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*Number 3 of 2016*

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**Public Transport Act 2016**

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**PUBLIC TRANSPORT ACT 2016**

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ACTS REFERRED TO

Airports and Aviation Acts 1936 to 2014  
Dublin Transport Authority Act 2008 (No. 15)  
Misuse of Drugs Act 1977 (No. 12)  
Planning and Development (Amendment) Act 2010 (No. 30)  
Planning and Development (Strategic Infrastructure) Act 2006 (No. 27)  
Public Transport Regulation Act 2009 (No. 37)  
Railway Safety Act 2005 (No. 31)  
Road Traffic Act 1961 (No. 24)  
Road Traffic Act 2002 (No. 12)  
Road Traffic Act 2014 (No. 3)  
Road Traffic Acts 1961 to 2014  
Roads Act 1993 (No. 14)  
Roads Act 2007 (No. 34)  
State Airports (Shannon Group) Act 2014 (No. 27)  
State Airports Act 2004 (No. 32)  
Taxi Regulation Act 2013 (No. 37)  
Transport (Railway Infrastructure) Act 2001 (No. 55)



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*Number 3 of 2016*

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## **PUBLIC TRANSPORT ACT 2016**

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An Act to amend and extend the Dublin Transport Authority Act 2008, the Taxi Regulation Act 2013 and the Railway Safety Act 2005, section 66 of the Transport (Railway Infrastructure) Act 2001, to amend sections 27 and 27A of the State Airports Act 2004 and section 106 of the Road Traffic Act 1961, to give the force of law to the Protocol of 3 June 1999 for the Modification of the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 (Protocol 1999) and to change the name of the Railway Safety Commission. [8th February, 2016]

**Be it enacted by the Oireachtas as follows:**

### **Public transport infrastructure functions of National Transport Authority**

1. The Dublin Transport Authority Act 2008 is amended—

(a) in section 2—

(i) by substituting for the definition of “public transport infrastructure” the following:

“ ‘public transport infrastructure’ means infrastructure constructed or provided, or proposed to be constructed or provided, in connection with the provision of public passenger transport services, which includes but is not limited to railway infrastructure, metro railway infrastructure, light railway infrastructure, bus infrastructure, rolling stock, buses, busways, bus lanes, bus garages, cycleways, cycle and pedestrian facilities, interchange facilities or such other class of infrastructure, facility, building or vehicle, whether of the same kind as the aforementioned or not, which the Authority has prescribed to be public transport infrastructure under section 44(13);”,

(ii) in the definition of “public transport operator” (inserted by section 74(a)(iii) of the Taxi Regulation Act 2013) by substituting for paragraph (e) the following:

“(e) a person providing a public bus passenger service in accordance with a licence granted under the Act of 2009;”,

and

(iii) after the definition of “RPA” by inserting the following definition:

“ ‘statutory body’ means a body established by or under statute;”,

(b) in section 44—

(i) in subsection (2)(a) by substituting for subparagraph (iv) the following:

“(iv) other public transport infrastructure owned or under the control of a public transport authority, by that public transport authority.”,

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

“(e) The Authority may secure the provision of public transport infrastructure not referred to in paragraph (a) by such arrangements as it sees fit, including securing such provision itself or providing such public transport infrastructure itself.”,

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

“(6) Where—

(a) a decision is made by the Authority under subsection (2)(b) or (5) (a) for the performance of a particular function otherwise than through a public transport authority or statutory body, or

(b) the Authority is performing its function of securing the provision of public transport infrastructure in accordance with subsection (2)(e),

the following provisions have effect—

(i) the Authority shall be empowered (notwithstanding any other enactment) to perform the function, including the acquisition of land for that purpose, and to do any other thing which arises out of or is consequential on or is necessary for the purposes of or would facilitate the performance of the function,

(ii) for the purpose of paragraph (a) or (b), land may be acquired by agreement or by means of a compulsory purchase order made by the Authority in accordance with Part XIV of the Act of 2000,

(iii) the provisions of any enactment concerned apply in relation to the performance of the function subject to such modifications as may be necessary and as if the Authority was named in such enactment in each place where a public transport authority or other statutory body entitled to exercise the function is named, and

(iv) any contract or agreement in writing made between the public transport authority or statutory body concerned and any other person which is not fully executed and completed shall continue in force but shall be construed and have effect as if the Authority was substituted therein for that public transport authority or statutory body.”,

and

(iv) by inserting after subsection (13) the following:

