

Penalty Points and National Car Tests – FAQs

Q. What is being introduced on 1st May 2009?

The Minister of State at the Department of Transport signed new orders on 9th April 2009 to commence section 16 (in part) of Road Traffic Act 2006 and certain provisions of the Road Traffic Act 2002, in relation to the application of the penalty point system:

Specifically, five additional traffic offences (listed below) will now become penalty point offences from 1 May 2009:

1. Using a vehicle (car) without test certificate
2. Driving a vehicle before remedying dangerous defect
3. Driving a dangerously defective vehicle
4. Using a vehicle without certificate of roadworthiness
5. Bridge strikes

The penalty points system is designed to save lives and prevent injuries resulting from road crashes and collisions. The addition of these five extra offences on 1st May will bring the total number of road traffic offences attracting penalty points to 41.

Q. Are the road traffic offences attracting penalty points from 1st May new offences?

A. No. They are not new road traffic offences. In the case of the 5 offences, enforcement has and will continue to be effected by way of Court summons. It is a matter for the Gardaí to decide whether or not to initiate proceedings for an alleged offence in respect of any of these offences.

Therefore the only change happening to these offences from the 1st May is that they will now attract penalty points in addition to any fine following conviction in Court.

Q. Why are penalty points being introduced for NCT related offences and driving dangerously defective vehicles?

A. Driving a vehicle that is defective in some way or that hasn't passed a basic roadworthiness test such as the NCT is a serious offence. It puts you at risk. It puts your passengers at risk. It puts other road users at risk.

Q. Vehicle faults are not a significant cause of road collisions, so why target this area for penalty points?

The NCT is a **preventative** road safety measure that ensures vehicles, particularly older vehicles, using Irish roads are in sound working order.

This is all the more important when you consider that older vehicles are more likely to be involved in a collision. Almost half (47%) of collisions that occurred in 2007 involved vehicles that were 9 years old or more. Almost half (45%) of serious injuries from collisions happened in 2007 involved vehicles that were 9 years old or more. There is a need to get dangerous and defective vehicles off our roads. They are a factor in road deaths and serious injuries.

Thankfully the vast majority of vehicle owners in the State get their vehicle tested through the NCT as required. Unfortunately a minority do not and it is these people who are putting their lives and others at risk by driving vehicles that may be dangerously defective, for example, with poor brakes, worn tyres or broken headlights.

Q. Why do we have an NCT?

The NCT was introduced in 2000. It is a **preventative** road safety measure which ensures vehicles, particularly older vehicles, using Irish roads are in sound working order.

All Member States of the European Union are required to test the roadworthiness of motor vehicles. Cars in Ireland must be tested for roadworthiness four years after registration and thereafter every 2 years.

All vehicles degrade in service. The NCT provides an equitable and systematic way of inspecting all cars for roadworthiness. When NCT testing was first introduced less than 4% of vehicles passed the test at the first attempt. Since then the pass rate on the first attempt has risen steadily to almost 70% for cars that are four years old. The first time pass rate for cars 8 years of age is 55%. However, the pass rate on the first attempt for cars 9 years and over is just 30%.

Q. My NCT is due but I can't get through to the NCTS either by telephone or their website to book a test, how can I book a test?

A. Due to the unprecedented demand in the number of people requesting a booking for a test, the NCTS has indicated that, while their Call Centre and web booking application are fully operational, callers may experience problems getting through. This is purely down to the volume of people trying to contact the NCTS and the public are being asked to be patient and to keep trying.

Q. I don't know whether I'm due an NCT or not, I've received nothing in the post?

A. Cars in Ireland must be tested for roadworthiness four years after registration and thereafter every 2 years.

The NCTS have endeavoured to contact as many car owners as possible and from the 1st January this year have sent almost 250,000 notifications regarding their NCT. However, it should be noted that instances such as change of ownership of the vehicle, if the vehicle is off the road or if the vehicle is out of tax can affect whether a letter is received for that vehicle. Therefore, the NCTS are encouraging customers who have not heard from them, but feel their car is eligible for the NCT, to contact their Call Centre directly and a test will be arranged for them.

Q. My NCT is now due but my test date is not until after 1st May, will I get penalty points if I drive my car between now and the test date?

A. The Gardaí have advised motorists awaiting a NCT test to carry proof of their test appointment with them at all times in order to assist them in explaining the situation should they be stopped by the Gardaí. However this does not release motorists of the responsibility to ensure their vehicles are roadworthy.

Q. If my vehicle fails its NCT after 1st May, will I get penalty points if I drive it away from the test centre? / If my vehicle fails its NCT after 1st May, will I have to take it off the road until I rectify the faults?

A. These are not new offences and the legal requirements have been in place since the test was introduced in 2000. As has operated heretofore, the owners of vehicles tested after 1st May that are issued with a 'fail' certificate will still be

given 30 days to have those faults rectified and the vehicle re-presented at a test centre for a follow-up test.

Q. If I am detected by the Gardaí for not having a valid NCT disc displayed, will I get a fixed charge notice and an opportunity to accept a lower number of points if I pay the fixed charge?

A. No. The new penalty point offences do not come within fixed charge notice system. They are **not** new road traffic offences. Enforcement of the offences remains unchanged in that it remains a matter for the Gardaí to decide whether or not to initiate proceedings for an alleged offence. A summons to Court may be issued by the Gardaí, the only difference is that from 1st May, they will attract penalty points in addition to any fine imposed upon conviction in Court.

Q. Can I get penalty points on the spot, similar to speeding or seatbelt offences, for not having a current NCT disc displayed?

A. No. Penalty points can only be applied following a conviction in the Courts for an offence of failing to have a valid NCT disc displayed (5 points) or for driving a vehicle without remedying a fault (3 points) identified during an NCT test. At the moment, a person convicted in Court can be fined up to €2,000 and /or be given up to three months in prison. From 1st May, the Courts may also impose up to 5 penalty points.

FAST facts on the NCT

- When NCT testing was first introduced, less than 4% of vehicles passed the test at the first attempt.
- The pass rate has risen steadily since. Almost 70% of cars that are four years old pass first time.
- The first time pass rate for cars 8 years of age is 55%.
- However, the pass rate on the first attempt for cars 9 years and over is just 30%.
- All vehicles degrade over time. The NCT provides an equal and systematic way of inspecting all cars for roadworthiness.
- Almost 250,000 reminder letters have been issued since January 2009