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*Number 8 of 1933*

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**ROAD TRANSPORT ACT 1933**

**REVISED**

**Updated to 28 May 2019**

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This Revised Act is an administrative consolidation of the *Road Transport Act 1933*. 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 *Greyhound Racing Act 2019* (15/2019), enacted 28 May 2019, and all statutory instruments up to and including *European Communities (Sheep Identification) (Amendment) Regulations 2019* (S.I. No. 243 of 2019), made 28 May 2019, were considered in the preparation of this Revised Act.

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[No. 8.]

*Road Transport Act 1933*

[1933.]

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ACTS REFERRED TO

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**ROAD TRANSPORT ACT 1933.**

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AN ACT TO MAKE FURTHER AND BETTER PROVISION FOR THE REGULATION AND CONTROL OF THE CARRIAGE OF PASSENGERS, MERCHANDISE, AND MAILS BY ROAD. [12<sup>th</sup> June, 1933.]

BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT EIREANN AS FOLLOWS:—

**PART I.**

**PRELIMINARY AND GENERAL.**

- Short title.        **1.**—This Act may be cited as the Road Transport Act, 1933.
- Definitions.       **2.**—In this Act—
- the expression “the Minister” means the Minister for Industry and Commerce;
- the expression “the Act of 1932” means the [Road Transport Act, 1932](#) (No. 2 of 1932);
- the expression “mails” includes mail bags and postal packets (other than telegrams) as defined in the Post Office Act, 1908;
- the expression “merchandise” includes goods, wares, minerals and animals, but does not include passenger’s luggage or mails;
- the expression “mechanically propelled vehicle” does not include a railway engine or a tramcar or other vehicle running on permanent rails;
- F1[...]
- the expression “merchandise road transport” means the carriage for reward by road in mechanically propelled vehicles or in vehicles drawn by mechanically propelled vehicles of merchandise and includes, so far as they are carried on by means of such vehicles, the services of collection and delivery of merchandise hitherto carried on by railway, canal, and shipping companies, as ancillary or subsidiary to their main undertakings, or by agents on behalf of such companies, but does not include—
- (a) the carriage of merchandise by passenger road services licensed under the Act of 1932, or
- (b) the carriage of mails by or under contract with F2[[An Post](#)], or

(c) the carriage of merchandise by means of any vehicle primarily provided for the carriage of mails where and to the extent to which the carriage of merchandise by means of such vehicle is permitted under the contract made with F2[[An Post](#)];

the expression “authorised (merchandise carrying) company” means a company to which Part III of the Act of 1932 applies and which is entitled by virtue of [section 28](#) of the Act of 1932 to engage in or carry on the business of carrying merchandise by road.

the expression “authorised (passenger carrying) company” means a company to which Part III of the Act of 1932 applies and which is entitled by virtue of [section 28](#) of the Act of 1932 to engage in or carry on the business of carrying passengers by road;

the expression “shipping company” means a person carrying on a regular steamer service to or from a port in Saorstát Éireann;

the expression “vehicle plate” means a plate of that name issued under [Part II](#) of this Act;

the word “lorry” means a mechanically propelled vehicle fitted with a body designed and constructed for the carriage of merchandise;

the word “tractor” means a mechanically propelled vehicle which—

(a) is not a lorry, and

(b) is constructed and designed for the traction of another vehicle;

the expression “the registration book” in relation to a mechanically propelled vehicle means the registration book for such vehicle issued under the Roads Act, 1920 F3[[or a copy of the registration particulars of such vehicle issued by the authority by which such vehicle was licensed under the Roads Act, 1920](#)];

the expression “passenger road service” has the same meaning as in the Act of 1932, as amended by this Act;

the expressions “passenger licence” and “annual passenger licence” have the same meanings respectively as in the Act of 1932;

the expression “unladen weight” in relation to a mechanically propelled vehicle means the unladen weight specified in the registration book which relates to such vehicle;

the word “prescribed” means prescribed by regulations made by the Minister under this Act.

Existing carriers.      **3.—**F4[...]

Presumption of carriage of merchandise for reward.      **4.—**F5[...]

The appointed day.      **5.—**(1) The Minister may after consultation with the Minister for Justice, by order appoint a day not less than three months after the passing of this Act to be the appointed day for the purposes of this Act.

(2) In this Act the expression “the appointed day” means the day appointed by the Minister by order under this section.

