



STATUTORY INSTRUMENTS

S.I. No. 147 of 2009



ROAD TRAFFIC (SPECIALISED VEHICLE PERMITS) REGULATIONS
2009

(Prn. A9/0561)

ROAD TRAFFIC (SPECIALISED VEHICLE PERMITS) REGULATIONS
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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 11 and 13 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 the Transport (Delegation of Ministerial Functions) (Road Traffic) Order 2008 (S.I. No. 320 of 2008) hereby make the following regulations:

Citation

1. These Regulations may be cited as the Road Traffic (Specialised Vehicle Permits) Regulations 2009.

Commencement

2. These Regulations come into operation on 4 May 2009.

Definitions

3. In these Regulations—

“designated road” means each of the roads and parts of roads specified in the Schedule;

“Permits Officer” means the officer appointed under Regulation 10;

“specialised vehicle” means a vehicle (whether or not registered in the State)—

(a) that is constructed or adapted for the carriage of long loads or wide loads, and

(b) the use of which on a public road would contravene any provision of the specialised vehicle operations regulations;

“specialised vehicle operations regulations” means any regulations made for the purposes of section 11 of the Road Traffic Act 1961;

“specialised vehicle permit” means a permit granted under Regulation 6; and

“vehicle” includes a combination of vehicles.

Application of these Regulations

4. These Regulations apply to the operation of a specialised vehicle on a designated road.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 24th April, 2009.*

Application for specialised vehicle permit

5. (1) The owner or operator of a specialised vehicle may apply to the Permits Officer for a permit authorising the operation of the vehicle either on a specified occasion or occasions, or during a specified period of up to 1 year, on—

- (a) a specified designated road or specified designated roads, or
- (b) all designated roads within a specified area.

(2) The application for a permit shall be made at least five clear working days before the proposed operation is to commence.

(3) The application shall be made in the form provided by the Commissioner of the *Gárda Síochána* for the purpose, and may be submitted by email.

(4) The application shall set out—

- (a) details of the vehicle to be used,
- (b) if any special permit is necessary for the operation of the vehicle under Regulation 60 of the Road Traffic (Construction and Use of Vehicles) Regulations 2003 (S.I. No. 5 of 2003), a statement of whether that permit has been obtained,
- (c) if for the purposes of the proposed operation it is intended to operate the vehicle in a public place other than a designated road, a statement as to whether a permit has been obtained for that operation under the Road Traffic (Special Permits for Particular Vehicles) Regulations 2007 (S.I. No. 283 of 2007),
- (d) the nature and dimensions of any load to be carried,
- (e) particulars of the journeys to be undertaken, and
- (f) whether the vehicle will be accompanied by an attendant or an escort vehicle.

(5) The Permits Officer may require the applicant to provide any other information reasonably necessary to consider the application, and if the Permits Officer so requires, he or she need not consider the application until the applicant supplies the required information.

Grant of specialised vehicle permits

6. (1) The Permits Officer may grant a specialised vehicle permit if—

- (a) the vehicle including its load is not longer than 27.4 metres nor wider than 4.3 metres; and
- (b) he or she is satisfied that—

- (i) operation of the vehicle in accordance with the particulars in the application, and the proposed limitations, restrictions or conditions (if any) of the permit, will be safe, and
- (ii) the vehicle and that operation will not otherwise contravene the Road Traffic Acts 1961 to 2006, Regulations made under those Acts, or any other law.

(2) The following are conditions of any specialised vehicle permit granted:

- (a) that any applicable requirement for marking any overhanging load is complied with;
- (b) that the following documents are carried in the vehicle's driving cabin:
 - (i) a printed copy of the permit;
 - (ii) a printed copy of any variation of it;
 - (iii) a printed copy of any relevant email referred to in regulation 8(4);
- (c) that the documents referred to in subparagraph (b) are kept available for inspection by any member of the *Gárda Síochána* who requires them to be produced;
- (d) that the vehicle's operator does not begin any operation authorised by the permit unless—
 - (i) there is sufficient clearance in both height and width for the safe operation of the vehicle over the whole of the proposed route, and
 - (ii) conditions (including the condition and state of the road surface, natural and artificial light available, weather and traffic conditions) over the proposed route will be such as to allow the safe operation of the vehicle;
- (e) that the vehicle's operator ceases the operation of the vehicle if, while the vehicle is being operated—
 - (i) for any reason, there is no longer sufficient clearance in either height or width for the safe operation of the vehicle over the remainder of the proposed route, or
 - (ii) conditions (including the condition and state of the road surface, natural and artificial light available, weather and traffic conditions) over the remainder of the proposed route cease to be such as to allow its safe operation;
- (f) that no other law relating to road traffic or transport is contravened in the course of the operation.

