



Number 34 of 2007

ROADS ACT 2007

ARRANGEMENT OF SECTIONS

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1. Definitions.
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SCHEDULE

AMENDMENT OF ROADS ACT 1993

[No. 34.]

Roads Act 2007.

[2007.]

ACTS REFERRED TO

Consumer Credit Act 1995	1995, No. 24
Dublin Transport Authority (Dissolution) Act 1987	1987, No. 34
Finance (Excise Duties) (Vehicles) Act 1952	1952, No. 24
Finance (No. 2) Act 1992	1992, No. 28
Finance Act 1992	1992, No. 9
Finance Act 1993	1993, No. 13
Finance Act 1994	1994, No. 13
Finance Act 2003	2003, No. 3
Landlord and Tenant Acts 1967 to 2005	
Local Authorities (Traffic Wardens) Act 1975	1975, No. 14
Local Government Act 2001	2001, No. 37
Motor Vehicle (Duties and Licences) Act 2003	2003, No. 5
Planning and Development (Strategic Infrastructure) Act 2006	2006, No. 27
Planning and Development Act 2000	2000, No. 30
Roads Act 1920	1920, c. 72
Roads Act 1993	1993, No. 14
Roads Acts 1993 to 2001	
Road Traffic Act 1961	1961, No. 24
Road Traffic Act 1994	1994, No. 7
Road Traffic Act 2002	2002, No. 12
Road Traffic Act 2004	2004, No. 44
Road Traffic Act 2006	2006, No. 23
Road Traffic Acts 1961 to 2006	
State Authorities (Public Private Partnership Arrangements) Act 2002	2002, No. 1
Taxi Regulation Act 2003	2003, No. 25



Number 34 of 2007

ROADS ACT 2007

AN ACT TO AMEND AND EXTEND THE ROADS ACTS 1993 TO 2001, THE TAXI REGULATION ACT 2003 AND CERTAIN PROVISIONS OF THE ROAD TRAFFIC ACTS 1961 TO 2006 AND TO PROVIDE FOR CONNECTED MATTERS.

[11th July, 2007]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act—

Definitions.

“Authority” means National Roads Authority;

“Minister” means Minister for Transport;

“Principal Act” means Roads Act 1993.

2.—The following is substituted for section 56 of the Principal Act: Tolls — definitions.

“56.—In this Part—

‘consumer-hire agreement’ and ‘hire-purchase agreement’ have the meanings assigned to them, respectively, in the Consumer Credit Act 1995;

‘default toll’ means a toll charged and payable in accordance with bye-laws under section 61 in respect of a mechanically propelled vehicle where the toll initially charged and payable in respect of that vehicle for the use of a toll road has not been paid;

‘licensing records’ means records maintained under section 60(2) (inserted by section 86 of the Finance Act 1994 as amended by section 7 of the Motor Vehicle (Duties and Licences) Act 2003) of the Finance Act 1993;

‘mechanically propelled vehicle’ has the meaning assigned to it by the Act of 1961;

‘owner’ means—

- (a) in relation to a vehicle (other than a vehicle specified in paragraph (b)), the person by whom the vehicle is kept, or
- (b) in relation to a vehicle which is the subject of a hire-purchase or consumer-hire agreement, the person in possession of the vehicle under the agreement;

‘registered in the State’ in relation to a vehicle, means the vehicle is entered in the register established and maintained by the Revenue Commissioners under section 131 of the Finance Act 1992 or in respect of which a licence has been taken out under section 1 of the Finance (Excise Duties) (Vehicles) Act 1952;

‘registered owner’ in relation to a vehicle, means where the vehicle—

- (a) is registered in the State, the owner of the vehicle whose name is most recently entered in licensing records, or
- (b) is used under a trade licence issued under section 21 of the Finance (No. 2) Act 1992, the holder of the licence;

‘road authority’ means—

- (a) in the case of a national road — the Authority, and
- (b) in the case of a regional road or local road — the local authority in whose functional area the road is situated;

‘road undertaking’ means, in relation to a toll road—

- (a) a road authority, or
- (b) where the road authority has entered into—
 - (i) an agreement with another person under section 63 in relation to any of the matters referred to in paragraph (e) of that section, or
 - (ii) an arrangement with a partner under section 3(1) of the State Authorities (Public Private Partnership Arrangements) Act 2002 in relation to any of the matters referred to in paragraph (a) of that subsection,

that other person or partner;

‘toll’ means a toll (including a default toll) chargeable under this Part;

‘toll road’ means a public road or proposed public road in respect of which a toll scheme is in force;

‘toll scheme’ means a scheme under section 57.”.

3.—Section 57 of the Principal Act is amended in subsection (3), Toll schemes.
by substituting for paragraph (e) the following:

- “(e) specify the manner and method of the charging of and collection of tolls,
- (f) specify such other information as the road authority making the scheme considers appropriate or the Minister prescribes by regulations.”.

4.—The following is substituted for section 64 of the Principal Act: Default toll, etc.

