Changes to Legislation: as of 13 October 2026, this Act is up to date with all changes known to be in force.

Number 21 *of* 2016

ROAD TRAFFIC ACT 2016

REVISED

Updated to 21 November 2024

This Revised Act is an administrative consolidation of the *Road Traffic Act 2016*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Family Courts Act 2024* (48/2024), enacted 13 November 2024, and all statutory instruments up to and including the *Road Traffic Act 2016 (Section 4) (Manner of Notification) Regulations 2024* (S.I. No. 652 of 2024), made 21 November 2024, 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 21 *of* 2016

ROAD TRAFFIC ACT 2016

REVISED

Updated to 21 November 2024

CONTENTS

PART 1

PRELIMINARY AND GENERAL

Section
1. Short title, commencement, collective citation and construction

2. Definitions

PART 2

REGISTER OF WRITTEN-OFF VEHICLES

3. Definition - Part 2

4. Vehicle insurer obligations

5. Offence of failure to notify

6. Publication of information provided by vehicle insurers

PART 3

INTOXICATED DRIVING OFFENCES - DRIVING UNDER THE INFLUENCE OF DRUGS

7. Amendment of section 3(1) of Act of 2010 - definitions

8. Amendment of sections 4 and 5 of Act of 2010 - offences involving certain drugs

9. Amendment of section 7(a) of Act of 2010 - power of entry

10. Amendment of section 9 of Act of 2010 - obligation to provide preliminary oral fluid specimen

11. Mandatory intoxicant testing

12. Impairment testing

13. Amendment of Act of 2010 - obligation to provide specimens in relation to certain offences involving drugs

14. Amendment of section 17(1) of Act of 2010 - analysis of specimen by Bureau

15. Amendment of section 18 of Act of 2010 - provisions regarding certain evidence in prosecutions - presumption

16. Amendment of section 19(1) of Act of 2010 - written statement by member of Garda Síochána

17. Amendment of section 20 of Act of 2010 - presumptions relating to designated doctor or nurse

18. Amendment of section 21(1) of Act of 2010 - costs of prosecutions

19. Amendment of section 22 of Act of 2010 - defence to refusal to permit taking of specimen of blood

20. Amendment of section 26 of Act of 2010 - functions of Bureau

21. Amendment of section 26 of Principal Act - consequential disqualification

PART 4

Speed Limits

22. Amendment of section 9 of Road Traffic Act 2004 - special speed limits

PART 5

Amendment of Part 3 of the Road Traffic Act 2010

23. Fixed charge offences

24. Amendment of section 35 of Act of 2010 - fixed charge notice - service

25. Amendment of section 36 of Act of 2010 - fixed charge notice - form

26. Amendment of section 37 of Act of 2010 - payment of fixed charge

27. Payment of fixed charge notice on service of summons

28. Interpretation

29. Fixed charge offences - transitional provisions

PART 6

Miscellaneous Amendments - Road Traffic Acts 1961 to 2015

30. Amendment of section 78A of Principal Act - details of motor insurance policies to be provided

31. Regulation of Rickshaws

32. Amendment of section 107 of Principal Act - obligation on cyclists to give name and address etc. on demand to member of Garda Síochána

33. Amendment of section 22 of Road Traffic Act 2002

34. Amendment of First Schedule to Road Traffic Act 2002 - penalty points

35. Amendment of Part 4 of First Schedule to Road Traffic Act 2002 - penalty points

36. Amendment of Part 3 of Act of 2010 - fixed charge offences

37. Amendment of section 4 of Vehicle Clamping Act 2015

38. Amendment of section 50 of Act of 2010 - payment deposit

39. Learner Driver driving unaccompanied (Owner) *(Repealed)*

PART 7

AGREEMENT ON THE MUTUAL RECOGNITION OF DRIVING DISQUALIFICATIONS BETWEEN IRELAND AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

40. Disqualification pursuant to Agreement between State and United Kingdom

41. Repeal of section 9 of, and Schedule 2 to, Road Traffic Act 2002

SCHEDULE

AGREEMENT ON THE MUTUAL RECOGNITION OF DRIVING DISQUALIFICATIONS BETWEEN IRELAND AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

ACTS REFERRED TO

Civil Service Commissioners Act 1956 (No. 45)
Courts (No. 3) Act 1986 (No. 33)
European Communities Act 1972 (No. 27)
Finance Act 1976 (No. 16)
Finance Act 1992 (No. 9)
Petty Sessions (Ireland) Act 1851 (14 & 15 Vict., c. 93)
Probation of Offenders Act 1907 (7 Edw. 7 c. 17)
Public Service Management (Recruitment and Appointments) Act 2004 (No. 33)
Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 (No. 16)
Road Traffic (No. 2) Act 2011 (No. 28)
Road Traffic Act 1961 (No. 24)
Road Traffic Act 2002 (No. 12)
Road Traffic Act 2004 (No. 44)
Road Traffic Act 2010 (No. 25)
Road Traffic Act 2014 (No. 3)
Road Traffic Acts 1961 to 2015
Road Transport Act 1933 (No. 8)
Roads Act 2007 (No. 34)
Roads Acts 1993 to 2015
Taxi Regulation Act 2013 (No. 37)
Vehicle Clamping Act 2015 (No. 13)

Number 21 *of* 2016

ROAD TRAFFIC ACT 2016

REVISED

Updated to 21 November 2024

An Act to amend and extend the Road Traffic Acts 1961 to 2015, to amend the Vehicle Clamping Act 2015, to give effect to the Agreement on the Mutual Recognition of Driving Disqualifications between the State and the United Kingdom done at Dublin on 30 October 2015 and to provide for related matters.

[27*th December*, 2016]

Be it enacted by the Oireachtas as follows:

PART 1

Preliminary and General

Short title, commencement, collective citation and construction

1. (1) This Act may be cited as the Road Traffic Act 2016.

(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 collective citation "The *Road Traffic Acts 1961* to *2016*" includes this Act and Part 5 of the Vehicle Clamping Act 2015.

Annotations

Editorial Notes:

E1 A table showing commencement information ordered by section is available at https://www.irishstatutebook.ie/eli/isbc/2016_21.html.

E2 Power pursuant to subs. (2) exercised (1.10.2024) by *Road Traffic Act 2016 (Part 2) (Commencement) Order 2024* (S.I. No. 292 of 2024).

2. The 1st day of October 2024 is appointed as the day on which Part 2 of the Road Traffic Act 2016 (No. 21 of 2016) shall come into operation.

E3 Power pursuant to subs. (2) exercised (25.11.2019) by *Road Traffic Act 2016 (Commencement) Order 2019* (S.I. No. 582 of 2019).

2. The 25th day of November 2019 is appointed as the day on which section 30 the Road Traffic Act 2016 (No. 21 of 2016) insofar as it relates to section 78A(1A), other than paragraph (g), comes into operation.

E4 Power pursuant to subs. (2) exercised (1.08.2017) by *Road Traffic Act 2016 (Sections 40 and 41) (Commencement) Order 2017* (S.I. No. 301 of 2017).

2. The 1st day of August 2017 is appointed as the day on which sections 40 and 41 of the Road Traffic Act 2016 (No. 21 of 2016) come into operation.

E5 Power pursuant to subs. (2) exercised (1.06.2017) by *Road Traffic Act 2016 (Part 5 and section 36(d)) (Commencement) Order 2017* (S.I. No. 242 of 2017).

2. The 1st day of June 2017 is appointed as the day on which Part 5 and section 36 (d) of the Road Traffic Act 2016 (No. 21 of 2016) come into operation.

E6 Power pursuant to subs. (2) exercised (13.03.2017 and 13.04.2017) by *Road Traffic Act 2016 (Commencement) Order 2017* (S.I. No. 129 of 2017).

3. The 30th day of March 2017 is appointed as the day on which sections 1, 2 and 20 of the Act of 2016 come into operation.

