This Revised Act is an administrative consolidation of the Road Transport Act 1971. 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 Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 (4/2016), enacted 11 February 2016, and all statutory instruments up to and including European Union (Cereal Seed) (Amendment) Regulations 2016 (S.I. No. 375 of 2016), made 30 June 2016, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.
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

Although not included in a collective citation, this Act is one of a group of Acts which deal with the same subject matter:

- Road Transport Act 1933 (8/1933)
- Road Transport Act 1934 (17/1934)
- Road Transport Act 1935 (23/1935)
- Transport Act 1944 (21/1944), Part VII
- Transport Act 1958 (19/1958)
- Transport (No. 2) Act 1959 (40/1959)
- Road Transport Act 1971 (8/1971)
- Road Transport Act 1978 (8/1978)
- Road Transport Act 1986 (16/1986)
- Road Transport Act 1999 (15/1999)
- Road Transport Act 2011 (31/2011)

Acts previously included in the group but now repealed are:

- Road Transport Act 1932 (2/1932)
- Road Transport Act 1956 (13/1956)

The definitions in the Road Transport Act 1933 are applied by the Road Transport Acts 1934 and 1935 (s. 1(2) of each Act). The following Acts are to be construed together as one with the Road Transport Act 1933:

- Transport Act 1944 (21/1944), Part VII (s. 111(2))
- Road Transport Act 1971 (8/1971) (s. 12(2))
- Road Transport Act 1978 (8/1978) (s. 11(2))
- Road Transport Act 1986 (16/1986) (s. 22(2))
- Road Transport Act 1999 (15/1999) (other than ss. 17, 18 and 21) (s. 25(2))
- Road Traffic and Transport Act 2006 (28/2006) (s. 2 only) (s. 2(10))
- Road Transport Act 2011 (31/2011) (s. 23(2))
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.

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.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to 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.

Acts which affect or previously affected this revision

- Road Transport Act 1999 (15/1999)
- Road Transport Act 1986 (16/1986)
- Road Transport Act 1978 (8/1978)

All Acts up to and including Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 (4/2016), enacted 11 February 2016, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- European Communities (Combined Transport of Goods Between Member States) Regulations 1994 (S.I. No. 60 of 1994)
- Road Transport Acts (Fees) Regulations 1988 (S.I. No. 193 of 1988)
- Road Transport Acts (Fees) Regulations 1986 (S.I. No. 312 of 1986)
- European Communities (International Carriage of Goods by Road) Regulations 1985 (S.I. No. 283 of 1985)
- Road Transport Acts (Fees) Regulations 1982 (S.I. No. 277 of 1982)
- Road Transport (International Carriage of Goods by Road) (No. 2) Order 1982 (S.I. No. 270 of 1982)
- European Communities (Merchandise Road Transport) Regulations 1981 (S.I. No. 431 of 1981)
• Road Transport (International Carriage of Goods by Road) (No. 4) Order 1981 (S.I. No. 326 of 1981)
• Road Transport (International Carriage of Goods by Road) (No. 3) Order 1981 (S.I. No. 325 of 1981)
• Road Transport (International Carriage of Goods by Road) (No. 2) Order 1981 (S.I. No. 216 of 1981)
• Road Transport (International Carriage of Goods by Road) Order 1980 (S.I. No. 159 of 1980)
• European Communities (Combined Road/Rail Carriage of Goods Between Member States) Regulations, 1979 (S.I. No. 227 of 1979)
• European Communities (Merchandise Road Transport) Regulations 1977 (S.I. No. 386 of 1977)
• Road Transport (International Carriage of Goods by Road) (No. 2) Order 1977 (S.I. No. 258 of 1977)
• Road Transport Acts (Fees) Regulations 1977 (S.I. No. 256 of 1977)
• Road Transport (International Carriage of Goods by Road) Order 1977 (S.I. No. 106 of 1977)
• European Communities (International Carriage of Goods by Road) Order 1976 (S.I. No. 48 of 1976)
• European Communities (International Carriage of Goods by Road and Rail) Regulations 1975 (S.I. No. 225 of 1975)
• Road Transport Acts (Fees) Regulations 1971 (S.I. No. 183 of 1971)
• Road Transport Act, 1971 (Commencement) Order 1971 (S.I. No. 166 of 1971)

