

DÁIL EIREANN.

AN BILLE IOMPAIR (Uimh. 2) 1944—AN COISTE. TRANSPORT (No. 2) BILL, 1944—COMMITTEE.

Leasuithe. *Amendments.*



SECTION 2.

1. In line 23, after the word "Eireann" to insert the words "or in the English language, *The National Transport Company*".
—William Norton, Timothy J. Murphy.

2. To delete lines 24 and 25.—Aire Tionnscail agus Tráchtála.

3. Before line 34 to insert the following—

"the expression 'the Dublin Corporation' means the Right Honourable the Lord Mayor, Aldermen and Burgesses of Dublin; the expression 'the establishment date' means the 1st day of January, 1945;

Dublin Corporation.
establishment date.

the expression 'functional area' means—

functional area.

(a) in relation to the council of a county, that county (excluding any borough or urban district therein),

(b) in relation to the corporation of a county or other borough, that county or other borough,

(c) in relation to the council of an urban district, that urban district;

the expression 'local authority' means any authority being—

local authority.

(a) the council of a county, or

(b) the corporation of a county or other borough, or

(c) the council of an urban district."

—Aire Tionnscail agus Tráchtála.

SECTION 3.

4. Before section 3 to insert the following new section:—

"An offence under any section of this Act may be prosecuted by the Minister".

Prosecution of offences.

—Aire Tionnscail agus Tráchtála.

5. To add the following new subsection:—

"(2) Every regulation made under this section shall be forthwith laid before each House of the Oireachtas and if either House shall within twenty-one days on which such House has sat next after the regulation is laid before it pass a resolution annulling the regulation the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder".

—William Norton, Timothy J. Murphy.

SECTION 7.

6. In sub-section (1), (a), page 9, line 2, to delete the figures "85" and substitute the figures "39, 85, 91".

—Aire Tionnscail agus Tráchtála.

SECTION 8.

7. To delete lines 23 to 26 and substitute therefor the words "A company shall be and is".—Risteárd Ua Maolehatha.

8. In subsection (1), after the word "Eireann" in line 27, to insert the following words "or in the English language, *The National Transport Company*".—William Norton, Timothy J. Murphy.

SECTION 9.

9. In subsection (1) (a), line 34, before the word "transport" to insert the word "public".—William Norton, James Larkin (Junior).
10. In subsection (1) (b), line 37, to insert after the word "vehicles" the following "(including engines)".—Aire Tionnscail agus Tráchtála.
11. In subsection (2), line 39, to insert before the word "acquire" the words "by agreement".—Aire Tionnscail agus Tráchtála.
12. In subsection (2), line 43, after the word "undertaking" to add the words "provided that nothing contained in this section shall authorise the Company to acquire by purchase or otherwise any transport undertaking owned or operated by the State".—William Norton, Richard Corish.
13. In subsection (4), line 51, to insert before the word "transport" the word "public".—Aire Tionnscail agus Tráchtála.

SECTION 10.

14. In subsection (1), line 53, to delete the words "and the dissolved transport company respectively".—Risteárd Ua Maolchatha.

SECTION 11.

15. In line 3, after the word "undertakings" to add the words "including all assets and liabilities".—James Hughes, Liam Cosgrave.

SECTION 12.

16. Before section 12 to insert a new section as follows:—

Contracts and obligations to dissolved companies.

"Save as modified or amended by this Act all existing contracts and statutory obligations of each of the dissolved companies shall remain in force and continue to be binding upon the company."

—Peadar S. Doyle, Patrick McGilligan, Fionán Lynch.

17. In line 11, to delete all words after the word "pounds" and substitute therefor the words "and shall be provided by the State".—Risteárd Ua Maolchatha.

SECTION 13.

18. In subsection (1), line 16, to delete the word and figure "subsection (2)" and to substitute therefor the words and figures "subsections (2) and (3)".—Patrick McGilligan.
19. In subsection (1), paragraph (a), lines 18 and 19, and in paragraph (b), lines 32 and 33, to delete the words "establishment date is" and substitute therefor the words and figures "6th day of February, 1942, was".—Risteárd Ua Maolchatha.
20. In subsection (1), lines 18 and 19; 32 and 33, and 46 and 47, to delete the words "immediately before the establishment date, is" and to substitute therefor the words "on the 1st day of March, 1943, was".—Patrick McGilligan.
21. In subsection (1), paragraph (a), line 23, and in paragraph (b), line 36, to delete all words after the word "him" and to substitute therefor the words "shall be paid such amount as shall be determined by a judicial commission assisted by assessors and specially appointed for the purpose to be equitable compensation for his interest in any such stock having regard to the circumstances of the dissolved company at that date".—Risteárd Ua Maolchatha.

SECTION 13—*continued.*

22. In subsection (1), lines 25 and 26, and 38 and 39, to delete the words “ the amount set out in column (4) of the said Part I at the said reference number ” and to substitute therefor the words “ such amount ”.—Patrick McGilligan.
23. In subsection (1), lines 28, 41 and 56, after the word “ number ” to insert the words “ as shall be determined by the High Court under this Act ”.—Patrick McGilligan.
24. To delete subsection (1), paragraph (c).—Risteárd Ua Maolchatha.
25. In subsection (1), lines 52, 53 and 54, to delete the words “ the amount set out in column (4) of the said Part II at the said reference number ” and to substitute therefor the words “ such amount ”.—Patrick McGilligan.

