

Calls for urgent legislation to stop off road bikes being driven in public spaces, as Anzhela Kotsinian states she's "angry, nothing has changed" four years after her husband was injured.

April 29th, 2022

By Olivia Lynott



Anzhela Kotsinian and Ilabek Avetian in Beaumont Hospital, Dublin.
Photo by Olivia Lynott, previously published in the Irish Independent.

Legislation preventing off-road vehicles being driven in public spaces has failed to be introduced, yet there have been six fatalities involving scrambler or quad bikes between 2014 and 2019.

Three of those who died were aged under 18, according to the Road Safety Authority (RSA). However, legislation banning the use of the bikes in public areas – the Criminal Justice (Public Order) (Quad Bikes and Scramblers) (Amendment) Bill 2021- has stalled. It's currently in stage two of five in Dáil Éireann, and must then proceed through six more stages in Seanad Éireann, before being enacted into law. Two other attempts to introduce legislation regulating off-road bikes were unsuccessful.

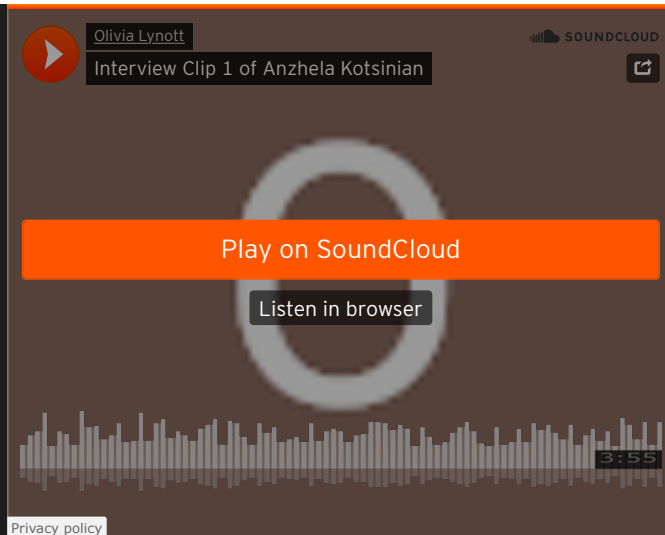
In June 2018, Anzhela Kotsinian's life was forever changed when a scrambler bike ran over her and husband, Ilabek Avetian, as they sunbathed in Darndale Park, north Dublin. Mr. Avetian, 42, lost his left eye and suffered a severe brain injury. He now lives in a Dublin nursing home and is unable to walk, talk, or feed himself.

Ms. Kotsinian has campaigned for legislation banning off-road bikes from public spaces since the incident, which saw a then 15-year-old driver avoid a custodial sentence or criminal record.

Ms. Kotsinian, from Armenia, visits her husband in the nursing home every day. She stated that she'll never forget the moment Mr. Avetian was injured, and how their lives became a "nightmare".

The former teacher has faced other challenges, including both a breast cancer diagnosis and overcoming serious Covid-19 in 2020. However, Ms. Kotsinian has never stopped campaigning.

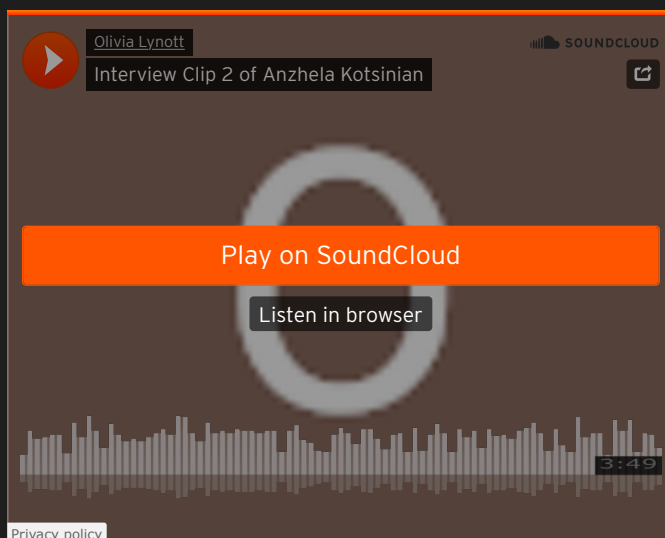
"Ilabek was so calm and content in the park," Ms. Kotsinian recounted. "He turned on music on his phone. We lay down on the grass, and I fell asleep. I woke up to the sound of a motorbike, it was pushing into me." Ms. Kotsinian felt she was "dying". She looked down, where Mr. Avetian had been lying on her lap. His skull had been crushed. The scrambler also fractured her pelvis.



