and on its website for a specified period (being not less than 30 days), and

(iii) stating that representations concerning the proposed regulations may be made in writing before a specified date (which shall be not less than 14 days after the end of the period for inspection),

and

(c) consider any representations received pursuant to *paragraph (b)*.**]**

(2) The NTA, after consulting in accordance with *subsection (1)(a)*, and having considered any representations made under *subsection (1)(b)*, regarding regulations it proposes to make under this Act, may make the regulations, with or without modification.

(3) Where regulations are made by the NTA under this Act, the NTA shall publish on its website—

(a) a copy of the regulations or a notice of their making with a description of them, and

(b) reference to the statutory instrument number assigned to them.

(4) The validity of any regulations made under this Act shall not be affected by any non-compliance with *subsection* F2**[**...**]** *(3)*.

(5) The NTA may make regulations prescribing any matter referred to in this Act as prescribed or to be prescribed.

Annotations

Amendments:

F1 Substituted (13.04.2017) by *Road Traffic Act 2016* (21/2016), s. 37(a), S.I. No. 129 of 2017.

F2 Deleted (13.04.2017) by *Road Traffic Act 2016* (21/2016), s. 37(b), S.I. No. 129 of 2017.

Editorial Notes:

E24 Power pursuant to section exercised (1.10.2025) by *Vehicle Clamping Act 2015 (Appeals Procedure) Regulations 2025* (S.I. No. 203 of 2025), in effect as per reg. 2.

Specification of statutory clamping places - order of Minister

5. In addition to the places specified in *section 2* , the Minister may, after consultation with the NTA and any other person he or she considers relevant, by order specify other places, where the carrying out of clamping

activities is authorised under an enactment, which are to be statutory clamping places.

Expenses

6. The expenses incurred by the Minister in the administration of this Act shall, to the extent sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

PART 2

Regulation of Clamping Activities in Clamping Places

Function of NTA to regulate clamping, etc.

7. The functions of the NTA shall include the regulation of clamping activities in clamping places in accordance with this Act and the matters relating to appeals specified in *Part 3*.

Ministerial policy directions

8. (1) The Minister may, from time to time, give policy directions in writing to the NTA regarding its functions under this Act and the NTA shall comply with any such direction.

(2) Notice of any direction given under *subsection (1)* and details of it shall be—

(a) laid before each House of the Oireachtas, as soon as may be, after it has been given, and

(b) published in Iris Oifigiúil and on the website of the Department of Transport, Tourism and Sport, not later than 21 days of it being given.

Clamping activities to be in accordance with Act

9. Where clamping activities are carried out in a clamping place, then, without prejudice to the legality or otherwise of those activities, they shall be carried out in accordance with this Act, clamping and signage regulations and maximum charges provided or prescribed under *section 15* .

Clamping regulations

10. (1) For the purposes of the proper management of clamping activities in the public interest, the NTA may make regulations ("clamping regulations") in relation to clamping places prescribing all or any of the following:

(a) the period of time which shall expire after the detection of the wrongful or unlawful parking of a vehicle in a clamping place, before—

(i) a clamp may be fixed to the vehicle, and

(ii) a vehicle may be relocated;

(b) the period of time within which a clamp shall be removed from a vehicle after payment of a clamp release charge and, where the vehicle has been relocated, after payment of a relocation charge;

(c) the restriction of the imposition or the amount of charges in addition to the maximum charge prescribed or provided for under *section 15* ;

(d) access, in a non-statutory clamping place, to a vehicle, which has been relocated, by or on behalf of its owner, in order to recover it;

(e) requirements in relation to the type of clamp that may be used;

(f) where evidence of unlawful or wrongful parking is gathered by means of photographs, video or other recording methods, the manner of such gathering;

(g) the means of identification to be carried, displayed and presented by a clamping operator (other than a member of the Garda Síochána or a traffic warden), including identity cards or any other means that may be specified;

(h) other than in relation to a vehicle being used by, or at the request of, a member of the Garda Síochána, the means of identification and markings to be displayed on vehicles used in relation to carrying out clamping activities;

(i) the form of a clamping notice (other than for a vehicle clamped under section 101B);

(j) the manner in which payment of a clamp release charge or relocation charge may be made;

(k) the records to be kept in respect of clamping activities;

(l) the information to be provided to the NTA or an authorised person—

(i) by a parking controller, in relation to clamping places under his or her control (including clamping activities taking place there), and

(ii) by a clamping operator, in relation to clamping activities he or she or his or her employees carry out;

(m) where information is provided by electronic or other means to the public regarding clamping activities in a clamping place, the form and content of that information.

(2) The NTA, in making clamping regulations, may set different requirements and conditions in respect of—

(a) statutory and non-statutory clamping places,

(b) different clamping places, and

(c) different circumstances, different hours of the day and different areas.

(3) Regulations made under *paragraph (a)*, *(b)*, *(e)* or *(f)* of *subsection (1)* do not apply to a vehicle clamped or relocated by, or at the direction of, a member of the Garda Síochána.

(4) A person who fails to comply with or contravenes a provision of clamping regulations, which is stated in the regulations to be a penal provision, commits an offence and is liable on summary conviction to a class C fine.

(5) The NTA shall not make clamping regulations which—

(a) relate to statutory clamping places, or

(b) contain a provision which is stated in the regulations to be a penal provision,

without the consent of the Minister.

Annotations

Editorial Notes:

E25 Power pursuant to section exercised (1.10.2025) by *Vehicle Clamping Act 2015 (Appeals Procedure) Regulations 2025* (S.I. No. 203 of 2025), in effect as per reg. 2.

E26 Power pursuant to section exercised (1.10.2017) by *Vehicle Clamping and Signage Regulations 2017* (S.I. No. 421 of 2017), in effect as per reg. 2.

