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BILLE UM IOMPAR AR BHOITHRE, 1934.

ROAD TRANSPORT BILL, 1934.

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*Mar do tugadh isteach.*

*As introduced.*

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ARRANGEMENT OF SECTIONS.

Section.

1. Definitions.
2. Carriage for reward.
3. "Lorry."
4. "Registration Book."
5. Amendment of section 3 of the Principal Act.
6. Existing carriers.
7. Avoidance of order under section 5 of the Principal Act.
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11. Fees on application for issue of vehicle plates.
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# SAORSTÁT EIREANN.

BILLE UM IOMPAR AR BHOITHRE, 1934.

ROAD TRANSPORT BILL, 1934.

## BILL

*entitled*

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AN ACT TO AMEND THE ROAD TRANSPORT ACT, 1933.

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

Definitions.

1.—(1) In this Act—

the expression “the Principal Act” means the Road Transport 10 Act, 1933 (No. 8 of 1933);

the expression “duly licensed” means duly licensed in Saorstát Eireann under section 13 of the Finance Act, 1920, as amended by subsequent enactments.

(2) Every word and expression to which a particular meaning is 15 given by the Principal Act for the purposes of that Act has in this Act the meaning so given to it.

Carriage for reward.

2.—Where a mechanically propelled vehicle or a vehicle drawn by a mechanically propelled vehicle is used for the carriage of merchandise the property of the owner of such mechanically pro- 20 pelled vehicle, such merchandise shall not be deemed for the purposes of the Principal Act to be carried for reward.

“Lorry.”

3.—A mechanically propelled vehicle shall be deemed to be a lorry within the meaning of the Principal Act, where the following conditions are complied with, that is to say:— 25

(a) such vehicle is constructed and designed for the carriage of passengers;

(b) such vehicle has sitting accommodation for not more than six passengers (excluding the driver);

(c) such vehicle is for the time being used for the carriage 30 of newspapers for reward.

“Registration Book.”

4.—The definition of the expression “registration book” contained in section 2 of the Principal Act is hereby amended by the insertion therein of the words “or a copy of the registration particulars of such vehicle issued by the authority by which such 35 vehicle was licensed under the Roads Act, 1920” after the words “the Roads Act, 1920” and the Principal Act and this Act shall be construed and have effect with due regard to the extension of the said expression effected by said amendment.

Amendment of section 3 of the Principal Act.

5.—The Road Transport (No. 2) Act, 1933 (No. 39 of 1933), is 40 hereby repealed and in lieu thereof it is hereby enacted that subsection (1) of section 3 of the Principal Act shall be construed and have effect and be deemed always to have had effect as if for the words “one month after the passing of this Act” now contained therein there were inserted the words and figures “the 45 1st day of April, 1934”.

Existing carriers.

6.—Where the ownership of a merchandise road transport business is before the appointed day transferred from a person



to whom a certificate under section 3 of the Principal Act has been issued in respect of such business, the person to whom such ownership is transferred shall, notwithstanding anything in sub-section (3) of the said section 3, be deemed to be an existing  
5 carrier for the purposes of the Principal Act.

7.—Any order made before the passing of this Act under sub-section (1) of section 5 of the Principal Act is hereby declared to be and shall be deemed always to have been void and of no effect, and accordingly an order may be made under the said  
10 sub-section (1) at any time after the passing of this Act.

Avoidance of order under section 5 of the Principal Act.

8.—Every merchandise licence granted before the appointed day and expressed to commence on the 1st day of February, 1934, shall, notwithstanding anything contained in section 19 of the Principal Act, or in such licence, commence on the appointed day  
15 and shall (unless it previously lapses or is revoked under the Principal Act and subject to any suspension under that Act) continue in force for a period of twelve months from the appointed day and shall then expire unless it is renewed under the Principal Act.

Postponement of commencement of certain merchandise licences.

9.—Sub-section (4) of section 12 of the Principal Act is hereby amended by the insertion of the words " or a shipping company " after the words " other than an authorised (merchandise carrying) company " now contained therein, and the said sub-section shall be construed and have effect accordingly.

Amendment of section 12 of the Principal Act.

10.—(1) Where any person—

Variation of standard lorry weights and standard tractor weights.

