

An Garda Síochána

Oifig Saorála Fáisnéise,
An Garda Síochána, Teach áth Luimnigh,
Lárionad Gnó Udáras Forbartha Tionscail,
Baile Sheáin, An Uaimh,
Contae na Mí,
C15 ND62



Freedom of Information Office,
An Garda Síochána, Athlumney House,
IDA Business Park,
Johnstown, Navan,
Co Meath,
C15 ND62

Teilifón/Tel: (046) 9036350

Láithreán Gréasain/Website:

www.garda.ie

Bí linn/Join us  

Ríomh-phoist/Email: foi@garda.ie

Re: Freedom of Information Request FOI-000131-2020 Request Granted

Dear

I refer to your request, dated 19th March, 2020 and received on 20th March, 2020, which you have made under the Freedom of Information Act 2014 (FOI Act) for records held by An Garda Síochána.

Part 1(n) of Schedule 1 of the FOI Act states that An Garda Síochána is listed as a partially included agency "*insofar as it relates to administrative records relating to human resources, or finance or procurement matters*". Therefore, only administrative records that relate to human resources, finance or procurement shall be considered.

Your request sought:

- *The monetary amount on all paid fixed charge notices in the Kerry Garda Divisions in 2018 and 2019, broken down by the offence group (if possible).*
- *The annual, full year total for fines revenue from penalty point offences for 2018 and 2019 in the Kerry Garda Division.*

I wish to inform you that I have decided to grant your request on the 20th April, 2020.

The purpose of this letter is to explain that decision.

1. Findings, particulars and reasons for decision

Upon receipt of your request, a search was conducted in the Roads Policing Unit of An Garda Síochána. As a result of this search, this Office has been briefed and records have been provided for consideration under the FOI Act.

Upon review of these records, I have decided to grant your request. The first part of your request seeking *the monetary amount on all paid fixed charge notices in the Kerry Divisions in 2018 and 2019, broken down by offence group*, are herewith attached.

Please note that the figures extracted return a count of offences that were paid during the given date range; not the number of offences that occurred and these figures are based on the date the payments were processed by An Post. Therefore, some payments may relate to offences that occurred in the latter stages of the previous year.

The second part of your request is seeking *“The annual, full year total for fines revenue from penalty point offences for 2018 and 2019 in the Kerry Garda Division”*. The full year total for fines revenue for 2018 and 2019 has already been supplied for the first part of your request.

On 31st October 2002, the Fixed Charge Notice (FCN) process was introduced as a replacement of the old ‘on the spot’ fine system along with Penalty Points. The Fixed Charge Processing System (FCPS) was developed by An Garda Síochána to enable computerised, automated processing of FCNs and to assist in the management of the penalty points system. The process applied to the then penalty point offences, certain parking and other offences under the Road Traffic Acts. One of the key objectives of the fixed charge notice system is to contribute to safer driving and reduced road traffic collision casualties.

Since 2002, the system has been expanded to include offences related to the main collision causation factors, such as seatbelt wearing, speeding and intoxicant related offences, as part of a number of road safety strategies. Since their introduction an increased level of compliance by road users have been recorded and thereby contributing to a reduction in road fatalities.

Since 2008, Public Order offences (Intoxication in a Public Place and Disorderly Conduct in a Public Place) can also be dealt with by FCN.

Fixed charges for defective tyres and pedal cycle offences have also been included since 2015.

Currently FCPS caters for 614 FCN offences which are grouped into 40 groups for internal administration purposes. 39 categories relate to road traffic offences and 1 category relates to public order offences.

The current legislation for the FCN process allows for the payment of the fixed charge within 28 days of issue of the notice. If payment is not made in this period, an increased charge may be paid within a further 28-day period. (*Payment of the fixed penalty in relation to drink driving offences is restricted to one period of 28 days at the original amount*).

These payments are collected on behalf of An Garda Síochána by An Post. The payments received are used to offset the costs of the outsourced speed cameras contracts. In the event that the income from FCNs exceeds the costs of the contracts the excess is returned to the Exchequer.

If payment of the FCN is not made within the allowable period, court proceedings are initiated by way of summons application. Any fines arising from the court proceedings are not received by An Garda Síochána.

There is also a third payment option (FCN3) that may be considered by a person before the unpaid FCN proceeds to court by way of summons.

The fixed charge amount on the FCN3 will be double that on the FCN1, and may be paid not later than 7 days before the date of the Court on which the charge is to be heard (Third Payment Option). It should be noted however that the third payment option, FCN3 does not apply to public order offences.

2. Right of Appeal

In the event that you are not happy with this decision you may seek an Internal Review of the matter by writing to the address below and quoting reference number **FOI-000131-2020**.

Freedom of Information Office, An Garda Síochána, Athlumney House, IDA Business Park, Johnstown, Navan, Co. Meath C15 ND62.

Please note that a fee applies. This fee has been set at €30 (€10 for a Medical Card holder). Payment should be made by way of bank draft, money order, postal order or personal cheque, and made payable to Accountant, Garda Finance Directorate, Garda Headquarters, Phoenix Park, Dublin 8.