Signage

11. (1) A parking controller in relation to a clamping place, other than a public road, for which he or she is the parking controller shall ensure that—

(a) he or she provides in prominent places (in accordance with any signage regulations, for the time being in force, which apply to the clamping place) signs which indicate clearly that clamping activities are in operation in that place and are visible to a person accessing the place with a vehicle,

(b) the signs specify—

(i) the clamp release charge (if any),

(ii) the relocation charge (if any), and

(iii) any additional charges (if any) that may be payable in respect of a vehicle which has been clamped,

and

(c) any code of practice relating to signage, for the time being in place, which applies to the clamping place is complied with.

(2) The NTA may make regulations ("signage regulations") with respect to signage to be provided and displayed in or at a clamping place, other than a public road, with regard to all or any of the following:

(a) the location of signs, including—

(i) at, or in the vicinity of, an entrance to a place,

(ii) within or throughout a place;

(b) the information (including its form) to be displayed on signs;

(c) the dimensions, colour and design of signs;

(d) the symbols to be displayed on signs; and

(e) the number of signs to be provided.

(3) In making signage regulations, the NTA may set different requirements and conditions in respect of—

(a) statutory and non-statutory places,

(b) different clamping places, and

(c) different circumstances and different areas.

(4) A parking controller who fails to comply with *subsection (1)* (other than *paragraph (c)*) commits an offence and is liable on summary conviction to a class C fine.

(5) Where a sign is provided in accordance with signage regulations displaying the clamp release charge or the relocation charge which applies in a clamping place and the parking controller for that place or any clamping operator carrying out clamping activities in that place imposes a clamp release charge or relocation charge greater than the charge displayed, he or she commits an offence and is liable on summary conviction to a class B fine.

(6) It shall not be a defence in any proceedings for an offence in relation to unlawful parking for the accused to show that this section has not been complied with by the parking controller concerned.

(7) The NTA shall not make signage regulations without the consent of the Minister.

Annotations

Editorial Notes:

E27 Power pursuant to section exercised (1.10.2017) by *Vehicle Clamping and Signage Regulations 2017* (S.I. No. 421 of 2017), in effect as per reg. 2.

Codes of practice

12. (1) The NTA may establish a code of practice—

(a) providing practical guidance to parking controllers and clamping operators regarding compliance with this Act or regulations made under it, and

(b) establishing standards in relation to the general behaviour, performance of duties and conduct of—

(i) parking controllers in supervising the operations of clamping operators, and

(ii) clamping operators in carrying out clamping activities.

(2) A code of practice shall be published by the NTA—

(a) on the website of the NTA in such a form or manner as the NTA thinks appropriate, and

(b) in printed form available on request on payment of such reasonable fee (if any) as the NTA decides,

and the published code shall specify the date from which it has effect.

(3) The NTA shall consult with the Minister when preparing a draft of a code of practice or any amendments to a code of practice.

(4) Before establishing a code of practice or amending a code of practice, the NTA—

(a) shall publish on its website a draft of the proposed code or amendment and allow persons a specified period, being not less than 21 days after the date of publication, to make written representations to the NTA in relation to the draft code or draft amendment, as the case may be, and

(b) may, having considered any representations received, establish the draft code or make the amendment, with or without modification.

(5) *Subsection (6)* applies in proceedings for an offence under this Act where there was a relevant code of practice in effect at the time of the commission of the alleged offence.

(6) Where it is shown in any proceedings that an act or omission of the accused constituted an element of an offence and such act or omission was—

(a) a failure to observe a relevant code of practice referred to in *subsection (5)*, or

(b) in compliance with a code of practice,

the failure or compliance is admissible in evidence.

(7) A copy of a code of practice which has endorsed on it a certificate purporting to be signed by an officer of the NTA, authorised by the NTA in that behalf, stating that the copy is a true copy of the code of practice may, without proof of the signature of the person signing the certificate or that he or she is authorised to sign the certificate, be produced in every court and in all proceedings under this Act and is evidence, unless the contrary is shown, of the code of practice.

Clamping notice

13. (1) When fixing a clamp to a vehicle in a clamping place, the clamping operator or person fixing the clamp to the vehicle shall also affix to the vehicle a notice ("clamping notice") which shall—

(a) indicate the reason for the clamp being fixed to the vehicle,

(b) indicate—

(i) that a clamp has been fixed to the vehicle, and

(ii) the time and date when—

(I) the wrongful or unlawful parking of the vehicle was detected, and

(II) the clamp was fixed to the vehicle,

(c) give a warning that an attempt should not be made to drive the vehicle or otherwise put it in motion until the clamp is removed,

(d) specify the steps to be taken to secure the removal of the clamp, and

(e) give details of the appeals process under *Part 3*.

(2) This section does not apply to a vehicle to which an immobilisation device has been fixed under section 101B.

Prohibition on clamping and relocating certain vehicles

14. (1) A clamp shall not be fixed—

(a) in a clamping place, to—

(i) an ambulance (provided by a pre-hospital emergency care service provider recognised by the Pre-Hospital Emergency Care Council),

(ii) a fire brigade vehicle of a fire authority (within the meaning of the Fire Services Act 1981),

(iii) any vehicle used by a member of the Garda Síochána or the Defence Forces in the performance of his or her duties, or

(iv) a vehicle used in connection with the operation of electronic or other apparatus referred to in section 81(1) of the Road Traffic Act 2010 under an agreement in accordance with subsection (7) of that section and which is at a location determined by a member of the Garda Síochána not below the rank of Superintendent,

or

(b) in a statutory clamping place, to a vehicle on which there is displayed a disabled person's parking permit, for the time being in force, unless the car park controller or clamping operator has reasonable grounds for believing that the vehicle is not parked for the convenience of the person to whom the permit was granted.

(2) A vehicle referred to in *subsection (1)(a)* shall not be relocated.

