



Number 16 of 1986

ROAD TRANSPORT ACT 1986

REVISED

Updated to 28 May 2019

This Revised Act is an administrative consolidation of the *Road Transport Act 1986*. 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Acts previously included in the group but now repealed are: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

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ACTS REFERRED TO

European Communities Act, 1972	1972, No. 27
Hire-Purchase Acts, 1946 to 1980	
Road Transport Act, 1932	1932, No. 2
Road Transport Act, 1933	1933, No. 8
Road Transport Act, 1934	1934, No. 17
Road Transport Act, 1935	1935, No. 23
Road Transport Act, 1956	1956, No. 13
Road Transport Act, 1971	1971, No. 8
Road Transport Act, 1978	1978, No. 8
Transport Act, 1944	1944, No. 21
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 AND FOR THE APPLICATION AND ADAPTATION OF CERTAIN ENACTMENTS AND CERTAIN INSTRUMENTS MADE UNDER ENACTMENTS. [12th June, 1986]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation.

1.—(1) In this Act—

“the Act of 1978” means the Road Transport Act, 1978;

“carrier's licence” means either a national road freight carrier's licence or an international road freight carrier's licence;

“existing merchandise licence” means a merchandise licence which was in force at any time in the period of two years ending on the day on which *section 3* of this Act comes into operation and which has not expired or been revoked;

“existing restricted road freight licence” means a restricted road freight licence which is in force on the day on which *section 3* of this Act comes into operation;

[...]

“the Minister” means the Minister for Communications;

[...]

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

“transport officer” means a transport officer appointed under *section 15* of this Act.

(2) For the purposes of the Principal Act, as amended by this Act, a national road freight carrier's licence and an international road freight carrier's licence shall each be deemed to be a merchandise licence under that Act.

Applications for merchandise licences.

2.—The following subsection is hereby substituted for subsection (1) of section 11 of the Principal Act:

“(1) The following provisions shall have effect in relation to applications for merchandise licences:

(a) every application shall be in the prescribed form, and shall be made to the Minister in the prescribed manner;

(b) every application shall state—

- (i) whether it is for a national road freight carrier's licence under the *Road Transport Act, 1986*, or for an international road freight carrier's licence under that Act;
- (ii) the registration number of each registered and taxed vehicle to be authorised under the licence being applied for;
- (iii) the vehicle plate issuing station at which the applicant, in the event of his application being granted, desires that vehicle plates should be available for issue to him;

(c) every application shall contain such information as will satisfy the Minister that the applicant complies with the requirements as to good repute, sound financial standing and professional competence referred to or specified in regulations under the European Communities Act, 1972.”.

Grant of carrier's licences. **3.—[...]**

Operation of carrier's licences. **4.—**The following section is hereby substituted for section 14 of the Principal Act (inserted by the Act of 1978):

“14.—(1) Every merchandise licence, being a national road freight carrier's licence, shall entitle the holder to carry on a merchandise road transport business in the State with such vehicles as may be specified in the licence.

(2) Every merchandise licence, being an international road freight carrier's licence, shall qualify the holder to carry on a merchandise road transport business either inside or outside the State with such vehicles as may be specified in the licence.

(3) Every merchandise licence shall also operate subject to the relevant provisions of this Act (as amended by the *Road Transport Act, 1986*) and the regulations made thereunder and to any conditions specified in the licence and, in the case of a merchandise licence being an international road freight carrier's licence, subject also to any regulations or rules in force in the State in which business is being carried on under the licence.

(4) A merchandise licence shall not be transferable.

(5) Every merchandise licence shall state—

- (a) the name and address of the holder,
- (b) the date of issue and expiry,
- (c) the registration number of each vehicle which the licensee is to operate under the licence, and
- (d) any other requirements (including conditions) specified by the Minister.

(6) In this section ‘carrier's licence’, ‘international road freight carrier's licence’ and ‘national road freight carrier's licence’ have the meanings assigned to them by the *Road Transport Act, 1986*.”.

Revocation of merchandise licences.

5.—The following subsection is hereby substituted for subsection (2) of section 24 of the Principal Act:

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

- (a) on the ground that, in his opinion, there has been a breach of or a failure to observe or comply with a condition attached to the licence,
- (b) on the ground that the holder has been convicted of an offence (whether under this or any other Act) in relation to the business to which the licence relates or a vehicle used in such business,
- (c) if the holder ceases to comply with any relevant requirement specified or referred to in regulations under the European Communities Act, 1972, or
- (d) on the ground that, in his opinion, there has been a failure to comply with a relevant provision of this Act or of regulations made thereunder.”.

Appeals.

6.—[...]

Notification of change of vehicle.

