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

*Number* 19 *of* 1958

# TRANSPORT ACT 1958

**REVISED**

**Updated to 28 May 2019**

This Revised Act is an administrative consolidation of the *Transport Act 1958*. 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.

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# TRANSPORT ACT 1958

**REVISED**

**Updated to 28 May 2019**

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ACTS REFERRED TO

| | |
|---|---|
| Transport Act, 1950 | 1950, No. 12. |
| Transport Act, 1955 | 1955, No. 25. |
| Railways' Clauses Consolidation Act, 1845 | 1845, c. 20. |
| Railways Clauses Act, 1863 | 1863, c. 92. |
| Government Loans (Conversion) Act, 1951 | 1951, No. 12. |
| Central Fund Act, 1957 | 1957, No. 2. |
| Appropriation Act, 1957 | 1957, No. 15. |
| Road Transport Act, 1932 | 1932, No. 2. |
| Road Transport Act, 1933 | 1933, No. 8. |
| Railways Act, 1933 | 1933, No. 9. |
| Transport Act, 1944 | 1944, No. 21. |
| Local Government Act, 1941 | 1941, No. 23. |
| Regulation of Railways Act, 1873 | 1873, c. 48. |

| | |
|---|---|
| Finance (Excise Duties) (Vehicles) Act, 1952 | 1952, No. 24. |
| Probation of Offenders Act, 1907 | 1907, c. 17. |
| Road Transport Act, 1935 | 1935, No. 23. |

*Number* 19 *of* 1958.

# TRANSPORT ACT 1958

**REVISED**

**Updated to 28 May 2019**

AN ACT TO MAKE FURTHER PROVISION IN RELATION TO TRANSPORT. [16*th July,* 1958.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

## PART I.

### Preliminary and General.

Short title.

**1.**—This Act may be cited as the Transport Act, 1958.

Definitions.

**2.**—In this Act—

"the Act of 1950" means the Transport Act, 1950;

"the Act of 1955" means the Transport Act, 1955;

"the Board" means Córas Iompair Éireann;

"the Minister" means the Minister for Industry and Commerce.

Saving for rights of Minister for Posts and Telegraphs.

**3.**— F1**[**...**]**

Laying of orders before Houses of the Oireachtas.

**4.**—Every order under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution annulling the order is passed by either House within the next subsequent twenty-one days on which that House has sat after the order is laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

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.

Repeals.

**6.**—The enactments mentioned in the First Schedule are hereby repealed to the extent specified in the third column.

## PART II.

### General Powers and Duties of Board.

General duties of the Board.

**7.**—(1) It shall be the general duty of the Board to provide reasonable, efficient and economical transport services with due regard to safety of operation, the encouragement of national economic development and the maintenance of reasonable conditions of employment for its employees.

(2) F2**[**...**]**

(3) Nothing in this section shall be construed as imposing on the Board, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which it would not otherwise be subject.

Terms and conditions of carriage.

**8.**—(1) In this section—

"charges" includes fares, rates or tolls;

"service" means any of the following—

(*a*) the conveyance of passengers and their luggage,

(*b*) the receiving, forwarding, carrying and delivering of merchandise,

(*c*) any other transport service or facility.

F3**[**(*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) The Board may fix, demand, take and recover such charges as the Board thinks fit for any service provided by it.

(3) The Board may attach to any service provided by it such terms and conditions as the Board thinks fit.

(4) Any carriage of merchandise by rail by the Board which is in accordance with the terms and conditions contained in Statutory Rule and Order No. 13 of 1930 shall be deemed to be carriage of that commodity under terms and conditions which are just and reasonable.

(5) Unless otherwise specified in writing by the Board, all merchandise carried by the Board by rail shall be deemed to be carried subject to the terms and conditions contained in Statutory Rule and Order No. 13 of 1930.

(6) The Minister, on the application of the Board, may by order vary (whether by addition, substitution or deletion) the terms and conditions of carriage contained in Statutory Rule and Order No. 13 of 1930, and references in this section (including this subsection) to such terms and conditions shall be construed as references to those terms and conditions as so varied.

(7) Where an application is made under subsection (6), the Board shall, if the Minister so requires, give notice of the application to the public in such form and manner as the Minister directs.

(8) Notwithstanding any rule of law or enactment to the contrary, the Board may refuse any particular traffic offered to it.

Level crossings.

**9.**—F4**[**...**]**

## PART III.

### Finance.

Grants to Board.