(3) In this section "disabled person's parking permit" means a permit granted under article 43 (inserted by the Road Traffic (Traffic and Parking) (Amendment) Regulations 2011 (S.I. No. 239 of 2011)) of the Road Traffic (Traffic and Parking) Regulations 1997 (S.I. No. 182 of 1997).

Maximum clamp release and relocation charges - non-statutory clamping places

15. (1) The NTA may prescribe the maximum charges that may be imposed in non-statutory clamping places in respect of—

(a) the removal of a clamp from a wrongfully parked vehicle, and

(b) the relocation of a wrongfully parked vehicle.

(2) Where no charge stands prescribed under *paragraph (a)* or *(b)* of *subsection (1)* the maximum charge that may be imposed in a non-statutory clamping place—

(a) in respect of a clamp release charge, is €100, and

(b) in respect of a relocation charge, is €50,

or such other amounts as stand, for the time being, prescribed by the Minister in lieu of the charge, after consultation with the NTA.

(3) When making regulations under *subsection (1)*, the NTA may specify different maximum charges for—

(a) different non-statutory clamping places,

(b) non-statutory clamping places in different areas, and

(c) different circumstances and different hours of the day.

(4) Where the NTA proposes to specify a maximum charge under this section the NTA shall—

(a) publish a notice on its website, as well as in one national newspaper published and circulating within the State—

(i) indicating the proposed maximum charge, and

(ii) stating that representations in relation to the proposal may be made in writing to the NTA before a specified date (which shall be not less

than 21 days from the date of publication on the website of the notice),

and

(b) consider any representations made under *paragraph (a)(ii)*.

(5) The validity of any regulation made under this section shall not be affected by non- compliance with *subsection (4)*.

(6) A person who imposes, or attempts to impose, a clamp release charge or a relocation charge that is greater than the maximum charge standing prescribed under *subsection (1)* or specified in *subsection (2)*, commits an offence and is liable on summary conviction to a class B fine.

(7) Where a sign is provided in a clamping place displaying a clamp release charge or relocation charge which is greater than the maximum charge standing prescribed under *subsection (1)* or specified in *subsection (2)*, the parking controller for that place commits an offence and is liable on summary conviction to a class B fine.

Annotations

Editorial Notes:

E28 Power pursuant to section exercised (1.10.2017) by *Vehicle Clamping and Signage Regulations 2017* (S.I. No. 421 of 2017), in effect as per reg. 2.

Consultation by statutory bodies, etc., when fixing clamp release or relocation charges

16. (1) Where, after the commencement of this section, a statutory body proposes to fix clamp release charges or relocation charges in respect of unlawfully or wrongfully parked vehicles on land or property it owns, leases or which is under its control, the body shall consult with the NTA regarding such proposal, and shall have regard to any recommendation of the NTA, before fixing such charges.

(2) Where a statutory body imposes clamp release charges or relocation charges in respect of unlawfully or wrongfully parked vehicles on land or property it owns, leases or which is under its control, and such charges are in force immediately before the commencement of this section, the NTA may make recommendations regarding the charges and the body concerned shall have regard to any such recommendations.

Removal of clamp or release of vehicle

17. (1) Where in a clamping place a clamp has been fixed to a vehicle, the clamp shall be removed within such time period as may be specified in clamping regulations, after payment of the clamp release charge or its waiver.

(2) Where in a clamping place a vehicle is relocated to a place where the owner of the vehicle cannot gain access to the vehicle, the vehicle shall be released within such period as may be specified in clamping regulations after payment of the relocation charge or its waiver.

(3) Where no period stands specified, for the time being, in clamping regulations in which a clamp fixed to a vehicle in a clamping place shall be removed or a vehicle shall be released in the circumstances mentioned in

subsection (2), the clamp shall be removed or the vehicle released, not later than 2 hours, after payment of the relevant charge.

(4) If a clamp referred to in *subsection (1)* is removed from the vehicle to which it is fixed or a relocated vehicle referred to in *subsection (2)* is released, otherwise than in accordance with the subsection concerned or *subsection (3)*, the parking controller or clamping operator concerned shall ensure that the relevant charge and any additional charges are refunded without delay to the person who paid them.

(5) Where the owner of a vehicle that is parked and to which a clamp has been fixed or is relocated shows to the satisfaction of the parking controller or clamping operator concerned that the vehicle was so parked while being used by a person other than the owner and that such use was not authorised by the owner, the controller or operator shall waive the relevant charge and he or she shall remove or cause the removal of the clamp from the vehicle.

(6) This section does not apply to a vehicle to which an immobilisation device has been fixed under section 101B.

PART 3

Complaints and Appeals

Complaints procedure

18. (1) The NTA may set up a procedure to consider complaints from members of the public ("complaints procedure") in respect of—

(a) the discharge of responsibilities by parking controllers,

(b) the conduct, behaviour and identification of clamping operators,

(c) unnecessary delay on the part of parking controllers or clamping operators in responding to complaints or other communication from members of the public, and

(d) the identification of vehicles used by clamping operators (including logos, stickers and advertisements on such vehicles).

(2) The complaints procedure may be amended by the NTA.

(3) The complaints procedure shall, as far as practicable, be user-friendly and accessible.

(4) The NTA shall publish details of the complaints procedure on its website and in printed form available on request on payment of such reasonable fee (if any) as the NTA decides.

(5) Matters relating to the complaints procedure may be contained in a code of practice.

Right of appeal

19. A person whose vehicle has been clamped in a clamping place or relocated within or from a clamping place may appeal the decision to clamp or relocate the vehicle—

(a) in the first instance, to the parking controller in accordance with the procedures set out in *section 20* , and

(b) where the person is not satisfied with the determination of the parking controller, to a clamping appeals officer in accordance with the procedures set out in *section 22* .

