



Number 5 of 1955

TOURIST TRAFFIC ACT 1955

REVISED

Updated to 16 September 2020

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

All Acts up to and including the *Criminal Justice (Enforcement Powers) (Covid-19) Act 2020 (14/2020)*, enacted 11 September 2020, and all statutory instruments up to and including the *Tourism and Sport (Transfer of Departmental Administration and Ministerial Functions) Order 2020 (S.I. No. 356 of 2020)*, made 15 September 2020, 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.



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[No. 5.]

Tourist Traffic Act 1955

[1955.]

ACTS REFERRED TO

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AN ACT TO DISSOLVE FÓGRA FÁILTE AND TRANSFER ITS FUNCTIONS TO AN BORD FÁILTE AND TO PROVIDE FOR OTHER MATTERS CONNECTED THEREWITH. [21st March, 1955.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Annotations

C1 Functions transferred and references to “Department of Transport, Tourism and Sport” and “Minister for Transport, Tourism and Sport” in collectively cited *Tourist Traffic Acts* construed (16.09.2020) by *Tourism and Sport (Transfer of Departmental Administration and Ministerial Functions) Order 2020* (S.I. No. 356 of 2020), arts. 2 and 3, in effect as per art. 1(2), subject to transitional provisions in arts. 4-8.

Note change of name of Department and title of Minister to Department of and Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media (30.09 2020) by *Culture, Heritage and the Gaeltacht (Alteration of Name of Department and Title of Minister) Order 2020* (S.I. No. 403 of 2020), in effect as per art. 1(2).

2. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 3 are transferred to the Department of Culture, Heritage and the Gaeltacht.

(2) References to the Department of Transport, Tourism and Sport contained in any Act or any instrument made under such Act and relating to any administration and business transferred by paragraph (1) shall, from the commencement of this Order, be construed as references to the Department of Culture, Heritage and the Gaeltacht.

3. (1) The functions vested in the Minister for Transport, Tourism and Sport by or under —
(a) the Tourist Traffic Acts 1939 to 2016,

...

are transferred to the Minister for Culture, Heritage and the Gaeltacht.

(2) References to the Minister for Transport, Tourism and Sport contained in any Act or instrument made under such 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 Culture, Heritage and the Gaeltacht.

C2 Term “holiday apartment” defined (15.11.1983) by *Tourist Traffic Act 1983* (31/1983), s. 1(2), commenced on enactment.

Interpretation.

1. — ...

(2) For the purposes of the *Tourist Traffic Acts, 1939 to 1983*, “holiday apartment” shall include a tourist apartment, an apartotel and a holiday flat.

C3 Term “holiday cottage” defined (5.08.1970) by *Tourist Traffic Act 1970 (16/1970)*, s. 1(2), commenced on enactment.

Interpretation.

1.— ...

(2) For the purposes of the *Tourist Traffic Acts, 1939 to 1970*, “holiday cottage” shall include a holiday house, a holiday home and a holiday villa.

Editorial Notes:

E1 Previous affecting provision: functions transferred and references to “Department of Tourism, Culture and Sport” and “Minister for Tourism, Culture and Sport” construed (1.04.2011) by *Tourism and Sport (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 140 of 2011), arts. 2 and 3, in effect as per art. 1(2); superseded as per C-note above.

E2 Previous affecting provision: functions transferred and references to “Department of Tourism, Transport and Communications” and “Minister for Tourism, Transport and Communications” construed (20.01.1993) by *Tourism (Transfer of Departmental Administration and Ministerial Functions) Order 1993* (S.I. No. 15 of 1993), arts. 3 and 4, commenced on enactment; superseded as per C-note above.

E3 Previous affecting provision: functions transferred and references to “Department of the Marine” and “Minister for the Marine” construed (31.03.1987) by *Tourism (Transfer of Departmental Administration and Ministerial Functions) Order 1987* (S.I. No. 95 of 1987), arts. 3 and 4, in effect as per art. 1(2); superseded as per C-note above.

E4 Previous affecting provision: functions transferred and references to “Department of Industry, Trade, Commerce and Tourism” and “Minister for Industry, Trade, Commerce and Tourism” construed (18.02.1986) by *Tourism (Transfer of Departmental Administration and Ministerial Functions) Order 1986* (S.I. No. 42 of 1986), arts. 3 and 4, in effect as per art. 1(2); superseded as per C-note above.

E5 Previous affecting provision: functions transferred and references to “Department of Tourism and Transport” and “Minister for Tourism and Transport” construed (24.01.1980) by *Tourism (Transfer of Departmental Administration and Ministerial Functions) Order 1980* (S.I. No. 8 of 1980), arts. 3 and 4, in effect as per art. 1(2); superseded as per C-note above.

E6 Previous affecting provision: functions transferred and references to “Department of Industry and Commerce” and “Minister for Industry and Commerce” construed (31.10.1961) by *Transport, Fuel and Power (Transfer of Departmental Administration and Ministerial Functions) (No. 2) Order 1961* (S.I. No. 246 of 1961), arts. 3 and 4, commenced on enactment; superseded as per C-note above.

PART I.

