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information for all

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Driving

Introduction

The Road Traffic Acts 1961–2006 together with various regulations, constitute a large volume of legislation dealing with driving. Some of the recent legislation – particularly the Road Traffic Act 2006 – is not fully in effect. The rules have changed quite frequently in recent years and it can be quite difficult to find out precisely what the law is. There are several agencies which have responsibility for various aspects of driving. The Department of Transport has overall responsibility for policy. Responsibility for implementation has been significantly devolved to the various agencies.

Here we give a brief overview of the main legislation dealing with driving but not including the technical aspects of the rules. It would not be possible to describe all the laws in the space available so the concentration is on recent changes. We refer only to cars but many of the rules outlined also apply to other vehicles, such as motorcycles.

Rules of the Road

The technical details of the rules of driving are contained in the Rules of the Road. The new version of the Rules of the Road booklet is available on the Department of Transport website and should be available in hard copy shortly.

Department of Transport
Kildare St
Dublin 2
Tel: (01) 670 7444
www.transport.ie

Speed limits

The provisions of the Road Traffic Act 2004 in relation to speed limits came into effect in January 2005. All speed limits have been expressed in kilometres per hour (km/h) since then. The Act provides for the application of default speed limits to certain kinds of road and for the application of special speed limits where the circumstances require this.



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The local authorities have statutory responsibility for the application of special speed limits. They do this by making special speed limit bye-laws; they must consult the Gardaí about such bye-laws. (These special speed limits have recently been reviewed or are being reviewed at present.)

Guidelines for the application of special speed limits were issued by the Minister for Transport to all local authorities in April 2005. Local authorities are obliged to have regard to these guidelines. The limit of 120 km/h as a special speed limit on dual carriageways on national roads or the special speed limit of 30 km/h must be in accordance with the guidelines.

Roads

The legal basis for the classification of roads is contained in the Statutory Instruments SI 187/2006 and SI 188/2006.

The National Roads Authority has overall responsibility for the planning, design and implementation of national road improvement projects. It also has the statutory power to levy tolls on national roads, to make toll bye-laws and to enter into toll agreements with private investors in respect of national roads (Roads Act 1993 as amended). www.nra.ie

Safety belts

In general, everyone in a car must wear a safety belt or child restraint if appropriate. It is the responsibility of the driver to ensure that everyone under 17 is doing so.

These rules do not apply in older cars in which it was not mandatory to fit seat belts. Cars registered since 1992 must have seat belts.

The European Communities (Compulsory Use of Safety Belts and Child Restraint Systems in Motor Vehicles) Regulations 2006 (SI 240/2006) implement Directive 2003/20/EC on the compulsory wearing of safety belts and child restraint systems. The Directive provides that where safety belts have been fitted they must be worn. It also provides that, in general, children aged under three and children aged over three who are under a certain height and weight must have an appropriate child restraint. Children aged under three must travel in the back of cars which do not have safety belts. Children may travel without child restraints in the rear of small public service vehicles such as taxis if appropriate child restraints are not available.

Road Safety Authority

The Road Safety Authority (RSA) was formally established in September 2006 under the Road Safety Authority Act 2006.

The Road Safety Authority
Government Buildings
Ballina
Co. Mayo
Tel: (096) 78265
Lo-call 1890 506 080
www.rsa.ie

Driving Licences

You must hold a valid driving licence in order to drive on public roads. In order to get a full licence you must pass a driving test. You must have a provisional driving licence while learning to drive. In general, holders of provisional licences must be accompanied by a fully qualified driver. However, if you are on your second provisional licence, you do not have to be accompanied.

The Road Safety Authority (see above) is now responsible for overseeing the driver testing and driving licence system. In general, full Irish driving licences last for ten years and may then be renewed. Certain foreign driving licences are valid in Ireland.

You apply for a driving licence to the motor taxation office of your local authority.

If your full driving licence has lapsed for ten years you have to do the driving test again in order to get a new licence.

If you are aged:

- Under 60, you may apply for a ten-year or a three-year licence
- Between 60 and 67, you may apply for a licence which will expire when you reach 70 or for a three-year licence
- Over 67 but under 70, you may apply for a three-year licence.
- Over 70, you may apply for a three-year or one-year licence and you must have a certificate of fitness from your doctor.

People aged 70 and over do not have to pay for a full driving licence. The charge for others is as follows:

One-year licence - €5

Three-year licence - €15

Ten-year licence - €25

Everyone aged 70 and over must have a medical certificate of fitness to drive. This is also required if you are suffering from certain specified illnesses or if you are taking drugs or medicines which may affect your driving.