Appeal procedures - parking controller

20. (1) A parking controller shall put procedures in place to enable a person whose vehicle has been clamped or relocated to appeal to the parking controller against that decision.

(2) The procedures referred to in *subsection (1)* shall provide for the following:

(a) the grounds for an appeal;

(b) the person to whom an appeal may be made;

(c) the form, including electronic, in which the appeal may be made;

(d) the documentation to be submitted with an appeal;

(e) the time period within which a person may lodge an appeal.

(3) An appeal shall be considered by a parking controller within 21 days of the date on which the appeal is lodged.

(4) A parking controller shall make available in printed form on request and free of charge to a person referred to in *section 19* the procedures in place for the purposes of making an appeal.

(5) The determination of an appeal shall be given in writing.

(6) Where a parking controller determines in favour of the appellant in an appeal, any charges made in respect of the clamping activity concerned shall be refunded to the appellant by the person in favour of whom the charge was paid.

(7) The NTA may make regulations to provide for the matters referred to in *subsection (2)*.

(8) A parking controller who fails to comply with this section or regulations made under *subsection (7)* commits an offence and is liable on summary conviction to a class B fine.

(9) In this section "appeal" means an appeal made to a parking controller.

Annotations

Editorial Notes:

E29 Power pursuant to section exercised (1.10.2017) by *Vehicle Clamping and Signage Regulations 2017* (S.I. No. 421 of 2017), in effect as per reg. 2.

Clamping appeals officers

21. (1) The NTA shall designate in writing one or more than one person to be a clamping appeals officer for such period as the NTA may determine.

(2) A person designated under *subsection (1)* may be such member of staff of the NTA, or such other person, as the NTA considers appropriate.

(3) A clamping appeals officer shall be independent in the performance of his or her functions.

Hearing of appeals - clamping appeals officer

22. (1) An appeal may be made to a clamping appeals officer by a person, not later than 30 days after receipt of the determination of appeal by the parking controller concerned, and shall state the grounds of appeal.

(2) The NTA may prescribe procedures for hearing and determining appeals under *subsection (1)* in relation to—

(a) the form in which the appeal shall be lodged, including electronic form,

(b) fees (if any) for the lodging of an appeal,

(c) the making of submissions, whether oral or written, to the clamping appeals officer,

(d) requests for further information by the clamping appeals officer, and

(e) examination by the clamping appeals officer of the appellant and any other person the appeals officer considers appropriate.

(3) A clamping appeals officer shall make a determination in writing on an appeal under *subsection (1)* as soon as is practicable in all the circumstances of the case, which may be a determination to—

(a) confirm the decision the subject of the appeal, with or without variation, or

(b) allow the appeal and revoke the decision.

(4) A clamping appeals officer shall—

(a) send a copy of his or her determination of an appeal under *subsection (1)* to the appellant together with his or her reasons for the determination, and

(b) send a copy of any determination under this section to the parking controller concerned.

(5) Where a determination of a clamping appeals officer is to revoke a decision of a parking controller under *section 20* , the parking controller concerned shall refund to the appellant any fees or charges that were paid by or on behalf of the appellant in respect of the clamping activity concerned.

(6) When making a determination under this section, a clamping appeals officer may make such order as to costs as he or she considers in the circumstances appropriate.

(7) A clamping appeals officer shall not hear an appeal under *subsection (1)* where proceedings have been brought against the appellant or another person for an alleged offence for unlawful parking in respect of which the vehicle concerned was clamped or relocated, but may hear the appeal upon the withdrawal or conclusion of those proceedings. Where those proceedings are heard but are dismissed or unsuccessful, any clamp release charge or relocation charge shall be reimbursed.

Annotations

Editorial Notes:

E30 Power pursuant to section exercised (1.10.2025) by *Vehicle Clamping Act 2015 (Appeals Procedure) Regulations 2025* (S.I. No. 203 of 2025), in effect as per reg. 2.

PART 4

Enforcement and Proceedings

Powers of authorised persons

23. (1) The NTA may appoint in writing persons or a class of persons to be authorised persons for the purposes of this Part.

(2) A person appointed as an authorised person under *subsection (1)* shall, on his or her appointment, be furnished by the NTA with a warrant of his or her appointment and when exercising a power conferred on an authorised person under this section shall, if requested by any person affected, produce the warrant to that person for inspection.

(3) An authorised person, for the purposes of ensuring compliance with this Act, may—

(a) subject to *subsection (4)*, at any reasonable time, enter any place where any clamping activity is being carried on or the premises of a clamping operator or parking controller, search the place or premises and examine any signs located there and any records or documents found there,

(b) require a person in charge of the premises or place to produce to him or her any record or documents (and in the case of such record or document stored in non-legible form, produce to him or her a copy in legible form) relating to clamping activities which are in the person's power and control and to give the authorised person such information as he or she may reasonably require for the purpose of enforcing this Act,

(c) inspect and take extracts from or make copies of such records or documents (including in the case of information in a non-legible form, an extract from or copy of such information in permanent legible form),

(d) remove and retain such records or documents for a reasonable period for future inspection, and

(e) take photographic or video evidence.

(4) An authorised person shall not enter, except with the consent of the occupier or under a search warrant under *section 24* , a private dwelling for the purposes of this Act.

Search warrant

24. (1) If a judge of the District Court is satisfied by information on oath of an authorised person that there are reasonable grounds for believing that—

(a) evidence of or relating to the commission or intended commission of an offence under this Act is to be found on land or a premises, or

(b) a record related to anything to which *paragraph (a)* refers is or may be on the land or premises,

then the judge may issue a search warrant in relation to that land or those premises.

(2) A search warrant under this section shall be expressed and operate to authorise a named authorised person, accompanied by such authorised persons or members of the Garda Síochána as the named authorised person thinks necessary, at any time, within one month from the date of issue of the warrant, on production, if so requested, of the warrant, to enter, using

reasonable force if necessary, the land or premises named in the warrant and to exercise all or any of the functions conferred on an authorised person under this Act.