PRELIMINARY AND GENERAL.

Short title and collective citation.

1.—(1) This Act may be cited as the *Tourist Traffic Act, 1955*.

(2) The *Tourist Traffic Acts, 1939 and 1952*, and this Act may be cited together as the *Tourist Traffic Acts, 1939 to 1955*.

Commencement.

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

Annotations**Editorial Notes:**

E7 Power pursuant to section exercised (1.07.1955) by *Tourist Traffic Act 1955 (Commencement) Order 1955* (S.I. No. 113 of 1955).

2. The 1st day of July, 1955, is hereby appointed to be the day on which the Tourist Traffic Act, 1955 (No. 5 of 1955), shall come into operation.

Construction.

3.—(1) In this Act—

“the Act of 1952” means the *Tourist Traffic Act, 1952* (No. 15 of 1952);

“the Board” means Bord Fáilte Éireann;

“the Minister” means the Minister for Industry and Commerce.

(2) The Tourist Traffic Acts, 1939 and 1952, and this Act shall be construed as one.

Annotations**Modifications (not altering text):**

C4 Functions transferred and references to “Department of Transport, Tourism and Sport” and “Minister for Transport, Tourism and Sport” in collectively cited *Tourist Traffic Acts* construed (16.09.2020) by *Tourism and Sport (Transfer of Departmental Administration and Ministerial Functions) Order 2020* (S.I. No. 356 of 2020), arts. 2 and 3, in effect as per art. 1(2), subject to transitional provisions in arts. 4-8.

Note change of name of Department and title of Minister to Department of and Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media (30.09.2020) by *Culture, Heritage and the Gaeltacht (Alteration of Name of Department and Title of Minister) Order 2020* (S.I. No. 403 of 2020), in effect as per art. 1(2).

2. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 3 are transferred to the Department of Culture, Heritage and the Gaeltacht.

(2) References to the Department of Transport, Tourism and Sport contained in any Act or any instrument made under such Act and relating to any administration and business transferred by paragraph (1) shall, from the commencement of this Order, be construed as references to the Department of Culture, Heritage and the Gaeltacht.

3. (1) The functions vested in the Minister for Transport, Tourism and Sport by or under —

(a) the Tourist Traffic Acts 1939 to 2016,

...

are transferred to the Minister for Culture, Heritage and the Gaeltacht.

(2) References to the Minister for Transport, Tourism and Sport contained in any Act or instrument made under such 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 Culture, Heritage and the Gaeltacht.

Repeals.

4.—(1) The following provisions of the Act of 1952 are hereby repealed—sections 4, 10, Part V and the Schedule.

(2) The repeal of the Schedule shall not affect the rights of any person under paragraph 5 thereof (which relates to the superannuation of full-time members of Fógra Fáilte) or under a scheme made under that paragraph.

PART II.

BORD FÁILTE ÉIREANN.

Name of Board. 5.—F1[...]

Annotations**Amendments:**

- F1** Repealed (28.05.2003) by *National Tourism Development Authority Act 2003 (10/2003)*, s. 5 and sch. 1, S.I. No. 205 of 2003.

Additional functions. 6.—F2[...]

Annotations**Amendments:**

- F2** Repealed (28.05.2003) by *National Tourism Development Authority Act 2003 (10/2003)*, s. 5 and sch. 1, S.I. No. 205 of 2003.

Non-repayable grant. 7.—F3[...]

Annotations**Amendments:**

- F3** Repealed (16.08.1961) by *Tourist Traffic Act 1961 (37/1961)*, s. 5 subject to transitional provision in s. 2(3), commenced on enactment.

Editorial Notes:

- E8** *Tourist Traffic Act 1961 (37/1961)* itself repealed (28.05.2003) by *National Tourism Development Authority Act 2003 (10/2003)*, s. 5 and sch. 1, S.I. No. 205 of 2003.

Grants from other sources. 8.—F4[...]

Annotations**Amendments:**

- F4** Repealed (28.05.2003) by *National Tourism Development Authority Act 2003 (10/2003)*, s. 5 and sch. 1, S.I. No. 205 of 2003.

Amendment of Tourist Traffic (Development) Act, 1931. 9.—F5[...]

Annotations**Amendments:**

- F5** Repealed (28.05.2003) by *National Tourism Development Authority Act 2003 (10/2003)*, s. 5 and sch. 1, S.I. No. 205 of 2003.

PART III.

DISSOLUTION OF FÓGRA FÁILTE.

Dissolution of Fóggra Fáilte.

10.—Fóggra Fáilte is hereby dissolved.

Transfer of property.

11.—(1) All property whether real or personal (including choses-in-action) which was vested in, or belonged to or was held in trust for Fóggra Fáilte and all rights, powers and privileges relating to or connected with any such property shall, without any conveyance or assignment but subject where necessary to transfer in the books of any bank, corporation or company or authority, become and be vested in or the property of or held in trust for (as the case may require) the Board for the same estate, trust or interest.

(2) All property transferred by this section which is standing in the books of any bank or registered in the books of any bank, corporation, company or authority shall, upon the request of the Board, be transferred in such books by such bank, corporation, company or authority into the name of the Board.

