Changes to Legislation: as of 12 March 2024, this Act is up to date with all changes known to be in force.

Number 15 *of* 2008

DUBLIN TRANSPORT AUTHORITY ACT 2008

REVISED

Updated to 17 July 2023

This Revised Act is an administrative consolidation of the *Dublin Transport Authority Act 2008*. 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 the *Energy (Windfall Gains in the Energy Sector) (Temporary Solidarity Contribution) Act 2023* (23/2023), enacted 17 July 2023, and all statutory instruments up to and including the *Road Traffic and Roads Act 2023 (Commencement) Order 2023* (S.I. No. 364 of 2023), made 14 July 2023, were considered in the preparation of this revision.

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Number 15 *of* 2008

DUBLIN TRANSPORT AUTHORITY ACT 2008

REVISED

Updated to 17 July 2023

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Number 15 *of* 2008

DUBLIN TRANSPORT AUTHROITY ACT 2008

REVISED

Updated to 17 July 2023

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A BODY TO BE KNOWN IN THE ENGLISH LANGUAGE AS THE DUBLIN TRANSPORT AUTHORITY OR IN THE IRISH LANGUAGE AS ÚDARÁS IOMPAIR BHAILE ÁTHA CLIATH, TO DEFINE ITS FUNCTIONS AND FOR THAT PURPOSE TO AMEND THE PLANNING AND DEVELOPMENT ACT 2000, THE TRANSPORT (RAILWAY INFRASTRUCTURE) ACT 2001, THE DUBLIN DOCKLANDS DEVELOPMENT AUTHORITY ACT 1997, THE GRANGEGORMAN DEVELOPMENT AGENCY ACT 2005, THE ROAD TRANSPORT ACT 1986 AND THE TRANSPORT (RE-ORGANISATION OF CÓRAS IOMPAIR ÉIREANN) ACT 1986, TO PROVIDE FOR THE DISSOLUTION OF THE DUBLIN TRANSPORTATION OFFICE, TO PROVIDE THAT SECTION 15 OF THE SAINT STEPHEN'S GREEN (DUBLIN) ACT 1877 DOES NOT APPLY TO INSPECTIONS, SURVEYS OR RAILWAY WORKS OR THE OPERATION OF A RAILWAY, LIGHT RAILWAY OR METRO UNDER THE TRANSPORT (RAILWAY INFRASTRUCTURE) ACT 2001 ON OR UNDER SAINT STEPHEN'S GREEN AND TO PROVIDE FOR RELATED MATTERS.

[16*th July*, 2008]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Modifications (not altering text):

C1 References to regional authorities construed (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 62(2)(b), S.I. 214 of 2014.

62....

(2) ...

(*b*) references in any enactment to regional authorities within the meaning of section 43 (as amended by this Act) of the Local Government Act 1991 shall, where the context admits, be read as references to regional assemblies,(c) a reference in paragraph (a), and subparagraphs (xi) and (xii) of paragraph (b), of section 43(4) (as amended by this Act) of the Local Government Act 1991 to the dissolution of a regional assembly or the dissolution of an assembly shall be read as including a reference to a regional authority established by the Local Government Act 1991 (Regional Authorities) (Establishment) Order 1993 (S.I. No. 394 of 1993).

C2 Application of Act affected (21.09.2011) by *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011), regs. 42(22), 46(3), 63(2) and sch. 2, in effect as per reg. 1(3).

Screening for Appropriate Assessment and Appropriate Assessment of implications for European Sites

42. ...

(22) Notwithstanding any provision of any statute listed in the Second Schedule that provides for the consent for a plan or project to which this Regulation applies to be obtained by default on the failure of the public authority to provide a response within a specified timescale or otherwise, that provision shall not have effect in respect of any plan or project to which this Regulation applies

...

Review of existing plans

46. ...

(3) For the purposes of this Regulation, a decision, including a decision to adopt or undertake, or give approval for a plan, may include those adopted, undertaken or approved pursuant to any of the enactments set out in the Second Schedule to these Regulations.

...

General provisions regarding licences etc

63. ...

(2) A licence, consent, permission, permit, derogation or other authorisation given under these Regulations or under any of the enactments referred to in the Second Schedule may include conditions requiring compliance with any guideline or code of practice issued under Regulation 71 or such provisions thereof as may be specified in the conditions.

...

SECOND SCHEDULE

Number	Year	Short Title/Citation
...	...	...
15	2008	Dublin Transport Authority Act 2008
...	...	...

C3 Functions transferred and references to "Department of Finance" and "Minister for Finance" construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2).

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

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

3. The functions conferred on the Minister for Finance by or under the provisions of —

(*a*) the enactments specified in Schedule 1, and

(*b*) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year	Short Title	Provision
...	...	...
No. 15 of 2008	Dublin Transport Authority Act 2008	Sections 11(3), 13, 24, 25(1), 29, 32, 33(3), 45, 49 and 114
...	...	...

C4 Functions transferred and references to "Minister" and "Department of Finance" construed (6.07.2011) by *Ministers and Secretaries (Amendment) Act 2011* (10/2011), ss. 7, 9, 11 and sch. 2 part 1, commenced as per s. 1(2).

Department of Public Expenditure and Reform.

7.— (1) There shall stand established on the appointed day a Department of State to be known, in the Irish language, as an Roinn Caiteachais Phoiblí agus Athchóirithe or, in the English language, as the Department of Public Expenditure and Reform.

(2) The member of the Government who is in charge of the Department of Public Expenditure and Reform—

(*a*) shall be known, in the Irish language, as an tAire Caiteachais Phoiblí agus Athchóirithe or, in the English language, as the Minister for Public Expenditure and Reform, and

(*b*) is, in this Act, referred to as the "Minister".

...

Transfer of certain other functions to Minister.

9.— ...

(3) The functions conferred on the Minister for Finance by or under any of the provisions specified in Part 2 of Schedule 2 are transferred to the Minister.

...

Transfer of administration and business of Department of Finance.

11.— (1) The administration and business in connection with the performance of the functions transferred by sections 8 and 9 are hereby transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any statute or instrument under a statute in so far as they relate to the administration and business transferred by subsection (1) shall, from the appointed day, be construed as references to the Department of Public Expenditure and Reform.

...

SCHEDULE 2

Functions Transferred To Minister

...

PART 1

Functions performable with consent of Minister for Finance

STATUTES

Number and Year	Short Title	Provision
...	...	...
No. 15 of 2008	Dublin Transport Authority Act 2008	Section 30
...	...	...

C5 Name of Dublin Transport Authority changed to National Transport Authority and term "Dublin Transport Authority" construed (1.12.2009) by *Public Transport Regulation Act 2009* (37/2009), s. 30, commenced as per s. 30(4).

National Transport Authority.

30.—(1) The name of the Dublin Transport Authority is changed, on the appointed day, and it shall be known, in the English language, as the National Transport Authority or, in the Irish language, An Údarás Náisiúnta Iompair.

(2) References in the Act of 2008, in this Act or in any other Act to the Dublin Transport Authority or to the Authority shall from the appointed day be construed as references to the National Transport Authority.

...

PART 1

Preliminary and General

Short title.

1.— This Act may be cited as the Dublin Transport Authority Act 2008.

Definitions.

2.— In this Act—

"Act of 1950" means Transport Act 1950;

"Act of 1958" means Transport Act 1958;

"Act of 1961" means Road Traffic Act 1961;

"Act of 1986" means Transport (Re-organisation of Córas Iompair Éireann) Act 1986;

"Act of 1993" means Roads Act 1993;

"Act of 1997" means Dublin Docklands Development Authority Act 1997;

"Act of 2000" means Planning and Development Act 2000;

"Act of 2001" means Transport (Railway Infrastructure) Act 2001;

"Act of 2002" means Planning and Development (Amendment) Act 2002;

"Act of 2005" means Grangegorman Development Agency Act 2005;

F1**[**"Act of 2009" means Public Transport Regulation Act 2009;

"ancillary public passenger transport service" means passenger transport services of general economic interest provided to the public on a non-discriminatory and continuous basis that are not either a rail passenger service or a public bus service;**]**

"authorised officer" means a person appointed under *section 78* as an authorised officer of the Authority;

"Authority" means Dublin Transport Authority established under *section 9*;

"bus" means a mechanically propelled vehicle designed for travel by road having seating accommodation for more than 9 persons (including the driver);

"Bus Éireann" means Bus Éireann-Irish Bus;

"bus stop" means a designated stopping place at which passengers may board or alight from buses;

"busway" has the meaning assigned to it by section 44(1) of the Act of 1993;

"car" means a mechanically propelled vehicle which is not an omnibus (within the meaning of the Act of 1961) bus or a bicycle or tricycle;

"CIÉ" means Córas Iompair Éireann;

"Commissioner" means Commissioner of the Garda Síochána;

"company" means company (within the meaning of the Companies Acts);

"cycleway" has the meaning assigned to it by section 68(1) of the Act of 1993;

"DTO" means Dublin Transportation Office;

"Dublin Bus" means Bus Átha Cliath-Dublin Bus;

"GDA" means Greater Dublin Area;

"Greater Dublin Area" has the meaning assigned to it by *section 3*;

"integrated implementation plan" is to be read in accordance with *section 13*;

"interchange facilities" means infrastructure or premises which facilitate transport users using different modes of transport, including but not limited to park and ride facilities and facilities that allow for the stopping, parking or standing of taxis, cycles, motor cycles, buses, trains and cars in order to facilitate users of one mode of transport transferring to another mode;

"Irish Rail" means Iarnród Éireann-Irish Rail;

"land" has the meaning assigned to it by the Act of 2000;

"light railway" means a railway designated as a light railway in a railway order made under the Act of 2001;

F2**[**"local authority" has the meaning assigned to it by the Local Government Act 2001, other than in the context of the exercise of functions under the Act of 2003 where it has the meaning in section 2(1) of that Act.**]**

"mechanically propelled vehicle" has the meaning assigned to it by the Act of 1961;

"metro" means a railway designated as a metro in a railway order made under the Act of 2001;

"Minister" means Minister for Transport;

F3**[**...**]**

"NRA" means National Roads Authority;

"prescribe" means prescribe by regulations;

"private car" means a car which is not used for reward or to ply for hire;

"public bus service" means the use of a bus or buses travelling wholly or mainly on public roads for the carriage of passengers in such a manner that—

(*a*) the service is provided on a regular and scheduled basis,

(*b*) each journey is open to use by members of the public,

(*c*) carriage is provided for passengers between specified terminal points or along a specified route or otherwise in accordance with a published timetable, and

(*d*) a charge or charges are paid in respect of each passenger, and

is not a bus service solely for carrying children to or from school;

F4**[**"public passenger transport service" means—

(a) a rail passenger service,

(b) a public bus service, or

(c) an ancillary public passenger transport service;**]**

"public road" has the meaning assigned to it by the Act of 1993;

"public transport authority" means CIÉ, Irish Rail, Bus Éireann, Dublin Bus, the RPA or a road authority;

F5**[**"public transport infrastructure" means infrastructure constructed or provided, or proposed to be constructed or provided, in connection with the provision of public passenger transport services, which includes but is not limited to railway infrastructure, metro railway infrastructure, light railway infrastructure, bus infrastructure, rolling stock, buses, busways, bus lanes, bus garages, cycleways, cycle and pedestrian facilities, interchange facilities or such other class of infrastructure, facility, building or vehicle, whether of the same kind as the aforementioned or not, which the Authority has prescribed to be public transport infrastructure under *section 44(13)*;**]**

F4**[**"public transport operator" means—

(*a*) Irish Rail, Bus Éireann, Dublin Bus or the RPA,

(*b*) a person providing public passenger transport services under a contract with the RPA,

(*c*) a person providing public passenger transport services under a contract with the Authority,

(*d*) a person operating a passenger road service in accordance with a passenger licence granted under the Road Transport Act 1932, or

F5**[**(*e*) a person providing a public bus passenger service in accordance with a licence granted under the Act of 2009;**]]**

"rail passenger service" means a passenger transport service of general economic interest provided by rail to the public on a non-discriminatory and scheduled basis;

"railway infrastructure" has the meaning assigned to it by the Act of 2001;

"regional authority" means a body established in accordance with section 43 of the Local Government Act 1991;

"road" has the meaning assigned to it by the Act of 1993;

"road authority" has the meaning assigned to it by the Act of 1993 and, except where otherwise specified, refers only to road authorities in the GDA;

"RPA" means Railway Procurement Agency;

F6**[**"statutory body" means a body established by or under statute;**]**

"subsidiary" in *sections 24*, *32* and *36* to *40* means subsidiary (within the meaning of section 155 of the Companies Act 1963) of the Authority;

"superannuation benefits" means pensions, gratuities and other allowances payable on resignation, retirement or death;

"traffic management" means the regulatory, administrative and other measures necessary for the purposes of facilitating, managing, regulating and controlling—

(*a*) the movement of persons and goods on public roads, or

(*b*) the parking of vehicles in public or other non-residential places;

"transport strategy" is to be read in accordance with *section 12* ;

"Transport 21" means the capital investment framework published by the Minister in November 2005.

Annotations

Amendments:

F1 Inserted (1.01.2014) by *Taxi Regulation Act 2013* (37/2013), s. 74(a)(i), S.I. No. 524 of 2013.

F2 Substituted (1.01.2011) by *Public Transport Regulation Act 2009* (37/2009), s. 29(1)(a)(iii), S.I. No. 615 of 2010.

F3 Deleted (22.10.2018) by *Planning and Development (Amendment) Act 2018* (16/2018), s. 18(2) and sch. 3 ref. 13, S.I. No. 436 of 2018.

F4 Substituted (1.01.2014) by *Taxi Regulation Act 2013* (37/2013), s. 74(a)(ii), (iii), S.I. No. 524 of 2013.

F5 Substituted (8.02.2016) by *Public Transport Act 2016* (3/2016), s. 1(a)(i) and (ii), commenced on enactment.

F6 Inserted (8.02.2016) by *Public Transport Act 2016* (3/2016), s. 1(a)(iii), commenced on enactment.

F7 Inserted by *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020* (23/2020), s. 96(a), not commenced as of date of revision.

Modifications (not altering text):

C6 Prospective affecting provision: definition inserted by *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020* (23/2020), s. 96(a), not commenced as of date of revision.

F7**[**"third country bus service" has the meaning assigned to it by section 28A of the Act of 2009;**]**

C7 Functions of Railway Procurement Agency (the dissolved body) transferred and name construed as National Roads Authority (1.08.2015, dissolution day) by *Roads Act 2015* (14/2015), s. 7, S.I. No. 298 of 2015.

Transfer of functions of dissolved body to Authority

7. (1) On the dissolution day, all functions that, immediately before the dissolution day, were vested in the dissolved body are transferred to the Authority.

(2) References—

(a) to the dissolved body, in any enactment (other than this Act or an enactment mentioned in the Schedule) or any instrument made under an enactment, in so far as they relate to a function transferred by subsection (1), or

(b) to a person that has been granted a railway order, in any enactment or in any instrument made under an enactment, in the case of a railway order granted to the dissolved body before the dissolution day,

shall be construed, on and after the dissolution day, as references to the Authority.

Editorial Notes:

E1 Previous affecting provision: definition inserted by *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2019* (8/2019), s. 80(a), not commenced; definition prospectively inserted as per C-Note above.

Greater Dublin Area.

3.— The Greater Dublin Area comprises—

(*a*) the city of Dublin,

(*b*) the administrative counties of South Dublin, Fingal, Dún Laoghaire-Rathdown, Kildare, Wicklow and Meath, and

(*c*) such other areas as may be declared by order, from time to time, by the Minister.

Commencement.

4.— This Act, other than *Parts 2* and *6*, comes into operation on such day or days as may be fixed therefor by order or orders of the Minister, either generally or with reference to any particular purpose or provision, and different days may be so fixed for different purposes and different provisions of this Act.

Annotations

Editorial Notes:

E2 Power pursuant to section exercised (30.09.2010) by *Dublin Transport Authority Act 2008 (Section 58) (Commencement) Order 2010* (S.I. No. 468 of 2010).

2. The day fixed as the day on which section 58 of the Dublin Transport Authority Act 2008 (No. 15 of 2008) comes into operation is 30 September 2010.

E3 Power pursuant to section exercised (4.01.2010) by *Dublin Transport Authority Act 2008 (Amendments of Planning and Development Act 2000) (Commencement) Order 2009* (S.I. No. 574 of 2009).

2. The day fixed as the day on which Chapter 1 of Part 5 of the Dublin Transport Authority Act 2008 (No. 15 of 2008) comes into operation is 4 January 2010.

E4 Power pursuant to section exercised (1.12.2009) by *Dublin Transport Authority Act 2008 (Parts 3, 4, 5 and Section 115(2)) (Commencement) Order 2009* (S.I. No. 458 of 2009).

2. The day fixed as the day on which Part 3 (other than sections 58 and 61), Part 4, Part 5 (other than Chapter 1) and section 115(2) of the Dublin Transport Authority Act 2008 (No. 15 of 2008) come into operation is 1 December 2009.

E5 Power pursuant to section exercised (1.08.2008) by *Dublin Transport Authority Act 2008 (Parts 1, 7, 8 and 9) (Commencement) Order 2008* (S.I. No. 291 of 2008).

2. The day fixed as the day on which Parts 1 and 7 (other than sections 114 and 115(2)) and Parts 8 and 9 of the Dublin Transport Authority Act 2008 (No. 15 of 2008) come into operation is 1 August 2008.

Expenses.

5.— 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.

General power to make regulations.

6.— (1) The Minister or the Authority, as the case may be, may make regulations for—

(*a*) any purpose in relation to which regulations are provided for in this Act, or

(*b*) prescribing any matter or thing referred to in this Act as prescribed or to be prescribed.

(2) A regulation under this section may contain such consequential, supplementary and ancillary provisions as the Minister or the Authority, as the case may be, considers necessary or expedient.

Laying of orders and regulations before Houses of Oireachtas.

7.— (1) Every order (other than an order under *section 4*, *8*, *17* or *102*) or regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as practicable after it is made.

(2) Every regulation made by the Authority under *section 44(13)* or *58(4)* shall be laid before each House of the Oireachtas as soon as practicable after it is made.

(3) Either House of the Oireachtas may, by a resolution passed within 21 sitting days after the day on which a regulation or order is laid before it under this section, annul the regulation or order.

(4) The annulment of a regulation or order under *subsection (3)* takes effect immediately on the passing of the resolution concerned, but does not affect the validity of anything done under the regulation or order before the passing of that resolution.

PART 2

Dublin Transport Authority

Chapter 1

Establishment of Dublin Transport Authority

Establishment day.

8.— The Minister may appoint by order a day to be the establishment day for the purposes of this Part.

Annotations

Editorial Notes:

E6 Power pursuant to section exercised (1.12.2009) by *Dublin Transport Authority Act 2008 (Part 2) (Establishment Day) Order 2009* (S.I. No. 459 of 2009).

2. The day appointed as the establishment day for the purposes of Part 2 of the Dublin Transport Authority Act 2008 (No. 15 of 2008) is 1 December 2009.

Establishment of Dublin Transport Authority.

9.— (1) There stands established on the establishment day a body to be known in the English language as the Dublin Transport Authority or in the Irish language, Údarás

Iompair Bhaile Átha Cliath, and in this Act referred to as the Authority, to perform the functions assigned to it by or under this Act.

F8**[**(2) The functional area of the Authority (other than to the extent provided by this Act) is the State.**]**

(3) The Authority is a body corporate with perpetual succession and a seal and power to sue and be sued in its corporate name and to acquire, hold and dispose of land or any other property or any other interest in land or any other property (freehold or leasehold).

(4) The Authority shall, as soon as may be after its establishment, provide itself with a seal, which shall be authenticated by the signature of a member of the Authority or of another person authorised by the Authority to act in that behalf.

(5) All courts shall take judicial notice of the seal of the Authority and every instrument purporting to be an instrument made by the Authority and to be sealed with its seal (purporting to be authenticated in accordance with *subsection (4)*) shall be received in evidence and be deemed to be such instrument without further proof, until the contrary is shown.

Annotations

Amendments:

F8 Substituted (1.01.2014) by *Taxi Regulation Act 2013* (37/2013), s. 74(b), S.I. No. 524 of 2013.

Editorial Notes:

E7 Previous affecting provision: subs. (2) substituted (1.12.2009) by *Public Transport Regulation Act 2009* (37/2009), ss. 29(1)(b), S.I. No. 466 of 2009; substituted as per F-note above.

General objectives of Authority.

F9**[10.**— In exercising its functions the Authority shall seek to achieve the following objectives—

(*a*) the development of an integrated transport system which contributes to environmental sustainability and social cohesion and promotes economic progress,

(*b*) the provision of a well-functioning, attractive, integrated and safe public transport system of services and networks for all users,

(*c*) improved access to the transport system and, in particular, to public passenger transport services by persons with disabilities,

(*d*) increased use of the public transport system,

F10**[**(*e*) regulated competition in the provision of licensed public bus passenger services in the public interest,

(*f*) the objectives set out in section 9 of the Act of 2003,**]**

(*g*) increased recourse to cycling and walking as means of transport, and

(*h*) value for money.**]**

Annotations

Amendments:

F9 Substituted (1.12.2009) by *Public Transport Regulation Act 2009* (37/2009), s. 29(1)(c), S.I. No. 466 of 2009.

F10 Substituted (1.01.2011) by *Public Transport Regulation Act 2009* (37/2009), s. 29(1)(c), S. I. 615 of 2010.

Modifications (not altering text):

C8 Application of section extended (1.12.2010) by *Public Transport Regulation Act 2009* (37/2009), s. 10, S.I. No. 566 of 2010.

General provisions for the consideration of applications for grant of licences.

10.— (1) In considering an application for the grant of a licence the Authority, having regard to the general objectives established under section 10 of the Act of 2008—

(*a*) shall take account of the demand or potential demand that exists for the public bus passenger services to which the application refers having regard to the needs of consumers and any existing public bus passenger services on or in the vicinity of the route to be served by the proposed public bus passenger services, and

(*b*) save where the application is in respect of a category of licence where the Authority deems it not to be appropriate, shall take account of any or all of the following:

(i) the need to provide a well-functioning, attractive, competitive, integrated and safe public transport system of services and networks for all users,

(ii) the need for the preservation of good order and safety on public roads,

(iii) the impact a proposed public bus passenger service would have on public passenger transport services that are subject to a public transport services contract under Part 3, Chapter 2 of the Act of 2008 on or in the vicinity of the proposed route,

(iv) the contribution the proposed public bus passenger service would have in achieving an increase in the availability of public transport services for the public,

(v) the National Spatial Strategy,

(vi) the Sustainable Travel and Transport Action Plan for Ireland,

(vii) relevant regional planning guidelines under Chapter III of Part II of the Act of 2000,

(viii) Transport 21 or any subsequent capital investment framework for transport published by the Minister or Government,

(ix) demographic, economic and social trends,

(x) national and regional tourism strategies and plans, and

(xi) local authority development plans.

Principal functions of Authority.