Regulations.      **6.—**The Minister may by order make regulations for all or any of the following purposes, that is to say:—

- (a) prescribing any thing which is in this Act referred to as prescribed or as prescribed by regulations made by the Minister;
- (b) prescribing any thing which the Minister is by this Act authorised to prescribe by regulations made under this Act.

Expenses.

7.—(1) All expenses incurred by the Minister or the *Gárda Síochána* in carrying this Act into execution shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the *Oireachtas*.

(2) All fees received by the Minister or a Chief Superintendent of the *Gárda Síochána* under this Act shall be collected and accounted for in such manner as shall be prescribed by the Minister with the sanction of the Minister for Finance.

## PART II.

### REGULATION OF MERCHANDISE ROAD TRANSPORT BUSINESSES.

Exempted areas.

8.—F6[...]

Prohibition of carrying on merchandise road transport business by unlicensed persons.

F7[9.—(1) (a) Subject to paragraph (b) of this subsection and to subsection (5) of this section, it shall not be lawful on or after the appointed day for any person in the course of a merchandise road transport business carried on by him to carry merchandise in any area in the State unless the person is the holder of a licence (in this Act referred to as a merchandise licence) granted under this Act authorising him to carry on a merchandise road transport business in that area and the business is carried on under and in accordance with the licence.

(b) Notwithstanding paragraph (a) of this subsection and section 124 of the *Transport Act, 1944*, the holder of a merchandise licence may carry on a merchandise road transport business when carrying commodities the carriage of which is not subject to any statutory restriction or limitation under this section, whether or not a vehicle plate is on issue to him in respect of the vehicle in which they are carried.

F8[(2) (a) Every person who carries merchandise in contravention of this section shall be guilty of an offence under this section and shall be liable—

(i) on summary conviction to a fine not exceeding £1,000, or

(ii) on conviction on indictment to a fine not exceeding £5,000.]

(b) Section 1 (1) of the *Probation of Offenders Act, 1907*, shall not apply to a second or subsequent offence under this section.

(c) Section 28 of the *Transport Act, 1958*, is hereby repealed.

(3) A certificate purporting to be signed by an officer of the Minister and to certify that on a specified day or days or during the whole of a specified period a specified person was not the holder of a merchandise licence authorising him to carry on a merchandise road transport business shall, without proof of the signature of the person purporting to sign the certificate or that he was an officer of the Minister, be evidence until the contrary is proved of the matters purported to be certified in and by the certificate.

(4) Where a person is proved to have carried merchandise by way of merchandise road transport, the person shall for the purposes of this section be deemed until the contrary is proved to have so carried the merchandise in the course of a merchandise road transport business carried on by him.

(5) The restrictions on the carriage of merchandise imposed by this section shall not apply—

- (a) where the carriage is in a vehicle or a combination of vehicles (including a trailer or a semi-trailer) which does not exceed 2.5 metric tons unladen weight or which has a permissible maximum total laden weight of not more than 6 metric tons,
- (b) to the carriage of cattle, sheep or pigs,
- (c) in the period in each year beginning on the 1st day of August and ending on the 30th day of November, to the carriage of newly harvested wheat, oats or barley from a farm to a place of storage, assembly or processing.

(6) For the purposes of subsection (5) (a) of this section, 2.5 metric tons unladen weight shall be deemed to be equivalent to 6 metric tons permissible maximum total laden weight.]

Vehicle plate issuing stations. **10.—F10[...]**

Applications for merchandise licences. **11.—F11[...]**

Grant of merchandise licences. **12.—F12[...]**

Standard lorry weights and tractor weights for existing carrier. **13.—F13[...]**

Operation of merchandise licences. **14.—F14[...]**

Obligation of licensees to accept merchandise for carriage. **15.—F15[...]**

Prohibition of undue preference by licensees. **16.—F16[...]**

Conditions of merchandise licences. **17.—**Whenever the Minister grants a merchandise licence he may attach to such licence such conditions as he shall think proper and shall specify in such licence and in particular and without prejudice to the generality of the foregoing power, conditions in respect of all or any of the following matters, that is to say:—

- (a) the wages and conditions of employment of employees engaged in the operation of the vehicles used for the purposes of the licensees business of merchandise road transport;
- (b) the notification to and approval by the Minister of agreements or arrangements made in relation to such business by the licensee with other persons engaged in the transport of merchandise by rail, road, air, or water;
- (c) the use, either exclusively or to a specified extent, of vehicles manufactured in whole or in part in Saorstát Éireann, and the maintenance thereof.

Amendment of conditions of a merchandise licence during its currency.