- “(14) The carrying out by the Authority, on its behalf or at its direction of—
- (a) a proposed road development (within the meaning of the Roads Act 1993) that has been approved by An Bord Pleanála under section 51 (as amended by section 9 of the Roads Act 2007) of that Act, or
  - (b) a proposed development that has been approved by An Bord Pleanála—
    - (i) under subsection (9) (inserted by section 34(c) of the Planning and Development (Strategic Infrastructure) Act 2006) of section 175 of the Act of 2000 pursuant to an application for approval made by the Authority under subsection (3) of that section, or
    - (ii) under subsection (8) of section 177AE (inserted by section 57 of the Planning and Development (Amendment) Act 2010) of the Act of 2000 pursuant to an application for approval made by the Authority under subsection (3) of that section,
- shall be exempted developments for the purposes of the Act of 2000.
- (15) For the purposes of section 175 and 177AE of the Act of 2000 where a proposed development relates to public transport infrastructure an application for approval under section 175(3) or 177AE(3) may be made by the Authority, with the concurrence of the local authority concerned, and, accordingly, references in those sections to a local authority shall be read as references to the Authority.
- (16) In this section ‘function’ includes a part of or any aspect of the function.”,

and

- (c) by inserting after section 56 the following:

**“Powers of Authority to make bye-laws for public passenger transport services (other than rail passenger services), enforcement etc.**

**56A.** (1) Subject to subsection (8), bye-laws may be made by the Authority in relation to the performance by the Authority of any function conferred on it in connection with the provision of public passenger transport services (other than in respect of a rail passenger service, including light railway and metro) whether pursuant to a public transport services contract or a direct award contract under section 52, other than in respect of such a contract awarded by the Authority to Dublin Bus or Bus Éireann, in relation to any one or more of the following matters:

- (a) the general regulation, subject to any statutory provisions in that behalf, of the travelling by way of or use of such means of transport services, (including a requirement to travel with a valid ticket or pass and the issue of such);

- (b) the prevention of the commission of nuisances in or upon such means of transport services;
  - (c) the prevention of damage to such means of transport services;
  - (d) the removal from or the prohibition of the use on such means of transport services of any vehicle or thing which is or may become a danger to life, health, the provision or the operation of public passenger transport services or would otherwise interfere with the proper provision or the operation of such transport services;
  - (e) the safe custody and return or disposal of any property found on a vehicle or equipment used in the provision of public passenger transport services.
- (2) Bye-laws under this section may contain such incidental, subsidiary and ancillary provisions as the Authority considers necessary or expedient for the purposes of the bye-laws.
- (3) The Authority may provide for reasonable charges in respect of matters provided for in bye-laws made by it under this section.
- (4) Whenever the Authority proposes to make bye-laws under this section, the following provisions have effect—
- (a) the Authority shall, publish notice of the proposal—
    - (i) on its website, and
    - (ii) in at least 2 national newspapers circulating within the State or in the area to which the bye-laws relate,
  - (b) the notice shall include—
    - (i) a statement of the purposes for which the bye-laws are to be made,
    - (ii) an intimation that—
      - (I) a copy of the draft bye-laws is open for public inspection at the principal offices in the State of the Authority, and
      - (II) the draft bye-laws are published on the Authority’s website,and
    - (iii) an intimation that any person may submit to the Authority objections to the draft bye-laws at any time during the period of 30 days commencing on the date of the publication of the notice,
  - (c) the Authority shall, during that period of 30 days, keep a copy of the draft bye-laws open for public inspection during ordinary office hours at its principal offices, and publish the draft on its website,

- (d) any person who objects to the draft bye-laws may submit his or her objection to the Authority in writing at any time during that period of 30 days and the Authority shall consider the objections, and
  - (e) on the completion of that period of 30 days, the Authority shall as it thinks proper, refrain from making the bye-laws or make the bye-laws either without modification or with modification as it thinks proper.
- (5) The Authority shall publish bye-laws made by it under this section on its website.
  - (6) Such details of bye-laws under this section shall be displayed on a public transport vehicle or equipment used in the provision of public passenger transport services, where practicable, in conspicuous places in such manner as the Authority considers best adapted for giving information to the public.
  - (7) The failure to publish under subsection (5) or any absence to display under subsection (6) is not a defence to a contravention of or failure to comply with bye-laws under this section.
  - (8) Bye-laws under this section shall not be made without the prior written consent of the Minister.
  - (9) A person who contravenes or fails to comply with a bye-law under this section which is stated in the bye-laws to be a penal provision commits an offence and is liable on summary conviction to a class D fine.
  - (10) The liability of an offender to a fine under subsection (9) does not prejudice the recovery of any fare, tariff or fee payable by him or her to the Authority or the person providing the public passenger transport services for any damage caused by him or her to property of the Authority or such person.
  - (11) Every bye-law made by the Authority 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 bye-law is passed by either such House within the next 21 days on which that House sits after the bye-law is laid before it, the bye-law is annulled, but without prejudice to anything previously done under it.

