Changes to Legislation: as of 13 October 2026, this Act is up to date with all changes known to be in force.



Number 23 *of* 1935

ROAD TRANSPORT ACT 1935

REVISED

Updated to 28 May 2019

This Revised Act is an administrative consolidation of the *Road Transport Act 1935*. 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.

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

Number 23 *of* 1935.

ROAD TRANSPORT ACT 1935.

REVISED

Updated to 28 May 2019

ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. Carriage for reward.
3. Variation of standard lorry weights.
4. Amendment of section 36 of the Principal Act.
5. Amendment of section 63 of the Principal Act.
6. Restriction on importation of certain mechanically propelled vehicles used for carriage of passengers.
7. Restriction on importation of certain lorries and tractors used for the carriage of merchandise.
8. Expenses.
9. Short title.

ACTS REFERRED TO

Road Transport Act, 1933	No. 8 of 1933
Road Transport Act, 1934	No. 17 of 1934

Number 23 *of* 1935.

ROAD TRANSPORT ACT 1935.

REVISED

Updated to 28 May 2019

AN ACT TO AMEND THE ROAD TRANSPORT ACT, 1933, AND THE ROAD TRANSPORT ACT, 1934, AND TO CONTROL THE IMPORTATION OF CERTAIN MECHANICALLY PROPELLED VEHICLES WHICH ARE BEING USED FOR THE CARRIAGE OF PASSENGERS OR MERCHANDISE. [20*th June*, 1935.]

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

Annotations

Modifications (not altering text):

C1 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), 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.

...

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
...	...	...
	1935	Road Transport Act, 1935

23 ...	...	...

C2 Application of Act restricted (30.08.1999) by *Road Transport Act 1999* (15/1999), s. 3, S.I. No. 264 of 1999.

Restricted road freight licences.

3.—(1) Notwithstanding anything in the Principal Act or the Road Transport Act, 1935, the Minister may grant, in respect of a vehicle which complies with the conditions specified in section 7(1) of the Road Transport Act, 1935 (as amended by section 29 of the Transport Act, 1958), a licence (which shall be known and is in this Act referred to as a "restricted road freight licence") to a person authorising the person to import the vehicle and to use it for the purposes of merchandise road transport in the State, subject to any conditions which the Minister may see fit to impose and specifies in the licence.

...

C3 Application of Act extended (14.07.1986) by *Road Transport Act 1986* (16/1986), s. 17, as amended (1.08.2008) by *Dublin Transport Authority Act 2008* (15/2008), s. 117(1)(b), S.I. No. 291 of 2008.

Prosecution of offences by Minister.

17.—**[**The Road Safety Authority may bring**]** and prosecute summary proceedings for an offence under—

(a) ... the Road Transport Act, 1935 ...

...

C4 Application of Act extended (14.07.1986) by *Road Transport Act 1986* (16/1986), s. 16(1), as amended (30.08.1999) by *Road Transport Act 1999* (15/1999), s. 14, S.I. No. 264 of 1999.

Powers of transport officers.

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

(a) ... the Road Transport Act, 1935 ...

...

have power to do any or all of the following things—

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

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

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

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

...

Editorial Notes:

E1 Previous affecting provision: application of Act restricted (21.05.1971) by *Road Transport Act 1971* (8/1971), s. 8, S.I. No. 166 of 1971; repealed (31.10.2005) by *Road Transport Act 1999* (15/1999), s. 23 and sch., S.I. No. 683 of 2005.

E2 Previous affecting provision: application of Act extended (8.12.1944) by *Transport Act 1944* (21/1944), s. 114(6); repealed (31.10.2005) by *Road Transport Act 1999* (15/1999), s. 23 and sch., S.I. No. 683 of 2005.

Definitions.

1.—(1) In this Act the expression "the Principal Act" means the Road Transport Act, 1933 (No. 8 of 1933).

(2) Every word and expression used in this Act to which a particular meaning is given by the Principal Act, as amended by the Road Transport Act, 1934 (No. 17 of 1934), for the purposes of the Principal Act has in this Act the meaning so given to it.

Carriage for reward.

