



Number 23 of 2006

ROAD TRAFFIC ACT 2006

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[No. 23.]

Road Traffic Act 2006.

[2006.]

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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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ROAD TRAFFIC ACT 2006

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:

1.—In this Act—

Definitions.

“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.

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—

Regulations to give effect to acts of European Communities.

(a) a provision of the treaties of the European Communities, or

(b) an act adopted by an institution of those Communities.

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

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

(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.

4.—(1) In this section—

Mandatory alcohol testing.

“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 49 of the Principal Act, 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 mechanically propelled vehicle at the checkpoint and, without prejudice to any other powers (including the powers under section 12 (inserted by the Act of 2003) of the Act of 1994) conferred on him or her by statute or at common law, may require a person in charge of the vehicle—

(a) to—

(i) provide (by exhaling into an apparatus for indicating the presence of alcohol in the breath) a specimen of his or her breath, or

(ii) 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, by exhaling into such an apparatus, a specimen of his or her breath, or

(b) to—

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