



STATUTORY INSTRUMENTS.

S.I. No. 595 of 2011



ROAD TRAFFIC ACT 2010 (FIXED PENALTY NOTICE — DRINK
DRIVING) REGULATIONS 2011

(Prn. A11/2072)

S.I. No. 595 of 2011

ROAD TRAFFIC ACT 2010 (FIXED PENALTY NOTICE — DRINK
DRIVING) REGULATIONS 2011

I, LEO VARADKAR, 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 29 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 (Fixed Penalty Notice — Drink Driving) Regulations 2011.
2. These Regulations come into operation on 17 November 2011.
3. The form set out in the Schedule is prescribed as the form of a fixed penalty notice for the purposes of section 29(10) of the Road Traffic Act 2010 (No. 25 of 2010).

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 22nd November, 2011.*

SCHEDULE

Fixed Penalty Notice**Notice under section 29(10) of the Road Traffic Act 2010**

Date	_____	(insert date)
Name	_____	(insert name)
Address	_____	(insert address)

Alleged Offence

It is alleged that you have committed an offence under section 4(2), (3) or (4)* or section 5(2), (3) or (4)* of the Act of 2010 in a public place at _____ (insert location) at _____ (insert time) on _____ (insert date) and that the concentration of alcohol purported to be present in your body did not exceed the levels provided for in section 29(1)(a)(i), (ii) or (iii)*/29(1)(b)(i), (ii) or (iii)*/29(2)(a), (b) or (c)* of that Act, as stated or certified in accordance with Part 2 of that Act.

*delete as appropriate

Payment of Fixed Charge

1. In respect of the offence alleged in this notice, you may, during the period of 28 days, beginning on the date of this notice, pay a fixed charge of €200/€400* (*delete as appropriate).
2. A payment of a fixed charge under this notice must be accompanied by all of this notice, fully completed, and in the manner stated below.
3. You will not be prosecuted—
 - (a) during the period of 28 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.
4. (1) If you pay during the said period of 28 days, beginning on the date of this notice, in accordance with this notice the correct amount of the fixed charge, [3 penalty points will be endorsed on the entry in the driving licence record relating to you/you will be disqualified for holding a driving licence for 3 months/6 months]* (*delete as appropriate).
- (2) If you do not so pay the fixed charge, you may be prosecuted for the alleged offence and if you are convicted, you will be liable on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months or to both. You will also be liable to a consequential disqualification order under Section 26 of the Road Traffic Act 1961 (as amended).

Complete the section below if you are paying the fixed charge. Do not detach it from this notice.

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, otherwise your payment will not be accepted.) In accordance with section 29(21) of the Act of 2010, “driving licence” includes a learner permit.

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

Signature: _____ **Date:** ____ / ____ / ____

Driving Licence Number

(The licence number on an Irish licence is the number in black type on the first page of the licence to the left of the photo).

Licence type: Irish _____ Non Irish _____

First Name(s):

As in licence _____

Surname:

As in licence _____

Manner of Payment

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

NOTES

Eligibility Criteria

- (i) You are not eligible to be served with a fixed penalty notice if you do not hold a driving licence or learner permit for the time being in force or are disqualified from holding a driving licence, at the time of the commission of the alleged offence.
- (ii) If you have previously been served with a fixed penalty notice under section 29 (drink driving) and have paid the fixed charge, you are not eligible to be served with another fixed penalty notice within the period of 3 years from the appropriate date relating to the endorsement of penalty points on the entry relating to you or the date of commencement of disqualification, whichever is applicable, following payment of the fixed charge in accordance with the notice.
- (iii) If you are ineligible to pay the fixed charge, and you know or should in the circumstances have reasonably known that you are so ineligible, and you pay or attempt to pay the charge you commit an offence and are liable

on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 1 month or to both.

Specified Person*

A “specified person” is a person within the meaning of section 3 of the Road Traffic Act 2010.

Penalty Points*

If you pay the fixed charge, you will be notified by the Minister for Transport, Tourism and Sport of the date on which the relevant penalty points will be entered on your driving licence record.

Disqualification Notification and Submission of Driving Licence*

If you pay the fixed charge, you will be notified by the Minister for Transport, Tourism and Sport of the date of commencement of the period of disqualification for holding a driving licence and you will be required to submit your driving licence to the licensing authority that granted the licence within 14 days of the date of commencement of the disqualification.

(*delete as appropriate).

Fógra Pionóis Sheasta

Fógra faoi alt 29(10) 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 faoi alt 4(2), (3) nó (4)* nó faoi alt 5(2), (3) nó (4)* d’Acht 2010 in ionad poiblí ag _____ (cuir isteach an suíomh) ar _____ (cuir isteach an t-am) ar an _____ (cuir isteach an dáta) agus nach raibh an cion alcóil a airbheartaítear a bhí i do cholainn níos mó ná na leibhéil dá bhforáiltear in alt 29(1)(a)(i), (ii) nó (iii)* /29(1)(b)(i), (ii) nó (iii)*/29(2)(a), (b) nó (c) den Acht sin, de réir mar atá luaite nó deimhnithe de réir Chuid 2 den Acht sin.

*scrios de réir mar a oireann

Muirear Seasta a Íoc

1. I leith an chiona a líomhnaítear san fhógra seo, féadfaidh tú, le linn na tréimhse 28 lá dar tús dáta an fhógra seo, muirear seasta €200/€400* a íoc (*scrios de réir mar a oireann).

2. Ní mór an fógra seo ina iomláine, agus é comhlánaithe go hiomlán agus ar an modh a luaitear thíos, a bheith in éineacht le híocaíocht maidir le muirear seasta faoin bhfógra seo.

3. Ní ionchúiseofar thú—

(a) le linn na tréimhse 28 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.

