



STATUTORY INSTRUMENTS

S.I. No. 114 of 2009

LOCAL AUTHORITIES (TRAFFIC WARDENS) ACT 1975 (FIXED
CHARGE OFFENCES) (PRESCRIBED NOTICE AND DOCUMENT)
REGULATIONS 2009

(Prn. A9/0449)

S.I. No. 114 of 2009

LOCAL AUTHORITIES (TRAFFIC WARDENS) ACT 1975 (FIXED
CHARGE OFFENCES) (PRESCRIBED NOTICE AND DOCUMENT)
REGULATIONS 2009

I, NOEL AHERN, Minister of State at the Department of Transport, in exercise of the powers conferred on me by section 3 (inserted by section 12 of the Road Traffic Act 2002 (No. 12 of 2002) and as amended by section 15 of the Road Traffic Act 2006 (No. 23 of 2006)) of the Local Authorities (Traffic Wardens) Act 1975 (No. 14 of 1975) and by the Transport (Delegation of Ministerial Functions) (Road Traffic) Order 2008 (S.I. No. 320 of 2008), hereby make the following regulations:

1. (1) These Regulations may be cited as the Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge Offences) (Prescribed Notice and Document) Regulations 2009.

(2) These Regulations come into operation on 4th day of May, 2009.

2. The Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge Offences) Regulations 2006 (S.I. No. 136 of 2006) are amended by substituting for Schedule 3 the Schedule set out in the Schedule to these Regulations.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 3rd April, 2009.*

SCHEDULE

Schedule 3

Fixed Charge Offence

A

Notice under section 3 (inserted by section 12(1) of the Road Traffic Act 2002 and as amended by section 15 of the Road Traffic Act 2006) of the Local Authorities (Traffic Wardens) Act 1975

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*), involving the use of a mechanically propelled vehicle bearing identification mark

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, pay a fixed charge of € (*insert amount*), or
 - (b) if you do not pay that fixed charge during that period, you may, beginning on the expiration of that period, during the further period of 28 days, pay a fixed charge of € (*insert amount*)
to¹ at (*insert address*)
2. A payment of a fixed charge under this notice must be accompanied by all of this notice, if payment is made in person or by post, or by quoting the reference number (if any) 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.

¹ specify local authority

Manner of Payment:

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

Registered owner not driving vehicle at time of alleged offence²

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 s.3(3) of the Local Authorities (Traffic Wardens) Act 1975—

(a) not later than 28 days after the date of this notice give or send the document below 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 to³ at *(insert address)*, and

(b) give or send to the above authority at the above address within such period as may be specified by it such other information within your knowledge or procurement as³ 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, is made during the 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 don't need to make the 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 to comply with subparagraph (1) (being a failure to comply with s.3(3) of the Local Authorities (Traffic Wardens) Act 1975) is an offence upon summary conviction of which you are liable to a fine not exceeding €1,000.

² omit, unless notice is served or affixed under s. 3(2)(b) of the Act of 1975

³ specify local authority

Cion Muirir Sheasta

A

Fógra faoi alt 3 (arna chur isteach ag alt 12(1) den Acht um Thrácht ar Bhóithre 2002 agus arna leasú ag alt 15 den Acht um Thrácht ar Bhóithre 2006) den Acht um Údaráis Áitiúla (Maoir Thráhta) 1975

Dáta (*cuir isteach an dáta*)

**(cuir isteach an t-ainm*

(cuir isteach an seoladh)

*.....**

Cion Líomhnaithe

Líomhnaítear [go ndearna tú cion]* [go ndearnadh cion]* (*sonraigh an cion*), ina raibh i gceist feithicil inneallghluaiste a úsáid ar a raibh an marc aitheantais

in áit phoiblí ag (*cuir isteach an áit*)

ag (*cuir isteach an t-am*) ar (*cuir isteach an dáta*)

* Scrios mar is cuí

Muirear Seasta a Íoc

1. Maidir leis an gcion a líomhnaítear san fhógra seo—

- (a) féadfaidh tú, le linn na tréimhse 28 lá, dar tosach dáta an fhógra seo muirear seasta € (*cuir isteach an méid*) a íoc, nó
- (b) mura n-íocfaidh tú an muirear seasta sin, le linn na tréimhse sin, féadfaidh tú, le linn tréimhse breise 28 lá, dar tosach deireadh na tréimhse sin, muirear seasta € (*cuir isteach an méid*)a íoc.

le¹ ag (*cuir isteach an seoladh*)

2. Ní mór an fógra seo go léir a bheith i dteannta íocaíochta muirir sheasta faoin bhfógra seo, má dhéantar íocaíocht i bpearsa nó tríd an bpost, nó má cheadaítear íocaíocht ar bhealach eile thíos, tríd an uimhir thagartha (más ann di) atá luaite air a thabhairt.