#### **Authorised persons**

- 56B.** (1) The Authority may appoint in writing such and so many persons as it considers necessary to be authorised persons to perform any or all of the functions conferred on an authorised person under section 56C or 56D.
- (2) A person appointed as an authorised person under subsection (1), shall, on his or her appointment be furnished by the Authority with a warrant of his or her appointment and when exercising a power conferred on an authorised person under section 56C shall, if

requested by any person affected, produce the warrant to that person for inspection.

- (3) An authorised person, who is not a member of the Garda Síochána, is not entitled to exercise a power under section 56C unless he or she has received training and instruction, which, in the opinion of the Authority is such as will provide guidance to him or her in the exercise of the power.
- (4) The Authority shall endorse on the warrant it furnishes to an authorised person under subsection (2) a statement to the effect that the officer has received the training and instruction referred to in subsection (3).
- (5) An authorised person, who is not a member of the Garda Síochána, when exercising a power under this section shall be in uniform provided or authorised by the Authority.
- (6) An authorised person, who is not a member of the Garda Síochána, may be referred to by the Authority by such title as it decides.

#### **Powers of authorised person**

**56C.** (1) If an authorised person appointed in accordance with section 56B reasonably suspects that a person—

- (a) is contravening or has contravened or is failing or has failed to comply with a bye-law made under section 56A which is stated to be a penal provision,
  - (b) is assaulting or has assaulted or is causing or has caused deliberate harm to another on a public passenger transport service to which section 56A applies,
  - (c) is obstructing or has obstructed or is impeding or has impeded an authorised person exercising a function of an authorised person under this section or under any bye-laws made under section 56A,
  - (d) on any public transport service to which section 56A applies is intoxicated or is committing or has committed an offence under section 15 of the Misuse of Drugs Act 1977, or
  - (e) if requested by an authorised person to cease such contravention or action or to so comply, fails to comply with the request,
- he or she may—
- (i) using such reasonable force as the circumstances require, remove or escort the person from the public passenger transport service or any part of it,
  - (ii) in circumstances where the authorised person considers it to be justified, arrest the person without warrant, or

- (iii) require the person to give his or her name and address and, if the person fails or refuses to do so or gives a name that the authorised person reasonably suspects is false or misleading, arrest that person without warrant,

and, if he or she is not a member of the Garda Síochána, deliver, as soon as practicable, the person, if arrested, into the custody of a member of the Garda Síochána to be dealt with according to law.

- (2) A person who fails or refuses to give his or her name or address when required under subsection (1), or gives a name or address which he or she knows to be false or misleading, commits an offence and is liable on summary conviction to a class D fine.
- (3) The arrest of a person under this section does not prejudice the re-arrest of the person by a member of the Garda Síochána.
- (4) In this section a reference to the committal of an offence or an act includes a reference to an attempt to commit the offence or the act.
- (5) In this section and section 56D ‘authorised person’ means a person appointed under section 56B(1) or a member of the Garda Síochána whose attendance is requested by an authorised person or by the Authority.

#### **Fixed payment notice**

**56D.** (1) Where an authorised person has reasonable grounds for believing that a person is committing or has committed an offence under section 56A(9) (for a contravention or failure to comply with a provision of a bye-law made under that section) or section 56C(2), he or she may serve personally or by post on the person a notice (‘fixed payment notice’) in the prescribed form stating that—

- (a) the person is alleged to have committed the offence specified in the notice,
  - (b) the person may, during the period of 21 days beginning on the date of the notice, make to the Authority at the address specified in the notice a payment of €100, or such other amount standing specified in regulations made by the Minister, accompanied by the notice, duly completed,
  - (c) the person is not obliged to make the payment, and
  - (d) a prosecution in respect of the alleged offence will not be instituted during the period specified in the notice under paragraph (b) and, if a payment specified in the notice is made during the period so specified, accompanied by the notice, duly completed, no prosecution in respect of the alleged offence will be instituted.
- (2) Where a fixed payment notice is given under subsection (1)—

