



Number 10 of 2024

Road Traffic Act 2024



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CONTENTS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title, commencement and collective citation
2. Definitions

PART 2

PENALTY POINTS

3. Endorsement of penalty points in respect of offences alleged to have been committed on same occasion
4. Additional amendment of section 2 of Act of 2002

PART 3

SPEED LIMITS

5. Amendment of section 47 of Act of 1961
6. Amendment of section 5 of Act of 2004
7. Amendment of section 6 of Act of 2004
8. Amendment of section 7 of Act of 2004
9. National primary roads speed limit
10. Amendment of section 9 of Act of 2004
11. Amendment of section 9A of Act of 2004

PART 4

INTOXICATED DRIVING OFFENCES - OBLIGATION TO PROVIDE ORAL FLUID

12. Amendment of section 9 of Act of 2010
13. Amendment of section 10 of Act of 2010
14. Amendment of section 22 of Act of 2010
15. Amendment of section 23 of Act of 2010

PART 5

MISCELLANEOUS AMENDMENTS

16. Amendment of section 3 of Act of 1961
17. Amendment of section 38 of Act of 1961
18. Amendment of section 40 of Act of 1961
19. Amendment of section 41 of Act of 1961
20. Amendment of section 95 of Act of 1961
21. Further amendment of Act of 1961
22. Amendment of section 16 of Act of 2023

[2024.]

Road Traffic Act 2024.

[No. 10.]

ACTS REFERRED TO

Road Traffic Act 1961 (No. 24)

Road Traffic Act 2002 (No. 12)

Road Traffic Act 2004 (No. 44)

Road Traffic Act 2010 (No. 25)

Road Traffic Acts 1961 to 2023

Road Traffic and Roads Act 2023 (No. 16)

Roads Act 1993 (No. 14)



Number 10 of 2024

ROAD TRAFFIC ACT 2024

An Act to amend the Road Traffic Acts 1961 to 2023 and to provide for related matters.

[17th April, 2024]

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title, commencement and collective citation

1. (1) This Act may be cited as the Road Traffic Act 2024.
- (2) This Act shall come into operation on such day or days as the Minister for Transport may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes and different provisions.
- (3) The Road Traffic Acts 1961 to 2023 and this Act may be cited together as the Road Traffic Acts 1961 to 2024 and shall be construed together as one.

Definitions

2. In this Act—
 - “Act of 1961” means the Road Traffic Act 1961;
 - “Act of 2002” means the Road Traffic Act 2002;
 - “Act of 2004” means the Road Traffic Act 2004;
 - “Act of 2010” means the Road Traffic Act 2010;
 - “Act of 2023” means the Road Traffic and Roads Act 2023.

PART 2

PENALTY POINTS

Endorsement of penalty points in respect of offences alleged to have been committed on same occasion

3. (1) Section 2 of the Act of 2002 is amended—

(a) by the substitution of the following subsection for subsection (2):

“(2) Where a person is convicted of a penalty point offence, the number of penalty points specified in column (5) of the First Schedule opposite the mention of the offence in column (2) of that Schedule, standing so specified on the day of the commission of the alleged offence, shall, subject to and in accordance with the provisions of this Act, be endorsed on the entry relating to the person in respect of the offence irrespective of whether or not the person—

(a) committed more than one penalty point offence on a single occasion, or

(b) made one or more payments referred to in subsection (1) in respect of penalty point offences alleged to have been committed on the same occasion as the penalty point offence of which the person is convicted.”,

(b) by the repeal of subsection (3),

(c) by the insertion of the following subsections:

“(3A) Where a person, whether on the same occasion or not, makes 3 or more payments referred to in subsection (1) in respect of alleged penalty point offences committed on the same occasion, penalty points in respect of 2 only of the alleged offences, determined, where appropriate, in accordance with subsection (4A), shall together be endorsed on the entry relating to the person.