4. The 13th day of April 2017 is appointed as the day on which the following provisions of the Act of 2016 come into operation:

(a) sections 7 to 19;

(b) sections 21 and 22;

(c) sections 32 and 33;

(d) section 37.

Definitions

2. In this Act—

"Act of 2010" means Road Traffic Act 2010;

"Principal Act" means Road Traffic Act 1961.

PART 2

Register of Written-Off Vehicles

Definition - Part 2

3. In this Part "vehicle insurer" has the meaning assigned to it in section 58 of the Road Traffic Act 1961.

Vehicle insurer obligations

4. (1) A vehicle insurer, who as a result of an inspection of a mechanically propelled vehicle determines that such vehicle is defective to the extent that it is—

(a) when in motion, a danger to the public, and

(b) beyond repair,

shall notify the Minister in accordance with *subsection (2)* within F1**[**10 working days**]** of such inspection.

(2) When an insurer notifies the Minister under *subsection (1)* it shall also notify the Minister whether, based on the inspection of the vehicle, it is suitable for the salvaging of viable automotive parts.

(3) A notification under this section shall be dated and shall include the following:

(a) the registration number (if any) of the vehicle;

(b) the make, model and body type of the vehicle;

(c) the VIN, or vehicle identification number, of the vehicle, that is to say, the fixed combination of characters assigned to the vehicle by a manufacturer or its authorised distributor for vehicle identification purposes which is marked on the chassis, frame or other similar structure of the vehicle;

(d) the date on which the vehicle was inspected by, or on behalf of, the vehicle insurer;

(e) if the defect in the vehicle was the result of an event involving the vehicle which occurred in a public place, the date of that event and, if any insurance claim arose in relation to the vehicle's involvement, the insurance company's claim number in respect of that claim.

(4) The Minister may make regulations prescribing the manner in which a notification under *subsection (2)* shall be made including, in particular, whether it is to be made electronically or in hard-copy.

Annotations

Amendments:

F1 Substituted (1.10.2024) by *Road Traffic and Roads Act 2023* (16/2024), s. 15, S.I. No. 293 of 2024.

Editorial Notes:

E7 Power pursuant to subs. (4) exercised (21.11.2024) by *Road Traffic Act 2016 (Section 4) (Manner of Notification) Regulations 2024* (S.I. No. 652 of 2024).

Offence of failure to notify

5. (1) A vehicle insurer who fails to notify the Minister in accordance with *section 4* or who notifies information to the Minister knowing it to be false or misleading commits an offence and is liable on summary conviction to a class A fine.

(2) Where an offence under this section 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.

(3) Where the affairs of a body corporate are managed by its members, *subsection (2)* 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.

Publication of information provided by vehicle insurers

6. (1) The Minister may maintain records of information notified to him or her under *section 4* and may, after consultation with any other person or body that the Minister considers appropriate, for the purposes of increasing road safety, publish or share a part or all of such records.

(2) The Minister may make regulations prescribing the manner in which records shall be published or shared under this section and, in particular, prescribing fees to cover the administrative cost of such publication or sharing.

PART 3

Intoxicated Driving Offences - Driving Under the Influence of Drugs

Amendment of section 3(1) of Act of 2010 - definitions

7. Section 3(1) of the Act of 2010 is amended—

(a) by substituting for the definition of "analysis" the following:

" 'analysis' includes any operation used in determining the concentration of alcohol in a specimen of breath, blood or urine, the concentration of a drug specified in column (2) of the Schedule in a specimen of blood and any operation used in determining the presence (if any) of a drug or drugs in a specimen of blood or urine, and cognate words shall be construed accordingly;",

(b) in the definition of "doctor" by substituting "register of medical practitioners" for "General Register of Medical Practitioners",

and

(c) by inserting after the definition of "intoxicant" the following:

" 'medical exemption certificate' has the meaning given to it by section 4(1B);".

Amendment of sections 4 and 5 of Act of 2010 - offences involving certain drugs

8. The Act of 2010 is amended—

(a) in section 4, by inserting after subsection (1) the following:

"(1A) Subject to subsection (1B), a person shall not drive or attempt to drive a mechanically propelled vehicle in a public place while there is present in his or her body a quantity of a drug specified in column (2) of the Schedule such that, within 3 hours after so driving or attempting to drive, the concentration of that drug in his or her blood is equal to or greater than the concentration specified in column (3) at the same reference number.

(1B) Subsection (1A) does not apply to a person in respect of a drug specified at reference number 1 or 2 in column (2) of the Schedule where the person is the holder of a certificate, in the prescribed form (referred to in this Part as a "medical exemption certificate")

which indicates that at the time at which that drug was found to be present in his or her blood Δ^9 - Tetrahydrocannabinol had been lawfully prescribed for him or her and which is signed by the doctor who prescribed it.

(1C) A person who signs a medical exemption certificate containing information which he or she knows to be false commits an offence and is liable on summary conviction to a class C fine.",

(b) in section 5, by inserting after subsection (1) the following:

"(1A) A person, other than a person referred to in subsection (1B), commits an offence if, when in charge of a mechanically propelled vehicle in a public place with intent to drive or attempt to drive the vehicle (but not driving or attempting to drive it), there is present in his or her body a quantity of a drug specified in column (2) of the Schedule such that, within 3 hours after so being in charge, the concentration of that drug in his or her blood is equal to or greater than the concentration specified in column (3) at the same reference number.

(1B) Subsection (1A) does not apply to a person in respect of a drug specified at reference number 1 or 2 in column (2) of the Schedule where the person is the holder of a medical exemption certificate which indicates that at the time at which that drug was found to be present in his or her blood it had been lawfully prescribed for him or her and which is signed by the doctor who prescribed it.",

and

(c) by inserting the following Schedule to the Act:

"SCHEDULE

Sections 4(1A) and 5(1A)

Specified Drugs

Reference Number (1)	Drug (2)	Level (units in whole blood) (3)
1	Δ^9-Tetrahydrocannabinol (Cannabis)	1ng/ml
2	11-nor-9-carboxy-Δ^9-tetrahydrocannabinol (Cannabis)	5ng/ml
3	Cocaine	10ng/ml
4	Benzoylecgonine (Cocaine)	50ng/ml
5	6-Acetylmorphine (Heroin)	5ng/ml

".

Amendment of section 7(a) of Act of 2010 - power of entry

9. Section 7(a) of the Act of 2010 is amended by substituting "section 9(2), 9(2A) or 10(4) " for "section 9(2) or 10(4)".

Amendment of section 9 of Act of 2010 - obligation to provide preliminary oral fluid specimen

10. Section 9 (as inserted by section 7 of the Road Traffic (No. 2) Act 2011) of the Act of 2010 is amended—

(a) in subsection (1)(a) by substituting "an intoxicant" for "intoxicating liquor",

(b) by substituting for subsection 2(b) the following:

"(b) to accompany him or her, or another member of the Garda Síochána, to a place (including a vehicle) at or in the vicinity of the public place concerned and there to provide, by exhaling into such an apparatus, a specimen of his or her breath in the manner indicated by him or her or that other member, or",

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

"(2A) A member of the Garda Síochána may require a person referred to in subsection (1) —

(a) to provide a specimen of oral fluid from his or her mouth, using an apparatus for indicating the presence of drugs in oral fluid, in the manner indicated by the member,

(b) to accompany him or her, or another member of the Garda Síochána, to a place (including a vehicle) at or in the vicinity of the public place concerned and there to provide a specimen of oral fluid from his or her mouth, using an apparatus for indicating the presence of drugs in oral fluid, in the manner indicated by him or her or that other member, or

(c) where the member does not have such an apparatus with him or her, to remain at that place in his or her presence or in the presence of another member of the Garda Síochána (for a period that does not exceed one hour) until such an apparatus becomes available to him or her and then to provide a specimen of oral fluid from his or her mouth, using an apparatus for indicating the presence of drugs in oral fluid, in the manner indicated by him or her or that other member.