**18.—**(1) The Minister may on his own motion during the currency of a merchandise licence amend (whether by addition, omission or variation) in such manner as he thinks fit the conditions attached to such licence.

(2) Whenever the Minister proposes to amend, in exercise of the power conferred on him by the immediately preceding sub-section, the conditions attached to a merchandise licence he shall cause a notice to be served on the licensee specifying the amended conditions which are to attach to such licence and upon service of such notice the said amended conditions shall attach to such licence.

Commencement and duration of merchandise licences.

**19.—**F18[...]

Application for renewal of merchandise licences.

**20.—**F19[...]

Grants of renewals of merchandise licences.

**21.—**F20[...]

Duration of renewals of merchandise licences.

**22.—**F21[...]

Expiry of licence held by a shipping company.

**23.—**F22[...]

Revocation of merchandise licences.

**24.—**(1) The Minister may at any time revoke a merchandise licence upon the application of the licensee thereunder.

F23[(2) The Minister may at any time on his own motion and at his discretion revoke or suspend for such period as he shall think proper a merchandise licence—

(a) on the ground that, in his opinion, there has been a breach of or a failure to observe or comply with a condition attached to the licence,

(b) on the ground that the holder has been convicted of an offence (whether under this or any other Act) in relation to the business to which the licence relates or a vehicle used in such business,

(c) if the holder ceases to comply with any relevant requirement specified or referred to in regulations under the **European Communities Act, 1972**, or

(d) on the ground that, in his opinion, there has been a failure to comply with a relevant provision of this Act or of regulations made thereunder.]

(3) The Minister may at any time on his own motion and at his absolute discretion revoke a merchandise licence if he is satisfied that such licence was obtained by fraud or misrepresentation.

Transfer of merchandise licences.

**25.—**F25[...]

Death of licensee under merchandise licence.

**26.—**F26[...]

Fees on the grant, etc., of merchandise licences.

**27.—**(1) There shall be paid to the Minister on every application under this Part of this Act for the grant, renewal, or transfer of a merchandise licence a fee of such amount as may be prescribed by regulations made by the Minister with the consent of the Minister for Finance, and the payment of such fee (which shall be retained whether the application is or is not granted) shall be a condition precedent to the consideration of such application.

(2) Different fees may be prescribed in respect of grants, renewals and transfers respectively of merchandise licences, and such fees may be of a fixed amount or of an amount calculated by reference to a scale graduated according to the number of mechanically propelled vehicles used by the licensee or the total unladen weights of such vehicles or otherwise.

Accounts and returns by licensees under merchandise licences.

**28.—**F27[...]

Registers to be kept by the Minister.

**29.—**F28[...]

Issue of vehicle plates.

**30.—**F29[...]

Restriction on issue of vehicle plates.

**31.—**(1) F30[...]

(2) F30[...]

(3) F31[...]

Delivery of vehicle plates in certain cases to Garda Síochána.

**32.—**F32[...]

Fraudulent use of vehicle plates.

**33.—** F33[...]

Obligation to carry vehicle plate on vehicles carrying merchandise.

**34.—**F34[...]

Inspection of vehicles carrying merchandise.

**35.—**(1) Any member of the Garda Síochána may, at any time and in any place, inspect and examine any lorry or tractor and for that purpose may do all or any of the following things, that is to say:—

(a) enter into any place in which such lorry or tractor is;

(b) if such lorry or tractor is in motion, require it to stop;

(c) require the driver of such lorry or tractor to drive it forthwith to a convenient place indicated by such member for such inspection and examination.

F35[(2) Every person who—

(a) obstructs or interferes with a member of the Garda Síochána in the exercise of any power conferred by this section, or

(b) being the driver of a lorry or tractor in motion, fails to stop it when required by a member of the Garda Síochána under this section so to do, or

- (c) being the driver of a lorry or tractor fails to comply with a requirement made by a member of the Garda Síochána under this section in relation to such lorry or tractor

shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding £500.]

Prohibition of contracts for carriage of merchandise with unlicensed person.

**36.—F36**[(1) No person shall engage or use the services of any undertaking for the carriage by road for reward of merchandise in a vehicle unless—

- (a) the undertaking is the holder of a road freight carrier's licence, or  
(b) the carriage is one in respect of which a road freight carrier's licence is not required by law.

(1A) In subsection (1) 'undertaking' means any natural person, any legal person, whether profit-making or not, any association or group of persons without legal personality, whether profit-making or not, or any official body, whether having its own legal personality or being dependent upon an authority having such personality.]

