



STATUTORY INSTRUMENTS

S.I. No. 113 of 2009

ROAD TRAFFIC ACTS 1961 TO 2007 (FIXED CHARGE OFFENCES)
(PRESCRIBED NOTICE AND DOCUMENT) REGULATIONS 2009

(Prn. A9/0447)

ROAD TRAFFIC ACTS 1961 TO 2007 (FIXED CHARGE OFFENCES)
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I, NOEL AHERN, Minister of State at the Department of Transport, in exercise of the powers conferred on me by sections 5 and 103 (as amended by section 14 of the Road Traffic Act 2006 (No. 23 of 2006)) of the Road Traffic Act 1961 (No. 24 of 1961), the National Roads and Road Traffic (Transfer of Departmental Administration and Ministerial Functions) Order 2002 (S.I. No. 298 of 2002) (as adapted by the Public Enterprise (Alteration of Name of Department and Title of Minister) Order 2002 (S.I. No. 305 of 2002)) 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 Road Traffic Acts 1961 to 2007 (Fixed Charge Offences) (Prescribed Notice and Document) Regulations 2009.

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

2. The Road Traffic Acts 1961 to 2005 (Fixed Charge Offences) Regulations 2006 (S.I. No. 135 of 2006) are amended by substituting for Schedule 4 the Schedule set out in the Schedule to these Regulations.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 7th April, 2009.*

SCHEDULE

Schedule 4

Fixed Charge Offence

A

Notice under section 103(6) (inserted by s. 11(1) of the Road Traffic Act 2002 and as amended by section 14 of the Road Traffic Act 2006) of the Road Traffic Act 1961

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, including speed and speed zone — if speeding offence*) involving the driving or 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*)..... .

2. A payment of a fixed charge under this notice must be accompanied by all of this notice[, fully completed,]*[if payment is made in person or by post, or by quoting the reference number 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.

4.¹ (1) If you pay in accordance with this notice the correct amount of the fixed charge (*insert number*) penalty points will be endorsed on the entry in the driving licence or learner permit record relating to you.

(2) If you do not so pay the fixed charge and you are convicted of the alleged offence (*insert number*) penalty points will be endorsed on that entry.

*delete as appropriate

¹omit this paragraph for non-penalty point offences.

NOTE²

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/learner permit, otherwise your payment will not be accepted.)

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

Signature of driver: Date:.....

[illegible]

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

Licence type: Irish ☐ Non Irish ☐

[illegible][illegible]²omit note and declaration section for non-penalty point offences

Manner of Payment:

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

Registered owner not driving the vehicle at time of alleged offence³

5. (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 section 103(4) of the Road Traffic Act 1961—

- (a) not later than 28 days after the date of this notice give or send the document attached below to this notice, 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 to a member of the Garda Síochána or a traffic warden at the Garda station or place mentioned in the document, and
- (b) give or send to a member of the Garda Síochána or a traffic warden within such period as may be specified by him or her at a specified Garda Síochána station or another specified place such other information within your knowledge or procurement as the member or warden 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, duly completed, is made during the appropriate 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 a 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 by you to comply with subparagraph (1) (being a failure to comply with section 103(4) of the Road Traffic Act 1961) is an offence upon summary conviction of which you are liable to a fine not exceeding €1,000.

³omit, unless notice is served or affixed under s. 103(2)(b) of Principal Act

Cion Muirir Sheasta**A**

Fógra faoi alt 103(6) (arna chur isteach ag alt 11(1) den Acht um Thrácht ar Bhóithre 2002 agus arna leasú ag alt 14 den Acht um Thrácht ar Bhóithre 2006) den Acht um Thrácht ar Bhóithre 1961

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, lena n-áirítear an luas agus an luaschríos — más cion luais an cion*) ina raibh i gceist feithicil inneallghluaiste a thiomáint nó 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 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.

2. Ní mór an fógra seo go léir [, arna chomhlánú go hiomlán,]* 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,]* agus ar an modh atá leagtha amach thíos.

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.

4.¹ (1) Má íocann tú méid ceart an mhuirir sheasta de réir an fhógra seo déanfar (*cuir isteach an uimhir*) pointe pionóis a fhormhuiniú ar an iontráil sa taifead cheadúnais tiomána nó sa taifead chead foghlaimeora a bhaineann leat.

(2) Mura n-íocann tú amhlaidh an muirear seasta agus má chiontaítear thú sa chion líomhnaithe déanfar (*cuir isteach an uimhir*) pointe pionóis a fhormhuiniú ar an iontráil sin.

*scrios mar is cuí

¹Fág an mhír seo ar lár mura ngabhann pointí pionóis leis an gcion.

²Fág an nóta agus an roinn dearbhaithe ar lár mura ngabhann pointí pionóis leis an gcion.

An Modh Íocaíochta:

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

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

5. (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 103(4) den Acht um Thrácht ar Bhóithre 1961—

- (a) tráth nach déanaí ná 28 lá tar éis dháta an fhógra seo an doiciméad atá ceangailte thíos leis an bhfógra seo arna shíniú agat ina ndéanfar 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 do chomhalta den Gharda Síochána nó do mhaor tráchta nó a chur chuig an duine sin ag an stáisiún Gardaí nó ag an áit atá luaite sa doiciméad, agus
- (b) cibé faisnéis eile atá ar eolas agat nó a bhfuil fáil agat uirthi a fhéadfaidh comhalta den Gharda Síochána nó maor tráchta a iarraidh ort le réasún chun an duine a bhí ag tiomáint na feithicle nó á húsáid ar shlí eile an uair sin a shainathint agus chun a shuíomh cá bhfuil sé nó sí, an fhaisnéis sin a thabhairt don chomhalta sin nó don mhaor sin nó a chur chuige nó chuici laistigh de cibé tréimhse a shonróidh sé nó sí ag stáisiún Gardaí sonraithe nó in áit shonraithe eile.

(2) Má dhéantar íocaíocht dá dtagraítear i mír 1 den fhógra seo agus an fógra seo arna chomhlánú go cuí ina teannta, le linn na tréimhse iomchuí 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 leith an chiona líomhnaithe i do choinne.

(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 103(4) den Acht um Thrácht ar Bhóithre 1961 a chomhlíonadh).

²Fág ar lár mura seirbheáltar nó mura ngreamaítear an fógra faoi alt.103(2)(b) den Phríomh-Acht

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 103 of the Road Traffic Act 1961.

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
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