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An Roinn Iompair
Turasóireachta agus Spóirt

Department of Transport,
Tourism and Sport



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Environment & Transportation
Department

19 JUN 2017

DUBLIN CITY COUNCIL

Mr Dick Brady

Environment and Transportation Department

Civic Offices

Wood Quay

Dublin 8

Dear Mr Brady

I refer again to your correspondence regarding the regulation of rickshaws, and I wish to advise you of how the Minister proposes to proceed in this regard.

As you know, Dáil Éireann voted to provide for the regulation of rickshaws by the National Transport Authority (NTA), by way of an amendment, during its consideration of the Road Traffic Bill 2016, now section 31 of the Road Traffic Act 2016. Section 31 amends section 20 of the Taxi Regulation Act 2013 by inserting a new subsection (5). The existing section 20 of the 2013 Act provides the powers to the NTA to make regulations for small public service vehicles (taxi, hackneys and limousines).

During the debate on the Bill in the Dáil and in response to the tabling of this amendment, the Minister advised the House that the NTA was working on a proposed policy and potential framework for the future regulation of rickshaws and that when these were received the Minister and the Department would urgently consider them.

Minister Ross subsequently explained to the Seanad during that House's consideration of the Dáil amendments to the Road Traffic Bill, that he would need to take legal advice on the implications of the amendment when it comes to commencing those provisions, especially given that the amendment was not drafted by the Office of the Parliamentary Counsel or approved by the Office of the Attorney General.

The NTA submitted its proposals in February last and the Minister recently received the legal advice in relation to section 31. The legal advice is that the legal risk which would apply to any regulations enacted under the provisions of section 31 would be unacceptably high with a strong likelihood of the regulations being challenged and ultimately struck down. The Minister therefore will not be commencing section 31.

However, based on the NTA's proposals, the Minister is proceeding with the drafting of Heads of a Bill to provide for a new Part to be inserted to the Taxi Regulation Act 2013 exclusively for the regulation of rickshaws. The approach will, amongst things, ensure that

the relevant interactions with the existing legislative framework under the 2013 Act for small public service vehicles (taxis, hackneys and limousines), are properly integrated;

the principles and policies will be set out in primary legislation as to the matters which the NTA may provide for in regulations, thereby giving the NTA the necessary powers to regulate, and

the definition of 'rickshaw' will encompass all known types of rickshaw, in particular the most prevalent type of rickshaw in operation which has an electric motor which provides assistance to the person pedalling the rickshaw.

Minister Ross has also tasked the NTA with conducting a public consultation process which will inform the drafting process, as the views of key stakeholders and the public will be important in devising an appropriate regulatory regime for rickshaws. Early consultation on proposals to legislate will mean that feedback can be used constructively and a broad consensus secured.

Finally, the Department does not propose to consider the regulation of horse drawn carriages, in the context of the regulation of Rickshaws, as this is a matter more appropriate to the remit of local authorities.

In conclusion, I can assure you that the Minister shares the concerns which have been raised about the need for regulation of rickshaws and it is his intention to progress the drafting of the Heads of a Bill without delay.

Yours sincerely,

Chris Smith

Chris Smith
Private Secretary to Minister Ross

*The Minister is a Designated Public Official under the Regulation of Lobbying Act, 2015
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