- (a) the person to whom the notice applies may, during the period specified in the notice, make to the Authority at the address specified in the notice the payment specified in the notice, accompanied by the notice, duly completed,
  - (b) the Authority may receive the payment, issue a receipt for it and retain the money so paid, and any payment so received shall not be recoverable in any circumstances by the person who made it, and
  - (c) a prosecution in respect of the alleged offence to which the notice relates will not be instituted during the period specified in the notice, and, if the payment so specified is made during the period so specified, no prosecution in respect of the alleged offence will be instituted.
- (3) In a prosecution for an offence referred to in subsection (1) the onus of proving that a payment pursuant to a fixed payment notice has been made lies on the defendant.
- (4) In any proceedings in respect of an offence referred to in subsection (1) a document purporting to be a certificate or receipt of posting or delivery by or on behalf of An Post or another postal service is evidence of the posting or delivery of a fixed payment notice.
- (5) Income generated by the payment of the fixed payment amount specified under subsection (1)(b) pursuant to a fixed payment notice shall be disposed of in a manner determined by the Authority with the agreement of the Minister and the Minister for Public Expenditure and Reform.
- (6) In this section ‘prescribed’ means prescribed in bye-laws made by the Authority under section 56A.”.

### **Amendment of Taxi Regulation Act 2013**

#### **2. The Taxi Regulation Act 2013 is amended—**

(a) in section 2—

(i) by substituting for the definition of “dispatch operator” the following:

“ ‘dispatch operator’ means a person who provides for reward—

- (a) a booking service for an intending passenger to contact him or her to arrange for the hire of, and carriage of the intending passenger in, a small public service vehicle operated or driven by another person (other than an employee of the first-mentioned person), or
- (b) a service allowing an intending passenger to arrange the hire of a small public service vehicle,

but does not include a person employed by the first-mentioned person to take or manage the taking of bookings in the course of that service or a

person marshalling in a public place (within the meaning of the Act of 1961) the services of small public service vehicles;

‘driving licence’ means a driving licence (within the meaning of the Act of 1961) which is for the time being in force;”,

and

(ii) by inserting after the definition of “licence” the following:

“ ‘licence to drive a small public service vehicle’ means a licence to drive a small public service vehicle for the carriage of persons for reward;”,

(b) in section 3(1), by deleting “made under this Act” after “made under section 6 or 24”,

(c) in section 7(2)—

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

“(c) the requirement for a person to hold a licence to operate as a dispatch operator;”,

(ii) by inserting after paragraph (f) the following:

“(fa) the requirement that an application for the grant of a licence be accompanied by a written declaration by the applicant for the licence that he or she has not been convicted of any of the offences referred to in section 30(3) or the Schedule;

(fb) the requirement that an application for the grant of a licence to drive a small public service vehicle be accompanied by a written declaration by the applicant for the licence that—

(i) his or her health or mobility does not affect, to a material extent or to the extent specified in the regulations, his or her ability to drive a small public service vehicle, and

(ii) he or she holds a driving licence permitting him or her to drive the vehicle, accompanied by details of the licence and any penalty points endorsed on the entry in the licence record (within the meaning of section 1 of the Road Traffic Act 2002) relating to him or her;

(fc) the requirement that an application for a licence in respect of a small public service vehicle be accompanied by a written declaration by the applicant for the licence as to the roadworthiness of the vehicle and the compliance with vehicle standards specified in SPSV regulations;

(fd) the requirement that an application for the grant of a licence to drive a small public service vehicle be accompanied by a written undertaking by the applicant for the licence not to drive or ply for

hire in a small public service vehicle in contravention of SPSV regulations made in respect of any matter provided for—

- (i) under section 20(1)(a)(xii) in respect of the regulation of the period of time that a driver of a small public service vehicle may drive the vehicle, or
- (ii) under section 20(1)(a)(xiia) in relation to intervals of rest between commencing driving the vehicle and having ceased driving another vehicle in the course of other employment;
- (fe) in the case of a licence in respect of a small public service vehicle constructed or adapted for the carriage of a person with a disability using a wheelchair so that the person may be carried in the vehicle while seated in the wheelchair, the requirement that an application for the grant of the licence be accompanied by a written undertaking by the applicant to give, as far as is possible, priority to the carriage of a person with a physical or sensory disability which affects the mobility of the person and to ensure that the driver of such a vehicle gives reasonable assistance to these persons in entering and alighting from the vehicle;”,

and

- (iii) in paragraph (l), by substituting “granted” for “issued”,
- (d) in section 8(1)(b), by substituting “an application” for “application”,
- (e) in section 9—
  - (i) in subsection (1), by substituting “licensing regulations” for “the regulations”,
  - (ii) by inserting after subsection (8) the following:

“(8A) The licensing authority may only grant a licence to drive a small public service vehicle to an individual who holds a driving licence to drive such a vehicle.”,

and

- (iii) by substituting for subsection (14) the following:

“(14) The holder of a licence shall, during the period of validity of the licence, hold a tax clearance certificate issued to such holder for the time being in force.

