



BILLE UM IOMPAR AR BHOITHRE, 1931.
ROAD TRANSPORT BILL, 1931.

Mar do tugadh isteach.

As introduced.

ARRANGEMENT OF SECTIONS.

PART I.

PRELIMINARY AND GENERAL.

Section.

1. Short title.
2. Definitions.
3. The appointed day.
4. Regulations.
5. Expenses.
6. Repeals.

PART II.

PASSENGER ROAD SERVICES.

7. Prohibition of unlicensed passenger road service.
8. Applications for passenger licences.
9. Classes of passenger licences.
10. Operation of passenger licences.
11. Grant of passenger licences.
12. Attachment of conditions to passenger licences.
13. Commencement and duration of annual passenger licences.
14. Application for renewal of annual passenger licences.
15. Grant of renewals of passenger licences.
16. Duration of renewal of passenger licences.
17. Revocation of passenger licences.
18. Transfer of passenger licences.
19. Death of licensee under passenger licence.
20. Fees on the grant etc. of passenger licences.
21. Use of Saorstát Eireann manufactures and labour.
22. Accounts and returns by licensees under passenger licences.
23. Regulation of charges for carriage by passenger road services.
24. Prohibition of carriage of merchandise and mail-bags by passenger road service.
25. Amendment of the Public Roads (Ireland) Act, 1911.

PART III.

ENGAGEMENT OF CERTAIN COMPANIES IN ROAD TRANSPORT.

26. Definitions in this Part of this Act.
27. Companies to which this Part of this Act applies.
28. Power to certain companies to engage in road transport.
29. Power to certain companies to raise money.
30. Conveyance of mails.

SCHEDULE.

SAORSTÁT EIREANN.

BILLE UM IOMPAR AR BHOITHRE, 1931.

ROAD TRANSPORT BILL, 1931.

BILL

entitled

5

AN ACT TO PROVIDE FOR THE REGULATION AND CONTROL OF THE CARRIAGE OF PASSENGERS BY ROAD AND TO CONFER ON CERTAIN COMPANIES AUTHORITY TO CARRY PASSENGERS AND MERCHANDISE BY ROAD AND TO MAKE PROVISION FOR OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID. 10

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

PART I.

15

PRELIMINARY AND GENERAL.

Short title.

1.—This Act may be cited as the Road Transport Act, 1931.

Definitions.

2.—In this Act—

the expression “ the Minister ” means the Minister for Industry and Commerce; 20

the word “ prescribed ” means prescribed by regulations made by the Minister under this Act;

the expression “ mechanically propelled vehicle ” includes a vehicle drawn by a mechanically propelled vehicle but does not include a railway engine, carriage, or waggon, or a tramcar or any other vehicle running on permanent rails; 25

the expression “ road transport ” means the carriage for reward by road in mechanically propelled vehicles of passengers, passengers’ luggage, merchandise, and mail-bags, or any of them;

the expression “ passenger road service ” means a service of one or more mechanically propelled vehicles travelling wholly or mainly on public roads and carrying passengers (whether passengers’ luggage, merchandise, and mail-bags, or any of them are or are not also carried) between specified terminal points or along a specified route for separate charges in respect of each passenger; 30 35

the expression “ continuous passenger road service ” means a passenger road service which is carried on during every week of the year but not necessarily on every day of every week;

the expression “ seasonal passenger road service ” means a passenger road service which is carried on during every week of a specified part only of the year but not necessarily on every day of every such week; 40

the expression “ occasional passenger road service ” means a passenger road service which is carried on only on one or more specified occasions; 45

the word “ merchandise ” includes goods, wares, minerals, and animals, but does not include passengers’ luggage or mail-bags;

the expression “ passengers’ luggage ” means personal luggage accompanied by a passenger; 50

the expression “ mail-bags ” has the same meaning as it has in the Post Office Act, 1908;

the word "charges" includes fares, rates, and tolls; the expression "the appointed day" means the day appointed by the Minister under this Act to be the appointed day for the purposes of this Act.