2.—F1**[**...**]**

Annotations

Amendments:

F1 Repealed (1.1.1945) by *Transport Act 1944* (21/1944), s. 5 and sch. 1, commenced on the establishment date set out in s. 2(1) as per s. 5.

Variation of standard lorry weights.

3.—F2**[**...**]**

Annotations

Amendments:

F2 Repealed (1.1.1945) by *Transport Act 1944* (21/1944), s. 5 and sch. 1, commenced on the establishment date set out in s. 2(1) as per s. 5.

Amendment of section 36 of the Principal Act.

4.—Sub-section (1) of section 36 of the Principal Act is hereby amended by the insertion therein of the words "in a mechanically propelled vehicle" after the words "reward of merchandise," and the said section shall be construed and have effect accordingly.

Amendment of section 63 of the Principal Act.

5.—(1) Section 63 of the Principal Act is hereby amended in the following respects and shall be construed and have effect accordingly, that is to say:—

(*a*) by the substitution in clause (i) of paragraph (*a*) of the said section of the 'words and was continuously employed (whether such employment commenced before or after the grant of such licence) whole-time, for a period of five years ending on the day preceding the critical date in the operation of the said vehicles, either by such licensee or by such licensee and his predecessor or predecessors in title to such business' for the words 'and was so employed continuously for a period of five years ending on the day preceding the critical date' now contained in the said clause;

(*b*) by the substitution in paragraph (*b*) of the said section of the words '(whether such employment commenced before or after the grant of such licence)

whole-time, in the operation of the said vehicles, either by such licensee or by such licensee and his predecessor or predecessors in title to such business' for the words 'whole-time by such licensee in the operation of the vehicles used for the purposes of the business authorised by such licence to be carried on' now contained in the said paragraph;

(*c*) by the substitution in paragraph (*c*) of the said section of the words 'either by such licensee or by such licensee and his predecessor or predecessors in title to such business' for the words 'by such licensee' now contained in the said paragraph.

(2) This section shall have and be deemed to have had effect as from the passing of the Principal Act.

Restriction on importation of certain mechanically propelled vehicles used for carriage of passengers.

6.—(1) It shall not be lawful for any person (other than an authorised (passenger carrying) company) to import into Saorstát Eireann on or after the 1st day of July, 1935, any mechanically propelled vehicle which at the time of importation complies with the following conditions (in this section referred to as the statutory conditions), that is to say:—

(a) is constructed or adapted for the carriage of passengers by road and has sitting accommodation for more than six persons excluding the driver, and

(b) is owned by a person who, if an individual, resides outside Saorstát Éireann, or, if a partnership, has its principal place of business outside Saorstát Eireann or, if a company, has its registered office outside Saorstát Éireann, and

(c) is being used for the carriage of passengers, otherwise than under and in accordance with a licence issued under this section.

(2) The Minister may, if he so thinks fit, issue to any person who applies therefor a licence expressed to authorise such person to import into Saorstát Eireann mechanically propelled vehicles which at the time of importation comply with the statutory conditions.

(3) Every licence issued under this section shall operate to authorise the person specified therein to import into Saorstát Eireann mechanically propelled vehicles which at the time of importation comply with the statutory conditions, but subject to the due compliance by such person with the law for the time being in force in relation to the importation of mechanically propelled vehicles and in particular to the payment of the duties of customs (if any) chargeable on such importation.

(4) The Minister may at any time revoke a licence issued under this section.

(5) F3**[**...**]**

Annotations

Amendments:

F3 Repealed (24.04.1945) by *Customs (Temporary Provisions) Act 1945* (14/1945), s. 13 and sch. 1, commenced on enactment.

Modifications (not altering text):

C5 Application of section restricted (16.05.1978) by *Road Transport Act 1978* (8/1978), s. 5(1), commenced on enactment, and as substituted (30.08.1999) by *Road Transport Act 1999* (15/1999), s. 10(1)(a), S.I. No. 264 of 1999, subject to saver for subsisting regulations in subs. (2).