(2B) Where a member of the Garda Síochána makes a requirement under subsection (2A), the member may request the person of whom the requirement is made to produce for inspection any medical certificate of exemption referred to in section 4(1B) or 5(1B) which he or she holds.",

and

(d) by inserting after subsection (5) the following:

"(5A) In a prosecution for an offence under section 4 or 5 it shall be presumed, until the contrary is shown, that an apparatus provided by a member of the Garda Síochána for the purpose of enabling a person to provide an oral fluid specimen under this section is an apparatus for indicating the presence of drugs in oral fluid.".

Mandatory intoxicant testing

11. The Act of 2010 is amended by substituting for section 10 the following:

"**10.** (1) In this section—

'authorisation' means an authorisation under subsection (2) to establish a checkpoint;

'checkpoint' means a checkpoint established under an authorisation.

(2) A member of the Garda Síochána, not below the rank of inspector, may, for the purposes of section 4 authorise the establishment of a checkpoint or checkpoints in a public place or places at which members of the Garda Síochána may exercise the powers under subsection (4).

(3) An authorisation shall be in writing and shall specify—

(a) the date on which, and the public place in which, the checkpoint is to be established, and

(b) the hours at any time between which it may be operated.

(4) A member of the Garda Síochána, who is on duty at a checkpoint, may stop any vehicle at the checkpoint and, without prejudice to any other powers (including the functions under section 9) conferred on him or her by statute or at common law, may require a person in charge of the vehicle to do one or more of the following:

(a) to provide a specimen of his or her breath (by exhaling into an apparatus for indicating the presence of alcohol in the breath) in the manner indicated by the member;

(b) to provide a specimen of his or her oral fluid (by collecting a specimen of oral fluid from his or her mouth using an apparatus for indicating the presence of drugs in oral fluid) in the manner indicated by the member;

(c) to accompany him or her or another member of the Garda Síochána to a place (including a vehicle) at or in the vicinity of the checkpoint and there to provide a specimen of his or her breath, as specified in paragraph (a), a specimen of his or her oral fluid, as specified in paragraph (b), or both, in the manner indicated by him or her or that other member;

(d) to—

(i) leave the vehicle at the place where it has been stopped, or

(ii) move it to a place in the vicinity of the checkpoint,

and to keep or leave it there until the person has complied with a requirement made of him or her under any of paragraphs (a), (b) and (c).

(5) A member of the Garda Síochána for the purposes of making a requirement of a person under subsection (4) may indicate the manner in which the person must comply with the requirement.

(6) A person who—

(a) refuses or fails to comply immediately with a requirement under subsection (4) (other than subsection (4)(d)(ii)) or such a requirement in a manner indicated by a member of the Garda Síochána under subsection (5), or

(b) without reasonable excuse, refuses or fails to comply immediately with a requirement under subsection (4)(d)(ii) or

such a requirement in a manner indicated by a member of the Garda Síochána under subsection (5),

commits an offence and is liable on summary conviction to a class A fine or to imprisonment for a term not exceeding 6 months or to both.

(7) A member of the Garda Síochána may arrest without warrant a person who in the member's opinion is committing or has committed an offence under this section.

(8) Where a member of the Garda Síochána requires a person to provide a specimen of oral fluid under this section, the member may request the person of whom the requirement is made to produce for inspection any medical exemption certificate referred to in section 4(1B) or 5(1B) which he or she holds.

(9) In a prosecution for an offence under section 4 it shall be presumed, until the contrary is shown, that an apparatus provided by a member of the Garda Síochána for the purpose of enabling a person to provide a specimen of breath under this section is an apparatus for indicating the presence of alcohol in the breath.

(10) In a prosecution for an offence under section 4 it shall be presumed, until the contrary is shown, that an apparatus provided by a member of the Garda Síochána for the purpose of enabling a person to provide an oral fluid specimen under this section is an apparatus for indicating the presence of drugs in oral fluid.

(11) An authorisation or a copy expressing itself to be such authorisation shall, until the contrary is shown, be sufficient evidence in any proceedings under the *Road Traffic Acts 1961* to *2016* of the facts stated in it, without proof of any signature on it or that the signatory was a person entitled under subsection (2) to sign it.".

Impairment testing

12. The Act of 2010 is amended by substituting the following for section 11:

"**11.** (1) Where a member of the Garda Síochána is of the opinion that a person driving or attempting to drive a mechanically propelled vehicle, or in charge of a mechanically propelled vehicle with intent to drive or attempt to drive, in a public place is under the influence of an intoxicant, he or she may require the person to accompany him or her, or another member of the Garda Síochána, to a place at, or in the vicinity of, the public place concerned and there to perform tests ('impairment tests'), in accordance with regulations made under this section, in his or her presence or in the presence of another member and in the manner indicated by him or her, or that other member, for the purpose of assessing whether or not the person's ability to drive is impaired.

(2) Where a person is arrested under—

(a) section 4(8), 5(10), 9(4), or 10(7) of this Act, or

(b) section 52(3), 53(5), 106(3A) or 112(6) of the Principal Act,

having driven, attempted to drive, or been in charge of a mechanically propelled vehicle, a member of the Garda Síochána may, within 3 hours after the person so driving, attempting to drive or being in charge of the vehicle, at a Garda Síochána

station, require the person to perform impairment tests in accordance with regulations made under this section for the purpose of assessing whether or not the person's ability to drive is impaired.

(3) Evidence obtained under subsection (1) or (2) that a person's ability to drive is impaired shall be evidence for the purposes of sections 4 and 5 that the person is incapable of having proper control of a mechanically propelled vehicle.

(4) For the purposes of subsections (1) and (2) the Minister may prescribe—

(a) the kinds of impairment tests that may be required to be performed,

(b) the manner in which such a test may be administered,

(c) instructions to be given to a person performing such a test,

(d) the kind of observation of physical state that may be made in the course of such a test,

(e) the inferences that may be drawn from observations made in the course of such a test, and

(f) a form on which the observations made and inferences drawn in the course of such a test may be recorded and by which impairment may be assessed.

(5) A person who, without reasonable excuse, fails to comply with a requirement under subsection (1) or (2) commits an offence and is liable on summary conviction to a class A fine or to imprisonment for a term not exceeding 6 months, or to both.

(6) A member of the Garda Síochána may arrest without warrant a person who in the member's opinion is committing or has committed an offence under this section consisting of failing to comply with a requirement under subsection (1).

(7) Section 1(1) of the Probation of Offenders Act 1907 does not apply to an offence under this section.".

Amendment of Act of 2010 - obligation to provide specimens in relation to certain offences involving drugs

13. The Act of 2010 is amended by inserting after section 13 the following:

"**Obligation to provide oral fluid specimen following arrest under Part 2**

13A. (1) Where a person is arrested under section 4(8), 5(10), 9(4), 10(7) or 11(5) of this Act or section 52(3), 53(5), 106(3A) or 112(6) of the Principal Act and a member of the Garda Síochána is of the opinion that the person had, at the time of the alleged offence, consumed drugs the member may, at a Garda Síochána station or hospital, require the person to provide a specimen of oral fluid from his or her mouth, using an apparatus for indicating the presence of drugs in oral fluid, in the manner indicated by the member.

(2) A person who refuses or fails to comply immediately with a requirement of a member of the Garda Síochána under this section commits an offence and is liable on summary conviction to a class

A fine or to imprisonment for a term not exceeding 6 months or to both.

(3) In a prosecution for an offence under this Part it shall be presumed, until the contrary is shown, that an apparatus provided by a member of the Garda Síochána for the purpose of enabling a person to provide an oral fluid specimen under this section is an apparatus for indicating the presence of drugs in oral fluid.

(4) Section 1(1) of the Probation of Offenders Act 1907 does not apply to an offence under this section.