26. To insert before subsection (2) a new subsection as follows:—

“ (2) The High Court shall have jurisdiction by virtue of this Act to determine and shall so determine the amount of substituted stock to be allocated to each holder of any stock mentioned in subsection (1) of this section and for the purpose of such determination shall take into consideration all the circumstances of the dissolved railway company, the dissolved transport company and the Company and in particular the value on a net revenue earning basis on the 1st day of March, 1943, of the dissolved railway company and of the dissolved transport company and the estimated value on a net revenue earning basis of the Company under the provisions of this Act, the depreciation as at the 1st day of March, 1943, in the wasting assets of the dissolved railway company and of the dissolved transport company not provided for by reserves, the amount of capital required to make good such depreciation and the aggregate amount of such dividends, if any, paid to stockholders of the dissolved railway company and of the dissolved transport company as were drawn from reserves, subventions, or other non-recurrent sources and were not paid out of revenue earned annually by each such company from the provision of transport services.”

—Patrick McGilligan.

27. To insert before subsection (2) a new subsection as follows:—

“ A person who, immediately before the establishment date is the registered holder of any stock of the dissolved railway company or of the dissolved transport company described in the Third Schedule to this Act but who was not the registered holder of the same stock on the 1st day of March, 1943, shall not be entitled thereby to become the registered holder of any stock of the Company but the Company shall pay to every such person in cash the amount determined by the High Court in accordance with subsection (2) of this section to be the value of such stock as at the 1st day of March, 1943.”

—Patrick McGilligan.

27a. Before subsection (3) to insert a new subsection as follows:—

“ Every registered holder of stock of the dissolved railway company who acquired such stock after the first day of January, 1943, shall become the holder of stock of the company as set out in the preceding subsection of this section, reduced by fifty per cent.”

—Patrick Cogan.

SECTION 14.

28. In subsection (2), line 29, to delete the word “ any ” where it occurs for the second time and substitute therefor the word “ either ”.—James Hughes, Liam Cosgrave.

SECTION 15.

29. In line 56, to insert after the words “ debenture stock ” the words “ or for the purposes of the acquisition, by means of the exchange of debenture stock, of any transport undertaking which the Company is authorised to acquire ”.—Aire Tionnseail agus Tráchtála.

SECTION 16.

30. In subsection (2) (a), line 8, to delete the figures "1955" and substitute therefor the figures "1945".—Risteárd Ua Maolchatha.
31. To delete subsection (2) (b).—Patrick McGilligan.
32. In subsection (2) (b), line 10, to delete the figures "1960" and substitute therefor the figures "2000".—Risteárd Ua Maolchatha.
33. In subsection (2) (b), line 10, to delete the figures "1960" and to substitute therefor the figures "2000".—Patrick McGilligan.
34. In subsection (2) (c), lines 12 and 13, to delete the brackets and words "(other than the 30th day of June, 1960)".—Patrick McGilligan.
35. To delete subsection (3).—Risteárd Ua Maolchatha.
36. In subsection (3), to delete lines 18 and 19 and substitute the words "and conditions as regards the rate and payment of interest".—Aire Tionnscoil agus Tráchtála.

SECTION 17.

37. In subsection (1), line 30, to delete the words "principal moneys and".—Patrick McGilligan.
38. (a) In subsection (1), line 30, to insert before the word "interest" the words ", subject to subsection (2) of this section," and
(b) To insert before subsection (2) the following subsection:—
" (2) Where debenture stock bearing a rate of interest exceeding three per cent. per annum is created and issued, the Minister for Finance shall guarantee the due payment of interest thereon to the extent of three per cent. per annum only."
—Aire Tionnscoil agus Tráchtála.
39. In subsection (3), line 37, to insert after the word "person" the following words:—
"corporation, fund, or bank (including the Central Bank)".
—Patrick McGilligan.
40. In subsection (3), line 39, to insert after the word "interest" the following words:—
"(if any) not exceeding 2½ per cent. or subject to such charge to meet administration or service costs".
—Patrick McGilligan.

SECTION 19.

41. In line 4, to delete the word "six" and substitute the word "four".—William Norton, James Larkin (Junior).

SECTION 25.

42. To delete subsection (1).—William Norton, Timothy J. Murphy.
43. In subsection (1), line 55, after the word "Company" to add the following words: "and with the Transport Advisory Committee".—William Davin, Richard Corish.

SECTION 27.

44. Before section 27 to insert the following new section:—
" (1) The Company shall, not later than twenty-one days before the ordinary meeting of the Company to be held in any year (other than the year 1945), forward, on the request of any holder of stock of the Company, to that holder a copy of the accounts (prepared in such form as the Minister may direct for the purposes of this section) of the Company for the immediately preceding year.

Furnishing of
yearly accounts
of the Company
to Stockholders.

SECTION 27—*continued.*

(2) So much of subsection (3) of section 1 of the Railway Companies (Accounts and Returns) Act, 1911, as requires an incorporated railway company to forward a copy of the accounts and returns to any shareholder or debenture holder of the Company who applies for a copy shall not apply to the Company."

—Aire Tionnscoil agus Tráchtála.

45. To delete subsection (4) and substitute therefor the following new subsection:—

"(4) A director, officer, official or employee of the Company shall not be eligible for election as auditor and any firm of auditors in which a director, official, officer or employee of the Company has any interest by way of partnership, shareholding or otherwise shall not be eligible for election as auditors."

—William Norton, James Larkin (Junior).

SECTION 28.

46. In line 55, to delete the words "three months after the end of each financial" and substitute the words and figures "the 31st day of March of each".—Aire Tionnscoil agus Tráchtála.

SECTION 33.

47. To delete subsection (1).—William Norton, William Davin.

SECTION 34.

48. To delete subsection (1) and substitute the following two new subsections:—

"(1) The directors of the Company may close the register of the transfers of common stock for a period not exceeding twenty-one days previous to each ordinary meeting and each meeting of the directors of the Company at which it is proposed to consider the declaration of an interim dividend.