5.—**[**(1) Where an act of the European Communities relating to international transport by road, an international agreement relating to such transport to which the Government, the State or the European Communities is a party, or an agreement, arrangement or resolution relating to such transport to which the Minister is a party so requires, the Minister may by order exempt any

specified class of vehicle or any specified class of such transport from section 7 of the Road Transport Act, 1932 , sections 6 and 7 of the Road Transport Act, 1935 , or any provision of—

(a) any Act, or

(b) any regulations made under the European Communities Act, 1972 ,

providing for the licensing of road freight carriers or road passenger transport operators or the issuing of transport discs.**]**

...

Editorial Notes:

E3 Power to grant exemption from section exercised (4.04.1995) by *Road Transport Act, 1978 (Section 5) Order, 1995* (S.I. No. 84 of 1995), art. 2(a), in effect upon signature.

E4 Previous affecting provision: application of section confirmed and restricted (6.07.1999) by *European Communities (Operation of Road Passenger Transport Services by Non-Resident Carriers) Regulations 1999* (S.I. No. 229 of 1999), regs. 4 and 5; revoked (4.12.2011) by *European Union (International Market for Coach and Bus Services) Regulations 2011* (S.I. No. 696 of 2011), reg. 10(b).

E5 Previous affecting provision: application of section restricted (10.06.1999) by *European Communities (International Carriage of Passengers) Regulations 1999* (S.I. 174 of 1999), reg. 3; revoked (4.12..2011) by *European Union (International Market for Coach and Bus Services) Regulations 2011* (S.I. 696 of 2011), reg.10(a).

E6 Previous affecting provision: application of Act restricted (17.11.1992) by *European Communities (International Carriage of Passengers) Regulations 1992* (S.I. No. 341 of 1992), reg. 3; revoked (10.06.1999) by *European Communities (International Carriage of Passengers) Regulations, 1999* (S.I. No. 174 of 1999), reg. 14.

E7 Previous affecting provision: application of section restricted (10.05.1974) by *European Communities (International Carriage of Passengers) Regulations 1974* (S.I. No. 133 of 1974), reg. 2; revoked (17.11.1992) by *European Communities (International Carriage of Passengers) Regulations, 1992* (S.I. No. 341 of 1992), reg. 9.

Restriction on importation of certain lorries and tractors used for the carriage of merchandise.

7.—(1) It shall not be lawful for any person (other than an authorised (merchandise carrying) company) to import into Saorstát Eireann on or after the 1st day of July, 1935, any lorry or tractor which at the time of importation complies with the following conditions (in this section referred to as the statutory conditions), that is to say:—

(*a*) is owned by a person who, if an individual, resides outside Saorstát Éireann, or, if a partnership, has its principal place of business outside Saorstát Eireann or, if a company, has its registered office outside Saorstát Eireann.

(*b*) F4**[**...**]**

(2) The Minister may, if he so thinks fit, issue to any person who applies therefor a licence expressed to authorise such person to import into Saorstát Eireann lorries and tractors which at the time of importation comply with the statutory conditions.

(3) Every licence issued under this section shall operate to authorise the person specified therein to import into Saorstát Eireann lorries and tractors which at the time of importation comply with the statutory conditions, but subject to the due compliance by such person with the law for the time being in force in relation to the importation of lorries and tractors and in particular to the payment of the duties of customs (if any) chargeable on such importation.

(4) The Minister may at any time revoke a licence issued under this section.

(5) F5**[**...**]**

Annotations

Amendments:

F4 Deleted (16/07/1958) by *Transport Act 1958* (19/1958), s. 29, commenced on enactment.

F5 Repealed (24.04.1945) by *Customs (Temporary Provisions) Act 1945* (14/1945), s. 13 and sch. 1, commenced on enactment.

Modifications (not altering text):

C6 Application of section restricted (16.02.1996) by *Road Transport Act, 1978 (Section 5) Order 1996* (S.I. No. 53 of 1996), reg. 2 and sch.

2. The classes of transport which are set out in the Schedule to this Order (being the classes of transport specified in Article 6 of the Agreement done at Prague on the 14 day of November, 1995, between the Government and the Government of the Czech Republic on the international carriage of goods by road) are hereby exempted from the provisions of ... section 7 of the Road Transport Act, 1935 (No. 23 of 1935) (as amended or extended).

C7 Application of section restricted (13.07.1995) by *Road Transport Act, 1978 (Section 5) (No. 2) Order 1995* (S.I. No. 201 of 1995), reg. 2.