(3) Every chose-in-action transferred by this section to the Board may be sued upon, recovered or enforced by the Board in its own name and it shall not be necessary for the Board to give notice to the person bound by such chose-in-action of the transfer effected by this section.

Transfer of liabilities.

12.—Every debt and other liability (including unliquidated liabilities arising from torts or breaches of contract) of Fóggra Fáilte shall become the debt or liability of the Board.

Preservation of continuing contracts.

13.—Every bond, guarantee, mortgage or other security of a continuing nature made or given by Fóggra Fáilte to any person, or by any person to that body, and every contract or agreement in writing made between that body and another person and not fully executed and completed shall continue in force and shall be construed as if the name of the Board were substituted therein for that body.

Continuance of pending legal proceedings.

14.—In every action, suit or proceedings pending in any court or tribunal to which Fóggra Fáilte is a party, the Board shall become and be a party in the place of that body and such proceedings shall be continued between the Board and the other parties thereto accordingly.

Exemption from stamp duty.

15.—F6[...]

Annotations**Amendments:**

- F6** Repealed (27.03.1998) by *Finance Act 1998 (3/1998)*, s. 125 and sch. 8, commenced on enactment.

Transfer of staff. **16.**—Persons who, immediately before the dissolution of Fógra Fáilte, were employed by that body shall become members of the staff of the Board subject to the same conditions as to tenure of office, remuneration and otherwise as those subject to which they were so employed.



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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

Tourist Traffic Acts 1939 to 2016: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*National Tourism Development Authority (Amendment) Act 2016* (14/2016), s. 2(2)). The Acts in the group are:

- *Tourist Traffic Act 1939* (24/1939)
- *Tourist Traffic Act 1952* (15/1952)
- *Tourist Traffic Act 1955* (5/1955)
- *Tourist Traffic Act 1957* (27/1957)
- *Tourist Traffic Act 1966* (3/1966)
- *Tourist Traffic Act 1970* (16/1970)
- *Tourist Traffic Act 1983* (31/1983)
- *Tourist Traffic Act 1995* (13/1995)
- *National Tourism Development Authority Act 2003* (10/2003)
- *National Tourism Development Authority (Amendment) Act 2011* (33/2011)
- *National Tourism Development Authority (Amendment) Act 2016* (14/2016)

Acts previously included in the group but now repealed are:

- *Tourist Traffic Act 1959* (27/1959)
- *Tourist Traffic Act 1961* (37/1961)
- *Tourist Traffic Act 1963* (22/1963)
- *Tourist Traffic Act 1968* (29/1968)
- *Tourist Traffic Act 1972* (28/1972)
- *Tourist Traffic Act 1975* (26/1975)
- *Tourist Traffic Act 1979* (22/1979)
- *Tourist Traffic Act 1987* (11/1987)
- *Tourist Traffic Act 1998* (45/1998)

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

- *National Tourism Development Authority (Amendment) Act 2011* (33/2011)
- *National Tourism Development Authority Act 2003* (10/2003)
- *Tourist Traffic Act 1998* (45/1998)
- *Finance Act 1998* (3/1998)
- *Tourist Traffic Act 1995* (13/1995)
- *Tourist Traffic Act 1987* (11/1987)
- *Tourist Traffic Act 1983* (31/1983)
- *Tourist Traffic Act 1979* (22/1979)
- *Tourist Traffic Act 1975* (26/1975)
- *Tourist Traffic Act 1970* (16/1970)
- *Tourist Traffic Act 1968* (29/1968)
- *Tourist Traffic Act 1966* (3/1966)
- *Tourist Traffic Act 1961* (37/1961)
- *Tourist Traffic Act 1959* (27/1959)
- *Tourist Traffic Act 1957* (27/1957)

All Acts up to and including *Criminal Justice (Enforcement Powers) (Covid-19) Act 2020* (14/2020), enacted 11 September 2020, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Tourism and Sport (Transfer of Departmental Administration and Ministerial Functions) Order 2020* (S.I. No. 356 of 2020)
- *Tourism and Sport (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 140 of 2011)
- *Tourism (Transfer of Departmental Administration and Ministerial Functions) Order 1993* (S.I. No. 15 of 1993)
- *Tourism (Transfer of Departmental Administration and Ministerial Functions) Order 1987* (S.I. No. 95 of 1987)
- *Tourism (Transfer of Departmental Administration and Ministerial Functions) Order 1986* (S.I. No. 42 of 1986)
- *Tourism (Transfer of Departmental Administration and Ministerial Functions) Order 1980* (S.I. No. 8 of 1980)
- *Transport, Fuel and Power (Transfer of Departmental Administration and Ministerial Functions) (No. 2) Order 1961* (S.I. No. 246 of 1961)
- *Tourist Traffic Act 1955 (Commencement) Order 1955* (S.I. No. 113 of 1955)

All statutory instruments up to and including *Tourism and Sport (Transfer of Departmental Administration and Ministerial Functions) Order 2020* (S.I. No. 356 of 2020), made 15 September 2020, were considered in the preparation of this revision.