Prohibition on obstruction of authorised person

25. A person who—

(a) obstructs or impedes an authorised person exercising a function of an authorised person under this Part,

(b) fails to comply with a requirement of an authorised person under this Part, or

(c) gives information to an authorised person which he or she knows to be false or misleading,

commits an offence and is liable on summary conviction to a class A fine.

Compliance

26. (1) The NTA may require—

(a) a parking controller or a clamping operator to provide information regarding his or her compliance with this Act, clamping regulations, or a code of practice, or

(b) a parking controller to provide information regarding his or her compliance with signage regulations or requirements relating to the appeal procedure under *section 20* ,

and such information shall be given to the NTA within such reasonable period as the NTA requests.

(2) Where a parking controller or clamping operator fails to give the NTA information in accordance with *subsection (1)*, the NTA may direct the parking controller or clamping operator to give the information in accordance with the direction. The parking controller or clamping operator may make representations to the NTA regarding the direction not later than 21 days after the direction is given or such further period as the NTA allows.

(3) Where the NTA is of the opinion that—

(a) a parking controller or a clamping operator is not complying with this Act, regulations made under this Act or a code of practice, or

(b) a clamping operator is not complying with subsection (8)(d) of section 101B,

the NTA may direct the parking controller or clamping operator to comply in accordance with the direction and the period of time specified in it. The parking controller or clamping operator may make representations to the NTA regarding the direction not later than 21 days after the direction is given or such further period as the NTA allows.

(4) Where the NTA, having considered any representations made to it under *subsection (2)* or *(3)*, considers that the information required has not been given to it or the compliance with a provision of this Act, any regulation under this Act or a code of practice has not been made in accordance with the direction, it may inform the person concerned that it intends to apply to the Circuit Court for an order directing compliance, and may, not earlier than 7 days after informing the person, apply to the judge of the Circuit

Court within whose circuit the person carries on business as a parking controller or clamping operator for an order directing the person to provide the information required or comply with the provision of this Act, the regulation concerned under this Act or the code of practice, as the case may be.

(5) The judge on hearing an application under *subsection (4)* may make such order as he or she sees fit.

(6) The decision of a judge on an application under *subsection (4)* is final, other than an appeal from the decision on a point of law, which lies to the High Court.

Service of directions and notices

27. (1) A direction or notification under this Part shall be addressed to the person concerned by name and may be served on or given to the person—

(a) by giving a copy to the person, his or her employee, servant or agent, or in the case of a partnership, by delivery of a copy to any of the partners,

(b) by leaving a copy at the address where the person ordinarily resides, where he or she carries on business, or, where an address for service of directions or notifications has been furnished by the person to the NTA, at that address,

(c) by sending a copy by post to the address at which the person ordinarily resides or carries on business, in the case of a body corporate or unincorporated body to the registered office of the body or, where an address for service has been furnished by the person to the NTA, to that address,

(d) by sending a copy by means of electronic mail or a facsimile machine, to a device or facility for the reception of electronic mail or facsimiles located at the address at which the person ordinarily resides or carries on business or, if an electronic address or facsimile number address for the service of a direction or notification has been furnished by the person to the NTA, that electronic address or facsimile machine, but only if—

(i) the recipient's facility for the reception of electronic mail generates a message confirming the successful receipt of the electronic mail, or

(ii) the sender's facsimile machine generates a message confirming the successful transmission of the total number of pages of the notice or notification.

(2) For the purposes of this section, a company within the meaning of the Companies Acts is considered to be ordinarily resident at its registered office and every other body corporate or unincorporated body is considered to be ordinarily resident at its principal office or place of business.

Proceedings

28. Proceedings for an offence under this Act may be brought and prosecuted summarily by the NTA.

Payment of costs on conviction

29. (1) Where a person is convicted of an offence under this Act, the court shall, unless it is satisfied that there are special and substantial reasons

for not doing so, order the person to pay the costs and expenses, measured by the court, incurred by the prosecuting authority in relation to the investigation, detection and prosecution of the offence.

(2) Costs and expenses referred to in *subsection (1)* may include costs and expenses incurred in relation to either or both—

(a) legal representation at court, and

(b) the remuneration and expenses of employees of, or other persons engaged by, the NTA.

Offence - body corporate

30. (1) Where an offence under this Act is committed by a body corporate and is proven to have been so committed with the consent, connivance or approval of or to have been attributable to the wilful neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate or a person who was purporting to act in any such capacity, that person, as well as the body corporate, commits an offence and is liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(2) Where the affairs of a body corporate are managed by its members, *subsection (1)* applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

Fixed payment notices

31. (1) Where an authorised person has reasonable grounds for believing that a person is committing or has committed an offence under *section 10(4)* or *11(4)* he or she may serve personally or by post on the person a notice ("fixed payment notice") in the prescribed form stating that—

(a) the person is alleged to have committed the offence,

(b) the person may, during the period of 28 days beginning on the date specified in the notice, make to the NTA at the address specified in the notice a payment of €250 accompanied by the notice, duly completed,

(c) if the person does not make the payment specified in *paragraph (b)* 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 a payment as specified in the notice of an amount 50 per cent greater than the amount referred to in *paragraph (b)* accompanied by the notice, duly completed,

(d) the person is not obliged to make the payment, and

(e) a prosecution in respect of the alleged offence will not be instituted during the periods specified in the notice under *paragraphs (b)* and *(c)* and, if a payment specified in the notice is made during the appropriate period so specified in relation to the payment, accompanied by the notice, duly completed, no prosecution in respect of the alleged offence will be instituted.