- 5 **3.**—The Minister may by order appoint a day, not less than three months nor more than six months after the passing of this Act, to be the appointed day for the purposes of this Act. The appointed day.
- 4.**—The Minister may by order make regulations for all or any of the following purposes, that is to say:— Regulations.
- 10 (a) prescribing any thing which is in this Act referred to as prescribed;
- (b) prescribing any thing which the Minister is by this Act authorised to prescribe by regulations made under this Act.
- 15 **5.**—All expenses incurred by the Minister in the execution of this Act shall, to such extent as shall be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas. Expenses.
- 6.**—The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule. Repeals.
- 20

PART II.

PASSENGER ROAD SERVICES.

- 25 **7.**—(1) On and after the appointed day no person shall carry on a passenger road service save under and in accordance with a licence (in this Act referred to as a passenger licence) granted to him under this Act. Prohibition of unlicensed passenger road service.
- (2) Every person who carries on a passenger road service in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds together with, in the case of a continuing offence, a further fine not exceeding five pounds for every day during which the offence continues.
- 30
- 8.**—(1) Any person may apply to the Minister for a passenger licence authorising him to carry on a specified passenger road service. Applications for passenger licences.
- 35 (2) Every application under this section for a passenger licence shall be in the prescribed form and be made in the prescribed manner and shall contain the prescribed particulars.
- (3) Every person who applies under this section for a passenger licence shall, when required by the Minister so to do, furnish to the Minister all such information as the Minister may require for the consideration of such application.
- 40
- (4) The Minister may require any statement of fact made in an application for a passenger licence or made to the Minister in response to a request for information under the next preceding sub-section of this section to be verified by the statutory declaration of some person having personal knowledge of the fact so stated.
- 45
- (5) If any person fails to furnish any information or any verification which he is required by the Minister under this section to furnish, the Minister may, on the ground of such failure and without prejudice to any other power of refusal conferred on him by this Act, refuse the application in relation to which such information or verification was so required.
- 50
- 55 **9.**—(1) A passenger licence granted in respect of a continuous passenger road service or a seasonal passenger road service is in this Act referred to as an annual passenger licence and a passenger licence granted in respect of an occasional passenger road service is in this Act referred to as an occasional passenger licence. Classes of passenger licences.

(2) An annual passenger licence shall be limited to one passenger road service, whether continuous or seasonal.

(3) An occasional passenger licence may extend to one or more occasional passenger road services or to a class of such services.

**Operation
of passenger
licences.**

10.—(1) An annual passenger licence shall be granted in respect of the particular passenger road service (either continuous or seasonal) specified in such licence and shall be expressed and shall operate to licence a named person to carry on such passenger road service while such licence or a renewal thereof continues in force, but subject to the provisions of this Act and regulations made thereunder and to the conditions specified in such licence.

(2) An occasional passenger licence shall be granted in respect of one or more particular occasional passenger road services or a particular class of such services specified in such licence and shall be expressed and shall operate to licence a named person to carry on the particular occasional passenger road service or services or class of such services specified therein, but subject to the provisions of this Act and regulations made thereunder and to the conditions specified in such licence.

**Grant of
passenger
licences.**

11.—(1) Subject to the provisions of this section, the Minister shall have absolute discretion to grant or to refuse an application for a passenger licence.

(2) In the case of an application duly made in accordance with this Act for an annual passenger licence to commence on the appointed day by a person who carried on an existing service (as defined in this section) identical or substantially identical with the passenger road service (in this sub-section referred to as the proposed service) in respect of which such application is made, the Minister shall not refuse such application except upon one or other of the following grounds, that is to say:—

- (a) on the ground that in his opinion such existing service was not carried on efficiently with a due regard to the requirements of the public;
- (b) on the ground that in his opinion such existing service was not sufficient, in regard to frequency of service or in regard to daily duration of the service or in regard to any other matter, to meet the requirements of the public;
- (c) on the ground that in his opinion the organisation and equipment at the disposal of the person making the application are not such as to enable him to carry on the proposed service in accordance with the conditions which the Minister considers should be inserted in the passenger licence to which such application relates;
- (d) on any ground on which the Minister is expressly authorised by any other section of this Act to refuse such application.

