



Relate

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The journal of developments in social services, policy and legislation in Ireland

Motoring in Ireland

This issue of *Relate* will focus on the requirements for driving cars in Ireland, including the driver theory test, learner permits and the practical driving test. It also covers driving offences and describes the penalties in place if the law is broken, including fixed-charge driving offences, penalty points and the law in relation to drink driving.

It reviews vehicle standards and describes the National Car Test. Finally, it covers the areas of motor tax, motor insurance and disposal of end-of-life vehicles.

Driver licensing

Motor vehicles are divided into different categories (15 at present) for driver licensing purposes. These include the general categories of motorcycles and mopeds; cars and work vehicles; buses and trucks; and trailers.

Minimum ages for driving motor vehicles in Ireland range from 16 years to 24 years, depending on the vehicle type and several other factors. The minimum age for driving a car is 17 years.

Driver theory test

You must pass a driver theory test before applying for a first learner permit for any category of vehicle. The driver theory test checks your knowledge of areas such as:

- rules of the road (book available from bookshops or from rotr.ie)
- Risk perception
- Eco-driving
- Hazard awareness
- Good driving behaviour

The test is computerised and can be taken at one of 41 locations across the State. There are 40 questions in the test and candidates have to answer 35 questions correctly to be successful.

The fee for the test is €45 at present.

If you are unhappy with the result of your theory test, you have the right to appeal this decision. You must make your appeal within ten working days of your test. When your appeal is received, your test will be re-marked and you will receive the result within five working days.

If you pass your driver theory test you will get a test certificate. You must submit your learner permit application and test certificate to the National Driver Licence Service (NDLS) within two years. After two years the test certificate expires and, if you have not obtained a learner permit within that period, you will have to take the theory test again.

Learner permits

Before you begin to learn to drive on public roads, you must hold a learner permit covering the category of vehicle you wish to drive. A learner permit to drive a car or work vehicle is usually valid for two years.

The Road Safety Authority (RSA) has had responsibility for driver licensing since 19 January 2013. The RSA has set up the National Driver Licence Service (NDLS) to receive applications for learner permits and driving licences. Applying for a learner permit or driver licence currently involves visiting an NDLS centre to have your photograph and signature captured digitally.

In addition, a new plastic learner permit/driving licence was introduced in January 2013 as part of an EU initiative to introduce a secure, compact licence format in all member states.

Learner permits for cars and work vehicles are valid for two years (or one year in certain circumstances) and since 1 January 2013 the fee for a learner permit for people aged under 70 years is €35. Learner permits are free of charge to those aged 70 years or over.

Exchanging your learner permit to show a new address or category is free.

In the case of motorcycles, cars and work vehicles, you cannot take a driving test for at least six months after getting your first learner permit.

Essential Driver Training (EDT)

New first-time holders of category B learner permits (category B covers cars) are required to undertake mandatory Essential Driver Training (EDT). This training consists of 12 one-hour lessons with an approved driving instructor. Your progress is recorded in a special logbook.

You should also have an experienced driver (see below) who accompanies you during your driving practice outside of these mandatory lessons, and who also updates your logbook. When taking the driving test, you may be required to show your completed logbook to the tester.

Restrictions on car drivers with a learner permit

Car drivers with a learner permit must at all times be accompanied by, and be under the supervision of, an experienced driver with a current driving licence for a car. The person accompanying you must have held the driving licence for at least two years.

If you hold a learner permit for a car, you are not allowed to drive a car drawing a trailer, drive on a motorway, act as an accompanying driver or carry other people for reward.

Holders of learner permits for cars must display L-plates to the front and rear of the vehicle they are driving at all times. The plate should be a red 'L' on a white background and should not be less than 15cm high with a border of at least 2cm.

Since October 2011, the drink driving limit for car drivers with learner permits and those in their first two years on a full driving licence is reduced to 20mg of alcohol per 100ml of blood.

Driving test

Driver testing is carried out by the Road Safety Authority from test centres throughout the State.

It's important to be aware that you may not apply for a third or subsequent learner permit for any category of vehicle unless you can show evidence that you have applied for a driving test.

A driving test is designed to determine that you:

- Know the rules of the road
- Possess the knowledge and skill to drive competently in accordance with those rules
- Drive with proper regard for the safety and convenience of other road users

Driving tests also require you to be able to explain certain technical checks on your vehicle.