11.— (1) The principal functions of the Authority are to—

(*a*) undertake strategic planning of transport,

(*b*) promote the development of an integrated, accessible public transport network,

(*c*) regulate public transport fares,

F11**[**(*ca*) license public bus passenger services that are not subject to a public transport services contract under *section 48*,**]**

F12**[**(*cb*) develop and maintain a regulatory framework for the control and operation of small public service vehicles and their drivers in accordance with the provisions of the Act of 2003,**]**

(*d*) promote increased recourse to cycling and walking as a means of transport, and

(*e*) secure the—

(i) provision of public passenger transport services,

(ii) provision of public transport infrastructure,

(iii) provision of integrated ticketing and information systems for public transport,

(iv) effective management of traffic,

(v) effective management of transport demand,

(vi) development and implementation of a single public transport brand,

(vii) collection of statistical data and information on transport, and

(viii) conduct of research into transport.

(2) The Authority may do all such things as arise out of or are consequential on or are necessary or expedient for the performance of its functions or are ancillary thereto.

(3) The Minister may, with the consent of the Minister for Finance, by order confer on the Authority such additional functions in relation to transport as, from time to time, he or she considers appropriate.

Annotations

Amendments:

F11 Inserted (1.12.2010) by *Public Transport Regulation Act 2009* (37/2009), s. 29(1)(d), S.I. No. 566 of 2010.

F12 Inserted (1.01.2011) by *Public Transport Regulation Act 2009* (37/2009), s. 29(1)(d), S.I. No. 615 of 2010.

F13 Inserted by *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020* (23/2020), s. 96(b), not commenced as of date of revision.

Modifications (not altering text):

C9 Prospective affecting provision: subs. (1)(cc) inserted by *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020* (23/2020), s. 96(b), not commenced as of date of revision.

F13**[**(*cc*) regulate third country bus services,**]**

Editorial Notes:

E8 Previous affecting provision: subs. (1)(cc) inserted by *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2019* (8/2019), s. 80(b), not commenced; inserted as per C-note above.

Transport strategy.

12.— (1) (*a*) The Authority shall make a strategic transport plan ("transport strategy") in accordance with this section.

(*b*) The Authority's first transport strategy shall incorporate the work done on a new transport strategy by the DTO (until such time as it is dissolved under *section 102*).

(*c*) Should the DTO complete its new transport strategy before it is dissolved under *section 102*, that strategy shall be considered to be the Authority's first transport strategy for the purposes of this section.

(2) The Authority shall endeavour to ensure that the first transport strategy shall be published not later than one year following the review of the regional planning guidelines for the GDA in accordance with section 26 of the Act of 2000.

(3) The objective of the transport strategy shall be to provide a long-term strategic planning framework for the integrated development of transport infrastructure and services in the GDA.

(4) A transport strategy shall consider the future development of the transport system in the GDA for a period of not less than 12 years and not more than 20 years.

(5) When preparing a transport strategy the Authority shall have regard to—

(*a*) the F14**[**National Planning Framework**]**,

F15**[***(b)* the regional spatial and economic strategy (within the meaning of the Act of 2000) in force for the GDA, including any regional planning guidelines to which section 21(4) of that Act relates,**]**

(*c*) the development plans in force in the GDA, the Dublin Docklands Development Authority's master plan and the Grangegorman Development Agency's strategic plan,

(*d*) Transport 21 or any subsequent capital investment framework for transport published by the Minister or Government,

(*e*) the Department of Transport's sectoral plan under the Disability Act 2005 or any subsequent sectoral plan under that Act,

(*f*) demographic, economic, social, travel and transport trends in the GDA,

(*g*) existing, planned and projected land use developments,

(*h*) trends and requirements of persons travelling from outside the GDA into the GDA, and *vice versa*, and the demand for such travel,

(*i*) any proposals received from public transport authorities and operators, and

(*j*) such other matters as may be prescribed by the Minister or as the Authority considers appropriate.

F15**[**(6) The Authority shall ensure that the transport strategy is consistent with relevant regional spatial and economic strategy (within the meaning of the Act of 2000) for the GDA prepared in accordance with Chapter III, Part II, of that Act, including any relevant regional planning guidelines to which section 21(4) of that Act relates.**]**

(7) A transport strategy shall be prepared in such form and manner as may be directed by the Minister.

(8) The Authority shall—

(*a*) in the course of preparing a transport strategy, and

(*b*) after publishing a preliminary draft of the strategy,

consult with and consider the views of F16**[**the Minister for Housing, Planning and Local Government, the Office of the Planning Regulator**]**, the regional authorities within the GDA, the NRA, the Dublin Docklands Development Authority, the Grangegorman Development Agency, local authorities, the Garda Síochána, local communities, transport users, public transport operators, port and airport authorities

or companies and other interested parties in the GDA and shall invite and consider written public submissions.

(9) The Authority shall, after completing the consultation required under *subsection (8)*, submit a draft of its transport strategy to the Minister for his or her approval.

(10) When submitting a draft of its transport strategy to the Minister under *subsection (9)*, F16**[**the Authority shall send a copy of that draft to the regional authorities within the GDA and to the Office of the Planning Regulator and those regional authorities and that Office shall**]**, within 4 weeks of their receipt of the draft, issue a notice to the Authority, the Minister and the Minister for the Environment, Heritage and Local Government stating whether, in their view, the draft strategy is—

F15**[***(a)* consistent with the regional spatial and economic strategy (within the meaning of the Act of 2000) for the GDA, including any relevant regional planning guidelines to which section 21(4) of that Act relates, or

(b) not consistent with the regional spatial and economic strategy (within the meaning of the Act of 2000) for the GDA, including any relevant regional planning guidelines to which section 21(4) of that Act relates and where not so consistent what amendments to the draft transport strategy they consider necessary to achieve such consistency.**]**

(11) (*a*) When submitting a draft of its transport strategy to the Minister under *subsection (9)*, the Authority shall send a copy of that draft to the Joint Oireachtas Committee.

(*b*) Whenever so requested, the chairperson and the chief executive shall appear before the Joint Oireachtas Committee to discuss the draft strategy.

(*c*) The Joint Oireachtas Committee may, within 4 weeks of its receipt of the draft transport strategy, submit a report to the Minister containing recommendations on it.

(*d*) In this section "Joint Oireachtas Committee" means a Joint Committee of the Houses of the Oireachtas to which the Oireachtas has assigned the role of examining matters relating to transport.

(12) Where a notice received by the Minister from the regional authorities within the GDA under *subsection (10)* F17**[**or from the Office of the Planning Regulator under that subsection,**]** contains a statement of the type referred to in *subsection (10)(b)* the Minister may, after consulting with the Minister for the Environment, Heritage and Local Government, take any of the actions specified in *subsection (13)* and where he or she does not accept, or does not fully accept, the advice of the regional authorities given under *subsection (10),* F17**[**or of the Office of the Planning Regulator so given,**]** he or she F16**[**shall inform in writing the regional authorities or that Office, as appropriate,**]** of the reasons for such decision.

(13) Following the expiry of the period of 4 weeks referred to in *subsection (10)*, the Minister may, having considered any notice or report received under *subsections (10)* or *(11)*, in relation to a draft transport strategy submitted to him or her—

(*a*) approve the draft,

(*b*) approve it with modifications,

(*c*) instruct that it be resubmitted to him or her in a modified form for approval, or

(*d*) refuse to approve it.

(14) The Minister shall, as soon as practicable after he or she has approved (with or without modifications) a transport strategy under *subsection (13)*, cause a copy of it to be laid before each House of the Oireachtas.

(15) As soon as practicable after the Minister has notified the Authority that he or she has approved a transport strategy, the Authority shall publish it and take all reasonably practical steps to implement it.

(16) Where the Authority has made a transport strategy, it shall not later than 6 years after the making of the strategy and not less than once in every period of 6 years thereafter, review such strategy and when so reviewing, it may revoke the strategy and make a new strategy.

(17) Where the Authority makes a new transport strategy, it must do so in accordance with this section and the new strategy supersedes any previous strategy.

Annotations

Amendments:

F14 Substituted (22.10.2018) by *Planning and Development (Amendment) Act 2018* (16/2018), s. 18(2) and sch. 3 ref. 14, S.I. No. 436 of 2018.

F15 Substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(8) and sch. 2 pt. 6, S.I. No. 214 of 2014.

F16 Substituted (19.07.2018) by *Planning and Development (Amendment) Act 2018* (16/2018), s. 60(a), (b), (c)(iii), commenced on enactment.

F17 Inserted (19.07.2018) by *Planning and Development (Amendment) Act 2018* (16/2018), s. 60(c)(i), (ii), commenced on enactment.

Modifications (not altering text):

C10 Reference to the Dublin Docklands Development Authority construed (24.12.2015) by *Dublin Docklands Development Authority (Dissolution) Act 2015* (55/2015), s. 7(2), commenced on enactment.

Transfer of functions

7. (1) All functions that, immediately before the dissolution day, were vested in the Authority under subsections (1) (with the exception of functions vested under subparagraphs (i), (ii) and (iii) of paragraph (b)), (2), (3), (5) and (6) of section 18 of the Act of 1997 shall on that day stand transferred to the Council.

(2) References in any enactment (other than this Act) or instrument under an enactment to the Authority shall, to the extent that such references relate to a function transferred to the Council under this section, on and after the dissolution day, be construed as references to the Council.

Integrated implementation plan.

13.— (1) As soon as practicable after the establishment day, and thereafter within 9 months of the approval by the Minister of a transport strategy, the Authority shall make a plan ("integrated implementation plan") for the ensuing 6 year period in accordance with this section.

(2) An integrated implementation plan shall comprise—

(*a*) an infrastructure investment programme, identifying the key objectives and outputs to be pursued by the Authority over the period of the plan,

(*b*) the actions to be taken by the Authority to ensure the effective integration of public transport infrastructure over the period of the plan,

(*c*) an integrated service plan, identifying the key objectives and outputs to be pursued by the Authority in relation to the procurement of public passenger transport services over the period of the plan,

F18**[***(ca)* actions to be taken relating to the objectives of the Authority under section 19(2) of the Taxi Regulation Act 2013,**]**

(*d*) the actions to be taken by the Authority to ensure the effective integration of public passenger transport services over the period of the plan, and

(*e*) such other matters as the Authority considers appropriate or as may be prescribed by the Minister.

(3) An integrated implementation plan shall be prepared in such form and manner as may be directed by the Minister and have regard to—

(*a*) any proposals received from public transport authorities and operators, and

(*b*) the need to ensure the most beneficial, effective and efficient use of Exchequer resources.

(4) The Minister, in consultation with the Minister for Finance, shall provide to the Authority written guidance on multi-annual funding arrangements and the Authority shall have regard to such guidance in preparing an integrated implementation plan.

(5) The Authority shall, in the course of preparing an integrated implementation plan, consult with and consider the views of local authorities, the Garda Síochána, local communities, transport users, public transport operators, port and airport authorities or companies and other interested parties in the GDA and shall invite written public submissions on the plan.

(6) The Authority shall submit a draft of its integrated implementation plan to the Minister for his or her approval.

(7) The Minister may, in relation to a draft integrated implementation plan submitted to him or her—

(*a*) approve the draft,

(*b*) approve it with modifications,

(*c*) instruct that it be resubmitted to him or her in a modified form for approval, or

(*d*) refuse to approve it.

(8) The Minister shall as soon as practicable after he or she has approved (with or without modifications) an integrated implementation plan under *subsection (7)*, cause a copy of it to be laid before each House of the Oireachtas.

(9) As soon as practicable after the Minister has notified the Authority that he or she has approved an integrated implementation plan, the Authority shall publish it and take all reasonably practical steps to implement it.

Annotations

Amendments:

F18 Inserted (6.04.2014) by *Taxi Regulation Act 2013* (37/2013), s. 71(3), S.I. No. 163 of 2014.

Modifications (not altering text):

C11 Additional obligations imposed on Authority (6.04.2014) by *Taxi Regulation Act 2013* (37/2013), s. 71(1), (2), S.I. No. 163 of 2014.

Transport strategy

71. — (1) The integrated implementation plan under section 13 of the Act of 2008 shall comprise actions to be taken by the Authority with regard to the small public service vehicle industry.

(2) When preparing the plan for the purposes of subsection (1), the Authority shall have regard to and proposals received from the small public service industry or users of small public service vehicles.

...

Chapter 2

Governance Arrangements for Authority

Membership of Authority.

14.— (1) The Authority shall consist of a chairperson and F19**[**11**]** ordinary members who shall perform and carry out the functions of the Authority in accordance with this Act.

(2) The chairperson and ordinary members of the Authority shall be appointed by the Minister as follows:

(*a*) the chief executive of the Authority as an ordinary member, for as long as he or she continues to be the chief executive,

(*b*) the holder of the office of Dublin City Manager as an ordinary member, for as long as he or she continues to hold that office,

(*c*) an ordinary member being the holder of the position of a senior management post in the Authority to be specified by the chairperson with the consent of the Minister, for as long as he or she continues to hold that post, and

(*d*) the chairperson and F20**[**8**]** ordinary members, from persons who in the opinion of the Minister have wide experience in relation to transport, industrial, commercial, financial, land use planning or environmental matters, the organisation of workers or administration.

(3) A member of the Authority shall be paid out of funds at the disposal of the Authority—

(*a*) such remuneration (if any) as may be fixed from time to time by the Minister, with the consent of the Minister for Finance, and

(*b*) such amount in respect of expenses (if any) as the Minister, with the consent of the Minister for Finance, may determine.

(4) A member of the Authority appointed in accordance with *subsection (2)(d)* including the chairperson—

(*a*) shall be appointed for a period of not more than 5 years,

(*b*) whose term of office expires by the passage of time, is eligible for re-appointment. However, he or she shall not serve for more than 10 years in total, and

(*c*) may at any time—

(i) resign his or her membership by letter addressed to the Minister and the resignation shall take effect from the date specified therein or upon the date of the receipt of the letter, whichever is later, or

(ii) be removed from membership of the Authority by the Minister if, in the Minister's opinion, the member has become incapable through ill-health of performing his or her functions, or has committed stated misbehaviour, or his or her removal appears to the Minister to be necessary for the effective performance by the Authority of its functions.

(5) A member of the Authority ceases to hold and is disqualified from holding office if he or she—

(*a*) is adjudged bankrupt,

(*b*) makes a composition or arrangement with creditors,

(*c*) is sentenced by a court of competent jurisdiction to serve a term of imprisonment, or

(*d*) is disqualified or restricted from being a director of any company.

(6) (*a*) If a member of the Authority dies, resigns, becomes disqualified or is removed from office, the Minister may appoint a person to be a member of the Authority to fill the casual vacancy so occasioned and the person so appointed shall be appointed in the same manner as the member of the Authority who occasioned the casual vacancy.

(*b*) Subject to the other provisions of this section, a person appointed to be a member of the Authority under *paragraph (a)* shall hold office for the remainder of the term of office of the member who occasioned the casual vacancy he or she is appointed to fill and is eligible for re-appointment subject to a maximum term of 10 years.

(7) The Minister shall, in so far as is practicable and having regard to relevant experience, ensure an equitable balance between men and women in the composition of the Authority.

Annotations

Amendments:

F19 Substituted (1.12.2009) by *Public Transport Regulation Act 2009* (37/2009), s. 29(1)(e)(i), S.I. No. 466 of 2009.

F20 Substituted (1.12.2009) by *Public Transport Regulation Act 2009* (37/2009), s. 29(1)(e)(ii), S.I. No. 466 of 2009.

Chairperson of Authority.

15.— (1) The Minister shall appoint the chairperson of the Authority on such terms and conditions, including remuneration, as the Minister may fix, with the consent of the Minister for Finance.

(2) Where the chairperson of the Authority ceases during his or her term of office as chair to be a member of the Authority, he or she also then ceases to be chairperson of the Authority.

(3) Where the chairperson is unavailable to perform his or her duties, he or she, or, if he or she is unable to do so, the Minister, shall appoint another member appointed under *section 14(2)(d)* to be an acting chairperson to assume the duties of the chairperson, in the absence of the chairperson, for a specified period not exceeding 12 months.

Meetings and procedures of Authority.

16.— (1) The Authority shall hold such and so many meetings as may be necessary for the performance of its functions.

(2) The quorum for a meeting of the Authority shall be 5 or such other number as may from time to time be fixed by the Minister.

(3) At a meeting of the Authority—

(*a*) the chairperson of the Authority shall, if present, be chairperson of the meeting, and

(*b*) if and so long as the chairperson of the Authority is not present or if the office of the chairperson is vacant, the members of the Authority who are present shall choose one of their number to be chairperson of the meeting.

(4) At a meeting of the Authority, each member of the Authority present shall have a vote and every question shall be determined by a majority of votes of the members present and voting on the question and, in the case of an equal division of votes, the chairperson of the meeting shall have a second and casting vote.

(5) The Authority may act notwithstanding one or more vacancies among its members.

(6) Except as otherwise provided by this Act, the Authority shall regulate its own procedure and business.

(7) The Authority may perform or exercise any of its functions through or by the chairperson or any of its members or any other person who has been duly authorised by the Authority in that behalf.

Advisory Council.

17.— (1) There is established on the appointed day a body to be known as, in the English language, the Dublin Transport Authority Advisory Council, or in the Irish language, Comhairle Chomhairleach Údarás Iompair Bhaile Átha Cliath, in this Act referred to as the Council, to perform the functions assigned to it by or under this Act.

(2) The Council shall consist of a chairperson and 23 ordinary members.

(3) The Minister shall appoint a person who in his or her opinion has wide experience in relation to transport, industrial, commercial, financial, land use planning or environmental matters, the organisation of workers or administration, to be chairperson of the Council.

(4) The ordinary members of the Council shall be appointed by the Minister as follows:

F21**[**(*a*) 3 local authority chief executives or officers as follows:

(i) the Chief Executive of Dublin City Council,

(ii) one from the chief executives for the County Councils of Dún Laoghaire-Rathdown, Fingal and South Dublin, as decided by those chief executives, and

(iii) one from the chief executives for the County Councils of Kildare, Meath and Wicklow, as decided by those chief executives,

or an officer of those Councils as nominated by the relevant chief executive,**]**

(*b*) a member of the Garda Síochána (not below the rank of Chief Superintendent) nominated by the Commissioner,

(*c*) a member of each City Council and County Council in the GDA nominated by the members of the Councils concerned,

(*d*) a member of the Dublin Regional Authority and a member of the Mid-East Regional Authority nominated by the authorities concerned,

(*e*) 2 members nominated by the Irish Congress of Trade Unions,

(*f*) 2 members representative of the interests of business,

(*g*) 2 members representative of the interests of community development in the GDA or concerned with the promotion of the social, economic, environmental or general interests of communities in that Area, and

(*h*) 4 members representative of the public interest.

(5) The Minister may prescribe organisations ("prescribed organisations") which shall be invited to nominate candidates for membership of the Council under *subsection (4)(f)* to *(h)*.

(6) The prescribed organisations for the purposes of *subsection (4)(h)* may include organisations which, in the opinion of the Minister, are representative of—

(*a*) the interests of transport users,

(*b*) the interests of people with disabilities, or

(*c*) persons whose professions or occupations relate to transport, land use planning, urban design, architecture or civil engineering.

(7) A prescribed organisation shall, whenever so requested by the Minister, select such number (not being less than 2 and always being an even number) of candidates as the Minister may specify for appointment and shall inform the Minister, within such period as the Minister shall specify when making the request, of the names of the candidates selected and of the reasons why, in the opinion of the organisation, they are suitable for such appointment.

(8) (*a*) In making nominations under *subsection (4)(e)* or selections under *subsection (7)*, the organisations concerned shall, having regard to relevant experience, nominate or select an equal number of men and women.

(*b*) In considering persons for appointment under *subsection (4)*, the Minister shall have regard, in so far as is practicable, to relevant experience and ensuring an equitable balance between men and women in the composition of the Council.

(9) Subject to *subsection (10)*, in the case of an appointment under *subsection (4)(f)* to *(h)* the Minister shall not appoint a person to be an ordinary member of the Council unless the person was among those selected pursuant to a request under *subsection (7)* in relation to that appointment.

(10) Notwithstanding *subsection (7)* or *(9)*, if—

(*a*) a prescribed organisation refuses or fails to select any candidate pursuant to a particular request under *subsection (7),* or

(*b*) the Minister decides not to appoint as an ordinary member of the Council any of the candidates selected by such organisations pursuant to the request,

then the Minister shall either—

(i) appoint as an ordinary member of the Council a person who was among those selected by such organisations pursuant to a previous request (if any) under that subsection in relation to that appointment, or

(ii) make a further such request and shall appoint as an ordinary member of the Council a person who was among those selected pursuant to that request or pursuant to another such request made in relation to that appointment.

(11) Where a request is made under *subsection (7)*, failure or refusal by any or all of the organisations of whom the request is made to select the number of candidates specified in the request shall not preclude the appointment as an ordinary member of the Council of a person who was selected in relation to that appointment by any of the aforesaid organisations.

(12) The chairperson of the Council shall chair the meetings of the Council and, in the event of the chairperson being unable to attend a meeting of the Council or of the office of chairperson being vacant, the ordinary members who are present shall choose one of their number to chair the meeting.

(13) An appointment under this section, including the appointment of the chairperson, shall be for a period not exceeding 5 years as may be specified by the Minister when making the appointment and on such terms and conditions as may be determined by the Minister, with the consent of the Minister for Finance.

(14) Where an ordinary member of the Council appointed under—

(*a*) *subsection (4)(a)* ceases to be the manager or an officer of the city or county council concerned,

(*b*) *subsection (4)(b)* ceases to be a member of the Garda Síochána, or

(*c*) *subsection (4)(c)* or *(d)* ceases to be a member of the city or county council or the regional authority concerned,

during the term of office specified by the Minister under *subsection (13)* in relation to that ordinary member, the person's appointment as such member is terminated with effect from the date of the cessation.

(15) A member of the Council, including the chairperson, shall be paid, out of moneys at the disposal of the Authority, such allowances for expenses as the Minister, with the consent of the Minister for Finance, may determine.

(16) A member of the Council, including the chairperson, whose term of office expires by the passage of time shall be eligible for re-appointment, subject to *subsection (14)*.

(17) Subject to this section, the Council shall regulate its own procedure and business.

(18) The Authority shall provide all reasonable facilities and services as may be required by the Council for the carrying out of its functions.

(19) The Council may act notwithstanding a vacancy or vacancies in its membership.

(20) The Minister shall fix the date, time and place of the first meeting of the Advisory Council and the members of the Council shall decide on the frequency of all further meetings, subject to its meeting at least 4 times a year.

(21) The chairperson or an ordinary member of the Council may at any time—

(*a*) resign his or her membership by letter addressed to the Minister and the resignation shall take effect from the date specified therein or upon the date of receipt of the letter, whichever is later, or

(*b*) be removed from membership of the Council by the Minister if, in the Minister's opinion, the member has become incapable through ill-health of performing his or her functions, or has committed stated misbehaviour, or his or her removal appears to the Minister to be necessary for the effective performance by the Council of its functions.

(22) The Minister shall by order appoint a day to be the appointed day for the purposes of this section.

Annotations

Amendments:

F21 Substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(8) and sch. 2 part 6, S.I. No. 214 of 2014.

Modifications (not altering text):

C12 References to a county council and a city council, administrative area of a county council or the administrative area of a city council construed (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 9(2), (3), S.I. No. 214 of 2014.

Cesser and amalgamation of certain local government areas

9.

...

(2) Except where otherwise provided for by this Act, a reference, however expressed, in any enactment—

(a) to a county council or a city council (including a reference construed by section 3(2) of, and Schedule 2 to, the Principal Act as a reference to a county council or to a city council, as the case may be) shall, if the context permits, be read as a reference to a county council, a city council or a city and county council, and

(b) to a county council and a city council (including a reference so construed) shall, if the context permits, be read as a reference to a county council, a city council and a city and county council.