**10.**—(1) The Minister shall, out of moneys provided by the Oireachtas, make to the Board in the financial year beginning on the 1st day of April, 1959, and in each of the next four financial years an annual grant of F5**[**£1,175,000**]**.

(2) The Board shall utilise such payments so far as may be necessary to defray the interest on its transport stock and may apply the balance for the purposes of its undertaking in such manner as it thinks fit.

(3) The provision for payment of interest made by subsection (2) is without prejudice to the continued operation of subsection (3) of section 30 of the Act of 1950.

C.I.E. 3% Transport Stock, 1955-60, to be a Government loan.

**11.**—(1) The Minister for Finance shall be liable, to the exclusion of the Board, for the due payment of the principal, amounting to £9,889,083 of the Board's 3% Transport Stock, 1955-60 and that Stock shall be a Government loan for the purposes of the Government Loans (Conversion) Act, 1951.

(2) All moneys required for the due payment by the Minister for Finance of the principal of the stock referred to in subsection (1) shall F6**[**, with the approval of the Minister for Public Expenditure and Reform,**]** be paid out of the Central Fund or the growing produce thereof.

(3) For the purpose of providing for payments out of the Central Fund under subsection (2), the Minister for Finance may borrow from any person any sum or sums, and for the purpose of such borrowing he may create and issue securities bearing such rate of interest and subject to such conditions as to repayment, redemption or any other matter as he thinks fit, and shall pay the moneys so borrowed into the Exchequer.

(4) The principal of and interest on any securities issued under this section and the expenses incurred in connection with the issue of such securities shall be charged on and payable out of the Central Fund or the growing produce thereof.

(5) The Minister for Finance shall pay from the Central Fund to the Board the amounts necessary to defray the interest due from time to time after the 1st day of April, 1959, on the stock referred to in subsection (1) and the Board shall apply such moneys to the payment of the amounts due to the holders of that stock.

(6) All moneys required for the purpose of making the payments from the Central Fund referred to in subsection (5) shall be charged on the Central Fund and the growing produce thereof.

Release of Board from liability to repay advances of £5,623,400 for transport stock interest and temporary borrowing.

**12.**—(1) The Board shall not be liable to repay to the Central Fund the sum of £5,623,400, being the total of advances made under subsection (3) of section 30 of the Act of 1950 up to the 31st day of March, 1958, to meet sums payable by the Minister for Finance under guarantees given by him under that section (comprising £4,820,400 in respect of interest on transport stock and £803,000 in respect of temporary borrowing) nor shall the Board be liable to pay interest in respect of any period after that date on such advances; and subsections (6) and (8) of the said section are modified accordingly.

(2) The said sum of £803,000 shall, for the purposes of paragraph (*b*) of subsection (1) of section 30 of the Act of 1950, as amended by section 3 of the Act of 1955, be deemed to have been repaid by the Board.

Repayable advances of £1,000,000 for capital expenditure to be treated as non-repayable grant.

**13.**—The sum of £1,000,000, being the total of repayable advances to the Board for capital expenditure which, having been included in a Supplementary Estimate approved by Dáil Éireann on the 25th day of July, 1956, were granted by the Central Fund Act, 1957, and appropriated for that purpose by the Appropriation Act, 1957, shall be treated as a non-repayable grant from the 1st day of April, 1958.

Compensation of employees whose services are dispensed with or conditions worsened.

**14.**—(1) Whenever the Board ceases to provide or permanently reduces any transport service by rail or inland waterway or substitutes diesel for steam traction or whenever an order is made under section 9 in relation to a specified level crossing and as a consequence thereof the Board, F7**[**on or before the 31st day of March, 1964**]**, either dispenses with the services of an officer or servant of the Board or transfers him to another position in its service the provisions of this section shall have effect.

(2) This section applies only to an officer or servant who at the date of his dismissal or transfer was employed in a permanent capacity or who was, except for casual interruptions of employment, employed by the Board during the whole of the preceding three years.

(3) If the Board dispenses with his services he shall be paid by the Board compensation calculated in accordance with the Second Schedule.

(4) If he is transferred to another position and thereby suffers a worsening of his conditions of service, within the meaning of section 37 of the Act of 1950, as an officer or servant of the Board he shall be paid by the Board compensation consisting of a lump sum of such amount as is reasonable.

(5) Sections 41, 42 and 43 of the Act of 1950 (which relate to the determination of compensation under that Act) shall apply to compensation under this section.

(6) F8**[**...**]**

Grants in respect of compensation.

**15.**—(1) The Minister, with the consent of the Minister for Finance, may, out of moneys provided by the Oireachtas, from time to time during any financial year make such grants to the Board as he thinks proper towards the cost of compensation under section 14.