“64.—(1) Where a toll charged and payable in respect of a mechanically propelled vehicle using a toll road is unpaid for such period specified in bye-laws under section 61, a default toll, in accordance with the bye-laws, of not more than such amount specified in the bye-laws being greater than the amount of the toll initially charged, may be charged and be payable in respect of the vehicle.

(2) Bye-laws made under section 61 may—

- (a) provide that the amount of a default toll be increased by such amount where it is not paid within such period as specified in the bye-laws,
- (b) take into account administrative costs in charging and collecting a default toll, or
- (c) specify different amounts in respect of different classes of toll roads and different classes of vehicles.

(3) Where a toll is payable in respect of a mechanically propelled vehicle where—

- (a) the vehicle is registered in the State (other than in the circumstances referred to in paragraph (c)) — the registered owner of the vehicle,
- (b) the vehicle is not registered in the State — the person, whom the road undertaking concerned can reasonably ascertain, owns or keeps or has possession or charge of the vehicle in the State,
- (c) the registered owner or a person referred to in paragraph (b) or (d), as the case may be, on the occasion in question, was not driving or in the vehicle and had not given permission for or required another to use the vehicle and the Garda Síochána were aware or were informed of this — the person who was driving the vehicle on the occasion, or
- (d) a person has entered into an agreement with the road undertaking concerned in respect of the payment of tolls in respect of the vehicle — that person,

and the driver of the vehicle, if he or she is not a person mentioned above, are jointly and severally liable to pay the toll.

(4) The amount of any toll due and payable by a person under this Part and unpaid may be recovered from the person

as a simple contract debt by the road undertaking concerned in any court of competent jurisdiction.

(5) (a) Notwithstanding section 79, notice of the charge of a toll may be served on a person by the road undertaking concerned by post—

(i) at the place where the person ordinarily resides or carries on business, or

(ii) if an address for the service of such a notice has been provided by the person, that address,

or where arrangements have been made between the person and the road undertaking by such means specified (such as electronic mail) to the place or address specified, in the arrangements.

(b) In any proceedings for the recovery of a toll it shall be presumed, until the contrary is shown, that the defendant received the notice under this paragraph to which the proceedings relate and that payment of the toll has not been made.

(6) A document signed by an officer of the road undertaking concerned (authorised in that behalf by the road undertaking) stating that a mechanically propelled vehicle in respect of which the proceedings are taken for the non-payment of a toll incurred the liability to pay the toll together with any photographic or other evidence taken from a camera or other apparatus referred to in subsection (7) of the identification mark of the vehicle taken at the material time may, without proof of the signature of the officer or that the photographic or other evidence is from a camera or other apparatus referred to in that subsection, be produced in any court and in all legal proceedings and is, until the contrary is shown, evidence that a toll was incurred in respect of the vehicle. It shall not be necessary to show that the camera or other apparatus was accurate or in good working order.

(7) A road authority may approve cameras or other apparatus and the location of them, to be set up and operated by the road undertaking having charge of the collection of tolls on a toll road, for the purposes of—

(a) recording the date and time of a vehicle passing through the toll road and whether payment in respect of the vehicle for the use of the road has been discharged or incurred, and

(b) taking photographic images of the vehicle and its identification mark.

(8) A person who is liable to pay a toll and who fails, neglects or refuses to pay the toll is guilty of an offence.

(9) A person who on a toll road, fails, neglects or refuses to obey a lawful instruction or direction of a person authorised by a road undertaking to provide, operate or manage a toll road or collect or charge tolls on the road is guilty of an offence.

(10) A person who by his or her actions does any thing to avoid being charged or paying a toll while on a toll road is guilty of an offence.

(11) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months or both.

(12) In this section ‘identification mark’ in respect of a mechanically propelled vehicle, means the identification mark assigned to the vehicle—

(a) in the case of a vehicle registered in the State — under section 6 of the Roads Act 1920 or section 131(5) (inserted by section 102 of the Finance Act 2003) of the Finance Act 1992, or

(b) in the case of a vehicle registered in a jurisdiction outside the State — under the laws of that jurisdiction.”.

5.—The following section is inserted after section 64 of the Principal Act: Access to records.

“64A.—(1) A road undertaking for the purposes of charging and collecting payment of tolls shall have access to and may inspect and examine licensing records and may take or be supplied with information or extracts from those records relating to the charging or payment of tolls on payment of such fee (if any) to cover the administrative costs in accessing such records.

(2) Where a road undertaking for the purposes of charging or collecting payment of a toll in respect of a vehicle using a toll road suspects that the vehicle on the occasion in question is the subject of an agreement and it is unable to ascertain from licensing records information regarding the person in possession of the vehicle under the agreement, it may require and be supplied with information from the registered owner of the vehicle regarding the person in possession of the vehicle under the agreement.

(3) Where a request is made under subsection (2), the registered owner of the vehicle the subject of the request shall, within 21 days, supply to the road undertaking making the request, where the vehicle is the subject of an agreement, the name and address of the person in possession of the vehicle under the agreement, on the occasion in question, to which the request relates.

(4) A person who in supplying information under subsection (3) gives false or misleading information is guilty of an offence.

(5) Where a registered owner fails or refuses to give information to a road undertaking for the purposes of this section the registered owner is presumed, until the contrary is shown, to have had possession of the vehicle on the occasion in question and is liable to pay the toll concerned.