(3) Except where otherwise provided for by this Act, a reference, however expressed, in any enactment—

(a) to the administrative area of a county council or the administrative area of a city council shall, if the context permits, be read as a reference to the administrative area of a county council, the administrative area of a city council or the administrative area of a city and county council, and

(b) to the administrative area of a county council and the administrative area of a city council shall, if the context permits, be read as a reference to the administrative area of a county council, the administrative area of a city council and the administrative area of a city and county council.

Functions of Advisory Council.

18.— (1) The functions of the Council are to—

(*a*) consider and make recommendations to the Authority on a—

(i) draft transport strategy, and

(ii) draft integrated implementation plan,

(*b*) monitor the implementation of the transport strategy and the integrated implementation plan and make any recommendations it considers appropriate to the Authority,

(*c*) consider and make recommendations to the Authority on a draft strategic traffic management plan,

(*d*) monitor the implementation of the strategic traffic management plan and make any recommendations it considers appropriate to the Authority, and

(*e*) make recommendations to the Authority in relation to the discharge of any of its functions.

(2) The Authority shall consider the recommendations of the Council under this section and may accept or reject in whole or in part a recommendation of the Council.

(3) Where the Authority rejects a recommendation of the Council in whole or in part, it shall state the reasons for such rejection to the Council.

(4) (*a*) The Authority shall publish any recommendations made by the Council under *subsection (1)* and any reasons stated by it under *subsection (3)*.

(*b*) Publication by the Authority on its website shall constitute compliance with *paragraph (a)*.

(5) The Minister or the Authority may consult with or seek the advice of the Council on any matter arising in relation to the exercise of the functions of the Authority.

(6) The Council shall be entitled to be informed at each of its meetings about the work of the Authority, provided that disclosure of such information shall not, in the opinion of the Authority—

(*a*) relate to matters which the Authority consider to be of a commercially sensitive nature,

(*b*) could impede the present or future performance of its functions, or

(*c*) be in breach of *section 38*.

Chief executive officer.

19.— (1) There shall be a chief executive officer of the Authority ("chief executive").

(2) The chief executive shall carry on and manage, and control generally, the staff, administration and business of the Authority and perform such other functions (if any) as may be determined by the Authority.

(3) The chief executive—

(*a*) shall be appointed by the Authority in accordance with procedures determined by the Authority, and

(*b*) may be removed from office at any time for stated reasons by the Authority,

with the consent of the Minister.

(4) The chief executive shall hold office for such term and upon and subject to such terms and conditions (including terms and conditions relating to remuneration and allowances for expenses) as may be determined by the Authority with the consent of the Minister given with the approval of the Minister for Finance.

(5) The chief executive shall not hold any other office or position without the consent of the Authority.

(6) Where a competition to appoint a chief executive is held prior to the establishment day the successful candidate may be appointed by the Minister as the chief executive designate of the Authority.

(7) Notwithstanding *subsection (3)(a)*, the chief executive designate shall be appointed chief executive on the establishment of the Authority.

(8) The chief executive shall provide the Authority with such information, including financial information, in relation to the performance of his or her functions as the Authority may from time to time require.

(9) The functions of the chief executive may be performed in his or her absence or when the position of chief executive is vacant by such member of the staff of the Authority as may from time to time be designated for that purpose by the Authority.

Staff of Authority.

20.— (1) The Authority may appoint such, and such number of, persons to be members of the staff of the Authority as it may determine with the approval of the Minister and the Minister for Finance.

(2) A member of the staff of the Authority (other than the chief executive) shall—

(*a*) be paid such remuneration (including allowances for expenses) as the Authority may determine with the approval of the Minister and the Minister for Finance, and

(*b*) hold his or her office or employment on such other terms and conditions as the Authority may determine.

(3) The categories of the staff of the Authority and the numbers of staff in each category shall be determined by the Authority.

(4) The chairperson of the Authority shall report to the Minister each year regarding the exercise of its responsibilities under *subsections (1)*, *(2)* and *(3)*.

(5) A member of the staff of the Authority shall not be a civil servant within the meaning of the Civil Service Regulation Acts 1956 to 2005.

(6) Notwithstanding *subsection (5)*, officers of the Minister may be seconded to the Authority, at its request and at the discretion of the Minister, for a period not exceeding 2 years.

(7) The Authority may at any time remove any member of the staff of the Authority from being a member of its staff where that person fails to perform his or her functions satisfactorily.

(8) No action or other proceedings shall lie or be maintainable (except in the case of wilful neglect or default) against any member of the staff of the Authority arising from a failure to perform or to comply with any of the functions conferred on the Authority by this Act.

Superannuation for staff of Authority.

21.— (1) The Authority shall prepare and submit to the Minister a scheme or schemes for the granting of superannuation benefits to or in respect of such members of the staff of the Authority as it may think fit.

(2) Every such scheme shall fix the time and conditions of retirement for all persons to or in respect of whom superannuation benefits are payable under the scheme and different times and conditions may be fixed in respect of different classes of persons.

(3) Every such scheme may be amended or revoked by a subsequent scheme prepared, submitted and approved under this section.

(4) A scheme submitted to the Minister under this section shall, if approved of by the Minister, with the consent of the Minister for Finance, be carried out by the Authority in accordance with its terms.

(5) A scheme made under this section shall make provision for appeals.

(6) No superannuation benefits shall be granted by the Authority nor shall any other arrangements be entered into by the Authority for the provision of such benefit to a member of the staff of the Authority, otherwise than in accordance with a scheme under this section, or otherwise as may be approved of by the Minister, with the consent of the Minister for Finance.

(7) The terms and conditions governing superannuation benefits granted under schemes made under this section to persons transferred under *section 110* F22**[**and sections 39 and 40 of the Public Transport Regulation Act 2009**]** shall not be less favourable than those to which they were entitled immediately before the dissolution day F22**[**or the dissolution day for the Commission for Taxi Regulation, or on the day or days specified by the Minister under *section 110(1)(e)*, as appropriate**]**.

(8) Where, in the period beginning on the establishment day and ending immediately before the commencement of a scheme under this section, a superannuation benefit falls due for payment to or in respect of a person transferred under *section 110* F22**[**and sections 39 and 40 of the Public Transport Regulation Act 2009**]**, the benefit

shall be calculated by the Authority in accordance with such scheme as applied to the person immediately before the dissolution day F22**[**or the dissolution day for the Commission for Taxi Regulation, or on the day or days specified by the Minister under *section 110(1)(e)*, as appropriate**]** and, for that purpose, his or her pensionable service with the Authority shall be aggregated with his or her previous pensionable service and any benefit payable shall take account of both periods of service.

(9) A scheme under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the scheme is passed by either such House within the next 21 days on which that House has sat after the scheme is laid before it, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Annotations

Amendments:

F22 Inserted (1.01.2011) by *Public Transport Regulation Act 2009* (37/2009), s. 29(1)(f), S.I. No. 615 of 2010.

Modifications (not altering text):

C13 Application of subss. (7) and (8) extended (27.11.2009) by *Public Transport Regulation Act 2009* (37/2009), s. 39(5)(a) and 40(6)(a), commenced on enactment.

Transfer of employees of Commission.

39.— ...

(5) (a) The provisions of section 21(7) and (8) of the Act of 2008 apply in relation to terms and conditions governing superannuation benefits granted under schemes made under section 21 of the Act of 2008 to persons transferred to the Authority under this section.

...

Transfer of Commissioner for Taxi Regulation to Authority.

40.—...

(6) (a) The provisions of section 21(7) and (8) of the Act of 2008 apply in relation to terms and conditions governing superannuation benefits granted under schemes made under section 21 of the Act of 2008 to the person referred to in subsection (1).

...

Editorial Notes:

E9 Power pursuant to section exercised (1.10.2017) by *National Transport Authority Superannuation Scheme 2017* (S.I. No. 471 of 2017).

Engagement of consultants and advisers.

22.— (1) The Authority may, from time to time, engage such consultants or advisers, as it may consider necessary to assist it in the discharge of its functions.

(2) Any fees due to a consultant or adviser engaged under this section shall form part of the expenses of the Authority.

State authorities.

23.— (1) The Schedule to the State Authorities (Public Private Partnership Arrangements) Act 2002 is amended by inserting "Dublin Transport Authority." at the end of it.

(2) The Schedule (inserted by section 11 of the National Development Finance Agency (Amendment) Act 2007) to the National Development Finance Agency Act 2002 is amended by inserting after reference 15 "15A. Dublin Transport Authority.".

Subsidiaries.

24.— (1) Such functions of the Authority as it may determine may be performed by a subsidiary and, accordingly, the Authority may, with the consent of the Minister and the Minister for Finance, for the purpose of such performance, acquire or form and establish one or more subsidiaries.

(2) The Authority or a subsidiary may, either by itself or with another person, with the consent of the Minister and the Minister for Finance, promote and take part in the formation or establishment of a company, or enter into joint ventures or partnerships for the purpose of fulfilling any of its functions.

(3) The Authority may, with the consent of the Minister and the Minister for Finance, acquire, hold and dispose of shares or other interests in a company and become a member of a company.

(4) The memorandum and articles of association of a subsidiary shall be in such form consistent with this Act as may be determined by the Authority, with the consent of the Minister and the Minister for Finance.

Resources made available by Minister.

25.— (1) The Minister may make available to the Authority, on a request being made by the Authority, such staff, premises, equipment, services or other resources, as the Minister may determine from time to time in consultation with the Minister for Finance.

(2) The Authority shall, on request from the Minister, pay to the Minister such sum or sums as the Minister may specify to be the expenses incurred by the Minister in making available to the Authority such staff, premises, equipment, services or other resources under *subsection (1)*.

(3) Where the Minister makes available to the Authority under *subsection (1)* any officer of the Minister, that officer remains an officer of the Minister and shall not be considered to be a member of the staff of the Authority.

Ministerial policy directions.

26.— (1) The Minister may, from time to time, give policy directions in writing to the Authority regarding any of its functions under this Act F23**[**and the Taxi Regulation Act 2013**]**. The Authority shall comply with any such direction in the performance of its functions.

(2) The Minister may give a policy direction in writing to a subsidiary of the Authority. The subsidiary shall comply with any such direction.

(3) Where the Minister gives a direction under this section a notice of the giving of the direction and the details of it shall be—

(*a*) laid before each House of the Oireachtas, as soon as may be, after it is given, and

(*b*) published in the *Iris Oifigiúil* within 28 days of giving it and in such other manner as the Minister considers appropriate (including on the internet).

Annotations

Amendments:

F23 Inserted (6.04.2014) by *Taxi Regulation Act 2013* (37/2013), s. 69, S.I. No. 163 of 2014.

Ministerial guidelines.

27.— (1) The Minister may, at any time, issue guidelines in writing to the Authority regarding any of its functions under this Act. The Authority shall have regard to such guidelines in the performance of its functions.

(2) The Minister may issue guidelines in writing to a subsidiary of the Authority. The subsidiary shall have regard to such guidelines.

(3) Where the Minister issues a guideline under this section a notice of the issuing of the guideline and the details of it shall be—

(*a*) laid before each House of the Oireachtas, as soon as may be, after it is given, and

(*b*) published in the *Iris Oifigiúil* within 28 days of giving it and in such other manner as the Minister considers appropriate (including on the internet).

Advice and services.

28.— (1) The Authority shall, on receipt of a request from the Minister, provide—

(*a*) advice (including advice in relation to transport outside the functional area of the Authority), or

(*b*) services (including services of staff),

to the Minister on such terms and conditions (including payment for such advice or services) as may be agreed and the Minister may avail of such advice or services.

(2) The Authority may provide services (including services of staff) to a local authority or other persons on such terms and conditions (including payment for such services) as may be agreed.

(3) The Authority may fix, require, take and recover such charges as it thinks fit for services provided by or on behalf of it.

Exchequer allocations to Authority.

29.— (1) The Minister may, subject to such conditions as he or she sees fit, in each financial year make grants of such amounts as may be sanctioned by the Minister for Finance out of moneys provided by the Oireachtas towards the capital and current expenditure, including administrative expenditure, of the Authority.

(2) Conditions attaching to grants made under *subsection (1)* may include terms governing repayment of a grant, interest and such other matters as may be determined by the Minister, with the consent of the Minister for Finance.

Borrowings by Authority.

30.— (1) The Authority or a subsidiary of the Authority may, from time to time, borrow money for the purpose of carrying out its functions but shall not do so without the consent of the Minister and the Minister for Finance.

(2) The Authority shall exercise the powers conferred on it by this section so that the amount or amounts of principal which the Authority, inclusive of any borrowings by subsidiaries of the Authority, may at any time be liable to repay on foot of any liability or liabilities incurred under this section does not, or do not in their aggregate, exceed €1,000,000,000.

(3) For the purposes of this section, moneys borrowed in a currency other than the currency of the State shall be deemed to be the equivalent in the currency of the State of the actual moneys borrowed, such equivalent being calculated according to the rate of exchange for that currency and the currency of the State at the time such moneys were borrowed.

Annotations

Modifications (not altering text):

C14 Functions transferred (6.07.2011) by *Ministers and Secretaries (Amendment) Act 2011* (10/2011), ss. 6, 9, 20, and sch. 2, pt. 1, (S.I. No. 401 of 2011).

6. The Government may by order appoint a day to be the appointed day for the purposes of this Act.

9. (2) The functions conferred on the Minister for Finance by or under any of the provisions specified in Part 1 of Schedule 2 are transferred to the Minister.

20. (1) The Minister shall not perform a function transferred by subsection (2) of section 9 without the consent of the Minister for Finance.

(2) The Minister shall not perform a function transferred by subsection (3) of section 9 without first consulting the Minister for Finance in relation thereto.

SCHEDULE 2

Functions Transferred to Minister

Sections 9 and 20

PART 1

Functions performable with consent of Minister for Finance STATUTES

Number and Year (1)	Short Title (2)	Provision (3)
...	...	...
No. 15 of 2008	Dublin Transport Authority Act 2008	Section 30
...	...	...

Guarantee by Minister for Finance of borrowings by Authority.

31.— (1) Without prejudice to section 6 of the Borrowing Powers of Certain Bodies Act 1996, the Minister for Finance, after consultation with the Minister, may guarantee, in such form and manner and on such terms and conditions as he or she thinks fit, the due repayment of any moneys (including moneys in a currency other than the currency of the State, or the payment of interest on such moneys) borrowed by the Authority.

(2) The Minister for Finance shall, as soon as may be after the expiration of every financial year, lay before each House of the Oireachtas a statement setting out with respect to each guarantee under this section given during that year or given at any time before, and in force at, the commencement of that year—

(*a*) particulars of the guarantee,

(*b*) in case any payment has been made by him or her under the guarantee before the end of that year, the amount of the payment and the amount (if any) repaid to him or her on foot of the payment, and

(*c*) the amount of moneys covered by the guarantee which was outstanding at the end of that year.

(3) Moneys paid by the Minister for Finance under a guarantee under this section shall be repaid to him or her (with interest thereon at such rate or rates as he or she appoints) by the Authority within such period from the date of the advance of the moneys out of the Central Fund as may be specified by that Minister after consultation with the Authority.

(4) Where the whole or any part of moneys required by *subsection (3)* to be repaid to the Minister for Finance has not been paid in accordance with that subsection, the amount so remaining outstanding shall be repaid, at such times as the Minister for Finance shall determine, to the Central Fund out of moneys provided by the Oireachtas.

(5) Notwithstanding the provision of moneys under *subsection (4)* to repay the amount to the Central Fund, the Authority shall remain liable to the Minister for

Finance in respect of that amount, and that amount (with interest thereon at such rate or rates as the Minister for Finance appoints) shall be repaid to him or her by the Authority at such times and in such instalments as he or she appoints.

(6) Moneys paid by the Authority under *subsection (3)* or *(5)* shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance thinks fit.

Accounts and annual report of Authority.

32.— (1) The Authority shall keep, in such form as may be approved by the Minister, with the consent of the Minister for Finance, all proper and usual accounts of all moneys received or expended by it, including an income and expenditure account and a balance sheet.

(2) By the end of the third month after the end of each financial year the Authority shall submit accounts for the preceding financial year kept in pursuance of *subsection (1)* to the Comptroller and Auditor General for audit.

(3) The Authority shall, in writing, produce a report ("annual report") to the Minister each year in relation to the performance of its functions in the preceding financial year.

(4) The annual report shall—

(*a*) include a copy of the income and expenditure account, the balance sheet and of such other (if any) accounts kept under *subsection (1)* as the Minister, after consultation with the Minister for Finance, may direct together with a copy of the Comptroller and Auditor General's report on the accounts,

(*b*) include such other information regarding the performance of the functions of the Authority as the Minister may from time to time require, and

(*c*) be made to the Minister within 15 working days after the receipt by the Authority of the Comptroller and Auditor General's report on the accounts.

(5) The annual report, in every second year, shall include a statement regarding the continued necessity of any subsidiary.

(6) The Minister shall cause copies of the annual report to be laid before each House of the Oireachtas as soon as may be after its receipt by him or her.

(7) The financial year of the Authority shall be the period of 12 months ending on 31 December in any year and, for the purposes of this section and *section 29* , the period commencing on the establishment day and ending on the following 31 December shall be deemed to be a financial year.

Gifts.

33.— (1) The Authority may accept gifts of money, land or other property upon such trusts, terms or conditions, if any, as may be specified by the donor.

(2) The Authority shall not accept a gift if the trusts, terms or conditions attached to it would be inconsistent with or prejudice the operational independence and effective performance of the functions of the Authority.

(3) The Authority shall include details of any gift that exceeds, in its opinion, such amount as may be directed by the Minister, with the consent of the Minister for Finance, in the annual report for the year in which the gift is accepted.

(4) In *subsection (3)* "details" includes—

(*a*) the name of the donor of the gift,

(*b*) a description of the gift, and

(*c*) particulars of any trusts, terms or conditions attached to the gift.

Code of conduct.

34.— (1) The Authority shall draw up, and may from time to time revise, a code of conduct that is based on best practices so as to ensure good corporate governance in the performance of its functions under this Act.

(2) Where a code of conduct has been drawn up or revised under *subsection (1)*, it shall be submitted by the Authority to the Minister for approval.

(3) The Authority shall publish any code of conduct drawn up or revised under *subsection (1)* and approved by the Minister under *subsection (2)*.

Disclosure of interests by members of Authority.

35.— (1) A member of the Authority who has—

(*a*) any interest in any body or concerns with which the Authority has made a contract or proposes to make a contract, or

(*b*) any interest in any contract which the Authority has made or proposes to make,

shall disclose to the Authority the fact of such interest and the nature thereof, and shall not be present at any deliberation or decision of the Authority relating to the contract.

(2) Where at a meeting of the Authority any of the following matters arise, namely—

(*a*) an arrangement to which the Authority is a party or a proposed such arrangement, or

(*b*) a contract or other agreement with the Authority or a proposed such contract or other agreement,

then any Authority member present at the meeting who otherwise than in his or her capacity as such an Authority member is in any way, whether directly or indirectly, interested in the matter—

(i) shall at the meeting disclose to the Authority the fact of such interest and the nature thereof,

(ii) shall take no part in any deliberations of the Authority relating to such matter save to such extent as the chairperson of the meeting at which such deliberations take place may permit, and

(iii) shall not vote on a decision relating to the matter.

(3) Where an interest is disclosed under this section, the disclosure shall be recorded in the minutes of the meeting concerned and, for so long as the matter to which the disclosure relates is being dealt with by the meeting, the member by whom the disclosure is made shall not be counted in the quorum for the meeting.

(4) Where, at a meeting of the Authority, a question arises as to whether or not a course of conduct, if pursued by a member of the Authority, would be a failure by him or her to comply with the requirements of *subsection (1)* or *(2)*, the question may be determined by the chairperson of the meeting whose decision shall be final and where such a question is so determined particulars of the determination shall be recorded in the minutes of the meeting.

(5) Where the Minister is satisfied that a member of the Authority has failed to comply with a requirement of *subsection (1)* or *(2)* he or she may, if he or she thinks fit, remove that member of the Authority from office or take such other action as he or she considers appropriate. Where a person is removed from office under this subsection he or she is disqualified from being a member of the Authority or a director of a subsidiary of the Authority.

Disclosure of interests by directors of subsidiary.

36.— (1) A director of a subsidiary who has—

(*a*) any interest in any body or concerns with which the subsidiary has made a contract or proposes to make a contract, or

(*b*) any interest in any contract which the subsidiary has made or proposes to make,

shall disclose to the subsidiary the fact of such interest and the nature thereof, and shall not be present at any deliberation or decision of the subsidiary relating to the contract.

(2) Where at a meeting of the directors of a subsidiary any of the following matters arise, namely—

(*a*) an arrangement to which the subsidiary is a party or a proposed such arrangement, or

(*b*) a contract or other agreement with the subsidiary or a proposed such contract or other agreement,

then any director present at the meeting who otherwise than in his or her capacity as such a director is in any way, whether directly or indirectly, interested in the matter—

(i) shall at the meeting disclose the fact of such interest and the nature thereof,

(ii) shall take no part in any deliberations of the directors relating to such matter save to such extent as the chairperson of the meeting at which such deliberations take place may permit, and

(iii) shall not vote on a decision relating to the matter.

(3) Where an interest is disclosed under this section, the disclosure shall be recorded in the minutes of the meeting concerned and, for so long as the matter to which the disclosure relates is being dealt with by the meeting, the director by whom the disclosure is made shall not be counted in the quorum for the meeting.

(4) Where, at a meeting of the directors of a subsidiary, a question arises as to whether or not a course of conduct, if pursued by a director, would be a failure by him or her to comply with the requirements of *subsection (1)* or *(2)*, the question may be determined by the chairperson of the meeting whose decision shall be final and where such a question is so determined particulars of the determination shall be recorded in the minutes of the meeting.

(5) Where the Authority is satisfied that a director of a subsidiary has failed to comply with a requirement of *subsection (1)* or *(2)* the Authority may, if it thinks fit, remove that director from office or take such other action as it considers appropriate. Where a person is removed from office under this subsection he or she is disqualified from being a member of the Authority or director of a subsidiary.

(6) Section 194 of the Companies Act 1963 does not apply to a director of a subsidiary.

Disclosure of interests by members of staff.

37.— (1) Where a member of staff of the Authority or a subsidiary or any other person engaged by the Authority or by a subsidiary has an interest, otherwise than in his or her capacity as such a member, or under their terms of engagement, in any contract, agreement or arrangement, or proposed contract, agreement or arrangement, to which the Authority or the subsidiary is a party, he or she shall—

(*a*) disclose to the Authority or the subsidiary, as the case may be, his or her interest and the nature thereof,

(*b*) take no part in the negotiation of the contract, agreement or arrangement or in any deliberation by members, or members of the staff, of the Authority or the subsidiary in relation thereto, and

(*c*) make no recommendation in relation to the contract, agreement or arrangement.

(2) *Subsection (1)* does not apply to contracts, or proposed contracts, of employment of members of the staff of the Authority with the Authority or of members of staff of a subsidiary with a subsidiary.

(3) Where a person to whom *subsection (1)* applies fails to comply with a requirement of that subsection then—

(*a*) the Authority, where the person is a member of the staff of the Authority or any other person engaged by the Authority, or

(*b*) the board of a subsidiary, where the person is a member of the staff of the subsidiary or any other person engaged by it,

shall decide the appropriate action (including removal from office or termination of contract) to be taken.