2. The classes of international transport specified in Articles 5 and 6 of the agreement done at Vienna on the 8th day of June, 1995, on behalf of the Government and the Government of the Republic of Latvia on the international carriage of passengers and goods by road are hereby exempted— ...

(b) in the case of goods, from the provisions of ... section 7 of the Road Transport Act, 1935 (No. 23 of 1935) (as amended or extended).

C8 Application of section restricted (4.04.1995) by *Road Transport Act, 1978 (Section 5) Order 1995* (S.I. No. 84 of 1995), reg. 2(b) and sch.

2. The classes of transport which are set out in the Schedule to this Order (being the classes of international transport specified in Articles 4 and 6 of the Agreement done at Dublin on the 9th day of December, 1994, on behalf of the Government and the Government of the Russian Federation on the international carriage of passengers and goods by road) are hereby exempted. ...

(b) in the case of goods from the provisions of ... section 7 of the Road Transport Act, 1935 (No. 23 of 1935) (as amended or extended).

C9 Application of section restricted (11.03.1994) by *European Communities (Combined Transport of Goods Between Member States) Regulations 1994* (S.I. No. 60 of 1994), reg. 3.

3. Notwithstanding anything in section 7 (as amended by section 29 of the Transport Act, 1958 (No. 19 of 1958)) of the Road Transport Act, 1935 (No. 23 of 1935) or in section 8 (inserted by section 8 of the Road Transport Act, 1986 (No. 16 of 1986)) of the Road Transport Act 1971 (No. 8 of 1971), a licence under the said section 7 nor a restricted road freight licence under this said section 8 shall be required in respect of the carrying out in the State by a haulier of the initial or final road haulage legs of a combined transport operation between Member States where such legs are an integral part of the combined transport operation and whether or not they include the crossing of a frontier.

C10 Application of section restricted (13.07.1992) by *Road Transport Act, 1978 (Section 5) Order 1992* (S.I. No. 191 of 1992), reg. 2 and sch.

2. The classes of transport which are set out in the Schedule to this Order (being the classes of international transport specified in Article 9 of the Agreement done at Budapest on the 29th day of June, 1992, on behalf of the Government and the Government of the Republic of Hungary on the international carriage of goods by road) are hereby exempted from the provisions of ... section 7 of the Road Transport Act, 1935 (No. 23 of 1935) (as amended or extended).

C11 Application of section restricted (24.07.1991) by *Road Transport Act, 1978 (Section 5) Order 1991* (S.I. No. 201 of 1991), reg. 2 and sch.

2. The classes of transport which are set out in the Schedule to this Order (being the classes of international transport specified in Article 5 of the agreement done at Dublin on the 28th day of June, 1990, on behalf of the Government and the Government of Spain on the international carriage of goods by road) are hereby exempted from the provisions of ... section 7 of the Road Transport Act, 1935 (No. 23 of 1935) as amended or extended).

C12 Application of section restricted (5.07.1990) by *Road Transport Act, 1978 (Section 5) Order 1990* (S.I. No. 180 of 1990), reg. 2.

2. (1) The class of vehicle specified in paragraph (2) of this Article is hereby exempted from the provisions of ... section 7 of the Road Transport Act, 1935 (No. 23 of 1935), as amended.

...

C13 Application of section restricted (16.05.1989) by *Road Transport Act, 1978 (Section 5) Order 1989* (S.I. No. 144 of 1989), reg. 2.

2. The classes of international transport which are set out in the Schedule to this Order (being the classes of international transport specified in Article 6 of the Agreement done at Dublin on the 8th day of June, 1988, on behalf of the Government and the Federal Executive Council of the Assembly of the Socialist Federal Republic of Yugoslavia on the international carriage of goods by road) are hereby exempted from the provisions of ... section 7 of the Road Transport Act, 1935 (No. 23 of 1935) (as amended or extended).

C14 Application of section restricted (2.11.1983) by *Road Transport Act, 1978 (Section 5) (No. 2) Order 1983* (S.I. No. 332 of 1983), reg. 2.

