



STATUTORY INSTRUMENTS.

S.I. No. 525 of 2022



LOCAL AUTHORITIES (TRAFFIC WARDENS) ACT 1975 (FIXED
CHARGE OFFENCES) REGULATIONS 2022

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I, Hildegard Naughton, 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)) of the Local Authorities (Traffic Wardens) Act 1975 (No. 14 of 1975) (as adapted by the Transport, Tourism and Sport (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 351 of 2020)) and the Transport (Delegation of Ministerial Functions) Order 2020 (S.I. No. 759 of 2020), and after consultation with the Minister for Justice with respect to offences declared to be fixed charge offences (as adapted by the Justice and Equality (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 452 of 2020)), hereby make the following regulations:

1. (1) These Regulations may be cited as the Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge Offences) Regulations 2022.

(2) These Regulations come into operation on 1 January 2023.

2. In these Regulations —

“Act of 1994” means Road Traffic Act 1994 (No. 7 of 1994);

“Regulations of 1997” means Road Traffic (Traffic and Parking) Regulations 1997 (S.I. No. 182 of 1997);

“vehicle” means mechanically propelled vehicle.

3. The offences mentioned in Schedules 1 to 5 are declared to be fixed charge offences.

4. The prescribed amount of a fixed charge —

(a) in respect of an offence mentioned in Schedule 1, is €200,

(b) in respect of an offence mentioned in Schedule 2, is €150,

(c) in respect of an offence mentioned in Schedule 3, is €80,

(d) in respect of an offence mentioned in Schedule 4, is €60, and

(e) in respect of an offence mentioned in Schedule 5, is €40.

5. The form of —

(a) notice set out in Schedule 6 at Form A is prescribed as the form of notice to be served by a traffic warden under section 3,

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 21st October, 2022.*

(b) document set out in Schedule 6 at Form B is prescribed as the form of document for the purposes of section 3(3)(i),
of the Local Authorities (Traffic Wardens) Act 1975 (No. 14 of 1975).

6. The following are revoked:

- (a) the Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge Offences) Regulations 2006 (S.I. No. 136 of 2006),
- (b) the Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge offences) (Prescribed Notice and Document) Regulations 2009 (S.I. No. 114 of 2009),
- (c) the Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge Offences) (Prescribed Notice and Document) Regulations 2010 (S.I. No. 359 of 2010),
- (d) the Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge Offences) (Amendment) Regulations 2018 (S.I. No. 57 of 2018),
and
- (e) the Local Authorities (Traffic Wardens) Act 1975 (Fixed Charge Offences) (Amendment) Regulations 2021 (S.I. No. 748 of 2021).

*Regulation 4(a)***Schedule 1****€200 fixed charge****Offence under section 35 of Act of 1994**

Offence under section 35(5) of the Act of 1994 consisting of a contravention of Regulation 3 of the Road Traffic (Parking in Disabled Person's Parking Bay) Regulations 2022 (S.I. No. 427 of 2022) by using a disabled parking permit other than for the convenience of the person to whom the permit was issued.

*Regulation 4(b)***Schedule 2****€150 fixed charge****Offence under section 35 of Act of 1994**

An offence under section 35 of Act of 1994 consisting of a contravention of article 44(1) of the Regulations of 1997 by stopping or parking a vehicle in a disabled person's parking bay without a disabled person's parking permit.

*Regulation 4(c)***Schedule 3****€80 fixed charge****Offence under section 35 of Act of 1994**

An offence under section 35(5) of the Act of 1994 consisting of a contravention of the Regulations of 1997 mentioned in the Table below.

Reference number (1)	Article (2)	Description of contravention (3)
1	36(2)(i)	Parking a vehicle on a footway, a grass margin or a median strip
2	36(2)(m)	Parking a vehicle in a cycle track where traffic sign number RUS 009, RUS 058 or RUS 059 is provided
3	39	Parking a vehicle in a bus lane or on a bus only street
4	44B	Stopping or parking a vehicle in an electrically-powered vehicle recharging bay

*Regulation 4(d)***Schedule 4****€60 fixed charge****Offence under section 73 of Finance Act 1976**

Offence under section 73 of the Finance Act 1976 consisting of failing to fix to and exhibit a licence on a vehicle.

*Regulation 4(e)***Schedule 5****€40 fixed charge****Part 1****Offence under section 101(7B) of Road Traffic Act 1961**

An offence under section 101(7B) (inserted by section 49 of the Act of 1994) of the Road Traffic Act 1961 consisting of a contravention of a bye-law made by a local authority under subsection (7) in relation to the use of a car park provided by that local authority.

Part 2**Offence under section 35 of Act of 1994**

An offence under section 35(5) of the Act of 1994 consisting of a contravention of the Regulations of 1997 mentioned in the Table below.

Reference number	Article	Description of contravention
(1)	(2)	(3)
1	36 (as amended by Article 7 of S.I. No. 274 of 1998) other than paragraphs (2)(i) and (m)	Contravention of prohibition on parking of a vehicle
2	37	Contravention of restriction on parking a vehicle
3	38	Contravention of weight restriction on parking a large vehicle

4	40	Contravention of prohibition on parking a vehicle in clearway
5	41	Contravention of prohibition on parking a vehicle at school entrances
6	42	Contravention of restriction on parking a vehicle in loading bay
7	45(2)	Contravention of restriction on parking a vehicle in pedestrianised street

Part 3

Offence under section 36 of Act of 1994

An offence under section 36 of the Act of 1994 consisting of a contravention of a bye-law made by a road authority under that section in relation to parking of vehicles on public roads.

Regulation 5

Schedule 6

Prescribed forms

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)

to.....¹at (*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.

¹Specify 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

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

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

³Specify local authority

- (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.

B

DOCUMENT FOR THE PURPOSES OF SECTION 3(3)(i)

LOCAL AUTHORITIES (TRAFFIC WARDENS) ACT 1975

STATEMENT OF NOMINATION OF NAME AND ADDRESS OF DRIVER OF VEHICLE

I was not, or being a body corporate or an unincorporated body of persons capable of, driving or otherwise using the vehicle mentioned in the notice in this form at the time of the commission of the offence alleged in the notice. I state that —

Name of Driver: (Block Letters)

Address: (Block Letters)

was driving or otherwise using the vehicle at the time of the commission of the alleged offence.

Signature of registered owner: Date:

This statement together with the above notice must be given or sent to.....¹ at, not later than 28 days after the date of the notice.

¹ 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 Thrácht) 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*)

¹ Sonraigh an t-údarás áitiúil

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.

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

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

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 do nó a sheoladh chuig 3 ag (cuir isteach an seoladh), agus

³ Sonraigh an t-údarás áitiúil

- (b) cibé faisnéis eile atá ar eolas 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 shainaitheint, 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 bhfómhír (1) thuas a chomhlíonadh.

(3) Má chomhlíonann tú fómhír (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 fineáil 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 Údarás Áitiúla (Maoir Thrácht) 1975 a chomhlíonadh.

B

DOICIMÉAD CHUN CRÍOCHA ALT 3(3)(i)

DEN ACHT UM ÚDARÁS 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 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 do nó a sheoladh chuig 1 ag tráth nach déanaí ná 28 lá tar éis dháta an fhógra.

¹ Sonraigh an t-údarás áitiúil

12 [525]

GIVEN under my hand,
19 October 2022

HILDEGARDE NAUGHTON,
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 specify which parking offences are deemed fixed charge offences for the purposes of section 3 of the Local Authorities (Traffic Wardens) Act 1975, determine the amount of fixed charge for each offence and prescribe the form of notice and document to be used in the enforcement of those fixed charge offences.

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