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*Number 23 of 2006*

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**ROAD TRAFFIC ACT 2006**

**REVISED**

**Updated to 1 June 2015**

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This Revised Act is an administrative consolidation of the *Road Traffic Act 2006*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Criminal Justice (Terrorist Offences) (Amendment) Act 2015* (17/2014), enacted 1 June 2015, and all statutory instruments up to and including *Road Traffic (Licensing of Drivers) (Amendment) Regulations 2015* (S.I. No. 242 of 2015), made 31 May 2015, were considered in the preparation of this revision.

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





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**Introduction**

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 2015:** This Act is one of a group of Acts included in this collective citation, to be read together as one (*Vehicle Clamping Act 2015* (13/2015), 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 Act 1961*, *Road Traffic Act 1968* and the *Road Traffic (Amendment) Act 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
- *Road Traffic and Transport Act 2006* (28/2006), s.1
- *Roads Act 2007* (34/2007), s. 12
- *Road Traffic Act 2010* (25/2010)
- *Road Traffic Act 2011* (7/2011)
- *Road Traffic (No. 2) Act 2011* (28/2011)
- *Taxi Regulation Act 2013* (37/2013), Part 11 (citation only)
- *Road Traffic Act 2014* (3/2014)
- *Road Traffic (No. 2) Act 2014* (39/2014)
- *Vehicle Clamping Act 2015* (13/2015), Part 5 (citation only)

Acts previously included in the group but now repealed are:

- *Road Traffic Act 1995* (7/1995)
- *Road Traffic Act 2003* (37/2003)

**Annotations**

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

An explanation of how to read annotations is available at [www.lawreform.ie/annotations](http://www.lawreform.ie/annotations)

### **Material not updated in this revision**

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

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

A list of legislative changes to any Act, and to statutory instruments from 1999, may be found linked from the page of the Act or statutory instrument at [www.irishstatutebook.ie](http://www.irishstatutebook.ie).

### **Acts which affect or previously affected this revision**

- *Road Traffic (No. 2) Act 2014* (39/2014)
- *Road Traffic Act 2014* (3/2014)
- *Taxi Regulation Act 2013* (37/2013)
- *Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012* (16/2012)
- *Road Traffic (No. 2) Act 2011* (28/2011)
- *Road Traffic Act 2011* (7/2011)
- *Road Traffic Act 2010* (25/2010)
- *Roads Act 2007* (34/2007)
- *Road Traffic and Transport Act 2006* (28/2006)
- *Road Traffic Act 2002* (12/2002)
- *Road Traffic Act 1994* (7/1994)

All Acts up to and including *Criminal Justice (Terrorist Offences) (Amendment) Act 2015* (17/2015), enacted 1 June 2015, were considered in the preparation of this revision.

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

- *Road Traffic (Licensing of Drivers) (Amendment) Regulations 2015* (S.I. No. 242 of 2015)
- *Road Traffic (Weight Laden of 5 Axle Articulated Vehicles) Regulations 2014* (S.I. No. 608 of 2014)
- *Road Traffic Act 2006 (Commencement) (Penalty Point - Speed Limitation Devices) Order 2014* (S.I. No. 560 of 2014)
- *Road Traffic (Licensing of Drivers) (Amendment) Regulations 2014* (S.I. No. 326 of 2014)
- *Road Traffic (National Car Test) Regulations 2014* (S.I. No. 322 of 2014)
- *Road Traffic Act 2006 (Restriction on Use of Mobile Phones) Regulations 2014* (S.I. No. 178 of 2014)
- *Road Traffic (Construction and Use of Vehicles) (Amendment) Regulations 2014* (S.I. No. 166 of 2014)
- *Road Traffic (Licensing of Drivers) (Amendment) (No. 4) Regulations 2013* (S.I. No. 467 of 2013)
- *Road Traffic (National Car Test) (Amendment) (No. 2) Regulations 2013* (S.I. No. 303 of 2013)
- *Road Traffic (Licensing of Drivers) (Amendment) (No. 2) Regulations 2013* (S.I. No. 234 of 2013)
- *Road Traffic (Construction and Use of Vehicles) (Amendment) Regulations 2013* (S.I. No. 43 of 2013)
- *Road Traffic (National Car Test) (Amendment) Regulations 2013* (S.I. No. 10 of 2013)

- *Road Traffic (Licensing of Drivers) (Amendment) Regulations 2013* (S.I. No. 6 of 2013)
- *Road Traffic (Licensing of Trailers and Semi-Trailers) Regulations 2012* (S.I. No. 399 of 2012)
- *Road Traffic (Licensing of Drivers) (Amendment) Regulations 2012* (S.I. No. 330 of 2012)
- *Road Traffic Act 2006 (Part Commencement Section 16(2)(e)) (Penalty Points) Order 2012* (S.I. No. 295 of 2012)
- *Road Traffic (National Car Test) (Amendment) (No. 2) Regulations 2012* (S.I. No. 104 of 2012)
- *Road Traffic (National Car Test) (Amendment) Regulations 2012* (S.I. No. 103 of 2012)
- *Road Traffic (National Car Test) (Amendment) (No. 2) Regulations 2011* (S.I. No. 711 of 2011)
- *European Union (Occupation of Road Transport Operator) Regulations 2011* (S.I. No. 697 of 2011)
- *Road Traffic (Weight Laden of 5 Axle Articulated Vehicles) Regulations 2011* (S.I. No. 654 of 2011)
- *Road Traffic (National Car Test) (Amendment) Regulations 2011* (S.I. No. 623 of 2011)
- *Road Traffic (Licensing of Drivers) (Amendment) (No. 2) Regulations 2011* (S.I. No. 483 of 2011)
- *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011)
- *Road Traffic (Driving Mirrors - Additional Requirements for Heavy Goods Vehicles) Regulations 2011* (S.I. No. 457 of 2011)
- *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011)
- *Road Traffic (Weight Laden of 5 Axle Articulated Vehicles) Regulations 2011* (S.I. No. 315 of 2011)
- *Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) Regulations 2011* (S.I. No. 235 of 2011)
- *Road Traffic (Licensing of Drivers) (Amendment) (No. 2) Regulations 2010* (S.I. No. 544 of 2010)
- *Road Traffic (Weight Laden of 5 Axle Articulated Vehicles) Regulations 2010* (S.I. No. 452 of 2010)
- *Road Traffic (Weight Laden of 5 Axle Articulated) Regulations 2009* (S.I. No. 576 of 2009)
- *Road Traffic (National Car Test) Regulations 2009* (S.I. No. 567 of 2009)
- *Road Traffic Act 2006 (Part Commencement Section 16) (Penalty Points) Order 2009* (S.I. No. 148 of 2009)
- *Road Traffic (Weight Laden of 5 Axle Articulated Vehicles) Regulations 2008* (S.I. No. 589 of 2008)
- *Road Traffic (National Car Test) (Amendment) Regulations 2008* (S.I. No. 588 of 2008)
- *Road Traffic (Licensing of Drivers) (Amendment) Regulations 2008* (S.I. No. 471 of 2008)
- *Road Traffic (Construction and Use of Vehicles) (Amendment) Regulations 2008* (S.I. No. 366 of 2008)
- *Road Traffic (Driving Mirrors Additional Requirements for Heavy Goods Vehicles) Regulations 2008* (S.I. No. 312 of 2008)
- *Road Traffic (Retreaded Tyres) Regulations 2008* (S.I. No. 118 of 2008)
- *Road Traffic (Weight Laden of 5 Axle Articulated Vehicles) Regulations 2007* (S.I. No. 829 of 2007)
- *Road Traffic (Licensing of Learner Drivers) Regulations 2007* (S.I. No. 719 of 2007)
- *Road Traffic Act 2006 (Sections 10, 11 and 13) (Commencement) Order 2007* (S.I. No. 718 of 2007)
- *Road Traffic (Components and Separate Technical Units) (Two and Three Wheel Motor Vehicle) Regulations 2007* (S.I. No. 629 of 2007)
- *Road Traffic (Recognition of foreign Driving Licences) Order 2007* (S.I. No. 527 of 2007)
- *Road Traffic (Components and Separate Technical Units) Regulations 2007* (S.I. No. 375 of 2007)
- *Road Traffic Act 2006 (Commencement) Order 2007* (S.I. No. 86 of 2007)
- *Road Traffic (Signs) Regulations 2006* (S.I. No. 637 of 2006)
- *Road Traffic (Licensing of Drivers) Regulations 2006* (S.I. No. 537 of 2006)

