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*Number 21 of 1955*

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**TRANSPORT (MISCELLANEOUS PROVISIONS) ACT 1955**

**REVISED**

**Updated to 31 August 2016**

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This Revised Act is an administrative consolidation of the *Transport (Miscellaneous Provisions) Act 1955*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Energy Act 2016* (12/2016), enacted 30 July 2016, and all statutory instruments up to and including *European Union (Identification of Equidae) (Amendment) (No. 2) Regulations 2016* (S.I. No. 470 of 2016), made 31 August 2016, were considered in the preparation of this Revised Act.

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**Introduction**

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

**Related legislation**

This Act is not collectively cited with any other Act.

**Annotations**

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at [www.lawreform.ie/annotations](http://www.lawreform.ie/annotations).

**Material not updated in this revision**

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1999, may be found linked from the page of the Act or statutory instrument at [www.irishstatutebook.ie](http://www.irishstatutebook.ie).

**Acts which affect or previously affected this revision**

- *Road Transport Act 1999* (15/1999)
- *Ministers and Secretaries (Amendment) Act 1983* (40/1983)
- *Agricultural Produce (Cereals) (Amendment) Act 1958* (24/1958)

All Acts up to and including *Energy Act 2016* (12/2016), enacted 30 July 2016, were considered in the preparation of this revision.

**Statutory instruments which affect or previously affected this revision**

- *Communications (Transfer of Departmental Administration and Ministerial Functions) (No. 2) Order 1987* (S.I. No. 92 of 1987)

- *Carriage of Wheat Order 1972* (S.I. No. 204 of 1972)
- *Carriage of Wheat Order 1971* (S.I. No. 222 of 1971)
- *Carriage of Wheat Order 1970* (S.I. No. 188 of 1970)
- *Carriage of Wheat Order 1969* (S.I. No. 163 of 1969)
- *Carriage of Wheat Order 1968* (S.I. No. 174 of 1968)
- *Carriage of Wheat Order 1967* (S.I. No. 187 of 1967)
- *Carriage of Wheat Order 1966* (S.I. No. 184 of 1966)
- *Carriage of Wheat Order 1965* (S.I. No. 164 of 1965)
- *Carriage of Commodities Order, 1965 (Revocation) Order 1965* (S.I. No. 132 of 1965)
- *Carriage of Wheat Order 1964* (S.I. No. 201 of 1964)
- *Carriage of Wheat Order 1963* (S.I. No. 154 of 1963)
- *Carriage of Wheat Order 1962* (S.I. No. 140 of 1962)
- *Carriage of Wheat Order 1961* (S.I. No. 162 of 1961)
- *Carriage of Wheat Order 1960* (S.I. No. 172 of 1960)
- *Carriage of Wheat Order 1959* (S.I. No. 149 of 1959)
- *Transport, Fuel and Power (Transfer of Departmental Administration and Ministerial Functions) Order 1959* (S.I. No. 125 of 1959)
- *Carriage of Wheat Order 1958* (S.I. No. 180 of 1958)
- *Carriage of Wheat Order 1957* (S.I. No. 160 of 1957)
- *Carriage of Wheat (No. 2) Order 1956* (S.I. No. 234 of 1956)
- *Carriage of Wheat Order 1956* (S.I. No. 84 of 1956)

All statutory instruments up to and including *European Union (Identification of Equidae) (Amendment) (No. 2) Regulations 2016* (S.I. No. 470 of 2016), made 31 August 2016, were considered in the preparation of this revision.



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ARRANGEMENT OF SECTIONS

Section

1. The Minister.
2. Carriage of milk and of wheat.
3. Maintenance of essential supplies.
4. Train services temporarily discontinued.
5. Short title.