3. Ní ionchúiseofar thú—

- (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, le linn na tréimhse sin i leith an chiona atá sonraithe san fhógra seo.

¹ Sonraigh an t-údarás áitiúil

An Modh Íocaíochta:

(cuir isteach an modh íocaíochta agus an áit a ndéanfar an íocaíocht)

Mura raibh an t-úinéir claráithe ag tiomáint na feithicle tráth an chiona líomhnaithe²

4. (1) Más rud é nach raibh tú ag tiomáint na feithicle dá dtagraítear san fhógra seo, nó á húsáid ar shlí eile, an tráth a rinneadh an cion líomhnaithe ní mór duit, mar a cheanglaítear ort le halt 3(3) den Acht um Údaráis Áitiúla (Maoir Thrácht) 1975—

- (a) tráth nach déanaí ná 28 lá tar éis dháta an fhógra seo an doiciméad thíos arna shíniú agat ina ndéarfar ainm agus seoladh an duine a bhí ag tiomáint na feithicle nó á húsáid ar shlí eile an tráth a rinneadh an cion líomhnaithe a thabhairt do³ nó a chur chuig an duine sin ag *(cuir isteach an seoladh)*, agus
- (b) cibé faisnéis eile atá ar eolas agat nó a bhfuil fáil agat uirthi a fhéadfaidh³ le réasún a thabhairt don údarás thuas nó a chur chuig an údarás thuas ag an seoladh thuas laistigh de cibé tréimhse a shonróidh sé chun an duine a bhí ag tiomáint na feithicle nó á húsáid ar shlí eile an uair sin a shainaithint agus chun a shuíomh cá bhfuil sé nó sí.

(2) Má dhéantar íocaíocht dá dtagraítear i mír 1 den fhógra seo agus an fógra seo ina teannta le linn na tréimhse dá dtagraítear sa mhír sin ní gá duit an ceanglas i bhfomhír (1) thuas a chomhlíonadh.

(3) Má chomhlíonann tú fomhír (1) thuas ní gá duit an íocaíocht dá dtagraítear i mír 1 den fhógra seo a dhéanamh, agus ní thionscnófar ionchúiseamh i do choinne i leith an chiona líomhnaithe.

(4) Ach amháin sna himthosca dá dtagraítear i bhfomhír (2) thuas, is cion a ndlífear fíneáil nach mó ná €1,000 a chur ort ar tú a chiontú go hachomair ann mainneachtain fomhír (1) a chomhlíonadh (ar mainneachtain í alt 3(3) den Acht um Údaráis Áitiúla (Maoir Thrácht) 1975 a chomhlíonadh.

² Fág ar lár mura seirbheáltar nó mura ngreamaítear an fógra faoi alt 3(2)(b) d'Acht 1975

³ Sonraigh an t-údarás áitiúil

B

DOICIMÉAD CHUN CRÍOCHA ALT 3(3)(i)

DEN ACHT UM ÚDARÁIS ÁITIÚLA (MAOIR THRÁCHTA) 1975**RÁITEAS INA dTUGTAR AINM AGUS SEOLADH TIOMÁNAÍ
FEITHICLE**

Ní raibh an fheithicil atá luaite san fhógra san fhoirm seo á tiomáint nó á húsáid ar shlí eile agam féin an tráth a rinneadh an cion a líomhnaithe san fhógra, nó ós comhlacht corpraithe nó comhlacht neamhchorpraithe daoine mé, ní raibh mé in ann é sin a dhéanamh. Deirim go raibh—

Ainm an Tiománaí (Bloclitreacha)	
--	--

Seoladh (Bloclitreacha)	

ag tiomáint na feithicle nó á húsáid ar shlí eile an tráth a rinneadh an cion líomhnaithe.

Síniú an úinéara chláraithe Dáta:

Ní mór an ráiteas seo, maille leis an bhfógra a thabhairt do¹ nó a chur chuige/chuici tráth nach déanaí ná 28 lá tar éis dháta an fhógra.

¹ Sonraigh an t-údarás áitiúil

GIVEN under my hand,
30 March 2009

NOEL AHERN,
Minister of State at the Department of Transport.

EXPLANATORY NOTE

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

These Regulations prescribe the notice and document to be used for the purposes of section 3 of the Local Authorities (Traffic Wardens) Act 1975.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,
or by mail order from
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,
UNIT 20 LAKESIDE RETAIL PARK, CLAREMORRIS, CO. MAYO,
(Tel: 01 - 6476834 or 1890 213434; Fax: 094 - 9378964 or 01 - 6476843)
or through any bookseller.

€3.05