Prohibition on unauthorised disclosure of confidential information.

38.— (1) Save as otherwise provided by law, a person shall not, without the consent of the Authority or a subsidiary, disclose confidential information obtained by him or her while performing duties as a member of the Authority or a director of a subsidiary, or as a member of the staff of, or when otherwise engaged by, the Authority or subsidiary, unless he or she is duly authorised by the Authority or subsidiary to do so.

(2) In this section "confidential information" includes information that is expressed by the Authority or subsidiary to be confidential either as regards particular information or as regards information of a particular class or description.

(3) A person who contravenes *subsection (1)* commits an offence.

(4) Nothing in *subsection (1)* shall prevent the disclosure of information in a report made to the Authority or subsidiary or by or on behalf of the Authority or subsidiary to the Minister.

(5) The Third Schedule to the Freedom of Information Act 1997 is amended by inserting at the end of Part 1:

(*a*) in column (2), "*Dublin Transport Authority Act 2008*", and

(*b*) in column (3), "*Section 38*".

Annotations

Modifications (not altering text):

C15 Person holding record under section excluded from requirement to refuse an FOI request (14.10.2014) by *Freedom of Information Act 2014* (30/2014), s. 41(1)(a) and sch. 3 part 1, commenced as per s. 1(2). This section is listed in sch. 3 part 1.

Enactments relating to non-disclosure of records

41.— (1) A head shall refuse to grant an FOI request if—

(a) the disclosure of the record concerned is prohibited by law of the European Union or any enactment (other than a provision specified in column (3) of Part 1 or 2 of Schedule 3 of an enactment specified in that Schedule), or

...

SCHEDULE 3

ENACTMENTS EXCLUDED FROM APPLICATION OF SECTION 41

Part 1

Statutes

Number and Year	Short Title	Provision
(1)	(2)	(3)
...	...	...
No. 15 of 2008	Dublin Transport Authority Act 2008	Section 38.
...	...	...

Editorial Notes:

E10 With respect to subs. (5), *Freedom of Information Act 1997* was repealed and replaced (14.10.2014) by *Freedom of Information Act 2014* (30/2014), commenced as per s. 1(2).

Prohibition on certain communications.

39.— (1) A person who communicates with a member of the Authority or a director of a subsidiary or with a member of staff of the Authority or a subsidiary, or with any other person engaged by the Authority or a subsidiary, for the purpose of influencing improperly his or her consideration of any matter which falls to be considered by the Authority or subsidiary commits an offence.

(2) If a person to whom a communication is made becomes of opinion that a communication is in contravention of *subsection (1)*, it is his or her duty not to entertain the communication further and he or she shall inform forthwith the chairperson of the Authority in writing of the substance of such communication and the chairperson shall acknowledge in writing the receipt of such information.

Membership of Houses of Oireachtas, European Parliament and local authorities.

40.— (1) Where a member of the Authority—

(*a*) accepts nomination as a member of Seanad Éireann,

(*b*) is elected as a member of either House of the Oireachtas or to the European Parliament, or

(*c*) is regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997, as having been elected to the European Parliament to fill a vacancy,

he or she ceases to be a member of the Authority.

(2) Where the chief executive of the Authority—

(*a*) accepts nomination as a member of Seanad Éireann,

(*b*) is elected as a member of either House of the Oireachtas or to the European Parliament,

(*c*) is regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997, as having been elected to the European Parliament to fill a vacancy, or

(*d*) becomes a member of a local authority,

he or she ceases to be chief executive of the Authority.

(3) Where a member of staff of the Authority or a subsidiary—

(*a*) accepts nomination as a member of Seanad Éireann,

(*b*) is elected as a member of either House of the Oireachtas or to the European Parliament, or

(*c*) is regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997, as having been elected to the European Parliament to fill a vacancy, or

(*d*) becomes a member of a local authority,

he or she stands seconded from his or her employment by the Authority or subsidiary and shall not be paid by, or be entitled to receive from, the Authority or subsidiary remuneration or allowances in respect of the period commencing on such nomination or election or when he or she is so regarded as having been elected, as the case may be, and ending when he or she ceases to be a member of either such House or such Parliament or such local authority.

(4) A person to whom *subsection (3)* refers may stand seconded for a period of no longer than 10 years.

(5) A person who is, for the time being, entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a member of the European Parliament is, while he or she is so entitled or is such a member, disqualified from becoming a member of the Authority.

(6) Without prejudice to the generality of *subsection (3)*, that subsection shall be construed as prohibiting, among other things, the reckoning of a period therein mentioned as service with the Authority for the purpose of any superannuation benefits.

Accountability to Committees of Oireachtas.

41.— (1) The chief executive shall, whenever required by a Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, give evidence to that Committee on—

(*a*) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account subject to audit by the Comptroller and Auditor General which the Authority is required by or under statute to prepare,

(*b*) the economy and efficiency of the Authority in the use of its resources,

(*c*) the systems, procedures and practices employed by the Authority for the purpose of evaluating the effectiveness of its operations, and

(*d*) any matter affecting the Authority referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993 or in any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in *paragraph (a)*, *(b)* or *(c)*) that is laid before Dáil Éireann.

(2) From time to time, and whenever so requested, the chairperson and chief executive shall account for the performance of the functions of the Authority to a Committee of one or both Houses of the Oireachtas and shall have regard to any recommendations of such Committee relevant to its functions.

Authority to keep itself informed on certain matters.

42.— (1) The Authority shall keep itself informed of the policies, objectives, resolutions and guidelines of any public authority, the functions of which have, or may have, a bearing on the matters with which the Authority is concerned.

(2) In this section "public authority" means the Minister, the Commission of the European Communities and any other public authority inside or outside the State which, in the opinion of the Authority, has functions that have, or may have, a bearing on matters with which the Authority is concerned.

Immunity of Authority.

43.— No action or other proceedings shall lie or be maintainable against—

(*a*) the Authority or a subsidiary of the Authority,

(*b*) a person performing functions delegated to it by the Authority,

(*c*) a public transport authority performing functions on behalf of the Authority, or

(*d*) a person providing services to the Authority,

for the recovery of damages in respect of any injury to persons, damage to property or other loss alleged to have been caused or contributed to by a failure of the Authority to perform or to comply with any of the functions conferred on it.

PART 3

Transport Matters

Chapter 1

Public Transport Infrastructure

Functions of Authority in relation to public transport infrastructure.

44.— (1) In relation to public transport infrastructure in the GDA, the Authority shall have the following functions:

(*a*) to secure the provision of, or to provide, public transport infrastructure,

(*b*) to enter into agreements with other persons in order to secure the provision of such public transport infrastructure, whether by means of a concession, joint venture, public private partnership or any other means, and

(*c*) to acquire and facilitate the development of land adjacent to any public transport infrastructure where such acquisition and development contribute to the economic viability of the said infrastructure whether by agreement or by means of a compulsory purchase order made by the Authority in accordance with Part XIV of the Act of 2000.

(2) (*a*) The Authority shall, as far as possible, arrange that the functions under *subsection (1)* be performed on its behalf in relation to—

(i) railway infrastructure other than metro or light railway infrastructure, by Irish Rail,

(ii) metro or light railway infrastructure, by the RPA,

(iii) interchange facilities, by such public transport authority or other statutory body which in the opinion of the Authority should have responsibility for them, and

F24**[**(iv) other public transport infrastructure owned or under the control of a public transport authority, by that public transport authority.**]**

(*b*) Notwithstanding *paragraph (a)* but subject to *paragraphs (c)* and *(d)*, where the Authority considers it more convenient, more expeditious, more effective

or more economical that the function concerned should be performed by it, it may decide accordingly.

(*c*) Before coming to a decision under *paragraph (b)* the Authority shall consult with and consider the views of the relevant public transport authority or other statutory body.

(*d*) The Minister may prescribe a class of case in which a decision by the Authority under *paragraph (b)* does not have effect unless and until it is approved by him or her.

F25**[**(*e*) The Authority may secure the provision of public transport infrastructure not referred to in *paragraph (a)* by such arrangements as it sees fit, including securing such provision itself or providing such public transport infrastructure itself.**]**

(3) The Authority may give a direction to a public transport authority to take such actions as, in the view of the Authority, are necessary to secure the provision of or to provide public transport infrastructure.

(4) Before giving a direction under *subsection (3)* to a public transport authority, the Authority shall consult with and consider the views of the public transport authority.

(5) (*a*) Subject to *paragraph (b)*, where a public transport authority refuses or fails to comply with a direction given under *subsection (3)*, the Authority may decide, notwithstanding any other enactment or in any case in which it appears to it that the circumstances so warrant, to perform the function specified in the direction subject to such modifications (if any) as it considers appropriate.

(*b*) The Minister may prescribe a class of case in which a decision by the Authority under *paragraph (a)* does not have effect unless and until it is approved by him or her.

F24**[**(6) Where—

(*a*) a decision is made by the Authority under *subsection (2)(b)* or *(5)(a)* for the performance of a particular function otherwise than through a public transport authority or statutory body, or

(*b*) the Authority is performing its function of securing the provision of public transport infrastructure in accordance with *subsection (2)(e)*,

the following provisions have effect—

(i) the Authority shall be empowered (notwithstanding any other enactment) to perform the function, including the acquisition of land for that purpose, and to do any other thing which arises out of or is consequential on or is necessary for the purposes of or would facilitate the performance of the function,

(ii) for the purpose of *paragraph (a)* or *(b)*, land may be acquired by agreement or by means of a compulsory purchase order made by the Authority in accordance with Part XIV of the Act of 2000,

(iii) the provisions of any enactment concerned F26**[**(other than section 178 of the Act of 2000)**]** apply in relation to the performance of the function subject to such modifications as may be necessary and as if the Authority was named in such enactment in each place where a public transport authority or other statutory body entitled to exercise the function is named, and

(iv) any contract or agreement in writing made between the public transport authority or statutory body concerned and any other person which is not fully executed and completed shall continue in force but shall be construed

and have effect as if the Authority was substituted therein for that public transport authority or statutory body.**]**

F26**[**(6A) Without prejudice to the generality of *subsection (6)(ii)*, land may be acquired by the Authority by agreement or by means of a compulsory purchase order made by the Authority in accordance with Part XIV of the Act of 2000 for the purpose of taking any measure whatsoever that may be reasonably required to mitigate, directly or indirectly, the impact of any public transport infrastructure provided on the environment generally or on—

(*a*) any particular site, building or structure,

(*b*) the availability of parking, or

(*c*) trees, landscaping and planting.**]**

(7) The Act of 2000 applies in relation to the compulsory acquisition of land under F27**[***subsection (1)(c), (6)* or *(6A)***]** as if it were an acquisition under Part XIV of that Act and for that purpose a reference to a local authority shall be read as a reference to the Authority.

(8) Before acquiring land by agreement under F27**[***subsection (1)(c), (6)* or *(6A)***]**, the Authority shall obtain an independent valuation of the land.

(9) The Authority may exploit commercial opportunities arising from its functions under this Part.

(10) The exploitation of such commercial opportunities may be carried out by a public transport authority or third party on behalf of the Authority.

(11) The Authority may receive income (including any amount, right, interest, benefit or profit) arising from, or make payments (or otherwise provide consideration) in respect of functions under *subsections (1)* and *(5)*.

(12) The Authority may amend or revoke an arrangement under *subsection (2)* or a direction under *subsection (3)* where it considers it more convenient, more expeditious, more effective or more economical to do so, subject in the case of revocation to the relevant public transport authority being recompensed by the Authority for the reasonable costs incurred by it up to time of revocation.

(13) The Authority may prescribe such infrastructure, facility, building or vehicle as it sees fit as public transport infrastructure.

F25**[**(14) The carrying out by the Authority, on its behalf or at its direction of—

(*a*) a proposed road development (within the meaning of the Roads Act 1993) that has been approved by An Bord Pleanála under section 51 (as amended by section 9 of the Roads Act 2007) of that Act, or

(*b*) a proposed development that has been approved by An Bord Pleanála—

(i) under subsection (9) (inserted by section 34(c) of the Planning and Development (Strategic Infrastructure) Act 2006) of section 175 of the Act of 2000 pursuant to an application for approval made by the Authority under subsection (3) of that section, or

(ii) under subsection (8) of section 177AE (inserted by section 57 of the Planning and Development (Amendment) Act 2010) of the Act of 2000 pursuant to an application for approval made by the Authority under subsection (3) of that section,

shall be exempted developments for the purposes of the Act of 2000.

(15) For the purposes of section 175 and 177AE of the Act of 2000 where a proposed development relates to public transport infrastructure an application for approval

under section 175(3) or 177AE(3) may be made by the Authority, with the concurrence of the local authority concerned, and, accordingly, references in those sections to a local authority shall be read as references to the Authority.

(16) In this section "function" includes a part of or any aspect of the function.**]**

Annotations

Amendments:

F24 Substituted (8.02.2016) by *Public Transport Act 2016* (3/2016), s. 1(b)(i) and (iii), commenced on enactment.

F25 Inserted (8.02.2016) by *Public Transport Act 2016* (3/2016), s. 1(b)(ii) and (iv), commenced on enactment.

F26 Inserted (17.07.2023) by *Road Traffic and Roads Act 2023* (16/2023), s. 47(a), (b), S.I. No. 364 of 2023.

F27 Substituted (17.07.2023) by *Road Traffic and Roads Act 2023* (16/2023), s. 47(c), S.I. No. 364 of 2023.

F28**[**Investing in bus infrastructure and cycle facilities

44A. (1) The Authority shall have the function to secure or provide public transport, and cycling, infrastructure in the State in relation to—

(*a*) bus stops, bus shelters, bus stations, stands and bus fleets, and

(*b*) cycling facilities and schemes to promote cycling.

(2) For the purposes of achieving its function under this section, the Authority may enter into agreements with other persons including by means of a concession, joint venture or public private partnership.**]**

Annotations

Amendments:

F28 Inserted (1.01.2014) by *Taxi Regulation Act 2013* (37/2013), s. 75(a), S.I. No. 524 of 2013.

Funding of public transport infrastructure.

45.— (1) The Authority may, subject to such conditions as it sees fit, make grants to public transport authorities or third parties out of moneys provided by the Oireachtas, in respect of the securing of public transport infrastructure assigned to such authorities or third parties under F29**[***section 44* or *44A*].

(2) Conditions attaching to grants made under *subsection (1)* may include terms governing repayment of a grant, interest and such other matters as may be determined by the Authority, with the consent of the Minister and the F29**[**Minister for Public Expenditure and Reform**]**.

Annotations

Amendments:

F29 Substituted (1.01.2014) by *Taxi Regulation Act 2013* (37/2013), s. 75(b)(i), (ii), S.I. No. 524 of 2013.

Railway orders.

46.— (1) Where the Authority decides in accordance with *section 44* to provide railway infrastructure, it shall for the purpose of so doing have all the powers and duties of the RPA or a railway undertaking, as the case may be, as contained in Part

3 of the Act of 2001 and a reference in that Part to the Agency or a railway undertaking shall be deemed to be a reference to the Authority.

(2) Section 37 (inserted by section 49(*b*) of the Planning and Development (Strategic Infrastructure) Act 2006) of the Act of 2001 is amended by substituting for subsections (1) and (2) the following:

"(1) An application may be made to An Bord Pleanála ('the Board') for a railway order by the Dublin Transport Authority ('DTA'), the Agency, CIÉ or another person. Where any part of the proposed railway works in the application is within the functional area of the DTA the applicant (not being the DTA) must have obtained the prior written consent of the DTA for the application.

(2) An application under subsection (1) shall specify whether the application is in respect of a light railway, metro or otherwise.".

Chapter 2

Public Passenger Transport Services

Definitions (*Part 3, Chapter 2*).

47.— In this Chapter—

"direct award contract" means a public service contract entered into by the Authority under *section 52* without a competitive tendering procedure;

"public service contract" has the meaning assigned to it in Regulation No. 1370/2007;

"public service obligation" means a requirement specified by the Authority in order to ensure public passenger transport services in the general economic interest which a public transport operator, if it were considering its own commercial interests, would not assume or would not assume to the same extent or under the same conditions without reward;

"public transport services contract" means a contract, including a public service contract, between the Authority and a public transport operator for the provision of public passenger transport services;

"Regulation No. 1370/2007" means Regulation (EC) No. 1370/2007 of the European Parliament and of the Council of 23 October 2007 [1].

Public transport services contracts.

48.— (1) (*a*) The Authority shall secure the provision of public passenger transport services.

(*b*) Where the Authority proposes to secure the provision of public passenger transport services under *paragraph (a)*, it shall, subject to *section 56*, do so in accordance with a public transport services contract.

(2) Where the Authority secures the provision of—

(*a*) rail passenger services F30**[**(other than metro or light rail passenger services)**]** it shall do so in accordance with *section 52*,

(*b*) F31**[**public bus services**]** F30**[**and ancillary public passenger transport services**]** it shall do so in accordance with *section 52* or following a competitive tendering procedure, and

(*c*) metro and light rail passenger services it shall do so following a competitive tendering procedure.

(3) A public transport services contract shall, among other things, provide for the following:

[1] OJ No. L315, 03/12/2007, p.1

(*a*) any payments to be made between the Authority and a public transport operator,

(*b*) allocation of passenger revenue,

(*c*) places to be served by a public passenger transport service,

(*d*) the routes to be operated or the areas to be served,

(*e*) the integration of services provided under the contract and their integration with other public passenger transport services,

(*f*) service standards and frequency,

(*g*) fares to be charged and provision for the variation, including increase or decrease, of fares,

(*h*) the fare system to be used,

(*i*) performance obligations including obligations relating to service levels,

(*j*) the branding on vehicles used for the provision of services,

(*k*) requirements regarding ticketing and the provision of information to passengers,

(*l*) accessibility standards,

(*m*) subject to *subsection (7)* or *(8)* as appropriate, where it is proposed to provide for subcontracting, the terms and conditions under which such subcontracting of services may take place,

(*n*) a requirement where appropriate that the operator holds an operator's licence (within the meaning of section 2(9) of the Road Traffic and Transport Act 2006),

(*o*) requirements relating to compliance with applicable law in relation to pay and terms and conditions of employment,

(*p*) emission standards for pollutants and noise, and

(*q*) such other service, customer, vehicle, reporting, financial or contractual requirements (whether or not of the same kind), which the Authority considers appropriate.

(4) A public transport services contract may include a provision for the carrying out of a review of all or any of the provisions of that contract which relate to the requirements set out in *subsection (3)* or any other matter provided for in the contract.

(5) A public transport operator may not transfer, assign, delegate or otherwise deal with a right, power or duty under a public transport services contract without the approval of the Authority.

(6) (*a*) Subject to *paragraphs (b)* and *(c)* and *section 52*, the Authority shall determine the duration of public transport services contracts to which this Chapter applies subject to a maximum of 10 years in respect of F31**[**public bus services**]** and 15 years in respect of rail or other track-based modes.

(*b*) The duration of public transport services contracts relating to several modes of transport shall not exceed 15 years if transport by rail or other track-based modes represents more that 50 per cent of the value of the services in question and shall not exceed 10 years where the said value is less than 50 per cent.

(*c*) If necessary, having regard to the conditions of depreciation of assets, the duration of the public transport services contracts may be extended by a maximum of 50 per cent if the public transport operator provides assets which are both significant in relation to the overall assets needed to carry out the passenger transport services covered by the public transport services contract and linked predominantly to the passenger transport services covered by the contract.

(7) Where a public transport services contract relates to the provision of public passenger transport services to which *paragraphs (a)* and *(b)* of *subsection (2)* apply and it is proposed that part of the contract may be the subject of subcontracting, Article 4.7 of Regulation No. 1370/2007 shall apply.

(8) Where a public transport services contract relates to the provision of metro or light rail passenger services, a public transport operator may, with the approval of the Authority, subcontract the provision of part of the public passenger transport services under that contract and such services provided under subcontract shall be subject to the obligations, if any, specified in that contract.

(9) A public transport services contract may provide for financial or other incentive clauses where a public transport operator exceeds specified performance standards.

(10) Where a public transport operator does not comply with the requirements set down in this Chapter or in a public transport services contract made under this section, the Authority may impose financial or other consequences, including the termination of the right to provide the public passenger transport service or any part thereof to which the contract relates and such consequences shall be referred to in the contract.

(11) The Authority may assign its functions in relation to securing the provision of metro or light rail passenger services to the RPA subject to such terms and conditions, consistent with this Chapter, as the Authority sees fit.

F32**[**(12) Where the Authority proposes to enter into a public transport services contract, other than a direct award contract to which section 52(3) refers, it shall—

(*a*) advise any local authority in whose functional area the transport service will operate of the proposal to enter into such a contract, and

(*b*) invite any such local authority to submit written views in relation to the proposed contract, which it will consider prior to entering into the contract.**]**

Annotations

Amendments:

F30 Inserted (1.01.2014) by *Taxi Regulation Act 2013* (37/2013), s. 74(c)(i), (ii), S.I. No. 524 of 2013.

F31 Substituted (1.12.2009) by *Public Transport Regulation Act 2009* (37/2009), s. 29(1)(h), S.I. No. 466 of 2009.

F32 Inserted (1.12.2009) by *Public Transport Regulation Act 2009* (37/2009), s. 29(1)(g), S.I. No. 466 of 2009.

Funding of public transport services contracts.

49.— (1) Where the Authority enters into a public transport services contract under *section 48*, it may, subject to such conditions as it sees fit, make payments to the public transport operator concerned out of moneys provided by the Oireachtas or otherwise, in respect of the provision of public passenger transport services referred to in that contract.

(2) Conditions attaching to payments made under *subsection (1)* may include terms governing repayment of the payments, interest and such other matters as may be

determined by the Authority, with the consent of the Minister and the Minister for Finance.

Public service obligations.

50.— (1) Where the Authority proposes to secure public passenger transport services it may determine that a public service obligation is to be applied in respect of that service.

(2) Where the Authority makes a determination under *subsection (1)* that a public service obligation is to be applied, it shall secure the public passenger transport services by means of a public service contract, which shall be subject to *section 48*.

(3) A contract to which this section relates must be made in compliance with Regulation No. 1370/2007.

(4) A public transport operator shall satisfy the Authority, with such information and in such form as the Authority may specify, in respect of—

(*a*) any payment for the performance of a public service obligation, that the payment does not exceed that which is necessary to cover all or part of the costs incurred in discharging the public service obligation taking into account the relevant receipts and a reasonable profit for discharging the obligation, and

(*b*) the costs incurred in discharging the public service obligation, that such costs do not exceed those, which in the opinion of the Authority, an operator that is well run and adequately provided with means of transport would be expected to incur in discharging the public service obligation.

Amendments to public service contracts.

51.— The Authority may, subject to *section 52(6)*, unilaterally alter a public service contract, including the scope of the contract, where it is of the opinion that such alteration is necessary to guarantee safe, efficient and high quality public passenger transport services or transparency in the performance of public passenger transport services.

Direct award public service contracts.

