



STATUTORY INSTRUMENTS.

S.I. No. 243 of 2017



ROAD TRAFFIC ACT 2010 (SECTION 36(1) (PRESCRIBED NOTICE)
REGULATIONS 2017

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ROAD TRAFFIC ACT 2010 (SECTION 36(1) (PRESCRIBED NOTICE)
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I, SHANE ROSS, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by section 5 of the Road Traffic Act 1961 (No. 24 of 1961) and section 36(1) (as amended by section 25 of the Road Traffic Act 2016 (No. 21 of 2016)) of the Road Traffic Act 2010 (No. 25 of 2010) (as adapted by the Transport (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 141 of 2011)), hereby make the following regulations:

1. These Regulations may be cited as the Road Traffic Act 2010 (Section 36(1) (Prescribed Notice) Regulations 2017.
2. These Regulations come into operation on 1 June 2017.
3. The form of notice set out in the Schedule is the form of notice prescribed for the purposes of section 36(1) of the Road Traffic Act 2010 (No. 25 of 2010).

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 6th June, 2017.*

SCHEDULE

Fixed Charge Offence

Prescribed Notice

Notice under section 36 of the Road Traffic Act 2010 (as amended by section 25 of the Road Traffic Act 2016).

Date (*insert date*)

(*insert name*)

(*insert address*)

.....

Alleged Offence

It is alleged that [you have committed an offence]* [an offence has been committed]* (*specify offence, including speed and speed zone — if speeding offence*) involving the driving or use of a [mechanically propelled vehicle bearing identification mark.....]*[pedal cycle]* in a public place at..... (*insert location*) at (*insert time*) on (*insert date*).

*delete as appropriate

Payment of Fixed Charge

1. In respect of the offence alleged in this notice—

- (a) you may, during the period of 28 days, beginning on the date of this notice, until and including (*insert date day 28*) pay a fixed charge of € (*insert amount*)....., or
- (b) if you do not pay the fixed charge during that period, you may, beginning on the expiration of that period, during the further period of 28 days until and including (*insert date day 56*), pay a fixed charge of € (*insert amount*)
- (c) if you do not pay the fixed charge during either of the above periods, and you are served with a summons in respect of the alleged offence you may, not later than 7 days before the day specified in the summons on which you are required to appear in court, make a payment of € (*insert amount*) and proceedings in respect of the alleged offence will be discontinued.

2. A payment of a fixed charge under this notice must be accompanied by all of this notice, [fully completed,]* [if payment is made in person or by post, or by

quoting the reference number mentioned on it, if payment is allowed otherwise below,]* and in the manner stated below.

3. You will not be prosecuted-

(a) During the period of 56 days from the date of this notice, or

(b) At all, if the correct payment, in accordance with this notice, during that period, is made in respect of the offence specified in this notice.

4¹ (1) If you pay in accordance with this notice the correct amount of the fixed charge (*insert number*)..... penalty points will be endorsed on the entry in the driving licence or learner permit record relating to you.

(2) If you do not so pay the fixed charge and you are convicted of the alleged offence (*insert number*)..... penalty points will be endorsed on that entry.

5² (1) If you pay in accordance with this notice the correct amount of the fixed charge (*insert number*)..... of demerits will be endorsed on the SPSV licence record relating to you.

(2) If you do not so pay the fixed charge and you are convicted of the alleged offence (*insert number*)..... penalty points will be endorsed on that entry.

*delete as appropriate

¹omit this paragraph for non-penalty point offences.

²Omit the paragraph for penalty points not relating to SPSV licences.

SCEIDEAL**Cion Muirear Seasta**

Fógra faoi alt 36 (arna leasú le hAlt 25 den Acht um Thrácht ar Bhóithre 2016) den Acht um Thrácht ar Bhóithre 2010

Dáta	(cuir isteach an dáta)
Ainm	(cuir isteach an t-ainm)
Seoladh	(cuir isteach an seoladh)

An Cion Líomhnaithe

Líomhnaítear [go ndearna tú cion]* [go bhfuil cion déanta]* (*sonraigh an cion, lena n-áirítear an luas agus an crios luais — más cion sárú luais atá i gceist*) a bhain le tiomáint feithicil inneallghluaiste nó feithicil inneallghluaiste a úsáid in áit phoiblí ag (*cuir isteach an suíomh*) ar (*cuir isteach an t-am*) ar an (*cuir isteach an dáta*).

*scrios de réir mar a oireann

Muirear Seasta a Íoc

1. I leith an chiona a líomhnaítear san fhógra seo-

- féadfaidh tú muirear seasta € (cuir isteach méid) a íoc, an..... (*cuir isteach dáta*) nó roimhe (*is é sin le linn na tréimhse 28 lá dar tús dáta an fhógra seo*), nó
- mura n-íocfaidh tú an muirear seasta sin an dáta sin nó roimhe féadfaidh tú muirear seasta € (cuir isteach an méid) a íoc an (*cuir isteach an dáta*) nó roimhe (*is é sin le linn na tréimhse 28 lá breise*)
- mura n-íocfaidh tú an muirear seasta le linn cheachtar de na tréimhsí a luaitear thuas agus má sheirbheáiltear toghairm ort i ndáil leis an gcion líomhnaithe féadfaidh tú, tráth nach déanaí ná 7 lá roimh an dáta a shonraítear ar an toghairm a gcaithfidh tú teacht i láthair na cúirte, íocaíocht € (*cuir isteach an méid*).....a dhéanamh agus ní leanfar le himeachtaí i ndáil leis an gcion líomhnaithe.