All statutory instruments up to and including European Union (Cereal Seed) (Amendment) Regulations 2016 (S.I. No. 375 of 2016), made 30 June 2016, were considered in the preparation of this revision.
Number 8 of 1971

ROAD TRANSPORT ACT 1971
REVISED
Updated to 30 June 2016

ARRANGEMENT OF SECTIONS

Section
1. Definitions.
2. Amendment of section 9 of Principal Act.
3. Amendment of section 14 of Principal Act, and consequential provisions relating to merchandise licences.
4. Transitional provision relating to certain merchandise licences.
5. Duration of merchandise licences.
6. Register of merchandise licences.
7. Licence granted to Wexford Steamships Company Limited.
8. Licensing of international road haulage in the State.
9. Repeals.
10. Expenses.
11. Commencement.
12. Short title and construction.

SCHEDULE

ACTS REFERRED TO

Road Transport Act, 1933 1933, No. 8
Transport Act, 1944 1944, No. 21
Road Transport Act, 1934 1934, No. 17
Road Transport Act, 1935 1935, No. 23
Transport Act, 1958 1958, No. 19
AN ACT TO AMEND AND EXTEND THE ROAD TRANSPORT ACT, 1933, AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID. [7th April, 1971.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Modifications (not altering text):


Powers of transport officers.

16.—(1) A transport officer shall for the purposes of—

(a) ... the Road Transport Act, 1971 ... have power to do any or all of the following things—

(i) at any time enter a premises or place if he has reasonable grounds for believing that it is used for a purpose connected with road transport [including the engagement or use by a person in the premises or place of the services of an undertaking for the carriage by road for reward of merchandise in a vehicle] (in this section referred to as "road transport operations") or that a vehicle used for that purpose is at the premises or in the place and inspect the vehicle and any documents, records, books or recording equipment kept or used in that vehicle, premises or place, as the case may be, for the purposes of road transport operations,

(ii) at any time inspect a vehicle which is stationary and inspect any documents, records, books, goods or recording equipment being carried in or on the vehicle or by the crew kept or used for the purposes of road transport operations,

(iii) require any person at the premises or in the place or in the vehicle to produce to him any document, book or record kept or used for the purposes of road transport operations which is in the power or control of that person,

(iv) inspect, examine and take copies of or extracts from or take away, if necessary for the purposes of inspection or examination, any document, book or record kept or used for the purposes of road transport operations and require the person by whom such document, book or record is kept or who produced the document, book or record to certify a copy thereof as a true copy.

...

2. A licence or class of licence issued by the competent authority of a Member State (other than the State) of the European Communities in the form provided for and pursuant to Council Directive 65/269/EEC(2) (as amended by Council Directive 83/572/EEC) shall be deemed to be a restricted road freight licence within the meaning of the Road Transport Act, 1971.

Definitions.

1.—In this Act—

“the Minister” means the Minister for Transport and Power;

“the Principal Act” means the Road Transport Act, 1933.

Amendment of section 9 of Principal Act.

2.—Section 9 of the Principal Act is hereby amended—

(i) by the substitution for subsection (1) of the following subsection:

“(1) (a) Subject to paragraph (b) of this subsection and to subsection (5) of this section, it shall not be lawful on or after the appointed day for any person in the course of a merchandise road transport business carried on by him to carry merchandise in any area in the State unless—

(i) such person is the holder of a licence (in this Act referred to as a merchandise licence) granted under this Part of this Act authorising him to carry on a merchandise road transport business in that area and such business is carried on under and in accordance with such licence, or

(ii) such area is an exempted area and merchandise is carried by such person in the course of such merchandise road transport business only in such area or such area and other exempted areas.

(b) Notwithstanding paragraph (a) of this subsection and section 124 of the Transport Act, 1944, the holder of a merchandise licence may carry on a merchandise road transport business—

(i) in an exempted area with a vehicle in respect of which a vehicle plate is not on issue to him,

(ii) in an exempted area even though that area is not specified in the licence,

(iii) when carrying commodities the carriage of which is not subject to any statutory restriction or limitation under this section, whether or not a vehicle plate is on issue to him in respect of the vehicle in which they are carried.”, and

(ii) by the insertion after subsection (4) (inserted by the Road Transport Act, 1934) of the following subsection:

“(5) The restrictions on the carriage of merchandise imposed by this section shall not apply to the carriage of cattle, sheep or pigs.”.