(4A) In a case referred to in subsection (3A), if the number of penalty points falling (but for that subsection) to be endorsed on the entry concerned in respect of one or more of the alleged offences concerned differs from that or those in respect of the others, the 2 numbers which are biggest shall together be endorsed on the entry.”,

(d) by the repeal of subsection (4),

(e) in subsection (5), by the substitution of “subsections (3A), (4A), (7) and (8)” for “subsections (3), (7) and (8)”, and

(f) in subsection (6), by the substitution of “subsections (7) and (8)” for “subsections (3), (7) and (8)”.

- (2) Notwithstanding the amendment of subsection (2), and the repeal of subsections (3) and (4), of section 2 of the Act of 2002 by *subsection (1)*, where a person—
- (a) makes 2 or more payments referred to in section 2(1) of the Act of 2002 in respect of penalty point offences,
 - (b) is convicted of 2 or more penalty point offences within the meaning of that Act, or
 - (c) makes one or more payments referred to in section 2(1) of the Act of 2002 in respect of penalty point offences and is convicted of one or more penalty point offences within the meaning of that Act,
- committed, or alleged to have been committed, prior to the commencement of *subsection (1)* and on the same occasion—
- (i) any penalty points to be endorsed in accordance with section 2 of the Act of 2002 shall be so endorsed as if—
 - (I) subsection (2) of that section had not been amended by *subsection (1)(a)*,
 - (II) subsection (3) of that section had not been repealed by *subsection (1)(b)*, and
 - (III) subsection (4) of that section had not been repealed by *subsection (1)(d)*,and
 - (ii) subsections (3A) and (4A) (inserted by *subsection (1)(c)*) of that section shall not apply.

Additional amendment of section 2 of Act of 2002

4. (1) Section 2 of the Act of 2002 is amended—
- (a) in subsection (8), by the substitution of “Subject to subsection (8A), where,” for “Where,” and
 - (b) by the insertion of the following subsection after subsection (8):
 - “(8A) Penalty points in respect of a penalty point offence shall be endorsed on the entry of a person where, upon conviction of the person of the penalty point offence, an ancillary disqualification order is made in respect of the person for a period of 6 months or less.”.
- (2) The amendment of section 2 of the Act of 2002 by *subsection (1)* shall apply in respect of an ancillary disqualification order made upon conviction of a person of a penalty point offence committed by the person on or after the commencement of *subsection (1)*.

PART 3

SPEED LIMITS

Amendment of section 47 of Act of 1961

5. Section 47(3) of the Act of 1961 is amended—

(a) by the substitution of the following paragraph for paragraph (c):

“(c) the regional roads speed limit,”,

(b) by the insertion of the following paragraph after paragraph (c):

“(ca) the local roads speed limit,”,

and

(c) by the insertion of the following paragraph after paragraph (d):

“(da) the national primary roads speed limit.”.

Amendment of section 5 of Act of 2004

6. Section 5(1) of the Act of 2004 is amended by the substitution of “30 kilometres per hour” for “50 kilometres per hour”.

Amendment of section 6 of Act of 2004

7. The Act of 2004 is amended by the substitution of the following section for section 6:

“Regional roads speed limit and local roads speed limit

6. (1) There is a speed limit (‘regional roads speed limit’) of 80 kilometres per hour in respect of all regional roads, other than regional roads in built-up areas, for all mechanically propelled vehicles.

(2) There is a speed limit (‘local roads speed limit’) of 60 kilometres per hour in respect of all local roads, other than local roads in built-up areas, for all mechanically propelled vehicles.

(3) The regional roads speed limit does not apply to a regional road or part of it where a special speed limit or a road works speed limit applies to that road or part.

(4) The local roads speed limit does not apply to a local road or part of it where a special speed limit or a road works speed limit applies to that road or part.”.

Amendment of section 7 of Act of 2004

8. Section 7(1) of the Act of 2004 is amended—

(a) by the substitution of “80 kilometres per hour” for “100 kilometres per hour”, and

- (b) by the insertion of “national roads classified by the Minister as national primary roads by order under section 10 of the Roads Act 1993, and” after “other than”.