2. Ní mór an fógra seo ina iomláine, [comhlánaithe go hiomlán]* [má dhéantar an íocaíocht go pearsanta nó ar an bpost nó tríd an uimhir thagartha a

thugtar air a thabhairt, má cheadaítear íocaíocht ar shlí eile thíos]* agus ar an modh a luaitear thíos, a bheith in éineacht le híocaíocht maidir le muirear seasta faoin bhfógra seo.

*scrios de réir mar a oireann

3. Ní ionchúiseofar tú—

(a) le linn na tréimhse 56 lá ó dháta an fhógra seo, nó

(b) ar chor ar bith, má dhéantar an íocaíocht cheart, de réir an fhógra seo, a íoc le linn na tréimhse sin i leith an chiona a shonraítear san fhógra seo.

4¹ (1) Más rud é, go ndéanann tú méid ceart an mhuirir sheasta a íoc de réir an fhógra seo [déanfar (*cuir isteach an uimhir*) pointe pionóis a fhorhhuiniú ar an iontráil sa taifead ceadúnais tiomána nó sa taifead ceadúnais foghlaimeora a bhaineann leat.

(2) Más rud é nach n-íocann tú an muirear seasta amhlaidh agus má chiontaítear tú sa chion líomhnaithe déanfar..... (*cuir isteach an uimhir*) pointe pionóis a fhorhhuiniú ar an iontráil sin.

5² (1) Má íocann tú an méid ceart muirir seasta, de réir an fhógra seo, déanfar (*cuir isteach uimhir*).....m(h)íthuillteanas a fhorhhuiniú ar an taifead ceadúnais SPSV a bhaineann leat

(2) Mura n-íocfaidh tú an muirear seasta agus má chiontaítear tú sa chion líomhnaithe déanfar (*cuir isteach uimhir*).....pointe/phointe/bpointe pionóis a fhorhhuiniú ar a iontráil sin.

*scrios mar is cuí

¹fág an t-alt seo ar lár maidir le cionta nach cionta pointí pionóis iad

²Fág amach an t-alt seo i gcás pointí pionóis nach mbaineann le ceadúnais SPSV.

NOTE

Complete the section below if you are paying the fixed charge.

Do not detach it from this notice.

Do not complete this section if you were not driving — please complete the Nomination Section instead.

Declaration Section

(This section only applies if you are paying the fixed charge referred to in this notice. If so, you must sign the declaration below and give details of your driving licence/learner permit, otherwise your payment will not be accepted.)

I am aware of the contents of this notice, have filled out the details below from my licence/permit and submit with this notice payment of €.....

Signature of driver Date

Driver	
Number	

The driver number is at number 5 in black writing on a paper licence/permit or at 4d on a plastic licence/permit.

Driver Licence/Learner permit type: Irish Foreign

In the case of a foreign driving licence, a copy of the licence should accompany the notice

First name(s): as in licence/ permit	
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Surname: as in licence/ permit	
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Manner of Payment

(insert manner of payment and where payment is to be made)

Registered owner not driving the vehicle at time of alleged offence

4. (1) If you were not driving or otherwise using the vehicle referred to in this notice at the time of the commission of the alleged offence you must, as required by section 35(6) of the Road Traffic Act 2010—

- (a) Not later than 28 days after the date of this notice give or send the document attached below to this notice, signed by you stating the name and address of the person who was driving or otherwise using the vehicle at the time of the commission of the alleged offence to a member of the Garda Síochána or a traffic warden at the Garda station or place mentioned in the document, and
- (b) Give or send to a member of the Garda Síochána or a traffic warden within such period as may be specified by him or her at a specified Garda Síochána station or another specified place such other information within your knowledge or procurement as the member or warden may reasonably request for the purpose of identifying, and establishing the whereabouts of, the person who was then driving or otherwise using the vehicle.

(2) If a payment referred to in paragraph 1 of this notice accompanied by this notice, duly completed, is made during the appropriate period referred to in that paragraph you need not comply with the requirement in subparagraph (1) above.

(3) If you comply with subparagraph (1) above you do not need to make a payment referred to in paragraph 1 of this notice, and a prosecution in respect of the alleged offence will not be initiated against you.

(4) Other than in the circumstances referred to in subparagraph (2) above, failure by you to comply with subparagraph (1) (being a failure to comply with section 35(6) of the Road Traffic Act 2010) is an offence upon summary conviction of which you are liable to a fine not exceeding €1,000.



GIVEN under my Official Seal,
1 June 2017.

SHANE ROSS,
Minister for Transport, Tourism and Sport.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations provide for the prescribed form of the notice and document under section 36 of the Road Traffic Act 2010 (No. 25 of 2010).

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

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