- *Road Traffic Act 2006 (Part Commencement Section 16(2) (c)) Order 2006* (S.I. No. 457 of 2006)
- *Road Traffic Acts 1961 to 2006 (Fixed Charge Offence) (Holding Mobile Phone While Driving) Regulations 2006* (S.I. No. 444 of 2006)
- *Road Traffic Act 2006 (Mobile Phones - Prescribed Numbers) Regulations 2006* (S.I. No. 385 of 2006)
- *Road Traffic Act 2006 (Commencement) Order 2007* (S.I. No. 384 of 2006)

All statutory instruments up to and including *Road Traffic (Licensing of Drivers) (Amendment) Regulations 2015* (S.I. No. 242 of 2015), made 31 May 2015, were considered in the preparation of this revision.



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**ARRANGEMENT OF SECTIONS**

**Section**

1. Definitions.
2. Regulations to give effect to acts of European Communities.
3. Prohibition on holding mobile phone by driver of mechanically propelled vehicle, etc.
4. Mandatory alcohol testing.
5. Fixed charge and disqualification for certain drink driving offences.
6. Consequential disqualification orders.
7. Removal of disqualification.
8. Recognition of foreign driving licences.
9. Theory test certificate.
10. Regulations relating to driving licences, learner permits and certificates of competency and fitness.
11. Learner permit.
12. Driving without driving licence.
13. Requirement to carry driving licence while driving vehicle.
14. Fixed charge offences.
15. Amendment of Act of 1975 (Traffic Wardens).
16. Penalty point offences.
17. Evidence in relation to certain offences.
18. Increase of certain penalties.
19. Detention of vehicles.
20. False declaration.
21. Taxis — mandatory disqualification.
22. Repeals.

23. Short title, commencement, collective citation and construction.

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ACTS REFERRED TO

Dublin Transport Authority Act 1986	1986, No. 15
Dublin Transport Authority (Dissolution) Act 1987	1987, No. 34
European Communities Act 1972	1972, No. 27
Finance Act 1976	1976, No. 16
Fire Services Act 1981	1981, No. 30
Local Authorities (Traffic Wardens) Act 1975	1975, No. 14
Railway Safety Act 2005	2005, No. 31
Road Traffic (Amendment) Act 1984	1984, No. 16
Road Traffic Act 1961	1961, No. 24
Road Traffic Act 1968	1968, No. 25
Road Traffic Act 1994	1994, No. 7
Road Traffic Act 1995	1995, No. 7
Road Traffic Act 2002	2002, No. 12
Road Traffic Act 2003	2003, No. 37
Road Traffic Act 2004	2004, No. 44
Road Traffic Acts 1961 to 2005	
Road Transport Act 1933	1933, No. 8
Road Transport Act 1986	1986, No. 16
Road Transport Act 1999	1999, No. 15
Roads Act 1993	1993, No. 14
Taxi Regulation Act 2003	2003, No. 25





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AN ACT TO AMEND AND EXTEND THE ROAD TRAFFIC ACTS 1961 TO 2005, THE LOCAL AUTHORITIES (TRAFFIC WARDENS) ACT 1975 AND THE TAXI REGULATION ACT 2003 AND TO REPEAL SECTION 16 OF THE ROAD TRANSPORT ACT 1999.

[16th July, 2006]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

**Annotations**

**Modifications (not altering text):**

- C1** Qualified exemption from application of collectively cited *Road Traffic Acts 1961 to 2010* provided (28.10.2011) by *Road Traffic Act 2010* (25/2010), s. 87(1), S.I. No. 543 of 2011.

**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, 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 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.

...

- C1** Application of collectively cited *Road Traffic Acts 1961 to 2010* affected (21.09.2011) by *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011), regs. 42(22), 46(3), 63(2) 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

...

*Review of existing plans*

46. ...

(3) For the purposes of this Regulation, a decision, including a decision to adopt or undertake, or give approval for a plan, may include those adopted, undertaken or approved pursuant to any of the enactments set out in the Second Schedule to these Regulations.

...

*General provisions regarding licences etc*

63. ...

(2) A licence, consent, permission, permit, derogation or other authorisation given under these Regulations or under any of the enactments referred to in the Second Schedule may include conditions requiring compliance with any guideline or code of practice issued under Regulation 71 or such provisions thereof as may be specified in the conditions.

...

## SECOND SCHEDULE

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

- C2** Term “Commissioner” construed (1.06.2011) by *Road Traffic Act 2010* (25/2010), s. 83(1), S.I. No. 255 of 2011.

**Functions of Commissioner of Garda Síochána.**

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

...

**Editorial Notes:**

- E1** Prospective affecting provision: Court required to order persons convicted of an offence under the collectively cited *Road Traffic Acts 1961 to 2010* to pay to the court the costs and expenses incurred in relation to the investigation, detection and prosecution of the offence by *Road Traffic Act 2010* (25/2010), s. 82(1), not commenced as of date of revision.
- E2** Prospective affecting provision: *Road Traffic Act 2010* (25/2010), Part 3, confirmed to apply to such summary offences under collectively cited *Road Traffic Acts 1961 to 2010* as may be declared by the Minister for Transport by regulations to be fixed charge offences by *Road Traffic Act 2010* (25/2010), s. 34(a), not commenced as of date of revision.
- E3** Records of Medical Bureau of Road Safety performing certain functions under collectively cited *Road Traffic Acts 1961 to 2014* exempted from application of *Freedom of Information Act 2014* (14.10.2014) by *Freedom of Information Act 2014* (30/2014), s. 6 and sch. 1 part 1(u), commenced as per s. 1(2).