Interview with Anzhela Kotsinian conducted by Olivia Lynott, describing the scrambler bike incident which changed her and her husband's life forever.

“There was blood everywhere,” Ms. Kotsinian said. “Ilabek wasn’t speaking. “He didn’t open his eyes. I thought he was dying. I’m still surprised by how strong I am after that day.”

Ms. Kotsinian said it’s “insulting” that almost four years later, underage drivers are still using Darndale Park as a “racetrack.” “After he (the driver) saw what he did, I thought he’d be crying, or calling someone to help, that he’d stay with me to help,” she added. “I understood maybe he didn’t see us, but he drove off and left us.”



Interview with Anzhela Kotsinian conducted by Olivia Lynott, where she describes her views on the legislation banning scrambler bikes in public places.

Dr. Jack Nolan, former Assistant Commissioner in charge of the Dublin Metropolitan Region, authored a report for Dublin City Council in 2020, on Darndale. The study, ‘Darndale – A Long View of an Enduring Challenge,’ highlighted gang culture, and the intimidation of residents.

Changes were suggested that could reduce antisocial behaviour; including a crime prevention strategy and a local policing unit. The study stated that gangs should be “dismantled,” and a scheme should be established for the “hardest to reach youth offenders and their families.”

A “restorative practice” was suggested for schools. Initiatives to educate young people and nourish entrepreneurship were recommended as solutions to antisocial behaviour.

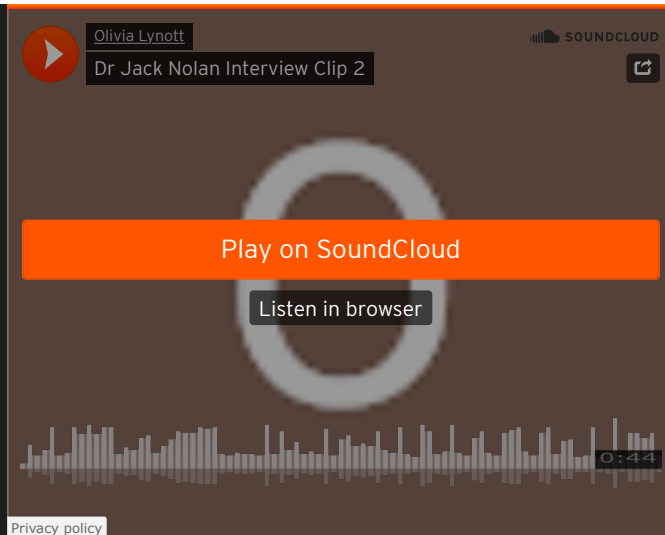
The report endorsed the development of Darndale Belcamp Village Centre, encouraged community leadership and the creation of job opportunities. During an interview, Dr. Nolan reflected on the report, stating, “These are all areas that need attention.” Such responses could deter youth from antisocial activities, such as driving scrambler bikes, he felt.



Interview with former Assistant Commissioner Dr Jack Nolan conducted by Olivia Lynott. He discusses issues in the Darndale community and how the community can be reformed.