Obligation to provide blood specimen where suspected of certain offences involving drugs

13B. (1) Where a person is arrested under section 4(8), 5(10), 9(4), 10(7) or 11(5) of this Act or section 52(3), 53(5), 106(3A) or 112(6) of the Principal Act and a member of the Garda Síochána, having carried out—

(a) a preliminary oral fluid test under section 9(2A) or 10(4),

(b) impairment tests under section 11, or

(c) an oral fluid test under section 13A,

is of the opinion that the person has committed an offence under section 4 consisting of a contravention of subsection (1A) of that section or an offence under section 5(1A) the member may, at a Garda Síochána station or hospital, require the person to permit a designated doctor or designated nurse to take from the person a specimen of his or her blood.

(2) Subject to section 22, a person who, following a requirement under subsection (1) —

(a) refuses or fails to comply with the requirement, or

(b) refuses or fails to comply with a requirement of a designated doctor or designated nurse in relation to the taking of a specimen of blood under that subsection,

commits an offence.

(3) A person who commits an offence under this section is liable on summary conviction to a class A fine or to imprisonment for a term not exceeding 6 months or to both.

(4) Section 1(1) of the Probation of Offenders Act 1907 does not apply to an offence under this section.".

Amendment of section 17(1) of Act of 2010 - analysis of specimen by Bureau

14. Section 17 of the Act of 2010 is amended by substituting for subsection (1) the following:

"**17.** (1) As soon as practicable after it has received a specimen forwarded to it under section 15, the Bureau shall analyse the specimen and may determine, as appropriate, all or any of the following:

(a) the concentration of alcohol in the specimen;

(b) the presence of a drug or drugs in the specimen;

(c) the concentration of a drug or drugs in the specimen.".

Amendment of section 18 of Act of 2010 - provisions regarding certain evidence in prosecutions - presumption

15. Section 18 of the Act of 2010 is amended—

(a) by substituting for subsection (1) the following—

"(1) On the hearing of a charge for an offence under section 4 or 5 it shall not be necessary to show that the defendant had not consumed an intoxicant after the time when the offence is alleged to have been committed but before the taking or provision of a specimen under section 12, 13B or 14.",

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

"(2A) Where, on the hearing of a charge for an offence under section 4(1A) or 5(1A) evidence is given by or on behalf of the defendant that, after the time when the offence is alleged to have been committed but before the taking or provision of a specimen under section 12, 13B or 14, he or she had consumed a drug specified in column (2) of the Schedule, the court shall disregard the evidence unless satisfied by or on behalf of the defendant that, but for that consumption, the concentration of the specified drug in the defendant's blood (as specified in a certificate under section 17) would not have been equal to or exceeded the concentration of that drug for the time being standing specified in the Schedule.",

and

(c) by substituting "an intoxicant" for "alcohol" in subsection (3)(a) and subsection (4).

Amendment of section 19(1) of Act of 2010 - written statement by member of Garda Síochána

16. Section 19(1) of the Act of 2010 is amended by substituting "under section 12(1), 13B(1), 14(1) or 14(3A)" for "under section 12(1) or 14(1) or (3A)" in both places where it occurs.

Amendment of section 20 of Act of 2010 - presumptions relating to designated doctor or nurse

17. Section 20 of the Act of 2010 is amended by substituting for subsections (4) and (5) the following:

"(4) In a prosecution for an offence under section 4, 5, 12, 13B or 14 it shall be presumed until the contrary is shown that each of the following persons is a designated doctor or designated nurse:

(a) a person who by virtue of powers conferred on him or her by Chapter 4 took from another person a specimen of that other person's blood or was provided by another person with a specimen of that other person's urine;

(b) a person for whom, following a requirement under section 12(1), 13B(1) or 14(1) to permit the taking by him or her of a specimen of blood, there was a refusal or failure to give such permission or to comply with a requirement of his or hers in relation to the taking of such a specimen;

(c) a person for whom, following a requirement under section 12(1) or 14(1) to provide for him or her a specimen of urine, there was a refusal or failure to provide such a specimen or to comply with a requirement of his or hers in relation to the provision of such a specimen.

(5) Where, under section 12, 13B or 14, a designated doctor or designated nurse states in writing that he or she is unwilling, on medical grounds, to take from a person a specimen of his or her blood or be provided by him or her with a specimen of his or her urine, the statement signed by the doctor shall, in any proceedings under the *Road Traffic Acts 1961* to *2016*, be sufficient evidence, until the contrary is shown, of the facts stated in it, without proof of any signature on it or that the signatory was the proper person to sign it.".

Amendment of section 21(1) of Act of 2010 - costs of prosecutions

18. Section 21(1) of the Act of 2010 is amended by substituting "under section 4, 5, 12, 13B, 14 or 17A" for "under section 4, 5, 12, 14 or 17A".

Amendment of section 22 of Act of 2010 - defence to refusal to permit taking of specimen of blood

19. Section 22 of the Act of 2010 is amended by inserting after subsection (4) the following:

"(4A) In a prosecution of a person for an offence under section 13B for refusing or failing to comply with a requirement to permit a designated doctor or designated nurse to take a specimen of blood or for refusing or failing to comply with a requirement of a designated doctor or designated nurse in relation to the taking of a specimen of blood, it is a defence for the defendant to satisfy the court that there was a special and substantial reason for his or her refusal or failure.".

Amendment of section 26 of Act of 2010 - functions of Bureau

20. Section 26 of the Act of 2010 is amended—

(a) in subsection (2) —

(i) by substituting for paragraph (b) the following:

"(b) the determination, in respect of such specimens, of—

(i) the concentration of alcohol in the blood or urine,

(ii) the presence (if any) of a drug or drugs in the blood or urine, and

(iii) the concentration of a drug or drugs present in the blood,",

(ii) in paragraph (e), by substituting "in the breath," for "in the breath.", and

(iii) by inserting after paragraph (e) the following:

"(f) the approval of apparatus for indicating the presence of drugs in oral fluid.",

and

(b) by substituting for subsection (4) the following:

"(4) The Bureau may—

(a) arrange for the supply and testing of—

(i) apparatus for indicating the presence of alcohol, and

(ii) apparatus for determining the concentration of alcohol,

in the breath,

(b) arrange for the supply and testing of apparatus for indicating the presence of drugs in oral fluid, and

(c) give such assistance, whether financial or otherwise, as it thinks proper to persons carrying out or intending to carry out research referred to in subsection (3).".

Amendment of section 26 of Principal Act - consequential disqualification

21. (1) The Principal Act is amended—

(a) in section 26(4)(a) (as amended by section 13 of the Road Traffic Act 2014), by substituting for subparagraph (v) the following:

"(v) section 12, 13B, 14 or 17A of the Road Traffic Act 2010, or",

(b) by inserting after section 26(4)(b) (as amended by section 50 of the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012) the following:

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

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

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

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

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

and

(c) in the Second Schedule (as amended by section 13 of the Road Traffic Act 2014), by substituting for paragraph 6 the following:

"(6) An offence under section 12, 13B or 14 of the Road Traffic Act 2010.".

PART 4

Speed Limits

Amendment of section 9 of Road Traffic Act 2004 - special speed limits

22. Section 9(2) (as amended by section 86 of the Act of 2010) of the Road Traffic Act 2004 is amended by substituting for paragraph (a) the following:

"(a) (i) 20 kilometres per hour,

(ii) 30 kilometres per hour, and

(iii) 40 kilometres per hour,

in respect of a road or roads in accordance with guidelines issued by the Minister under this section,".

PART 5

Amendment of Part 3 of the Road Traffic Act 2010

Fixed charge offences

23. The Act of 2010 is amended by substituting the following for section 34:

"**34.** (1) This Part applies in respect of fixed charge offences.