Amendment of section 14 of Principal Act, and consequential provisions relating to merchandise licences.

3.—(1) Section 14 of the Principal Act, which relates to the operation of merchandise licences, is hereby amended—

(a) by the substitution in subsection (1) of the following paragraph for paragraph (a):

“(a) operate and be expressed to authorise the licensee under such licence to carry on a merchandise road transport business in respect of the merchandise (or type of merchandise) specified in the application in the
area (or areas) specified in the application and with such number of vehicles as may be specified in the licence (being the number calculated in accordance with subsection (4) of this section), but subject to the provisions of this Act and regulations made thereunder and to any conditions specified in such licence;”,

(b) by the substitution in subsection (1) of the following paragraph for paragraph (c):

“(c) if it is a merchandise (existing carrier’s) licence, be expressed to be such a licence.”,

(c) by the substitution of the following subsection for subsection (2):

“(2) Notwithstanding anything in this section, every merchandise (existing carrier’s) licence shall operate and be expressed to authorise the licensee under such licence to carry on a merchandise road transport business throughout the State in respect of any merchandise or type of merchandise.”,

(d) by the insertion after subsection (3) of the following subsections:

“(4) The number of vehicles with which a licensee under a merchandise licence shall be entitled to carry on a merchandise road transport business shall be—

(a) if the licence is a merchandise (existing carrier’s) licence—

(i) in a case in which, immediately before the commencement of the Road Transport Act, 1971, the licensee was authorised by the licence to carry on a merchandise road transport business throughout the State but was not so authorised by virtue of an extension of the operation of the licence granted under section 115 of the Transport Act, 1944, solely to authorise the carriage of livestock throughout the State—a number of vehicles equal to the number provided under subparagraph (ii), (iii) or (iv) of this paragraph (as may be appropriate), increased by one,

(ii) in a case in which one or more than one vehicle plate was lawfully on issue to the licensee on the 1st day of January, 1969, in respect of vehicles being operated by him under and in accordance with that licence—a number of vehicles equal to the number of such vehicle plates,

(iii) in a case in which a vehicle plate was not on issue to the licensee on the 1st day of January, 1969, but was lawfully on issue to him on any day in the period of three years ending on the 31st day of December, 1968—a number of vehicles equal to the number of vehicle plates on issue to him under that licence on the latest day in that period on which a vehicle plate was so on issue to him,

(iv) in any other case—one vehicle,

(b) if the licence is not a merchandise (existing carrier’s) licence, such number of vehicles of such description as the Minister may from time to time specify on the licence.

(5) For the purposes of subsection (4) of this section—

(a) where a vehicle plate has been issued in respect of a vehicle plate represented to have been lost or destroyed both such plates shall be reckoned as one vehicle plate;
(b) where in contravention of section 32 of this Act a person has not delivered a vehicle plate to a member of the Garda Síochána, that plate shall be deemed not to be on issue to that person."

(2) On the commencement of this Act, the Minister shall grant, in accordance with the Principal Act (as amended by this Act), a merchandise licence in substitution for every merchandise licence which was in force immediately before such commencement and a licence so granted shall be deemed to have been granted in pursuance of an application under section 11 of the Principal Act.

(3) Every licence granted by virtue of subsection (2) of this section shall be deemed to have been granted in pursuance of the application under the Principal Act for the licence in substitution for which the first-mentioned licence is granted.

(4) Where by virtue of subsection (2) of this section a licence is granted to a person in substitution for a licence, the last-mentioned licence shall thereupon stand revoked.

(5) In so far as they relate to the number of vehicles which may be operated under a merchandise licence, subsections (1) and (4) of section 14 of the Principal Act as amended by this Act shall not apply in relation to a merchandise licence on issue to an authorised (merchandise carrying) company.

Transitional provision relating to certain merchandise licences.

4.—F1[...]

Annotations
Amendments:


Duration of merchandise licences.

5.—F2[...]