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ACTS REFERRED TO

Dairy Produce Act, 1924	No. 58 of 1924
Road Transport Act, 1933	No. 8 of 1933
Agricultural Produce (Cereals) Act, 1933	No. 7 of 1933
Transport Act, 1950	No. 12 of 1950




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**TRANSPORT (MISCELLANEOUS PROVISIONS) ACT 1955**

**REVISED**

**Updated to 31 August 2016**

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AN ACT TO MODIFY SECTION 9 OF THE ROAD TRANSPORT ACT, 1933, IN RELATION TO THE CARRIAGE OF MILK AND WHEAT AND, IN AN EMERGENCY, OF OTHER COMMODITIES AND TO MAKE PROVISION IN RELATION TO RAILWAY SERVICES TEMPORARILY DISCONTINUED. [15th November, 1955.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

**Annotations**

**Modifications (not altering text):**

- C1** Functions transferred and references to “Department of Communications” and “Minister for Communications” construed (31.03.1987) by *Communications (Transfer of Departmental Administration and Ministerial Functions) (No. 2) Order 1987* (S.I. No. 92 of 1987), arts. 3, 4 and sch. part 1, in effect as per art. 1(2).

3.(1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 4 of this Order are hereby transferred to the Department of Tourism and Transport.

(2) References to the Department of Communications contained in any Act or instrument made thereunder and relating to any administration and business transferred by paragraph (1) of this Article shall, on and after the commencement of this Order, be construed as references to the Department of Tourism and Transport.

4.(1) The functions vested in the Minister for Communications—

(a) by or under the Ministers and Secretaries (Amendment) (No. 2) Act, 1983 (No. 40 of 1983), which relate to functions under any of the statutes, and regulations mentioned in Part I and II of the Schedule to this Order, or

(b) by or under any of the statutes, orders or regulations mentioned in Parts III and IV of the Schedule to this Order, or

(c) by or under any of the statutes mentioned in the third column of Part V of the Schedule to this Order at any reference number of any statute mentioned in the second column of that Part of that Schedule at that reference number

are hereby transferred to the Minister for Tourism and Transport.

(2) References to the Minister for Communications contained in any Act or instrument made thereunder and relating to any functions transferred by this Article shall, on and after the commencement of this Order, be construed as references to the Minister for Tourism and Transport.

...

## Schedule

## Part 1

Statutes relating to functions vested in the Minister for Communications by the Ministers and Secretaries (Amendment) (No. 2) Act, 1983, which are transferred to the Minister for Tourism and Transport—

...

Transport (Miscellaneous Provisions Act) 1955

...

**Editorial Notes:**

- E1** Previous affecting provision: functions transferred and references to “Minister for Transport” and “Department of Transport” construed (27.12.1983) by *Ministers and Secretaries (Amendment) Act 1983* (40/1983), ss. 5 and 6, commenced on enactment; superseded as per C-note above.
- E2** Previous affecting provision: functions transferred and references to “Minister for Industry and Commerce” and “Department of Industry and Commerce” construed (27.07.1959) by *Transport, Fuel and Power (Transfer of Departmental Administration and Ministerial Functions) Order 1959* (S.I. No. 125 of 1959), arts. 3 and 4; superseded as per E-note above.

The Minister. **1.**—In this Act “the Minister” means the Minister for Industry and Commerce.

Carriage of milk and of wheat. **2.**—(1) In this section—

“creamery” means premises registered in the Register of Creameries kept under the Dairy Produce Act, 1924 (No. 58 of 1924);

“cream separating station” means premises registered in the Register of Cream Separating Stations kept under that Act.

(2) Section 9 of the Road Transport Act, 1933 (No. 8 of 1933), (which restricts the carriage of merchandise by unlicensed persons) shall not apply to any one or more of the following—

- (a) the carriage of milk to a creamery or a cream separating station,
- (b) the carriage of separated milk from a creamery or cream separating station,
- (c) the carriage of milk containers to or from a creamery or cream separating station.

(3) The Minister may by order provide that, during a specified period, the said section 9 shall not apply to the carriage of wheat by a person authorised by law to act during a particular season as the agent of the licensee of a mill licensed under section 21 of the Agricultural Produce (Cereals) Act, 1933 (No. 7 of 1933), where the wheat was purchased by the agent for the licensee F1[or for An Bord Gráin] is carried in a vehicle owned by the agent.

(4) The Minister may by order revoke an order under subsection (3).

**Annotations****Amendments:**

- F1** Inserted (29.07.1958) by *Agricultural Produce (Cereals) (Amendment) Act 1958* (24/1958), s. 23(1), commenced on enactment.