(3) The Permits Officer may impose a limitation, restriction or condition on a specialised vehicle permit if he or she reasonably considers it necessary for the protection of the public.

(4) In particular, the Permits Officer may impose a condition that the vehicle must be accompanied by an attendant or an escort vehicle, and may impose conditions in relation to such an attendant or escort vehicle.

(5) A specialised vehicle permit may be in any form approved by the Commissioner of the Garda Síochána, including that of an email message.

Effect of specialised vehicle permits

7. (1) The operation of a specialised vehicle in accordance with a specialised vehicle permit (including the conditions of the permit imposed by Regulation 6(2) and any conditions imposed by the Permits Officer when the permit is granted) shall be taken not to contravene any specialised vehicle operations regulations.

(2) A specialised vehicle permit has effect for 12 months from its date of grant or any shorter period specified in it.

Variation in certain circumstances

8. (1) If—

- (a) the operation of a specialised vehicle is permitted by a specialised vehicle permit,
- (b) because of a change in circumstances of a kind described in paragraph (2), the relevant operation must be carried out using a different vehicle to that specified in the permit, or a similar but different operation must be carried out using the specified vehicle, and
- (c) there is not time before the operation to obtain a variation of the permit, paragraphs (3) and (4) apply.

(2) The change in circumstances must be one that is beyond the operator's reasonable control. For example—

- (a) the specified vehicle has become unserviceable, or
- (b) it has become necessary to change the route for reasons that could not reasonably have been foreseen.

(3) The operator shall notify the Permits Officer by email of the change in circumstances and the proposed change in the operation.

(4) The operation of the vehicle in accordance with the permit and the change notified to the Permits Officer shall be taken not to contravene any specialised vehicle operations regulations until the earlier of—

- (c) the end of 5 days after the day of application, or

(d) the time when the Permits Officer varies or refuses to vary the permit in accordance with the change.

(5) Paragraph (4) ceases to apply in relation to an operation of a vehicle if, in the course of the operation, any other law is contravened.

Withdrawal of specialised vehicle permit for contravention

9. (1) If a specialised vehicle for the operation of which a permit has been issued is operated in a way that contravenes a condition of the permit, any member of the Garda Síochána may withdraw the permit by notice (including oral notice) to the vehicle's driver or operator.

(2) The withdrawal has effect immediately if so expressed.

(3) If a permit is withdrawn under paragraph (1), it is of no further effect.

(4) However, the member may direct the vehicle's operator or driver to move the vehicle to a place where it presents the smallest practicable risk to other road users.

Permits Officer

10. The Commissioner of the Garda Síochána shall appoint as Permits Officer an officer of the Garda Síochána of the rank of Chief Superintendent or above.

Amendments of other regulations

11. The Road Traffic (Special Permits for Particular Vehicles) Regulations 2007 (S.I. No. 283 of 2007) are amended by inserting after Regulation 2—

“2A. In these Regulations ‘public road’ does not include a road that is a designated road within the meaning of the Road Traffic (Specialised Vehicle Permits) Regulations 2009 (S.I. No. 147 of 2009)).”.

SCHEDULE

Regulation 3.

Designated roads

M1 from Dublin Port to Dundalk

N1 from Dundalk to Border

N4 from M50 to Leixlip

M4 from Leixlip to Kinnegad

M6 from Kinnegad to Athlone

N6 from Athlone to Galway

N7 from M50 to Naas

M7 from Naas to Portlaoise

N7 from Portlaoise to Limerick

N8 from Portlaoise to Cashel

M8 from Cashel to Fermoy

N8 from Fermoy to Cork

N8 from Dunkettle Interchange (Lower Glanmire Road) to Tivoli Flyover into Cork Port

M9 from Newbridge to Kilcullen

N9 from Kilcullen to Prumplestown

M9 from Prumplestown to Powerstown

N9 from Powerstown to Waterford

M11/N11 from Dublin to Wexford

N25 from Cork to Wexford

N25 from Wexford to Rosslare

N25 from Dunkettle Interchange (via Lee Tunnel) to Bloomfield Interchange

N28 from Bloomfield Interchange into Ringaskiddy Port

M50

GIVEN under my hand,

20 April 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 introduce a streamlined permit system to be administered by An Garda Síochána for the movement of wide and long vehicles (including loads) not exceeding 27.4 metres in length and 4.3 metres in width on the major interurban routes and to Cork, Ringaskiddy and Rosslare ports.

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