- E4** Obligation imposed on a person who holds a specified position with an operator to inform the operator in writing in the event that he or she is or has been convicted of an offence under collectively cited *Road Traffic Acts 1961 to 2011* (4.12.2011) by *European Union (Occupation of Road Transport Operator) Regulations 2011* (S.I. No. 697 of 2011), reg. 8 and sch.
- E5** Power granted to Minister for Transport, Tourism and Sport, in determining whether an operator has satisfied or continues to satisfy the requirement of good repute, to consider whether or not the operator or a person who holds a specified position with the operator has, within the previous 10 years, been convicted of an offence under collectively cited *Road Traffic Acts 1961 to 2011* (4.12.2011) by *European Union (Occupation of Road Transport Operator) Regulations 2011* (S.I. No. 697 of 2011), reg. 6 and sch.
- E6** Obligation imposed on persons who it is alleged have committed or have been charged with the commission of certain offences under collectively cited *Road Traffic Acts 1961 to 2010* to produce his or her driving licence or learner permit to the court by *Road Traffic Act 2002* (12/2002), s. 22(1), as amended (28.10.2011) by *Road Traffic Act 2010* (25/2010), s. 63, S.I. No. 543 of 2011.
- E7** Power granted to member of the Garda Síochána to require the production of a driving licence where he or she has reasonable grounds for believing that a mechanically propelled vehicle may have been involved in an offence under collectively cited *Road Traffic Acts 1961 to 2010* (28.10.2011) by *Road Traffic Act 2010* (25/2010), s. 61, S.I. No. 543 of 2011.
- E8** Power granted to member of the Garda Síochána who is of the opinion that a person in charge of a vehicle in a public place has committed or is committing an offence under collectively cited *Road Traffic Acts 1961 to 2010* to require that the person provide a specimen of his or her breath by exhaling into an apparatus for indicating the presence of alcohol in the breath (28.10.2011) by *Road Traffic Act 2010* (25/2010), s. 9, as amended (28.10.2011) by *Road Traffic (No. 2) Act 2011* (28/2011), s. 7, S.I. No. 542 of 2011.

## Definitions.

**1.— In this Act—**

“Act of 1975” means Local Authorities (Traffic Wardens) Act 1975;

“Act of 1994” means Road Traffic Act 1994;

“Act of 1995” means Road Traffic Act 1995;

“Act of 2002” means Road Traffic Act 2002;

“Act of 2003” means Road Traffic Act 2003;

“Act of 2004” means Road Traffic Act 2004;

“Minister” means Minister for Transport;

“Principal Act” means Road Traffic Act 1961.

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.

**Annotations****Editorial Notes:**

- E9** Power pursuant to section exercised:

- (31.05.2015) by *Road Traffic (Licensing of Drivers) (Amendment) Regulations 2015* (S.I. No. 242 of 2015).
- (19.12.2014) by *Road Traffic (Weight Laden of 5 Axle Articulated Vehicles) Regulations 2014* (S.I. No. 608 of 2014).
- (28.07.2014) by *Road Traffic (National Car Test) Regulations 2014* (S.I. No. 322 of 2014), in effect as per reg. 1(2).
- (8.07.2014) by *Road Traffic (Licensing of Drivers) (Amendment) Regulations 2014* (S.I. No. 326 of 2014).
- (2.04.2014) by *Road Traffic (Construction and Use of Vehicles) (Amendment) Regulations 2014* (S.I. No. 166 of 2014).
- (30.11.2013) by *Road Traffic (Licensing of Drivers) (Amendment) (No. 4) Regulations 2013* (S.I. No. 467 of 2013).
- (6.08.2013) by *Road Traffic (National Car Test) (Amendment) (No. 2) Regulations 2013* (S.I. No. 303 of 2013).
- (1.07.2013) by *Road Traffic (Licensing of Drivers) (Amendment) (No. 2) Regulations 2013* (S.I. No. 234 of 2013), in effect as per reg. 1(2).
- (1.04.2013) by *Road Traffic (Construction and Use of Vehicles) (Amendment) Regulations 2013* (S.I. No. 43 of 2013), in effect as per reg. 1(2).
- (2.01.2013 and 19.01.2013) by *Road Traffic (Licensing of Drivers) (Amendment) Regulations 2013* (S.I. No. 6 of 2013), in effect as per reg. 1(2).
- (19.01.2013) by *Road Traffic (Licensing of Drivers) (Amendment) Regulations 2012* (S.I. No. 330 of 2012), in effect as per reg. 1(2).
- (19.01.2013) by *Road Traffic (Licensing of Drivers) (Amendment) (No. 2) Regulations 2011* (S.I. No. 483 of 2011), in effect as per reg. 1(2).
- (29.10.2012) by *Road Traffic (Licensing of Trailers and Semi-Trailers) Regulations 2012* (S.I. No. 399 of 2012) in effect as per reg. 1(3).
- (1.10.2012) by *Road Traffic (Driving Mirrors - Additional Requirements for Heavy Goods Vehicles) Regulations 2011* (S.I. No. 457 of 2011), in effect as per reg. 1(2).
- (2.04.2012) by *Road Traffic (National Car Test) (Amendment) (No. 2) Regulations 2012* (S.I. No. 104 of 2012).
- (2.04.2012) by *Road Traffic (National Car Test) (Amendment) Regulations 2012* (S.I. No. 103 of 2012).
- (3.01.2012) by *Road Traffic (National Car Test) (Amendment) Regulations 2011* (S.I. No. 623 of 2011), in effect as per reg. 1(2).
- (3.01.2012) by *Road Traffic (National Car Test) (Amendment) (No. 2) Regulations 2011* (S.I. No. 711 of 2011), in effect as per reg. 1(2).
- (1.06.2011) by *Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) Regulations 2011* (S.I. No. 235 of 2011), in effect as per reg. 1(2).
- (11.11.2010) by *Road Traffic (Licensing of Drivers) (Amendment) (No. 2) Regulations 2010* (S.I. No. 544 of 2010).
- (4.01.2010) by *Road Traffic (National Car Test) Regulations 2009* (S.I. No. 567 of 2009), in effect as per reg. 1(2).
- (19.11.2008) by *Road Traffic (Licensing of Drivers) (Amendment) Regulations 2008* (S.I. No. 471 of 2008).
- (1.11.2008) by *Road Traffic (Construction and Use of Vehicles) (Amendment) Regulations 2008* (S.I. No. 366 of 2008), in effect as per reg. 1(2).
- (29.04.2008) by *Road Traffic (Retreaded Tyres) Regulations 2008* (S.I. No. 118 of 2008).
- (30.10.2007 and 1.12.2007) by *Road Traffic (Licensing of Learner Drivers) Regulations 2007* (S.I. No. 719 of 2007), in effect per reg. 1.
- (5.09.2007) by *Road Traffic (Components and Separate Technical Units) (Two and Three Wheel Motor Vehicle) Regulations 2007* (S.I. No. 629 of 2007).
- (18.07.2007) by *Road Traffic (Recognition of foreign Driving Licences) Order 2007* (S.I. No. 527 of 2007).
- (1.07.2007) by *Road Traffic (Components and Separate Technical Units) Regulations 2007* (S.I. No. 375 of 2007).
- (15.12.2006) by *Road Traffic (Signs) Regulations 2006* (S.I. No. 637 of 2006), in effect as per reg. 2.
- (21.10.2006) by *Road Traffic (Licensing of Drivers) Regulations 2006* (S.I. No. 537 of 2006), in effect as per reg. 2.