(3) In considering the grant or refusal of an application for a passenger licence to which the foregoing sub-section of this section does not apply, the Minister shall (without prejudice to the absolute discretion conferred on him by the first sub-section of this section) have regard to the following matters, that is to say:—

- (a) whether the service (in this sub-section referred to as the proposed service) in respect of which such application is made is required in the public interest having regard to the passenger road services and other forms of passenger transport available to the public on or in the neighbourhood of the route of the proposed service;
- (b) whether the proposed service is sufficient in regard to frequency of service, daily duration of service, and other respects to meet the requirements of the public;

(c) whether the organisation and equipment at the disposal of the person making the application are sufficient to enable him to carry on the proposed service in accordance with the conditions which the Minister considers should be inserted in the passenger licence to which such application relates.

(4) In this section the expression "existing service" means:—

- (a) in the case of a continuous passenger road service, a passenger road service which was carried on continuously during the whole of the twelve months ending on the 31st day of October, 1931; and
- (b) in the case of a seasonal passenger road service, a passenger road service which was carried on continuously during the whole of a particular part of the year ending on the 31st day of October, 1931.

12.—Whenever the Minister grants a passenger licence he may attach to such licence such conditions as he shall think proper and shall specify in such licence and, in particular and without prejudice to the generality of the foregoing power, conditions in respect of all or any of the following matters, that is to say:—

Attachment of conditions to passenger licences.

- (a) the terminal points and route of the passenger road service to which such licence relates;
- (b) the frequency of such service, including variations of such frequency on different days or at different periods of each day;
- (c) the daily duration of such service;
- (d) the minimum number of vehicles to be kept available for the operation of such service;
- (e) the type of vehicle to be used on such service;
- (f) the maintenance of a particular standard of fitness, cleanliness, and appearance of the vehicles used on such service and the organisation to be kept available for the maintenance of that standard;
- (g) appointing or restricting the distinctive marks and numbers on or the colours of the vehicles used on such service;
- (h) the publication of the time-tables of and charges on such service and the display of such time-tables and charges in the vehicles used on such service;
- (i) the notification to the Minister or to the public of alterations in the time-tables of and charges on such service;
- (j) the notification to and approval by the Minister of agreements or arrangements made in relation to such service by the licensee under such licence with other persons engaged in the business of road transport.

13.—(1) Every annual passenger licence shall specify the date on which it commences and every such licence shall commence on the day so specified.

Commencement and duration of annual passenger licences.

(2) Every annual passenger licence shall (unless it is previously revoked under this Act) continue in force until midnight on the 31st day of October next after the date on which it commenced and shall then expire unless it is renewed under this Act.

14.—(1) Every person who is the licensee under an annual passenger licence which is in force (whether by virtue of the original grant or of a renewal of such licence) may, within the prescribed time and while such licence continues so in force, apply to the Minister for a renewal of such licence.

Application for renewal of annual passenger licences.

(2) Every application for the renewal of an annual passenger licence shall be in the prescribed form and be made in the prescribed manner and shall contain the prescribed particulars.

(3) Every person who applies under this section for a renewal of an annual passenger licence shall, when required by the Minister so to do, furnish to the Minister all such information

as the Minister may require for the consideration of such application.

(4) The Minister may require any statement of fact made in an application for the renewal of a passenger licence or made to the Minister in response to a request for information under the next preceding sub-section of this section to be verified by the statutory declaration of some person having personal knowledge of the fact so stated. 5

(5) If any person fails to furnish any information or any verification which he is required by the Minister under this section to furnish, the Minister may, on the ground of such failure and without prejudice to any other power of refusal conferred on him by this Act, refuse the application in relation to which such information or verification was so required. 10

Grant of renewals of passenger licences.

15.—(1) The Minister may refuse an application for a renewal of an annual passenger licence on one or more of the following grounds but on no other ground, that is to say:— 15

(a) on the ground that in his opinion the passenger road service to which such licence relates has not been carried on efficiently with a due regard to the requirements of the public during the currency of such licence or the last renewal thereof, as the case may be; 20

(b) on the ground that in his opinion there was, during such currency, a breach of or a failure to observe or comply with one or more of the conditions attached to such licence; 25

(c) on the ground that in his opinion there was, in relation to such service and during such currency, a breach of or a failure to observe or comply with the provisions of this Act and the regulations made thereunder; 30

(d) on the ground that the licensee under such licence has during such currency been convicted of an offence (whether under this or any other Act) in relation to the said service or the vehicles used therein. 35

(2) Whenever the Minister grants a renewal of an annual passenger licence, the Minister may amend (whether by addition, omission, or variation) in such manner as he thinks proper the conditions attached to such licence. 35

Duration of renewal of passenger licences.