Payment can be made by electronic means, using the following details:

Account Name: Garda Síochána Finance Section Public Bank Account

Account Number: 10026896

Sort Code: 900017

IBAN: IE86BOFI90001710026896

BIC: BOFIE2D

You must ensure that your FOI reference number (FOI-000131-2020) is included in the payment details.

You should submit your request for an Internal Review within 4 weeks from the date of this notification. The review will involve a complete reconsideration of the matter by a more senior member of An Garda Síochána and the decision will be communicated to you within 3 weeks. The making of a late appeal may be permitted in appropriate circumstances.

Please be advised that An Garda Síochána replies under Freedom of Information may be released in to the public domain via our website at www.garda.ie

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.

Should you have any questions or concerns regarding the above, please contact me by telephone at (046) 9036350.

Yours sincerely,

Maria Brodigan ASSISTANT PRINCIPAL
MARIA BRODIGAN
FREEDOM OF INFORMATION OFFICER

20th APRIL, 2020.

Payments Received in relation to FCN for the Kerry Division (only) for 2019 (1st Jan – 31 Dec 2019) and 2018 (1st Jan – 31st Dec 2018)

**Figures provided are operational, provisional and subject to change and are correct as of the 17th April 2020*

Kerry Division 2019(1st Jan – 31st Dec 2019)

Division	Kerry	Divisional Count	7048	€583605
Offence Group Description		Offence Count	Amount €	
Speeding Offences		3460	300960	
Use a mobile phone whilst driving		977	66030	
Fail to display a valid tax/insurance disc		708	51900	
Public Order offences		352	41890	
Seat belt		335	22500	
Failing to obey parking signs and road markings		323	14540	
Learner/Novice Driver Offences		137	11280	
Parking or stopping in a clearway or disabled space		123	20475	
Use a vehicle without NCT Test Certificate		114	8100	
Driving a vehicle without reasonable consideration		106	9280	
Park in a manner or location that causes a danger or obstruction		100	4540	
Use a vehicle with defective/dangerous tyres		77	7280	
Drink driving fixed penalty		42	9800	
Crossing centre lines on a road way causing danger		40	3400	
Fail to stop at traffic lights (red & amber)		27	2240	
Fail to observe traffic signs & road markings		25	2140	
Dangerous or endangering overtaking		21	1880	
Use a vehicle/trailer without the required lighting		12	720	
Parking/entering a bus lane, bus contraflow, at a bus stop or taxi rank		8	440	
Parking Offences - Hired Vehicles		8	580	
Parking/stopping in a loading bay or school entrance		8	420	
Park within 5 metres of a road junction, traffic lights or pedestrian crossing		7	320	
Failure to obey with an instruction given by a Garda/School Warden		6	520	
Drive on or across a footway, cycle track or continuous white line		6	390	
Park within 15 metres of a road junction, traffic lights or pedestrian crossing		6	240	
Drive/Park/stop in tram only street or cycle track		5	240	
Fail To Yield Right Of Way		5	400	
Pedal Cycle Offences		4	160	
Exceed vehicle weight		4	800	

Failure to obey mandatory signs, weight restrictions and reversing offences	1	60
Railway Level Crossing	1	80

Kerry Division 2018 (1st Jan – 31st Dec 2018)

Division	Kerry	Divisional Count	6058	€ 497835
Offence Group Description		Offence Count	Amount €	
Speeding Offences		2805	244320	
Use a mobile phone whilst driving		884	59820	
Fail to display a valid tax/insurance disc		779	54540	
Public Order offences		317	38430	
Failing to obey parking signs and road markings		305	13380	
Seat belt		221	14790	
Driving a vehicle without reasonable consideration		123	10800	
Learner/Novice Driver Offences		102	8570	
Use a vehicle without NCT Test Certificate		92	6420	
Parking or stopping in a clearway or disabled space		74	10215	
Use a vehicle with defective/dangerous tyres		59	5520	
Drink driving fixed penalty		54	14400	
Park in a manner or location that causes a danger or obstruction		45	2020	
Crossing centre lines on a road way causing danger		43	3640	
Fail to observe traffic signs & road markings		24	1950	
Parking/entering a bus lane, bus contraflow, at a bus stop or taxi rank		21	980	
Dangerous or endangering overtaking		18	1600	
Fail to stop at traffic lights (red & amber)		15	1480	
Use a vehicle/trailer without the required lighting		15	1050	
Parking Offences - Hired Vehicles		13	690	
Parking/stopping in a loading bay or school entrance		13	580	
Drive/Park/stop in tram only street or cycle track		8	360	
Drive on or across a footway, cycle track or continuous white line		7	420	
Failure to obey with an instruction given by a Garda/School Warden		6	500	
Fail To Yield Right Of Way		3	240	
Fail to wear a crash helmet		3	240	
Park within 5 metres of a road junction, traffic lights or pedestrian crossing		3	120	
Exceed vehicle weight		3	600	
Park within 15 metres of a road junction, traffic lights or pedestrian crossing		1	40	
Pedal Cycle Offences		1	40	
Railway Level Crossing		1	80	