(2) Where notice is given under *subsection (1)* —

(a) the person to whom the notice applies may, during the period specified in the notice, make to the NTA at the address specified in the notice a payment specified in the notice accompanied by the notice, duly

completed, at the appropriate time so specified in relation to the payment,

(b) the NTA may receive the payment, issue a receipt for it and retain the money so paid, and any payment so received shall not be recoverable in any circumstances by the person who made it,

(c) a prosecution in respect of the alleged offence to which the notice relates will not be instituted during the periods specified in the notice under *paragraphs (b)* and *(c)* of *subsection (1)* and, if a payment so specified is made during the appropriate period so specified in relation to the payment, accompanied by the notice, duly completed, no prosecution in respect of the alleged offence will be instituted.

(3) In a prosecution for an offence under a provision referred to in *subsection (1)* the onus of proving that a payment made pursuant to a fixed payment notice has been made lies on the defendant.

(4) In any proceedings in respect of an offence referred to in *subsection (1)* a document purporting to be a certificate of receipt of posting or delivery by or on behalf of An Post or another postal service is evidence of the posting or delivery of the fixed payment notice.

(5) The NTA may make regulations prescribing any matter referred to in this section as prescribed or to be prescribed.

(6) Income generated by the payment of prescribed fixed payment amounts under this section shall be disposed of in a manner determined by the NTA with the agreement of the Minister and the Minister for Public Expenditure and Reform.

PART 5

Clamping on Public Roads

Amendment of section 101B of Act of 1961 - immobilisation of unlawfully parked vehicles

32. The following is substituted for section 101B (inserted by section 9 of the Dublin Transport Authority (Dissolution) Act 1987) of the Act of 1961:

" **101B.** (1) In this section—

'clamping officer' means—

(a) a member of the Garda Síochána,

(b) a traffic warden (within the meaning of the Local Authorities (Traffic Wardens) Act 1975), or

(c) a person or a class of persons authorised by a local authority under subsection (2) ;

'immobilisation device' means any device or appliance designed or adapted for fixing to a vehicle for the purpose of preventing it from being driven or otherwise put in motion;

'prescribed charge' means the amount of the charge prescribed under subsection (7) (a) and includes, where a vehicle is moved to another place for the purpose of fixing an immobilisation device to it, the costs involved in the removal of the vehicle;

'vehicle' means a mechanically propelled vehicle, a trailer or semi-trailer or a combination of two or more of them.

(2) A local authority may authorise a person or a class of persons for the purposes of this section to fix immobilisation devices to vehicles within its functional area.

(3) Where a clamping officer finds on a public road a vehicle that is parked in contravention of any regulation made under section 35 or bye-law made under section 36 or 36A of the Road Traffic Act 1994, he or she or a person acting under his or her direction may—

(a) fix an immobilisation device to the vehicle while it remains in the place where he or she finds it, or

(b) move it from the place where he or she finds it (whether or not he or she has fixed an immobilisation device to it) to another place and fix an immobilisation device to it in that other place.

(4) When fixing an immobilisation device to a vehicle, a clamping officer shall also affix to the vehicle a notice in the prescribed form—

(a) indicating the reason for the device being fixed to the vehicle,

(b) indicating—

(i) that the device has been fixed to the vehicle, and

(ii) the time and date when—

(I) the contravention referred to in subsection (3) in relation to the vehicle was detected, and

(II) the device was fixed to the vehicle,

(c) warning that an attempt should not be made to drive the vehicle or otherwise put it in motion until the device is removed,

(d) specifying the steps to be taken to secure such removal, and

(e) giving details of the appeals process under *Part 3* of the *Vehicle Clamping Act 2015*.

(5) Subject to subsection (8), an immobilisation device that has been fixed to a vehicle under this section may be removed only by a clamping officer or a person acting under his or her direction.

(6) Where an immobilisation device is fixed to a vehicle in accordance with this section a fixed charge notice under section 103 of this Act or section 35 of the Road Traffic Act 2010 need not be served on a person, or affixed to the vehicle concerned, in respect of the contravention unless it is contemplated that proceedings for an offence in relation to the contravention might be brought.

(7) The Minister may, after consultation with the Minister for Justice and Equality and the National Transport Authority, prescribe—

(a) the amount of the charge to be paid for the removal of an immobilisation device under subsection (8) and different charges may be prescribed in different circumstances,

(b) the form of a notice under subsection (4),

(c) the manner in which and the person to whom such charge shall be paid.

(8) (a) An immobilisation device fixed to a vehicle under this section shall be removed only—

(i) if the person seeking its removal shows to the satisfaction of any clamping officer that he or she is the owner of the vehicle or is authorised by its owner to seek such removal and pays the prescribed charge,

(ii) for the purpose of the removal of the vehicle under section 97, or

(iii) for the purpose of moving the vehicle under subsection (3).

(b) Where the owner of a vehicle that is parked and to which an immobilisation device has been fixed under this section shows to the satisfaction of any clamping officer that the vehicle was so parked while being used by a person other than the owner and that such use was not authorised by the owner, the clamping officer shall waive the prescribed charge and he or she or a person acting under his or her direction shall remove the immobilisation device from the vehicle.

(c) An immobilisation device fixed to a vehicle under this section shall be removed from the vehicle—

(i) where regulations under *section 10* of the *Vehicle Clamping Act 2015* prescribe the period of time within which an immobilisation device shall be removed from a vehicle, after payment of the prescribed charge or its waiver, within that period after such payment or waiver, or

(ii) where no such period is prescribed, not later than 2 hours after payment of the prescribed charge or its waiver.

(d) Where an immobilisation device is removed from a vehicle otherwise than in accordance with paragraph (c), the clamping operator concerned (within the meaning of *section 2* of the *Vehicle Clamping Act 2015*) shall ensure that the prescribed charge (if paid) and any additional charges are refunded without delay to the person who paid the charge or charges.