(6) In this section ‘agreement’ means a hire-purchase agreement or a consumer-hire agreement, as the case may be.”.

Responsibility of road authorities for the maintenance and construction of public roads — updated references.

6.—Section 13 of the Principal Act is amended by substituting for subsections (1) to (4) the following:

“(1) Subject to Part III, the maintenance and construction of all national and regional roads in a county or city is a function of the council of that county or city.

(2) It is the function of a local authority to maintain and construct all local roads—

(a) in the case of a county council — in its administrative area, other than the administrative area of any borough or town referred to in Chapter 2 of Part 1 of Schedule 6 to the Local Government Act 2001 situated within the county of the council, and

(b) in the case of any other local authority — in its administrative area.

(3) The local authorities referred to in subsections (1) and (2) are road authorities for the purposes of the roads referred to in those subsections and shall, subject to Part III and in respect of those roads, perform all the functions assigned to road authorities by or under any enactment (including this Act) or instrument.

(4) The expenses of a county council in respect of its functions under subsection (2) shall be charged on the county of the council exclusive of any borough or town that is situated within the county.”.

Amendment of functions of NRA relating to national roads.

7.—Section 19 of the Principal Act is amended—

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

“(1) The Authority may, in relation to national roads or proposed national roads, do all or any of the following:

(a) prepare, or arrange for the preparation of—

(i) designs for construction or improvement works,

(ii) programmes of maintenance works, or

(iii) schemes for the provision of traffic signs;

(b) secure the carrying out of construction or maintenance works, or the provision of traffic signs;

(c) secure the provision of facilities for the parking of vehicles;

(d) allocate moneys and make payments in relation to construction or maintenance works, or in relation to any other function assigned to it by or under this Act;

(e) specify standards in relation to construction or maintenance works;

- (f) carry out, arrange to have carried out or assist the carrying out of, training, research or testing activities in relation to any of its functions;
- (g) provide any amenity, structure or thing (including, without limitation, service areas, rest areas or lay-bys) for the safety and convenience of road users;
- (h) undertake landscaping, planting or any similar activities in the interests of amenity and the environment; or
- (i) provide artistic features.”,

(b) by substituting for subsection (6) the following:

“(6) Development consisting of the carrying out of any works by or at the direction of, or on behalf of, the Authority under this Act in relation to the construction or maintenance of a national or other public road or anything related or incidental to such is exempted development for the purposes of the Act of 2000.”,

and

(c) by inserting after subsection (10) the following:

“(11) The Landlord and Tenant Acts 1967 to 2005 do not apply to any lettings effected by the Authority or any road authority, in each case, in performing the functions conferred on it by this Act.”.

8.—(1) The Minister may, subject to *subsection (2)*, on the application of the Authority, by order declare as a motorway— Declaration of motorways.

- (a) any existing public road which, before the passing of this Act, is a national road, or
- (b) any proposed road development for the construction of a national road, in respect of which, before the passing of this Act, an application for approval has been made or the development has been approved under section 51 of the Principal Act,

or any part or section as such.

(2) Where the Minister proposes to declare under *subsection (1)* a road to be a motorway and the Authority informs him or her in writing that—

- (a) the road has been or will be constructed to a similar or higher standard as existing motorways,
- (b) provision is made for alternative means of access to any land which is to cease as a result of the declaration, and
- (c) the road is or will be at least a dual carriageway or an integrated part of the design of a dual carriageway and part of the network of national roads,

the Minister must—

- (i) publish, in one or more newspapers circulating in the area where the road is located or the proposed road is intended to be located which he or she proposes to declare to be a motorway, a notice—
 - (I) indicating the times at which, the period (which shall be not less than one month) during which and the place where a copy of the application under *subsection (1)* and a map showing the road may be inspected, and
 - (II) stating that objections or representations may be made in writing to the Minister in relation to the declaration before a specified date (which shall be not less than 2 weeks after the period allowed for such inspection), and
- (ii) consider any objections or representations made under *paragraph (i)(II)* and not withdrawn.

(3) Section 43 of the Principal Act is amended by substituting for subsection (1) the following:

“(1) In this Act ‘motorway’ means—

- (a) a public road or proposed public road specified to be a motorway in a motorway scheme approved under section 49, or
- (b) a national road or a proposed road development for the construction of a national road declared to be a motorway under *section 8* of the *Roads Act 2007*.”.

(4) Notwithstanding any other enactment, neither a planning authority or An Bord Pleanála shall decide to grant or grant planning permission nor shall a decision by such be regarded as having been given under section 34(8) of the Planning and Development Act 2000 in respect of the developments referred to in section 46 of the Principal Act in respect of a national road or a proposed road development for the construction of a national road declared to be a motorway under *subsection (1)*.

Schemes.

9.—(1) The Principal Act is amended—

(a) in section 47—

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

“(1) A road authority or the Authority may make—

- (a) a motorway scheme,
- (b) a service area scheme,
- (c) a busway scheme,
- (d) a protected road scheme, or

- (e) a protected road scheme amending a protected road scheme approved under section 49,

referred to in this Part as a “scheme”.