National primary roads speed limit

9. The Act of 2004 is amended by the insertion of the following section after section 7:

“National primary roads speed limit

- 7A. (1) There is a speed limit (‘national primary roads speed limit’) of 100 kilometres per hour in respect of all national roads classified by the Minister as national primary roads by order under section 10 of the Roads Act 1993, (‘national primary roads’) other than national primary roads in built-up areas, for all mechanically propelled vehicles.
- (2) The national primary roads speed limit does not apply to a national primary road or part of it where a special speed limit or a road works speed limit applies to that road or part.”.

Amendment of section 9 of Act of 2004

10. Section 9(2) of the Act of 2004 is amended—

- (a) by the deletion, in paragraph (b), of “in respect of any road other than a road in a built-up area,”,
- (b) by the substitution of the following paragraph for paragraph (c):
- “(c) 60 kilometres per hour, in respect of any road other than a local road,”,
- (c) by the substitution, in paragraph (d), of “a national road, a local road” for “a national road”, and
- (d) by the deletion, in paragraph (e), of “non-urban”.

Amendment of section 9A of Act of 2004

11. Section 9A(2)(b) (inserted by section 54 of the Act of 2023) of the Act of 2004 is amended by the deletion of “in respect of any national managed road other than a national managed road in a built-up area”.

PART 4

INTOXICATED DRIVING OFFENCES - OBLIGATION TO PROVIDE ORAL FLUID

Amendment of section 9 of Act of 2010

12. Section 9 of the Act of 2010 is amended—

- (a) in subsection (2A), by the substitution of “A member of the Garda Síochána shall, unless he or she is of opinion that the person should be arrested and subject to subsections (6) and (7), require a person to whom paragraph (a) or (d) of subsection (1) applies, and may require a person to whom paragraph (b) or (c) of that subsection applies” for “A member of the Garda Síochána may require a person referred to in subsection (1)”,
- (b) by the insertion of the following subsection after subsection (2B):
 - “(2C) Where a member of the Garda Síochána, under subsection (2A), requires a person to provide a specimen of oral fluid from his or her mouth, the member shall require the person to remain at a place (including a vehicle) at or in the vicinity of the public place concerned (for a period that does not exceed 30 minutes after the provision of the specimen) until the apparatus referred to in subsection (2A) indicates the presence or absence of drugs in the specimen.”,
- (c) in subsection (6), by the substitution of “a requirement under subsection (2), (2A) or (2C)” for “a requirement under subsection (2)”, and
- (d) in subsection (7), by the substitution of “a requirement under subsection (2), (2A) or (2C)” for “a requirement under subsection (2)”.

Amendment of section 10 of Act of 2010

13. Section 10 of the Act of 2010 is amended—

- (a) by the insertion of the following subsection after subsection (4):
 - “(4A) Where a member of the Garda Síochána, under paragraph (b) or (c) of subsection (4), requires a person to provide a specimen of oral fluid from his or her mouth, the member shall require the person to remain at a place (including a vehicle) at or in the vicinity of the checkpoint concerned (for a period that does not exceed 30 minutes after the provision of the specimen) until the apparatus referred to in subsection (4)(b) indicates the presence or absence of drugs in the specimen.”,
- (b) in subsection (5), by the substitution of “(4) or (4A)” for “(4)”, and
- (c) in subsection (6)(a), by the substitution of “subsection (4)(d)(ii) or (4A)” for “subsection (4)(d)(ii)”.

Amendment of section 22 of Act of 2010

- 14.** Section 22 of the Act of 2010 is amended in subsection (1A) (inserted by section 13(i) of the Act of 2023) by the substitution of “subsection (2), (2A) or (2C)” for “subsection (2) or (2A)”.