(9) A notice affixed to a vehicle under this section shall not be removed or interfered with by a person other than the owner of the vehicle or a person authorised by such owner to use the vehicle and a person who contravenes this subsection commits an offence.

(10) A person who is not a clamping officer or a person acting under the direction of a clamping officer who fixes an immobilisation device to a vehicle on a public road commits an offence.

(11) A person who—

(a) obstructs or impedes a clamping officer, or a person acting under his or her direction, in the performance of his or her functions under this section, or

(b) without being authorised to do so under this section, removes or attempts to remove from a vehicle an immobilisation device fixed to it under this section,

commits an offence.”.

Exemptions from certain provisions of Road Traffic Acts 1961 to 2014 for clamping operations

33. (1) Requirements under regulations made under section 35 or bye-laws made under section 36 or 36A of the Road Traffic Act 1994 relating to the parking of a vehicle or the entry of a vehicle to a road do not apply to a vehicle being used by a clamping operator or under the direction of a clamping operator in the course of clamping activities in respect of unlawful parking in a public place, where such use does not endanger the safety of or impede road users.

(2) Where a member of the Garda Síochána considers that a clamping operator or a person acting under the operator's direction has parked a vehicle in the course of clamping activities in a public place which endangers the safety of or impedes road users, the member may require him or her to move the vehicle to such location as the member directs to carry out such activities.

(3) A person who fails to comply with a requirement made of him or her by a member of the Garda Síochána under *subsection (2)* commits an offence and is liable on summary conviction to a class C fine.

(4) In this section "clamping operator" means a clamping officer (within the meaning of section 101B).

PART 6

CIÉ Property, Fishery Harbour Centres and Harbours

CIÉ property

34. The Transport Act 1950 is amended—

(a) in section 2(1), by inserting the following:

" 'immobilisation device' means a device or appliance designed or adapted for fixing to a vehicle for the purpose of preventing it from being driven or otherwise put in motion;",

(b) in section 20(1) —

(i) by substituting for paragraph (bb) (inserted by section 128(a) of the Act of 2005) the following:

"(bb) the provision of parking facilities for vehicles on land belonging to or occupied by the Board,",

(ii) by inserting after subsection (2) the following:

"(2A) The Board may fix charges for the removal of an immobilisation device fixed to a vehicle and for the removal, detention, storage, release and disposal of a vehicle under bye-laws made under section 22(1)(ee)(ii).",

and

(c) in section 22(1)(ee) (inserted by section 128(b) of the Act of 2005) by substituting for subparagraph (ii) the following:

"(ii) the making of provision for—

(I) the fixing of an immobilisation device to a vehicle which has been parked contrary to such bye-laws or parked without

payment of the charge fixed for its parking in any place on such land,

(II) the removal of such an immobilisation device,

(III) the removal, detention, storage and release of a vehicle so parked, and

(IV) the disposal of a vehicle detained,".

Fishery harbour centres

35. Section 4 of the Fishery Harbour Centres Act 1968 is amended—

(a) in subsection (2), by inserting after paragraph (a) the following:

"(aa) make bye-laws for matters relating to the use and parking of vehicles at the centre, including—

(i) the regulation of traffic generally, including parking restrictions, direction of traffic and the maximum speed of traffic at the centre, and

(ii) the making of provision for—

(I) the fixing of an immobilisation device to a vehicle which has been parked contrary to such bye-laws or parked without payment of the charge imposed for its parking in any place at the centre,

(II) the removal of such an immobilisation device,

(III) the removal, detention, storage and release of a vehicle so parked, and

(IV) the disposal of a vehicle detained,",

(b) in subsection (2), by inserting after paragraph (b) the following:

"(ba) make bye-laws fixing the charges for parking a vehicle at the centre, for the removal of an immobilisation device fixed to a vehicle and for the removal, detention, storage, release and disposal of a vehicle, under this section,",

(c) in subsection (6), by substituting for paragraph (a) (inserted by section 54 of the Maritime Safety Act 2005) the following:

"(6) (a) A person who contravenes or fails to comply with a bye-law (other than a bye-law made under subsection (2)(ba)) or an order made under this section commits an offence and is liable on summary conviction to a class C fine.",

and

(d) by inserting after subsection (9) the following:

"(10) In this section 'immobilisation device' means a device or appliance designed or adapted for fixing to a vehicle for the purpose of preventing it from being driven or otherwise put in motion.".

Harbours

36. The Harbours Act 1996 is amended—

(a) in section 2(1), by inserting the following:

" 'immobilisation device' means a device or appliance designed or adapted for fixing to a vehicle, for the purpose of preventing it from being driven or otherwise put in motion;",

(b) in section 6, by substituting for subsection (2) (inserted by section 58 of the Maritime Safety Act 2005) the following:

"(2) A person who commits an offence under this Act (other than section 42, 46, 50, 52, 53, 60 or 70) is liable on summary conviction to a class A fine.",

(c) in section 42 (as amended by section 8 of the Harbours (Amendment) Act 2000)—

(i) by inserting after subsection (1) the following:

"(1A) A company may make bye-laws for matters relating to the use and parking of vehicles at its harbour, including—

(a) the regulation of traffic generally, including parking restrictions, direction of traffic and the maximum speed of traffic at its harbour, and

(b) the making of provision for—

(i) the fixing of an immobilisation device to a vehicle which has been parked contrary to such bye-laws or parked without payment of the charge imposed for its parking in any place at the harbour,

(ii) the removal of such an immobilisation device,

(iii) the removal, detention, storage and release of a vehicle so parked, and

(iv) the disposal of a vehicle detained.",

and

(ii) by inserting after subsection (2) the following:

"(2A) A person guilty of an offence under subsection (2) in respect of a contravention of a provision of a bye-law—

(a) made under subsection (1) is liable on summary conviction to a class A fine, or

(b) made under subsection (1A) is liable on summary conviction to a class C fine.",

and

(d) by inserting after section 42 the following:

" **Parking charges, etc.**

42A. A company may fix charges in respect of the parking of vehicles at its harbour and for the removal of an immobilisation device fixed to a vehicle or a vehicle removed, detained, stored, released or disposed of under bye-laws under section 42(1A).".