(2) The directors of the Company may close the register of transfers of debenture stock of a particular issue for a period not exceeding twenty-one days previous to any day on which interest on that debenture stock is payable."

—Aire Tionnscoil agus Tráchtála.

49. In subsection (2), line 42, to delete the words "some daily newspaper published in Dublin" and substitute the words "in every daily newspaper published in Dublin and Cork".

—William Norton, Richard Corish, James Larkin (Junior).

SECTION 35.

50. In subsection (1), to delete paragraph (b) and insert the following new paragraphs:—

"(b) three directors appointed by the Minister, and

(c) three directors (in this Chapter and in the Fourth Schedule to this Act referred to as 'stockholders' directors') as is provided by the said Fourth Schedule."

—William Norton, Timothy J. Murphy, William Davin.

51. After subsection (1) (b) to add two new subparagraphs as follow:—

"(c) such number of other directors (in this chapter and in the Fourth Schedule to this Act referred to as official directors or transport users directors) as is provided by the said Fourth Schedule;

(d) such number of other directors (in this Chapter and in the Fourth Schedule to this Act referred to as employees directors) as is provided by the said Fourth Schedule."

—Patrick McGilligan.

SECTION 35—*continued.*

52. To delete subsections (3), (4) and (5) and in lieu thereof to insert the following subsection:—

“ The determination of any question before the Board shall be according to the opinion of the majority of the members of the Board voting upon the question.”

—Patrick McGilligan.

53. To delete subsection (3) and substitute the following subsection:—

“ (3) A quorum at a meeting of the Board shall consist of the Chairman, together with one-third of the members of the Board.”

—Michael Donnellan.

54. To delete subsection (3) and substitute the following subsection:—

“ The quorum at a meeting of the Board shall be three Directors of whom the Chairman shall be one.”

—James Hughes, Liam Cosgrave.

55. To delete subsection (3).—William Norton, James Larkin (Junior), Richard Corish.

56. In subsection (4), line 5, to delete the word “ No ” and to substitute the words:—“ Subject to subsection (7) of this section, no ”.—William A. W. Sheldon, Patrick McGilligan.

56a. To delete subsection (5) and substitute the following subsection:—

“ All decisions arrived at by the majority of the members of the Board present and voting shall be binding on the Chairman and the Company.”

—Patrick Cogan.

57. To delete subsection (5).—William Norton, James Larkin (Junior), Richard Corish.

58. At the end of the section to add three new subsections as follow:—

“ (6) The Board shall meet at least once every three months.

(7) A meeting of the Board shall be called and held if a written request for such a meeting be made to the Chairman by two members of the Board.

(8) No meeting of the Board shall be held unless at least three days' notice of such meeting and of the business to be transacted thereat shall have been given to each member of the Board.”

—William A. W. Sheldon, Patrick McGilligan.

SECTION 37.

59. In subsection (2), line 19, after the word “ term ” to insert the words “ not exceeding five years ”.—James Hughes, Liam Cosgrave.

60. In subsection (3), line 23, after the word “ Minister ” to insert the words “ after consulting the Advisory Committee ”.—James Hughes, Liam Cosgrave.

61. In subsection (3), line 24, after the word “ appointment ” to add the following words:—

“ and the Minister shall forthwith lay before each House of the Oireachtas a copy of the conditions of appointment as fixed by him under this section ”.

—William Norton, James Larkin (Junior).

62. To delete subsection (8).—William Norton, Michael J. Keyes, William Davin.

SECTION 38.

63. To delete subsection (3).—William Norton, James Larkin (Junior), William Davin.

SECTION 40.

64. To delete subsection (1) (b).—William Norton, James Larkin (Junior).
65. To delete subsection (2).—William Davin, Richard Corish.
66. In subsection (4), line 6, to delete the words “two years” and substitute the words “three months”.—William Davin, Richard Corish.

SECTION 41.

67. To delete subsection (1) and substitute the following two subsections:—

“ (1) Where—

- (a) a person was, on the *1st day of July, 1944*, an officer or servant of either dissolved company, and
- (b) that person has not, before the establishment date, become a pensioner or annuitant by reason of his service in that company, or voluntarily retired or been removed from the service of that company by reason of misconduct or incapacity, and
- (c) that person's office or situation is abolished directly and solely in anticipation of or as the result of the amalgamation effected by this Part, and
- (d) the abolition of the said office or situation is not shown by the Company to have been caused by decrease of traffic, reduction of renewal or maintenance work, introduction of improved methods of working (other than methods which would not have been feasible for either dissolved company), closing of railway lines or other economic cause,

he shall be paid by the Company compensation calculated in the manner set out in the *Fifth Schedule* to this Act.

(2) Where—

- (a) a person was, on the *1st day of July, 1944*, an officer or servant of either dissolved company, and
- (b) that person, by reason of the amalgamation effected by this Part, is transferred to the service of the Company, and
- (c) either—
- (i) by reason of such transfer and without his consent, that person suffers any direct pecuniary loss, or is in any worse position in respect of the conditions of his service as a whole (including tenure of office, remuneration, gratuities, superannuation, sick fund or any benefits or allowances of that dissolved company, whether obtaining legally or by customary practice and whether applicable to himself or his widow or children or other dependents) as compared with the conditions of service formerly obtaining with respect to him, or
- (ii) that person is required by the Company to perform duties which are not analogous to or are an unreasonable addition to those which, as officer or servant of that dissolved company, he was liable to perform,

he shall be entitled to be paid by the Company compensation consisting of a lump sum of such amount as is reasonable.”