There are a number of things you need to do in preparation for your driving test, along with a number of legal requirements when taking the test:

- You must have a current learner permit to sit a driving test
- Current motor tax and insurance discs and a National Car Test (NCT) disc (if applicable) must be displayed on the vehicle you are using for the test
- L-plates should be displayed on the front and rear of the vehicle
- Your vehicle must be appropriate for the driving licence category for which you are being tested
- The vehicle should be roadworthy, for example, all tyres should have a minimum depth of 1.6mm – the legal tread depth limit for tyres
- Your vehicle should be in good working order, for example, windscreen wipers, indicators, mirrors
- The interior and exterior of your car should be clean
- You should bring your logbook from the Essential Driver Training (EDT) you have completed

A driving test costs €85 at present.

If you have a hearing impairment you may have an interpreter accompany you for part of the test. Your interpreter may not be your driving instructor and they cannot accompany you on the practical part of your test. The tester may show written instructions for this part of the test and display them as appropriate; the tester may also use basic sign language. You should also note that if the vehicle you present for the test is adapted to suit a disability (for example, it has additional controls), this will be noted on your full driving licence when issued. If you have special needs, you should indicate this on the application form for your driving test so that any necessary arrangements will be in place when you attend for your test.

If you pass your driving test, you will be given a Certificate of Competency, which is valid for two years – if you fail to apply for a full licence during this two-year period, you will have to pass a driving test again.

If you fail your driving test, you will be given a certificate which you may need if renewing your learner permit. You will also receive a detailed list of your mistakes in the test to study before you sit another driving test.

Driving test appeals

Appeals against driving test results are heard in the District Court by a judge sitting alone – that is, there is no jury involved. In order to appeal the result of the driving test, you must do so within 14 days of failing the test. In order to begin appeal proceedings, you must lodge your appeal with your

local District Court Office. In a driving test appeal the District Court is the court of final instance. This means that whatever decision is made by the judge cannot be appealed and is final.

It is worth noting that the court cannot enquire into the findings of the tester. If the court is satisfied with the way in which the test took place, it will not order a new test.

Full licence

Once you have passed your driving test, you are entitled to apply for a driving licence for the category of vehicle for which you were tested.

If you have an Irish driving licence, the licence is accepted for use or exchange in all other EU/EEA member states. If you are travelling outside the EU/EEA and intend to drive, you may require an international driving permit.

Since 1 January 2013, the cost of driving licences is as follows:

One-year licence	€25
Three-year licence	€35
Ten-year licence	€55

Motorists over the age of 70 can get their driving licence renewed for free.

The period of time for which a driving licence is issued depends on the age of the applicant. There are four age brackets that affect the period of the licence:

If you are...	You may apply for...
under 60 years of age	a three-year licence (on medical grounds) or a 10-year licence. Since 19 January 2013, the maximum period is five years for a bus and/or truck driving licence.
older than 60 but younger than 67 years of age	a licence that will expire the day before your 70 th birthday. The maximum period is five years for a bus and/or truck driving licence.
older than 67 but under 70 years of age	three-year licence.
over the age of 70	a three-year or a one-year licence, but will need a certification of fitness to drive from your doctor.

If your driving licence expired 10 years ago or more, then you cannot renew your driving licence. Instead you must complete a driver theory test, apply for a learner driver permit and you will have to sit your driving test again.

You are required to carry your driving licence with you at all times when driving.

Novice drivers

The *Road Traffic (No.2) Bill 2013* is currently before the Oireachtas. If passed, the Bill will introduce a number of new restrictions for novice drivers:

- Drivers will be defined as novice drivers in their first two years of having a full driving licence and will have to display an N-Plate
- Learner and novice drivers will be disqualified from driving when they reach six penalty points. The threshold for other drivers will remain at 12 penalty points.

The Bill also introduces a range of new penalty point offences and new procedures around tests to establish if drivers are intoxicated.

Driving offences

The Road Traffic Acts set out the main provisions for motoring in Ireland. This legislation deals with issues such as vehicle licensing, vehicle standards and your obligations and responsibilities as a driver. Examples of motoring offences are: drink driving; speeding; driving without evidence of insurance or motor tax; driving without due care and attention; driving while holding a mobile phone; and driving without a seatbelt.