(2) For the purposes of this Part, any of the following offences, committed after this section comes into operation, is a fixed charge offence:

(a) a summary offence under the *Road Traffic Acts 1961* to *2016* declared by the Minister by regulations, made after consultation with the Minister for Justice and Equality, to be a fixed charge offence;

(b) a summary offence under the Roads Acts 1993 to 2015 declared by the Minister by regulations, made after consultation with the Minister for Justice and Equality, to be a fixed charge offence;

(c) an offence which may only be tried summarily under the Road Transport Act 1933 (or any Act construed as one with it) declared by the Minister by regulations to be a fixed charge offence;

(d) an offence which may only be tried summarily under any regulation providing for the carriage of goods or passengers by road or the harmonisation of legislation relating to road transport made under the European Communities Act 1972 declared by the Minister by regulations to be a fixed charge offence;

(e) an offence under Part 3 of the Taxi Regulation Act 2013, other than an offence punishable under section 20(4)(a) of that Act, declared by the Minister by regulations to be a fixed charge offence;

(f) an offence under the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 (other than an offence referred to in section 41 of that Act) declared by the Minister by regulations to be a fixed charge offence;

(g) an offence under Regulation 4 of the European Communities (Installation and Use of Speed Limitation Devices in Motor Vehicles) Regulations 2005 (S.I. No. 831 of 2005);

(h) an offence under Regulation 5, 6, 7, 8 or 9 of the European Communities (Compulsory Use of Safety Belts and Child Restraint Systems in Motor Vehicles) Regulations 2006 (S.I. No. 240 of 2006);

(i) an offence under—

(i) section 73 of the Finance Act 1976, and

(ii) section 139 of the Finance Act 1992.

(3) The Minister may make regulations for the purposes of declaring an offence to be a fixed charge offence.".

Amendment of section 35 of Act of 2010 - fixed charge notice - service

24. Section 35 of the Act of 2010 is amended—

(a) in subsection (1), by substituting "the member shall serve" for "the member may serve" in both places it occurs,

(b) in subsection (3)(b)(i)(II) by substituting "subsection (1)" for "subsection (2) ",

(c) in subsection (5)(a) (inserted by section 77(1)(d) of the Taxi Regulation Act 2013) by substituting "section 34(2)(c) or section 34(2)(d)" for "section 34(b)",

(d) in subsection (5)(b) (inserted by section 77(1)(d) of the Taxi Regulation Act 2013) by substituting "section 34(2)(e) " for "section 34(c)", and

(e) in subsection (6)(a) by inserting "under subsection (1)(b)" after "such a vehicle".

Amendment of section 36 of Act of 2010 - fixed charge notice - form

25. Section 36 of the Act of 2010 is amended—

(a) in subsection (1)(e) by substituting "paragraph (b), (c) or (e)" for "paragraph (b) or (c)" and by deleting "(within that meaning)" in both places it occurs,

(b) in subsection (1A) (inserted by section 77(1)(e) of the Taxi Regulation Act 2013)—

(i) by substituting "referred to in section 34(2)(e)" for "declared under section 34(c) to be a fixed charge offence and", and

(ii) by substituting "subsection (2) of section 35 of the Taxi Regulation Act 2013" for "subsection (2) of section 35",

(c) in subsection (2)(c) by deleting "and",

(d) by substituting for subsection (2)(d) the following:

"(d) a prosecution in respect of the alleged offence will not be instituted during either 28 day period specified in the notice or, if a payment is made in accordance with the notice during either period, at all, and",

(e) by inserting after subsection (2)(d) the following:

"(e) if the person is served with a summons in respect of the alleged offence the person may, not later than 7 days before the day specified in the summons on which the person is required to appear in court, make a payment of a fixed charge as specified in the notice served with the summons of an amount 100 per cent greater than the prescribed amount referred to in paragraph (b) and, if the person pays such amount proceedings in respect of the alleged offence will be discontinued.",

(f) by inserting after subsection (3)(c) the following:

"(cc) a person who is served with a summons in respect of the alleged offence may, not later than 7 days before the day specified in the summons on which the person is required to appear in court, make a payment of a fixed charge of an amount 100 per cent greater than the prescribed amount referred to in paragraph (b),",

(g) by substituting for subsection (3)(g) the following:

"(g) if the registered owner complies with section 35(6), a payment aforesaid need not be made by the registered owner and a prosecution of him or her in respect of the alleged offence will not be initiated,

(gg) if a summons has been served in respect of the alleged offence and, not later than 7 days before the day specified in the summons on which the person is required to appear in court, the person on whom the summons was served, makes a payment specified in the notice served with the summons, in accordance with that notice, the prosecution in respect of the alleged offence shall be discontinued,",

and

(h) by deleting subsection (4).

Amendment of section 37 of Act of 2010 - payment of fixed charge

26. Section 37 of the Act of 2010 is amended—

(a) in subsection (1)(a), by substituting "either 28 day period" for "the period",

(b) in subsection (1)(c)—

(i) by substituting "either 28 day period specified" for "the period specified",

(ii) by substituting "during either such period" for "during the period so specified", and

(iii) by deleting "in relation to the payment,",

(c) by substituting for subsection (2) the following:

"(2) Subject to section 44, the payment of a fixed charge shall not be accepted after the expiration of the second 28 day period specified in the fixed charge notice.".

Payment of fixed charge notice on service of summons

27. The Act of 2010 is amended by substituting for section 44 the following:

"**44.** (1) Where a member of the Garda Síochána serves a person with a summons in respect of a fixed charge offence the member shall serve, or cause to be served, on the person, a notice under this section ('section 44 notice').

(2) A section 44 notice shall be served with, and in the same manner as, the summons in respect of the fixed charge offence to which the section 44 notice relates.

(3) A section 44 notice—

(a) shall be in the prescribed form,

(b) shall contain details of the manner of payment of a fixed charge,

(c) may specify the person to whom, and the place where, the payment is to be made and whether the payment is to be accompanied by the notice, duly completed, and

(d) if it relates to a penalty point offence shall—

(i) require such details of the driving licence or learner permit held by the person on whom it is served as specified in the notice, and

(ii) contain a statement to the effect that if the person on whom it is served pays the fixed charge or is convicted of that offence, different specified numbers of penalty points will be endorsed on the entry of the person.

(4) A section 44 notice shall, without prejudice to the generality of subsection (1), contain a statement to the effect that—

(a) the person on whom it is served is alleged to have committed an offence specified in the summons with which it is served,

(b) the person may, not later than 7 days before the date specified in the summons on which the person is required to appear in court, make a payment of a fixed charge of an amount stated in the notice in the manner specified in the notice,

(c) where the summons relates to a penalty point offence, if the person on whom it is served makes a payment in accordance with paragraph (b) or is convicted of that offence, different specified numbers of penalty points will be endorsed on the entry of the person, and

(d) if the person pays the fixed charge no proceedings in respect of the alleged offence will be continued and the person need not attend the court on the day specified in the summons.

(5) The fixed charge amount stated in a section 44 notice shall be an amount 100 per cent greater than the prescribed amount stated in the fixed charge notice served on the person, in accordance with section 35, in respect of the fixed charge offence to which it relates.

(6) Where a section 44 notice is served the person to whom it applies may, during the period specified in the notice and in accordance with the notice, make a payment specified in the notice.

(7) A payment under this section—

(a) may be received only within the period referred to in subsection (4)(b) and in accordance with the section 44 notice, and

(b) is not recoverable by the persons paying it.

(8) The person receiving a payment under this section may issue a receipt for it.

(9) Where a person who has been served with a summons accompanied by a section 44 notice makes a payment of a fixed charge in accordance with the notice, proceedings in respect of the alleged offence to which the notice relates shall be discontinued.

(10) Where a person is served with a summons accompanied by a section 44 notice in respect of a fixed charge offence, it shall not be a defence for the person served with the summons to show that he or she was not served with a fixed charge notice in respect of the alleged offence in accordance with section 35.

(11) In this section 'summons' means a summons issued under—

(a) section 10 of the Petty Sessions (Ireland) Act 1851, or

(b) the Courts (No. 3) Act 1986".