- (ii) in subsection (2)(a)(i), (ii), (iii) and (v), by substituting “, protected road or service area” for “or protected road” in each place it occurs,
- (iii) in subsection (2)(c), by inserting “(provided under a motorway or protected road scheme)” after “service areas”, and
- (iv) in subsection (4)(a) and (b), by inserting “or the Authority” after “road authority”,

(b) by substituting for section 48 the following:

“Procedures to be followed by road authority when submitting scheme to Bord Pleanála. 48.—Before submitting a scheme to An Bord Pleanála under section 49 a road authority or the Authority, as the case may be, shall—

- (a) publish in one or more newspapers circulating in the area where the proposed motorway, service area, busway or protected road is to be located a notice in the prescribed form—
- (i) stating that a scheme has been made,
- (ii) indicating the times at which, the period (not being less than 6 weeks) during which and the place where a copy of the scheme and the map referred to in it may be inspected, and
- (iii) stating that objections may be made in writing to An Bord Pleanála in relation to the scheme during that period,

and

- (b) serve on every owner and occupier of any land referred to in a scheme and on every person who, in the opinion of the road authority or the Authority, as the case may be, is affected by the proposed revocation or modification of a planning permission specified in the scheme, a notice in the prescribed form stating—

- (i) the nature and extent of the scheme,
- (ii) that the scheme will be submitted to An Bord Pleanála for approval, and
- (iii) the period (which is that referred to in paragraph (a)(ii)) within which objections may be made in writing to An Bord Pleanála in relation to the scheme.”,

(c) in section 49—

- (i) by substituting for subsection (1) the following:

“(1) A road authority or the Authority shall submit any scheme made by it under section 47 to An Bord Pleanála for its approval.”,

- (ii) in subsections (3) and (4), by substituting “, protected road or service area” for “or protected road”, and
- (iii) by inserting after subsection (5) the following:

“(6) Where the Authority has submitted a scheme for approval under subsection (1) references to road authority in the other provisions of this section in respect of the scheme are to read as references to the Authority.”,

(d) in section 50—

- (i) in subsection (1), by substituting for paragraph (a) the following:

“(a) A road authority or the Authority shall prepare a statement of the likely effects on the environment (‘environmental impact statement’) of any proposed road development it proposes consisting of—

- (i) the construction of a motorway,
- (ii) the construction of a busway,
- (iii) the construction of a service area, or
- (iv) any prescribed type of proposed road development consisting of the construction of a proposed public road or the improvement of an existing public road.”,

and

- (ii) the insertion after subsection (4) (inserted by the European Communities (Environmental Impact Assessment) (Amendment) Regulations 1999 (S.I. No. 93 of 1999)) of the following:

“(5) Where the Authority proposes the construction of a proposed road development consisting of anything referred to in subsection (1) references to road authority in the other provisions of this section in respect of the development are to be read as references to the Authority.”,

and

(e) in section 51—

(i) by substituting for subsections (1) and (2) the following:

“(1) A proposed road development shall not be carried out unless An Bord Pleanála has approved it or approved it with modifications.

(2) The road authority concerned or the Authority, as the case may be, shall apply to An Bord Pleanála for the approval referred to in subsection (1) in relation to a proposed road development it proposes and shall submit to An Bord Pleanála the environmental impact statement prepared in respect of the development.”,

(ii) in subsection (3)(a)(vi) (inserted by section 51 of the Planning and Development (Strategic Infrastructure) Act 2006) by substituting “An Bord Pleanála” for “the Minister”, and

(iii) by inserting after subsection (8) the following:

“(9) Where the Authority makes an application for approval under subsection (2) references to road authority in subsection (3) and its following provisions of this section in respect of the application are to be read as references to the Authority.”.

(2) Where An Bord Pleanála approves a scheme submitted by the Authority under section 49 references to road authority contained in section 52 of the Principal Act in respect of the scheme are to be read as references to the Authority.

10.—(1) The following section is substituted for section 54 of the Principal Act: Service areas.

“Service areas
(motorway
schemes).

54.—(1) A motorway scheme may include provision for a service area.

(2) Where a motorway scheme approved under section 49 includes provision for a service area or a service area provided under a motorway scheme is located on a motorway—

(a) the Authority — in the case of a national road, or

(b) the road authority in whose functional area the service area is to be provided or is located—

- (i) in the case of a national road, with the consent of the Authority, or
- (ii) in the case of a regional or local road,

may—

- (I) provide or operate in the service area facilities or services for persons and vehicles using the motorway to which the scheme relates,
- (II) make an agreement with any person whereby that person, either by himself or herself or jointly with the Authority or the road authority, as the case may be, provides or operates in the service area such facilities or services.

(3) Subject to section 54A, a service area on a motorway shall not be provided or operated save in accordance with this section.

(4) The Minister may make regulations providing for the application of moneys accruing to a road authority or the Authority in respect of the exercise of its functions under this section or section 54A.

(5) (a) Only classes of vehicles prescribed under section 43(3) shall have access from a service area to a motorway.