It is intended to replace the current design of driving licence with a plastic card the same size as a credit card. There is a draft EU Directive dealing with this.

Foreign driving licences

If you are visiting Ireland you may legally drive here if you have a valid national driving licence or an international driving permit.

The rules are more complex if you move here to live. If you have a valid driving licence from an EEA member state (the EU member states plus Norway, Liechtenstein and Iceland) you may use that in Ireland. You do not have to exchange it for an Irish licence but you may do so if you wish (Road Traffic (Licensing of Drivers) Regulations 1999). You do not have to have another driving test.

You will not get an Irish licence without a test if your EEA licence has expired for more than 10 years.

There is a system of mutual recognition of driving licences with other countries. At present, that system applies to Australia, Gibraltar, Isle of Man, Japan, Jersey, South Africa, South Korea and Switzerland.

(It does not apply to New Zealand but this is likely to change in the near future.) You may continue to use a licence from one of these countries while it remains valid or for one year from when you come here to live whichever is earlier. You may exchange that licence for an Irish licence (without a further driving test) provided you do so within one year of its expiry.

Driving instructors

At present, there is no regulation of driving instructors. A consultation paper on the regulation of instructors was published in June 2006. This proposed, among other things, that from 1 July 2007 all new entrants to the driving instruction industry must be approved and registered before being allowed to instruct for reward and that existing driving instructors must be approved and registered by 1 July 2008. The Road Safety Authority will have responsibility for the registration of instructors.

Registering and Importing Cars

If you buy a new car in Ireland, it must be registered and you must pay Vehicle Registration Tax (VRT) – people with disabilities may be exempt (see below). This is normally organised by the car dealer. The situation is more complex if you import a car.

Temporary import

The registration of cars which are imported temporarily is governed by the Temporary Exemption from Registration of Vehicles Regulations 1993 (SI 60/1993).

If you bring a foreign-registered private car into Ireland temporarily, you do not have to register it if you meet the following conditions:

- The car is owned by or registered in the name of a person who is normally resident outside Ireland
- The relevant taxes have been paid wherever you acquired the car
- The car must not be driven by a person who is resident here
- It must not be lent, sold or hired out to a person living here
- The car must be here for no longer than a year generally but a longer period is allowed if you are on a fixed-term contract or study period here.

You are regarded as being normally resident in the country where you live for at least 185 days in a year.

Commercial vehicle

You may import a commercial vehicle for up to a year under broadly the same conditions as a private car. However, you may not use it for the commercial transport of passengers. Your employees who live here may drive it.

Powers of authorities

If you are driving a foreign-registered vehicle you must stop and allow it to be examined if asked by the Gardaí or the Revenue Commissioners. You should have documentary evidence of the ownership and registration of the vehicle and of your own status as a non-resident.

Permanent move

If you move here permanently, you must immediately register your car with the Revenue Commissioners. You may be able to do this without incurring VRT.

In order to qualify for relief from VRT, you must have been resident outside Ireland before you come to live here.

The car must be your personal property and the appropriate taxes must have been paid where you bought it. You must have owned and used it in another country for at least six months. You must show evidence of meeting all these requirements so you should retain documents which provide evidence of your residence and your use of the car.

If you qualify for relief from VRT you must not sell, hire or lend the car for the year following its registration in Ireland. If you do, you become liable for VRT.

You should apply to register your car at your local Vehicle Registration Office (VRO) within one working day of coming to live here (in practice, the Revenue Commissioners allow leeway of up to seven days).

A list of VROs is available at:
www.revenue.ie.

If you do not meet the conditions for VRT relief, you can find out how much VRT is payable at:
<https://www.ros.ie/VRTEnquiryServlet/showVRT>

VRT is payable on the open market selling price (OMSP) of the car. This is the price, inclusive of taxes and duties, which the car is expected to fetch in an arm's length open market retail sale. The OMSP of new cars is declared to the Revenue Commissioners by a wholesale distributor. The OMSP of imported second-hand cars is decided by the Revenue Commissioners based on factors such as age, mileage and vehicle condition. It is not based on the purchase price of the car in the country where it was bought. VRT is based on the engine size of the car as follows:

- Less than 1400 cc – VRT is 22.5% of the OMSP
- From 1401 to 1900 cc – VRT is 25% of OMSP
- 1901 cc and over – VRT is 30% of OMSP

There is a minimum payment of €315.

VAT is also chargeable on new cars (broadly those in use for less than six months).