Interpretation

28. The Act of 2010 is amended by substituting for section 47 the following:

"**47.** (1) In this Part—

'entry' has the meaning assigned to it by section 1(1) of the Act of 2002;

'fixed charge' means the amount of a fixed charge prescribed under section 41;

'fixed charge notice' means a notice served under section 35;

'fixed charge offence' means an offence referred to in section 34;

'penalty point' has the meaning assigned to it by section 1(1) of the Act of 2002;

'penalty point offence' has the meaning assigned to it by section 1(1) of the Act of 2002;

'section 44 notice' has the meaning assigned to it by section 44;

'traffic warden' means a person standing authorised under section 42(1).

(2) In this Part, references to a fixed charge notice under this section, duly completed, are references to such a notice on which the number, the date of the grant, and the period of validity of the driving licence of the person to whom the notice relates have been inserted by or on behalf of the person.".

Fixed charge offences - transitional provisions

29. The Act of 2010 is amended by inserting after section 49 the following:

"**49A.** (1) Section 103 of the Principal Act and sections 19 and 20 of the Act of 2004 shall, notwithstanding section 49, apply to a fixed charge offence (within the meaning of section 103 of the Principal Act) committed before section 34 comes into operation.

(2) Notwithstanding section 48(4), that section shall continue to apply in respect of a fixed charge offence (within the meaning of section 103 of the Principal Act) committed before section 34 comes into operation.".

PART 6

Miscellaneous Amendments - Road Traffic Acts 1961 to 2015

Amendment of section 78A of Principal Act - details of motor insurance policies to be provided

30. Section 78A (inserted by the section 77 of the Act of 2010) of the Principal Act is amended by inserting after subsection (1) the following:

"(1A) Details made available under subsection (1) shall include—

(a) particulars, including the name and address, of the holder of a motor insurance policy,

(b) the period of cover of the policy,

(c) any limitations as to the use of a mechanically propelled vehicle under the policy,

(d) the persons or the classes of persons whose liability is covered under the policy,

(e) the vehicle (including the vehicle registration number) or class of vehicle the use of which is covered under the policy,

(f) the names of any driver or the class of driver whose driving is covered under the policy, and

(g) the licence number, or permit number, of the driving licence, or learner permit, of the holder of a motor insurance policy and of any named driver whose driving is covered under the policy.".

Regulation of Rickshaws

31. The Taxi Regulation Act 2013, is amended in section 20, by the insertion of the following subsection:

"(5) (a) The Authority may make regulations, to be known as non-motorised passenger transport regulations, in relation to the operation of non-motorised passenger transporters in towns and cities.

(b) 'non-motorised passenger transporters' means hackney carriage or rickshaw propelled by pedal cycle, pedal tricycle, horse, pedestrian or other such non-motorised means.".

Amendment of section 107 of Principal Act - obligation on cyclists to give name and address etc. on demand to member of Garda Síochána

32. Section 107 (inserted by section 79 of the Act of 2010) of the Principal Act is amended—

(a) in subsection (1) by inserting "or a pedal cycle" after "mechanically propelled vehicle", and

(b) in subsection (4) by inserting "or a pedal cycle" after "mechanically propelled vehicle".

Amendment of section 22 of Road Traffic Act 2002

33. Section 22 of the Road Traffic Act 2002 is amended—

(a) by substituting for subsection (1) (inserted by section 63 of the Road Traffic Act 2010) the following:

"(1) Where a person is convicted of an offence under the *Road Traffic Acts 1961* to *2016* other than an offence under—

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

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

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

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

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

and

(b) in subsection (2) by substituting "a requirement under subsection (1) " for "the requirements of subsection (1) ".

Amendment of First Schedule to Road Traffic Act 2002 - penalty points

34. The First Schedule to the Road Traffic Act 2002 is amended—

(a) by inserting after Part 11 (inserted by section 10(h) of the Road Traffic Act 2014) the following:

"Part 12

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

In this Part—

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

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

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

".

and

(b) in Part 1 at reference number 2A (inserted by section 44 of the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012) by inserting "3" in column (4).

Amendment of Part 4 of First Schedule to Road Traffic Act 2002 - penalty points

35. (1) Part 4 of the First Schedule to the Road Traffic Act 2002 is amended by substituting the following for the entry at reference number 8:

"

Reference Number (1)	Offence (2)	General Description (3)	Penalty Points on Payment of Fixed Charge (4)	Penalty Points on Conviction (5)
8	Offence consisting of contravention of sub-article (5)(a) or (7)(d) of article 14	Contravention of restrictions on driving vehicle on cycle track or shared track	1	3

".

(2) Section 10(c)(i) of the Road Traffic Act 2014 is repealed.

Amendment of Part 3 of Act of 2010 - fixed charge offences

36. Part 3 of the Act of 2010 is amended—

(a) in section 35—

(i) by substituting for subsection (2) the following:

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

the fixed charge in accordance with the notice at the appropriate time specified in the notice in relation to the payment.",

and

(ii) in subsection (3)(a), by substituting for subparagraph (ii) the following:

"(ii) where the person is not identified and the offence involves the use of a mechanically propelled vehicle, by delivering it or leaving it at the address at which the vehicle is registered at the time of the alleged offence,",

(b) in section 36(2) by substituting for paragraphs (c) and (d) the following:

"(c) if the person does not make the payment specified in paragraph (b) during the period so specified, the person may, during the period of 28 days beginning on the expiration of that period, make a payment of a fixed charge as specified in the notice of an amount 50 per cent greater than the prescribed amount referred to in paragraph (b), and

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

(c) in section 37(1), by substituting for paragraph (a) the following:

"(a) a person or the person to whom the notice applies may, during the period specified in the notice and in accordance with the notice, make a payment specified in the notice, at the appropriate time so specified in relation to the payment,",

and

(d) in section 42(1)(c) by substituting "Public Service Management (Recruitment and Appointments) Act 2004" for "Civil Service Commissioners Act 1956".

Amendment of section 4 of Vehicle Clamping Act 2015

37. Section 4 of the Vehicle Clamping Act 2015 is amended—

(a) by substituting the following for subsection (1):

"(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).",

and

(b) in subsection (4), by deleting "(1)(b) or".

Amendment of section 50 of Act of 2010 - payment deposit

38. Section 50 of the Act of 2010 is amended by inserting after subsection (2) the following:

"(2A) A person on whom a payment deposit notice is or has been served under subsection (2) shall pay the amount of the payment deposit to be paid in accordance with regulations under subsection (7).

(2B) A member of the Garda Síochána or transport officer when serving a payment deposit notice on a person under subsection (2) shall inform the person that he or she is required to pay the amount of the payment deposit specified to be paid in regulations under subsection (7).".

Learner Driver driving unaccompanied (Owner)

39. F2**[**...**]**

Annotations

Amendments:

F2 Repealed (22.12.2018) by *Road Traffic Act 2018* (18/2018), s. 1, S.I. No. 538 of 2018.

PART 7

Agreement on the Mutual Recognition of Driving Disqualifications Between Ireland and the United Kingdom of Great Britain and Northern Ireland

Disqualification pursuant to Agreement between State and United Kingdom

40. (1) Where by reason of the commission, after the entry into force of the Agreement, of a specified offence in the United Kingdom by a person whose normal residence on the date of the offence is the State or who is the holder of an Irish driving licence or a learner permit, a decision imposing a disqualification from driving on the person for any period is made in the United Kingdom and a competent authority of the United Kingdom notifies the licensing authority in writing in accordance with Article 3 of the Agreement of the disqualification and transmits to the licensing authority—

(a) the information and documents specified in paragraph 1 of Article 6 of the Agreement, and

(b) where appropriate, pursuant to the Agreement, the evidence referred to in paragraph 2 of that Article and the supplementary information referred to in paragraph 3 thereof,

the licensing authority shall make an application to the appropriate judge for the purposes of giving effect to the decision imposing disqualification from driving made in the United Kingdom in accordance with the Agreement.

(2) On application to the appropriate judge in that behalf by the licensing authority that has received a notification under *subsection (1)* and the other documents and, where appropriate pursuant to the Agreement, the evidence and information referred to in that subsection, the judge shall, on being satisfied as to the matters specified in that subsection and subject to the provisions of this section, make an order declaring the person to whom the notification relates to be disqualified for holding a licence for the period referred to in *subsection (1)* beginning on such day as may be specified in the order.

