

JUDGEMENT DAY



of maximum weights carried and the fact that they can be operated by a sixteen year old with little or no qualification."

The case which saw this reversal in the High Court, was first heard on October 5, 2006 and further oral submissions were made again on December 7, 2006 in the District Court. Despite these detailed submissions on behalf of the prosecutor, the learned District Judge concluded that the vehicle in question was not a 'goods vehicle' and therefore could not have been tested for a Road Freight Carrier's Licence. On this basis, she found that the limits on axle weights and laden weight of single vehicles did not apply. The learned District Judge also held that a tachograph could not be fitted to such a vehicle. In light of these findings, she dismissed all of the charges with the exception of the offence of failing to display a number plate at the rear of the trailer.

On the date in question the driver informed the gardai that he was employed by the accused and that he was transporting the concrete blocks for reward. The trailer had a specially fitted lift arm, designed for the movement and placement of bales of such concrete blocks. Arising out of this incident, a number of summonses were subsequently issued to the accused.

>> THE CHARGES INCLUDED:

- > Operating the vehicle and trailer, without a certificate of roadworthiness in respect of either, contrary to Article 14 of the European Communities (Vehicle Testing Regulations) 1991;
- > Carrying merchandise without a merchandise licence contrary to section 9 of the Road Transport Act 1933, as amended ('the 1933 Act');
- > Failing to exhibit a road transport plate, contrary to section 34 of the 1933 Act;
- > Failing to install a tachograph on the vehicle in contravention of the European Communities (Road Transport) (Recording Equipment Regulations) 1986 ('the 1986 Regulations');
- > Failing to use a tachograph in respect of the vehicle in contravention of the 1986 Regulations;
- > Aiding and abetting dangerous driving contrary to section 53(1) of the 1961 Act;
- > Failing to pay the correct rate of motor tax, contrary to section 2 of the Finance (Excise Duties)(Vehicles) Act 1952;

IRHA Welcomes High Court Judgement

The foregoing, I am of the opinion that the learned District Judge fell into error in deciding to dismiss all but one of the charges against the accused."

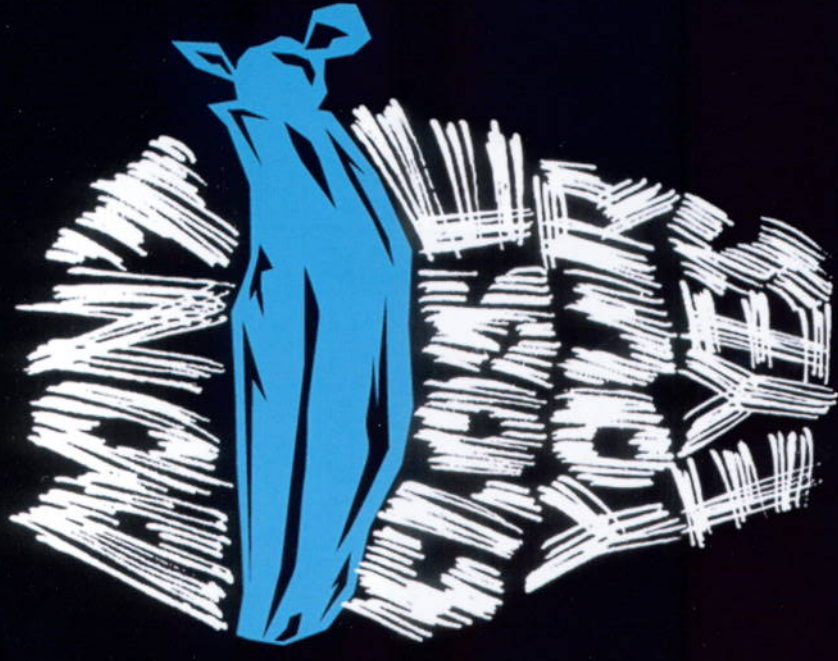
President of the IRHA (Irish Road Haulage Association) Mr Vincent Caulfield stated that the IRHA were delighted with the outcome of the case review in the High Court adding that this now meant that Gardai were obliged to implement the law regarding the use of such vehicles.

He said he was now calling on the departments of transport and environment to ensure that local Authorities no longer engage the services of such operators given the seriousness of the situation. Continuing he said: "This is an endorsement of our associations long standing position on the use of this type of vehicle for the carriage of goods for hire and reward on public roads. We have highlighted this issue on many occasions from a safety perspective and also the unfair competitive advantage they enjoyed over legitimate licensed road haulage operators. The use of duty free diesel, exemption from tachograph legislation, no annual roadworthiness test, no regulation

The Irish Road Haulage Association (I.R.H.A.) has welcomed a Judgment by Mr. Justice Hedigan in the High Court regarding a case on the 6th of October 2005, in which a garda stopped a JCB Fast Track vehicle towing a three axle trailer at Fair Green, Westport, County Mayo. The vehicle was being driven by a boy of 17 years of age, and was transporting 24 bales of concrete blocks from a quarry in Westport to Louisburgh.

When the original case was heard the District Court dismissed all of the charges with the exception of the offence of failing to display a number plate at the rear of the trailer.

High Court judge Mr Justice Hedigan disagreed with the District Court verdict and said that in his opinion the ruling was in error. "In light of



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