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*Number 28 of 2006*

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**ROAD TRAFFIC AND TRANSPORT ACT 2006**

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ARRANGEMENT OF SECTIONS

Section

1. Obligation to provide specimen following arrest, etc.
  2. Road haulage and road passenger transport operators' licences.
  3. Short title.
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[No. 28.] *Road Traffic and Transport Act 2006.* [2006.]

ACTS REFERRED TO

European Communities Act 1972	1972, No. 27
Nurses Act 1985	1985, No. 18
Road Traffic Act 1994	1994, No. 7
Road Traffic Act 2006	2006, No. 23
Road Traffic Acts 1961 to 2006	
Road Transport Act 1933	1933, No. 8
Road Transport Act 1986	1986, No. 16
Road Transport Act 1999	1999, No. 15



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Number 28 of 2006

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**ROAD TRAFFIC AND TRANSPORT ACT 2006**

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AN ACT TO AMEND AND EXTEND PART III OF THE ROAD TRAFFIC ACT 1994 AND TO MAKE PROVISION FOR THE MINISTER FOR TRANSPORT TO GRANT LICENCES TO ROAD HAULAGE AND ROAD PASSENGER TRANSPORT OPERATORS AND TO PROVIDE FOR CONNECTED MATTERS.

[4th October, 2006]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) The Road Traffic Act 1994 is amended—

Obligation to provide specimen following arrest, etc.

(a) in section 9(1), by inserting after the definition of “intoxicant” the following:

“ ‘nurse’ means a person registered in the register of nurses established under section 27 of the Nurses Act 1985.”,

(b) in section 13—

(i) by substituting for subsection (1) the following:

“(1) Where a person is arrested under section 49(8), 50(10), 53(6), 106(3A) or 112(6) of the Principal Act, section 12(4) of this Act or section 4(7) of the Road Traffic Act 2006, a member of the Garda Síochána may, at a Garda Síochána station, do either or both of the following:

(a) require the person to provide, by exhaling into an apparatus for determining the concentration of alcohol in the breath, 2 specimens of his or her breath and may indicate the manner in which he or she is to comply with the requirement;

(b) require the person either—

(i) to permit a designated doctor or designated nurse to take from the person a specimen of his or her blood, or

- (ii) at the option of the person, to provide for the designated doctor or designated nurse a specimen of his or her urine,

and if the doctor or nurse states in writing that he or she is unwilling, on medical grounds, to take from the person or be provided by him or her with the specimen to which the requirement in either of the foregoing subparagraphs related, the member may make a requirement of the person under this paragraph in relation to the specimen other than that to which the first requirement related.”;

and

- (ii) in subsection (3)(b), by substituting “designated doctor or designated nurse” for “designated doctor”,

(c) in section 14—

(i) in subsection (4)—

(I) in paragraphs (a) and (b), by substituting “designated doctor or designated nurse” for “designated doctor”, and

(II) by substituting “if the doctor or nurse states” for “if the doctor states”,

and

(ii) in subsection (5)(b), by substituting “designated doctor or designated nurse” for “designated doctor”,

(d) in section 16(1), by substituting for paragraph (a) the following:

“(a) at a Garda Síochána station having been arrested under section 49(8) or 50(10) of the Principal Act, section 12(4) or 14(3) of this Act or section 4(7) of the Road Traffic Act 2006, or”,

(e) in section 18, by substituting for subsection (1) the following:

“(1) Where under this Part a designated doctor or designated nurse has taken a specimen of blood from a person or has been provided by the person with a specimen of his or her urine, the doctor or nurse shall divide the specimen into 2 parts, place each part in a container which he or she shall immediately seal and complete the form prescribed for the purposes of this section.”,

(f) in section 21—

(i) in subsection (2), by substituting “designated doctor or designated nurse” for “designated doctor”,

(ii) in subsection (4), by substituting “designated doctor or designated nurse, as the case may be” for “designated doctor”, and

(iii) by substituting for subsection (5) the following:

“(5) Where under section 13, 14 or 15 a designated doctor, or under section 13 or 14 a designated nurse, states in writing that he or she is unwilling, on medical grounds, to take from a person a specimen of his or her blood or be provided by him or her with a specimen of his or her urine, the statement signed by the doctor or nurse, shall, in any proceedings under the Road Traffic Acts 1961 to 2006 be sufficient evidence, until the contrary is shown, of the facts stated in it, without proof of any signature on it or that the signatory was the proper person to sign it.”,

(g) in section 23—

(i) in subsection (2), by substituting “designated doctor or designated nurse” for “designated doctor” in both places it occurs, and

(ii) in subsection (3), by substituting “designated doctor or designated nurse” for “designated doctor”,

and

(h) in section 24, by substituting “section 12 of this Act or section 4 of the Road Traffic Act 2006” for “section 12”.