Light railways

37. The Transport (Railway Infrastructure) Act 2001 is amended—

(a) in section 66(1) (inserted by section 134 of the Act of 2005) after subparagraph (vi) by inserting the following:

"(via) the detention, storage, release and disposal of vehicles,",

(b) in section 66A(1) (inserted by section 134 of the Act of 2005) by inserting after paragraph (a) the following:

"(aa) is parked without payment of the charge imposed for its parking in a parking facility provided by the Agency,",

and

(c) by inserting after section 66C the following:

" **Parking charges**

66D. The Agency may provide parking facilities on land adjacent to a railway and fix charges in respect of the parking of vehicles on such land.".

Number 13 *of* 2015

VEHICLE CLAMPING ACT 2015

REVISED

Updated to 1 October 2025

About this Revised Act

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

Related legislation

Road Traffic Acts 1961 to 2024: this Act is one of a group of Acts included in this collective citation, to be read together as one (*Road Traffic Act 2024* (10/2024), s. 1(3)). The Acts in the group are:

- *Road Traffic Act 1961* (24/1961)
- *Road Traffic Act 1968* (25/1968)
- *Road Traffic (Amendment) Act 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 2002* (12/2002)
- *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
- *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
- *Road Traffic Act 2014* (3/2014)
- *Road Traffic (No. 2) Act 2014* (39/2014)
- *Vehicle Clamping Act 2015* (13/2015), Part 5
- *Public Transport Act 2016* (3/2016), s. 8
- *Road Traffic Act 2016* (21/2016)
- *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)
- *Road Traffic Act 2024* (10/2024)

Acts previously included in the group but now repealed are:

- *Road Traffic and Transport Act 2006* (28/2006), s. 1
- *Road Traffic Act 2003* (37/2003)
- *Road Traffic Act 1995* (7/1995)
- *Road Traffic (Amendment) Act 1978* (19/1978)

• *Road Traffic (Amendment) Act 1973* (15/1973)

Fishery Harbour Centres Acts 1968 to 2015: this Act is one of a group of Acts included in this collective citation, to be read together as one (*Harbours Act 2015* (61/2015), s. 1(4)). The Acts in the group are:

• *Fishery Harbour Centres Act 1968* (18/1968)
• *Fishery Harbour Centres Act 1980* (22/1980)
• *Fisheries and Foreshore (Amendment) Act 1998* (54/1998), ss. 1 (in part) and 6
• *Fishery Harbour Centres (Amendment) Act 1992* (10/1992)
• *Maritime Safety Act 2005* (11/2005), s. 54
• *Sea-Fisheries and Maritime Jurisdiction Act 2006* (8/2006), s. 102
• *Vehicle Clamping Act 2015* (13/2015), s. 35
• *Harbours Act 2015* (61/2015), s. 52

Harbours Acts 1996 to 2015: this Act is one of a group of Acts included in this collective citation, to be read together as one (*Harbours Act 2015* (61/2015), s. 1(2)). The Acts in the group are:

• *Harbours Act 1996* (11/1996)
• *Harbours (Amendment) Act 2000* (21/2000)
• *Maritime Safety Act 2005* (11/2005), s. 58
• *Sea Pollution (Miscellaneous Provisions) Act 2006* (29/2006), s. 1(4) and Part 4
• *Harbours (Amendment) Act 2009* (26/2009), other than ss. 7(1) and (2), 20 and 21(3)
• *Vehicle Clamping Act 2015* (13/2015), s. 36
• *Harbours Act 2015* (61/2015), other than Part 6

Annotations

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

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

Material not updated in this revision

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

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

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

Acts which affect or previously affected this revision

• *Road Traffic Act 2016* (21/2016)
• *Roads Act 2015* (14/2015)
• *Freedom of Information Act 2014* (30/2014)
• *National Vetting Bureau (Children and Vulnerable Persons) Act 2012* (47/2012)
• *Road Traffic Act 2010* (25/2010)
• *Road Traffic Act 2006* (23/2006)
• *Safety, Health and Welfare at Work Act 2005* (10/2005)
• *Road Traffic Act 2004* (44/2004)
• *Road Traffic Act 2002* (12/2002)
• *Transport (Railway Infrastructure) Act 2001* (55/2001)
• *Freedom of Information Act 1997* (13/1997)
• *Road Traffic Act 1994* (7/1994)

- *Roads Act 1993* (14/1993)
- *Road Traffic (Amendment) Act 1978* (19/1978)
- *Local Authorities (Traffic Wardens) Act 1975* (14/1975)

All Acts up to and including *Housing Finance Agency (Amendment) Act 2025* (11/2025), enacted 28 October 2025, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Vehicle Clamping Act 2015 (Appeals Procedure) Regulations 2025* (S.I. No. 203 of 2025)
- *Vehicle Clamping and Signage Regulations 2017* (S.I. No. 421 of 2017)
- *Vehicle Clamping Act 2015 (Commencement) Order 2017* (S.I. No. 211 of 2017)
- *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011)
- *Road Safety Authority Act 2006 (Conferral of Functions) Order 2006* (S.I. No. 477 of 2006)
- *National Roads and Road Traffic (Transfer of Departmental Administration and Ministerial Functions) Order 2002* (S.I. No. 298 of 2002)
- *European Communities (Licensing of Drivers) Regulations 1989* (S.I. No. 287 of 1989)

All statutory instruments up to and including *Maritime Area Planning Act 2021 (Fit and Proper Person) Order 2025* (S.I. No. 467 of 2025), made 1 October 2025, were considered in the preparation of this revision.