(14A) Where the holder of a licence for the time being in force surrenders the licence to the Authority, the licence stands revoked upon its surrender.”,
- (f) in section 10(2)(e), by substituting “, any person who has control” for “any person who has control”,
- (g) in section 12—

- (i) in subsection (2)(d)(i), by substituting “or the terms” for “the terms”, and
- (ii) by substituting for subsection (3) the following:

“(3) Where the licensing authority in determining whether to revoke a licence under this section is satisfied that the holder of the licence—

(a) has contravened the obligations applicable to such licence holder (whether or not the holder has been convicted of an offence in relation to the contravention), including the provisions of this Act, any regulations made thereunder or the terms or conditions of the licence, or

(b) has—

(i) failed or refused to provide information required by this Act, regulations under this Act or the terms or conditions of the licence, or

(ii) supplied information that was false or misleading in a material particular which he or she knew or ought reasonably to have known to be so,

but decides not to revoke the licence, it may, if it is satisfied it is appropriate to do so—

(i) suspend the licence for a period not exceeding 3 months, or

(ii) issue by notice to the holder of the licence a reprimand, warning, caution or advice.”,

- (h) in section 13, by inserting after subsection (14) the following:

“(15) Where the Authority proposes to refuse to grant, or to revoke or suspend, a licence in respect of a small public service vehicle as a result of the vehicle not meeting a standard required of a small public service vehicle under SPSV regulations, this section does not apply in respect of the refusal, revocation or suspension, as the case may be.”,

- (i) in section 15, by substituting for subsections (2) and (3) the following:

“(2) In the event of the death of the holder of a licence, his or her nominated representative may, within 9 months of the death of the holder, make an application to the Authority for the grant of a licence of the same category.

(3) The provisions of this Act apply to an application made under this section.”,

- (j) in section 17—

(i) in subsection (1)—

(I) in paragraph (i), by substituting “after the receipt” for “upon the receipt” and “after the expiry” for “of the expiry”, and

- (II) in paragraph (ii), by substituting “upon the expiry” for “the expiry”,  
and
- (ii) in subsection (3), by substituting “after the change, details of the new address” for “of the change, the new address”,
- (k) in section 18—
- (i) in subsection (3), by substituting for paragraphs (a) and (b) the following:
- “(a) the name of the holder;  
(b) the address and any change of address of the holder;”,
- and
- (ii) in subsection (4), by substituting “including the name of the person” for “including the name and address of the person”,
- (l) in section 19(2), by substituting for paragraph (h) the following:
- “(h) to promote access to, the availability and affordability of, and priority in booking or hiring of, small public service vehicles by persons with disabilities;”,
- (m) in section 20(1)(a)—
- (i) in subparagraph (x), by substituting “on the driver” for “on the driver of”,
- (ii) by substituting for subparagraph (xii) the following:
- “(xii) the regulation of the period of time that a driver may drive the vehicle;  
(xiia) the requirement that intervals of rest be taken by a driver of the vehicle between the driver commencing driving the vehicle and ceasing to drive another vehicle in the course of his or her other employment;”,
- (n) in section 20(1)(j)—
- (i) by inserting after subparagraph (iv) the following:
- “(iva) the loading, unloading and carriage of the luggage of a passenger;”,
- and
- (ii) by inserting after subparagraph (vi) the following:
- “(via) methods of payment of fares;”,
- (o) in section 22 by substituting for subsections (3), (4) and (5) the following:
- “(3) A person shall not ply or stand for hire with a mechanically propelled vehicle to which this section applies in a public place unless—