**E10** Previous affecting provision: power pursuant to section exercised:

- (4.02.2013) by *Road Traffic (National Car Test) (Amendment) Regulations 2013* (S.I. No. 10 of 2013), in effect as per reg. 1(2); revoked (6.08.2013) by *Road Traffic (National Car Test) (Amendment) (No. 2) Regulations 2013* (S.I. No. 303 of 2013), reg. 4.
- (15.12.2011) by *Road Traffic (Weight Laden of 5 Axle Articulated Vehicles) Regulations 2011* (S.I. No. 654 of 2011); revoked (19.12.2014) by *Road Traffic (Weight Laden of 5 Axle Articulated Vehicles) Regulations 2014* (S.I. No. 608 of 2014), reg. 3.
- (1.06.2011) by *Road Traffic (Weight Laden of 5 Axle Articulated Vehicles) Regulations 2011* (S.I. No. 315 of 2011); revoked (15.12.2011) by *Road Traffic (Weight Laden of 5 Axle Articulated Vehicles) Regulations 2011* (S.I. No. 654 of 2011), reg. 3.
- (17.09.2010) by *Road Traffic (Weight Laden of 5 Axle Articulated Vehicles) Regulations 2010* (S.I. No. 452 of 2010); revoked (1.06.2011) by *Road Traffic (Weight Laden of 5 Axle Articulated Vehicles) Regulations 2011* (S.I. No. 315 of 2011), reg. 3.
- (23.12.2009) by *Road Traffic (Weight Laden of 5 Axle Articulated) Regulations 2009* (S.I. No. 576 of 2009); revoked (17.09.2010) by *Road Traffic (Weight Laden of 5 Axle Articulated Vehicles) Regulations 2010* (S.I. No. 452 of 2010), reg. 3.
- (1.01.2009) by *Road Traffic (Driving Mirrors Additional Requirements for Heavy Goods Vehicles) Regulations 2008* (S.I. No. 312 of 2008), in effect as per reg. 1(2); revoked (1.10.2012) by *Road Traffic (Driving Mirrors - Additional Requirements for Heavy Goods Vehicles) Regulations 2011* (S.I. No. 457 of 2011), reg. 7, in effect as per reg. 1(2).
- (23.12.2008) by *Road Traffic (Weight Laden of 5 Axle Articulated Vehicles) Regulations 2008* (S.I. No. 589 of 2008); revoked (23.12.2009) by *Road Traffic (Weight Laden of 5 Axle Articulated) Regulations 2009* (S.I. No. 576 of 2009), reg. 3.
- (23.12.2008) by *Road Traffic (National Car Test) (Amendment) Regulations 2008* (S.I. No. 588 of 2008); revoked (4.01.2010) by *Road Traffic (National Car Test) Regulations 2009* (S.I. No. 567 of 2009), reg. 15(b).
- (18.12.2007) by *Road Traffic (Weight Laden of 5 Axle Articulated Vehicles) Regulations 2007* (S.I. No. 829 of 2007); revoked (23.12.2008) by *Road Traffic (Weight Laden of 5 Axle Articulated Vehicles) Regulations 2008* (S.I. No. 589 of 2008), reg. 3.

Prohibition on holding mobile phone by driver of mechanically propelled vehicle, etc.

**3.—** (1) A person shall not while driving a mechanically propelled vehicle in a public place hold a mobile phone.

(2) *Subsection (1)* does not apply to a member of the Garda Síochána, an ambulance service or a fire brigade of a fire authority (within the meaning of the Fire Services Act 1981) who is acting in the course of his or her duties and holding a mobile phone in relation to the performance of his or her duties.

(3) A person who contravenes *subsection (1)* is guilty of an offence.

(4) The Minister may, to avoid the impairment or interference with the driving capacity or capabilities of the driver of a mechanically propelled vehicle, make regulations in relation to the restriction or prohibition in mechanically propelled vehicles in public places of the use of—

- (a) a mobile phone (other than in the circumstances referred to in *subsection (1)*),
- (b) an in-vehicle communication device,
- (c) information equipment, or
- (d) entertainment equipment.

(5) Different regulations may be made under *subsection (4)* for different classes of cases coming within the same class of equipment or for different classes of vehicles in relation to such equipment or different classes of persons.

(6) A person who contravenes or fails to comply with regulations made under *subsection (4)* is guilty of an offence.

(7) It is a defence for a person charged with an offence under *subsection (3)*, in relation to holding a mobile phone while driving a mechanically propelled vehicle, or under *subsection (6)*, in relation to the use of a mobile phone or an in-vehicle communication device, to show that he or she was—

- (a) using it to call the Garda Síochána, an ambulance, fire or other emergency service on numbers prescribed for such service, or
- (b) involved in or acting in response to a genuine emergency.

(8) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding €2,000.

(9) In this section—

“hands-free device” means a device designed so that when used in conjunction with a mobile phone there is no need for the user to hold the phone by hand;

“hold”, in relation to a mobile phone, means holding the phone by hand or supporting or cradling it with another part of the body;

“interactive communication function” includes—

- (a) sending or receiving oral or written messages,
- (b) sending or receiving facsimile documents,
- (c) sending or receiving still or moving images, or
- (d) providing access to the internet;

“in-vehicle communication device” means a communication device designed or adapted to be attached to or integrated into a mechanically propelled vehicle or which may be used in or on such a vehicle and with which a person is capable of making or receiving a call or performing an interactive communication function and includes a two-way radio;

“mobile phone” means a portable communication device, other than a two-way radio, with which a person is capable of making or receiving a call or performing an interactive communication function, but for the purposes of *subsection (1)* does not include a hands-free device;

“portable” in relation to a mobile phone, means the phone is designed or adapted to be carried by a person;

“two-way radio” means an apparatus for wireless telegraphy which is designed or adapted for the purpose of transmitting or receiving spoken words or messages between a person and another, using a frequency other than a frequency used by a mobile phone.

#### Annotations

#### Editorial Notes:

- E11** Power pursuant to subs. (4)(a) exercised (1.05.2014) by *Road Traffic Act 2006 (Restriction on Use of Mobile Phones) Regulations 2014* (S.I. No. 178 of 2014).
- E12** Offence under subs. (3) declared to be a fixed charge offence liable to a charge of €60 (1.09.2006) by *Road Traffic Acts 1961 to 2006 (Fixed Charge Offence) (Holding Mobile Phone While Driving) Regulations 2006* (S.I. No. 444 of 2006), in effect as per reg. 2.
- E13** Numbers for the purposes of subs. (7)(a) prescribed (18.7.2006) by *Road Traffic Act 2006 (Mobile Phones-Prescribed Numbers) Regulations 2006* (S.I. No. 385 of 2006), reg. 2.

Mandatory alcohol testing.

4.—(1) F1[...]

(2) F1[...]

(3) F1[...]

(4) F1[...]

(5) F1[...]

(6) F1[...]

(7) F2[...]

(8) In a prosecution for an offence under this section, section 49 or 50 of the Principal Act or Part III of the Act of 1994 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 pursuant to this section is an apparatus for indicating the presence of alcohol in the breath.

(9) 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 2006, 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.

(10) F1[...]

#### Annotations

#### Amendments:

- F1** Repealed (28.10.2011) by *Road Traffic Act 2010* (25/2010), s. 33(f), S.I. No. 544 of 2011, art. 6.
- F2** Repealed (29.10.2011) by *Road Traffic Act 2010* (25/2010), s. 33(f), S.I. No. 544 of 2011, art. 10.
- F3** Repealed by *Road Traffic Act 2010* (25/2010), s. 33(f), not commenced as of date of revision.

#### Modifications (not altering text):

- C4** Prospective amending provision: subss. (8) and (9) repealed by *Road Traffic Act 2010* (25/2010), s. 33(f), not commenced as of date of revision.

4.— ...

(8) F3[...]

(9) F3[...]

...

#### Editorial Notes:

- E14** Previous affecting provision: subs. (4) amended (1.06.2011) by *Road Traffic Act 2011* (7/2011), s. 4, S.I. No. 253 of 2011; subs. (4) repealed as per F-note above.
- E15** Previous affecting provision: procedure for provision of specimen subsequent to arrest under subs. (7) prescribed by *Road Traffic Act 1994* (7/1994), s. 13(1), as amended (4.10.2006) by *Road Traffic and Transport Act 2006* (28/2006), s. 1(1)(b), commenced on enactment; repealed (29.10.2011) by *Road Traffic Act 2010* (25/2010), s. 33(c), S.I. No. 544 of 2011.
- E16** Previous affecting provision: procedure for detention of intoxicated drivers subsequent to arrest under subs. (7) prescribed by *Road Traffic Act 1994* (7/1994), s. 16(1), as amended (4.10.2006) by *Road Traffic and Transport Act 2006* (28/2006), s. 1(1)(d), commenced on enactment; repealed (29.10.2011) by *Road Traffic Act 2010* (25/2010), s. 33(c), S.I. No. 544 of 2011.