52.—F33**[**(1) Save where—

(*a*) a licence is granted by the Minister under the Road Transport Act 1932,

(*b*) a licence is granted by the Authority under Part 2 of the Act of 2009,

(*c*) the Authority has entered into a public transport service contract with a public transport operator, or

(*d*) otherwise provided by law—

(i) Dublin Bus has an exclusive right to continue to provide the public bus services that it provides in accordance with the provisions of section 7 of the Act of 1958 and section 8 of the Act of 1986 within the city of Dublin and the counties of Fingal, South Dublin and Dún Laoghaire-Rathdown and contiguous areas, and

(ii) Bus Éireann has an exclusive right to continue to provide the public bus services that it provides in accordance with section 7 of the Act of 1958 and section 8 of the Act of 1986 except in so far as such services are provided by Dublin Bus under *subparagraph (i)*,

and those services shall be set out in the public service contracts entered into under *subsection (3)(a)*.**]**

(2) Save where otherwise provided by law, Irish Rail has an exclusive right to provide rail passenger services, other than metro or light rail passenger servicesF34**[**...**]**.

F33**[**(3) The Authority, in accordance with *section 48*, to ensure the adequacy of public passenger transport services in the general economic interest—

(*a*) shall enter into direct award contracts, which impose public service obligations with—

(i) Dublin Bus and Bus Éireann to secure the provision of public bus services to which subsection (1) relates, and

(ii) Irish Rail to secure the provision of rail passenger services to which *subsection (2)* relates,

and

(*b*) may enter into direct award contracts, in accordance with Regulation No. 1370/2007, which impose public service obligations, with public transport operators to secure the provision of public passenger transport services not being provided by Dublin Bus, Bus Éireann or Irish Rail pursuant to the direct award contracts entered into pursuant to *subparagraph (a)(i)* or *(ii)*.

(4) Notwithstanding *section 48(6)*—

(*a*) the direct award contracts referred to in *subparagraph (a)(i)* of *subsection (3)* shall each be for a period of 5 years,

(*b*) the contract referred to in *subparagraph (a)(ii)* of *subsection (3)* shall be for a period of 10 years, and

(*c*) the contracts referred to in *paragraph (b)* of *subsection (3)* shall be for a period not to exceed 5 years.**]**

(5) Where a direct award contract is entered into in respect of the provision of F35**[**public bus services**]** under this section, the Authority may, following consultation with Dublin Bus or Bus Éireann, as appropriate, make alterations to elements of that contract which relate to the provision of services contained within that contract, subject to there being no amendment to the scope of the relevant exclusive right referred to in *subsection (1).*

(6) (*a*) The Authority may at any time review a direct award contract entered into under this section and may following such a review unilaterally make amendments to such contract.

(*b*) The Authority shall carry out a review of any direct award contract entered into under this section which relates to the provision of F35**[**public bus services**]** where it considers that the maintenance of the contract, or any aspect thereof, may no longer be necessary to ensure the provision of the required level of such services F36**[**or ancillary public passenger transport services**]** and where such a finding is made, the Authority shall be entitled to unilaterally amend or terminate the contract as appropriate.

(*c*) (i) Subject to *subparagraph (ii)*, the Authority may enter into direct award contracts subsequent to those to which *subsection (3)* applies.

(ii) Where the Authority proposes to enter into direct award contracts subsequent to those referred to in *subsection (3)(a)* F36**[***(i)***]**, it may only do so where it is satisfied that the continued adequacy of the F35**[**public bus services**]** to which the contracts relate can only be guaranteed in the general economic interest by entering into such direct award contracts.

(*d*) Where the Authority proposes to carry out a review to which *paragraph (b)* refers or enter into the direct award contracts to which *paragraph (c)(ii)* refers, it shall invite and consider submissions from the holder of the direct award contract in question and from any other interested parties, including users of the F35**[**public bus services**]** that are the subject of the contract.

(*e*) Where the Authority makes amendments to a direct award contract under *paragraph (b)* or enters into a direct award contract to which *paragraph (c)(ii)* refers, it shall prepare and publish a report relating to the operation of the F35**[**public bus services**]** to which the original direct award contracts relate, the consideration of any submissions made to it under *paragraph (d)* and its reasons for making amendments to the original contracts or entering into the subsequent direct award contracts or, where appropriate, the termination of those contracts.

(7) All compensation made available by the Authority for the provision of public passenger transport services to which a contract under this section applies must be made in accordance with the Annex to Regulation 1370/2007.

(8) (*a*) The Minister may, where he or she considers it appropriate in order to achieve the Government's transport objectives or to ensure compliance with an act of an institution of the European Community, issue directions at his or her sole discretion to the Authority and, as appropriate, Dublin Bus, Bus Éireann or Irish Rail in relation to the provision of public passenger transport services to which this section relates.

(*b*) Where the Minister issues a direction under this subsection, the Authority and Dublin Bus, Bus Éireann or Irish Rail, as appropriate, shall comply with that direction.

Annotations

Amendments:

F33 Substituted (1.01.2014) by *Taxi Regulation Act 2013* (37/2013), s. 74(d)(i), (ii), S.I. No. 524 of 2013.

F34 Deleted (1.12.2009) by *Public Transport Regulation Act 2009* (37/2009), s. 29(1)(i)(ii), S.I. No. 466 of 2009.

F35 Substituted (1.12.2009) by *Public Transport Regulation Act 2009* (37/2009), s. 29(1)(h), S.I. No. 466 of 2009.

F36 Inserted (1.01.2014) by *Taxi Regulation Act 2013* (37/2013), s. 74(d)(iii), (iv), S.I. No. 524 of 2013.

Editorial Notes:

E11 Previous affecting provision: subss. (1) and (3) amended (1.12.2009) by *Public Transport Regulation Act 2009* (37/2009), s. 29(1)(h), (i), S.I. No. 466 of 2009; substituted as per F-notes above.

Public passenger transport services provided by CIÉ.

53.— Notwithstanding section 13 of the Act of 1950 and section 8 of the Act of 1986, Irish Rail, Dublin Bus and Bus Éireann shall be empowered to enter into public transport services contracts with the Authority and shall be bound by the terms and conditions of such contracts in relation to the public passenger transport services specified in the contracts.

Public service contracts in respect of services partially outside GDA.

54.— F37**[**...**]**

Annotations

Amendments:

F37 Repealed (1.12.2009) by *Public Transport Regulation Act 2009* (37/2009), s. 29(1)(j), S.I. No. 466 of 2009.

Editorial Notes:

E12 Previous affecting provision: "public bus services" substituted for "public bus passenger services" (1.12.2009) by *Public Transport Regulation Act 2009* (37/2009), s. 29(1)(h), S.I. No. 466 of 2009.

General provision relating to the operation of this Chapter.

55.— (1) The Authority may issue guidelines relating to the making of public transport services contracts under this Chapter and the operation of the public passenger transport services to which such contracts may relate, and may amend or cancel such guidelines.

(2) The Authority shall carry out a review of the operation of this Chapter not later than 5 years after the commencement of this section and at least once every 5 years thereafter.

(3) The Authority shall submit a report to the Minister of the findings of a review carried out under this section.

(4) Notwithstanding *subsection (2)*, the Minister may from time to time request the Authority to carry out a review of the operation of any or all of the provisions of this Chapter and make a report to him or her of the findings of that review.

(5) Nothing in this Chapter shall affect in any way the powers given to the Minister under section 26 of the Act of 1986 to give policy directions to CIÉ.

Operator of last resort.

56.— The Authority may provide public passenger transport services where a public transport operator—

(*a*) is unable to meet its contractual commitments because of its financial position,

(*b*) withdraws from providing or fails to provide services specified in a public transport services contract, or

(*c*) fails on a persistent and sustained basis to meet the performance standards specified in a public transport services contract.

F38[Powers of Authority to make bye-laws for public passenger transport services (other than rail passenger services), enforcement etc.

56A.— (1) Subject to *subsection (8)*, bye-laws may be made by the Authority in relation to the performance by the Authority of any function conferred on it in connection with the provision of public passenger transport services (other than in respect of a rail passenger service, including light railway and metro) whether pursuant to a public transport services contract or a direct award contract under *section 52*, other than in respect of such a contract awarded by the Authority to Dublin Bus or Bus Éireann, in relation to any one or more of the following matters:

(*a*) the general regulation, subject to any statutory provisions in that behalf, of the travelling by way of or use of such means of transport services, (including a requirement to travel with a valid ticket or pass and the issue of such);

(*b*) the prevention of the commission of nuisances in or upon such means of transport services;

(*c*) the prevention of damage to such means of transport services;

(*d*) the removal from or the prohibition of the use on such means of transport services of any vehicle or thing which is or may become a danger to life, health, the provision or the operation of public passenger transport services or would otherwise interfere with the proper provision or the operation of such transport services;

(*e*) the safe custody and return or disposal of any property found on a vehicle or equipment used in the provision of public passenger transport services.

(2) Bye-laws under this section may contain such incidental, subsidiary and ancillary provisions as the Authority considers necessary or expedient for the purposes of the bye-laws.

(3) The Authority may provide for reasonable charges in respect of matters provided for in bye-laws made by it under this section.

(4) Whenever the Authority proposes to make bye-laws under this section, the following provisions have effect—

(*a*) the Authority shall, publish notice of the proposal—

(i) on its website, and

(ii) in at least 2 national newspapers circulating within the State or in the area to which the bye-laws relate,

(*b*) the notice shall include—

(i) a statement of the purposes for which the bye-laws are to be made,

(ii) an intimation that—

(I) a copy of the draft bye-laws is open for public inspection at the principal offices in the State of the Authority, and

(II) the draft bye-laws are published on the Authority's website,

and

(iii) an intimation that any person may submit to the Authority objections to the draft bye-laws at any time during the period of 30 days commencing on the date of the publication of the notice,

(*c*) the Authority shall, during that period of 30 days, keep a copy of the draft bye-laws open for public inspection during ordinary office hours at its principal offices, and publish the draft on its website,

(*d*) any person who objects to the draft bye-laws may submit his or her objection to the Authority in writing at any time during that period of 30 days and the Authority shall consider the objections, and

(*e*) on the completion of that period of 30 days, the Authority shall as it thinks proper, refrain from making the bye-laws or make the bye- laws either without modification or with modification as it thinks proper.

(5) The Authority shall publish bye-laws made by it under this section on its website.

(6) Such details of bye-laws under this section shall be displayed on a public transport vehicle or equipment used in the provision of public passenger transport services, where practicable, in conspicuous places in such manner as the Authority considers best adapted for giving information to the public.

(7) The failure to publish under *subsection (5)* or any absence to display under *subsection (6)* is not a defence to a contravention of or failure to comply with bye-laws under this section.

(8) Bye-laws under this section shall not be made without the prior written consent of the Minister.

(9) A person who contravenes or fails to comply with a bye-law under this section which is stated in the bye-laws to be a penal provision commits an offence and is liable on summary conviction to a class D fine.

(10) The liability of an offender to a fine under *subsection (9)* does not prejudice the recovery of any fare, tariff or fee payable by him or her to the Authority or the person providing the public passenger transport services for any damage caused by him or her to property of the Authority or such person.

(11) Every bye-law made by the Authority under this section shall be laid before each House of the Oireachtas, as soon as may be after it is made and, if a resolution annulling the bye-law is passed by either such House within the next 21 days on which that House sits after the bye-law is laid before it, the bye-law is annulled, but without prejudice to anything previously done under it.**]**

Annotations

Amendments:

F38 Inserted (8.02.2016) by *Public Transport Act 2016* (3/2016), s. 10(c), commenced on enactment. A class D fine means a fine not greater than €1,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 7(1), S.I. No. 662 of 2010.

Editorial Notes:

E13 Power pursuant to section exercised (1.07.2019) by *National Transport Authority (Public Passenger Transport Services) Bye-Laws 2019* (S.I. No. 273 of 2019), in effect as per art. 1(2).

F39**[**Authorised persons

56B. (1) The Authority may appoint in writing such and so many persons as it considers necessary to be authorised persons to perform any or all of the functions conferred on an authorised person under *section 56C* or *56D*.

(2) A person appointed as an authorised person under *subsection (1)*, shall, on his or her appointment be furnished by the Authority with a warrant of his or her appointment and when exercising a power conferred on an authorised person under *section 56C* shall, if requested by any person affected, produce the warrant to that person for inspection.

(3) An authorised person, who is not a member of the Garda Síochána, is not entitled to exercise a power under *section 56C* unless he or she has received training and instruction, which, in the opinion of the Authority is such as will provide guidance to him or her in the exercise of the power.

(4) The Authority shall endorse on the warrant it furnishes to an authorised person under *subsection (2)* a statement to the effect that the officer has received the training and instruction referred to in *subsection (3)*.

(5) An authorised person, who is not a member of the Garda Síochána, when exercising a power under this section shall be in uniform provided or authorised by the Authority.

(6) An authorised person, who is not a member of the Garda Síochána, may be referred to by the Authority by such title as it decides.**]**

Annotations

Amendments:

F39 Inserted (8.02.2016) by *Public Transport Act 2016* (3/2016), s. 10(c), commenced on enactment.

F40**[**Powers of authorised person

56C. (1) If an authorised person appointed in accordance with *section 56B* reasonably suspects that a person—

(*a*) is contravening or has contravened or is failing or has failed to comply with a bye-law made under *section 56A* which is stated to be a penal provision,

(*b*) is assaulting or has assaulted or is causing or has caused deliberate harm to another on a public passenger transport service to which *section 56A* applies,

(*c*) is obstructing or has obstructed or is impeding or has impeded an authorised person exercising a function of an authorised person under this section or under any bye-laws made under *section 56A*,

(*d*) on any public transport service to which *section 56A* applies is intoxicated or is committing or has committed an offence under section 15 of the Misuse of Drugs Act 1977, or

(*e*) if requested by an authorised person to cease such contravention or action or to so comply, fails to comply with the request,

he or she may—

(i) using such reasonable force as the circumstances require, remove or escort the person from the public passenger transport service or any part of it,

(ii) in circumstances where the authorised person considers it to be justified, arrest the person without warrant, or

(iii) require the person to give his or her name and address and, if the person fails or refuses to do so or gives a name that the authorised person reasonably suspects is false or misleading, arrest that person without warrant,

and, if he or she is not a member of the Garda Síochána, deliver, as soon as practicable, the person, if arrested, into the custody of a member of the Garda Síochána to be dealt with according to law.

(2) A person who fails or refuses to give his or her name or address when required under *subsection (1)*, or gives a name or address which he or she knows to be false or misleading, commits an offence and is liable on summary conviction to a class D fine.

(3) The arrest of a person under this section does not prejudice the re-arrest of the person by a member of the Garda Síochána.

(4) In this section a reference to the committal of an offence or an act includes a reference to an attempt to commit the offence or the act.

(5) In this section and *section 56D* "authorised person" means a person appointed under *section 56B(1)* or a member of the Garda Síochána whose attendance is requested by an authorised person or by the Authority.**]**

Annotations

Amendments:

F40 Inserted (8.02.2016) by *Public Transport Act 2016* (3/2016), s. 10(c), commenced on enactment. A class D fine means a fine not greater than €1,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 7(1), S.I. No. 662 of 2010.

F41**[**Fixed payment notice

56D. (1) Where an authorised person has reasonable grounds for believing that a person is committing or has committed an offence under *section 56A(9)* (for a contravention or failure to comply with a provision of a bye-law made under that section) or *section 56C(2)*, he or she may serve personally or by post on the person a notice ("fixed payment notice") in the prescribed form stating that—

(*a*) the person is alleged to have committed the offence specified in the notice,

(*b*) the person may, during the period of 21 days beginning on the date of the notice, make to the Authority at the address specified in the notice a payment of €100, or such other amount standing specified in regulations made by the Minister, accompanied by the notice, duly completed,

(*c*) the person is not obliged to make the payment, and

(*d*) a prosecution in respect of the alleged offence will not be instituted during the period specified in the notice under *paragraph (b)* and, if a payment specified in the notice is made during the period so specified, accompanied by the notice, duly completed, no prosecution in respect of the alleged offence will be instituted.

(2) Where a fixed payment notice is given under *subsection (1)* —

(*a*) the person to whom the notice applies may, during the period specified in the notice, make to the Authority at the address specified in the notice the payment specified in the notice, accompanied by the notice, duly completed,

(*b*) the Authority may receive the payment, issue a receipt for it and retain the money so paid, and any payment so received shall not be recoverable in any circumstances by the person who made it, and

(*c*) a prosecution in respect of the alleged offence to which the notice relates will not be instituted during the period specified in the notice, and, if the payment so specified is made during the period so specified, no prosecution in respect of the alleged offence will be instituted.

(3) In a prosecution for an offence referred to in *subsection (1)* the onus of proving that a payment pursuant to a fixed payment notice has been made lies on the defendant.

(4) In any proceedings in respect of an offence referred to in *subsection (1)* a document purporting to be a certificate or receipt of posting or delivery by or on behalf of An Post or another postal service is evidence of the posting or delivery of a fixed payment notice.

(5) Income generated by the payment of the fixed payment amount specified under *subsection (1)(b)* pursuant to a fixed payment notice shall be disposed of in a manner determined by the Authority with the agreement of the Minister and the Minister for Public Expenditure and Reform.

(6) In this section "prescribed" means prescribed in bye-laws made by the Authority under *section 56A*.**]**

Annotations

Amendments:

F41 Inserted (8.02.2016) by *Public Transport Act 2016* (3/2016), s. 10(c), commenced on enactment.

Chapter 3

Integration Measures

Promotion of public transport.

57.— (1) The Authority shall either itself or in co-operation with other persons promote the use of public transport F42**[**...**]**.

(2) The Authority shall, for the purposes of promoting public transport, design, develop and secure the implementation of a single brand to be used by all public transport operators providing services in accordance with a public transport services contract with the Authority F42**[**...**]**.

(3) The Authority may give a direction to a public transport operator providing services in accordance with a public transport services contract or a public transport authority to take such actions as, in the view of the Authority, are necessary to ensure the promotion of public transport and the promotion and use of a single public transport brand F42**[**...**]**.

Annotations

Amendments:

F42 Deleted (1.01.2014) by *Taxi Regulation Act 2013* (37/2013), s. 75(c), S.I. No. 524 of 2013

Integrated ticketing scheme.

58.— (1) The Authority shall develop, procure, implement, operate and maintain an integrated ticketing scheme in a fair and non-discriminatory manner for public transport in the GDA or such other areas or public passenger transport services as may be specified by the Minister under *section 63*.

(2) The Authority may assign any or all of its functions in relation to the development, procurement, implementation, operation and maintenance of an integrated ticketing scheme to a third party.

(3) The Authority may terminate or vary at any time an assignment of functions under *subsection (2)*.

(4) The Authority shall prescribe measures for the regulation of an integrated ticketing scheme including revenue-sharing among the public transport operators involved.

(5) Any integrated ticketing system established or in design at the time of commencement of this section, in accordance with the order revoked by *subsection (11)*, is transferred to the Authority. Any contract entered into by or property belonging to the RPA in relation to such a system transfers to the Authority.

(6) Notwithstanding any enactment, other rules of law or, in the case of a company any provision contained in the memorandum and articles of association of that company, the Authority shall give a direction to all or such public transport operators as it considers appropriate to—

(*a*) be members of an integrated ticketing scheme,

(*b*) install any necessary equipment in their vehicles, at their premises or at the premises of persons acting as their agents, and

(*c*) comply with requirements specified by the Authority for an integrated ticketing scheme.

(7) Notwithstanding *subsection (6)*, the Authority and a public transport operator which is not providing public passenger transport services in accordance with a public transport services contract may enter into an agreement for the purposes of the public transport operator being a member of an integrated ticketing scheme.

(8) Where during the development of an integrated ticketing scheme the Authority—

(*a*) gives a direction under *subsection (6)(b)* or *(c)* to a public transport operator which is not providing public passenger transport services in accordance with a public transport services contract, or

(*b*) makes an agreement under *subsection (7)*,

it shall reimburse the public transport operator such additional costs in relation to the installation and integration of the integrated ticketing equipment as is deemed reasonable by the Authority.

(9) (*a*) The Authority is the owner of any information or data related to an integrated ticketing scheme generated by—

(i) the Authority or a third party who has been assigned a function under *subsection (2)*, or

(ii) a public transport operator who is a member of the integrated ticketing scheme.

(*b*) The Authority or a third party who has been assigned a function under *subsection (2)* shall provide adequate safeguards to ensure the security of commercially sensitive data received from members of the integrated ticketing scheme and shall ensure that such data are not disclosed to third parties without the consent of the relevant member.

(*c*) Nothing in *paragraph (b)* prevents the use of information or data generated or provided under this section for the purposes of other functions of the Authority, or the provision of the data to other statutory authorities for the discharge of their functions, provided that such use does not result in the disclosure of, what is in the opinion of the Authority, commercially sensitive information in relation to an identifiable person or public transport operator except with the consent of such person or operator.

(10) Where the Authority terminates or varies an assignment in accordance with *subsection (3)*, it shall recompense the assignee for the reasonable costs, if any, incurred by it up to the time of termination or variation.

(11) The Transport (Railway Infrastructure) Act 2001 (Additional Functions) (Integrated Ticketing) Order 2002 (S.I. No. 84 of 2002) is revoked.

(12) In this section "integrated ticketing scheme" means a scheme of ticketing which enables a passenger to access one or more public passenger transport services for a single trip or multiple trips on such services, irrespective of the number of public passenger transport services or operators involved in making that trip or those trips.

Annotations

Modifications (not altering text):

C16 Remit of functions assigned to the National Transport Authority under section extended (30.09.2010) by *National Transport Authority (Extension of Remit) Order 2010* (S.I. No. 467 of 2010), in effect as per art. 1(2).

2. The functions assigned to the National Transport Authority under section 58 of the Dublin Transport Authority Act 2008 (No. 15 of 2008) are extended generally outside the GDA to all areas of the State.

Fares scheme.

59.— (1) The Authority may develop, procure, implement, operate and maintain a fares scheme for public transport in the GDA or such other areas or public passenger transport services as may be specified by the Minister under *section 63*.

(2) The Authority may assign any or all of its functions in relation to the development, procurement, implementation and maintenance of a fares scheme to a third party.

(3) The Authority may terminate or vary at any time an assignment of functions under *subsection (2)*.

(4) Notwithstanding any enactment, other rules of law or, in the case of a company any provision contained in the memorandum and articles of association of that company, the Authority shall give a direction to all or such public transport operators as it considers appropriate—

(*a*) to be members of a fares scheme,

(*b*) concerning the means and frequency by which costs and revenues are to be shared amongst members of the scheme in a transparent and non-discriminatory manner,

(*c*) concerning the equipment required by the Authority and the members of the scheme for the operation of the scheme,

(*d*) concerning procedures for the provision, maintenance and confidentiality of data required to operate the scheme,

(*e*) concerning procedures for the resolution of grievances, and

(*f*) concerning the retention of moneys to cover the administrative costs of operating the scheme.

(5) Notwithstanding *subsection (4)*, where the Authority and a public transport operator which is not providing public passenger transport services in accordance with a public transport services contract agree to do so, the Authority may enter into an agreement with such public transport operator for the purposes of the public transport operator being a member of a fares scheme.

(6) Where the Authority—

(*a*) gives a direction under *subsection (4)(a)* to a public transport operator which is not providing public passenger transport services in accordance with a public transport services contract it shall, or

(*b*) makes an agreement under *subsection (5)* it may,

reimburse the public transport operator such net loss of revenue, if any, in relation to participation in such scheme and in assessing such net loss of revenue, the Authority shall take into account revenue losses incurred or likely to be incurred by the operator which would not otherwise have been incurred, less any additional revenue or other benefits received or likely to be received by the operator by virtue of participating in such a scheme.