VRT applies at the time of registration of a vehicle. A vehicle which breaks the rules on VRT may be seized and may be released when the tax and the appropriate penalty is paid. The penalty is related to the time spent in the country.

Tax, Insurance and Car Testing

Motor tax is the responsibility of the Department of the Environment, Heritage and Local Government. The Department of Enterprise, Trade and Employment has overall responsibility for insurance. Insurance and tax discs must be displayed.

Motor tax

Motor tax is payable annually to the motor taxation office of your local authority.

Insurance

All mechanically propelled vehicles (this includes vehicles such as quad bikes) and drivers must be covered by third party insurance. Some insurance companies offer discounts to drivers who do not have penalty points (see below).

The Declined Cases Agreement (DCA) is a mechanism operated by the Irish Insurance Federation to help motorists who have problems getting insurance.

Under the DCA a designated insurer provides insurance cover for you if you have approached at least three insurers and have been refused cover.

If you have a problem getting insurance contact the Insurance Information Service of the Irish Insurance Federation www.iif.ie.

Green Insurance Card

The insurance laws apply to foreign-registered cars and foreign-resident drivers in the same way. The Green Card is recognised in all EU member states as evidence of insurance. However, it is not necessary to have such a card – it simply helps to have it. The Motor Insurers Bureau of Ireland is responsible for the operation of the Green Card system in Ireland.

The Motor Insurers Bureau of Ireland (MIBI) also provides the following services by agreement with Government:

- It pays claims for accident victims of motorists who are uninsured or untraced
- It acts as insurer of foreign vehicles travelling in Ireland – this means that you may make a claim to the MIBI if you are involved in an accident in Ireland with a foreign car or driver
- It acts as an information centre for foreign claimants involved in motor accidents in Ireland.

Motor Insurers Bureau of Ireland
39 Molesworth Street
Dublin 2
Tel: (01) 634 5869
www.mibi.ie

National Car Test

All cars over four years old must undergo a national car test and must display a relevant disc. Apply to:

National Car Testing Service (NCTS) Ltd.
Citywest Business Campus
Lakedrive 3026
Naas Road
Dublin 24
Lo-call 1890 200 670
www.ncts.ie

The car testing system is required by EU Directive 96/96/EC. The Directive specifies the categories of vehicles liable to testing, the minimum frequency of testing of vehicles, the items that have to be tested and the arrangements for testing. The Directive requires that a car must be tested in the member state in which it is registered and the proof that it has passed the test must be recognised in other member states. The Directive is implemented in Ireland by Section 18 of the Road Traffic Act 1961 and the Road Traffic (National Car Test) Regulations 2003.

Information about the testing of cars is recorded on the National Vehicle and Driver File (NVDF) which is maintained by the vehicle registration unit of the Department of the Environment, Heritage and Local Government. The Gardaí have access to this information for the purpose of enforcing the law.

The report of the mid-term review of the NCTS was published in July 2006 and is available on the Department of Transport website.

The Road Safety Authority has responsibility for overseeing the car testing system.

Taxis

The Commission for Taxi Regulation is the regulatory body for taxis. It was set up under the Taxi Regulation Act 2003 and has responsibility for licensing, ownership, control and operation of taxis, hackneys, limousines and their drivers. This includes setting maximum taxi fares.

Commission for Taxi Regulation
35 Fitzwilliam Square
Dublin 2.
Tel: (01) 659 3800
www.taxiregulator.ie

The local authorities decide on the location and operation of taxi ranks. The Commission for Taxi Regulation may give financial help to local authorities to support the development or provision of infrastructure to facilitate and support the operation of small public service vehicles.

Road Traffic Offences

There is a very wide range of road traffic offences, from minor offences (for example, in relation to parking) to major offences such as drink driving and dangerous driving. There are a number of penalties including fixed charge penalties; penalty points; fines following prosecution; imprisonment and optional and mandatory bans from driving for various periods.

Dangerous driving

You may be charged with dangerous driving under Section 53 of the Road Traffic Act 1961. The penalty for dangerous driving is a fine of up to €5,000 or €20,000 where death or serious injury was caused and you may also be imprisoned. You may also be disqualified from driving for one year in the case of a first offence or two years for a subsequent offence. The penalties are greater where death or serious injury occurs.

Careless driving

You may be charged with careless driving (driving without due care and attention) under Section 52 of the Road Traffic Act 1961. The maximum penalty is €1,500 and/or three months' imprisonment.

Offences relating to insurance

The maximum penalty is a fine of €2,500 and/or six months' imprisonment. You may also be disqualified from driving for one year for a first offence and two years for a second offence.