(2) If the total of such grants is less than the amount certified by the Board's auditors as having been duly paid in compensation in that financial year the Minister shall, out of moneys provided by the Oireachtas, make to the Board a grant of the amount of the deficiency.

(3) If the total of such grants is greater than the amount so certified the excess may, with the consent of the Minister, be treated as a grant in respect of the next financial year.

Restriction of existing compensation provisions.

**16.**—Sections 39 and 40 of the Act of 1950 and section 4 of the Act of 1955, which provide for compensation in certain cases of dismissal or transfer of officers and servants, shall not apply to a person whose services are dispensed with or who is transferred to another position after the passing of this Act.

Returns in relation to compensation.

**17.**—(1) The Board shall, before the F9**[**1st day of August**]** in each year, furnish to the Minister an estimate of its expenditure in respect of compensation under section 14 in each quarter of the next following financial year.

(2) The Board shall, at the end of every quarter of a financial year, furnish to the Minister in such form as the Minister may require a return showing the amount of compensation paid in that quarter.

(3) The Board shall, as soon as may be after the end of each financial year, furnish to the Minister in such form as the Minister may require a return, certified by the Board's auditors, showing the amount of compensation paid in that year.

Amendment of section 44 of Act of 1950.

**18.**— Subsection (8) of section 44 (which relates to superannuation schemes) of the Act of 1950 is hereby amended by the insertion, after "under section 44 of the Act of 1944", of "or under section 45 of that Act."

## PART IV.

### Cesser of train services and closing of railways and canals.

Termination of train services.

**19.**—(1) The Board may, subject to the provisions of this section, terminate any service of trains for passengers and merchandise or either of them.

(2) The Board shall not terminate a service unless it is satisfied that its operation is uneconomic and that there is no prospect of its continued operation being economic within a reasonable period.

(3) The Board shall not terminate a service or close a railway station to any or all classes of traffic unless, at least two months before doing so, the Board has published, in *Iris Oifigiúil* and in such newspapers circulating in the area affected by the proposal as the Board thinks proper, notice of its intention to do so.

(4) The notice shall indicate the new or additional road transport services, if any, which the Board proposes to provide in the area.

(5) If the Board does not propose to provide an alternative road transport service the notice shall state that applications for passenger licences under the Road Transport Act, 1932, or merchandise licences under the Road Transport Act, 1933, or both, as may be appropriate, may be made by persons desiring to provide alternative road services.

(6) Where the Board does not propose to provide alternative road services the Board shall make available at some railway station in the affected area to persons interested in the provision of alternative road services particulars of the traffic carried by the train service which it is proposed to terminate, or despatched from or received at the station which it is proposed to close as aforesaid, during the period of the latest twelve months for which such particulars are available. The notice shall indicate that such particulars will be made available at some specified station.

Abandonment of railway lines of Board.

**20.**—Section 21 of the Act of 1950, as extended by section 6 of the Act of 1955, which provides for the abandonment of railway lines, shall apply to a railway line or section over which all train services have been terminated by the Board.

Abandonment of railway lines of other railway companies.

**21.**—Whenever all services of trains, over any railway line or section of railway line to which section 9 of the Railways Act, 1933, applies, have been terminated the Minister may, notwithstanding that the provisions of that section have not been complied with, make an order under section 110 of the Transport Act, 1944, authorising the abandonment of that line or section.

Sale of land of abandoned railway line to public body.

**22.**—(1) Notwithstanding anything to the contrary in section 21 of the Act of 1950 or in any other enactment, a railway company may sell any land under or adjoining an abandoned railway line by private treaty to a local authority or public utility undertaking.

(2) In this section—

"local authority" has the meaning given to it by section 2 of the Local Government Act, 1941;

"public utility undertaking" means any authority or company which carries on an electricity or gas undertaking and any board or body established by Saorstát Éireann statute or Act of the Oireachtas.

Closing of canal.

**23.**—F10**[...]**

## PART V.

### Road Transport.

Exemption of Board from requirement of passenger licences.

**24.**—F11**[...]**

Restriction on initiation and alteration of passenger road services.

**25.**—F12**[...]**

Relief from obligation to carry vehicle plate.

**26.**—F13**[...]**

Carriage of livestock for neighbouring farmers.