(7) Where the Authority terminates or varies an assignment in accordance with *subsection (3)*, it shall recompense the assignee for the reasonable costs, if any, incurred by it up to the time of termination or variation.

(8) In this section "fares scheme" means a scheme made by the Authority which specifies the nature, conditions and levels of fares to be charged by members of the scheme for journeys made on public passenger transport services and for any ancillary matters.

Annotations

Modifications (not altering text):

C17 Remit of functions assigned to the National Transport Authority under section extended (1.08.2022) by *National Transport Authority (Extension of Remit) (Fares Scheme) Order 2022* (S.I. No. 368 of 2022), in effect as per art. 1(2).

2. The functions assigned to the National Transport Authority under section 59 of the Dublin Transport Authority Act 2008 (No. 15 of 2008) are extended to apply generally to all areas in the State outside the Greater Dublin Area.

Integrated public transport information scheme.

60.— (1) The Authority may develop, procure, implement, operate and maintain an information scheme ("integrated information scheme") for public transport in the GDA or such other areas or public passenger transport services as may be specified by the Minister under *section 63*.

(2) The integrated information scheme—

(*a*) shall provide an integrated multi-modal timetable of public passenger transport services to inform users of the full range and times of public passenger transport services available including details on the accessibility elements of such services,

(*b*) shall, where practicable, provide for the provision of information to users of public passenger transport services on a real time basis, and

(*c*) may provide information and data to the Authority for the performance of its functions.

(3) The Authority may decide the means by which the integrated information scheme is made available but it shall, at minimum, ensure that the timetable referred to in *subsection (2)(a)* is available in accessible paper and electronic formats including on the internet. The Authority shall endeavour to make the integrated information scheme available in alternative, accessible formats.

(4) The Authority shall ensure that the integrated information scheme is as up-to-date as is reasonable and practicable at all times.

(5) Notwithstanding any enactment, other rules of law or, in the case of a company any provision contained in the memorandum and articles of association of that company, the Authority shall give a direction to all or such public transport operators as it considers appropriate for the provision of the integrated information scheme to—

(*a*) generate and provide information in a manner, form and within a time specified by the Authority, and

(*b*) comply with any requirements specified by the Authority for an integrated information scheme.

(6) The Authority may assign any or all of its functions in relation to the development, procurement, implementation, operation and maintenance of an integrated information scheme to a third party.

(7) The Authority may terminate or vary at any time an assignment of functions under *subsection (6)*.

(8) Where the Authority terminates or varies an assignment in accordance with *subsection (7)*, it shall recompense the assignee for the reasonable costs incurred, if any, by it up to the time of termination or variation.

(9) (*a*) The Authority is the owner of any information or data related to an integrated information scheme generated by—

(i) the Authority or a third party who has been assigned a function under *subsection (6)*, or

(ii) a public transport operator pursuant to a direction under *subsection (5)*.

(*b*) The Authority or a third party who has been assigned a function under *subsection (6)* shall provide adequate safeguards to ensure the security of commercially sensitive data generated or provided under this section in relation to the integrated information scheme and shall ensure that such data are not disclosed to third parties without the consent of any relevant public transport operator.

(*c*) Nothing in *paragraph (b)* prevents the use of information or data generated or provided under this section for the purposes of other functions of the Authority, or the provision of the data to other statutory authorities for the discharge of their functions, provided that such use does not result in the disclosure of, what is in the opinion of the Authority, commercially sensitive information in relation to an identifiable person or public transport operator except with the consent of such person or operator.

Annotations

Modifications (not altering text):

C18 Remit of functions assigned to the National Transport Authority under section extended (18.06.2013) by *National Transport Authority (Extension of Remit) Order 2013* (S.I. No. 237 of 2013), art. 2, commenced as per art. 1(2).

Editorial Notes:

E14 Previous affecting provision: remit of functions assigned to the National Transport Authority under section extended (1.04.2010) by *National Transport Authority (Extension of Remit) Order 2010* (S.I. No. 139 of 2010), art. 2(1), commenced as per art. 1(2); revoked (18.06.2013) by *National Transport Authority (Extension of Remit) Order 2013* (S.I. No. 237 of 2013), art. 3.

Road user information system.

61.— (1) The Authority may develop, procure, implement, operate and maintain an information system (" road user information system ") in the GDA to provide road users with information, including real-time information, on traffic and travel conditions.

(2) The Authority may decide the means by which the road user information system is made available.

(3) The Authority shall consult with and consider the views of the NRA and road authorities before exercising its functions under *subsection (1)* or *(5)(a)*.

(4) Where the NRA or a road authority proposes to establish a road user information system in the GDA or proposes to modify an existing road user information system, it shall consult with and consider the views of the Authority.

(5) Notwithstanding any enactment, other rules of law or, in the case of a company any provision contained in the memorandum and articles of association of that company, the Authority may—

(*a*) give a direction to the NRA or a road authority in respect of any road user information system in the GDA provided by or on behalf of the NRA or road authority,

(*b*) in the exercise of its functions under *subsection (1)*, give a direction to the NRA, a road authority, a public transport operator, an operator of a tolling scheme, or such other holders of information as it considers necessary for the provision of the road user information system to—

(i) generate and provide information in a manner, form and within a time specified by the Authority, and

(ii) comply with any requirements specified by the Authority for a road user information system.

(6) The Authority may assign any or all of its functions in relation to the development, procurement, implementation, operation and maintenance of a road user information system to the NRA, a road authority or any other person.

(7) The Authority may terminate or vary at any time an assignment of functions under *subsection (6)*.

(8) Where the Authority terminates or varies an assignment in accordance with *subsection (7)*, it shall recompense the assignee for the reasonable costs incurred, if any, by it up to the time of termination or variation.

Access to bus stops, bus stands and bus and railway stations.

62.— (1) The Authority may designate any bus stop, bus stand, bus or railway station F43**[**...**]** to be a shared facility ("shared facility").

(2) Where a bus stop, bus stand, bus or railway station handles public passenger transport services which include services which originate or terminate outside the functional area of the Authority, a designation under *subsection (1)* may only be made with the consent of the Minister.

(3) The Authority shall specify either generally or in relation to a class of shared facility or in relation to an individual shared facility the conditions under which the owner or operator of a shared facility shall allow access to the shared facility by a public transport operator, including but not limited to—

(*a*) the level of access to be allowed,

(*b*) the services (including structures and equipment) to be made available, and

(*c*) the level of any compensation to be paid by a public transport operator to the owner or operator of a shared facility in respect of such access and the provision of such services.

(4) The Authority shall, where it is considering the making of a designation under *subsection (1)* or the specifying of conditions under *subsection (3)*, consult with and consider the views of the owner and operator of the relevant facility or facilities and with any public transport operator or other person who might be affected by the making of the designation as the Authority deems appropriate.

(5) Where the Authority designates a shared facility under *subsection (1)* that designation shall (notwithstanding any enactment, other rules of law or, in the case of a company any provision contained in the memorandum and articles of association of that company) be deemed to be a direction given by the Authority requiring the owner or operator of the shared facility or facilities concerned to comply with the conditions specified by the Authority under *subsection (3)*.

(6) The Authority shall ensure that the level of compensation which is payable by a public transport operator to the owner or operator of a shared facility in accordance with the conditions specified under *subsection (3)* shall be determined on a reasonable cost, non-discriminatory basis, having regard to appropriately depreciated costs incurred by the owner or operator concerned in providing, maintaining and operating that shared facility.

(7) The Authority may publish guidelines on access to shared facilities (including the design, construction and operation of such facilities) and public transport operators and owners or operators of a shared facility shall have regard to these guidelines when operating or using such shared facilities.

(8) For the purposes of this section, a bus station and a railway station means a place at which persons, who are not employees of a public transport operator, access or alight from public passenger transport services.

Annotations

Amendments:

F43 Deleted (1.01.2014) by *Taxi Regulation Act 2013* (37/2013) s. 75 (c), S.I. No. 524 of 2013.

Extension of remit of Authority.

63.— (1) The Minister may by order extend the functions assigned to the Authority under *section 58*, *59* or *60* to apply—

(*a*) to a specified area or areas outside the GDA either generally or in respect of a specified class or classes of public passenger transport services, or

(*b*) in respect of public passenger transport services or a specified class or classes of public passenger transport services provided outside the GDA by a specified public transport operator.

(2) The Authority may, by agreement with a public transport operator, include services provided by that operator which do not operate exclusively within the GDA under the remit of any function of the Authority under this Part.

Annotations

Modifications (not altering text):

C19 Application of section restricted (27.11.2009) by *Public Transport Regulation Act 2009* (37/2009), s. 30(3), commenced as per s. 30(4).

National Transport Authority.

30.—...

(3) Notwithstanding the provisions of section 63 of the Act of 2008, the National Transport Authority shall, at any time at the direction of the Minister, submit a report to the Minister setting out recommendations in relation to the expansion of its functions, functional area and remit with a view to giving it a national remit in respect of all of its powers, duties and functions under the Act of 2008 and this Act.

...

Editorial Notes:

E15 Power pursuant to subs. (1) exercised (1.07.2022) by *National Transport Authority (Extension of Remit) (Fares Scheme) Order 2022* (S.I. No. 368 of 2022), in effect as per art. 1(2).

E16 Power pursuant to subs. (1) exercised (18.06.2013) by *National Transport Authority (Extension of Remit) Order 2013* (S.I. No. 237 of 2013), in effect as per art. 1(2).

E17 Power pursuant to subs. (1) exercised (30.09.2010) by *National Transport Authority (Extension of Remit) Order 2010* (S.I. No. 467 of 2010), in effect as per art. 1(2).

E18 Previous affecting provision: power pursuant to subs. (1) exercised (1.04.2010) by *National Transport Authority (Extension of Remit) Order 2010* (S.I. No. 139 of 2010), in effect as per art. 1(2); revoked (18.06.2013) by *National Transport Authority (Extension of Remit) Order 2013* (S.I. No. 237 of 2013), art. 3.

Chapter 4

Traffic Management

Strategic traffic management plan.

64.— (1) The Authority shall prepare, adopt and implement a strategic traffic management plan for the GDA (" traffic management plan ") to identify the actions to be taken to secure, in the view of the Authority, the optimal movement of persons, goods and vehicles.

(2) In preparing the traffic management plan, the Authority shall have regard to—

(*a*) current and projected traffic volumes,

F44**[**(*b*) relevant regional spatial and economic strategy (within the meaning of the Act of 2000) under Chapter III, Part II, of that Act, including any relevant regional planning guidelines to which section 21(4) of that Act relates,**]**

(*c*) Transport 21 or any subsequent capital investment framework for transport published by the Minister or Government,

(*d*) the Department of Transport's sectoral plan under the Disability Act 2005 or any subsequent sectoral plan under that Act,

(*e*) demographic, economic and social trends in the GDA,

(*f*) existing, planned and projected land use developments,

(*g*) any significant impacts on the movement of persons, goods and vehicles arising from construction and other works, and

(*h*) such other matters as may be prescribed by the Minister from time to time or as the Authority considers appropriate.

(3) A traffic management plan shall in particular identify the actions to be taken to ameliorate the impact on the movement of persons, goods and vehicles arising from construction works and other works in relation to the provision of transport infrastructure and utility works, whether carried out by a road authority or a third party. The plan shall also identify the actions to be taken to provide and maintain accessible routes for people with disabilities during any such works.

(4) The Authority shall, in the course of preparing a traffic management plan, consult with and consider the views of the NRA, road authorities, the Garda Síochána, local communities, transport users, public transport operators, port and airport authorities and companies and other interested parties in the GDA and shall invite written public submissions on the plan.

(5) The Authority shall ensure that the traffic management plan is reviewed and a new plan adopted not later than 6 years after the adoption of the previous plan.

(6) Notwithstanding *subsection (5)*, the Authority shall review its traffic management plan and adopt a new plan at any time where the Authority deems it appropriate to do so or following a direction from the Minister to carry out such a review.

Annotations

Amendments:

F44 Substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(8) and sch. 2 pt. 6, S.I. No. 214 of 2014.

Local traffic plans.

65.— (1) A road authority shall prepare, adopt and implement a traffic plan ("local traffic plan") for its functional area for the effective management of traffic which is consistent with the strategic traffic management plan under *section 64* within 6 months of its publication.

(2) A road authority shall have regard to any relevant guidelines issued by the Authority under *section 66* in preparing a local traffic plan.

(3) A local traffic plan shall—

(*a*) specify the—

(i) use by the road authority of the net proceeds of parking or other traffic management revenues for traffic management or other transport-related purposes within its functional area, and

(ii) measures to be taken to manage utility or other works, whether carried out by the road authority or a third party, on roads in the functional area of the road authority to ameliorate the impact of such works on the movement of persons, goods and vehicles, and

(*b*) identify the actions to be taken to—

(i) ameliorate the impact on the movement of persons, goods and vehicles arising from construction works and other works in relation to the provision of transport infrastructure and utility works, whether carried out by the road authority or a third party, and

(ii) provide and maintain accessible routes for people with disabilities during any such works.

Traffic management guidelines.

66.— (1) The Authority may, in relation to the implementation of its traffic management plan F45**[**for the GDA**]** or otherwise for the purposes of traffic management F45**[**in the State**]**, issue guidelines to road authorities in relation to all or any of the following:

(*a*) the location and provision of traffic signs (within the meaning of section 95 of the Act of 1961),

(*b*) the location of bus stops and bus stands,

(*c*) the design, provision, maintenance and operation of traffic information systems and traffic management control systems,

(*d*) the design, provision, maintenance and management of bus priority schemes and walking and cycling facilities,

(*e*) the design, provision and management of facilities for the parking of vehicles,

(*f*) the design and management of planned construction works which are likely to affect traffic management, and

(*g*) the additional works or activities, if any, within the statutory responsibilities of road authorities that the Authority deem appropriate for the effective implementation of its traffic management plan.

(2) Before issuing guidelines to a road authority under *subsection (1)*, the Authority shall consult with and consider the views of the NRA in relation to the proposed guidelines.

(3) The Authority may, until the commencement of section 16 of the Road Traffic Act 2002, in relation to the implementation of its traffic management plan or otherwise for the purposes of traffic management, issue guidelines to the Commissioner in relation to the location of bus stops and bus stands.

(4) The Authority may where it deems it appropriate to do so revise or withdraw a guideline under this section.

(5) Road authorities and the Commissioner, as the case may be, shall have regard to guidelines issued by the Authority under this section.

Annotations

Amendments:

F45 Inserted (1.01.2014) by *Taxi Regulation Act 2013* (37/2013), s. 75(d), S.I. No. 524 of 2013.

Directions to road authorities.

67.— (1) The Authority may, for the purposes of the implementation of the traffic management plan or otherwise for the purposes of traffic management, give a direction to a road authority to—

(*a*) acquire land by making a compulsory purchase order or otherwise,

(*b*) prepare, or arrange for the preparation of, designs for specified works,

(*c*) undertake specified works,

(*d*) undertake, or arrange for the undertaking of, a traffic management scheme, and

(*e*) do anything which arises out of or is consequential on or is necessary or expedient for the purposes of or would facilitate traffic management.

(2) Before giving a direction under *subsection (1)* to a road authority, the Authority shall consult with and consider the views of the road authority.

(3) A direction under *subsection (1)* may specify the time within which such direction is to be complied with and such other matters as the Authority considers necessary.

Performance by Authority of functions of road authority.

68.— (1) Where—

(*a*) a road authority refuses or fails to comply with a direction under *section 67*, or

(*b*) in any case in which it appears to the Authority that the circumstances so warrant,

the Authority may decide, notwithstanding any other enactment, to perform the function specified in the direction subject to such modifications (if any) as it considers appropriate.

(2) The Minister may prescribe a class of case in which a decision by the Authority under *subsection (1)* does not have effect unless or until it is approved by him or her.

(3) Where a decision is made by the Authority under *subsection (1)* to perform a particular function otherwise than through a road authority, the following have effect—

(*a*) the Authority is empowered (notwithstanding any other enactment) to perform the function and to do any other thing which arises out of or is consequential on or is necessary for the purposes of or would facilitate the performance of the function, and

(*b*) any enactment concerned applies in relation to the performance of the function subject to such modifications as may be necessary.

Allocation of public funds to road authorities for traffic management.

69.— The Authority may allocate moneys and make payments to road authorities or other persons in relation to traffic management.

Agreements and arrangements between road authorities in relation to traffic management and other functions of Authority.

70.— (1) Where it appears to the Authority that an agreement ought to be made between road authorities in relation to traffic management or other functions of the Authority, the Authority may request the road authorities to enter into an agreement in accordance with such terms and conditions as the Authority may specify.

(2) Any agreement made under *subsection (1)* shall be submitted to the Authority for its approval and shall have no force or effect until approved by the Authority.

(3) Where any road authority concerned refuses or fails to comply with a request under *subsection (1)*, the Authority may, after affording an opportunity to the road authorities concerned to make representations to it in writing and considering any representations made, give a direction to them to enter into an agreement in accordance with such terms and conditions as it may specify.

(4) An agreement entered into under this section shall not be revoked save with the consent of the Authority.

Demand management.

71.— (1) The Authority shall pursue the implementation of demand management measures in the GDA.

(2) The Authority may make a demand management scheme for the GDA setting out the measures which it proposes to take itself or through public transport authorities or other persons to implement demand management measures.

(3) The Authority may, notwithstanding any enactment, other rules of law or, in the case of a company any provision contained in the memorandum and articles of association of that company, give a direction to a public transport authority in relation to the implementation of demand management measures.

(4) (*a*) The Authority may issue guidelines to public transport authorities or to other public bodies in relation to the implementation of demand management measures.

(*b*) In this subsection "public body" means Minister of the Government or any body established by or under statute.

(5) The Authority may allocate moneys and make payments to public transport authorities or other persons in relation to demand management measures.

(6) The Authority shall keep under review—

(*a*) existing and future transport demand in the GDA,

(*b*) the effectiveness of demand management measures in operation under this section,

(*c*) policies, practices and technologies in relation to demand management in other jurisdictions, and

(*d*) the effectiveness of the provisions of this Act and any other relevant statutory provisions, in relation to demand management measures,

and may from time to time submit to the Minister such proposals in relation to additional measures as it considers necessary or desirable and which would require additional statutory powers to implement.

(7) In this section "demand management measures" means measures which promote a reduction in the total amount of travel or reduced growth in the total amount of travel and includes measures to—

(*a*) reduce the need to travel,

(*b*) reduce the use of mechanically propelled vehicles and particularly private cars,

(*c*) increase travel by public transport, bicycle or on foot as an alternative to the private car,

(*d*) encourage travel at less congested periods other than by means of a congestion charge, and

(*e*) reduce trip length.

Chapter 5

Research and Information

Research.

72.— The Authority may—

(*a*) promote and engage in research in relation to any of its functions, either alone or in co-operation with other persons, and

(*b*) allocate moneys and make payments to persons in relation to such research.

Information, data and statistics.

73.— (1) The Authority shall—

(*a*) collect, compile, analyse and prepare information, data or statistics, including that or those gathered by ticketing systems operated by public transport operators F46**[**...**]**, for the purpose of exercising its functions, and

(*b*) on a regular basis, publish information, data or statistics on—

(i) numbers of persons using differing modes of transport,

(ii) satisfaction levels with public passenger transport services,

(iii) travel times to work, and

(iv) such other matters as the Authority considers appropriate in respect of its functions.

(2) The Minister may give a direction to the Authority to collect, compile, prepare and publish such information, data or statistics that he or she may specify in writing to the Authority regarding the performance of the Authority in exercising its functions.

(3) The Minister shall consult the Authority, and may consult any other person he or she considers appropriate, before giving a direction under *subsection (2)*.

(4) The Authority may require a person who holds information, data or statistics relating to the functions of the Authority, to give to the Authority such information,

data or statistics in such form (including electronic form) and at such reasonable times or intervals, as the Authority specifies.

(5) Save as otherwise provided by law, the Authority shall ensure commercially sensitive information obtained under this section is not disclosed.

Annotations

Amendments:

F46 Deleted (1.01.2014) by *Taxi Regulation Act 2013* (37/2013), s. 75(c), S.I. No. 524 of 2013.

Chapter 6

Relationships Between Authority and Other Bodies

Relationship between Authority and NRA.

74.— (1) The Authority may, for the purposes of securing priority for public transport on national roads in the GDA, give a direction to the NRA to—

(*a*) acquire land by making a compulsory purchase order or otherwise,

(*b*) prepare, or arrange for the preparation of, designs for specified transport infrastructure construction, maintenance or improvement works,

(*c*) undertake specified transport infrastructure construction, maintenance or improvement works,

(*d*) prepare or arrange for the preparation of a traffic management scheme, or

(*e*) do anything which arises out of or is consequential on or is necessary or expedient on or adjacent to a road or proposed road development which comes within the remit of the NRA.

(2) Where in the opinion of the Authority, the NRA is exercising its functions in a manner inconsistent with a transport strategy, integrated implementation plan, traffic management plan, or demand management measures, the Authority may give a direction to the NRA to exercise its functions in a manner which is consistent with the strategy, plan or measures.

(3) Before giving a direction under this section, the Authority shall consult with and consider the views of the NRA.

(4) (*a*) Subject to *paragraph (b)*, where the NRA refuses or fails to comply with a direction under this section, the Authority may decide, notwithstanding any other enactment and in any case where it appears to it that the circumstances so warrant, to perform the function specified in the direction subject to such modifications (if any) as it considers appropriate.

(*b*) The Minister may prescribe a class of case in which a decision by the Authority under *paragraph (a)* does not have effect unless and until it is approved by him or her.

(5) The NRA shall consult with and consider the views of the Authority in exercising its functions under the Act of 1993 in the GDA.

(6) Notwithstanding *subsection (5)*, a road authority or the NRA, as the case may be, in exercising a function under Part V of the Act of 1993 in relation to a toll scheme located wholly or partly in the GDA, may only—

(*a*) F47**[**prepare**]** a toll scheme under section 57,

(*b*) adopt a toll scheme under section 58,

(*c*) revoke a toll scheme under section 60,

(*d*) make bye-laws in relation to the operation and management of a toll road under section 61, or

(*e*) enter into an agreement under section 63,

of that Act with the consent of the Authority.

(7) A reference in section 65 and section 66A (inserted by section 277 of the Act of 2000) of the Act of 1993 to the Minister, where it relates to a toll scheme wholly or partly in the GDA, is to be read as a reference to the Authority.

Annotations

Amendments:

F47 Substituted (1.12.2009) by *Public Transport Regulation Act 2009* (37/2009), s. 29(1)(k), S.I. No. 466 of 2009.

NRA and road authorities to ensure consistency with transport strategy in exercising their functions in GDA.

75.— (1) The NRA, with regard to its activities within the GDA, and the road authorities shall ensure that they exercise their functions in a manner consistent with the transport strategy of the Authority.

(2) Where in the opinion of the Authority, a road authority is exercising its functions in a manner inconsistent with a transport strategy, integrated implementation plan, traffic management plan, or demand management measures, the Authority may give a direction to the road authority to exercise its functions in a manner which is consistent with the strategy, plan or measures.

(3) Before giving a direction under this section, the Authority shall consult with and consider the views of the road authority concerned.

Relationship between Authority and DAA, port developers and State bodies.