Drink driving

Section 49 of the Road Traffic Act 1961 provides that it is an offence to drive a car in a public place while under the influence of an intoxicant to such an extent that you are incapable of having proper control of the car. An intoxicant includes alcohol, drugs or any combination of these.

Testing for alcohol and drugs

The Gardaí have the power to conduct roadside breath tests if they suspect that you are over the alcohol limit or that you have been involved in a road accident or in a road traffic offence and they may also conduct random breath testing for alcohol. There is no system in place for the roadside testing for the presence of drugs but you may be asked to go to a garda station for a test.

If you are arrested under various provisions relating to drink driving or other serious offences and the Gardaí suspect that you have consumed alcohol or drugs you may be required to provide a breath, blood or urine sample in a garda station.

Mandatory alcohol testing

The Road Traffic Act 2006 provides for mandatory alcohol testing. This means that you are obliged to undergo an alcohol test (be breathalysed) if you are stopped at a garda checkpoint and asked to take such a test. This is a random test – the garda does not need to have a suspicion that you have been drinking or that you may be over the alcohol limit or that you may be in breach of any of the other road traffic laws. Garda checkpoints may be authorised by a garda not below the rank of inspector. An authorisation must be in writing and must specify where and when the checkpoint is to be established. It is an offence to refuse to be breathalysed. You may be arrested without warrant and, if you are convicted, the maximum penalty is €5,000 and/or six months' imprisonment.

The penalty for drink/drug driving is a mandatory disqualification for two years in the case of a first offence and four years for a subsequent offence. You may also be fined up to a maximum of €2,500 and be imprisoned for up to six months.

Dangerous driving and drink driving charges may be brought immediately – you may be held in custody and brought to the next court sitting. This usually happens if the Gardaí suspect that you may not otherwise turn up to court. The Director of Public Prosecutions (DPP) may apply for a European Arrest Warrant for the arrest of a person in an EU country where the offence carries a penalty of a period of at least 12 months or, where a sentence has been passed, for sentences of at least four months.

In some cases, the Gardaí may look for the extradition of a person from the USA or Australia.

Fixed charge penalty offences

There is a wide range of offences to which fixed charge penalties or on-the-spot fines apply. The basis principle is that if you pay the fixed charge within the stated time limits you are not prosecuted. If you are prosecuted and convicted, you are likely to have to pay higher charges. Some of these offences also attract penalty points: in general, parking offences do not, nor do offences relating to the display of tax and insurance discs. Fixed charge offences which do not attract penalty points may be enforced by traffic wardens as well as by the Gardaí.

Among the many offences to which fixed charge penalties apply are offences relating to:

- Display of an insurance disc
- Display of motor tax disc
- Parking illegally in a space reserved for people with disabilities
- General parking regulations and by laws
- Breach of requirements at stop sign and line, yield sign and line and at traffic lights
- Centre of roadway lines, continuous and broken, merging and diverging lines
- Box junctions
- Driving in bus lanes
- Defective tyres
- Breaches of seat belt requirements
- Speeding offences

The amount of the fixed charges varies. The fine for most parking offences is €40 but parking in a disabled bay attracts a fine of €80.

The fines for other offences are either €60 or €80. If you fail to pay the charge within 28 days, you must pay an additional 50% within 56 days and, if you still fail to pay, you are prosecuted.

The Road Traffic Act 2006 provides for fixed charge penalties in certain drink driving cases but this has not yet been brought into effect.

Traffic wardens

Traffic wardens have the power to enforce many of the fixed charge penalty offences. The range of offences in the Local Authorities (Traffic Wardens) Act 1975 which may be enforced by local authority traffic wardens was expanded by statutory amendments made in 2002 and 2006.

Three specified offences – one of which relates to display of an NCT disc and two which relate to motor tax disc offences – have not yet been brought into the range of the fixed charge offences that traffic wardens can enforce.

Penalty points

You may get penalty points if you commit various offences. Most of these are fixed charge penalty offences but some must be prosecuted (for example, careless driving). The number of penalty points is related to the seriousness of the offence. If the offence is a fixed charge penalty offence and you fail to pay, you may be prosecuted. If convicted, the fine may be increased and the penalty points are increased.

The main offences to which penalty points apply are:

- Speeding offences
- Seat belt offences
- Motor insurance offences
- Careless driving
- General breaches of the rules of the road – the full list is available on the Department of Transport website www.transport.ie
- Holding a mobile phone while driving

The Road Traffic Act 2006 provides for the addition of further penalty point offences but these have not yet been brought into effect.