Fixed charge and disqualification for certain drink driving offences.

**5.—F4[...]**

**Annotations**

**Amendments:**

- F4** Repealed (28.10.2011) by *Road Traffic Act 2010* (25/2010), s. 32(2), commenced as per s. 32(2), subject to transitional provision in subs. (3).

**Editorial Notes:**

- E17** Repeal of section (20.03.2014) by *Road Traffic Act 2014* (3/2014), s. 26(a), S.I. No. 147 of 2014, is ineffectual in light of F-note above.
- E18** Amendment of subs. (12) (12.01.2013) by *Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012* (16/2012), s. 53, S.I. No. 5 of 2013, is ineffectual in light of F-note above.
- E19** Previous affecting provision: functions in section transferred and references to “Department of Finance” and “Minister for Finance” construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2).
- E20** Previous affecting provision: subss. (2), (3) and (7) substituted by *Road Traffic Act 2010* (25/2010), s. 32(1), not commenced; s. 32(1) repealed (28.10.2011) by *Road Traffic Act 2010* (25/2010), s. 32(2), commenced as per s. 32(2).
- E21** Previous affecting provision: subs. (1)(c) amended (11.07.2007) by *Roads Act 2007* (34/2007), s. 12(5), commenced on enactment; superseded as per F-note above.

Consequential disqualification orders.

**6.—F5[...]**

**Annotations**

**Amendments:**

- F5** Repealed (28.10.2011) by *Road Traffic Act 2010* (25/2010), s. 65(3)(c), S.I. No. 543 of 2011.

Removal of disqualification.

**7.—** The following section is substituted for section 29 of the Principal Act:

“29.— (1) This section applies to a person in respect of whom a disqualification order has been made, whether before or after the commencement of *section 7* of the *Road Traffic Act 2006*, disqualifying the person for holding a licence during a period of more than 2 years, and which is the first such order made in respect of that person within a period of 10 years.

(2) A person to whom this section applies may, at any time following the completion of one-half of the period specified in the disqualification order, apply to the court which made the order, for the removal of the disqualification.

(3) In considering an application made under this section a court, without prejudice to its power to have regard to all of the matters that appear to the court to be relevant, may, in particular, have regard to the character of the applicant, his or her conduct after the conviction and the nature of the offence.



(4) Where a court considers it to be appropriate it may confirm the period specified in the order of disqualification or it may order the removal of the disqualification from a specified date that is such that the disqualification will have effect for at least two-thirds of the period specified in the order of disqualification.

(5) A person intending to make an application under this section shall give 14 days notice in writing to the Superintendent of the Garda Síochána for the district in which the person ordinarily resides.

(6) The court hearing an application under this section may order the applicant to pay the whole or any part of the costs.

(7) In this section ‘disqualification order’ means a consequential or an ancillary disqualification order.”

Recognition of foreign driving licences.

**8.—** The following section is inserted after section 23 of the Principal Act:

“23A.— (1) The Minister may by order declare that a licence or permit permitting a person to drive a mechanically propelled vehicle, not being a licence or permit issued to a person to enable that person to learn or provisionally to drive such a vehicle, issued by the competent authority of a state other than the State, shall be recognised for the purpose of exchange of that licence or permit for a driving licence, in respect of any one or more of the categories in respect of which the licence or permit is held, and subject to such restrictions, if any, as may be specified in the order.

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

Theory test certificate.

**9.—** Section 33(4) of the Principal Act is amended by inserting “where a person has not been issued with a theory test certificate (within the meaning of European Communities (Driving Theoretical Tests) Regulations 2003 (S.I. No. 52 of 2003)) in respect of the category of vehicle in respect of which the person applied for a certificate of competency” before “subject to being satisfied”.

Regulations relating to driving licences, learner permits and certificates of competency and fitness.

**10.—** The following section is substituted for section 42 of the Principal Act:

“42.— (1) In this section ‘licence’ means a driving licence or learner permit.

(2) The Minister may make regulations to provide for all or any of the following:

(a) the categorization for the purposes of this Part of mechanically propelled vehicles;

(b) the form of driving licences and learner permits;

(c) the form and manner of application for a licence, the particulars to be embodied in the application and the documents to be given with the application;

(d) the surrender of licences;

(e) the securing that licences for a category are not issued to persons already holding licences for such category;

- (f) the issue by licensing authorities of duplicate licences in place of licences lost, destroyed, or mutilated, the fees to be paid in respect of such issue and the disposal of such fees;
  - (g) the communication of particulars of licences granted by licensing authorities to other licensing authorities;
  - (h) the making available for the use of members of the Garda Síochána and other persons of information in the possession of licensing authorities with respect to persons disqualified for holding licences and persons whose licences have been endorsed under this Part;
  - (i) the fees to be paid in respect of the grant of licences and the disposal of such fees;
  - (j) the period during which a learner permit is to remain in force;
  - (k) the conditions to attach to a learner permit and failure to comply with which makes the permit void;
  - (l) the issue of licences by officers of any Minister of the Government or the Road Safety Authority as agent of a licensing authority;
  - (m) conditions in relation to courses of instruction which an applicant for, or the holder of, a learner permit must comply with;
  - (n) the courses of instruction which persons must undergo prior to being granted a licence in respect of any category or categories of vehicles;
  - (o) the content of courses of instruction which persons must undergo prior to being granted a licence in respect of any category or categories of vehicles;
  - (p) the fees to be paid to a licensing authority in respect of the supply by the authority of information relating to a licence.
- (3) The Minister may make regulations, in relation to sections 33 and 34, to provide for all or any of the following matters:
- (a) the classes of persons who are required to produce a certificate of competency or fitness or a medical report when applying for a driving licence;
  - (b) voluntary submission to tests as to competency and knowledge of the Rules of the Road;
  - (c) the making of applications for certificates;
  - (d) the minimum period which has to elapse before a person who has failed to secure a certificate is eligible to apply again for a certificate;
  - (e) the fees to be paid on applications for certificates and their disposition;
  - (f) the persons by whom the issuing authority under section 33 may cause tests to be carried out;
  - (g) the persons by whom further tests directed under section 33(6) are to be carried out;
  - (h) the nature of and manner of holding tests;
  - (i) the form of reports by registered medical practitioners under section 34;
  - (j) the form and manner of issue of certificates and the period of their validity;
  - (k) the keeping of records by specified persons;

- (l) the delegation by issuing authorities to specified persons of the functions of such authorities under section 33(4);
  - (m) the delegation by issuing authorities to specified persons of the functions of such authorities under section 34(4);
  - (n) the minimum period which has to elapse, following the granting of a learner permit and in circumstances as may be prescribed, during which the holder of the licence may not apply for a certificate of competency.
- (4) Regulations under this section in relation to disqualifications and endorsements under this Act may, in particular and without prejudice to the generality of subsection (1), provide for all or any of the following matters:
- (a) the production of licences in court;
  - (b) the effecting of endorsements ordered under section 36;
  - (c) the transmission of licences by the court to licensing authorities to be retained by them until they have expired or the disqualification ends (whichever is the shorter period);
  - (d) the notification to licensing authorities of the making, confirming, annulling, varying or removal of a consequential, ancillary or special disqualification order or the making, confirming or annulling of endorsements ordered under section 36.
- (5) Regulations under this section may make different provisions for different classes of cases coming within the same matter.
- (6) A person who contravenes a regulation under this section which is stated to be a penal regulation is guilty of an offence.”.