(3) (a) In proceedings under *subsection (2)* a certificate signed by an officer of the licensing authority authorised in that behalf by the chief executive of the licensing authority and stating that a document identified by and attached to the certificate—

(i) is the notification referred to in Article 3 of the Agreement of the driving disqualification concerned or a document referred to, or containing the information referred to, in Article 6 of the Agreement, and

(ii) was received by the licensing authority from a competent authority of the United Kingdom in accordance with Article 6 of the Agreement,

shall be admissible as evidence of, as the case may be, the notification, the document or the information so referred to.

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

(4) The period of disqualification for holding a licence to which a person is subjected pursuant to *subsection (2)* shall not—

(a) exceed the maximum period of disqualification for holding a licence which could be ordered by a court following conviction in the State for an offence consisting of the conduct to which the specified offence concerned relates,

(b) exceed the period of disqualification imposed in the United Kingdom, or

(c) extend in time beyond the date of the expiration of the disqualification in the United Kingdom.

(5) So much of a period of disqualification referred to in *subsection (1)* as has been served in the United Kingdom shall be deducted from any period of disqualification under *subsection (2)*.

(6) An order shall not be made under *subsection (2)* if—

(a) the full period of the driving disqualification has been served in the United Kingdom,

(b) the person concerned has been disqualified under Part III of the Principal Act or the Road Traffic Act 2002 for holding a licence in respect of the conduct constituting the specified offence to which the application under *subsection (2)* relates and the period of the disqualification is current or has expired,

(c) the period of time between the commission of the specified offence concerned and the institution of the proceedings in respect of it that led to the disqualification referred to in *subsection (1)* was longer than the period within which proceedings in respect of the conduct would be required by law to be instituted in the State, or

(d) in the circumstances of the case and having considered any information and evidence referred to in Article 6 of the Agreement, the appropriate judge considers that the person concerned has not had an adequate opportunity to defend himself or herself in the proceedings.

(7) The appropriate judge may refuse to make an order under *subsection (2)* if—

(a) the conduct for which the driving disqualification referred to in *subsection (1)* was imposed—

(i) does not constitute an offence under the law of the State, or

(ii) does not constitute an offence under the law of the State for which disqualification for holding a licence may be ordered by a court,

or

(b) a period of less than 3 months of the driving disqualification referred to in *subsection (1)* remains unexpired on the date on which the order falls to be made or the driving disqualification is for a period of less than 3 months.

(8) When the appropriate judge makes or refuses to make an order under *subsection (2)*, the Courts Service shall notify the licensing authority and the licensing authority shall cause the central authority of the United Kingdom to be notified thereof.

(9) Where, by reason of the commission, after the entry into force of the Agreement, of a specified offence in the State by a person whose normal residence on the date of the offence is the United Kingdom or who is the holder of a United Kingdom driving licence (including a provisional licence) a driving disqualification is imposed in the State on the person—

(a) the Courts Service shall—

(i) notify the licensing authority of the driving disqualification as soon as may be, and

(ii) comply with any request of the licensing authority for further details or information relating to the person, the offence, the driving disqualification or otherwise required for the purpose of the Agreement,

(b) upon receipt by the licensing authority of the notification under *paragraph (a)* the licensing authority shall, subject to *paragraph (a)*, without delay notify the central authority of the United Kingdom of the driving disqualification, and

(c) the licensing authority shall—

(i) ensure that Article 6 of the Agreement is complied with in relation to the notification and may do, or cause to be done, all things necessary for that purpose, including certification and attestation of any document,

(ii) if necessary, request the Courts Service to provide such further details or information as the licensing authority considers necessary for the purposes of its functions under this subsection and the Agreement, and

(iii) without delay notify the central authority of the United Kingdom of any such details or information.

(10) The licensing authority is the competent authority of the State and the central authority of the State for the purposes of the Agreement.

(11) Judicial notice shall be taken of the Agreement.

(12) (a) In this section—

"Agreement" means the Agreement on the Mutual Recognition of Driving Disqualifications between the State and the United Kingdom done at Dublin on the 30 October 2015, the text of which is, for convenience of reference, set out in the Schedule;

"appropriate judge" means the judge of the District Court for the time being assigned to the District Court district—

(i) where the person the subject of the application concerned under *subsection (2)* ordinarily resides or carries on any profession, business or occupation, or

(ii) in which the address which appears on the Irish driving licence or learner permit held by the person the subject of the application concerned under *subsection (2)* is located;

"normal residence" has the meaning given to it by Article 12 of Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006[1]

"provisional licence" means a provisional licence issued in Great Britain or Northern Ireland;

"specified offence" means an offence arising from conduct referred to in the Annex to the Agreement;

"United Kingdom" means the United Kingdom of Great Britain and Northern Ireland.

(b) A word or expression that is used in this section and is also used in the Agreement has in this section, unless the context otherwise requires, the same meaning as it has in the Agreement.

Repeal of section 9 of, and Schedule 2 to, Road Traffic Act 2002

41. Section 9 (as amended by section 52 of the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012) of, and the Second Schedule to, the Road Traffic Act 2002 are repealed.

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

SCHEDULE

Agreement on the Mutual Recognition of Driving Disqualifications Between Ireland and the United Kingdom of Great Britain and Northern Ireland

Section 40

The Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland;

Desiring to operate bi-lateral arrangements between them on the reciprocal recognition of driving disqualifications,

Have agreed as follows:

ARTICLE 1

The Contracting States agree to cooperate in accordance with their national laws in order to mutually recognise driving disqualifications.

ARTICLE 2

For the purposes of this Agreement:

(a) "Central authority" and "competent authority" mean the authorities designated as such for the purpose of the Agreement by the State in question and as notified to the other Contracting State;

(b) "driving disqualification" means any measure related to the commission of a road traffic offence which results in withdrawal or suspension of a right to drive a power driven vehicle and which is no longer subject to a right of appeal;

(c) "normal residence" has the meaning given by Article 12 of Directive 2006/126/EC;

(d) "power driven vehicle" has the meaning given by Article 4.1 of Directive 2006/126/EC;

(e) "Relevant State" means:

i) Ireland where the road traffic offence is committed in the UK and the offender has normal residence in Ireland or the offender does not have normal residence in Ireland but holds an Ireland driving licence (including a learner permit); or

ii) the UK where the road traffic offence is committed in Ireland and the offender has normal residence in the UK or the offender does not have normal residence in the UK but holds a Great Britain or Northern Ireland licence (including a provisional licence);

(f) "State of the offence" means the Contracting State within the territory of which the road traffic offence occurred; and

(g) "UK" means United Kingdom of Great Britain and Northern Ireland.

ARTICLE 3

A competent authority of the State of the offence shall notify a driving disqualification imposed by a court in its territory for an offence arising from conduct referred to in the Annex to the Central authority of the Relevant State.

ARTICLE 4

1. After notification of its Central authority in accordance with Article 3 the Relevant State shall give effect to the decision imposing disqualification from driving made in the State of the offence in accordance with the conditions laid down in clause 2.

2. The Relevant State:

(a) shall take into account any part of the period of the driving disqualification imposed by the State of the offence which has already been served in that State;

(b) may reduce the duration of the driving disqualification but only to the maximum term provided for acts of the same kind under its national law;

(c) shall not extend the duration of the driving disqualification imposed by the State of the offence; and

(d) shall not impose the disqualification beyond the date of the expiration of the disqualification in the State of the offence.

3. When giving effect to a driving disqualification under this Article, the Relevant State shall, where necessary, determine a date from which it will enforce the driving disqualification.