76.— (1) Notwithstanding the State Airports Act 2004, the Dublin Airport Authority shall obtain and consider the written views of the Authority prior to undertaking the development of any airport facility or any other related development which, in its opinion, could impact in a significant manner on the movement of persons or goods in the GDA.

(2) Prior to any person undertaking the development of any port facility or any other port related development, which, in the opinion of that person could impact in a significant manner on the movement of persons or goods in the GDA, that person shall obtain and consider the written views of the Authority.

(3) The Authority and F48**[**the Road Safety Authority**]** shall, in carrying out their functions—

(*a*) have regard to the policies, strategies and plans of each other, and

(*b*) which may impact on the functions of the other or where in their opinion it is in the interests of transport users in general that they do so, consult with each other and consider the views of the other.

(4) F49**[**...**]**

(5) F49**[**...**]**

Annotations

Amendments:

F48 Substituted (1.01.2011) by *Public Transport Regulation Act 2009* (37/2009), s. 29(1)(l)(i), S.I. No. 615 of 2010.

F49 Deleted (1.01.2011) by *Public Transport Regulation Act 2009* (37/2009), s. 29(1)(l)(ii), S.I. No. 615 of 2010.

Modifications (not altering text):

C20 Reference to Dublin Airport Authority construed (27.07.2014) by *State Airports (Shannon Group) Act 2014* (27/2014), s. 32(2), commenced on enactment.

Re-naming Dublin Airport Authority as daa

32. (1) Dublin Airport Authority, public limited company, known in the Irish language as Údarás Aerfort Bhaile Átha Cliath, cuideachta phoiblí theoranta shall be re-named as, in the English language, daa, public limited company, and in the Irish language, daa, cuideachta phoiblí theoranta. daa shall amend its memorandum and articles of association to reflect this change of name.

(2) A reference in the Act of 2004 or any other enactment, statutory instrument or any other document or proceedings to Dublin Airport Authority is to be read as a reference to daa.

PART 4

Enforcement

Prosecution of summary offences and penalties.

77.— (1) Proceedings for an offence under this Act may be brought and prosecuted summarily by the Authority.

(2) A person guilty of an offence under *section 38(3)*, *39(1)* or *78(9)* is liable on summary conviction to a fine not exceeding €5,000.

Annotations

Editorial Notes:

E19 A fine of €5,000 translates into a class A fine not greater than €5,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(2) and table ref. no. 1, S.I. No. 662 of 2010.

Authorised officers and powers to call for production of documents, information, etc.

78.— (1) The Authority may appoint such and so many persons as it sees fit to be authorised officers for the purpose of obtaining such information or of carrying out such inspections or any other functions as the Authority may deem necessary for the exercise by the Authority F50**[**of its functions under this Act, under Part 3 of the Act of 2003 with particular reference to section 49 of that Act or under Part 2 of the Public Transport Regulation Act 2009.**]**

(2) A person appointed to be an authorised officer by the Authority shall, on his or her appointment, be furnished by the Authority with a certificate of his or her appointment which will indicate the matters in respect of which he or she may act under this section and the period during which the authorisation stands.

(3) An authorised officer, when exercising a power conferred under this section shall, if requested by any person thereby affected, produce the certificate to that person for inspection together with an appropriate form of identification.

(4) In this section and in *section 79* "documents, records or other information" includes—

(*a*) books, accounts, rolls, registers, papers and other documents, whether—

(i) comprised in bound volume, loose-leaf binders or other loose-leaf filing system, loose-leaf ledger sheets, pages, folios or cards, or

(ii) kept on microfilm, magnetic tape or in any non-legible form (by the use of electronics or otherwise) which is capable of being reproduced in a legible form,

(*b*) every electronic or other automatic means, if any, by which any such thing in non-legible form is so capable of being reproduced, and

(*c*) documents in manuscript, documents which are typed, printed, stencilled or created by any other mechanical or partly mechanical process in use from time to time and documents which are produced by any photographic or photostatic process.

(5) Subject to this section, an authorised officer may, in respect of the functions of the Authority, serve on a public transport authority or public transport operator a notice in writing, requiring the public transport authority or public transport operator, as the case may be, within such period as may be specified in the notice, not being less than 21 days from the date of the service of the notice, to do either or both of the following, namely—

(*a*) to deliver to, or to make available for inspection by, the authorised officer such documents, records or other information as are in the possession, power or procurement of the public transport authority or public transport operator and as contain, or may (in the authorised officer's opinion formed on reasonable grounds) contain, information relevant to the functions of the Authority,

(*b*) to give to the authorised officer, in writing or otherwise, such information, explanations and particulars as the authorised officer may reasonably require, being information, explanations and particulars that are relevant to the functions of the Authority,

and which are specified in the notice.

(6) Where, in compliance with the requirements of a notice served on a public transport authority or public transport operator under *subsection (5)*, a public transport authority or public transport operator makes available for inspection by an authorised officer, documents, records or other information, the public transport authority or public transport operator shall afford the authorised officer reasonable assistance, including information, explanations and particulars, in relation to the use of all the electronic or other automatic means, if any, by which the documents, records or other information, in so far as they are in a non-legible form, are capable of being reproduced in a legible form, and any data equipment or any associated apparatus or material.

(7) Where, under *subsection (5)*, a public transport authority or public transport operator makes documents, records or other information available for inspection by the authorised officer, the authorised officer may make extracts from or copies of all or any part of the documents, records or other information.

(8) Nothing in this section shall be taken to compel the production by any person of a document which he or she would be exempt from production in proceedings in a court on the ground of legal professional privilege.

(9) A person who—

(*a*) obstructs or impedes an authorised officer in carrying out his or her functions under this section, or

(*b*) gives false or misleading information, explanations or particulars to an authorised officer when required under *subsection (5)*,

commits an offence.

Annotations

Amendments:

F50 Substituted (1.01.2011) by *Public Transport Regulation Act 2009* (37/2009), s. 29(1)(m), S.I. No. 615 of 2010.

Modifications (not altering text):

C21 Application of section extended (22.12.2020) by *European Union (Interbus Agreement) Regulations 2020* (S.I. No. 694 of 2020), reg. 5(2)

5. ...

(2) Sections 78 and 79 of the Act of 2008 shall apply to an authorised officer designated to be an authorised inspecting officer under Regulation 4(b), as they apply to an authorised officer appointed under section 78 of the Act of 2008, subject to the following and any other necessary modifications:

(*a*) a reference to an authorised officer in sections 78 and 79 of the Act of 2008 shall be construed as a reference to an authorised inspecting officer;

(*b*) a reference to a public transport authority or public transport operator in sections 78 and 79 of the Act of 2008 shall be construed as a reference to a transport operator.

...

C22 References in section to a public transport authority or operator construed (29.04.2013) by *European Union (Rights of Passengers when Travelling by Bus and Coach Transport) Regulations 2013* (S.I. No. 152 of 2013), reg. 3.

3. The Authority is designated responsibility for the enforcement of the EU Regulation in the State which, accordingly, is a function of the Authority under the Dublin Transport Authority Act 2008 (No. 15 of 2008) and, accordingly, references in section 78 and 79 of that Act to a public transport authority or operator shall be read as including references to a provider.

C23 References in section to a public transport authority or operator construed (18.12.2012) by *European Union (Rights of Passengers when Travelling by Sea and Inland Waterway) Regulations 2012* (S.I. No. 394 of 2012), reg. 3, in effect as per reg. 1(2).

3. The Authority is designated responsibility for the enforcement of the EU Regulation in the State which, accordingly, is a function of the Authority under the Dublin Transport Authority Act 2008 (No. 15 of 2008) and, accordingly, references in section 78 and 79 of that Act to a public transport authority or operator shall be read as including references to a provider.

Application to High Court for order for information.

79.— (1) Where a public transport authority or public transport operator fails to comply with the requirements of a notice in accordance with *section 78*, an authorised officer may make an application to a judge of the High Court for an order requiring a public transport authority or public transport operator, to do either or both of the following, namely—

(*a*) to deliver to the authorised officer, or to make available for inspection by the authorised officer, such documents, records or other information as are in the power, possession or procurement of the public transport authority or public transport operator and as contain, or may (in the authorised officer's opinion formed on reasonable grounds) contain, information relevant to the functions of the Authority,

(*b*) to give to the authorised officer such information, explanations and particulars as the authorised officer may reasonably require, being information, explanations and particulars that are relevant to the functions of the Authority,

and which are specified in the application.

(2) Where the judge, to whom an application is made under *subsection (1)*, is satisfied that there are reasonable grounds for the application being made, that judge may, subject to such conditions as he or she may consider proper and specify in the order, make an order requiring the public transport authority or public transport operator to whom the application relates—

(*a*) to deliver to the authorised officer, or to make available for inspection by the authorised officer, such documents, records or other information, and

(*b*) to give to the authorised officer such information, explanations and particulars,

as may be specified in the order.

Annotations

Modifications (not altering text):

C24 Application of section extended (22.12.2020) by *European Union (Interbus Agreement) Regulations 2020* (S.I. No. 694 of 2020), reg. 5(2)

5. ...

(2) Sections 78 and 79 of the Act of 2008 shall apply to an authorised officer designated to be an authorised inspecting officer under Regulation 4(b), as they apply to an authorised officer appointed under section 78 of the Act of 2008, subject to the following and any other necessary modifications:

(*a*) a reference to an authorised officer in sections 78 and 79 of the Act of 2008 shall be construed as a reference to an authorised inspecting officer;

(*b*) a reference to a public transport authority or public transport operator in sections 78 and 79 of the Act of 2008 shall be construed as a reference to a transport operator.

...

C25 References in section to a public transport authority or operator construed (29.04.2013) by *European Union (Rights of Passengers when Travelling by Bus and Coach Transport) Regulations 2013* (S.I. No. 152 of 2013), reg. 3.

3. The Authority is designated responsibility for the enforcement of the EU Regulation in the State which, accordingly, is a function of the Authority under the Dublin Transport Authority Act 2008 (No. 15 of 2008) and, accordingly, references in section 78 and 79 of that Act to a public transport authority or operator shall be read as including references to a provider.

C26 References in section to a public transport authority or operator construed (18.12.2012) by *European Union (Rights of Passengers when Travelling by Sea and Inland Waterway) Regulations 2012* (S.I. No. 394 of 2012), reg. 3, in effect as per reg. 1(2).

3. The Authority is designated responsibility for the enforcement of the EU Regulation in the State which, accordingly, is a function of the Authority under the Dublin Transport Authority Act 2008 (No. 15 of 2008) and, accordingly, references in section 78 and 79 of that Act to a public transport authority or operator shall be read as including references to a provider.

Directions and enforcement.

80.— (1) Notwithstanding any enactment, other rules of law, or, in the case of a company any provision contained in the memorandum and articles of association of that company, a person to whom a direction is given by the Authority shall take all such measures as are necessary to comply with such direction without delay.

(2) The Minister may prescribe a class of case in which the Authority shall not give a direction unless it has submitted a draft of the direction to him or her for approval prior to being given.

(3) Compliance by a person with a direction does not give rise to a breach of any enactment, other rules of law or, in the case of a company any provision contained in the memorandum and articles of association of that company. No action or other proceedings lie or are maintainable against a person as a result of such compliance.

(4) Section 27 of the Companies Act 1990 does not apply to the Authority in respect of directions.

(5) Where a person fails or refuses to comply with a direction the Authority may apply to the High Court for an order requiring the person to comply with the direction.

(6) Where the Authority gives a direction to a person, the direction shall be addressed to the person and shall be given to the person in one of the following ways—

(*a*) by delivering it to the person,

(*b*) by leaving it at the address at which the person carries on business,

(*c*) by sending it by post in a pre-paid letter addressed to the person at the address at which the person carries on business,

(*d*) if an address for the giving of a direction has been furnished by the person, by leaving it at, or sending it by pre-paid post addressed to the person to, that address,

(*e*) by sending it by means of electronic mail or a facsimile machine, to a device or facility for the reception of electronic mail or facsimiles located at the address at which the person carries on business or, if an address for the giving of a direction has been furnished by the person, that address:

Provided that—

(i) the sender's—

(I) facility for the reception of electronic mail generates a message confirming a receipt of the electronic mail, or

(II) facsimile machine generates a message confirming successful transmission of the total number of pages of the direction,

and

(ii) the direction or reply is also given in one of the other ways mentioned in any of the preceding paragraphs.

(7) For the purposes of *subsection (6)*, a company registered under the Companies Acts is deemed to be ordinarily resident at its registered offices, and every other body corporate and every unincorporated body is deemed to be ordinarily resident at its principal office or place of business.

(8) A copy of a direction, which has endorsed on it a certificate purporting to be signed by an officer of the Authority (authorised in that behalf by the Authority) stating that the copy is a true copy of the direction may, without proof of signature of that person, be produced in every court and in all legal proceedings and is evidence, unless the contrary is shown, of the direction.

(9) In this section "direction" means a direction given by the Authority under *Part 3*.

PART 5

Land Use Provisions

Chapter 1

Amendments of Act of 2000

Annotations

Editorial Notes:

E20 Provisions of chapter prescribed, in accordance with *Planning and Development Act 2000* (30/2000), s. 23(2)(j), for the purposes of addressing the proper planning and sustainable development of the region to which the guidelines relate (25.03.2009) by *Planning and Development (Regional Planning Guidelines) Regulations 2009* (S.I. No. 100 of 2009), reg. 5, in effect as per reg. 2.

Amendment of section 2 of Act of 2000 — definitions.

81.— Section 2(1) of the Act of 2000 is amended by inserting after the definition of—

(*a*) "development plan" the following:

" 'DTA' means Dublin Transport Authority;",

(*b*) "Gaeltacht" the following:

" 'Greater Dublin Area' ('GDA') has the meaning assigned to it by *section 3* of the *Dublin Transport Authority Act 2008*;",

(*c*) "register" the following:

" 'regional authorities within the GDA' means the Dublin Regional Authority and the Mid-East Regional Authority;", and

(*d*) "Transboundary Convention" the following:

" 'transport strategy' has the meaning assigned to it by *section 12* of the *Dublin Transport Authority Act 2008*;".

Amendment of section 9 of Act of 2000 (obligation to make development plans).

82.— Section 9 of the Act of 2000 is amended by inserting after subsection (6) the following:

"(6A) Each planning authority within the GDA shall ensure that its development plan is consistent with the transport strategy of the DTA.".

Amendment of section 11 of Act of 2000 (preparation of draft development plan).

83.— Section 11 of the Act of 2000 is amended by inserting after subsection (4)(*b*) the following:

"(*bb*) In the case of each planning authority within the GDA, a report under paragraph (*a*) shall summarise the issues raised and the recommendations made by the DTA in a report prepared in accordance with section 31B and outline the recommendations of the manager in relation to the manner in which those issues and recommendations should be addressed in the draft development plan.".

Amendment of section 12 of Act of 2000 (making of development plan).

84.— Section 12 of the Act of 2000 is amended by inserting after subsection (4)(*b*) the following:

"(*bb*) In the case of each planning authority within the GDA, a report under paragraph (*a*) shall summarise the issues raised and the recommendations made by the DTA in its written submission prepared in accordance with section 31C and outline the recommendations of the manager in relation to the manner in which those issues and recommendations should be addressed in the development plan.".

Amendment of section 13 of Act of 2000 (variation of development plan).

85.— Section 13 of the Act of 2000 is amended by inserting after subsection (4)(*b*) the following:

"(*bb*) In the case of each planning authority within the GDA, a report under paragraph (*a*) shall summarise the issues raised and the recommendations made by the DTA in its written submission prepared in accordance with section 31D and outline the recommendations of the manager in relation to the manner in which those issues and recommendations should be addressed in the proposed variation.".

Amendment of section 19 of Act of 2000 (application and content of local area plans).

86.— Section 19 of the Act of 2000 is amended by inserting after subsection (2) the following:

"(2A) Each planning authority within the GDA shall ensure that its local area plans are consistent with the transport strategy of the DTA.".

Amendment of section 20 of Act of 2000 (consultation and adoption of local area plans).

87.— Section 20 (as amended by section 9 of the Act of 2002) of the Act of 2000 is amended by inserting after subsection (3)(*c*) the following:

"(*cc*) In the case of each planning authority within the GDA, a report under subparagraph (*c*)(i) shall summarise the issues raised and the recommendations made by the DTA in a report prepared in accordance with section 31E and outline the recommendations of the manager in relation to the manner in which those issues and recommendations should be addressed in the proposed local area plan.".

Amendment of section 21 of Act of 2000 (power to make regional planning guidelines).

88.— Section 21 of the Act of 2000 is amended by substituting subsections (1) and (2) with the following:

"(1) A regional authority—

(*a*) may—

(i) after consultation with the planning authorities within its region, or

(ii) in the case of the regional authorities within the GDA, after consultation with the planning authorities within their regions and the DTA,

or

(*b*) shall, at the direction of the Minister,

make regional planning guidelines.

(2) Regional planning guidelines may be made for a whole region or for one or more parts of a region, but shall, in the case of the GDA, be made jointly by the regional authorities within the GDA.".

Amendment of section 23 of Act of 2000 (content and objectives of regional planning guidelines).

89.— Section 23 of the Act of 2000 is amended by inserting after subsection (4)(*b*) the following:

"(*c*) When making regional planning guidelines the regional authorities within the GDA shall ensure that the guidelines are consistent with the transport strategy of the DTA.".

Amendment of section 24 of Act of 2000 (consultation regarding regional planning guidelines).

90.— Section 24 of the Act of 2000 is amended by inserting after subsection (5) the following:

"(5A) When the regional authorities within the GDA prepare the draft of the regional planning guidelines they shall include a statement in that draft on the actions being taken or proposed to ensure effective integration of transport and land use planning, including in particular—

(*a*) a statement explaining how the regional authorities propose to address the matters identified in the report of the DTA prepared in accordance with section 31F, and

(*b*) where the regional authorities do not propose to address, or propose to only partially address, any matter identified in the report of the DTA prepared in accordance with section 31F, a statement of the reasons for that course of action.".

Amendment of section 25 of Act of 2000 (procedure for making regional planning guidelines).

91.— Section 25 of the Act of 2000 is amended by inserting after subsection (3) the following:

"(3A) When the regional authorities in the GDA make regional planning guidelines they shall include in the guidelines a statement on the actions being taken or proposed to ensure effective integration of transport and land use planning, including in particular—

(*a*) a statement explaining how the regional authorities propose to address the matters identified in the report of the DTA prepared in accordance with section 31G, and

(*b*) where the regional authorities do not propose to address, or propose only to partially address, any matter identified in the report of the DTA prepared in accordance with section 31G, a statement of the reasons for that course of action.".

Amendment of section 31 of Act of 2000 (ministerial directions regarding development plans).

92.— Section 31 of the Act of 2000 is amended by—

(*a*) inserting after subsection (1) the following:

"(1A) (*a*) Where a submission received by the Minister prepared in accordance with section 31C(1) or section 31D(1) contains a statement of the type referred to, respectively, in section 31C(1)(*b*) or section 31D(1)(*b*) the Minister may, for stated reasons, direct a planning authority to take such specified measures, as he or she may require, to review or vary the draft development plan or proposed variation to ensure consistency between the draft development plan or proposed variation and the transport strategy of the DTA and the authority shall comply with any such direction.

(*b*) Where the Minister decides not to issue a direction under this subsection, he or she shall inform the DTA in writing of the reasons for such decision.

(*c*) Nothing in this subsection shall preclude the Minister from issuing a direction in circumstances other than those referred to in paragraph (*a*).",

and

(*b*) substituting for subsection (4) the following:

"(4) In exercising any power conferred on them by the Act, neither the manager nor the elected members of any planning authority shall exercise the power in conflict with any direction which the Minister may give under subsections (1), (1A) or (2).".

Insertion of new section 31A into Act of 2000 (ministerial directions regarding regional planning guidelines).

93.— The Act of 2000 is amended by inserting after section 31 the following:

"31A.— (1) Where the Minister considers that any draft regional planning guidelines fail to set out an overall strategy for the proper planning and sustainable development of the area of a regional authority or otherwise significantly fail to comply with this Act, the Minister may, within 4 weeks of receipt of a notice under section 24(4), for stated reasons, direct the authority, or authorities, to take such specified measures as he or she may require to ensure that the regional planning guidelines, when made, are in compliance with this Act and, notwithstanding the requirements of Chapter III, the authority shall comply with any such direction.

(2) (*a*) Where a submission received by the Minister prepared in accordance with section 31G(1) contains a statement of the type referred to in section 31G(1)(*b*), the Minister may, for stated reasons, direct the authorities to take such specified measures, as he or she may require, to review the draft regional planning guidelines to ensure consistency between the draft regional planning guidelines and the transport strategy of the DTA and the authorities shall comply with any such direction.

(*b*) Where the Minister decides not to issue a direction under this subsection, he or she shall inform the DTA in writing of the reasons for such decision.

(*c*) Nothing in this subsection shall preclude the Minister from issuing a direction in circumstances other than those referred to in paragraph (*a*).

(3) Where the Minister considers that any regional planning guidelines fail to set out an overall strategy for the proper planning and sustainable development of the area of the authority or otherwise significantly fail to comply with this Act, the Minister may, within 4 weeks of the making of guidelines under section 24(6), for stated reasons, direct the regional authority, or authorities, to take such specified measures, as he or she may require to review the regional planning guidelines to ensure compliance with this Act and the authority shall comply with any such direction.

(4) Where the Minister directs a regional authority to take specified measures under subsection (3), he or she may specify any of those provisions of Chapter III which are to apply in respect of such specified measures and any other provisions of that Chapter shall be disregarded.

(5) In exercising any power conferred on it by this Act, a regional authority shall not exercise the power in conflict with any direction which the Minister may give under subsections (1) to (3).

(6) The Minister shall cause a copy of any direction issued under this section to be laid before each House of the Oireachtas.

(7) A regional authority shall make available for inspection by members of the public any direction issued to it under this section.".

Amendment of Fourth Schedule to Act of 2000 (reasons for the refusal of permission which exclude compensation).

94.— The Fourth Schedule (as amended by section 247 of the Local Government Act 2001) to the Act of 2000 is amended by inserting after paragraph 20A the following:

"20B. The proposed development would not be consistent with the transport strategy of the DTA.".

Insertion of new Part (DTA and land use provisions) into Act of 2000.

95.— The Act of 2000 is amended by inserting after Part II the following:

"PART IIA

DTA and Land Use Provisions.

DTA role in preparation of draft development plan.

31B.— (1) Where a notice is received by the DTA under section 11(2) it shall prepare and submit to the relevant planning authority a report on the issues which, in its opinion, should be considered by the planning authority in the review of its existing development plan and the preparation of a new development plan.

(2) The report under subsection (1) shall address, but shall not be limited to—

(*a*) the transport investment priorities for the period of the development plan,

(*b*) the scope, if any, to maximise the performance of the transport system by effective land use planning,

(*c*) recommendations regarding the optimal use, location, pattern and density of new development taking account of its transport strategy, and

(*d*) recommendations on the matters to be addressed in the development plan to ensure the effective integration of transport and land use planning.

DTA role in making of development plan.

31C.— (1) Where a notice is received by the DTA under section 12(1) it shall, as part of any written submission on the draft development plan, state whether, in its view, the draft development plan is—

(*a*) consistent with its transport strategy, or

(*b*) not consistent with its transport strategy and in such case what amendments to the draft plan it considers necessary to achieve such consistency.

(2) The DTA shall send copies of a submission prepared under this section to the Minister and the Minister for Transport.