Learner permit.

**11.—** (1) The following section is substituted for section 35 of the Principal Act:

“35.— (1) A person who wants to learn to drive a mechanically propelled vehicle of any category in order to pass a test for a certificate of competency may, except in such cases as may be prescribed, apply for a permit (‘ learner permit ’ ) licensing him or her provisionally to drive a mechanically propelled vehicle of that category in a public place.

(2) An application for a learner permit shall be—

- (a) made to the licensing authority in whose functional area the applicant ordinarily resides,
- (b) in accordance with the regulations under section 42, and
- (c) accompanied by the appropriate fee.

(3) Where an application under subsection (2) is duly made, a learner permit shall be granted to the applicant by the licensing authority.

(4) A learner permit has effect in accordance with its terms and conditions.

(5) In a prosecution for an offence under—

- (a) section 38(2), it is a defence for the defendant to show that, at the time he or she drove the vehicle, he or she held a learner permit then having effect and permitting him or her to drive the vehicle,
- (b) section 38(4), it is a defence for the defendant to show that the person employed to drive the vehicle held, at the time he or she drove the vehicle,

a learner permit then having effect and permitting him or her to drive the vehicle,

- (c) section 40, it is a defence for the defendant to show that, in lieu of producing a driving licence in accordance with that section, he or she produced a learner permit having effect at the material time and permitting him or her to drive the vehicle and that he or she permitted the member of the Garda Síochána to whom it was produced to read it.

(6) Sections 22(2), (4) and (5), 26, 27, 28(1), (3), (4) and (5), 29, 30, 31, 32, 34, 36, 37, 39, 40 and 41 apply to learner permits as they apply to driving licences, except that where—

- (a) a person has been disqualified under section 26 or 27 for holding a driving licence during a specified period and thereafter until he or she has produced to the appropriate licensing authority a certificate of competency, the person may, at the end of the specified period, apply for and be granted a learner permit in accordance with section 35,
- (b) a person has been disqualified under section 28(2) for holding a driving licence, he or she may apply for and be granted a learner permit in accordance with section 35, and
- (c) a holder of a learner permit in respect of a vehicle of any category for a period has been granted a certificate of competency in respect of such category he or she shall not, by virtue of the application of section 22(5), be disqualified for applying for a driving licence in respect of vehicles of that category for any period which or part of which is within that period.”.

(2) Section 1 of the Act of 2002 is amended in the definition of “licence” by substituting “learner permit” for “provisional licence”.

(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.

(4) Section 29(1) of the Act of 1994 is repealed.

Driving without  
driving licence.

**12.—** Section 38 of the Principal Act is amended—

(a) in subsection (2), by substituting for paragraph(a) the following:

“(a) A person who contravenes subsection (1) is guilty of an offence and, subject to subsection (5), is liable on summary conviction—

- (i) where at the time of the commission of the offence he or she had been the holder of a driving licence (other than a learner permit) which had expired beyond its period of validity for a period of not more than 12 months before the commission of the offence, to a fine not exceeding €1,000, and

(ii) in any other case, to a fine not exceeding €2,000.”;

and

(b) by substituting for subsection (5) the following:

“(5) A person—

- (a) who is summarily convicted of the offence of contravening subsection (1) and was at the time he or she committed the offence—

(i) disqualified for holding a driving licence, or

- (ii) a person required to produce a certificate of competency or a certificate of fitness before obtaining a driving licence,
- in lieu of the penalty mentioned in subsection (2)(a), or
- (b) who is summarily convicted of the offence of contravening subsection (3) in a case in which the person employed to drive the vehicle was at the time he or she drove the vehicle—
  - (i) disqualified for holding a driving licence, or
  - (ii) a person required to produce a certificate of competency or a certificate of fitness before obtaining a driving licence,
- in lieu of the penalty mentioned in section 102,
- is liable to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months or both.”.

Requirement to carry driving licence while driving vehicle.

**13.—F6[...]**

**Annotations**

**Amendments:**

**F6** Repealed (1.06.2011) by *Road Traffic Act 2010* (25/2010), s. 59(2)(c), S.I. No. 255 of 2011.

Fixed charge offences.

**14.—** Section 103 (inserted by section 11 of the Act of 2002 and as amended by section 18 of the Act of 2004) of the Principal Act is amended—

- (a) by substituting for subsection (1) (inserted by section 18(1)(a) of the Act of 2004) the following:

“(1) This section applies to—

- (a) such summary offences under the Road Traffic Acts 1961 to 2006 and the Roads Act 1993 as may be declared by the Minister by regulations, made after consultation with the Minister for Justice, Equality and Law Reform, to be fixed charge offences,
- (b) such offences under—
  - (i) the Road Transport Act 1933 (including any Act construed as one with it) which may not be tried on indictment, or
  - (ii) any regulation made under the European Communities Act 1972 providing for the carriage of merchandise by road or the carriage of passengers by road or the issuing of transport discs,

as may be declared by the Minister by regulations to be fixed charge offences,

- (c) 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 ),
- (d) 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 ), and

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

and an offence standing so declared under paragraph (a) or (b) and each of the offences referred to in paragraphs (c), (d) and (e) are referred to in this section as a fixed charge offence.”,

(b) by inserting after subsection (3) the following:

“(3A) In a case referred to in subsection (2), if the offence is an offence referred to in subsection (1)(b), the references in subsection (2) (other than paragraph (b)) to a member of the Garda Síochána are to be read as including references to a transport officer (within the meaning of section 15 of the Road Transport Act 1986 ).”,

(c) in subsection (7)(b), by substituting “fixed charge of a prescribed amount” for “fixed charge”,

(d) in subsections (7)(d), (8)(e), (9)(c) and (d), by substituting “in accordance with the notice” for “accompanied by the notice, duly completed”,

(e) in subsection (9), by substituting for paragraphs (a) (inserted by section 18(1)(g) of the Act of 2004) and (b) 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,

(b) the payment—

(i) may be received in accordance with the notice and the person receiving the payment may issue a receipt for it, and

(ii) shall be paid into or disposed of for the benefit of the Exchequer as the Minister for Finance directs,

and shall not be recoverable by the person who made it,”,

(f) in subsection (10) (inserted by section 18(1)(h) of the Act of 2004) by substituting “served or affixed” for “served”,

(g) in subsection (13), by substituting “is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,000” for “shall be guilty of an offence”,

(h) by substituting for subsection (21) the following:

“(21) Regulations prescribing the amount of a fixed charge may prescribe different amounts in relation to—

(a) different fixed charge offences,

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

(c) fixed charge offences committed in different areas.”,

and

(i) in subsection (22)(b), by inserting “as required in the notice” after “to whom the notice relates”.

#### Annotations

#### Amendments:

**F7** Repealed by *Road Traffic Act 2010* (25/2010), s. 49(d), not commenced as of date of revision.

**Modifications (not altering text):**

- C5** Prospective amending provision: section repealed by *Road Traffic Act 2010* (25/2010), s. 49(d), not commenced as of date of revision.

**14.—F7[...]**

Amendment of  
Act of 1975 (Traf-  
fic Wardens).

**15.—** (1) Section 1 of the Act of 1975 is amended by substituting for the definition of “the Minister” the following:

““Minister” means Minister for Transport;”.