ARTICLE 5

1. The Relevant State shall refuse to give effect to the driving disqualification where:

(a) the driving disqualification has already been fully served in the State of the offence;

(b) the offender has already had a driving disqualification imposed on him in the Relevant State for the same acts and that disqualification has been or is being served;

(c) the period of limitation for prosecuting the offence would have expired under its own legislation; or

(d) in the circumstances of the particular case, after receiving any information supplied under Article 6, it considers that the person concerned has not had an adequate opportunity to defend himself.

2. The Relevant State may refuse to give effect to the driving disqualification if:

a) the conduct for which the driving disqualification has been imposed in the State of the offence does not constitute an offence under the law of the Relevant State;

b) the remaining period of disqualification which could be enforced in the Relevant State is less than three months; or

c) driving disqualification is not a measure available under the legislation of the Relevant State for the acts giving rise to the driving disqualification imposed by the State of the offence.

ARTICLE 6

1. The notification referred to in Article 3 shall be accompanied by:

a) details allowing the Relevant State to locate the person disqualified from driving;

b) the original or a certified copy of the decision imposing a driving disqualification;

c) a brief statement of the circumstances and a reference to the legal provisions in the State of the offence on the basis of which the driving disqualification was imposed, if these are not given in the decision;

d) an attestation that the decision is final;

e) information regarding the enforcement of the driving disqualification in the State of the offence, including the length of the disqualification and, where known, the dates on which the disqualification starts and expires;

f) the driving licence, if it has been seized; and

g) the name, address and date of birth of the offender.

2. Where the person on whom the driving disqualification has been imposed did not appear personally or was not represented at the proceedings, notifications pursuant to Article 3 must be accompanied by evidence that the person has been duly notified of the proceedings in accordance with the law of the State of the offence.

3. If the information communicated in accordance with clauses 1 and 2 is found to be insufficient to allow a decision to give effect to the driving disqualification to be taken, in particular, where in the circumstances of the particular case, there is doubt whether the person concerned has had an adequate opportunity to defend himself, the competent authorities of the Relevant State may request the competent authorities of the State of the offence to provide the necessary supplementary information without delay.

ARTICLE 7

The Relevant State shall inform the State of the offence of any decision taken in respect of a notification given pursuant to Article 3 and in respect of enforcement, and where it refuses to give effect to a driving disqualification pursuant to Article 5, of the reasons for its refusal.

ARTICLE 8

1. The right of the State of the offence to execute in its territory the full period of the driving disqualification determined by the State of the offence shall not be affected by any decision of the Relevant State.

2. When notifying the person concerned of the decision to disqualify, the State of the offence which proposes to apply clause 1 shall at the same time inform the person of this fact, and shall confirm in the notification given in accordance with Article 3 to the Relevant State that it has done so.

ARTICLE 9

Each Contracting State shall adopt the measures necessary to enable it to prohibit the driving of a power driven vehicle in its territory when the driver is disqualified from driving by the Relevant State in implementation of this Agreement.

ARTICLE 10

Costs incurred in implementing this Agreement shall be borne in the Contracting State in which they occur.

ARTICLE 11

Unless requested to do so earlier the Contracting States shall review the implementation of this Agreement 2 years after entry into force of this Agreement, and at any other time both Contracting States otherwise agree to do so.

ARTICLE 12

Any dispute arising from or relating to this Agreement shall be settled through negotiation between the Contracting States.

ARTICLE 13

1. This Agreement shall apply:

a) to Ireland; and

b) in relation to the United Kingdom to Great Britain and Northern Ireland.

2. References to the territory of a Contracting State shall be construed in accordance with clause 1 of this Article.

ARTICLE 14

1. The Parties shall notify each other in writing when their necessary internal procedures for entry into force have been completed. The Agreement shall enter into force on the date of the later of such notifications, and shall continue in force until terminated.

2. Either of the Contracting States may terminate this Agreement at any time by giving notice to the other through the diplomatic channel; and if such notice is given the Agreement shall cease to have effect six months after the receipt of the notice.

3. This Agreement shall only apply to offences committed after the entry into force of the Agreement.

In witness whereof the undersigned, duly authorised thereto by their respective Governments, have signed this Agreement.

Done in Duplicate at Dublin this 30th day of October 2015.

Niall A. Burgess	Dominick Chilcott
For the Government of Ireland:	For the Government of the United Kingdom of Great Britain and Northern Ireland:

Annex

Conduct covered by Article 3 of this Agreement

1. Reckless or dangerous driving (whether or not resulting in death, injury or serious risk).

2. Wilful failure to carry out the obligations placed on drivers after being involved in road accidents.

3. Driving a vehicle while under the influence of alcohol or other substances affecting or diminishing the mental and physical abilities of a driver.

4. Refusal to submit to alcohol and drug tests

5. Driving a vehicle faster than the permitted speed

6. Driving a vehicle whilst disqualified.

7. Other conduct constituting an offence for which a driving disqualification has been imposed by the State of the offence:

   a. of a duration of six months or more, or

   b. of a duration of less than six months where this has been agreed between the Contracting States.

Number 21 *of* 2016

ROAD TRAFFIC ACT 2016

REVISED

Updated to 21 November 2024

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 1973* (15/1973) (repealed)
- *Road Traffic (Amendment) Act 1978* (19/1978) (repealed)
- *Road Traffic (Amendment) Act 1984* (16/1984)
- *Dublin Transport Authority (Dissolution) Act 1987* (34/1987), insofar as it amends the *Road Traffic Acts 1961 to 1984*
- *Road Traffic Act 1994* (7/1994)
- *Road Traffic Act 1995* (7/1995) (repealed)
- *Road Traffic Act 2002* (12/2002)
- *Road Traffic Act 2003* (37/2003) (repealed)
- *Road Traffic Act 2004* (44/2004), other than Part 6
- *Railway Safety Act 2005* (31/2005), Part 17
- *Road Traffic Act 2006* (23/2006), other than s. 21
- *Road Traffic and Transport Act 2006* (28/2006), s. 1 (repealed)
- *Roads Act 2007* (34/2007), s. 12
- *Road Traffic Act 2010* (25/2010)
- *Road Traffic Act 2011* (7/2011)
- *Road Traffic (No. 2) Act 2011* (28/2011)
- *Taxi Regulation Act 2013* (37/2013), Part 11 (citation only)
- *Road Traffic Act 2014* (3/2014)
- *Road Traffic (No. 2) Act 2014* (39/2014)
- *Vehicle Clamping Act 2015* (13/2015), Part 5 (citation only)
- *Public Transport Act 2016* (3/2016), s. 8
- *Road Traffic Act 2016* (21/2016) (citation only)
- *Road Traffic (Amendment) Act 2018* (18/2018)
- *Civil Law (Miscellaneous Provisions) Act 2022* (19/2022), Part 7 (ss. 46, 47)
- *Road Traffic and Roads Act 2023* (16/2023), other than Part 3 (s. 4), Part 6 (ss. 7-10) and ss. 36-37
- *Road Traffic Act 2024* (10/2024)

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 and Roads Act 2023* (16/2023)
- *Road Traffic (Amendment) Act 2018* (18/2018)

All Acts up to and including the *Family Courts Act 2024* (48/2024), enacted 13 November 2024, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Road Traffic Act 2016 (Section 4) (Manner of Notification) Regulations 2024* (S.I. No. 652 of 2024)
- *Road Traffic Act 2016 (Part 2) (Commencement) Order 2024* (S.I. No. 292 of 2024)
- *Road Traffic Act 2016 (Commencement) Order 2019* (S.I. No. 582 of 2019)
- *Road Traffic Act 2016 (Sections 40 and 41) (Commencement) Order 2017* (S.I. No. 310 of 2017)
- *Road Traffic Act 2016 (Part 5 and section 36(d)) (Commencement) Order 2017* (S.I. No. 242 of 2017)
- *Road Traffic Act 2016 (Commencement) Order 2017* (S.I. No. 129 of 2017)

All statutory instruments up to and including the *Road Traffic Act 2016 (Section 4) (Manner of Notification) Regulations 2024* (S.I. No. 652 of 2024), made 21 November 2024, were considered in the preparation of this revision.