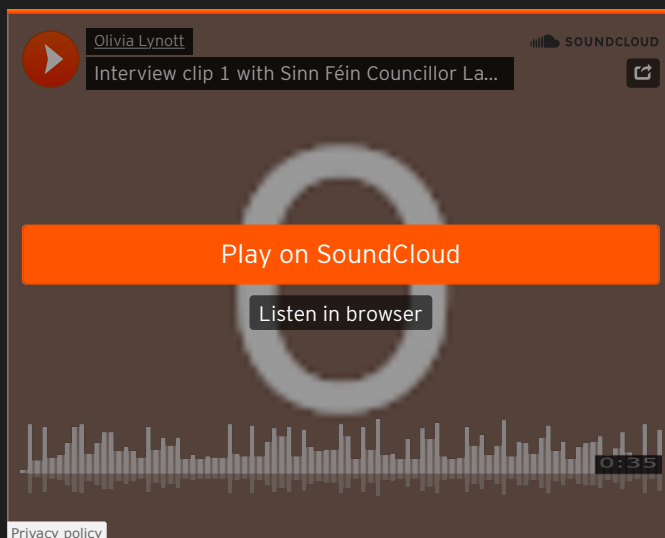
Since the study was initiated, improvements had been made, Dr. Nolan said. This included the introduction of the Darndale implementation oversight group and a Garda ‘clinic,’ allowing the community to “engage” with officers in a “more proactive fashion,” he said.

Youth initiatives had been established, including one aimed at gangs and organised by the Department of Justice, he explained. The Darndale Belcamp Village Centre plays an important role, Dr. Nolan added. The facility had organised a “significant and well-attended” jobs fair, held every November. The former garda admitted it would take a “long time” to regenerate Darndale. Though, he felt “green shoots” were developing, offering “significant hope for the future.”



An interview with Dr Jack Nolan conducted by Olivia Lynott, where he describes the issues of policing scrambler bikes in the Darndale area.

Larry O'Toole, Sinn Féin Councillor for Whitehall and Artane, has said legislation must enforce the removal of off-road vehicles from public spaces. Councillor O'Toole, who lives in Darndale, said Sinn Féin had previously attempted to introduce such legislation, but this "wasn't adopted by the Government," adding that he "looks forward" to the current Bill being adapted into law.



Interview with counsellor Larry O'Toole conducted by Olivia Lynott , where he describes his opinion on the legislation being introduced to stop scrambler bikes being driven in public places.

In October 2018, four months after Ms. Kotsinian and Mr. Avetian were injured, Sinn Féin TD Dessie Ellis expressed his "disappointment" his co-sponsored Bill with TD Imelda Munster, regulating off road bikes, was rejected by the Government. Councillor O'Toole also stated he knew a young woman, who'd been seriously injured by a scrambler bike in Coolock, north Dublin, on October 24th, 2021. This incident received media coverage at the time.

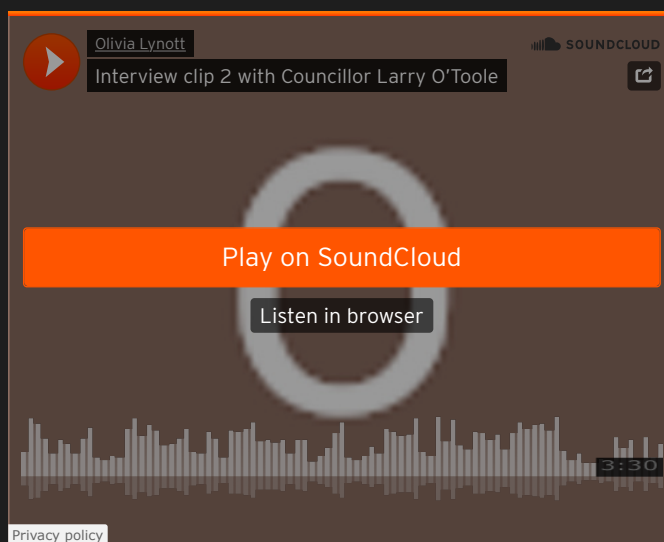


Photo of Beaumont Hospital, where scrambler bike victims Anzhela Kotsinian, her husband Ilabek Avetian and a young female victim from Coolock, were treated for their injuries.