(a) who is the licensee under a merchandise (existing carrier's) licence for whom there is a standard lorry weight, and

30 (b) who claims that he is the owner of any lorry or lorries which complied with the appropriate conditions,

applies to the Minister before the appointed day for a direction under this sub-section, the Minister may, if he is satisfied that such claim is well founded, direct that the standard lorry weight for such licensee shall be increased by such weight, not exceeding,  
35 in case such claim relates to one lorry only, the unladen weight of such lorry or, in case such claim relates to two or more lorries, the total unladen weights of such lorries, as he may fix, and, if such direction is so given, the standard lorry weight for such licensee for the purposes of the Principal Act shall be the original  
40 standard lorry weight as so increased.

(2) Where any person—

(a) who is the licensee under a merchandise (existing carrier's) licence for whom there is a standard tractor weight, and

45 (b) who claims that he is the owner of any tractor or tractors which complied with the appropriate conditions,

applies to the Minister before the appointed day for a direction under this sub-section, the Minister may, if he is satisfied that such claim is well founded, direct that the standard tractor weight  
50 for such licensee shall be increased by such weight, not exceeding, in case such claim relates to one tractor only, the unladen weight of such tractor or, in case such claim relates to two or more tractors, the total unladen weights of such tractors, as he may fix, and, if such direction is so given, the standard tractor weight  
55 for such licensee for the purposes of the Principal Act shall be the original standard tractor weight as so increased.

(3) Where any person—

60 (a) who is the licensee under a merchandise (existing carrier's) licence for whom there is no standard lorry weight, and



- (b) who claims that he is the owner of any lorry or lorries which complied with the appropriate conditions,

applies to the Minister before the appointed day for a direction under this sub-section, the Minister may, if he is satisfied that such claim is well founded, direct that the standard lorry weight for such licensee for the purposes of the Principal Act shall be such weight, not exceeding, in case such claim relates to one lorry only, the unladen weight of such lorry or, in case such claim relates to two or more lorries, the total unladen weight of such lorries, as he may fix, and, if such direction is so given, the weight so fixed shall for the purposes of the Principal Act be the standard lorry weight for such licensee.

(4) Where any person—

- (a) who is the licensee under a merchandise (existing carrier's) licence for whom there is no standard tractor weight, and  
(b) who claims that he is the owner of any tractor or tractors which complied with the appropriate conditions,

applies to the Minister before the appointed day for a direction under this sub-section, the Minister may, if he is satisfied that such claim is well founded, direct that the standard tractor weight for such licensee for the purposes of the Principal Act shall be such weight, not exceeding, in case such claim relates to one tractor only, the unladen weight of such tractor or, in case such claim relates to two or more tractors, the total unladen weight of such tractors, as he may fix, and, if such direction is so given, the weight so fixed shall for the purposes of the Principal Act be the standard tractor weight for such licensee.

(5) Whenever any person—

- (a) who is the licensee under a merchandise (existing carrier's) licence for whom there is a standard lorry weight, and  
(b) who claims that—  
(i) any lorry (in this sub-section referred to as the old lorry), the unladen weight of which was taken into account in determining such standard lorry weight, has become unserviceable and has been replaced by another lorry (in this sub-section referred to as the new lorry) the unladen weight of which exceeds the unladen weight of the old lorry, and  
(ii) the vehicle plate (if any) issued in respect of the old lorry has been surrendered at the vehicle plate issuing station at which it was issued,

applies to the Minister for a direction under this sub-section, the Minister may, if he is satisfied that such claim is well founded and that the carrying capacity of the new lorry is substantially the same as that of the old lorry, direct that the standard lorry weight for such licensee shall be increased by a weight equal to the difference between the unladen weight of the new lorry and the unladen weight of the old lorry, and, if such direction is given the standard lorry weight for such licensee for the purposes of the Principal Act shall be the original standard lorry weight as so increased.