Summonses issued for motoring offences are heard in the District Court and the presiding judge has the power to impose disqualifications for driving and endorsements of driving licences. Motoring offences that result in a charge of dangerous driving causing death are heard in the Circuit Court before a judge and jury unless the defendant pleads guilty prior to the hearing.

Penalties

Penalties on conviction for motoring offences depend on the severity of the offence and on whether or not it is a repeat offence. Penalties can include monetary fines, endorsement of the driving licence, disqualification from driving for life, and in the most serious cases, imprisonment. In addition, there is a system of penalty points for certain motoring offences (see page 5).

Penalties on conviction for dangerous driving causing death are the same as penalties for manslaughter and also carry a mandatory disqualification from driving for a minimum of five years. Since October 2011, all convictions in the District Court for drink driving offences carry a mandatory disqualification for a minimum of 6 months.

If you have been convicted of motoring offences and disqualified from driving in a District Court, you can appeal the disqualification to the Circuit Court. You must lodge an appeal within 14 days of your conviction.

Disqualification from driving automatically carries a mandatory three-year endorsement of your driving licence. The period of endorsement commences when the disqualification period ends. An endorsement is a record that gives details of your motoring convictions. It is not physically recorded on your driving licence. Instead, your driving licence record is held on the National Vehicle and Driver File operated by the Department of Transport, Tourism and Sport.

Endorsements arising from the penalty points system are also entered on the driving licence record. Endorsements remain on your licence record for three years and must be notified to your insurance company when applying for motor insurance.

Fixed-charge driving offences

A system of fixed-charge driving offences allows the driver of a vehicle who has committed certain offences under the Road Traffic Acts to pay a fixed charge or fine as an alternative to going to court to answer the driving offence. These apply to a range of non-penalty point offences as well as penalty-point offences. Among the offences covered are illegal parking, seat belt offences, speeding offences, driving in a bus lane and holding a mobile phone while driving.

You have 28 days from the date of the issue of the fixed-charge notice to pay the fine. If it is not paid within 28 days, the charge is increased by 50%. If it is still unpaid after a further 28 days then court proceedings are initiated.

If you receive a fixed-charge notice for a driving offence and you were not the driver of the vehicle, you must return the notice to the Gardaí and include the details of the person who was driving on the "Statement of Nomination of Name and Address of Driver" form attached to the fixed-charge notice. The Gardaí will then issue a fixed-charge notice to the driver of the vehicle.

Penalty points

The law governing penalty points is the *Road Traffic Act 2002*. A penalty point is essentially a formal reprimand by the Garda Síochána endorsed on your driving licence, which shows you are guilty of a specified driving offence.

Penalty point offences are recorded on your driving licence if:

- You are convicted of a driving offence that attracts penalty points, or
- You are served with a fixed-charge notice in respect of an alleged offence that attracts penalty points and you opt to pay the fine rather than having the matter referred to the courts for determination

No driver is allowed to drive a vehicle while holding 12 current penalty points on their driving licence. Any driver who receives 12 penalty points in any three-year period is automatically faced with a six-month disqualification from driving.

Penalty points have a three-year lifespan. That means they will remain on your current driving licence for a period of three years from the start date (effective date). Any period where your licence is out of date won't count as part of the three years. Where you accumulate 12 points and are disqualified for a period of six months, the points that led to the disqualification are removed at the end of the six months.

To find out how many penalty points are on your driving licence record, contact the Road Safety Authority at 1890 41 61 41 and quote your driving licence number.

Drink driving

The *Road Traffic Act 2010* reduced the drink driving alcohol limits for all drivers. New offences were introduced that differentiate between experienced drivers and new drivers. Lower alcohol limits apply to new drivers than those that apply to experienced drivers. The lower alcohol limits also apply to drivers of buses, lorries, trailers, work vehicles, taxis and other public service vehicles.

The *Road Traffic Act 2006* gave the Garda Síochána the power to breathalyse any driver stopped at a mandatory alcohol checkpoint without the need to form any opinion in relation to the driver of the vehicle. The ability to breathalyse any driver is commonly known as random breath testing.

Under the *Road Traffic Act 2011*, Gardaí must conduct a preliminary breath test where they believe a driver has consumed alcohol and can also conduct tests at the scene of a crash where someone has been injured and requires medical attention.