16.—Every renewal of an annual passenger licence shall commence immediately upon the expiration of the licence or of the last renewal of the licence (as the case may be) of which it is a renewal and, unless it is previously revoked under this Act, shall continue in force until midnight on the 31st day of October next after such commencement. 40

Revocation of passenger licences.

17.—(1) The Minister may at any time revoke a passenger licence upon the application of the licensee thereunder. 45

(2) The Minister may at any time on his own motion and at his absolute discretion revoke or suspend for such period as he shall think proper an annual passenger licence on any ground on which he is authorised by this Act to refuse an application for the renewal of such licence. 50

(3) The Minister may at any time on his own motion and at his absolute discretion revoke an occasional passenger licence.

Transfer of passenger licences.

18.—(1) A passenger licence shall not be transferable by the licensee or by operation of law to any other person. 55

(2) Whenever the ownership of a passenger road service has been transferred, whether by act of the parties or operation of law, from the licensee under the passenger licence relating to such service to another person, the Minister may, if he thinks proper so to do on the application of such person, transfer the said passenger licence to such person. 60

(3) The provisions of this Act in relation to an application for and the grant of a passenger licence shall apply, so far as applicable, in relation to applications for and grants of transfers of passenger licences.

5 **19.**—(1) Whenever the licensee under an annual passenger licence dies the following provisions shall have effect, that is to say:—

Death of licensee under passenger licence.

10 (a) the passenger road service to which such licence relates may be carried on under such licence until the happening of whichever of the following events first happens, that is to say, the grant of probate of the will or letters of administration of the personal estate of such licensee, or the expiration of such licence, or the expiration of one month from the death of such licensee;

15 (b) the said passenger road service may, while such licence is in force, be carried on under such licence by the personal representative of such licensee until the expiration of three months from the death of such licensee or the expiration of such licence, whichever first happens;

20 (c) the personal representative of such licensee shall be entitled to apply for a renewal or a transfer (as circumstances may require) of such licence to himself and to receive such renewal or transfer if the Minister thinks proper to grant it.

25 (2) Whenever the licensee under an occasional passenger licence dies, the following provisions shall have effect, that is to say:—

30 (a) any passenger road service authorised by such licence to be carried on on an occasion happening not more than one month after the death of such licensee may be carried on under such licence notwithstanding the death of such licensee;

35 (b) any passenger road service authorised by such licence to be carried on on an occasion happening more than one month after the death of such licensee may be carried on under such licence by the personal representative of such licensee.

40 **20.**—(1) There shall be paid to the Minister on every grant, every renewal, and every transfer of a passenger licence a fee of such amount as the Minister, with the consent of the Minister for Finance, shall from time to time appoint.

Fees on the grant etc. of passenger licences.

45 (2) Different fees may be fixed in respect of grants, renewals, and transfers respectively of passenger licences or of different classes of such licences, and such fees may be of fixed amount or of an amount calculated by reference to a scale applicable to different classes of passenger road services.

50 (3) Every fee payable under this section shall be payable at the prescribed time and in the prescribed manner.

55 **21.**—(1) When considering the grant or refusal of an application for a passenger licence or for a renewal of a passenger licence the Minister shall have regard to the extent to which the vehicles used or intended to be used on the passenger road service to which such application relates are or will be manufactured (in whole or in part) in Saorstát Eireann and also the extent to which such vehicles are or will be kept in repair by Saorstát Eireann labour.

Use of Saorstát Eireann manufactures and labour.

60 (2) Without prejudice to any power of attaching conditions to passenger licences conferred on the Minister by any other section of this Act, the Minister may attach to any passenger licence a condition requiring the use (either exclusively or to a specified extent) on the passenger road service to which such licence relates of vehicles manufactured in whole or in part in Saorstát Eireann.

Accounts and returns by licensees under passenger licences.

