



Number 8 of 1971

ROAD TRANSPORT ACT 1971

REVISED

Updated to 28 May 2019

This Revised Act is an administrative consolidation of the *Road Transport Act 1971*. 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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Introduction

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Acts previously included in the group but now repealed are: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.



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ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. Amendment of section 9 of Principal Act.
3. Amendment of section 14 of Principal Act, and consequential provisions relating to merchandise licences.
4. Transitional provision relating to certain merchandise licences.
5. Duration of merchandise licences.
6. Register of merchandise licences.
7. Licence granted to Wexford Steamships Company Limited.
8. Licensing of international road haulage in the State.
9. Repeals.
10. Expenses.
11. Commencement.
12. Short title and construction.

SCHEDULE

ACTS REFERRED TO

Road Transport Act, 1933	1933, No. 8
Transport Act, 1944	1944, No. 21
Road Transport Act, 1934	1934, No. 17
Road Transport Act, 1935	1935, No. 23
Transport Act, 1958	1958, No. 19



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AN ACT TO AMEND AND EXTEND THE ROAD TRANSPORT ACT, 1933, AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID. [7th April, 1971.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definitions.

1.—In this Act—

“the Minister” means the Minister for Transport and Power;

“the Principal Act” means the Road Transport Act, 1933.

Amendment of section 9 of Principal Act.

2.—Section 9 of the Principal Act is hereby amended—

(i) by the substitution for subsection (1) of the following subsection:

“(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—

(i) such person is the holder of a licence (in this Act referred to as a merchandise licence) granted under this Part of this Act authorising him to carry on a merchandise road transport business in that area and such business is carried on under and in accordance with such licence, or

(ii) such area is an exempted area and merchandise is carried by such person in the course of such merchandise road transport business only in such area or such area and other exempted areas.

(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—

(i) in an exempted area with a vehicle in respect of which a vehicle plate is not on issue to him,

(ii) in an exempted area even though that area is not specified in the licence,

(iii) 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.”, and

- (ii) by the insertion after subsection (4) (inserted by the Road Transport Act, 1934) of the following subsection:

“(5) The restrictions on the carriage of merchandise imposed by this section shall not apply to the carriage of cattle, sheep or pigs.”.

Amendment of section 14 of Principal Act, and consequential provisions relating to merchandise licences.

3.—(1) Section 14 of the Principal Act, which relates to the operation of merchandise licences, is hereby amended—

- (a) by the substitution in subsection (1) of the following paragraph for paragraph (a):

“(a) operate and be expressed to authorise the licensee under such licence to carry on a merchandise road transport business in respect of the merchandise (or type of merchandise) specified in the application in the area (or areas) specified in the application and with such number of vehicles as may be specified in the licence (being the number calculated in accordance with subsection (4) of this section), but subject to the provisions of this Act and regulations made thereunder and to any conditions specified in such licence;”.

- (b) by the substitution in subsection (1) of the following paragraph for paragraph (c):

“(c) if it is a merchandise (existing carrier's) licence, be expressed to be such a licence.”.

- (c) by the substitution of the following subsection for subsection (2):

“(2) Notwithstanding anything in this section, every merchandise (existing carrier's) licence shall operate and be expressed to authorise the licensee under such licence to carry on a merchandise road transport business throughout the State in respect of any merchandise or type of merchandise.”, and

- (d) by the insertion after subsection (3) of the following subsections:

“(4) The number of vehicles with which a licensee under a merchandise licence shall be entitled to carry on a merchandise road transport business shall be—

- (a) if the licence is a merchandise (existing carrier's) licence—

(i) in a case in which, immediately before the commencement of the Road Transport Act, 1971, the licensee was authorised by the licence to carry on a merchandise road transport business throughout the State but was not so authorised by virtue of an extension of the operation of the licence granted under section 115 of the Transport Act, 1944, solely to authorise the carriage of livestock throughout the State—a number of vehicles equal to the number provided under subparagraph (ii), (iii) or (iv) of this paragraph (as may be appropriate), increased by one,