Penalties on conviction for drink driving vary depending on the amount of alcohol that has been detected in a driver's system. Another factor the court will take account of is whether the offence is a first offence or otherwise. Under the penalties introduced by the *Road Traffic Act 2006*, all convictions for drink driving carry a mandatory disqualification from driving.

It is possible to apply for the early restoration of a licence. Under the rules, only people who have been disqualified for the first time for a period of more than 2 years are allowed to apply to the court to have their disqualification removed and their driving licence restored. At least half of the period of disqualification must have elapsed, however, before the person can apply for the restoration of their licence. The court may only reduce the overall period of the disqualification to a minimum of two-thirds of the period specified in the original disqualification order.

If you have been convicted of drink driving in the District Court you may appeal the conviction to the Circuit Court. The appeal must be lodged in the District Court Office within 14 days of your conviction.

Vehicle standards

National Car Test

Compulsory car testing was introduced in Ireland in January 2000 as part of an EU Directive that makes car testing compulsory in all member states. The test is called the National Car Test (NCT). It is an offence to drive a car that is liable for testing without displaying a National Car Testing Service (NCTS) disc and offenders will face fines as well as penalty points.

Since 2002 onwards, all cars that are four or more years old are tested. Vehicles that pass the test will have to undergo repeat tests every two years. Since June 2011, cars over 10 years old are tested each year.

A National Car Test costs €55 and takes between 40 minutes and 1 hour to conduct.

You must bring your vehicle registration/licensing certificate with you to the test centre. You are also required to produce your driving licence or passport as identification.

Areas that the test covers include brakes, exhaust emission, wheels and tyres, lights, steering and suspension, chassis and underbody, electrical systems, glass and mirrors, transmission, interior and fuel system.

A pass certificate or a failure report is issued after the test and if the car fails, the report explains why and what needs to be done. Once they have been repaired, minor faults can be checked again by the National Car Testing Service without the need for a full re-test.

Exemptions from the National Car Test

Vehicles registered before January 1980 are not required to be tested.

Cars permanently based on islands that are not connected to the mainland by road do not have to be tested.

Appeals

If you are dissatisfied with the test result you may appeal it using the NCTS appeal process. You must appeal within seven days of the date of the original test. To make an appeal, obtain an appeals form from the test centre or from the NCTS Customer Service Department.

Seatbelts

In general, people travelling in motor vehicles in Ireland are required to wear a seatbelt or child restraint at all times. Furthermore, drivers have a responsibility to ensure that passengers under the age of 17 years wear a seatbelt or suitable child restraint.

Registration plates

There are strict rules in place regarding the format, dimensions and technical specifications of vehicle registration plates that are displayed on vehicles in Ireland. In general, registration numbers are automatically assigned in sequence at the time when the vehicle is first registered. Failure to have a vehicle licence plate that conforms to the standards will result in a fine.

Reserving a registration number

It is possible to reserve a particular registration number. You can apply to reserve a vehicle registration number plate on or after the 1 November of the year before you intend to bring the vehicle into use. In other words, you can only apply to reserve a vehicle registration number plate on or after 1 November 2013 to use this plate in 2014.

The number you reserve must be in the normal format and must correspond with the licensing authority area where you normally reside. It must also show the year and half year in which the vehicle is to be first brought into use, for example, 141-D-111 may only be reserved by someone living in Dublin for a vehicle intended to be brought into use in the first half of 2014.

The registered owner of the vehicle on which the plates are to be displayed must be the person in whose name the number was reserved. You cannot transfer a reserved number.

All registration numbers are available for reservation, with the exception of the first number of each year issued in the following cities: Cork, Dublin, Limerick and Waterford. These registration plates are then 141-C-1, 141-D-1, 141-L-1 and 141-W-1. These plates are reserved for the Mayor/Lord Mayor of each of these cities and are not available for reservation by anyone else.

Motor tax

The amount of motor tax you pay for a vehicle registered before July 2008 is proportionate to the size of your vehicle's engine – in other words, the more powerful your vehicle, the higher the cost of your motor tax. For new cars registered since July 2008, motor tax charges are determined on the basis of twelve carbon dioxide (CO₂) emission bands with lower emissions resulting in lower charges. Cars that are 30 or more years old are classed as 'vintage/veteran' and incur a flat rate of motor tax (currently €56 per year).