Photo taken by Olivia Lynott.

Councillor O'Toole said there's "fear" in communities, due to off-road bikes being "driven recklessly at high speeds" and used as "intimidating, antisocial weapons."

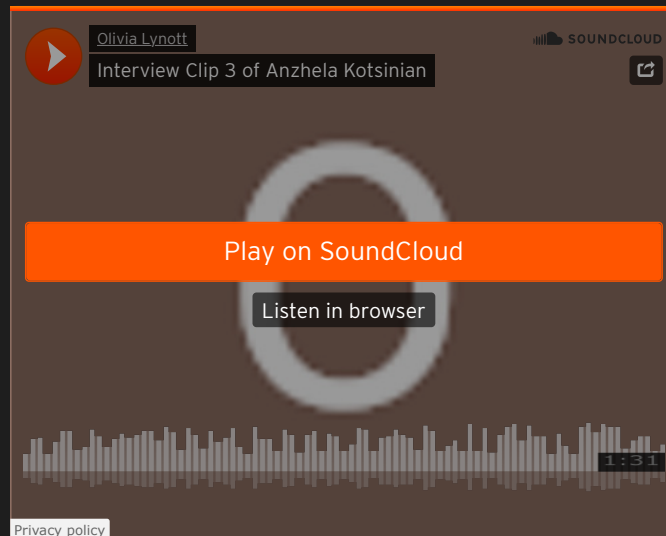
A minority of parents were still buying scramblers for underage drivers and some adults were even involved in the antisocial activity, he claimed. "I've seen adults riding scrambler bikes with their younger child sitting on the petrol tank, without helmets."



Interview with Sinn Féin councillor Larry O'Toole conducted by Olivia Lynott. He discusses Gardaí need to have more power to enforce the legislation banning scrambler bikes.

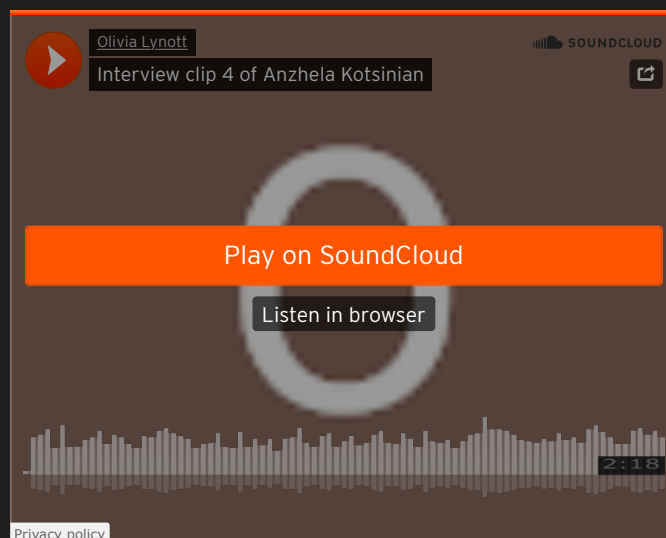
However, the councillor felt it could be "too dangerous" for Gardai, scrambler drivers and the public, if officers chased joyriders. Ms. Kotsinian recently visited Darndale Park, four years after the incident. She reported seeing youths driving scramblers beside a children's playground. Ms.

Kotsinian said one driver looked around 8-years-old. “Young people are still driving recklessly there despite all that happened to us,” she said.



Interview with Anzhela Kotsinian conducted by Olivia Lynott, where she describes scrambler bikes being driven in Darndale Park in 2021.

She now wants Dublin City Council to close the park and build apartments on the land, as she believes the public are at risk. The youth “don’t understand” she said. “They don’t realise the consequences if they hit someone and the trauma the victim will feel.” Ms. Kotsinian stated she was “angry” that “nothing has changed” regarding the legislation. She added, “If this is allowed to continue, more people will be hurt by scrambler bikes.”