Amendment of section 23 of Act of 2010

15. Section 23 of the Act of 2010 is amended by the insertion of “or oral fluid” after “of his or her breath”.

PART 5

MISCELLANEOUS AMENDMENTS

Amendment of section 3 of Act of 1961

16. Section 3(1) of the Act of 1961 is amended by the insertion of the following definition:

“ ‘powered personal transporter’ means a vehicle—

- (a) designed and constructed for the carriage of a single person, but not designed or constructed for a person with restricted mobility or for the carriage of goods,
- (b) with a maximum weight unladen of 25 kilograms,
- (c) with a maximum design speed of no less than 6 kilometres per hour and no greater than 25 kilometres per hour, and
- (d) equipped with an electric motor having a maximum continuous rated power, or electric motors having a combined maximum continuous rated power, of less than or equal to 0.5 kilowatts,

but not including a vehicle referred to in paragraph (b) of the definition of pedal bicycle or in paragraph (b) of the definition of pedal tricycle;”.

Amendment of section 38 of Act of 1961

17. Section 38 of the Act of 1961 is amended by the insertion of the following subsection after subsection (7):

“(7A) Subsections (1), (2), (3), (4) and (5) shall not apply in relation to a mechanically propelled vehicle that is a bicycle or tricycle capable of propulsion solely by the physical exertions of a person or persons seated on it, and equipped with an auxiliary electric motor—

- (a) which has a maximum continuous rated power greater than 0.25 kilowatts but less than or equal to 1 kilowatt, and
- (b) the output of which cuts off when the physical exertions stop and before, or when, the bicycle or tricycle reaches the speed of 25 kilometres per hour.”.

Amendment of section 40 of Act of 1961

18. Section 40 of the Act of 1961 is amended by the insertion of the following subsection after subsection (9):

“(9A) This section does not apply in relation to a mechanically propelled vehicle referred to in section 38(7A).”.

Amendment of section 41 of Act of 1961

19. Section 41 of the Act of 1961 is amended by the insertion of the following subsection after subsection (2):

“(3) This section does not apply in relation to a mechanically propelled vehicle referred to in section 38(7A).”.

Amendment of section 95 of Act of 1961

20. Section 95 of the Act of 1961 (amended by section 51 of the Act of 2023) is amended in subsections (10), (10A) and (11) by the substitution of “consent in writing” for “consent”.

Further amendment of Act of 1961

21. The Act of 1961 is amended—

- (a) in section 22(2)(b)(i) (inserted by section 5(c)(i) of the Act of 2023), by the substitution of “regulations made under section 42(2)(ca)” for “regulations made under section 42(2)(cc)”,
- (b) in section 23D(2) (inserted by section 5(f) of the Act of 2023)—
 - (i) by the substitution of “a notification under section 23C(3)” for “a notification under section 23B(3)”, and
 - (ii) by the substitution of “section 42(2)(cb)” for “section 42(2)(cd)”,
- (c) in section 23E (inserted by section 5(f) of the Act of 2023) by the substitution of “regulations under section 42(2)(cb)” for “regulations under section 42(2)(cd)” in both places that it occurs,
- (d) in section 35(2)(d) (inserted by section 5(h)(i)(II) of the Act of 2023) by the substitution of “regulations made under section 42(2)(ca)” for “regulations made under section 42(2)(cc)”,
- (e) in section 42(2), by the renumbering of “paragraph (ce)” (inserted by section 5(j)(i)(I) of the Act of 2023) as “paragraph (cc)”, and
- (f) in section 56A(7) (inserted by section 5(l) of the Act of 2023)—
 - (i) in paragraph (a)(ii), by the substitution of “paragraph (d)(i) or (ii),” for “paragraph (d)(i), (ii) or (iii),” and
 - (ii) by the substitution of the following paragraph for paragraph (b):

- “(b) of a person’s name being added to particular 6 of the certificate of insurance—
- (i) his or her name and date of birth, and
 - (ii) such of the information specified in paragraph (d)(i) or (ii) of subsection (1) as is relevant to him or her,
- and”.

Amendment of section 16 of Act of 2023

22. Section 16 of the Act of 2023 is amended—

- (a) by the substitution of “Section 3(1)” for “Section 3”, and
- (b) by the deletion of paragraphs (e) and (g).