- (a) the vehicle is a taxi in respect of which there is a licence in force for that purpose, and
  - (b) the person holds a licence to drive a taxi and to ply or stand for hire with a taxi in that public place.
- (4) A person who contravenes—
- (a) subparagraph (i) or (ii) of paragraph (a) or paragraph (b) of subsection (2), or
  - (b) paragraph (a) or (b) of subsection (3),
- commits an offence and, if that person is not the owner of the vehicle, such owner commits an offence, in respect of each such contravention and each is liable in respect of each such contravention on summary conviction to a class A fine.
- (5) Where a person is required under licensing regulations to hold a licence to act as a dispatch operator, the person shall not act as a dispatch operator, unless the person holds a licence to act in that regard.”,
- (p) in section 25—
- (i) by substituting for subsection (3) the following:
    - “(3) The driver of a taxi shall not stand for hire with a taxi at an appointed stand in an area in which the driver is not licensed under section 9 to so stand.”,
- and
- (ii) in subsection (12)(b), by substituting “*Iris Oifigiúil*,” for “*Iris Oifigiúil*”,
- (q) in section 27(2), by substituting “subsection (1)” for “this section”,
- (r) in section 28(1), by inserting “information,” after “identification,”,
- (s) in section 30—
- (i) in subsection (1), by substituting for the definition of “appropriate court” the following:
    - “ ‘appropriate court’ means—
    - (a) in relation to a conviction—
      - (i) on indictment for a specified offence other than an offence referred to in subparagraph (ii), the Circuit Court, and
      - (ii) for the offence of murder, manslaughter or rape, the Central Criminal Court,
- and

- (b) in the case of an offence referred to in subsection (3), the Circuit Court;”,
- and
- (ii) in subsection (3)—
- (I) by substituting “for the period of any disqualification for driving a mechanically propelled vehicle imposed on conviction” for “for the period of any disqualification”,
- (II) in paragraph (i), by substituting “paragraph (a) or a conviction for a corresponding offence” for “paragraph (a)”, and
- (III) in paragraph (ii), by substituting “paragraph (b), (c), (d) or (e) or a conviction for a corresponding offence,” for “paragraph (b), (c), (d) or (e)”,
- (t) in section 34, by inserting “to drive a small public service vehicle” after “holder of a licence”,
- (u) in section 35(1), by substituting for paragraph (a) the following:
- “(a) section 37 of the Act of 2010 as specified in a notice under section 35 of that Act in respect of a fixed charge offence referred to in paragraph (c) (inserted by section 77(1)(b)) of section 34 of the Act of 2010,
- (aa) section 103 of the Act of 1961 as specified in a notice under that section in respect of a fixed charge offence referred to in section 77(2) of this Act, or”,
- (v) in section 36—
- (i) by substituting for paragraph (a) the following:
- “(a) shall cause the demerits to be removed from the entry at the end of that period, and”,
- and
- (ii) in paragraph (b), by substituting for subparagraph (i) the following:
- “(i) of the ending of the period and its date, and”,
- (w) in section 39—
- (i) in subsection (1), by substituting “section 37” for “section 36”, and
- (ii) in subsection (5)(a)(iii), by substituting “section 37” for “section 38”,
- (x) in section 42, by substituting “to that land or those premises” for “to those premises”,
- (y) in section 49, by deleting subsection (7), and
- (z) in section 57(9), by substituting “section 53” for “section 54”.

**Fixed payment notice - small public service vehicles**

3. The following section is substituted for section 48 of the Taxi Regulation Act 2013:

**“Fixed payment notices**

48. (1) Where an authorised person has reasonable grounds for believing that a person is committing or has committed an offence under section 7(5) or (7), 8(8), 9(6), 11(4), 17(4), 20(4)(b), 23(1) or (4), 24(7) or (9), 25(9) or (10), 26(4), 27(2), 29(6), 31(2), 37(3), 43(1) in respect of a failure to comply with a requirement under section 41, 66(5) or 68(3) (“fixed payment offence”) he or she may serve personally or by post on the person a notice (“fixed payment notice”) in the prescribed form stating—

- (a) that the person is alleged to have committed the offence specified in the notice,
- (b) that the person may, during the period of 28 days beginning on the date specified in the notice, make to the Authority at the address specified in the notice a payment of a prescribed amount accompanied by the notice, duly completed,
- (c) that if the person does not make the payment specified in paragraph (b), during the period so specified, accompanied by the notice, duly completed, the person may during the period of 28 days beginning on the expiration of that period, make a payment as specified in the notice of an amount 50 per cent greater than the prescribed amount referred to in paragraph (b), accompanied by the notice, duly completed,
- (d) if the alleged offence relates to a demerit offence (within the meaning of Part 5), that if the person on whom it is served makes a payment specified in the notice accompanied by the notice, duly completed, or is convicted of the offence concerned, different specified numbers of demerits will be endorsed on the SPSV licence record (within the meaning of Part 5) of the person,
- (e) that the person is not obliged to make the payment, and
- (f) that a prosecution in respect of the alleged offence will not be instituted during the periods specified in the notice under paragraphs (b) and (c) and, if a payment specified in the notice accompanied by the notice, duly completed, is made during the appropriate period so specified in relation to the payment, no prosecution in respect of the alleged offence will be instituted.