(2) The collective citation “Road Traffic Acts 1961 to 2006” includes this section.

2.—(1) The Minister may grant, on application, to a person—

Road haulage and road passenger transport operators’ licences.

(a) an international road haulage operator’s licence that—

(i) entitles the holder to carry on a road haulage business for hire or reward within the State, and

(ii) qualifies the holder to carry on a road haulage business for hire or reward outside the State,

with such vehicles as may be specified on the licence,

(b) a national road haulage operator’s licence that entitles the holder to carry on a road haulage business for hire or reward within the State with such vehicles as may be specified on the licence,

(c) an international road passenger transport operator’s licence that—

(i) entitles the holder to carry on a road passenger transport business for hire or reward within the State, and

(ii) qualifies the holder to carry on a road passenger transport business for hire or reward outside the State,

with such vehicles as may be specified on the licence, or

- (d) a national road passenger transport operator's licence that entitles the holder to carry on a road passenger transport business for hire or reward within the State with such vehicles as may be specified on the licence,

in accordance with *subsection (2)* and any regulation made under *subsection (6)* or any requirement of an act of an institution of the European Communities in relation to road haulage or road passenger transport (including regulations made under section 3 of the Act of 1972 giving effect to such a requirement).

(2) An applicant for an operator's licence shall satisfy the Minister that he or she is of good repute, appropriate financial standing and has professional competence as a road transport operator in accordance with any requirement of an act of an institution of the European Communities in relation to road haulage or road passenger transport (including regulations made under section 3 of the Act of 1972 giving effect to such a requirement).

(3) An operator's licence comes into operation on the day, and is valid for the period, stated on it.

(4) Section 1(1) of the Act of 1999 is amended by substituting for the definitions of "international road freight carrier's licence", "international road passenger transport operator's licence", "the Minister", "national road freight carrier's licence", and "national road passenger transport operator's licence", respectively, the following:

" 'international road haulage operator's licence' means an international road haulage operator's licence granted under *section 2* of the *Road Traffic and Transport Act 2006*;

'international road passenger transport operator's licence' means an international road passenger transport operator's licence granted under *section 2* of the *Road Traffic and Transport Act 2006*;

'Minister' means Minister for Transport;

'national road haulage operator's licence' means a national road haulage operator's licence granted under *section 2* of the *Road Traffic and Transport Act 2006*;

'national road passenger transport operator's licence' means a national road passenger transport operator's licence granted under *section 2* of the *Road Traffic and Transport Act 2006*;"

(5) Any operator's licence granted or deemed to have been granted under section 3 of the Act of 1986 (notwithstanding the repeal of that section by section 23 of the Act of 1999) or under regulations made under section 3 of the Act of 1972 which is in force immediately before the passing of this Act continues in force for the period stated in the licence and continues to have effect as if granted under this section.

(6) The Minister may make regulations in respect of the application for an operator's licence including any requirements regarding such applications made under an act of an institution of the European Communities in relation to road haulage or road passenger transport.

(7) Section 13(1) of the Act of 1999 is amended by substituting for paragraph (b) the following:

“(b) any regulation made under section 3 of the European Communities Act 1972 giving effect to an act of an institution of the European Communities in relation to road haulage, road passenger transport or the issuing of transport discs,”.

(8) In the Act of 1986, the Act of 1999 or any other enactment or in any regulations made under section 3 of the Act of 1972 a reference to—

- (a) an international road freight carrier’s licence is to be read as a reference to an international road haulage operator’s licence,
- (b) a national road freight carrier’s licence is to be read as a reference to a national road haulage operator’s licence, and
- (c) a road freight carrier’s licence is to be read as a reference to a road haulage operator’s licence.

(9) In this section—

“Act of 1972” means European Communities Act 1972;

“Act of 1986” means Road Transport Act 1986;

“Act of 1999” means Road Transport Act 1999;

“Minister” means Minister for Transport;

“operator’s licence” means, as the case may be, an international road haulage operator’s licence, an international road passenger transport operator’s licence, a national road haulage operator’s licence, or a national road passenger transport operator’s licence.

(10) The Road Transport Act 1933 and this section are to be read as one.

**3.**—This Act may be cited as the Road Traffic and Transport Act 2006. Short title.