If you accumulate 12 penalty points in any three-year period, you are automatically disqualified from driving for six months. Penalty points are endorsed on your licence record and not on the licence itself. They remain on your licence record for three years. You are required to surrender your licence if you get 12 penalty points.

There is no general system of recognition of penalty point arrangements between countries. This means that if you get penalty points in another country they are not applied to your licence here. Similarly, penalty points which are applied in Ireland cannot be attached to licences issued by other countries. There is an EU Convention on Driving Disqualifications but it is not yet fully in force. The Road Traffic Act 2002 allows for it to be enforced in Ireland. Negotiations are taking place between the Irish and British governments for mutual recognition of driving disqualifications as envisaged in the EU Convention. It is hoped to have this in place by April 2007.

Clamping

Clamping is provided for by Section 101B of the Road Traffic Act 1961. (The correct legal term is “immobilisation of unlawfully parked vehicles”.)

People with Disabilities and Driving

Some people with disabilities may qualify for help with transport costs.

Car adaptations

The Health Service Executive may pay a Motorised Transport Grant to help buy or adapt a car for a person with a severe disability who needs it for work. In exceptional circumstances, it may be payable if you live in a remote area and you are unable to use public transport because of your disability.

Disabled Drivers and Disabled Passengers Scheme

There is a range of tax reliefs available to certain people with disabilities for the buying and use of vehicles either as drivers or passengers. There are limits on the size of the vehicles which qualify and there are restrictions on when you may subsequently sell the vehicle. These reliefs are available to drivers with disabilities and to passengers with disabilities. The rules are set out in the Disabled Drivers and Disabled Passengers

(Tax Concessions) Regulations 1994 (SI 353/1994).

In order to avail of these reliefs, you must qualify for a Primary Medical Certificate. This is granted if you are severely and permanently disabled and you:

- Are completely or almost completely without the use of both legs or
- Are completely without the use of one of your legs and almost completely without the use of the other leg to the extent that you are severely restricted as regards movement in your legs or
- Are without both hands or both arms or
- Are without one or both legs
- Are completely or almost completely without the use of both hands or arms and completely or almost completely without the use of one leg
- Have the medical condition of dwarfism and serious difficulties of movement of the legs

The available tax reliefs are:

- Exemption or refund of Vehicle Registration Tax (VRT), repayment of Value-Added Tax (VAT) on the purchase of a vehicle and repayment of VAT on the cost of adapting a vehicle, up to a maximum of €9,525 for a disabled driver and €15,875 for a disabled passenger
- Repayment of excise duty on fuel used up to a maximum of 2,728 litres (600 gallons) a year
- Exemption from annual motor tax

You apply to the Health Service Executive for a Primary Medical Certificate. If you are refused you may appeal to the:

Disabled Drivers Medical Board of Appeal
National Rehabilitation Hospital
Rochestown Avenue
Dún Laoghaire,
Co. Dublin.
Tel: (01) 235 5279.

You apply for the tax reliefs to:

Central Repayments Office
Office of the Revenue Commissioners
Freepost
Coolshannagh
Monaghan
Tel: (047) 82800
Fax: (047) 82782

Disabled Person's Parking Card

The parking card is provided for by the Road Traffic (Traffic and Parking) Regulations 1997.

This card is available to people, either as drivers or passengers, who have a disability that prevents them from walking or causes undue hardship when walking – basically wheelchair users and people who have very restricted mobility.

The permit applies to the person with the disability and not to the car being driven. The card entitles the holder to park in public car parking spaces free of charge and they are not subject to time restrictions. The scheme is administered by the Irish Wheelchair Association and the Disabled Drivers' Association of Ireland. People who have a Primary Medical Certificate automatically qualify but must apply. Other people may get an application form from one of the two organisations mentioned – this must be completed by their doctor and counter-signed by a garda.

It is an offence for others to park in designated disabled person's parking bays. Since April 2006, the fixed charge for this offence is €80.

It is also an offence to allow the permit to be used by other people. You apply to:

Irish Wheelchair Association
National Mobility Centre
Ballinagappa Road
Clane
Co. Kildare
Tel: (045) 893 094
www.iwa.ie

The Disabled Drivers' Association of Ireland
Ballindine
Co. Mayo
Tel: (094) 936 4266
www.iol.ie/~ability

Accessible taxis

One of the specific objectives of the Commission for Taxi Regulation is to promote access to small public service vehicles by people with disabilities. The Department of Transport Sectoral Plan under the Disability Act 2005 sets out plans for promoting accessibility in transport including in the taxi and hackney sector.

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