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

- (a) the person to whom the notice applies may, during the period specified in the notice, make to the Authority at the address specified in the notice the payment specified in the notice at the

appropriate time so specified in relation to the payment, accompanied by the notice, duly completed,

- (b) the Authority may receive the payment, issue a receipt for it and retain the money so paid, and any payment so received shall not be recoverable in any circumstances by the person who made it,
  - (c) a prosecution in respect of the alleged offence to which the notice relates will not be instituted during the periods specified in the notice under paragraphs (b) and (c) of subsection (1) and, if a payment so specified is made accompanied by the notice, duly completed, during the appropriate period so specified in relation to the payment, no prosecution in respect of the alleged offence will be instituted.
- (3) In a prosecution for a fixed payment offence the onus of proving that a payment made pursuant to a fixed payment notice has been made lies on the defendant.
  - (4) In any proceedings in respect of a fixed payment offence a document purporting to be a certificate of receipt of posting or delivery by or on behalf of An Post or another postal service is evidence of the posting or delivery of the fixed payment notice concerned.
  - (5) Regulations under subsection (1) prescribing an amount for a fixed payment offence may prescribe, in accordance with subsection (6), different fixed payment amounts in relation to—
    - (a) different offences and, in the case of an offence under section 20(4) (b), in relation to different contraventions, and
    - (b) such offences involving different categories of small public service vehicle and to such contraventions committed in different areas.
  - (6) Where the Authority prescribes the amount of a payment for a fixed payment offence pursuant to a fixed payment notice, the amount shall not exceed, where the fine to which a person would be liable on summary conviction of the alleged offence is—
    - (a) a class A fine, €500,
    - (b) a class B fine, €400,
    - (c) a class C fine, €250,
    - (d) a class D fine, €100, or
    - (e) a class E fine, €50.
  - (7) The Authority may make regulations prescribing any matter referred to in this section as prescribed or to be prescribed.
  - (8) Income generated by the payment of prescribed amounts under this section pursuant to a fixed payment notice shall be disposed of in a

manner determined by the Authority with the agreement of the Minister and the Minister for Public Expenditure and Reform.

- (9) Where a person is served with a summons in respect of an alleged offence referred to in subsection (1), evidence given by the person that he or she was not served with a fixed payment notice in accordance with this section in respect of the alleged offence is not a defence to the alleged offence.”.

#### **Change of name of Railway Safety Commission to Commission for Railway Regulation**

4. (1) The name of the body (established by section 8 of the Railway Safety Act 2005) the present name of which is, in the English language, the Railway Safety Commission, and, in the Irish language, An Coimisiún Sábháilteachta Iarnróid, shall, on and from such day as the Minister for Transport, Tourism and Sport appoints by order, be, in the English language, the Commission for Railway Regulation, and in the Irish language, An Coimisiún um Rialáil Iarnróid.
- (2) On and from the day appointed under *subsection (1)* any reference in the Railway Safety Act 2005 or in any other enactment, statutory instrument, legal proceedings or other document, to—
- (a) the Railway Safety Commission, shall be construed as reference to the Commission for Railway Regulation,
- (b) An Coimisiún Sábháilteachta Iarnróid, shall be construed as reference to An Coimisiún um Rialáil Iarnróid, and
- (c) a Commissioner for Railway Safety, shall be construed as reference to a Commissioner for Railway Regulation.
- (3) An order under *subsection (1)* shall be laid before each House of the Oireachtas.
- (4) The Railway Safety Act 2005 is, on the day appointed under *subsection (1)*, amended—
- (a) in section 2(1), by substituting for the definition of “Commission” the following:
- “ ‘Commission’ means Commission for Railway Regulation;”,
- and
- (b) in section 14, by substituting for subsection (2) the following:
- “(2) Each member of the Commission shall be known as a Commissioner for Railway Regulation and is in this Act referred to as a ‘commissioner’.”.