Annotations
Amendments:


Editorial Notes:

E1 Previous affecting provision: application of section restricted (30.09.1986) by Road Transport Act 1986 (16/1986), s. 3(8) and (9), S.I. No. 313 of 1986.

Register of merchandise licences.

6.—(1) The Minister shall cause to be established and kept a register of all merchandise licences granted on or after the commencement of this Act, and such register shall be in such form and contain such particulars as the Minister shall from time to time direct.

(2) The said register shall at all reasonable times be open to inspection by any person on payment of a fee of such amount as shall from time to time be prescribed by the Minister with the sanction of the Minister for Finance.
(3) Any person shall be entitled to obtain from the Minister a copy of any entry in the said register on payment thereof of a fee of such amount as shall from time to time be prescribed by the Minister with the sanction of the Minister for Finance.

(4) Every fee payable under this section shall be collected and accounted for in such manner as shall be prescribed by the Minister with the sanction of the Minister for Finance.

(5) Every document purporting to be a copy of an entry in the said register, and purporting to be certified by an officer of the Minister to be a true copy of such entry shall, without proof of the signature of the person purporting so to certify or that he was such officer, be received in evidence in any legal proceedings and shall, until the contrary is proved, be deemed to be a true copy of such entry and to be evidence of the terms of such entry.

Annotations

Amendments:

F3 Repealed by Road Transport Act 1986 (16/1986), s. 19(e), not commenced as of date of revision.

Modifications (not altering text):

C3 Prospective affecting provision: section repealed by Road Transport Act 1986 (16/1986), s. 19(e), not commenced as of date of revision.

6.—F3[...]

Editorial Notes:

E2 Power pursuant to section exercised (3.08.1977) by Road Transport Acts (Fees) Regulations 1977 (S.I. No. 256 of 1977).

E3 Power pursuant to section exercised (31.05.1971) by Road Transport Act, 1971 (Fees) Regulations 1971 (S.I. No. 183 of 1971).


7.—F4[...]

Annotations

Amendments:

8.—F5[...]

Annotations

Amendments:


Editorial Notes:


E11 Previous affecting provision: application of section restricted (11.03.1994) by European Communities (Combined Transport of Goods Between Member States) Regulations 1994 (S.I. No. 60 of 1994), reg. 3.


E17 Previous affecting provision: power pursuant to section exercised (9.08.1982) by Road Transport (International Carriage of Goods by Road) (No. 2) Order 1982 (S.I. No. 270 of 1982).

E18 Previous affecting provision: power pursuant to section exercised (8.03.1982) by Road Transport (International Carriage of Goods by Road) Order 1982 (S.I. No. 42 of 1982).


| E24 | Previous affecting provision: power pursuant to section exercised (29.05.1980) by Road Transport (International Carriage of Goods by Road) Order 1980 (S.I. No. 159 of 1980). |
| E26 | Previous affecting provision: section substituted (16.05.1978) by Road Transport Act 1978 (8/1978), s. 4, commenced on enactment. |

Repeals. 9.—Each enactment specified in column (2) of the Schedule to this Act is hereby repealed to the extent specified in column (3) of the Schedule.

Expenses. 10.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Commencement. 11.—This Act shall come into operation on such day as the Minister shall appoint by order.

Annotations

Editorial Notes:


2. The 21st day of May, 1971, is hereby appointed as the day on which the Road Transport Act, 1971 (No. 8 of 1971), shall come into operation.

Short title and construction. 12.—(1) This Act may be cited as the Road Transport Act, 1971.

(2) The Principal Act and this Act shall be construed together as one Act.
Section 9.

SCHEDULE

REPEALS

<table>
<thead>
<tr>
<th>Number and Year</th>
<th>Short Title</th>
<th>Extent of Repeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) No. 8 of 1933.</td>
<td>Road Transport Act, 1933.</td>
<td>In section 9 (3), the words “in respect of a specified class of merchandise within a specified area,”; sections 14 (3), 19, 22, 29, 31 (1) and 31 (2).</td>
</tr>
<tr>
<td>(2) No. 21 of 1944.</td>
<td>Transport Act, 1944.</td>
<td>Section 116; in section 118, the words “the unladen weight of which, if the licence is a merchandise (existing carrier’s) licence, does not exceed the unladen weight of the original vehicle, and,”.</td>
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</tbody>
</table>