—Aire Tionnseail agus Tráchtála.

68. To delete subsection (1) and substitute a new subsection as follows:—

“ (1) Every person who was, on the *1st day of July, 1944*, and is, immediately before the establishment date, an officer or servant of

SECTION 41—*continued.*

any dissolved company, shall forthwith become an officer or servant, as the case may be, of the Company and shall be deemed, for the purposes of superannuation or compensation for loss of employment, to have service with the Company as on the establishment date equal to his service with the dissolved company and any former transport Company that may have been absorbed by the dissolved Company and with which he was serving at the time of such absorption; and such officer or servant of the Company, if his employment with the Company is terminated on or after the establishment date for any cause other than misconduct shall be paid by the Company compensation calculated in the manner set out in the Fifth Schedule to this Act."

—James Everett.

69. In page 19, to delete subsection (1) and substitute three new subsections as follows:—

"(1) Every person who, immediately before the establishment date, was an officer or servant of a dissolved company shall upon the establishment date by virtue of this section be transferred to and become an officer or servant (as the case may be) of the Company.

(2) Any officer or servant of a dissolved company who shall be dismissed from the service of the Company for any reason other than misconduct or incapacity or whose office or situation is abolished as having become unnecessary in consequence of changes in administration due directly to the amalgamation effected by this Act and not proved by the Company to have been caused by decrease of traffic, reduction of renewal or maintenance work due to such decrease in such traffic, introduction of improved methods of working (other than methods which would not have been feasible for the dissolved company by which he was formerly employed) and any officer or servant who, being required by the Company to perform duties such as are not analogous to or which are an unreasonable addition to those which as an officer or servant of the dissolved company from which he was transferred he was required to perform and by reason of which he elects to and does relinquish his office or situation, shall be paid by the Company compensation calculated in accordance with the Fifth Schedule to this Act.

(3) No officer or servant of a dissolved company transferred as aforesaid by virtue of this section shall without his consent by reason of such transfer be placed in a worse position in respect of the conditions of his service as a whole (including tenure of office, remuneration, gratuities, pension, superannuation, sick fund or any benefits or allowance whether obtaining legally or by customary practice and whether to himself or his widow or orphan children or other dependants) as compared with the conditions of service formerly obtaining with respect to him. If any such officer or servant shall without his consent be placed in any such worse position as aforesaid by reason of such transfer and shall have thereby suffered any loss or injury, he shall be entitled to be paid by the Company such lump sum of money as would compensate him therefor, the amount thereof to be determined in the manner set out in the Fifth Schedule to this Act."

—Martin O'Sullivan, Michael J. Keyes, William Davin.

70. In subsection (1), line 13, to delete the words and figures "before the 1st day of July, 1945"—Peadar S. Doyle, Fionán Lynch, Patrick McGilligan.

71. In subsection (1), line 16, to insert after the word "not" the words "shown by the Company to have been"—Peadar S. Doyle, Fionán Lynch, Patrick McGilligan.

72. In subsection (1), page 19, line 17, to delete the words "alteration of methods of working" and substitute the words "introduction of improved methods of working (other than methods which would not have been feasible for either dissolved company)."—Peadar S. Doyle, Fionán Lynch, Patrick McGilligan.

SECTION 41—*continued.*

73. In subsection (1), lines 17 and 18, to delete the words " closing of railway lines or other economic cause ".—Peadar S. Doyle, Fionán Lynch, Patrick McGilligan.

74. Before subsection (2) to insert a subsection as follows:—

" (2) Every such officer or servant of a dissolved Company who at the date of the passing of this Act had twenty or more completed years of service with such Company shall be entitled to elect not to serve with the Company or to retire from the service of the Company and in the event of any such officer or servant signifying in writing under his hand within two months from the date of the passing of this Act his intention not to serve with or to retire from the service of the Company, the Company shall pay to such officer or servant during his life an annual sum not exceeding in any case two-thirds of his annual remuneration and emoluments on the 1st day of January, 1944, calculated at the rate of one-sixtieth of his said annual remuneration and emoluments for every year of his service with an addition thereto of ten-sixtieths of his said remuneration and emoluments."

—John A. Costello.

74a. Before subsection (2) to insert a subsection as follows:—

" (2) No existing officer or servant of a dissolved company whose office has not been abolished shall without his consent or by reason of his transfer to the Company be in any worse position in respect of the conditions of his service as a whole (including tenure of office, remuneration, gratuities, pension, superannuation, hospital fund, or any benefits or allowances whether obtaining legally or by customary practice of the dissolved company) as compared with the conditions of service formerly obtaining with respect to him."

—Peadar S. Doyle.

75. To delete subsections (3), (4), (5) and 6.—James Everett.

76. To add at the end of subsection (3) the words " subject to and with the right of appeal to the High Court on any question of law ".—Martin O'Sullivan, Michael J. Keyes, William Davin.

77. In subsection (4), line 33, to delete the words " the Minister " and substitute the words " an interested person or persons ".—James Hughes, Liam Cosgrave.

78. In subsection (4), line 36, to delete the words " for his services as standing arbitrator " and substitute the words " in respect of any dispute or difference referred to him under subsection (3) of this section ".—Aire Tionnseail agus Tráchtála.

79. To add at the end of subsection (6) the following new paragraph:—

" (f) may in any case in which he is of opinion that the facts and circumstances and the documents applicable thereto are peculiarly within the knowledge or the possession, power or procurement of the Company, require the Company to give such evidence thereof as he may deem to be reasonably necessary to enable him to reach a decision."

—William Davin, Michael J. Keyes, Martin O'Sullivan.

SECTION 42.