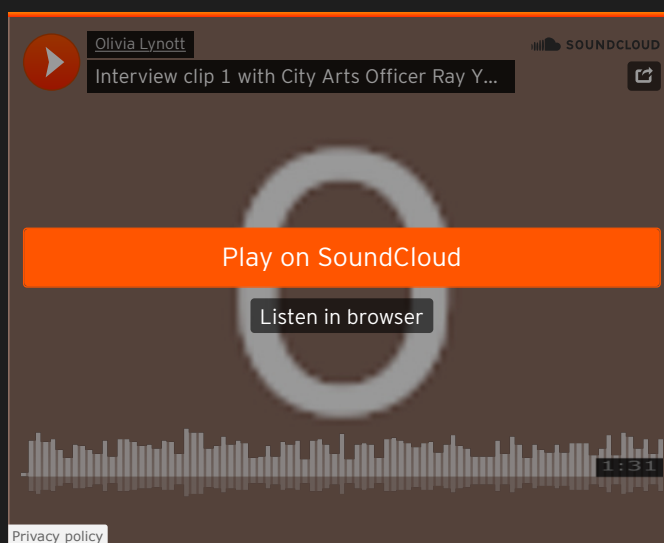
Interview with Anzhela Kotsinian conducted by Olivia Lynott, where she describes scrambler bikes being driven in Darndale Park in 2021.

The Bill was introduced by Minister for Transport Eamon Ryan and Minister for State Hildegard Naughton in February 2021, to give An Garda Síochána extra powers to tackle the issue of off-road bikes being driven in public spaces. The legislation aims to allow Gardaí to seize and detain bikes.

In September 2021, Sinn Féin TD Paul Donnelly, told a Dáil Éireann debate the updated law would also allow Gardaí to enter premises and remove off-road bikes. In May 2019, Fianna Fáil Dublin South West TD John Lahart, told the Oireachtas there was unease that Gardaí weren't pursuing scramblers, as officers were concerned there was a risk to the public. Deputy Lahart and fellow Fianna Fáil TD, John Curran, also tried to establish legislation. The two TDs introduced the Road Traffic (All-Terrain Vehicle and Scrambler Motorcycle) (Amendment Bill 2019). This Private Members' Bill also reached the second stage in the Oireachtas before it collapsed, when the 2020 General Election was called.

Ray Yates, Dublin City Council Arts Officer, stated that schemes like Creative Places, a program linked to the Arts Council – the national agency for the development of the arts – assists communities, such as Darndale, in becoming better places to live.

Mr. Yates said Darndale had not traditionally been a community that applied for arts funding. The Arts Officer said he encouraged youth centre Sphere 17 to apply and the application was successful. As a result, two young people secured training with a composer. "It's a magical thing because young people have to empower themselves," Mr. Yates said. "When they say, 'I could do this,' that's the magic you're looking for."



Interview with City Arts Officer Ray Yates conducted by Olivia Lynott. He discusses the Creative Places Initiative and how it empowers the young people of Darndale.

Niko Murphy, assistant CEO of Darndale Belcamp Village Centre, said the use of off-road bikes in Darndale had been "an ongoing issue for many years." There had been damage caused to parks, playing pitches, and other local amenities, Mr. Murphy added.

This had a "huge impact on residents," he said. "At times, it can seem as though this behaviour is tolerated with very little consequence for those

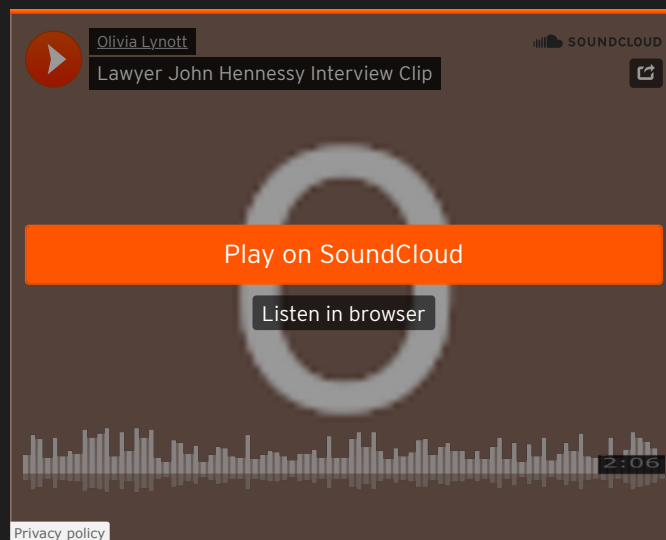
participating in the joyriding.”