7.—(1) The holder of a carrier’s licence shall notify the Minister in writing of any change which he desires to make in the number or type of authorised vehicles to be operated under the licence and shall return the licence to the Minister for the purposes of subsection (2) of this section.

(2) Where a carrier’s licence has been returned to the Minister in compliance with subsection (1) of this section, the Minister may either issue a new licence in substitution for the licence so returned or amend the licence so returned, to take account of the change notified under that subsection.

(3) A person who fails to comply with the requirement of subsection (1) of this section relating to notification shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100.

Licensing of international haulage in the State.

8.—The following section is hereby substituted for section 8 of the Road Transport Act, 1971 (inserted by the Act of 1978):

“8. (1)(a) Notwithstanding anything in The Principal Act or the Act of 1935, the Minister may grant in respect of a vehicle which complies with the conditions specified in section 7 (1) of the Act of 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 him 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.

(b) Nothing in this section shall be construed as permitting a person to use a vehicle, in respect of which a restricted road freight licence has been granted, for the purpose of the delivery in the State of goods which have been loaded on to that vehicle in the State.

(2) (a) The Minister may by order declare that a licence or class of licence (as specified in the order) issued by the competent authority of another State, an international organisation or a person or body acting on behalf of such an organisation in pursuance of an international agreement relating to international transport by road to which the Government or the State is a party, or an agreement, arrangement or resolution relating to such transport to which the Minister is a party, shall be deemed to be a restricted road freight licence, and any such order made before the passing of the Road

Transport Act, 1978 shall continue in force and be deemed to have been made under this section.

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

(3) Sections 9 and 34 of The Principal Act (as amended or extended) shall not apply to a person who is the holder of a restricted road freight licence or a licence deemed by order under this section to be a restricted road freight licence when that person is engaged in merchandise road transport under and in accordance with the terms of the licence.

(4) The Minister may at his discretion charge a fee of such amount as he may determine in respect of a restricted road freight licence or a licence deemed by order under this section to be a restricted road freight licence, or a licence or class of licence issued by the Minister or by the Department of Communications in pursuance of an international agreement relating to international transport by road to which the Government or the State is a party, or an agreement, arrangement or resolution relating to such transport to which the Minister is a party.

(5) In this section 'the Act of 1935' means the Road Transport Act, 1935."

Carriage of merchandise in hired, rented or leased vehicle.

9.—Section 112 of the Transport Act, 1944, is hereby amended by the addition of the following subsection:

“(6) Where a vehicle (being a mechanically propelled vehicle or a vehicle drawn by a mechanically propelled vehicle)—

(a) is hired to a person under a hire-purchase agreement (within the meaning of the Hire-Purchase Acts, 1946 to 1980) or is otherwise rented or leased to the person under an agreement, and

(b) the owner of the vehicle neither provides a driver nor causes a driver to be provided,

then, the person to whom the vehicle is so hired, rented or leased shall, in relation to subsections (1) to (5) of this section, be deemed to be the owner of the vehicle.”.

Register of carrier's licences.

10.—[...]

Death or incapacity of holder of carrier's licence.

11.—(1) Where—

(a) the holder of a carrier's licence dies or becomes physically or legally incapable of carrying on or managing the business to which the licence relates,

(b) the Minister is duly notified in writing of the death or incapacity,

(c) the holder has, or is survived by, a relative, and

(d) the Minister is satisfied that the relative has, prior to the death or incapacity of the holder, had not less than three years' experience in the day to day conduct of the business to which the licence relates, and complies with the requirement as to good repute referred to or specified in regulations made under the European Communities Act, 1972, the Minister may, notwithstanding anything in the Principal Act (as amended), on an application (in such form as he may direct either generally or in each case) being made in that behalf grant to the relative of the holder a carrier's licence subject to such conditions as may be specified in the licence and thereupon the licence held by the holder who has died or become incapacitated shall stand cancelled.

(2) For the purposes of this section each of the following persons shall be the relative of a licensee, namely, the husband of such licensee, the wife of such licensee, any person related by blood to such licensee in the first, second, or third degree, the husband of any person so related, and the wife of any person so related.

(3) A licence granted under subsection (1) of this section to a relative of a holder of a carrier's licence shall expire three years after the date on which it is granted or on such earlier date as from which it is duly revoked or otherwise terminated.

Temporary permission to carry on business.

12.—(1) Where the holder of a carrier's licence dies or becomes physically or legally incapable of carrying on or managing the business to which the licence relates, or where a person designated in pursuance of regulations under the European Communities Act, 1972, dies or becomes physically or legally incapable of carrying on or managing such business, the Minister may, notwithstanding anything in the Principal Act (as amended), if he is satisfied that it is necessary in order to avoid hardship, grant a permission under this section on an application being made to him in that behalf by or on behalf of such holder or person or the personal representative of such holder or person.