**F2** Repealed by *Road Transport Act 1999* (15/1999), s. 23 and sch. 1, not commenced as of date of revision.

**Modifications (not altering text):**

**C2** Prospective amending provision: section repealed by *Road Transport Act 1999* (15/1999), s. 23 and sch. 1, not commenced as of date of revision.

2.—F2[...]

**Editorial Notes:**

**E4** Previous affecting provisions: power pursuant to section exercised:

- (21.08.1972) by *Carriage of Wheat Order 1972* (S.I. No. 204 of 1972).
- (20.07.1971) by *Carriage of Wheat Order 1971* (S.I. No. 222 of 1971).
- (18.08.1970) by *Carriage of Wheat Order 1970* (S.I. No. 188 of 1970).
- (18.08.1969) by *Carriage of Wheat Order 1969* (S.I. No. 163 of 1969).
- (16.08.1968) by *Carriage of Wheat Order 1968* (S.I. No. 174 of 1968).
- (25.07.1967) by *Carriage of Wheat Order 1967* (S.I. No. 187 of 1967).
- (29.07.1966) by *Carriage of Wheat Order 1966* (S.I. No. 184 of 1966).
- (26.07.1965) by *Carriage of Wheat Order 1965* (S.I. No. 164 of 1965).
- (6.08.1964) by *Carriage of Wheat Order 1964* (S.I. No. 201 of 1964).
- (10.08.1963) by *Carriage of Wheat Order 1963* (S.I. No. 154 of 1963).
- (31.07.1962) by *Carriage of Wheat Order 1962* (S.I. No. 140 of 1962).
- (31.07.1961) by *Carriage of Wheat Order 1961* (S.I. No. 162 of 1961).
- (17.08.1960) by *Carriage of Wheat Order 1960* (S.I. No. 172 of 1960).
- (29.08.1959) by *Carriage of Wheat Order 1959* (S.I. No. 149 of 1959).
- (25.08.1958) by *Carriage of Wheat Order 1958* (S.I. No. 180 of 1958).
- (22.07.1957) by *Carriage of Wheat Order 1957* (S.I. No. 160 of 1957).
- (7.04.1956) by *Carriage of Wheat Order 1956* (S.I. No. 84 of 1956).
- (21.08.1956) by *Carriage of Wheat (No.2) Order 1956* (S.I. No. 234 of 1956).

Maintenance of essential supplies.

**3.—(1)** The Government, if it appears to them to be necessary to do so in the interests of the public safety or the preservation of the State, or for maintaining supplies and services essential to the life of the community, may by order provide that, during a specified period, section 9 of the Road Transport Act, 1933 (which restricts the carriage of merchandise by unlicensed persons), shall not apply to the carriage of a commodity specified in the order.

(2) The Government may by order revoke an order under subsection (1).

**Annotations**

**Editorial Notes:**

**E5** Power pursuant to section exercised (25.06.1965) by *Carriage of Commodities Order 1965 (Revocation) Order 1965* (S.I. No. 135 of 1965).

**E6** Previous affecting provision: power pursuant to section exercised (22.06.1965) by *Carriage of Commodities Order 1965* (S.I. No. 132 of 1965); revoked (25.06.1965) by *Carriage of Commodities Order 1965 (Revocation) Order 1965* (S.I. No. 135 of 1965).

Train services temporarily discontinued.

**4.—**Where a service of trains on any railway line was temporarily discontinued under the Emergency Powers (Córas Iompair Éireann) (Reduction of Railway Services) Order, 1944 (S. R. & O., No. 354 of 1944), and no determination in relation to the line has been made by the Transport Tribunal before the passing of this Act under section 55 of the Transport Act, 1950 (No. 12 of 1950), Córas Iompair Éireann shall not be under an obligation to restore the service before—



- (a) the determination by the Transport Tribunal of an application for an exemption order in relation to the line under that section made not later than three years after the passing of this Act or within such additional period, not exceeding two years, as the Minister may by order provide, or
- (b) if no such application is made, the expiry of that period or additional period.

Short title.

**5.**—This Act may be cited as the Transport (Miscellaneous Provisions) Act, 1955.