22.—(1) The Minister may, by regulations made by him under this Act, prescribe the accounts to be kept by every person carrying on a passenger road service under a passenger licence and also the statements of accounts, records of traffic, and other returns to be furnished periodically by every such person to the Minister and the times and occasions at which such returns are to be so furnished. 5

(2) The Minister may, by the conditions attached to a passenger licence, require the licensee under such licence to keep accounts or make returns differing (whether by addition, omission, or variation) from the accounts or returns prescribed by regulations made under this Act, and where any such condition is attached to a passenger licence, the said regulations shall have effect in respect of the licensee under such licence subject to such condition. 10

(3) The Minister may publish, as and when he thinks proper, all or any returns made to him under this section and also statistics compiled by him from such returns. 15

(4) Every person who shall fail to keep the accounts or make the returns which he is required by regulations made under this Act or by a condition attached to a passenger licence to keep or make shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds and, in the case of a continuing offence, a further fine not exceeding one pound for every day during which the offence continues. 25

Regulation of charges for carriage by passenger road services.

23.—(1) The Minister may, by regulations made by him under this Act, prescribe a scale of maximum charges for the carriage of passengers, passengers' luggage, and (where permitted) merchandise by passenger road services and the mode of application of any such scale to any particular passenger road service, and the Minister may so prescribe different scales of maximum charges and different modes of application thereof for different passenger road services either in respect of the route or character of or the district served by such services. 30

(2) The Minister may by the conditions attached to a passenger licence appoint maximum charges in respect of the passenger road service to which such licence relates differing from the maximum charges prescribed by regulations made under this Act, and where any such condition is attached to a passenger licence the said regulations shall have effect in respect of the said passenger road service subject to such condition. 35 40

(3) The Minister shall not by regulations made under this section or conditions attached to passenger licences prescribe or appoint different maximum charges in respect of different passenger road services of the same character carried on over the same or substantially the same route. 45

(4) Whenever any sum is charged for the carriage of passengers, passengers' luggage, or merchandise by a passenger road service which exceeds the maximum charge prescribed or appointed under this section in respect of such carriage, the licensee under the passenger licence relating to such passenger road service shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds. 50

Prohibition of carriage of merchandise and mail-bags by passenger road service.

24.—(1) Save as is otherwise provided by this Act, it shall not be lawful for any merchandise or mail-bags to be carried by a passenger road service. 55

(2) The Minister may, by a condition attached to a passenger licence, authorise or require the carriage by the passenger road service to which such licence relates of merchandise (either generally or of a specified character or quantity) or of mail-bags or of both such merchandise and mail-bags, and where such a condition is attached to a passenger licence the carriage in accordance with such licence of merchandise or mail-bags (as the case may be) by the passenger road service to which such licence relates shall not be a contravention of this section. 60 65

(3) Whenever any merchandise or mail-bags are carried by a passenger road service in contravention of this section, the licensee under the passenger licence in respect of such passenger road service shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds and, in the case of a continuing offence, a further fine of three pounds for every day during which the offence continues.

25.—No passenger road service carried on under a passenger licence shall be excessive weight or extraordinary traffic within the meaning of sub-section (1) of section 1 of the Public Roads (Ireland) Act, 1911, and no action shall lie under that sub-section in respect of damage caused by any such service.

Amendment of the Public Roads (Ireland) Act, 1911.

PART III.

15 ENGAGEMENT OF CERTAIN COMPANIES IN ROAD TRANSPORT.

26.—In this Part of this Act—

the word "company" includes a joint committee of two or more companies;

Definitions in this Part of this Act.

20 the expression "special statute" means a local or personal Act of the United Kingdom Parliament or a private Act of the Oireachtas, the expression "statutory order" means an order made under the authority of a statute; whether such order was or was not confirmed by statute.

25 27.—This Part of this Act applies to every company which, at the passing of this Act, carries on in Saorstát Eireann under a royal charter, special statute, or statutory order the business of carrying for reward (otherwise than by road transport or by sea) passengers and merchandise or either of them, whether such company does or does not also carry on the business of road transport or of carriage by sea or any other business.

Companies to which this Part of this Act applies.

28.—(1) Every company to which this Part of this Act applies may, subject to the provisions of this section, do all or any of the following things, that is to say:—

Power to certain companies to engage in road transport.