2. The following class of vehicle, namely, vehicles being operated by carriers established in the Grand Duchy of Luxembourg and imported temporarily empty or laden into the State for the purpose of the carriage of goods in accordance with Article 3 of the arrangement made on the 8th day of June, 1983, between the Minister for Transport and the Minister of Transport of the Grand Duchy of Luxembourg on the international carriage of goods by road (being an international arrangement relating to international transport by road), is hereby exempted from the provisions of ... section 7 of the Road Transport Act, 1935 (as amended and extended).

C15 Application of section restricted (2.11.1983) by *Road Transport Act, 1978 (Section 5) Order 1983* (S.I. No. 331 of 1983), reg. 2.

2. The following class of vehicle, namely, vehicles being operated by a carrier established in the Kingdom of the Netherlands and engaged in transport operations referred to in Article 3 of the agreement made on the 30th day of May, 1983, between the Government and the Government of the Kingdom of the Netherlands on the international carriage of goods by road (being an international agreement relating to international transport by road), is hereby exempted from the provisions of ... section 7 of the Road Transport Act, 1935 (as amended and extended).

C16 Application of section restricted (9.08.1982) by *Road Transport Act, 1978 (Section 5) (No. 2) Order 1982* (S.I. No. 267 of 1982), reg. 2 and sch.

2. The classes of international transport by road which are specified in paragraphs (a) to (p) of Article 4 of the agreement made on the 15th day of September, 1981, between the Government and the Government of the Kingdom of Norway on the international carriage of goods by road (being an international agreement relating to international transport by road), and which are set out in the Schedule to this Order, are hereby exempted from the provisions of section 7 of the Road Transport Act, 1935 (as amended or extended)...

C17 Application of section restricted (8.03.1982) by *Road Transport Act, 1978 (Section 5) Order 1982* (S.I. No. 41 of 1982), reg. 2 and sch.

2. The following classes of international transport by road, namely—

(a) those specified in paragraph (d) (which is set out in Part I of the Schedule to this Order) of Article 5 of the agreement made on the 15th day of July, 1981, between the Government and the Government of the Hellenic Republic on the international carriage of goods by road (being an international agreement relating to international transport by road), and

(b) such of those specified in Article 2 of the said agreement as are comprised in paragraphs 2 to 6 (which are set out in Part II of the Schedule to this Order) of Annex II to the First Council Directive on the establishment of common rules for certain types of carriage of goods by road between Member States of 23 July, 1962(1), as amended by Council Directive No. 72/426/EEC of 19 December, 1972(2), Council Directive No. 74/149/EEC of 4 March, 1974(3), Council Directive No. 77/158/EEC of 14 February, 1977(4), Council Directive No. 78/175/EEC of 20 February, 1978(5), and Council Directive No. 80/49/EEC of 20 December, 1979(6),

are hereby exempted from the provisions of sections 9 and 34 of the Road Transport Act, 1933 (No. 8 of 1933), as amended or extended, and section 7 of the Road Transport Act, 1935 (No. 23 of 1935), as amended or extended.

(1) O.J. No. 70, 6 August 1962, p. 2005. (2) O.J. No. L291, 28 December 1972. p. 155. (3) O.J. No. L84, 28 March 1974, p. 8. (4) O.J. No. L48, 19 February 1977, p. 30. (5) O.J. No. L54, 25 February 1978, p. 18. (6) O.J. No. L18, 24 January 1980, p. 23.

C18 Application of section restricted (11.09.1981) by *Road Transport Act, 1978 (Section 5) (No. 3) Order 1981*, (S.I. No. 324 of 1981), reg. 2 and sch.

2. The classes of international transport by road which are specified in paragraphs (a) to (p) of Article 4 of the agreement made on the 19th day of May, 1981, between the Government and the Government of the Republic of Finland on the international carriage of goods by road (being an international agreement relating to international transport by road), and which are set out in the Schedule to this Order, are hereby exempted from the provisions of section 7 of the Road Transport Act, 1935 (as amended or extended).

C19 Application of section restricted (11.09.1981) by *Road Transport Act, 1978 (Section 5) (No. 2) Order 1981* (S.I. No. 323 of 1981), reg. 2 and sch.