Mr. Murphy felt it would be “beneficial” to see legislation restricting the sale and supply of the vehicles. He believes council byelaws should be “upgraded” to permit the seizure of vehicles, if used inappropriately, on public land.

However, Mr. Murphy said he feels a designated area, where off-road vehicles could be driven “in a safe and controlled way,” would be “beneficial to educate young people.”

Young people could be instructed on driving safely, in a suitable environment, he stated. He felt such a plan would take “significant investment and wide public consultation in order to ensure it could be viable.”

Jonathan Hennessy, a lawyer whose expertise includes road traffic accidents, is representing Mr. Avetian and Ms. Kotsinian in a High Court civil case against the Motor Insurers Bureau of Ireland (MIBI) and Dublin City Council. Mr. Hennessy said, that if the Government and the Attorney General “see this as an important piece of legislation, it would get through quickly,” especially if the Bill is “something short and manageable.” However, that depended on how vital the legislation and issue was “perceived to be,” he added. “That legislation has only got a really strong chance of getting into place if the Government supports it,” he said.



An interview with Anzhela Kotsinian's lawyer John Hennessy conducted by Olivia Lynott. He describes his views on the legal problems which occur as a result of the law surrounding scrambler bikes not being introduced.

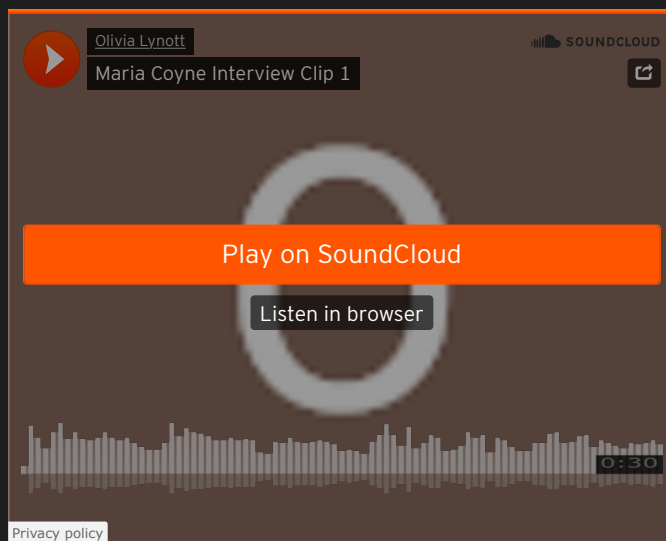
Maria Coyne, a domestic worker at Beaumont Hospital, befriended Ms. Kotsinian while Mr. Avetian was being treated at the health facility. In 2018, Ms. Coyne set up a GoFundMe account for Mr. Avetian and Ms. Kotsinian, raising more than €40,000 for the couple. Ms. Coyne said the

incident was “heartbreaking,” and she believed it “should never have happened.”