**F37**[(2) If any person acts in contravention of this section such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding £1,000.]

Amendment of the Public Roads (Ireland) Act, 1911.

**37.—F38**[...]

### PART III.

#### CHARGES FOR CARRIAGE OF MERCHANDISE.

Classification of merchandise. **38.—F39**[...]

Schedules of charges. **39.—F40**[...]

Variation of classification of merchandise. **40.—F41**[...]

Variation of schedule of charges. **41.—F42**[...]

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Duty of licensees to furnish information to the railway tribunal. **43.—F44**[...]

Publication of classification of merchandise and schedule of charges. **44.—F45**[...]

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Application of certain sections of the Railways Act, 1924.           **46.—F47[...]**

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Appeals.           **48.—F49[...]**

Provision for applications by public authorities etc., in certain cases.           **49.—F50[...]**

#### PART V.

##### COMPULSORY TRANSFER OF CERTAIN MERCHANDISE LICENSES AND PASSENGER LICENCES, AND RESTRICTIONS ON OPERATION OF CERTAIN MERCHANDISE LICENCES.

Merchandise (existing carrier's) licences and annual passenger licences to which Part V applies.           **50.—F51[...]**

Application for orders transferring etc., certain merchandise licences and passenger licences.           **51.—F52[...]**

Making of orders under Part V.           **52.—F52[...]**

Operation of transfer orders and reduction orders.           **53.—F53[...]**

Compensation on transfer etc. of licences.           **54.—F53[...]**

Determination of compensation.           **55.—F53[...]**

Appointment of arbitrator.           **56.—F53[...]**

Expenses of licensees in relation to arbitrations. **57.—F53[...]**

Recovery of amount of award. **58.—F53[...]**

Remuneration of arbitrator. **59.—F53[...]**

Powers of arbitrator. **60.—F53[...]**

## PART VI.

### COMPENSATION TO CERTAIN EX-EMPLOYEES OF LICENSEES UNDER MERCHANDISE (EXISTING CARRIER'S) LICENCES AND ANNUAL PASSENGER LICENCES.

Merchandise (existing carrier's) licences and annual passenger licences to which Part VI applies. **61.—F54[...]**

Definitions in relation to Part VI. **62.—F54[...]**

Compensation to ex-employees of certain licensees. **63.—F54[...]**

Recovery of compensation under Part VI. **64.—F54[...]**

## PART VII.

### AMENDMENT OF CERTAIN ENACTMENTS.

Definitions in relation to Part VII. **65.—In this Part of this Act—**

the expression "seasonal passenger licence" means an annual passenger licence in respect of a specified part of a year only; the word "season" in relation to a seasonal passenger licence means the specified part of a year to which such licence relates.

Amendment of meaning of expression "passenger road service" in Act of 1932. **66.—F55[...]**

Extension of duration of passenger licences in force on 31st October, 1933. **67.—F56[...]**

Commencement and duration of future seasonal passenger licences. **68.—F57[...]**

Duration of renewals of future seasonal passenger licences. **69.—F58[...]**

Amendment of conditions of an annual passenger licence during its currency. **70.—F59[...]**

Revocation of passenger licences. **71.—F60[...]**

Date of transfer of passenger licences. **72.—F61[...]**

Evidence. **73.—F62[...]**

Amendment of the Railways Act, 1924, and the Railways (Miscellaneous) Act, 1932. **74.—F63[...]**



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*Number 8 of 1933*

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## **ROAD TRANSPORT ACT 1933**

**REVISED**

**Updated to 28 May 2019**

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### **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 passed.

### **Related legislation**

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

- *Road Transport Act 1933* (8/1933)
- *Road Transport Act 1934* (17/1934)
- *Road Transport Act 1935* (23/1935)
- *Transport Act 1944* (21/1944), Part VII
- *Transport (Miscellaneous Provisions) Act 1955* (21/1955)
- *Transport Act 1958* (19/1958)
- *Transport (No. 2) Act 1959* (40/1959)
- *Road Transport Act 1971* (8/1971)
- *Road Transport Act 1978* (8/1978)
- *Road Transport Act 1986* (16/1986)
- *Road Transport Act 1999* (15/1999)
- *Road Traffic and Transport Act 2006* (28/2006)
- *Road Transport Act 2011* (31/2011)

Acts previously included in the group but now repealed are:

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

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

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

### **Annotations**

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

#### **Material not updated in this revision**

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at [www.irishstatutebook.ie](http://www.irishstatutebook.ie).