(2) Section 2 (as amended by section 12(2) of the Act of 2002) is amended by substituting for subsection (2) (as amended by section 12(a) of the Dublin Transport Authority (Dissolution) Act 1987) the following:

“(2) The functions referred to in subsection (1) are—

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

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

(3) Section 3 (inserted by section 12 of the Act of 2002) of the Act of 1975 is amended—

(a) in subsection (1)(b), by substituting for subparagraph (ii) the following:

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

(b) in subsection (5A)(b) (inserted by section 23(b) of the Act of 2004) by substituting—

(i) “prescribed form” for “prescribed forms”, and

(ii) “with or without” for “or without”,

(c) in subsection (7), by substituting for paragraph (h) (inserted by section 23(c) of the Act of 2004) the following:

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

(d) in subsection (8)(b), to delete “in any circumstances”,

(e) in subsection (9) (inserted by section 23(e) of the Act of 2004) by substituting “served or affixed” for “served”,

(f) in subsection (12), by substituting “€1,000” for “€800” in both places where it occurs,

(g) in subsection (16), by substituting “is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,000” for “shall be guilty of an offence”,

(h) by inserting after subsection (17) the following:

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

- (a) different fixed charge offences,
- (b) fixed charge offences involving different classes of vehicles, or
- (c) fixed charge offences committed in different areas.”,

and

- (i) in subsection (18), by inserting “as required in the notice” after “to whom the notice relates”.

(4) Section 4 of the Act of 1975 is amended—

- (a) in subsections (1) and (3), by substituting “€1,000” for “£150” (inserted by section 12(c) of the Dublin Transport Authority (Dissolution) Act 1987), and
- (b) in subsection (2), by substituting “an offence under section 3(12)” for “an offence under section 3(5) of this Act”.

(5) The following section is substituted for section 5 of the Act of 1975 (inserted by section 15(6) of the Dublin Transport Authority Act 1986 and as amended by section 12(3) of the Act of 2002):

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

Penalty point offences.

**16.—**(1) Section 2(1) of the Act of 2002 is amended by substituting “12, 14 or 19 in column (2) of Part 1 and reference number 1 in column (2) of Part 8 of the First Schedule),” for “12 or 14 in column (2) of Part 1 of the First Schedule),”.

(2) The First Schedule to the Act of 2002 is amended—

- (a) in Part 1, by substituting “The offences specified in column (2) of this Part at reference numbers 2, 3, 8, 9, 10, 11, 12, 14 and 19” for “The offences specified in column (2) of this Part at reference numbers 2, 3, 8, 9, 10, 11, 12 and 14”,
- (b) in Part 1, by substituting for the matter at reference number 4 the following:

“

4	Offence under section 38(2)(a)(ii) of Road Traffic Act 1961 (other than in the circumstances referred to in subsection (5)(a) of that subsection)	Driving without a licence	1	3
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”.

- (c) in Part 1, by inserting after the matter at reference number 17 (inserted by section 22(a) of the Act of 2004) the following:

“

18	Offence under section 3(3) of Road Traffic Act 2006	Driving a vehicle while holding a mobile phone	2	4
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19	Offence under section 138(3) of Railway Safety Act 2005, tried summarily	Bridge strikes, etc.		3
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”.

(d) in Part 2, by deleting paragraphs (6) and (7) and the matter at reference numbers 15, 16, 17, 18, 19 and 20 and

(e) by inserting after Part 5 the following:

#### “PART 6

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

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

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

#### PART 7

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

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

Reference Number	Offence	General Description of Offence	Penalty Points on Payment of Fixed Charge	Penalty Points on Conviction
(1)	(2)	(3)	(4)	(5)
1	Offence consisting of contravention by driver of vehicle of Regulation 5(1)	Driver of car or goods vehicle not wearing safety belt	2	4

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

## PART 8

## CONTRAVENTION OF REGULATION 19 OF EUROPEAN COMMUNITIES (VEHICLE TESTING) REGULATIONS 2004

In this Part, a reference to a Regulation is a reference to a Regulation of the European Communities (Vehicle Testing) Regulations 2004 (S.I. No. 771 of 2004).

Reference Number	Offence	General Description of Offence	Penalty Points on Payment of Fixed Charge	Penalty Points on Conviction
(1)	(2)	(3)	(4)	(5)
1	Offence consisting of contravention of Regulation 19(1) (other than in the circumstances referred to in paragraph 15 of the Second Schedule to the Road Traffic Act 1961)	Using vehicle without certificate of roadworthiness		5

”.

Evidence in relation to certain offences.

**17.—F8[...]****Annotations****Amendments:**

**F8** Repealed (1.06.2011) by *Road Traffic Act 2010* (25/2010), s. 81(10)(c), S.I. No. 255 of 2011.

Increase of certain penalties.

**18.—** (1) A person convicted of an offence for which a penalty is provided by—

- (a) a provision of the Principal Act mentioned in column (2) of Part 1 of the Table at any reference number mentioned in column (1) of that Part,
- (b) a provision of the Road Traffic Act 1968 mentioned in column (2) of Part 2 of the Table at any reference number mentioned in column (1) of that Part,
- (c) the provision of the Road Traffic (Amendment) Act 1984 mentioned in column (2) of Part 3 of the Table, or
- (d) a provision of the Act of 1994 mentioned in column (2) of Part 4 of the Table at a reference number mentioned in column (1) of that Part,

is, in lieu of the monetary penalty so provided, liable to the monetary penalty, specified in column (3) of the Table at that reference number.

**TABLE***Part 1***Principal Act**

Reference Number	Provision	Monetary Penalty
(1)	(2)	(3)
1	Section 12(4)	A fine not exceeding €2,000
2	Section 16(5)	A fine not exceeding €2,000

Reference Number (1)	Provision (2)	Monetary Penalty (3)
3	Section 18(2)	A fine not exceeding €2,000
4	Section 20(10)(a)	A fine not exceeding €2,000
5	Section 39(2)	A fine not exceeding €5,000
6	Section 48(2)	In the case of a first offence, a fine not exceeding €1,000  In the case of a second or any subsequent offence, a fine not exceeding €2,000
7	Section 49(6)(a)	A fine not exceeding €5,000
8	Section 50(6)(a)	A fine not exceeding €3,000
9	F9[...]	F9[...]  F9[...]
10	F9[...]	F9[...]
11	F10[...]	F10[...]
12	F10[...]	F10[...]
13	F10[...]	F10[...]
14	F10[...]	F10[...]
15	F10[...]	F10[...]
16	F10[...]	F10[...]
17	Section 56(3)	A fine not exceeding €5,000
18	Section 64(2)	A fine not exceeding €5,000
19	Section 69A(5)	A fine not exceeding €5,000
20	Section 102(a)	A fine not exceeding €1,000
21	Section 102(b)	A fine not exceeding €2,000
22	Section 102(c)	A fine not exceeding €2,000
23	Section 106(3)(a)	A fine not exceeding €2,000
24	Section 106(3)(b)	A fine not exceeding €1,000
25	Section 107(5)	A fine not exceeding €2,000
26	Section 112(2)(a)	A fine not exceeding €5,000
27	Section 112(2)(b)	A fine not exceeding €20,000
28	Section 113(2)	A fine not exceeding €2,000
29	Section 115(6)	A fine not exceeding €3,000

*Part 2*

## Road Traffic Act 1968

Reference Number (1)	Provision (2)	Monetary Penalty (3)
1	Section 18(7)	A fine not exceeding €2,000
2	Section 23(2)	A fine not exceeding €2,000

*Part 3*

## Road Traffic (Amendment) Act 1984

Reference Number	Provision	Monetary Penalty
(1)	(2)	(3)
1	Section 4	A fine not exceeding €2,000

**Part 4****Act of 1994**

Reference Number	Provision	Monetary Penalty
(1)	(2)	(3)
1	Section 12(3)	A fine not exceeding €5,000
2	Section 13(2)	A fine not exceeding €5,000
3	Section 13(3)	A fine not exceeding €5,000
4	Section 14(2)	A fine not exceeding €5,000
5	Section 14(5)	A fine not exceeding €5,000
6	Section 15(2)	A fine not exceeding €5,000
7	Section 17(4)	A fine not exceeding €2,500
8	Section 20(3)	A fine not exceeding €5,000

(2) Section 23 of the Act of 2002 is repealed.