80. Before section 42 to insert the following new section:—

" The wages, emoluments and conditions of service of any person who was, immediately before the establishment date, an officer or servant of the Dublin United Transport Company, Ltd., and who, by virtue of subsection (1) of section 41 of this Act, becomes an officer or servant of the Company, shall for a period of ten years from the establishment date be exempt from any revision or amendment which would, either in its immediate or ultimate effect, cause a worsening of such wages, emoluments or conditions of service."

—James Everett.

SECTION 42—*continued.*

81. In subsection (1), line 1, to delete the word " may " and substitute the word " shall ".—Peadar S. Doyle, Fionán Lynch, Patrick McGilligan.
82. In subsection (1), to delete all words from the word " and " in line 2 to the word " direct " in line 3 and substitute therefor the words " within twelve months ".—Peadar S. Doyle, Fionán Lynch, Patrick McGilligan.
83. In subsection (1), line 5, to insert after the word " employees " the words " or any particular class of the employees ".—Aire Tionnscoil agus Tráchtála.
84. At the end of subsection (1), line 6, to add the words " who are not otherwise eligible and governed by section 43 of this Act. "—Peadar S. Doyle, Fionán Lynch, Patrick McGilligan.
85. Before subsection (4) to insert the following subsection :—
" (4) Before confirming any superannuation scheme or amending superannuation scheme, the Minister shall hear all parties desirous of being heard and appearing to him to be interested therein."
—Aire Tionnscoil agus Tráchtála.
86. Before subsection (4), in page 20, to insert the following subsection :—
" (4) Before confirming any superannuation scheme or amending superannuation scheme the Minister shall hear all parties (including trade unions) desirous of being heard and appearing to him to be interested in the provisions of such scheme or amending scheme as the case may be."
—Martin O'Sullivan, Michael J. Keyes, William Davin.
- 86a. Before subsection (4), in page 20, to insert the following subsection :—
" (5) Every superannuation scheme or amending superannuation scheme prepared and confirmed under this section shall contain provisions enabling the elected representatives of the employees contributing under such scheme to share equally with the representatives of the Company in the management of the scheme and any superannuation fund to be established under such scheme."
—Martin O'Sullivan, Michael J. Keyes, William Davin.
87. At the end of the section to insert the following subsection :—
" (5) A fund set up for the purposes of a superannuation scheme shall be deemed to be set up under an irrevocable trust."
—Aire Tionnscoil agus Tráchtála.

SECTION 43.

88. In subsection (1), to delete lines 31 and 32 and insert the following words: " or scheme established by that dissolved company or, if that dissolved company is the dissolved railway company, by an absorbed company or an amalgamated company within the meaning of the Railways Act, 1924 (No. 29 of 1924), and in existence immediately before the establishment date, and includes the Railway Clearing System Superannuation Fund. "—Aire Tionnscoil agus Tráchtála.
89. Before subsection (3) to insert the following subsection :—
" (3) The following provisions shall have effect in relation to every existing superannuation fund established in the year 1944 :—
(a) the Company shall submit to the Minister within one month after the establishment date the scheme relating to such fund;
(b) the Minister may refer the scheme back to the Company for reconsideration and fresh submission or by order confirm the scheme either without modification or with such modifications (whether by way of addition, omission or variation) as the Minister thinks proper;
(c) before confirming the scheme, the Minister shall hear all

SECTION 43—*continued.*

parties desirous of being heard and appearing to him to be interested therein;

- (d) the scheme shall, if not so confirmed within three months after the establishment date, cease to be in force but without prejudice to the validity of anything previously done thereunder.”

—Aire Tionnscoil agus Tráchtála.

90. In page 20, before subsection (3), to insert the following new subsection:—

“(3) Any superannuation scheme, pension scheme or other scheme under which pensions, retiring allowances or any similar payments or allowances were provided for or were payable to the employees of a dissolved company immediately before the establishment date shall, if such scheme as aforesaid was made or brought into force on or after the twelfth day of June, 1944, cease without prejudice to the validity of anything previously done thereunder to have effect or validity three months after the establishment date unless it has been submitted to and confirmed by the Minister under the provisions of the immediately preceding section of this Act.”

—William Davin, Martin O’Sullivan, Michael J. Keyes.

91. To delete subsection (4) and substitute a new subsection as follows:—

“(4) (a) The Company shall, within twenty-one days of the passing of this Act, apply to the Railway Clearing System Superannuation Fund Corporation for admission to full membership of the fund in respect of the staff of the Great Southern Railways Company who were members of that fund immediately prior to the passing of this Act, so that the rights of the said members to pensions and other benefits from the fund shall continue without interruption;

(b) in the event of the Company being refused membership of the fund by the Railway Clearing System Superannuation Fund Corporation, the Minister for Finance shall guarantee to each such member of the Company’s staff out of the Central Fund, or the growing produce thereof, and shall pay thereout the pension and other benefits which he would have been entitled to receive from the said fund if the Great Southern Railways had continued to exist;

(c) in the event of the Railway Clearing System Superannuation Fund Corporation acceding to the Company’s request for membership of the fund but on conditions any less favourable to the existing members, the Minister for Finance shall likewise guarantee and pay out of the Central Fund, or the growing produce thereof, to the said members of the fund all or any of the losses which the less favourable terms of membership shall be proved to have entailed;

(d) any sum advanced out of the Central Fund, or the growing produce thereof, for the purposes mentioned in paragraphs (b) and (c) shall be repaid to the Central Fund (with interest thereon at such rates as the Minister for Finance shall appoint) by the Company within twelve months from the date of the advance.”

—Peadar S. Doyle, Fionán Lynch, Patrick McGilligan.