(2) A permission under this section shall authorise the business to which the permission relates to be carried on either by the person named therein or, as may be so specified, by such person subject to its being managed by another person so named.

(3) (a) A permission under this section shall remain in force for a period not exceeding one year beginning on the date on which it is granted.

(b) A permission under this section may be renewed or extended by the Minister for a specified period on an application being made to the Minister by the person to whom the permission was granted, but shall not be renewed or extended under this paragraph so as to have effect at any time after the expiration of the period of eighteen months beginning on the day on which the permission was granted.

Special provision where certain offences alleged.

13.—(1) (a) This section applies to such offences under an Act specified in *paragraph (b)* of this subsection as may be declared by the Minister by regulations to be offences to which this section applies.

(b) The Acts referred to in *paragraph (a)* of this subsection are—

(i) the Principal Act,

(ii) the Transport Act, 1944,

(iii) the European Communities Act, 1972,

(iv) this Act.

(2) Where a member of the Garda Síochána has reasonable grounds for believing that a person is committing or has committed an offence to which this section applies, the member may deliver to the person a notice in the prescribed form stating—

(a) that the person is alleged to have committed that offence,

(b) that the person may, during a period of 21 days beginning on the date of the notice, make to a member of the Garda Síochána at a specified Garda Síochána station a payment of an amount specified in the notice accompanied by the notice,

(c) that a prosecution in respect of the alleged offence will not be instituted during the period specified in the notice, or, if the payment specified in the notice is made during that period, at all.

(3) Where a notice is delivered under *subsection (2)* of this section—

- (a) a person to whom the notice applies may, during the period specified in the notice, make to a member of the Garda Síochána at the Garda Síochána station specified in the notice the payment specified in the notice accompanied by the notice,
- (b) the member may receive the payment, issue a receipt therefor, retain it for disposal in accordance with regulations made by the Minister under this section and no payment so received shall in any circumstances be recoverable by the person who made it,
- (c) a prosecution in respect of the alleged offence shall not be instituted during the period specified in the notice or, if the payment specified in the notice is made during that period, at all.

(4) In a prosecution for an offence to which this section applies, the onus of showing that a payment pursuant to a notice under this section has been made shall lie on the defendant.

(5) The Minister may by regulations fix the amount of the payment referred to in subsection (2) (b) of this section.

Increase in penalties.

14.—(1) The following subsection is hereby substituted for subsection (2) (a) of a section 9 of the Principal Act (inserted by section 2 of the Act of 1978):

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

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

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

(2) The following subsection is hereby substituted for subsection (2) of section 32 of the Principal Act:

“(2) If any person fails or neglects to comply with this section such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding £100.”.

(3) The following section is hereby substituted for section 33 of the Principal Act:

“33.—If any vehicle plate issued in respect of a particular mechanically propelled vehicle is affixed to any other mechanically propelled vehicle, the owner of such first mentioned mechanically propelled vehicle and also the owner of such other mechanically propelled vehicle (if he is not the same person as the owner of such first mentioned mechanically propelled vehicle) shall each be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding £500.”.

(4) The following subsection is hereby substituted for subsection (2) of section 34 of the Principal Act:

“(2) If any mechanically propelled vehicle is used for the purposes of merchandise road transport without having affixed thereto in the prescribed place and manner a vehicle plate issued under this Part of this Act in respect of such vehicle, or with such vehicle plate so defaced by wear, injury or otherwise that the marks required by this Act to be borne thereon are obliterated or illegible, the owner of such vehicle and also the driver thereof shall each be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding £500.”.

(5) The following subsection is hereby substituted for subsection (2) of section 35 of the Principal Act:

“(2) Every person who—

- (a) obstructs or interferes with a member of the Garda Síochána in the exercise of any power conferred by this section, or
- (b) being the driver of a lorry or tractor in motion, fails to stop it when required by a member of the Garda Síochána under this section so to do, or
- (c) being the driver of a lorry or tractor fails to comply with a requirement made by a member of the Garda Síochána under this section in relation to such lorry or tractor

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

(6) The following subsection is hereby substituted for subsection (2) of section 36 of the Principal Act:

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

(7) The following subsection is hereby substituted for subsection (2) of section 122 of the Transport Act, 1944:

“(2) If the licensee under a merchandise licence fails or neglects to comply with subsection (1) of this section, he shall be guilty of an offence under this section and shall be liable on summary conviction to a fine not exceeding £100.”.

(8) The following subsection is hereby substituted for subsection (1) of section 123 of the Transport Act, 1944:

“(1) Any member of the Garda Síochána may demand of any person driving a mechanically propelled vehicle which he believes to be the subject of a merchandise licence, the production of a copy of the licence, and if the vehicle is so subject and that person refuses or fails to produce a copy of the licence there and then, or though producing a copy of the licence, refuses or fails to permit such member to read it, that person shall be guilty of an offence under this section and shall be liable on summary conviction to a fine not exceeding £100.”.