**Annotations****Amendments:**

**F9** Repealed (28.10.2011) by *Road Traffic Act 2010* (25/2010), s. 33(h), S.I. No. 544 of 2011.

**F10** Repealed (28.10.2011) by *Road Traffic (No. 2) Act 2011* (28/2011), s. 4(2)(d), S.I. No. 542 of 2011.

**Editorial Notes:**

**E22** Previous affecting provision: matters at reference numbers 11 to 16 in Part 1 of Table repealed by *Road Traffic Act 2010* (25/2010), s. 70(d), not commenced; repealed as per F-note above.

Detention of vehicles.

**19.—** Section 41(1) of the Act of 1994 is amended—

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

“(b) the vehicle is, or a member of the Garda Síochána reasonably believes it to be in the State and the member is of the opinion that the vehicle is, being so used in contravention of section 56(1) of the Principal Act,”

(b) in paragraph (c), by substituting “2 months” for “3 months” and “use,” for “use.”, and

(c) by inserting after paragraph (c) the following:

“(d) the vehicle is, or a member of the Garda Síochána is of the opinion that the vehicle is, being so used in contravention of section 18(1) of the Principal Act,

(e) the vehicle is, or a member of the Garda Síochána is of the opinion that the vehicle is, being so used in contravention of Regulation 19(1) of the

European Communities (Vehicle Testing) Regulations 2004 (S.I. No. 771 of 2004), or

- (f) in the case of a vehicle registered in another Member State, the vehicle is, or a member of the Garda Síochána is of the opinion that it is, being so used without a proof of passing a roadworthiness test in accordance with Council Directive 96/96/EC of 20 December 1996<sup>1</sup> which is for the time being in force in respect of the vehicle.”.

False declaration. **20.—** Section 115 of the Principal Act is amended—

- (a) by substituting for subsection (1) (inserted by section 46 of the Dublin Transport Authority Act 1986) the following:

“(1) Where a person is required by or under this Act or under regulations made under section 34 of the Taxi Regulation Act 2003 to furnish or give particulars in connection with an application for the grant or issue of a licence, permit, plate or certificate or otherwise in connection with a licence, permit, plate, certificate or vehicle, he or she shall not furnish or give pursuant to the requirement any particulars which to his or her knowledge are false or in any material respect misleading.”,

- (b) in subsection (3) (as amended by section 6 of the Road Traffic Act 1968) by substituting “licence, permit, plate or certificate” for “licence, plate or certificate” in both places where it occurs, and

- (c) by substituting for subsection (4) the following:

“(4) A person shall not forge or fraudulently alter or use, or fraudulently lend to, or allow to be used by, any other person, any licence, permit, plate, badge or certificate issued under this Act or under regulations made under section 34 of the Taxi Regulation Act 2003.”.

Taxis — mandatory disqualification. **21. —**F11[...]

#### Annotations

#### Amendments:

**F11** Repealed (6.04.2014) by *Taxi Regulation Act 2013* (37/2013), s. 4(e), S.I. No. 163 of 2014.

Repeals.

**22.—** The following are repealed:

- (a) subsection (6) of section 69 of the Principal Act;  
(b) section 16 of the Road Transport Act 1999; and  
(c) section 56 of the Taxi Regulation Act 2003.

Short title, commencement, collective citation and construction.

**23.—** (1) This Act may be cited as the Road Traffic Act 2006.

(2) This Act (other than *section 21*) comes into operation on such day or days as, by order or orders made by the Minister under this section, may be fixed therefor either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions.

<sup>1</sup> O.J. No. L46, 17.02.97, p.1

(3) The Road Traffic Acts 1961 to 2005 and this Act (other than *section 21*) may be cited together as the Road Traffic Acts 1961 to 2006 and shall be read together as one.

#### Annotations

#### Editorial Notes:

**E23** Power pursuant to subs. (2) exercised (8.12.2014) by *Road Traffic Act 2006 (Commencement) (Penalty Point - Speed Limitation Devices) Order 2014* (S.I. No. 560 of 2014).

2. The day fixed as the day on which—

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

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

come into operation is 8th December 2014.

**E24** Power pursuant to section exercised (3.08.2012) by *Road Traffic Act 2006 (Part Commencement Section 16(2)(e)) (Penalty Points) Order 2012* (S.I. No. 295 of 2012).

2. The day fixed as the day on which section 16(2)(e) of the Road Traffic Act 2006 (No. 23 of 2006), (in so far as it relates to the insertion of Part 7 into the First Schedule to the Road Traffic Act 2002 (No. 12 of 2002)) comes into operation is 3 August 2012.

**E25** Power pursuant to section exercised (1.05.2009) by *Road Traffic Act 2006 (Part Commencement Section 16) (Penalty Points) Order 2009* (S.I. No. 148 of 2009).

2. The day fixed as the day on which the following provisions of section 16 of the *Road Traffic Act 2006* (No. 23 of 2006), namely, subsection (1) and paragraphs (a), (c) (in so far as it is not already in operation) and (e) (in so far as it relates to the insertion of Part 8 into the First Schedule of the *Road Traffic Act 2002* (No.12 of 2002)) of subsection (2) come into operation is 1 May 2009.

**E26** Power pursuant to section exercised (30.10.2007) by *Road Traffic Act 2006 (Sections 10, 11 and 13) (Commencement) Order 2007* (S.I. No. 718 of 2007).

2. The day fixed as the day on which sections 10, 11 and 13 of the *Road Traffic Act 2006* (No.23 of 2006) come into operation is 30 October 2007.

**E27** Power pursuant to section exercised (5.03.2007) by *Road Traffic Act 2006 (Commencement) Order 2007* (S.I. No. 86 of 2007).

2. The day fixed as the day on which sections 6, 7 and 18 of the *Road Traffic Act 2006* (No. 23 of 2006) come into operation is 5 March 2007.

**E28** Power pursuant to section exercised (1.09.2006) by *Road Traffic Act 2006 (Part Commencement Section 16(2)(c)) Order 2006* (S.I. No. 457 of 2006).

2. The day fixed as the day on which section 16(2)(c) the *Road Traffic Act 2006* (No.23 of 2006), in so far as it relates to the insertion into Part 1 of the First Schedule to the *Road Traffic Act 2002* (No.12 of 2002) of the matter at reference number 18, comes into operation is 1 September 2006.

**E29** Power pursuant to subs. 2 exercised (21.07.2006) by *Road Traffic Act 2006 (Commencement) Order 2007* (S.I. No. 384 of 2006).

2. The day fixed as the day on which the *Road Traffic Act 2006* (No. 23 of 2006) (other than sections 5, 6, 7, 10, 11, 13, 16 and 18) comes into operation is 21 July 2006.