DTA role in variation of development plan.

31D.— (1) Where a notice is received by the DTA under section 13(2) it shall, as part of any written submission on the proposed variation, state whether, in its view, the proposed variation is—

(*a*) consistent with its transport strategy, or

(*b*) not consistent with its transport strategy and in such case what amendments to the proposed variation it considers necessary to achieve such consistency.

(2) The DTA shall send copies of a submission prepared under this section to the Minister and Minister for Transport.

DTA role in the making, amending or revoking of local area plans by planning authorities.

31E.— (1) Where a notice is received by the DTA under section 20(3)(*a*)(i), it shall prepare and submit to the relevant planning authority a report on the issues which, in its opinion, should be considered by the planning authority in making, amending or revoking a local area plan.

(2) The report under subsection (1) shall address, but shall not be limited to—

(*a*) the transport investment priorities for the period of the local area plan,

(*b*) the scope, if any, to maximise the performance of the transport system by effective land use planning,

(*c*) recommendations regarding the optimal use, location, pattern and density of new development taking account of its transport strategy, and

(*d*) recommendations on the matters to be addressed in the local area plan to ensure the effective integration of transport and land use planning.

Co-operation of DTA with regional authorities.

31F.— (1) Where the regional authorities within the GDA intend to make regional planning guidelines in accordance with section 24, or to review existing guidelines under section 26, they shall, as soon as may be, consult with the DTA in order to make the necessary arrangements for making the guidelines.

(2) The DTA shall assist and co-operate with the regional authorities in the GDA in making arrangements for the preparation of regional planning guidelines and in carrying out the preparation of the guidelines.

(3) (*a*) In carrying out its function under subsection (2), the DTA shall prepare and submit to the regional authorities, within 6 weeks of the commencement of consultation under subsection (1), a report on the issues which, in its opinion, should be considered by the regional authorities in making regional planning guidelines.

(*b*) The report prepared under paragraph (*a*) shall address, but shall not be limited to—

(i) the transport investment priorities for the period of the regional planning guidelines,

(ii) the scope, if any, to maximise the performance of the transport system by effective land use planning,

(iii) recommendations regarding the optimal use, location, pattern and density of new development taking account of its transport strategy, and

(iv) recommendations on the matters to be addressed in the regional planning guidelines to ensure effective integration of transport and land use planning.

DTA role in preparation of draft regional planning guidelines.

31G.— (1) Where a notice is received by the DTA under section 24(4) it shall, as part of any written submission on the draft regional planning guidelines, state whether, in its view, the draft regional planning guidelines are—

(*a*) consistent with its transport strategy, or

(*b*) not consistent with its transport strategy and in such case what amendments to the draft guidelines it considers necessary to achieve such consistency.

(2) The DTA shall send copies of a submission prepared under this section to the Minister and Minister for Transport.

Request by DTA for Minister to issue guidelines or policy directives.

31H.— The DTA may, in relation to its functions, request the Minister to issue guidelines under section 28 or a policy directive under section 29 to a planning authority within the GDA.

Requirement for transport impact assessment for certain classes of development.

31I.— (1) The Minister may, in respect of the GDA and following consultation with the DTA, make regulations specifying—

(*a*) classes of development, including strategic infrastructure development, requiring the submission of a transport impact assessment in respect of applications for development, and

(*b*) the format and content of a transport impact assessment.

(2) Regulations under subsection (1) may require that a transport impact assessment demonstrate that the proposed development in respect of which the assessment has been prepared would be consistent with the transport strategy of the DTA.

(3) Before granting permission for a development which requires a transport impact assessment under regulations made under subsection (1), a planning authority shall satisfy itself that the applicant has demonstrated that the proposed development would be consistent with the transport strategy of the DTA.

(4) In this section 'transport impact assessment' means a report outlining what additional transport impacts a particular proposed development will generate and how it will integrate into existing transport patterns.

Transport strategy and planning process.

31J.— In any case in the GDA where—

(*a*) a planning or local authority, a regional or State authority or An Bord Pleanála is carrying out any relevant function under or transferred by Part II, X, XI or XIV, or

(*b*) a planning authority or An Bord Pleanála is carrying out any relevant function under any other Act,

the transport strategy of the DTA shall be a consideration material to the proper planning and sustainable development of the area or areas in question.".

Chapter 2

Amendments of Act of 1997 and Act of 2005

Amendment of section 3 of Act of 1997 — definitions.

96.— Section 3(1) of the Act of 1997 is amended by inserting after the definition of—

(*a*) "development plan" the following:

" 'DTA' means the Dublin Transport Authority;", and

(*b*) "statutory body" the following:

" 'transport strategy' has the meaning assigned to it by *section 12* of the *Dublin Transport Authority Act 2008*.".

Amendment of section 16 of Act of 1997 (council).

97.— Section 16(6) of the Act of 1997 is amended, on the dissolution of the Dublin Transportation Office in accordance with *section 102*, by substituting for paragraph (*f*) the following:

"(*f*) the chief executive officer of the DTA or an employee of that Authority nominated by the chief executive officer shall be so appointed,".

Amendment of section 24 of Act of 1997 (master plan).

98.— Section 24 of the Act of 1997 is amended by—

(*a*) substituting subsection (2)(*b*)(ix) with the following:

"(ix) include proposals, consistent with the transport strategy of the DTA, relating to transportation within the Dublin Docklands Area and to that Area and its environs, including proposals in relation to pedestrian ways,",

and

(*b*) inserting after subsection (3)(*b*) the following:

"(*bb*) consult with the DTA,".

Amendment of section 25 of Act of 1997 (planning schemes).

99.— Section 25 of the Act of 1997 is amended by—

(*a*) substituting subsection (2)(*d*) with the following:

"(*d*) proposals, consistent with the transport strategy of the DTA, relating to transportation",

and

(*b*) inserting after subsection (3)(*c*) the following:

"(*cc*) consult with the DTA,".

Amendment of section 2 of Act of 2005 — definitions.

100.— Section 2(1) of the Act of 2005 is amended by inserting after the definition of "superannuation benefits" the following:

" 'transport strategy' has the meaning assigned to it by *section 12* of the *Dublin Transport Authority Act 2008*.".

Amendment of section 12 of Act of 2005 (strategic plan).

101.— Section 12 of the Act of 2005 is amended by—

(*a*) substituting subsection (2)(*c*) with the following:

"(*c*) proposals, consistent with the transport strategy of the Dublin Transport Authority, relating to transport requirements,",

and

(*b*) in subsection (3)(*b*), on the dissolution of the DTO in accordance with *section 102*, by substituting "the Dublin Transport Authority" for "the Dublin Transportation Office".

PART 6

Dissolution of DTO and Transfer of Employees of DTO and RPA

Dissolution of DTO.

102.— (1) The Minister shall, at the request of the Authority, dissolve the DTO on such day ("dissolution day") as the Minister may appoint by order.

(2) On the dissolution day the Dublin Transportation Office (Establishment) Order 1995 (S.I. No. 289 of 1995) is revoked.

(3) In this Part "dissolution day" means the day appointed by the Minister by order under *subsection (1)* for the dissolution of the DTO.

Annotations

Editorial Notes:

E21 Power pursuant to section exercised (1.12.2009) by *Dublin Transport Authority Act 2008 (Dissolution of Dublin Transportation Office) Order 200*9 (S.I. No. 474 of 2009).

2. The day appointed as the day for the dissolution of the Dublin Transportation Office is 1 December 2009.

Transfer of land and other property.

103.— (1) On the dissolution day, all land which, immediately before that day, was vested in the DTO and all rights, powers and privileges relating to or connected with that land shall, without any conveyance, transfer or assignment, stand vested in the Authority for all the estate or interest for which it was vested in the DTO but subject to all trusts and equities affecting that land subsisting and capable of being performed.

(2) On the dissolution day, all property other than land (including chose-in-action), which, immediately before that day, was the property of the DTO shall, without any transfer or assignment, stand transferred to the Authority.

(3) Every chose-in-action transferred by *subsection (2)* may, on and after the dissolution day, be sued upon, recovered or enforced by the Authority in its own name and it shall not be necessary for the Authority to give notice to the person bound by any such chose-in-action of the transfer effected by this section.

(4) All moneys, stocks, shares and securities transferred to the Authority by *subsection (2)* which, immediately before the dissolution day, are in the name of the DTO shall, upon the request of the Authority, be transferred into its name.

Transfer of rights and liabilities.

104.— All rights and liabilities held, enjoyed, or incurred by virtue of any contract or commitment (expressed or implied) entered into by the DTO shall, on the dissolution day, subject where necessary to transfer in the books of any bank, corporation or company, stand transferred to the Authority.

Preservation of existing contracts.

105.— (1) Every bond, guarantee or other security of a continuing character made or given by the DTO to another person or by any person to the DTO and in force immediately before the dissolution day and every contract or agreement in writing made between the DTO and any other person and not fully executed and completed before the dissolution day shall, notwithstanding the dissolution of the DTO, continue in force on and after the dissolution day but shall be construed and have effect as if the Authority was substituted therein for the DTO.

(2) Every other document granted or made by the DTO which is in force immediately before the dissolution day shall continue in force on and after that day as if it had been granted or made by the Authority and shall be construed and have effect and be enforceable by or against the Authority.

Continuance of legal proceedings.

106.— In all legal proceedings to which the DTO was a party and pending immediately before the dissolution day, the name of the Authority shall be substituted in the proceedings for the DTO and the proceedings shall not abate by reason of such substitution.

References in legislation to DTO.

107.— References to the DTO contained, immediately before the dissolution day, in any statute or statutory instrument made under statute or in the memorandum or articles of association of any company shall, in so far as they relate to anything transferred by this Act be read on and after that day as references to the Authority.

Final accounts.

108.— (1) Final accounts in respect of the DTO shall be drawn up.

(2) Notwithstanding *section 102* the Dublin Transportation Office (Establishment) Order 1995 (S.I. No. 289 of 1995) continues in force and has effect in relation to accounts drawn up under *subsection (1)*.

Admissibility in evidence of documents.

109.— (1) All books and other documents directed or authorised by or under any enactment to be kept by the DTO and which, immediately before the dissolution day, would be receivable in evidence shall, notwithstanding the dissolution of the DTO, be admitted in evidence on or after the dissolution day as if this Part had not been enacted.

(2) Whenever an extract from or certificate of the contents of any book or other document directed or authorised by or under any enactment to be kept by the DTO would, if verified in a particular manner by a particular officer of that body, have been admissible immediately before the dissolution day as evidence of those contents, an extract from or certificate of the contents of that book or document shall, if verified in such particular manner by an officer of the Authority (whose official position it shall not be necessary to prove) authorised by the Authority in that behalf, be admitted, on or after the dissolution day, as evidence of such contents to the same extent as such first-mentioned extract or certificate would have been so admitted if this Part had not been enacted.

(3) A copy of or extract from any document referred to in *subsection (1)* produced by the Authority and certified to be a true copy under the hand of an officer of that Authority (whose official position it shall not be necessary to prove) authorised by the Authority for that purpose shall in all legal proceedings be admissible in evidence as of equal validity with the original document and no process for compelling the production of any such document by the Authority shall issue from any court except with the leave of that court.

Transfer of employees of DTO and RPA.

110.— (1) (*a*) Each person who, immediately before the dissolution day, was an employee of the DTO is, on that day, transferred to and becomes an employee of the Authority.

(*b*) The RPA may, with the consent of the Minister, designate for employment by the Authority any person employed by the RPA and whose principal duties relate to a function assigned or transferred to the Authority under this Act, or to be so assigned or transferred to the Authority.

(*c*) The RPA shall not designate an employee under this subsection, without having notified in writing the employee and any recognised trade union or staff association concerned, of its intention to do so and considered any representations made by him or her or by them or by any of them, in relation to the matter within such time as may be specified in the notification.

(*d*) The Authority shall accept into its employment a person designated under *subsection (1)(b)* for employment by it.

(*e*) Acceptance into the employment of the Authority of a person designated under this section shall have effect on such day or days as may be specified by the Minister after consultation with the Authority.

(2) Except in accordance with a collective agreement negotiated with a recognised trade union or association of employees, a person transferred under this section is entitled, while in the employment of the Authority, to terms and conditions of employment no less favourable than those to which the person was entitled immediately before the dissolution day.

(3) Until the terms and conditions of employment to which a person transferred under this section was entitled immediately before the dissolution day or such day or days as may be specified by the Minister under *subsection (1)(e)* are varied by the Authority after consulting and reaching a collective agreement with the recognised trade union or association of employees concerned, they continue to apply to that person while in the employment of the Authority.

(4) The previous service of a person transferred under this section is to be counted as service for the purposes of, but subject to any exceptions or exclusions in, the following Acts:

(*a*) the Redundancy Payments Acts 1967 to 2007,

(*b*) the Protection of Employees (Part-Time Work) Act 2001,

(*c*) the Protection of Employees (Fixed-Term Work) Act 2003,

(*d*) the Organisation of Working Time Act 1997,

(*e*) the Terms of Employment (Information) Acts 1994 and 2001,

(*f*) the Minimum Notice and Terms of Employment Acts 1973 to 2005,

(*g*) the Unfair Dismissals Acts 1977 to 2007,

(*h*) the Maternity Protection Acts 1994 and 2004,

(*i*) the Parental Leave Acts 1998 and 2006,

(*j*) the Adoptive Leave Acts 1995 and 2005, and

(*k*) the Carer's Leave Act 2001.

(5) In this section—

''previous service'' means service before the dissolution day with the DTO or, in the case of persons designated in accordance with *subsection (1)(b)* means service before such day or days as may be specified by the Minister under *subsection (1)(e)*;

''recognised trade union or association of employees'' means a trade union or association of employees recognised by the Authority for the purposes of negotiations that are concerned with the terms and conditions of employment and the working conditions of employees;

''terms and conditions of employment'' includes terms and conditions in respect of tenure of office, remuneration and related matters.

PART 7

Matters Relating to CIÉ and RPA

Parking facilities.

111.— (1) Section 8(1) of the Act of 1958 is amended by inserting after paragraph (*c*) the following:

"(*cc*) the provision of parking facilities for vehicles on land belonging to or occupied by the Board, including charges for failure to comply with bye-laws made under section 22(1)(*ee*) of the Act of 1950,".

(2) Section 128 of the Railway Safety Act 2005 is amended by deleting paragraph (*a*).

Bye-laws.

112.— Section 22(1) of the Act of 1950 (as amended by section 128(b) of the Railway Safety Act 2005) is amended by substituting for paragraph (*h*) the following:

"(*h*) generally for regulating, subject to any statutory provisions in that behalf—

(i) the travelling upon or use of its vehicles or craft (including a requirement to travel with a valid ticket or pass and the issue of such), and

(ii) the working of transport services provided by the Board,".

Articles of association of companies.

113.— (1) Section 11 of the Act of 1986 is amended by substituting for subsection (2) the following:

"(2) The articles of association of each company shall provide that—

(*a*) the number of directors (including the chairman) shall be not more than 9,

(*b*) the chairman and other directors shall be appointed and may be removed from office by the Minister,

(*c*) the remuneration of the chairman and other directors shall be determined by the Board, with the consent of the Minister and the Minister for Finance,

(*d*) no person shall be appointed or removed as auditor of the company without the approval of the Board, given with the consent of the Minister, and

(*e*) the company shall, within a period specified by the Board, set up machinery for the purposes of negotiation concerned with the pay and conditions of its staff and to this end consult with and make every reasonable endeavour to reach agreement with the trade unions concerned.

(2A) Where an appointment or removal is made under—

(*a*) subsection (2)(*b*), section 182(1) of the Companies Act 1963 does not apply, or

(*b*) subsection (2)(*d*), section 160 of that Act does not apply,

to the appointment or removal.".

(2) CIÉ shall, as soon as may be, amend the articles of association of the 3 companies formed pursuant to section 6 of the Act of 1986 to give effect to the amendments effected by *subsection (1)*.

(3) The Minister shall appoint persons as directors of the 3 companies formed pursuant to section 6 of the Act of 1986 who, in his or her opinion, have wide experience in relation to transport, commercial, financial, land use planning or environmental matters, the organisation of workers or administration.

Disposal of CIÉ property.

114.— (1) Notwithstanding any enactment, other rules of law or, where appropriate, provision contained in the memorandum and articles of association, CIÉ or a company formed under the Act of 1986—

(*a*) may be directed by, or

(*b*) shall require the consent of,

the Minister after consultation with the Minister for Finance, in respect of the sale, letting or otherwise disposal of any right or interest in land or any part of the land or property in its ownership in excess of an asset value specified in regulations.

(2) Regulations made under *subsection (1)* may specify different asset values for different classes of assets or for different purposes.

Amendment of Act of 2001.

115.— (1) Section 9 of the Act of 2001 is amended by deleting subsection (4).

(2) Section 11 of the Act of 2001 is amended in subsection (1)(*a*) by inserting "or, in the case of such railway infrastructure within its functional area, by the Dublin Transport Authority" after "Minister".

(3) Section 13(1) of the Act of 2001 is amended by inserting "(including fares)" after "make such charges".

(4) Section 20 of the Act of 2001 is amended by substituting for subsection (12) the following:

"(12) A member of the Agency (other than the chief executive) shall not serve more than 10 years in total.".

(5) Section 28 of the Act of 2001 is repealed.

(6) Section 38 of the Act of 2001 is amended by substituting for it the following:

"38.— (1) Each of the following shall be exempted development for the purposes of the Act of 2000:

(*a*) development consisting of the carrying out of railway works, including the use of the railway works or any part thereof for the purposes of the operation of a railway, authorised by the Board and specified in a railway order or of any incidental or temporary works connected with such development;

(*b*) development consisting of the carrying out of railway works for the maintenance, improvement or repair of a railway that has been built pursuant to a railway order.

(2) Part IV of the Act of 2000 does not apply and is deemed never to have applied to developments specified in subsection (1).".

(7) Section 44(2) of the Act of 2001 (inserted by section 49 of the Planning and Development (Strategic Infrastructure) Act 2006 and as amended by section 3 of the Local Government (Roads Functions) Act 2007) is amended by substituting for paragraph (*b*) the following:

"(*b*) specify any rights in, under or over land, water or any public road, the acquisition of which is, in the opinion of the Board, necessary for giving effect to the order,".

PART 8

Railway works, etc. on Saint Stephen's Green

Non-application of section 15 of Saint Stephen's Green (Dublin) Act 1877 to surveys, inspections and railway works and operation of railway, light railway or metro.

116.— Section 15 of the Saint Stephen's Green (Dublin) Act 1877 does not apply—

(*a*) to anything done for the purposes of surveys and inspections under section 36 of the Act of 2001,

(*b*) to any railway works (within the meaning of section 2 of the Act of 2001) carried out on or under Saint Stephen's Green pursuant to a railway order under section 43 (inserted by section 49 of the Planning and Development (Strategic Infrastructure) Act 2006) of the Act of 2001, or

(*c*) to restrict the operation of a railway, light railway or metro (within the meaning of section 2 of the Act of 2001) on or under Saint Stephen's Green.

PART 9

Transport Officers

Transport officers.

117.— (1) The Road Transport Act 1986 is amended—

(*a*) in section 15, by substituting for subsection (1) the following:

"(1) The Road Safety Authority may appoint any of its officers, or such officers of the Minister seconded to serve with the Authority, to be transport officers for the purposes of section 16.",

(*b*) in section 17, by substituting "The Road Safety Authority may bring" for "The Minister may bring", and

(*c*) in section 18(1)(*b*), by substituting "the Road Safety Authority" for "the Minister".

(2) Subsection (5) of section 4 of the Road Safety Authority Act 2006 is repealed.

Number 15 *of* 2008

DUBLIN TRANSPORT AUTHORITY ACT 2008

REVISED

Updated to 17 July 2023

About this Revised Act

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

Related legislation

National Transport Authority Acts 2008 to 2016: this Act is one of a group of Acts included in this collective citation (*Public Transport Act 2016* (3/2016), s. 10(2)). The Acts in this group are:

- *Dublin Transport Authority Act 2008* (15/2008)
- *Public Transport Regulation Act 2009* (37/2009), Part 3
- *Taxi Regulation Act 2013* (37/2013), Part 10
- *Public Transport Act 2016* (3/2016), s. 1

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions. A version without annotations, showing only textual amendments, is also available.

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 1972, 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 Traffic and Roads Act 2023* (16/2023)
- *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020* (23/2020)
- *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2019* (8/2019)
- *Planning and Development (Amendment) Act 2018* (16/2018)
- *Public Transport Act 2016* (3/2016)
- *Dublin Docklands Development Authority (Dissolution) Act 2015* (55/2015)
- *Roads Act 2015* (14/2015)
- *Freedom of Information Act 2014* (30/2014)
- *State Airports (Shannon Group) Act 2014* (27/2014)
- *Local Government Reform Act 2014* (1/2014)
- *Taxi Regulation Act 2013* (37/2013)
- *Ministers and Secretaries (Amendment) Act 2011* (10/2011)
- *Public Transport Regulation Act 2009* (37/2009)

All Acts up to and including *Energy (Windfall Gains in the Energy Sector) (Temporary Solidarity Contribution) Act 2023* (23/2023), enacted 17 July 2023, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *National Transport Authority (Extension of Remit) (Fares Scheme) Order 2022* (S.I. No. 368 of 2022)
- *European Union (Interbus Agreement) Regulations 2020* (S.I. No. 694 of 2020)
- *National Transport Authority (Public Passenger Transport Services) Bye-Laws 2019* (S.I. No. 273 of 2019)
- *National Transport Authority Superannuation Scheme 2017* (S.I. No. 471 of 2017)
- *National Transport Authority (Extension of Remit) Order 2013* (S.I. No. 237 of 2013)
- *European Union (Rights of Passengers when Travelling by Bus and Coach Transport) Regulations 2013* (S.I. No. 152 of 2013)
- *European Union (Rights of Passengers when Travelling by Sea and Inland Waterway) Regulations 2012* (S.I. No. 394 of 2012)
- *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011)
- *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011)
- *Dublin Transport Authority Act 2008 (Section 58) (Commencement) Order 2010* (S.I. No. 468 of 2010)
- *National Transport Authority (Extension of Remit) Order 2010* (S.I. No. 467 of 2010)
- *National Transport Authority (Extension of Remit) Order 2010* (S.I. No. 139 of 2010)
- *Dublin Transport Authority Act 2008 (Amendments of Planning and Development Act 2000) (Commencement) Order 2009* (S.I. No. 574 of 2009)
- *Dublin Transport Authority Act 2008 (Dissolution of Dublin Transportation office) Order 2009* (S.I. No. 474 of 2009)
- *Dublin Transport Authority Act 2008 (Part 2) (Establishment Day) Order 2009* (S.I. No. 459 of 2009)
- *Dublin Transport Authority Act 2008 (Parts 3, 4, 5 and Section 115(2)) (Commencement) Order 2009* (S.I. No. 458 of 2009)
- *Planning and Development (Regional Planning Guidelines) Regulations 2009* (S.I. No. 100 of 2009)
- *Dublin Transport Authority Act 2008 (Parts 1, 7, 8 and 9) (Commencement) Order 2008* (S.I. No. 291 of 2008)

All statutory instruments up to and including *Road Traffic and Roads Act 2023 (Commencement) Order 2023* (S.I. No. 364 of 2023), made 14 July 2023, were considered in the preparation of this revision.