Transport officers.

15.—[(1) The Road Safety Authority may appoint any of its officers, or such officers of the Minister seconded to serve with the Authority, to be transport officers for the purposes of section 16.]

(2) Every transport officer shall be furnished with a warrant of his appointment as a transport officer and, when exercising any power conferred by section 16 of this Act, shall, if requested by any person affected, produce the warrant to that person.

Powers of transport officers.

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

- (a) the Road Transport Act, 1932, the Road Transport Act, 1933, the Road Transport Act, 1935, the Transport Act, 1944, the Road Transport Act, 1971, this Act and any instrument made under any of the said enactments,
- (b) any regulation made by the Minister under the European Communities Act, 1972, relating to the carriage of goods by road or the carriage of passengers by omnibus, and
- (c) any enactment or any instrument made under any enactment relating to the carriage of goods by road or the carriage of passengers by omnibus or to any

vehicle or class of vehicle engaged in such carriage as may be specified by order under *section 18 (1) (a)* of this Act,

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.

(2) For the purpose of exercising his powers under *subsection (1)* of this section, a transport officer may detain a vehicle during such time as is required for the exercise of those powers.

(3) A person who obstructs or interferes with a transport officer when he is exercising a power conferred on him by this section or who fails to comply with a request or requirement of a transport officer under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.

[(4) A transport officer shall not, other than with the consent of the occupier, enter such part of a premises used as a private dwelling unless he has obtained a warrant from the District Court under *section 16A* of this Act authorising such entry.

(5) Where a transport officer in exercise of his powers under this section is prevented from entering any premises or place an application may be made under *section 16A* of this Act for a warrant authorising such entry.]

[Search Warrants. **16A.**—If a judge of the District Court is satisfied on the sworn information of a transport officer that there are reasonable grounds for believing that—

(a) a premises or place 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,

(b) a vehicle used for that purpose is at the premises or in the place,

(c) there is information or material relating to road transport required by the transport officer for examination held in any premises or place or part of any premises or place, or

(d) an offence in connection with road transport has been or is being committed therein,

the judge may issue a warrant authorising a transport officer, accompanied by other transport officers or members of the Garda Síochána, at any time or times within one month from the date of issue of the warrant, on production if so required of the warrant, to enter, if need be by reasonable force, the premises or place, and exercise all or any of the powers conferred on a transport officer under *section 16* of this Act.]

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, 1932, the Road Transport Act, 1933, the Road Transport Act, 1935, the Transport Act, 1944, this Act and any instrument made under any of the said enactments,
- (b) any regulation made by the Minister under the European Communities Act, 1972, relating to the carriage of goods by road or the carriage of passengers by omnibus, and
- (c) any enactment or any instrument made under any enactment relating to the carriage of goods by road or the carriage of passengers by omnibus or to any vehicle or class of vehicle engaged in such carriage as may be specified by order under *section 18 (1) (b)* of this Act.

Orders.

18.—(1) Subject to *subsection (4)* of this section, the Minister may by order—

- (a) specify any enactment or any instrument made under any enactment for the purposes of which a transport officer may exercise any power conferred on him by *section 16* of this Act,
- (b) specify any enactment or any instrument made under any enactment under which [the Road Safety Authority] may bring and prosecute summary proceedings.

(2) Subject to *subsection (4)* of this section, for the purposes of giving full effect to an order under *subsection (1)* of this section, the Minister may by order make such further provisions as are necessary including adaptation of any enactment.

(3) Subject to *subsection (4)* of this section, the Minister may by order amend or revoke an order under *subsection (1)* or (2) of this section.

(4) No order shall be made under this section in relation to any enactment administered by a Minister of the Government, other than the Minister, or in relation to any instrument made under any such enactment, save following consultation with that Minister and the Commissioner of the Garda Síochána.

(5) Every order made under this section 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 such House within the next 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.

Repeals.

19.—The following are hereby repealed—

- (a) sections 8, 12(4), 15, 20, 21 and 25 of the Principal Act,
- (b) section 10 of the Road Transport Act, 1934,
- (c) section 115 of the Transport Act, 1944,
- (d) Road Transport Act, 1956,

(e) sections 5 and 6 of the Road Transport Act, 1971,

(f) sections 6(1) to 6(5) and section 9 of the Act of 1978.

Expenses.

20.—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.

21.—This Act shall come into operation on such day or days as may be fixed by order or orders of the Minister, either generally or with reference to a particular purpose or provision, and different days may be so fixed for different purposes and different provisions of this Act.

Short title and construction.

22.—(1) This Act may be cited as the Road Transport Act, 1986.

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