35 (a) engage in or carry on the business of road transport (as construed in relation to such company in accordance with this section) in all or any of its branches in any part of Saorstát Eireann but, in the case of passenger road services, subject to the provisions of this Act;

40 (b) purchase the whole or any part of or any share or interest in any road transport business carried on by any other person (including any business carried on by such person which is ancillary or incidental to such road transport business) and the property and assets used in or in connection with such service or business;

45 (c) purchase, hold, transfer, and sell shares in any company carrying on the business of road transport;

(d) lend money to any person carrying on the business of road transport and take security by mortgage or otherwise for the repayment of such money;

50 (e) construct, repair, and maintain for itself or any other person vehicles, machinery, plant, and material for use in or for the purpose of road transport;

(f) enter into contracts in relation to road transport whether carried on by such company or by another person;

55 (g) use its moneys and funds for the purpose of doing any thing which it is authorised by this section to do and in particular to use for that purpose any money in its hands at the passing of this Act and also any moneys raised under statutory power before the passing of this Act and not required for the purpose for which such moneys were so raised;

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(h) anything ancillary or incidental to anything authorised by the foregoing paragraphs of this sub-section.

(2) For the purposes of the foregoing sub-section of this section, the expression "road transport" shall—

(a) in relation to companies to which this Part of this Act applies but which do not at the passing of this Act carry merchandise for reward, be construed as not including the carriage of merchandise, and

(b) in relation to companies to which this Part of this Act applies but which do not at the passing of this Act carry passengers for reward, be construed as not including the carriage of passengers,

and accordingly nothing in this section shall operate to authorise the carriage of merchandise by a company which does not carry merchandise for reward at the passing of this Act or the carriage of passengers by a company which does not carry passengers for reward at the passing of this Act.

Power to certain companies to raise money.

29.—Any company to which this Part of this Act applies may, with the consent of the Minister, raise by borrowing or by the creation or issue of new stock as additional capital or otherwise any money required by it for the purpose of doing anything which it is authorised by this Act to do.

Conveyance of mails.

30.—(1) Section 2 of the Conveyance of Mails Act, 1893, shall apply to every passenger road service carried on by a company to which this Part of this Act applies as if such company were a tramway company and such passenger road service were a tramway.

(2) For the purpose of the application under this section of the said section 2 of the Conveyance of Mails Act, 1893, to passenger road services, but for no other purpose, the said section 2 shall have effect with and subject to the following modifications, that is to say:—

(a) the expression "tramway company" shall include any company to which this Part of this Act applies;

(b) the word "tramway" shall include a passenger road service;

(c) the word "carriage" shall include a mechanically propelled vehicle;

(d) the reference in sub-section (2) of the said section 2 to the Railway and Canal Commission shall be construed as a reference to the Railway Tribunal.

SCHEDULE.

ENACTMENTS REPEALED.

Number and Year	Short Title	Extent of Repeal
No. 1 (Private) of 1925.	The Dublin United Tramways (Omnibus Services) Act, 1925.	Sections 3 and 8.
No. 17 of 1927.	The Railway (Road Motor Services) Act, 1927.	The whole Act.

Saorstát Éireann.

Saorstát Éireann.

BILLE UM IOMPAR AR BHOITHRE, 1931.

ROAD TRANSPORT BILL, 1931.

BILLE

(*mar do tugadh isteach*)

dá ngairmtear

Acht chun soeruithe do dhéanamh chun iompair phaisnéirí de bhóthar do rialáil agus do stiúradh agus chun údaráis do bhronnadh ar chuideachtana áirithe paisnéirí agus earraí ceannaíochta d'iompar de bhóthar agus chun soeruithe do dhéanamh i geóir nithe eile bhaineas leis na nithe roimhráite.

An Act to provide for the regulation and control of the carriage of passengers by road and to confer on certain companies authority to carry passengers and merchandise by road and to make provision for other matters connected with the matters aforesaid.

An tAire Tionnscaul agus Tráchtála do thug isteach.

Introduced by the Minister for Industry and Commerce.

Do hordúodh, ag Dáil Éireann, do chlóbhuála, 27adh Mí na Samhna, 1931.

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