(b) The driver of a vehicle which is not a vehicle of a class prescribed under section 43(3) who accesses with the vehicle from a service area to a motorway is guilty of an offence.”.

(2) The following sections are inserted after section 54 of the Principal Act:

“Service areas
(public roads).

54A.—(1) In a service area—

- (a) the Authority — in the case of a national road, or
- (b) the road authority in whose functional area the service area is to be provided for or is located—
 - (i) in the case of a national road, with the consent of the Authority, or
 - (ii) in the case of a regional road or local road,

may—

- (I) provide or operate facilities or services for persons and vehicles

using the road to which the service area scheme relates, or

- (II) make an agreement with another person whereby that person, either by himself or herself or jointly with the Authority or the road authority, as the case may be, provides or operates such facilities or services.

(2) Subject to section 54, a service area on a road referred to in subsection (1) shall not be provided or operated other than in accordance with that subsection.

(3) In this section ‘service area’ means a service area proposed or provided under a service area scheme in respect of a national, regional or local road.

Offence
(service areas).

54B.—A person who, without lawful authority or the consent of the Authority or the road authority concerned, as the case may be—

- (a) defaces (by writing or other means), damages or excavates a service area provided under a motorway scheme or service area scheme,
- (b) places or deposits any material or thing on a service area which is a hazard or potential hazard to persons using the service area, or
- (c) obstructs or interferes with access from the public road to the service area,

is guilty of an offence.”.

11.—Each provision of the Principal Act mentioned in column (1) of the Schedule is amended in the manner specified in column (2) of the Schedule opposite mention of the provision. Miscellaneous amendments of Principal Act.

12.—(1) The following sections are inserted after section 36 of the Road Traffic Act 1994: Amendments to Road Traffic Acts 1961 to 2006.

“Bye-laws for restriction on parking — specified events.

36A.—(1) A road authority may, in respect of a specified event or events (such as a sporting or entertainment event) at a specified venue or venues, in the interests of safety of road users and preventing traffic congestion, make bye-laws in accordance with this section for the purpose of prohibiting or restricting the parking of mechanically propelled vehicles on all public roads in specified areas or on a specified public road in its functional area.

(2) Bye-laws made under this section shall specify—

- (a) the event and venue to which the bye-laws apply,
- (b) the nature and description of the event,
- (c) the public road or area to which the prohibition or restriction applies,
- (d) whether a prohibition or restriction on parking applies,
- (e) the period of the prohibition or restriction on parking, and
- (f) the mechanically propelled vehicles, or classes of such vehicles, to which an exemption from the prohibition or restriction is to apply.

(3) Where it is proposed to exempt mechanically propelled vehicles from the application of bye-laws made under this section in accordance with subsection (2)(f), the bye-laws shall specify—

- (a) the persons who may acquire the exemption,
- (b) the conditions, if any, to be applied in respect of the exemption,
- (c) the means of identification of mechanically propelled vehicles that are to be subject to the exemption,
- (d) the manner of keeping or display of the means of identification on the vehicle, and
- (e) the fee, if any, payable to the road authority concerned in respect of the exemption.

(4) Where bye-laws made under this section provide for an exemption to the prohibition or restriction to be imposed, the road authority shall provide, on application, the means of identification referred to in subsection (3)(c) to a person who may acquire the exemption.

(5) Different bye-laws may be made under this section—

- (a) in respect of different areas within the functional area of a road authority,
- (b) in respect of different classes of vehicles,
- (c) for different circumstances, and

(d) in respect of different periods of time.

(6) Where a road authority makes bye-laws under this section it shall provide a regulatory traffic sign specified in regulations made under section 95(2) of the Principal Act to indicate the application of the bye-laws.

(7) The traffic sign referred to in subsection (6) shall—

(a) be provided on the road or on all roads at the entrance to an area to which the bye-laws apply, and

(b) in advance of the operation of the bye-laws, be accompanied by an information plate indicating details regarding the date or day and period of the operation of the bye-laws.

(8) Before making bye-laws under this section, a road authority shall—

(a) consult with the Commissioner of the Garda Síochána,

(b) publish a notice in one or more newspapers circulating in the area to which the bye-laws relate and, where the road authority considers the event to which the bye-laws relate is of national importance, in one or more newspapers published in and are circulating in the State—

(i) indicating that it is proposed to make bye-laws under this section,

(ii) indicating the times at which, the period (being not less than one month) during which and the place (being a place within their functional area) where a copy of the draft bye-laws may be inspected,

(iii) stating that representations may be made in writing to the road authority in relation to the draft bye-laws before a specified date (which shall be not less than 2 weeks after the end of the period for inspection), and

(iv) stating that a copy of the draft bye-laws may be purchased on payment of a fee, if any, not exceeding the reasonable cost of making such copies,

and

- (c) before deciding whether to make the bye-laws and determining their content, consider any observations made to them by the Commissioner or any representations made to them under paragraph (b)(iii).

(9) The making of bye-laws under this section and the consideration of observations or representations under subsection (8)(c) is a reserved function.