92. In subsection (4), page 21, in lines 1 and 2, to delete the words “or in respect of the Railway Clearing System Superannuation Fund”, and in line 4, to delete the words “or of the Railway Clearing System Superannuation Fund.”—Aire Tionnscoil agus Tráchtála.

93. To add at the end of subsection (4) the following words:—

“Provided, however, that notwithstanding that the dissolved railway company was not an Assenting Contributing Body to

SECTION 43—*continued.*

the reorganisation which came into operation upon the first day of July, 1941, of the Railway Clearing System Superannuation Fund Corporation all persons who were officers or servants of the dissolved railway company and who were and are members of the Railway Clearing System Superannuation Fund and all female clerical employees of the dissolved railway company shall be entitled to and shall receive the same benefits, rights and privileges as they would have been or might have become entitled to if the dissolved railway company had become and been an Assenting Contributing Body and had fulfilled all the legal and customary requirements of an Assenting Contributing Body to the said reorganisation ”.

—Martin O’Sullivan, William Davin, Michael J. Keyes.

94. In subsection (5), line 11, to delete the word “ who ”.—
Aire Tionnscail agus Tráchtála.

95. In subsection (6), line 20, to delete the words “ the said ” and substitute the words “ any such ”.—Aire Tionnscail agus Tráchtála.

96. In subsection (6), line 25, to insert after the word “ fund ” the following: “ established before the 1st day of August, 1943, ”.—Aire Tionnscail agus Tráchtála.

97. At the end of the section to add the following new subsection:—

“ Notwithstanding anything contained in this section, the Company may, if it so thinks fit, at any time cease to contribute to the Railway Clearing System Superannuation Fund.”

—Aire Tionnscail agus Tráchtála.

98. At the end of the section to add the following new subsection:—

“ An existing superannuation fund of a dissolved company shall be deemed to have been set up under an irrevocable trust.”

—Aire Tionnscail agus Tráchtála.

99. At the end of the section to add the following new subsection:—

“ Any gratuitous pension or allowance which immediately prior to the passing of this Act was paid or made to any person who was a former employee of any dissolved company shall continue to be paid or made by the company in the same manner and upon the same conditions as it would have been paid or made had the said dissolved company continued to exist ”.

—Martin O’Sullivan, William Davin, Michael J. Keyes.

SECTION 44.

100. Before section 44, to insert a new section as follows:—

“ (1) Upon the coming into operation of this Act and notwithstanding anything in this Act contained all agreements and arrangements containing provisions regulating the rates of pay, hours of duty and other conditions of service of the employees of a dissolved company and made between a trade union or trade unions representative of such employees of the one part and such dissolved company of the other part shall continue to apply to the said employees and company respectively unless and until the same or any of them shall be varied or altered as provided for by the next following sub-section of this section.

(2) The rates of pay, hours of duty and other conditions of service of employees of the Company shall be regulated in accordance with agreements made or to be made from time to time between the trade unions representative of such employees of the one part and the Company of the other part.

(3) The original or a counterpart, or a copy, certified in such manner as the Minister shall direct to be a true copy, of every such agreement as is mentioned in this section shall be deposited with the Minister within one month after the passing of this Act or the making of such agreement whichever shall be the later;

SECTION 44—*continued*.

provided that the Minister may extend the time for depositing such agreement upon such grounds as he may deem to be reasonable.

(4) Any agreement containing provisions for regulating the rates of pay, hours of duty or other conditions of service of employees of the Company and made between a trade union or trade unions representative of such employees of the one part and the Company of the other part pursuant to this section shall be applicable to and enforceable in respect of all the employees in the group or grade of employment embraced in any such agreement."

—William Davin, Martin O'Sullivan, Michael J. Keyes.

101. At the end of section 44, to add the following new subsection:—

"(3) No such association, club, institution, fund, trust or convenience as is mentioned in this section shall contain any provision relating to the rates of pay or the conditions of employment applicable to employees of the company and nothing contained in this section shall enable any such association, club, institution, fund, trust or convenience as aforesaid to be recognised or countenanced as an excepted body within the meaning of section 6 of the Trade Union Act, 1941, as amended by section 2 of the Trade Union Act, 1942."

—William Davin, William Norton, James Larkin.

SECTION 46.

102. In subsection (3), line 13, to delete the word "may" and substitute therefor the word "shall".—James Hughes, Liam Cosgrave.

103. To delete subsection (4) and substitute the following new subsection:—

"(4) If the Company or any director or officer of the Company fails to comply with any order made under this section, the Company and every such director or officer as aforesaid shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding £100 and in the case of a continuing offence a further fine not exceeding £25 for every day on which the offence is continued."

—William Norton, James Larkin, William Davin.

SECTION 47.

104. To delete subsection (1) and substitute the following subsection:—

"(1) Except so far as authorised by an order of the Minister, the parties to any agreement or arrangement, between the Company and any other transport undertaking, for the allocation or routing of traffic or for the pooling of receipts or for differential rates on traffic passing by sea to or from the State shall not—

(a) vary or rescind the agreement or arrangement, or

(b) enter into agreements or arrangements for any of those purposes."

—Aire Tionnscail agus Tráchtála.

105. In subsection (2) (d), after the word "traders" to add the words "or producers".—James Hughes, Liam Cosgrave.

106. In subsection (3), line 40, to delete the word "may" and substitute therefor the word "shall".—James Hughes, Liam Cosgrave.

SECTION 50.

107. In subsection (1), to delete paragraph (a) and insert the following:—

“ (a) the Dublin Corporation, or ”.

—Aire Tionnscail agus Tráchtála.

