



STATUTORY INSTRUMENTS.

S.I. No. 223 of 2024



ROAD TRAFFIC ACT 1994 (DETENTION OF PERSONAL POWERED
TRANSPORTERS) REGULATIONS 2024

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I, EAMON RYAN, Minister for Transport, in exercise of the powers conferred on me by section 41(1) (g) (inserted by section 32 of the Road Traffic and Roads Act 2023 (No. 16 of 2023)) of the Road Traffic Act 1994 (No. 7 of 1994) (as adapted by the Transport, Tourism and Sport (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 351 of 2023)), after consultation with the Minister for Justice, hereby make the following regulations:

Citation and commencement

1. (1) These Regulations may be cited as the Road Traffic Act 1994 (Detention of Personal Powered Transporters) Regulations 2024.

(2) These Regulations come into operation on 20 May 2024.

Definitions

2. In these Regulations—

“Act of 1994” means Road Traffic Act 1994 (No. 7 of 1994);

“authorised agent” means an agent of the Garda Síochána authorised to accept payment of a charge on behalf of the Commissioner and to release a personal powered transporter in accordance with these Regulations;

“Commissioner” means Commissioner of the Garda Síochána;

“dispose of” includes sell.

Detention, removal and storage of personal powered transporters

3. A member of the Garda Síochána is authorised in the case of a personal powered transporter referred to in section 41(1) (as amended by section 32 of the Road Traffic and Roads Act 2023 (No. 16 of 2023)) of the Act of 1994 to detain, remove and store the personal powered transporter and to make an arrangement with any other person for such detention, removal or storage.

Release of personal powered transporter

4. Subject to Regulations 6 and 7, a personal powered transporter which has been detained, removed and stored in accordance with Regulation 3 shall not be released until the person claiming the personal powered transporter—

- (a) pays the charges in respect of the detention, removal and storage of the personal powered transporter in accordance with Regulation 5, and

- (b) produces to the member of the Garda Síochána or to the authorised agent who is in charge of the place at which the personal powered transporter is kept—
 - (i) the serial number of the personal powered transporter, or
 - (ii) a Garda issued reference number or other such proof of ownership of the personal powered transporter.

Charges for detention, removal and storage

5. (1) Subject to Regulations 6 and 7, where a personal powered transporter has been detained, removed and stored in accordance with Regulation 3, the owner of the personal powered transporter shall pay to the Commissioner the following charges:

- (a) €40, in respect of its detention, removal and storage for one day or a part of a day, and
- (b) €15, in respect of each further day or part of a day that it is stored.

(2) A charge under this Regulation may be paid to an authorised agent.

Waiver of charges

6. Where a personal powered transporter has been detained, removed and stored in accordance with Regulation 3 and the owner of the personal powered transporter establishes to the satisfaction of the member of the Garda Síochána in charge of the place at which the personal powered transporter is stored that the personal powered transporter referred to in section 41(1)(g) of the Act of 1994, that the personal powered transporter —

- (i) had been taken without the owner's consent, and
- (ii) was being used without the owner's consent at the time it was detained,

the charges in respect of the detention, removal and storage of the personal powered transporter shall be waived.

Charges where personal powered transporter is abandoned

7. Where a personal powered transporter has been detained, removed and stored in accordance with Regulation 3 and such personal powered transporter was at the time of the detention abandoned or illegally parked, the charges specified in Regulation 5 shall not be applied in addition to the application of charges specified in regulations made under section 97 of the Road Traffic Act 1961.

Disposal of unreleased personal powered transporter.

8. Subject to section 41(3) (as amended by section 90 of the Road Traffic Act of 2010 (No. 25 of 2010)) of the Act of 1994, where the owner of a personal

powered transporter which has been detained, removed and stored in accordance with Regulation 3 has not claimed the personal powered transporter or has not paid the charges due in accordance with Regulation 5, the Commissioner may dispose of the personal powered transporter in any manner he or she thinks fit.

Notice of intention to dispose of personal powered transporter

9. Where the Commissioner proposes to dispose of a personal powered transporter under Regulation 8, the Commissioner shall—

- (a) serve on the owner a notice of intention to dispose of the personal powered transporter, or
- (b) where, after reasonable enquiry, it has not been possible to ascertain the name and address of the owner of the personal powered transporter, publish in at least one daily newspaper circulating in the area where the personal powered transporter was detained—
 - (i) a notice of intention to dispose of a number of personal powered transporters, and
 - (ii) the Internet address of the website where the notice of intention to dispose of each personal powered transporter may be viewed.

Claim by owner after disposal

10. Where, before the expiration of the period of one year commencing on the date of the disposal of a personal powered transporter by the Commissioner, a person satisfies the Commissioner that he or she was the owner of the personal powered transporter at the time of its disposal, the Commissioner shall pay him or her any proceeds from the disposal less the sum of the charges due for the detention, removal and storage of the personal powered transporter and the expenses reasonably incurred in the disposal of the personal powered transporter.



GIVEN under my Official Seal,
16 May, 2024.

EAMON RYAN,
Minister for Transport.

EXPLANATORY NOTE

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

These Regulations provide under section 41(1)(g) of the Road Traffic Act 1994 for Garda seizure and disposal of personal powered transporters used in respect of a contravention of regulations made under section 11, or of section 54(1) or (2), of the Road Traffic Act 1961.

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