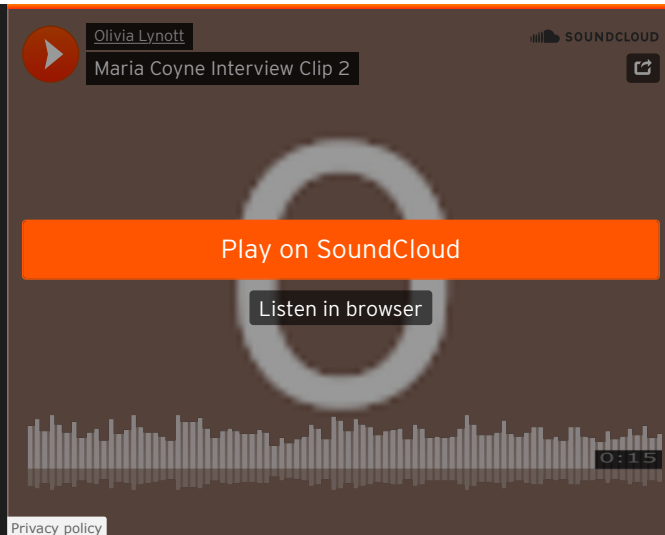
HSE worker Maria Coyne asks parents not to buy scrambler bikes for their underage children.
Photo taken by Olivia Lynott.

“These kids shouldn’t be out on the scramblers in public places,” Ms. Coyne said.



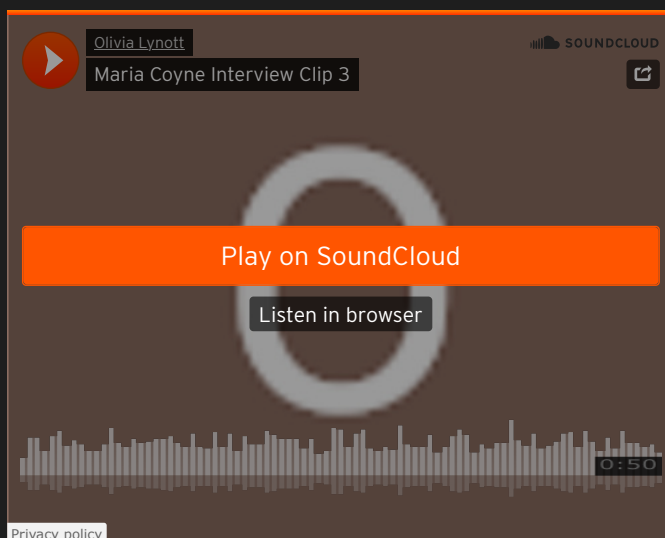
Interview with Maria Coyne carried out by Olivia Lynott. She describes the scrambler bike incident involving Anzhela Kotsinian and her husband Ilabek Avetian.

“Look at Ilabek, in a nursing home, a young man. It’s awful,” she added. Ms. Coyne believed if a change in the law was not affected soon, it was “a matter of time before someone’s actually killed.”



Interview with Maria Coyne conducted by Olivia Lynott, where discusses her views on scrambler bike incidents.

She added that legislation should also allow for the prosecution of parents who buy off-road bikes for underage drivers. “Anyone with sense knows not to put a child behind the wheel of a car,” she said. “Buying scramblers for kids is the same thing. I feel parents should be held responsible if they buy these vehicles as gifts for children.”



An interview with Maria Coyne conducted by Olivia Lynott, where she describes her views on scrambler bikes being driven by underage drivers.

Literature Review

New legislation is likely necessary to regulate the use of off-road bikes in public spaces to prevent people being hurt, relevant public information and data suggests.

Fianna Fáil TD John Lahart described how “in 2017 alone, 62 people were injured in quad and scrambler bike accidents.”

This literature review examines the issue of off-road bikes, the community,

and political calls to introduce legislation to police the bikes and why the process of enacting a law has proved a difficult, protracted process.

The Criminal Justice (Public Order) (Quad Bikes and Scramblers) (Amendment) Bill 2021, “aims to give Gardaí the power to seize and detain quad bikes and scrambler motorcycles when being used unlawfully, including in public parks and green spaces...”

Sinn Féin TD Paul Donnelly said the legislation will also allow Gardaí with a warrant “to enter a private premises and remove a vehicle suspected of having been used contrary to the new offence.”

The Bill aims to introduce legislation preventing the unlawful use of scrambler bikes. According to a press release by the Department of Transport, the Bill was introduced by Minister for Transport Eamon Ryan and Minister for State Hildegard Naughton in February 2021.