108. In subsection (3), line 24, to delete the word “ Minister ” and substitute the words “ Chief Justice ”.—James Hughes, Liam Cosgrave.

109. In subsection (5), line 33, to delete the word “ Minister ” and substitute the words “ Chief Justice ”.—James Hughes, Liam Cosgrave.

SECTION 51.

110. Before section 51 to insert the following new section:—

“ (1) As on and from the 1st day of January, 1945—

(a) the Agreement of 1887 and the Agreement of 1910 shall cease to have effect;

(b) the liability of the Northern Railway Company, under the Agreement of 1887 and the Agreement of 1910, to contribute a sum not exceeding two thousand pounds per annum towards payment of a dividend at the rate of four per cent. per annum on the four per cent. City of Dublin Junction Railways' Guaranteed Stock of the dissolved railway company and all liability, contingent or otherwise, of the Company to the Northern Railway Company or of the Northern Railway Company to the Company in respect of the said contribution shall cease;

(c) the Company shall continue to operate the normal system of trains run before the said date for the purposes of, and in connection with, the mails services of the Minister for Posts and Telegraphs, over the Dublin Junction Railways and the Company's railway between Westland Row in the City of Dublin and Dun Laoghaire Mail Pier, until the Company and the Northern Railway Company, with the consent of the said Minister agree otherwise;

(d) if, for convenience of working, the Northern Railway Company send any carriage or rolling stock over the Dublin Junction Railways and the Company's railway between Westland Row aforesaid and Dun Laoghaire Mail Pier, no payment shall be made by the Company to the Northern Railway Company in respect of any such carriage or rolling stock, nor shall any toll for haulage be charged by the Company against the Northern Railway Company in respect of any such carriage or rolling stock.

(2) In consideration of the arrangements effected by subsection (1) of this section, the Northern Railway Company shall, on the 1st day of January, 1945, pay to the Company the sum of eight thousand pounds.

(3) In this section—

the expression ‘ the Northern Railway Company ’ means the Great Northern Railway Company (Ireland);

the expression ‘ the Agreement of 1887 ’ means the agreement made on the 26th day of August, 1887, between the Northern Railway Company of the first part, the former City of Dublin Steam Packet Company of the second part, and the former Dublin, Wicklow and Wexford Railway Company of the third part;

the expression ‘ the Agreement of 1910 ’ means the agreement made on the 7th day of July, 1910, between the Northern Railway Company of the first part, the former City of Dublin Steam Packet Company of the second part, and the former Dublin and South Eastern Railway Company formerly the Dublin Wicklow and Wexford Railway Company of the third part;

Arrangements between the Company and the Great Northern Railway Company (Ireland) as respects the Dublin Junction Railways, etc.

SECTION 51—*continued.*

the expression ' the Dublin Junction Railways ' means the railways constructed under the Dublin Wicklow and Wexford Railway (City of Dublin Junction Railways) Act, 1884."

—Aire Tionnscail agus Tráchtála.

NOTE.—*Acceptance of this amendment involves the deletion of section 51.*

SECTION 53.

111. In subsection (3), page 25, to delete lines 3 to 7 and substitute the words " section, the Company shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds "

—Aire Tionnscail agus Tráchtála.

SECTION 54.

112. Before subsection (2) to insert the following new subsection :—

" The references, in section 55 of the Railways Act, 1924 (No. 29 of 1924), and in sections 10 and 16 of the Railways Act, 1933 (No. 9 of 1933), to a railway company shall be construed as including references to the Company."

—Aire Tionnscail agus Tráchtála.

113. Before subsection (2) to insert the following new subsection :—

" For the purposes of the Income Tax Acts the Company shall be deemed to be a railway company."

—Aire Tionnscail agus Tráchtála.

SECTION 60.

114. Before section 60, but in Part II of the Bill, to insert the following new section :—

" (1) If any person trespasses upon any of the railways of, or worked by, the Company, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding two pounds.

Penalty for
trespass on
the Company's
railways.

(2) Where a person is charged with an offence under this section in respect of a trespass—

(a) the fact that he had not received a personal warning against the trespass shall not be a ground of defence,

(b) he shall not, in any case, be convicted of the offence unless the Company proves to the satisfaction of the Court that, at the date of the trespass, there was affixed, at the station of the Company and at the level crossing nearest to the spot where the trespass is alleged to have been committed, a notice (painted on boards or printed, painted or enamelled on enamelled or other iron or any other material) in legible characters warning persons not to trespass on the railways of the Company.

(3) No person lawfully crossing the railway of the Company at any level crossing thereof shall be liable to any fine under this section.

(4) An offence under this section may be prosecuted by the Company."

—Aire Tionnscail agus Tráchtála.

115. In subsection (2) (a), line 26, to delete the word " Minister " and substitute " Taoiseach ".—William Norton, William Davin.

116. In subsection (2) (a), at the end of line 26, to add the following words : " and shall be a person who in the opinion of the Minister is experienced in transport affairs ".—James Hughes, Liam Cosgrave.

SECTION 60—*continued.*

117. In subsection (2) (b), line 27, to delete the words “ one ordinary member ” and substitute therefor the words “ two ordinary members ”.—James Hughes, Liam Cosgrave.

118. In subsection (2) (c), line 30, to delete the word “ three ” and substitute the word “ two ” and to add at the end of the subsection a new paragraph as follows:—

“ (d) one member who shall have qualifying experience of railway administration ”.

—Peadar S. Doyle, Fionán Lynch, Patrick McGilligan.

119. In subsection (2) (c), line 30, to delete the word “ three ” and substitute therefor the word “ two ”.—James Hughes, Liam Cosgrave.