4. (1) Más rud é, le linn na tréimhse sin 28 lá dar tús dáta an fhógra seo, go ndéanann tú méid ceart an mhuirir sheasta a íoc de réir an fhógra seo [déanfar 3 phointe pionóis a fhormhuiniú ar an iontráil sa taifead ceadúnais tiomána a bhaineann leat/dícháileofar tú ó cheadúnas tiomána a shealbhú ar feadh 3 mhí/6 mhí]* (*scrios de réir mar a oireann).

(2) Más rud é nach n-íocann tú an muirear seasta amhlaidh, féadfar tú a ionchúiseamh mar gheall ar an gcion líomhnaithe agus má chiontaítear tú dlífear, ar chiontú achomair, fíneáil nach mó na €5,000 nó príosúnacht ar feadh téarma nach faide ná 6 mhí, nó iad araon, a chur ort. Dlífear freisin ordú dícháiliúcháin iarmhartach a dhéanamh maidir leat faoi Alt 26 den Acht um Thrácht ar Bhóithre 1961 (arna leasú).

Ná comhlánaigh an roinn seo ach amháin i gcás ina bhfuil an muirear seasta á íoc agat. Ná scoith an roinn seo den fhógra seo.

Roinn an Dearbhaithe

(Níl feidhm ag an roinn seo ach amháin i gcás ina bhfuil an muirear seasta dá dtagraítear san fhógra seo á íoc agat. Má tá an muirear sin á íoc agat, ní mór duit an dearbhú thíos a shíniú agus ní mór duit sonraí faoi do cheadúnas tiomána a thabhairt, murach sin ní ghlacfar le d'íocaíocht.) De réir alt 29(21) d'Acht 2010, folaíonn “ceadúnas tiomána” cead foghlaimeora.

Is eol dom ábhar an fhógra seo, tá na mionsonraí thíos as mo cheadúnas tiomána líonta isteach agam agus tá íocaíocht €_____ á tíolacadh agam in éineacht leis an bhfógra seo.

Síniú: _____ **Dáta:** ____ / ____ / ____

Uimhir an Cheadúnais Tiomána

(Is é atá in uimhir an cheadúnais ar cheadúnas Éireannach ná an líon i gcló dubh ar an gcéad leathanach den cheadúnas ar chlé ón ngrianghraf).

An cineál ceadúnais: Éireannach _____ Neamh-Éireannach _____

Réamhainm(neacha):

Mar atá sa cheadúnas _____

Sloinne:

Mar atá sa cheadúnas _____

An Modh Íocaíochta

(Cuir isteach an modh íocaíochta agus an áit ina bhfuil an íocaíocht le déanamh)

NÓTAÍ**Critéir Cháilitheachta**

- (i) Ní dhlitear fógra pionóis sheasta a sheirbheáil ort más rud é, tráth déanta an chiona líomhnaithe, nach sealbhaíonn tú ceadúnas tiomána nó cead foghlaimeora atá i bhfeidhm de thuras na huaire nó go bhfuil tú dícháilithe chun ceadúnas tiomána a shealbhú.
- (ii) Más rud é gur seirbheáladh fógra pionóis sheasta ort roimhe seo faoi alt 29 (tiomáint faoi thionchar dí) agus gur íoc tú an muirear seasta, ní dhlitear fógra pionóis sheasta eile a sheirbheáil ort laistigh den tréimhse 3 bliana ón dáta cuí i ndáil le pointí pionóis a fhormhuiniú ar an iontráil a bhaineann leat nó ó dháta thosach feidhme an dícháiliúcháin, cibé acu is infheidhme, tar éis an muirear seasta a íoc de réir an fhógra.
- (iii) Más rud é nach ndlítear díot an muirear seasta a íoc agus gurb eol duit, nó gur chóir sna himthosca gurbh eol duit le réasún, nach ndlítear díot an muirear seasta a íoc, agus go n-íocann tú an muirear nó go bhféachann tú lena íoc, déanann tú cion agus dlífear, ar tú a chiontú go hachomair, fíneáil nach mó ná €5,000 nó príosúnacht ar feadh téarma nach faide ná 1 mhí, nó iad araon, a chur ort.

Duine Sonraithe*

Is é atá in “duine sonraithe” ná duine de réir bhrí alt 3 den Acht um Thrácht ar Bhóithre 2010.

Pointí Pionóis*

Má íocann tú an muirear seasta déanfaidh an tAire Iompair, Turasóireachta agus Spóirt fógra a chur chugat faoin dáta a ndéanfar na pointí pionóis iomchuí a iontráil ar an taifead a bhaineann le do cheadúnas tiomána.

Fógra faoi Dhícháiliúchán agus an Ceadúnas Tiomána a chur faoi bhráid an údaráis ceadúnúcháin*

Má íocann tú an muirear seasta déanfaidh an tAire Iompair, Turasóireachta agus Spóirt fógra a chur chugat faoi dháta thosach feidhme thréimhse an dícháiliúcháin chun ceadúnas tiomána a shealbhú agus beidh ort, laistigh de 14 lá ó dháta thosach feidhme an dícháiliúcháin, do cheadúnas tiomána a chur faoi bhráid an údaráis ceadúnúcháin a dheonaigh an ceadúnas.

(*scrios de réir mar a oireann)



GIVEN under my Official Seal,
17 November 2011.

LEO VARADKAR,
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 prescribe the form of the notice and document to be used in the enforcement of certain drink driving offences under section 29 of the Road Traffic Act 2010 [i.e. where the level of alcohol does not exceed 100 milligrammes of alcohol per 100 millilitres of blood (and urine and breath equivalents)]. Where a driver is eligible to avail of a fixed penalty notice and following the payment of a fixed charge, penalty points or a disqualification will be applied, thereby avoiding having to go before the Courts.

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