(6) Whenever any person—

- (a) who is the licensee under a merchandise (existing carrier's) licence for whom there is a standard tractor weight, and  
(b) who claims that—  
(i) any tractor (in this sub-section referred to as the old tractor), the unladen weight of which was



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taken into account in determining such standard tractor weight, has become unserviceable and has been replaced by another tractor (in this sub-section referred to as the new tractor) the unladen weight of which exceeds the unladen weight of the old tractor, and

(ii) the vehicle plate (if any) issued in respect of the old tractor has been surrendered at the vehicle plate issuing station at which it was issued,

10 applies to the Minister for a direction under this sub-section, the Minister may, if he is satisfied that such claim is well founded and that the tractive capacity of the new tractor is substantially the same as that of the old tractor, direct that the standard tractor weight for such licensee shall be increased by a weight  
15 equal to the difference between the unladen weight of the new tractor and the unladen weight of the old tractor, and if such direction is given the standard tractor weight for such licensee for the purposes of the Principal Act shall be the original standard tractor weight as so increased.

20 (7) A mechanically propelled vehicle, being a lorry or a tractor, the property of a licensee under a merchandise (existing carrier's) licence shall be deemed for the purposes of this section to comply with the appropriate conditions if such vehicle either—

25 (a) complies with all the following conditions, that is to say :—

(i) was the property of such licensee on the critical date specified in the application for such licence, and

(ii) was not duly licensed on that date, and

30 (iii) was duly licensed at any time during the twelve calendar months ending on the 1st day of July, 1932; or

(b) complies with the following conditions, namely—

35 (i) was ordered before the 8th day of February, 1933, and

(ii) was delivered to the licensee before the 12th day of June, 1933.

40 (8) Every application under any sub-section of this section shall be in writing, shall state fully the grounds on which the application is based, and shall give full particulars of the mechanically propelled vehicles to which the application relates, and shall be accompanied by the registration books relating to such vehicles.

45 (9) Every person who makes an application under any sub-section of this section shall, when required by the Minister so to do, furnish to the Minister all such further information as the Minister may require for the consideration of such application.

50 (10) The Minister may require any statement of fact made in any application under any sub-section of this section or made to the Minister in response to a request for further information under the immediately preceding sub-section to be verified by the statutory declaration of some person having personal knowledge of the fact so stated.

55 (11) Whenever the Minister gives a direction under this section on the application of the licensee under a merchandise (existing carrier's) licence, the Minister shall make such amendments in such licence as may be necessary to give effect to such direction.

11.—Regulations made under sub-section (6) of section 30 of the Principal Act may prescribe different fees in respect of—

60 (a) applications for vehicle plates under the said section 30 in

Fees on application for issue of vehicle plates.



cases where the following conditions are complied with, that is to say:—

- (i) a vehicle in respect of which a vehicle plate has been issued ceases to be duly licensed, and
- (ii) such vehicle plate is on such cesser delivered to a member of the *Gárda Síochána* at the plate issuing station at which such vehicle plate was issued, and
- (iii) an application is duly made under section 30 of the Principal Act within nine months after such delivery for the issue of a vehicle plate in respect of such vehicle; and

(b) applications for vehicle plates under the said section 30 in cases where the said conditions are not complied with.

Amendment of  
section 38  
of the Princi-  
pal Act.

**12.**—Sub-section (1) of Section 38 of the Principal Act is hereby amended by the substitution of the words “after the date on which such licence commenced next following such grant or after such transfer” for the words “after such grant or transfer” now contained therein, and the said sub-section shall be construed and have effect accordingly.

Short title.

**13.**—This Act may be cited as the Road Transport Act, 1934.







# Saorstát Eireann.

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BILLE UM IOMPAR AR BHOITHRE, 1934.

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## BILLE

(*mar do tugadh isteach*)

*dá ngairmtear*

Acht chun an Achta um Iompar ar Bhóithre,  
1933, do leasú.

*An tAire Tionnscoil agus Tráchtála do thug  
isteach.*

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*Do hordúodh, ag Dáil Eireann, do chlóbhuailadh, 22ad Márta, 1934.*

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# Saorstát Eireann.

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ROAD TRANSPORT BILL, 1934.

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## BILL

(*as introduced*)

*entitled*

An Act to amend the Road Transport Act,  
1933.

*Introduced by the Minister for Industry and  
Commerce.*

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*Ordered, by Dáil Eireann, to be printed,  
22nd March, 1934.*

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DUBLIN.  
PUBLISHED BY THE STATIONERY OFFICE.

To be purchased through any bookseller, or directly  
from the Government Publication Sale Office.  
5 Nassau Street, Dublin. C.2.

Printed by CAHILL & Co., LTD.

[*Threepence Net.*]