(10) As soon as may be after the making of bye-laws by a road authority under this section, notice of their making and of the place where copies of them may be purchased, obtained or inspected shall be published by the road authority in—

- (a) the *Iris Oifigiúil*,
- (b) one or more newspapers circulating in the area to which the bye-laws relate, and
- (c) where the road authority considers the event to which the bye-laws relate is of national importance, one or more newspapers published in and circulating in the State.

(11) Where a mechanically propelled vehicle, not exempted under bye-laws made under this section, is parked on a public road at a time immediately in advance of the coming into operation of bye-laws made under this section applying to the road, the vehicle must be removed from that road before the commencement of the operation of the bye-laws as indicated by the traffic sign referred to in subsection (7).

- (12) (a) A person who contravenes a bye-law made under this section or who does not comply with subsection (11) is guilty of an offence.
- (b) Where, in relation to a mechanically propelled vehicle, there is a contravention of a bye-law under this section or a failure to comply with subsection (11), each of the following persons is guilty of an offence—
 - (i) the registered owner of the vehicle,
 - (ii) if the vehicle is the subject of a hire-drive agreement on the occasion in question, the person to whom the vehicle is hired under the agreement, and
 - (iii) if the person who parked the vehicle is not its registered owner

or the person to whom it is hired under a hire-drive agreement, the first-mentioned person.

(13) Where a person charged with an offence under subsection (12) is—

(a) the registered owner of the vehicle concerned, it is a defence for him or her to show that the vehicle was being used on the occasion in question by another person and that—

(i) such use was unauthorised, or

(ii) the vehicle was on that occasion the subject of a hire-drive agreement,

or

(b) a person to whom the vehicle concerned stood hired at the time of the commission of the offence, it is a defence for him or her to show that the vehicle was being used on the occasion in question by another person and that such use was unauthorised.

(14) Any fees paid under this section shall be disposed of in such manner as the road authority concerned may by resolution determine.

Inspection of permits.

36B.—(1) A member of the Garda Síochána or (other than for the purposes of paragraph (b)) a traffic warden may request the driver or person in charge of a vehicle—

(a) parking the vehicle in a place where restrictions or prohibitions on parking apply, or

(b) entering, driving on or otherwise using or leaving a road where restrictions or prohibitions apply to a vehicle,

under regulations or bye-laws under this Part, to allow the inspection by the member or warden of a permit exempting the vehicle and, if applicable, the driver or person, from the restriction or prohibition.

(2) Where a member or warden inspecting a permit under subsection (1) is of the opinion that—

(a) the permit is no longer in force,

(b) the permit does not apply to the circumstances or vehicle in which it is being used,

(c) the person using the permit is not entitled to use it, or

(d) the permit is altered or forged,

he or she may detain it.

(3) Where a permit is detained under subsection (2) and it is subsequently shown to be valid it may be returned to the holder or suspended or revoked as the local authority or person issuing it sees fit according to the circumstances of the matter.

(4) The driver or person in charge of a mechanically propelled vehicle who—

- (a) fails to keep or display a permit or other means of identification as specified in the permit or regulations made under section 35 or bye-laws made under section 36 or 36A, when the vehicle to which the permit relates is being driven, parked or otherwise being used by the person under it in respect of the exemption or permission concerned,
- (b) uses a permit other than in accordance with its terms or conditions, or
- (c) fails or refuses to allow or obstructs the inspection of a permit under this section,

is guilty of an offence.

(5) When the driver or person in charge of a mechanically propelled vehicle who contravenes subsection (4)(a) or (b) is not the registered owner of the vehicle but authorised to drive or use the vehicle by the owner and the vehicle is not the subject of a hire-drive agreement, then the registered owner is also guilty of an offence.

(6) In this section—

‘permit’ means a permit issued under regulations made under section 35 or the means of identification of an exempted or permitted vehicle specified in bye-laws made under section 36 or 36A;

‘traffic warden’ means a traffic warden within the meaning of the Local Authorities (Traffic Wardens) Act 1975 or section 103 (19) (inserted by section 11 of the Road Traffic Act 2002) of the Principal Act.”.

(2) Section 42 (inserted by section 10 of the Road Traffic Act 2006) of the Road Traffic Act 1961 is amended, with effect from the commencement of the said section 10—

- (a) in subsection (2)(p), by inserting “and the disposal of such fees” after “licence”, and
- (b) in subsection (4), by deleting “, in particular and without prejudice to the generality of subsection (1),”.

(3) Section 101B (inserted by section 9 of the Dublin Transport Authority (Dissolution) Act 1987 and as amended by section 49(1)(j) of the Road Traffic Act 1994) of the Road Traffic Act 1961 is amended—

- (a) in subsection (2), by substituting “35, 36 or 36A of the Road Traffic Act 1994” for “35 or 36 of the Road Traffic Act 1994”, and
- (b) in subsection (8)(b), by substituting “section 35, 36 or 36A of the Road Traffic Act 1994” for “section 35 or 36 of the Road Traffic Act 1994”.