New cars registered between January 2008 and June 2008 had their motor tax charged on the basis of engine size initially. If it was beneficial for those cars to switch to the CO₂ based motor tax system, this happened on the first renewal of motor tax after June 2008. The CO₂-based system does not apply to second-hand imports that were registered abroad prior to 2008.

Electric vehicles

Electric vehicles qualify for Vehicle Registration Tax relief of up to €5,000. The Sustainable Energy Authority of Ireland (SEAI) also offers grants of up to €5,000 for a battery electric vehicle or a plug-in hybrid electric vehicle purchased and registered before the end of December 2013.

Vehicle off the road

New procedures have been introduced for declaring that a vehicle is temporarily off the road. Where a vehicle has been declared as being off the road for a period, you do not have to pay motor tax for that period.

Since 1 October 2013, you are required to declare in advance that your vehicle will be off the road and not in use for a period of between three and 12 months using "Declaration of Non-Use of a Motor Vehicle Form RF150", which you submit to your Motor Tax Office. The declaration of non-use must be made in the same month that your current motor tax disc expires. If arrears in motor tax are due, these must be paid in full and you must also pay a minimum of three months' motor tax before a declaration of non-use can be made.

Disabled Drivers and Disabled Passengers Scheme

The Disabled Drivers and Disabled Passengers Scheme provides a range of tax reliefs linked to the purchase and use of vehicles by disabled drivers and disabled passengers in Ireland. The rules of the scheme are set out in the *Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994 (SI No. 353/1994)* as amended. Under the terms of the scheme, you can claim remission or repayment 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.

Relief is limited to a vehicle that has been specially constructed or adapted for use by a disabled person and that has an engine size of less than 2,000cc in the case of the driver and 4,000cc in the case of the passenger.

If you qualify for tax relief under the scheme, you can also claim repayment of excise duty on fuel used in your vehicle for the transport of a disabled person, up to a maximum of 2,728 litres per year. In addition, if you qualify under the scheme, your vehicle may be exempt from the payment of annual road tax on application to a Motor Tax Office.

Vehicles adapted for disabled drivers or passengers are also entitled to exemption from toll road fees. Toll road operators issue special passes that are recognised by all other toll road operators and which allow such vehicles pass through the tolls without paying. To obtain a special pass you should apply to your nearest toll road operator.

The Citizens Information Board provides independent information, advice and advocacy on public and social services through citizensinformation.ie, the Citizens Information Phone Service and the network of Citizens Information Services. It is responsible for the Money Advice and Budgeting Service and provides advocacy services for people with disabilities.

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Insurance

It is a legal requirement to have motor insurance if you want to drive your car in a public place. You must have a current certificate of insurance to pay motor tax. Failure to have motor insurance when driving is a very serious offence. Drivers without insurance will incur fines, penalty points and may be disqualified from driving.

The most basic insurance is *third party* and this is the minimum required by law. The other main categories of insurance available are *comprehensive* and *third party, fire and theft*.

Failure to have motor insurance

Failure to have motor insurance or driving without insurance is generally punishable by:

- 5 penalty points, and
- A fine of up to €5,000
- At the discretion of the court, a term of imprisonment not exceeding six months

Where a member of An Garda Síochána believes that a vehicle is being used in a public place without insurance, the vehicle may be impounded.

If you are refused motor insurance

Individual insurers have the right to refuse you cover, but they must provide you with a reason for the refusal should you ask for one. However, even though you have been refused cover, you are entitled to go to the Declined Cases Committee of the Irish Insurance Federation, who will obtain an insurance quotation for you. In order for the Committee to consider your case you must first have sought and been refused quotations in writing from at least three insurers.

End-of-life vehicles

An end-of-life vehicle is a vehicle which has reached the end of its useful life and is to be discarded as waste. The disposal of end-of-life vehicles is controlled because they can pose a threat to the environment.

Owners of intact end-of-life cars and vans must deposit such vehicles at an appropriately permitted or licensed authorised treatment facility (ATF). An authorised treatment facility may not charge for accepting an intact end-of-life vehicle. However, if essential parts of the vehicle are missing, you may be charged. When an end-of-life vehicle is deposited at an authorised treatment facility, the owner will receive a certificate of destruction. Contact your local authority to find authorised facilities in your area.

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