2. The classes of international transport by road which are specified in paragraphs (a) to (p) of Article 4 of the agreement made on the 19th day of May, 1981, between the Government and the Government of Sweden on the international carriage of goods by road (being an international agreement relating to international transport by road), and which are set out in the Schedule to this Order, are hereby exempted from the provisions of section 7 of the Road Transport Act, 1935 (as amended or extended).

C20 Application of section restricted (29.04.1981) by *Road Transport Act, 1978 (Section 5) Order 1981* S.I. No. 152 of 1981, reg. 2 and sch.

2. The class of international transport by road which is specified in paragraph (d) of Article 5 of the agreement made on the 26th day of February, 1981, between the Government and the Government of the Kingdom of Denmark on the international carriage of goods by road (being an international agreement relating to international transport by road), and which is set out in the Schedule to this Order, is hereby exempted from the provisions of section 7 of the Road Transport Act, 1935 (as amended or extended).

C21 Application of section restricted (1.08.1980) by *European Communities (International Carriage of Goods by Road) Regulations 1980* (S.I. No. 253 of 1980), reg. 4.

4. Notwithstanding section 7 of the Road Transport Act, 1935 (No. 23 of 1935) (as amended by section 29 of the Transport Act, 1958 (No. 19 of 1958)) ... neither a licence under the said section 7 (as so amended) nor a restricted road freight licence shall be required for the importation into the State of a vehicle to which these Regulations apply.

C22 Application of section restricted (29.05.1980) by *Road Transport Act, 1978 (Section 5) Order 1980* (S.I. No. 160 of 1980), reg. 2 and sch.

2. The classes of international transport by road which are specified in paragraphs (1) (d) to (1) (j) of Article 5 of the agreement made on the 9th day of April, 1980, between the Government and the Government of the United Kingdom on the international carriage of goods by road (being an international agreement relating to international transport by road), and which are set out in the Schedule to this Order, are hereby exempted from the provisions of ... section 7 of the Road Transport Act, 1935 (as amended or extended).

C23 Application of section restricted (16.05.1978) by *Road Transport Act 1978* (8/1978), s. 5(1), commenced on enactment, and as substituted (30.08.1999) by *Road Transport Act 1999* (15/1999), s. 10(1)(a), S.I. No. 264 of 1999, subject to saver for subsisting regulations in subs. (2).

5.—**[**(1) Where an act of the European Communities relating to international transport by road, an international agreement relating to such transport to which the Government, the State or the European Communities is a party, or an agreement, arrangement or resolution relating to such transport to which the Minister is a party so requires, the Minister may by order exempt any specified class of vehicle or any specified class of such transport from section 7 of the Road Transport Act, 1932 , sections 6 and 7 of the Road Transport Act, 1935 , or any provision of—

(a) any Act, or

(b) any regulations made under the European Communities Act, 1972 ,

providing for the licensing of road freight carriers or road passenger transport operators or the issuing of transport discs.**]**

...

Editorial Notes:

E8 Previous affecting provision: application of section restricted (1.06.1994) by *European Communities (International Carriage of Goods by Road) Regulations 1994* (S.I. No. 140 of 1994), reg. 7; revoked (4.12.2011) by *European Union (International Road Haulage Market) Regulations 2011* (S.I. No. 698 of 2011), reg. 8(a).

E9 Previous affecting provision: application of Act restricted (21.12.1988) by *Road Transport Act, 1978 (Section 5) Order 1988* (S.I. No. 357 of 1988), reg. 2 and sch.; revoked (16.05.1989) by *Road Transport Act, 1978 (Section 5) Order, 1989* (S.I. No. 144 of 1989), art. 3.

E10 Previous affecting provision: application of section restricted (29.06.1979) by *European Communities (Combined Road/Rail Carriage of Goods Between Member States) Regulations 1979* (S.I. No. 227 of 1979), reg. 4; revoked (11.03.1994) by *European Communities (Combined Transport of Goods Between Member States) Regulations, 1994* (S.I. No. 60 of 1994), reg. 10(b).

E11 Previous affecting provision: application of section restricted (1.10.1975 to 31.12.1978) by *European Communities (International Carriage of Goods by Road and Rail) Regulations 1975* (S.I. No. 225 of 1975), reg. 4; revoked (11.03.1994) by *European Communities (Combined Transport of Goods Between Member States) Regulations, 1994* (S.I. No. 60 of 1994), reg. 8(a).