**27.**—(1) Notwithstanding section 9 of the Road Transport Act, 1933 , a person whose only or chief occupation is farming may, without being the holder of a merchandise licence, carry for reward in a vehicle drawn by an agricultural tractor owned by him, and in respect of which a duty of excise at the rate specified in subparagraph (c) of paragraph 4 of Part 1 of the Schedule to the Finance (Excise Duties) (Vehicles) Act, 1952 , is chargeable, livestock owned by a person resident not more than two miles from the carrier's residence if the livestock are being carried to or from a farm from or to a livestock auction mart or a place where a market or fair, specified by order made by the Minister under this section, is held, on the day on which such auction, market or fair takes place and they are not being carried in either direction on any part of a public road which is more than twenty miles by public road from the carrier's residence.

(2) The Minister may, by order, specify markets and fairs for the purposes of this section.

(3) The Minister may, by order, revoke or amend an order under this section.

Illegal haulage: second and subsequent offences.

**28.**—F15**[...]**

Importation of unladen lorries and tractors.

**29.**—(1) Section 7 of the Road Transport Act, 1935, which restricts the importation of laden lorries and tractors drawing laden trailers, is hereby amended by the deletion of paragraph (*b*) of subsection (1), to the intent that the section shall apply likewise to unladen lorries and tractors.

(2) The section shall not apply to the importation of lorries and tractors by any person in the course of his trade in lorries and tractors as such.

Section 6.

## FIRST SCHEDULE.

### Enactments Repealed.

| Session and Chapter or Year and Number | Short title | Extent of Repeal |
|---|---|---|
| 8 & 9 Vic., c. 20. | Railways' Clauses Consolidation Act, 1845. | Section 90. |
| 17 & 18 Vic., c. 31. | Railway and Canal Traffic Act, 1854. | Section 2. |
| 51 & 52 Vic., c. 25. | Railway and Canal Traffic Act, 1888. | Sections 27, 28 and 29. |
| No. 21 of 1944. | Transport Act, 1944. | Sections 117 and 125. |
| No. 12 of 1950. | Transport Act, 1950. | Sections 15, 19, 20, 54, 55, 56. |

*Section 14.*

## SECOND SCHEDULE.

### Compensation of Certain officers and servants of the Board whose services are dispensed with.

1. In this Schedule "remuneration" shall be construed as including any cost of living or other bonus.

2. Compensation shall be calculated in the manner set out in the Fourth Schedule to the Act of 1950, subject to the following paragraphs.

3. Where the compensation payable to a person consists of an annual sum, the annual sum payable to him after he reaches the age of 65 years shall be calculated as if, for every reference in paragraph 3 of the said Fourth Schedule to one-sixtieth or to any multiple of one-sixtieth, there were substituted a reference to one-eightieth or to the same multiple of one-eightieth, subject to a maximum of one-half of his annual remuneration and emoluments.

4. Where he has commuted any annual amount under section 42 of the Act of 1950, the annual sum payable under paragraph 3 shall be reduced by the annual amount so commuted.

5. If a person in receipt of an annual sum holds any office or employment remunerated out of moneys provided by the Oireachtas or out of the Central Fund or is employed by a local authority or a board or body established by or under an Act of the Oireachtas or Saorstát Éireann statute (including the Board) or by F16**[**Industrial Engineering Company Limited**]** or by a company (in this paragraph called a State-sponsored company) incorporated under the Companies Acts, 1908 to 1924, in which the majority of the ordinary shares are held by or on behalf of a Minister of State or by a company in which the majority of the ordinary shares are held by or on behalf of a State-sponsored company F17**[**, any board or body aforesaid or Industrial Engineering Company Limited**]** and the amount of the annual sum (before any commutation under section 42 of the Act of 1950 or reduction under this paragraph) together with his remuneration and emoluments under that office or employment for the time being exceeds his annual remuneration and emoluments from the Board

on the date on which his services were dispensed with, the amount of the annual sum shall be reduced by the amount of such excess for the duration thereof.

6. The reference in paragraph 4 of the Fourth Schedule to the Act of 1950 to a dissolved undertaker shall include reference to the Board F17**[**and to the Company**]** and to any railway undertaking transferred to the Board after the passing of this Act.

7. Where a person who is in receipt of an annual sum and to whom paragraph 4 of the Fourth Schedule to the Act of 1950 applies reaches the age of 65 years, the reduction thereafter falling to be made under subparagraph (*a*) of that paragraph shall itself be reduced so that the aggregate of the amount of the annual sum and an amount equal to the annual value of the superannuation or benefit to which he is also entitled is not less than that aggregate as it stood immediately before he reached that age.

*Number* 19 *of* 1958

# TRANSPORT ACT 1958

**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

This Act is not collectively cited with any other Act.

## 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.

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.