(4) The Road Traffic Act 1994 is amended—

- (a) in section 2(1), by substituting for the definition of “reserved function” the following:

“ ‘reserved function’ is to be read in accordance with section 131 of the Local Government Act 2001;”,

- (b) in section 35—

- (i) in subsection (2), by substituting for paragraph (t) (inserted by section 26(1) of the Road Traffic Act 2004) the following:

“(t) the issue of a permit by a local authority, or any other person authorised by the Minister in the regulations, subject to any terms or conditions attached to the permit as prescribed in or permitted by the regulations, for the purposes of—

- (i) exempting the permit holder from restrictions or prohibitions on parking applied under this section,
- (ii) permitting the parking of a vehicle by the permit holder at specified locations, or
- (iii) exempting the permit holder from the application of prohibitions and restrictions applied under this section to specified traffic from entering or using specified roads,

upon payment of a prescribed fee, if any, and the disposal of such fees and different fees may be prescribed in respect of different classes of permits.”,

and

- (ii) by deleting subsections (7) and (8) (inserted by section 26(2) of the Road Traffic Act 2004).

(5) Section 5(1) of the Road Traffic Act 2006 is amended in paragraph (c) by substituting “millilitres” for “milligrammes”.

(6) The Road Traffic Acts 1961 to 2006 and this section may be cited together as the Road Traffic Acts 1961 to 2007.

Amendments to
Taxi Regulation
Act 2003.

13.—The Taxi Regulation Act 2003 is amended—

(a) in section 34—

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

“(1) The Commission may make regulations in relation to the licensing, ownership, control and operation of small public service vehicles and dispatch operators, the licensing and control of small public service vehicle drivers and small public service vehicle licence holders, and the standards to be applied to such vehicles and their drivers.”,

(ii) in subsection (2)(e)(v), by substituting “application for or renewal of” for “application for”,

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

“(ee) the standards to apply to the service provided by dispatch operators,”

(iv) in subsection (9), by deleting “, with the consent of the Minister”, and

(v) by inserting after subsection (10) the following:

“(11) In this Part, ‘dispatch operator’ means a person engaged in the activity of taking a booking of a small public service vehicle that is operated by another person and arranging with the operator or driver of the vehicle to provide the service booked.”,

(b) in section 38(6), by deleting “in consultation with the Minister”,

(c) in section 40(3), by substituting “that has been agreed” for “agreed”,

(d) in section 42(1) and 41(11), by substituting “small public service vehicle” for “taxi”,

(e) in section 44—

(i) by substituting “€5,000” for “€3,000” in each place it occurs, and

(ii) in subsection (2), by substituting “€2,000” for “€1,500”,

(f) in section 46—

(i) in subsection (1)(a), by substituting “section 34 or 39,” for “section 34,”, and

(ii) by deleting subsection (5),

and

(g) in section 52(2), by deleting “, with the consent of the Minister”.

14.—(1) This Act may be cited as the Roads Act 2007.

Short title,
collective citation
and construction.

(2) The Roads Acts 1993 to 2001, section 215 and Part XX of the Planning and Development Act 2000, section 51 of the Planning and Development (Strategic Infrastructure) Act 2006 and this Act (other than *sections 12 and 13*) may be cited together as the Roads Acts 1993 to 2007 and are to be read as one.

SCHEDULE

Section 11.

AMENDMENT OF ROADS ACT 1993

Provision of Roads Act 1993 Amended (1)	Nature of Amendment (2)
Section 2(1)	<p>The deletion of the definitions of “the Act of 1963”, “the Act of 1976”, and “the Act of 1982”.</p> <p>The substitution for “the Act of 1990” of the following: “ ‘Act of 2000’ means Planning and Development Act 2000;”.</p> <p>The deletion of “by a road authority” in the definitions of “busway scheme”, “motorway scheme” and “protected road scheme”, respectively.</p> <p>The substitution for the definition of “development plan” of the following: “ ‘development plan’ has the meaning assigned to it by section 9(1) of the Act of 2000;”.</p> <p>The substitution for the definitions of “land” and “local authority” of the following: “ ‘land’ has the meaning assigned it by the Act of 2000; ‘local authority’ except in section 73, means—</p> <ul style="list-style-type: none"> (a) a county council, referred to in Part 1 of Schedule 5, (b) a city council, referred to in Part 2 of Schedule 5, (c) a borough council, referred to in Chapter 1 of Part 1 of Schedule 6, or (d) a town council referred to in Chapter 2 of Part 1 of Schedule 6, <p>to the Local Government Act 2001;”.</p> <p>The substitution for the definition of “the Minister” of the following: “ ‘Minister’ means Minister for Transport;”.</p> <p>The substitution for the definition of “planning authority” and “planning permission” of the following: “ ‘planning authority’ has the meaning assigned to it by the Act of 2000; ‘planning permission’ means permission under Part III of the Act of 2000;”.</p>