(ii) in a case in which one or more than one vehicle plate was lawfully on issue to the licensee on the 1st day of January, 1969, in respect of vehicles being operated by him under and in accordance with that licence—a number of vehicles equal to the number of such vehicle plates,

(iii) in a case in which a vehicle plate was not on issue to the licensee on the 1st day of January, 1969, but was lawfully on issue to him on any day in the period of three years ending on the 31st day of December, 1968—a number of vehicles equal to the number of

vehicle plates on issue to him under that licence on the latest day in that period on which a vehicle plate was so on issue to him,

(iv) in any other case—one vehicle,

(b) if the licence is not a merchandise (existing carrier's) licence, such number of vehicles of such description as the Minister may from time to time specify on the licence.

(5) For the purposes of subsection (4) of this section—

(a) where a vehicle plate has been issued in respect of a vehicle plate represented to have been lost or destroyed both such plates shall be reckoned as one vehicle plate;

(b) where in contravention of section 32 of this Act a person has not delivered a vehicle plate to a member of the Garda Síochána, that plate shall be deemed not to be on issue to that person.”.

(2) On the commencement of this Act, the Minister shall grant, in accordance with the Principal Act (as amended by this Act), a merchandise licence in substitution for every merchandise licence which was in force immediately before such commencement and a licence so granted shall be deemed to have been granted in pursuance of an application under section 11 of the Principal Act.

(3) Every licence granted by virtue of subsection (2) of this section shall be deemed to have been granted in pursuance of the application under the Principal Act for the licence in substitution for which the first-mentioned licence is granted.

(4) Where by virtue of subsection (2) of this section a licence is granted to a person in substitution for a licence, the last-mentioned licence shall thereupon stand revoked.

(5) In so far as they relate to the number of vehicles which may be operated under a merchandise licence, subsections (1) and (4) of section 14 of the Principal Act as amended by this Act shall not apply in relation to a merchandise licence on issue to an authorised (merchandise carrying) company.

Transitional provision relating to certain merchandise licences.

4.—[...]

Duration of merchandise licences.

5.—[...]

Register of merchandise licences.

6.—(1) The Minister shall cause to be established and kept a register of all merchandise licences granted on or after the commencement of this Act, and such register shall be in such form and contain such particulars as the Minister shall from time to time direct.

(2) The said register shall at all reasonable times be open to inspection by any person on payment of a fee of such amount as shall from time to time be prescribed by the Minister with the sanction of the Minister for Finance.

(3) Any person shall be entitled to obtain from the Minister a copy of any entry in the said register on payment therefor of a fee of such amount as shall from time to time be prescribed by the Minister with the sanction of the Minister for Finance.

(4) Every fee payable under this section shall be collected and accounted for in such manner as shall be prescribed by the Minister with the sanction of the Minister for Finance.

(5) Every document purporting to be a copy of an entry in the said register, and purporting to be certified by an officer of the Minister to be a true copy of such entry shall, without proof of the signature of the person purporting so to certify or that he was such officer, be received in evidence in any legal proceedings and shall, until the contrary is proved, be deemed to be a true copy of such entry and to be evidence of the terms of such entry.

Licence granted to Wexford Steamships Company Limited.

7.—[...]

Licensing of international road haulage in the State.

8.—[...]

Repeals.

9.—Each enactment specified in column (2) of the Schedule to this Act is hereby repealed to the extent specified in column (3) of the Schedule.

Expenses.

10.—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.

Commencement.

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

Short title and construction.

12.—(1) This Act may be cited as the Road Transport Act, 1971.

(2) The Principal Act and this Act shall be construed together as one Act.

Section 9.

SCHEDULE

REPEALS

Number and Year	Short Title	Extent of Repeal
(1)	(2)	(3)
No. 8 of 1933.	Road Transport Act, 1933.	In section 9 (3), the words "in respect of a specified class of merchandise within a specified area,"; sections 14 (3), 19, 22, 29, 31 (1) and 31 (2).
No. 21 of 1944.	Transport Act, 1944.	Section 116; in section 118, the words "the unladen weight of which, if the licence is a merchandise (existing carrier's) licence, does not exceed the unladen weight of the original vehicle, and,".