A number of scrambler bike incidents have taken place in Darndale, north Dublin, according to media coverage. The ‘Darndale – A Long View of an Enduring Challenge report – for Dublin City Council,’ authored by retired Assistant Garda Commissioner Dr. Jack Nolan, also highlights a problem with general anti-social behaviour in the area. It notes, “The Report has identified the existence of a number of street gangs, who portray many of the characteristics consistent with gang culture and involvement in the drug trade and who visibly generate a culture of intimidation in public places.”

The report adds, “The issues raised were overwhelmingly drugs, gangs, community fear and the need for investment in early years family support programmes.”

Sinn Féin TD Deputy Paul Donnelly said during a Dáil Éireann debate, “There are reports from communities that quad bikes and scrambler motorcycles are being used for the delivery and distribution of drugs, in order to avoid apprehension by the Gardaí.”

He highlighted that Gardaí didn’t chase or apprehend those driving in an “unlawful or dangerous manner.”

The debate examined the high use of off-road bikes in urban centres, although Darndale wasn’t singled out. The discussion failed to highlight the citizens impacted, such as Ms. Kotsinian and Mr. Avetian.

Sinn Féin TD’s Imelda Munster and Dessie Ellis in October 2018, stated their “disappointment” their co-sponsored off-road bike Bill was opposed by the “Government and their partners in government Fianna Fáil.” Attempts by Sinn Féin to introduce a Bill to regulate the bikes also failed.

According to a Dáil Éireann debate in May 2019, the use of off-road bikes in a public place “is subject to the relevant requirements of road traffic legislation.” However, the Government has now acknowledged there’s a gap in the law policing the vehicles in public spaces, with its 2021 Bill.

Former Labour TD Brendan Ryan stated Gardaí were able to “inspect” the bikes for “compliance with vehicle standards legislation.” He insisted this framework made it “an offence to drive without reasonable consideration, in a careless manner or dangerously.”

The debate illustrated that Gardaí have difficulty stopping youths driving dangerously. Officers are, in fact, instructed not to follow joyriders on off-road vehicles, to avoid collisions.

The introduction of a new law will give Gardaí more power to stop unlawful drivers.

In May 2019, Fianna Fáil Dublin South West TD John Lahart, told the Oireachtas there were concerns Gardaí were not pursuing off-road drivers and therefore not enforcing the law.

Deputy Lahart and fellow Fianna Fáil TD John Curran, also tried to establish legislation. The TDs introduced the Road Traffic (All-Terrain Vehicle and Scrambler Motorcycle) (Amendment Bill 2019). This Private Members’ Bill also reached the second stage of the Oireachtas before it collapsed, due the 2020 General Election being called, leading to the dissolution of the Dáil and the Seanad.

The Irish Statute Book’s Road Traffic Act 1961 describes, “A mechanically propelled vehicle as an intended or adapted for propulsion by mechanical means, including a bicycle or tricycle with an attachment for propelling it by mechanical power...”

The Department of Justice’s Action Plan aims to develop cooperation with stakeholders to provide positive alternatives to off-road bikes. This plan is to be supported by the network of Garda Youth Diversion Projects, local authorities, and other agencies.

The plan intends to work with other departments, including the Department of Transport, to progress the Programme for Government commitment to introduce new legislation in this area. The plan could help prevent future scrambler bike incidents, by providing younger drivers with a support network. However, this plan will only come into place in tandem with the legislation, further highlighting the urgency of enacting the Bill.

Road Safety Authority (RSA) data states six people have died because of

scrambler or quad bike incidents between 2014 and 2019. Three of those who died were aged 18 or under.

According to South Dublin County Council, it's illegal to use off-road bikes if they don't complete certain requirements.

The council details that bike riders are required to be 16, have an A1 category driving licence, wear a helmet, and obey the rules of the road. The council defines certain conditions for scrambler bikes to keep the public safe. However, citizens' lives have been impacted when these conditions are not enforced by the law. The enacting of new legislation could provide the Gardaí with more powers to enforce these restrictions and protect the public, according to a cross section of material and sources.

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