



STATUTORY INSTRUMENTS.

**S.I. No. 294 of 2012**



ROAD TRAFFIC ACTS 1961 TO 2011 (FIXED CHARGE OFFENCES)  
REGULATIONS 2012

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I, LEO VARADKAR, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by section 5 and section 103 (as amended by section 14 of the Road Traffic Act 2006 (No. 23 of 2006) of the Road Traffic Act 1961 and the National Roads and Road Traffic (Transfer of Departmental Administration and Administrative Functions) Order 2002 (S.I. No. 298 of 2002) (as adapted by the Transport (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 141 of 2011) and the Justice and Law Reform (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 138 of 2011)) and after consultation with the Minister for Justice and Equality in relation to declaring offences to be fixed charge offences, hereby make the following regulations:

1. These Regulations may be cited as the Road Traffic Acts 1961 to 2011 (Fixed Charge Offences) Regulations 2012.

2. These Regulations come into operation on 3 August 2012.

3. In these Regulations—

“Principal Act” means Road Traffic Act 1961 (No. 24 of 1961);

“vehicle” means mechanically propelled vehicle.

4. The offences under the Road Traffic Acts 1961 to 2011 mentioned in Schedules 1 and 2 and in Part 1 of Schedule 3 are declared to be fixed charge offences for the purposes of section 103 of the Principal Act.

5. The amount in relation to a fixed charge is—

(a) €200, in respect of an offence under section 12 of the Principal Act mentioned in Schedule 1,

(b) €80, in respect of an offence under section 11 of the Principal Act, for a contravention of a provision of the Regulations mentioned in Schedule 2, and

(c) €60, in respect of—

(i) an offence under section 11 of the Principal Act for a contravention of a provision of the Regulations mentioned in Part 1 of Schedule 3, or

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 3rd August, 2012.*

(ii) an offence mentioned in Part 2 of Schedule 3.

6. Part 1 of Schedule 2 to the Road Traffic Acts 1961 to 2005 (Fixed Charge Offences) Regulations 2006 (S.I. No. 135 of 2006) is revoked in so far as it relates to the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) (No. 3) Regulations 1991 (S.I. No. 359 of 1991).

**Schedule 1**

**€200 fixed charge**

An offence under section 12 of Road Traffic Act 1961 (as amended by section 18 of the Road Traffic Act 2006 (No. 23 of 2006)) consisting of using on a public road a vehicle,

- (a) whose weight unladen exceeds maximum permitted weight,
- (b) whose weight laden exceeds maximum permitted weight, or
- (c) any part of which transmits to ground greater weight than maximum permitted weight,

specified in the Road Traffic (Construction and Use of Vehicles) Regulations 2003 (S.I. No. 5 of 2003).

**Schedule 2***Regulations 4 and  
5(b)***€80 fixed charge**

An offence under section 11 of Road Traffic Act 1961 (as amended by the Schedule to the Road Traffic Act 1968 (No. 25 of 1968)) consisting of a contravention, referred to in the Table to this Schedule, of the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) (No. 2) Regulations 1978 (S.I. No. 360 of 1978) as amended by the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) (No. 2) Regulations 1993 (S.I. No. 322 of 1993).

Table

Article	Description of Contravention
10	Using motor cycle without wearing a crash helmet
11	Permitting passenger not wearing crash helmet to be carried on motor cycle

**Schedule 3****€60 fixed charge****Part 1**

An offence under section 11 of Road Traffic Act 1961 (as amended by the Schedule to the Road Traffic Act 1968) consisting of a contravention, referred to in the Table to this Part, of the Road Traffic (Lighting of Vehicles) Regulations 1963 (S.I. No. 189 of 1963).

Table

Article	Description of Contravention
9(1)	Using vehicle not equipped with prescribed lamps and identification mark lighting
9(2) or 9(3)	Using trailer not equipped with prescribed lamps and identification mark lighting
9(4)	Using vehicle not equipped with prescribed rear projecting load lamp or lateral projecting load lamp
9(5)	Using trailer not equipped with prescribed marker lamp
9(6)	Using public service vehicle not equipped with prescribed internal lighting

**Part 2**

An offence referred to in section 103(1)(d) of the Road Traffic Act 1961 under the European Communities (Compulsory Use of Safety Belts and Child Restraint Systems in Motor Vehicles) Regulations 2006 (S.I. No. 240 of 2006) referred to in the Table to this Part.

Table

Article	Description of Contravention
5(1)	Not wearing safety belt
5(2)	Driver permitting person under specified age to occupy a seat when not wearing safety belt
6	Driver of car or goods vehicle permitting child under 3 years of age to travel in it without being restrained by appropriate child restraint
7	Driver of car or goods vehicle permitting child over 3 years of age to travel in it without being restrained by appropriate child restraint
8	Driver of car or goods vehicle permitting child to be restrained by rearward-facing child restraint fitted to a seat protected by active frontal air-bag
9	Not wearing safety belt or appropriate child restraint in specified category of vehicle



GIVEN under my Official Seal,  
25 July 2012.

LEO VARADKAR,  
Minister for Transport, Tourism and Sport.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations declare offences involving the driving or use of mechanically propelled vehicles to be fixed charge offences for the purposes of section 103 of the Road Traffic Act 1961, as amended, with effect from 3rd August 2012. They also prescribe the amount of the fixed charge for each offence.

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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