#### **Bye-laws - light railway**

5. Section 66 (inserted by section 134 of the Railway Safety Act 2005) of the Transport (Railway Infrastructure) Act 2001 is amended—
- (a) in subsection (4)—

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

“(a) the National Roads Authority or the undertaking, as the case may be, shall, publish notice of the proposal—

(i) on its website, and

(ii) in at least 2 national newspapers circulating within the State or in the area to which the bye-laws relate,”

and

(ii) in paragraph (b), by substituting for subparagraph (ii) the following:

“(ii) an intimation that—

(I) a copy of the draft bye-laws is open for public inspection at the principal offices in the State of the National Roads Authority or the undertaking, as the case may be, and

(II) that the draft bye-laws are published on the National Roads Authority’s or the undertaking’s, as the case may be, website, and”

and

(b) by inserting after subsection (4) the following:

“(4A) The National Roads Authority or the undertaking shall publish on its website bye-laws made by it under this section. The failure to publish such bye-laws is not a defence to a contravention of or failure to comply with such bye-laws.”

### **Fixed payment notice - airports**

6. Section 27 (inserted by section 51 of the State Airports (Shannon Group) Act 2014) of the State Airports Act 2004 is amended—

(a) in subsection (2)(b)(ii), by inserting “a copy of the notice” before “served personally”,

(b) in subsection (3), by substituting for paragraph (b) the following:

“(b) the person may make to the relevant company or the Minister, as the case may be, at the address specified in the notice a payment, accompanied by the notice, duly completed, of the relevant amount, during the period of 28 days beginning on the date of the notice, and”

(c) in subsection (4)(a) by substituting “accompanied by the notice, duly completed,” for “accompanied by the notice,” and

(d) in subsection (4), by substituting for paragraph (c) the following:

“(c) a prosecution in respect of the alleged offence will not be instituted during the period specified in the notice and, if the payment so

specified in the notice accompanied by the notice, duly completed, is made during the period, no prosecution in respect of the alleged offence will be instituted.”.

#### **Declaration - airport**

7. Section 27A (inserted by section 51 of the State Airports (Shannon Group) Act 2014) of the State Airports Act 2004 is amended in subsection (1) by inserting “or an offence under section 47(4) of the State Airports (Shannon Group) Act 2014 for a contravention of subsection (1)(a) of that section where the person in apparent control of the vehicle concerned allegedly leaves the vehicle or the vicinity of the vehicle,” after “relating to the parking of the vehicle at the airport”.

#### **Amendment of section 106 of Road Traffic Act 1961**

8. The Road Traffic Act 1961 is amended—
- (a) in section 106(3) (as amended by section 17 of the Road Traffic Act 2014)—
    - (i) by deleting “on summary conviction”,
    - (ii) in paragraph (a), by inserting “on summary conviction,” after “injury is caused to person,”, and
    - (iii) in paragraph (b), by inserting “on summary conviction,” after “in any other case,”,
  - and
  - (b) in section 26(3)(b)(i) and in paragraph 12(a) of the Second Schedule, by substituting “paragraph (a), (aa) or (b)” for “paragraph (a) or (b)”.

#### **COTIF to have force of law in State**

9. (1) In this section “Convention” means the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 appearing in the Annex to the Protocol of 3 June 1999 for the Modification of the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 (Protocol 1999).
- (2) (a) The Convention has the force of law in the State and judicial notice shall be taken of it.
- (b) Any question arising as to whether the Convention applies in the circumstances of a particular case falls to be determined in accordance with the provisions of Article 3(2) of the Convention.
- (c) A copy of the Convention purporting to be published by the International Rail Transport Committee may be produced in every court and in all legal proceedings and is evidence, unless the contrary is shown, of the Convention.

**Short title and collective citation**

- 10.** (1) This Act may be cited as the Public Transport Act 2016.
- (2) The Dublin Transport Authority Act 2008, Part 3 of the Public Transport Regulation Act 2009, Part 10 of the Taxi Regulation Act 2013 and *section 1* may be cited together as the National Transport Authority Acts 2008 to 2016.
- (3) The Taxi Regulation Act 2013 and *sections 2* and *3* may be cited together as the Taxi Regulation Acts 2013 and 2016.
- (4) The Airports and Aviation Acts 1936 to 2014 and *section 6* may be cited together as the Airports and Aviation Acts 1936 to 2016.
- (5) The Road Traffic Acts 1961 to 2014 and *section 8* may be cited together as the Road Traffic Acts 1961 to 2016.