Provision of Roads Act 1993 Amended (1)	Nature of Amendment (2)
	<p>The substitution for the definition of “reserved function” of the following:</p> <p>“ ‘reserved function’ is to be read in accordance with section 131 of the Local Government Act 2001;”.</p> <p>The substitution for the definition of “road authority” of the following:</p> <p>“ ‘road authority’ except in Part V, means a local authority”.</p> <p>The insertion after the definition of “roadway” of the following:</p> <p>“ ‘service area’ means an area beside or in the proximity of a public road where services and facilities for users of the road are provided under a motorway or service area scheme; ‘service area scheme’ means a scheme in respect of a service area made under section 47;”.</p> <p>The substitution for the definition of “special amenity area order” of the following:</p> <p>“ ‘special amenity area order’ means an order confirmed under section 203 of the Act of 2000;”.</p> <p>The substitution for the definition of “structure” of the following:</p> <p>“ ‘structure’ has the meaning assigned to it by the Act of 2000;”.</p>
Section 10(1)	<p>The insertion after paragraph (d) of the following:</p> <p>“(e) Where a new section or a replacement section of a national or regional road is proposed or has been provided, the new or replacement section is, unless provided by order of the Minister under this subsection, a national or regional road, as the case may be. Any section of the existing road which remains following the construction of the new or replacement section becomes a local road.”.</p>
Section 14(1)	<p>The insertion after paragraph (c) of the following:</p> <p>“(d) The Authority may request the road authorities which have entered into an agreement under this subsection to amend it in accordance with such terms and conditions as the Authority may specify or revoke the agreement.</p> <p>(e) Where any road authority concerned refuses or fails to comply with a request under paragraph (d), the Authority may, after affording an opportunity to the road authorities to make representations to it in writing and considering any representations made, direct them to amend the agreement in accordance with such terms and conditions as it may specify, or to revoke it. The road authorities shall comply with any such direction given by the Authority.”.</p>
Section 18	The deletion of that section.
Section 19	The substitution in subsection (2) of “paragraphs (a) to (c)” for “paragraphs (a) to (e)”.
Section 35(1)	The deletion of paragraph (a).
Section 37	<p>The substitution for subsections (6) and (7) of the following:</p> <p>“(6) Where the Minister is satisfied that a member of the Authority has failed to comply with a requirement of subsection (1) he or she may, if he or she thinks fit, remove that member from office or take such other action as he or she considers appropriate, and where a person is removed from office under this subsection he or she is disqualified from being a member of the Authority.</p>

Provision of Roads Act 1993 Amended (1)	Nature of Amendment (2)
	(7) Where a person (other than a member of the Authority) to whom subsection (1) applies fails to comply with that subsection, then the Authority shall decide the appropriate action (including removal from office or termination of contract) to be taken.”.
Section 44	The deletion in subsection (3) of “, after consultation with the Minister for Transport, Energy and Communications,”.
Section 46	The substitution in subsection (1) of “section 34(8) of the Act of 2000” for “section 26(4) of the Act of 1963”. The substitution in subsection (3) of “section 190 of the Act of 2000” for “section 11 of the Act of 1990”.
Section 47	The insertion in subsection (4)(c) of “the register kept by it under section 7 of the Act of 2000” for “the register kept under the Act of 1963”.
Section 49	The substitution in subsection (5) of “section 40 of the Act of 2000” for “the Act of 1982”.
Section 52	The substitution in subsection (6) of “section 44 of the Act of 2000, and for the purposes of section 195 of that Act” for “section 30 of the Act of 1963, and for the purposes of section 17 of the Act of 1990”.
Section 55	The deletion of subsections (3) and (4).
Section 61(3)	The substitution in paragraph (c) of “subject to section 64(3), specify” for “specify”.
Section 63	The insertion in subsection (1)(e) after “system of tolls” of “and their collection”. The insertion after subsection (1) of the following: “(1A) A road authority may enter into different agreements with different persons in respect of anything referred to in subsection (1).”.
Section 70	The substitution for subsection (13) of the following: “(13) In this section ‘structure’ means a structure (whether fixed or moveable) and includes any apparatus, object or thing which is attached or fixed to or connected with the structure.”.
Section 79(5)	The substitution of “Companies Acts” for “Companies Acts, 1963 to 1990”.
Section 81	The substitution for subsection (1) of the following: “(1) (a) A person guilty of an offence under section 46(6) is liable— (i) on summary conviction to a fine not exceeding €5,000, or (ii) on conviction on indictment, to a fine not exceeding €250,000. (b) A person guilty of an offence under this Act (other than section 64 or the provisions mentioned in paragraphs (a) and (c)) is guilty of an offence and is liable on summary conviction to a fine not exceeding €5,000. (c) A person guilty of an offence under section 43(5), 44(5), 45(3), 64A(4), 68(2) or 79(4) is liable on summary conviction to a fine not exceeding €2,000.”. The insertion after subsection (4) of the following: “(5) Any costs of a road authority, a local authority or the

Provision of Roads Act 1993 Amended (1)	Nature of Amendment (2)
	<p>Minister under this Act incurred in or in connection with the prosecution of a person for an offence under this Act for which the person is convicted may be recovered by the road authority, local authority (within the meaning of section 73) or the Minister, as the case may be, as a debt due and payable to the road authority, local authority or the Minister, as the case may be, by the convicted person.”.</p> <p>The substitution in subsection (3) of “the road authority concerned” for “a road authority” in each place it occurs.</p> <p>The substitution in subsection (3)(c) of “the local authority concerned” for “a local authority”.</p>