E12 Previous affecting provision: application of subs. (3) extended (21.05.1971) by *Road Transport Act 1971* (8/1971), s. 8(4), S.I. No. 166 of 1971; repealed (31.10.2005) by *Road Transport Act 1999*, s. 23 and sch., S.I. No. 683 of 2005.

Expenses.

8.—All expenses incurred by the Minister under this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Short title.

9.—This Act may be cited as the Road Transport Act, 1935.

Number 23 *of* 1935

ROAD TRANSPORT ACT 1935

REVISED

Updated to 28 May 2019

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 (No. 2) Act 1959* (40/1959)
- *Transport Act 1958* (19/1958)
- *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 Traffic Act 2011* (31/2011) (s. 23(2))

Annotations

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

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

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

A list of legislative changes to any Act, and to statutory instruments from 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 Transport Act 2006* (28/2006)
- *Road Transport Act 1999* (15/1999)
- *Road Transport Act 1986* (16/1986)
- *Road Transport Act 1978* (8/1978)
- *Road Transport Act 1971* (8/1971)
- *Transport Act 1958* (19/1958)
- *Customs (Temporary Provisions) Act 1945* (14/1945)
- *Transport Act 1944* (21/1944)

All Acts up to and including *Greyhound Racing Act 2019* (15/2019), enacted 28 May 2019, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011)
- *European Communities (Operation of Road Passenger Transport Services by Non-Resident Carriers) Regulations 1999* (S.I. No. 229 of 1999)
- *European Communities (International Carriage of Passengers) Regulations 1999* (S.I. No. 174 of 1999)
- *Road Transport Act. 1978 (Section 5) Order 1996* (S.I. No. 53 of 1996)
- *Road Transport Act, 1978 (Section 5) (No. 2) Order 1995* (201 of 1995)
- *Road Transport Act, 1978 (Section 5) Order 1995* (S.I. No. 84 of 1995)
- *European Communities (International Carriage of Goods by Road) Regulations 1994* (140 of 1994)
- *European Communities (Combined Transport of Goods Between Member States) Regulations 1994* (60 of 1994)
- *European Communities (International Carriage of Passengers) Regulations 1992* (S.I. No. 341 of 1992)
- *Road Transport Act, 1978 (Section 5) Order 1992* (191 of 1992)
- *Road Transport Act, 1978 (Section 5) Order 1991* (S.I. No. 201 of 1991)
- *Road Transport Act, 1978 (Section 5) Order 1990* (S.I. No. 180 of 1990)
- *Road Transport Act, 1978 (Section 5) Order 1989* (S.I. No. 144 of 1989)
- *Road Transport Act, 1978 (Section 5) Order 1988* (S.I. No. 357 of 1988)
- *Road Transport Act, 1978 (Section 5) (No. 2) Order 1983* (S.I. No. 332 of 1983)
- *Road Transport Act, 1978 (Section 5) Order 1983* (S.I. No. 331 of 1983)
- *Road Transport Act, 1978 (Section 5) (No. 2) Order 1982* (S.I. No. 267 of 1982)
- *Road Transport Act, 1978 (Section 5) Order 1982* (S.I. No. 41 of 1982)
- *Road Transport Act, 1978 (Section 5) (No. 3) Order 1981* (S.I. No. 324 of 1981)
- *Road Transport Act, 1978 (Section 5) (No. 2) Order 1981* (S.I. No. 323 of 1981)
- *Road Transport Act, 1978 (Section 5) Order 1981* (S.I. No. 152 of 1981)

- *European Communities (International Carriage of Goods by Road) Regulations 1980* (S.I. No. 253 of 1980)
- *Road Transport Act, 1978 (Section 5) Order 1980* (160 of 1980)
- *European Communities (Combined Road/Rail Carriage of Goods Between Member States) Regulations 1979* (S.I. No. 227 of 1979)
- *European Communities (International Carriage of Goods by Road and Rail) Regulations 1975* (S.I. No. 225 of 1975)
- *European Communities (International Carriage of Passengers) Regulations 1974* (S.I. No. 133 of 1974)

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 revision.