120. In subsection (3), line 32, to delete the word “ three ” and substitute therefor the word “ two ”.—James Hughes, Liam Cosgrave.

121. In subsection (3) to delete all words from the word “ and ” in line 36 to the end of the subsection.—James Hughes, Liam Cosgrave.

122. Before subsection (4) to insert two new subsections as follows:—

“ (4) The two ordinary members nominated by the Minister for Agriculture shall be selected by him from a panel of nine names, three of whom are put forward by each of the following organisations:—

The Irish Agricultural Organisation Society;
The Irish Sugar Beet Growers' Association, and
The Royal Dublin Society.

(5) The two ordinary members of the Advisory Committee to be nominated by the Minister shall be selected by him from a panel of nine names, three of whom are put forward by each of the following organisations:—

The Dublin Chamber of Commerce;
The Cork Chamber of Commerce;
The Limerick Chamber of Commerce.”

—James Hughes, Liam Cosgrave.

123. Before subsection (6) to insert a new subsection as follows:—

“ (6) A person holding any permanent office under the State shall not be eligible for membership of the Advisory Committee.”

—James Hughes, Liam Cosgrave.

SECTION 61.

124. To delete all words after the word “ Committee ”, line 13, and substitute the words:—

“ to institute any inquiry on any matter which appears to the Committee to be in the interests of public transport, and to report and advise thereon.”

—James Hughes, Liam Cosgrave.

SECTION 62.

125. At the end of the section to insert the following subsection:—

“ () Where a witness attends before the Advisory Committee in pursuance of a summons under subsection (3) of this section, the Minister may, if he so thinks proper, pay to him such sum in respect of expenses incurred by him in connection with his attendance as the Minister, with the sanction of the Minister for Finance, considers reasonable.”

—Aire Tionnscoil agus Tráchtála.

SECTION 64.

126. Before subsection (3) to insert a new subsection as follows:—

“(3) A copy of all reports and recommendations of the Advisory Committee shall be laid before each House of the Oireachtas.”

—James Hughes, Liam Cosgrave.

SECTION 65.

127. In subsection (1), line 46, to insert after the word “Agriculture” the words “the Commissioners of Public Works in Ireland”.—Aire Tionnscoil agus Tráchtála.

SECTION 68.

128. Before section 68 to insert the following new section:—

“Part 3 of the Railways Act, 1924 (No. 29) of 1924, empowering the Railway Tribunal to fix, revise, or alter maximum railway rates classification of merchandise and conditions of carriage shall apply to the Company as it applied to the dissolved Railway Company.”

—James Hughes, Liam Cosgrave.

NOTE.—*The acceptance of this amendment involves the deletion of sections 68, 69, 70 and 71.*

129. In subsection (1), line 1, to insert after the word “Company” the words, “in respect of its railway undertaking”.—Aire Tionnscoil agus Tráchtála.

130. In subsection (1) (b), line 7, to add after the word “thereon” the words “and shall refer the said proposal to the High Court”.—Patrick McGilligan.

131. In subsection (1) (c), line 8, to delete the word “Minister” and to substitute therefor the words “High Court”.—Patrick McGilligan.

SECTION 69.

132. In subsection (1), in lines 25 and 26, to insert after the word “conveyance” the words “by rail”.—Aire Tionnscoil agus Tráchtála.

133. In subsection (1) (b), line 32, to add after the word “thereon” the words “and shall refer the said proposal to the High Court”.—Patrick McGilligan.

134. In subsection (1) (c), line 33, in subsection (2), lines 40 and 44, and in subsection (3), line 48, to delete the word “Minister” and to substitute therefor the words “High Court”.—Patrick McGilligan.

135. In subsection (1), paragraph (c), line 34, to delete the words “persons interested” and substitute the words “interested persons”.—Aire Tionnscoil agus Tráchtála.

SECTION 70.

136. In subsection (1), line 55, to delete the words “if he thinks fit” and substitute therefor the words “shall refer such application to the High Court and the High Court”.—Patrick McGilligan.

137. In subsection (1), line 57, to delete the word “he” and substitute therefor the word “it”.—Patrick McGilligan.

SECTION 71.

138. In line 9 to delete the words “if he thinks fit” and substitute therefor the words “shall refer such application to the High Court and the High Court”.—Patrick McGilligan.

139. In line 10 to delete the word “he” and substitute therefor the word “it”.—Patrick McGilligan.

SECTION 72.

140. In subsection (1), lines 15, 16, 20 and 23, to delete the word "statutory".—Aire Tionnscail agus Tráchtála.

SECTION 73.

141. In line 48 to delete the word "Minister" and substitute therefor the words "High Court".—Patrick McGilligan.

SECTION 74.

142. In line 55 to delete the words "if he thinks fit" and substitute therefor the words "shall refer such application to the High Court and the High Court".—Patrick McGilligan.

143. In line 58 to delete the word "he" and substitute therefor the word "it".—Patrick McGilligan.

SECTION 77.

144. In subsections (1) and (2), lines 34, 35 and 40, to delete the word "Minister" and substitute therefor the words "High Court".—Patrick McGilligan.

SECTION 78.

145. Before section 78 to insert the following new section:—

Special mileage charges.

"Where any statutory provision, with respect to charges for or in connection with the carriage of merchandise or passengers by the dissolved railway company, which is in force immediately before the establishment date authorises, for the purposes of calculation of distance, a special mileage to be allotted in respect of any portion of the railway of the dissolved railway company, that statutory provision shall continue in force and the references therein to the dissolved railway company shall on and after the establishment date be construed as references to the Company."
—Aire Tionnscail agus Tráchtála.

146. In subsection (2), line 54, to insert the words "be or" after the word "may".—Aire Tionnscail agus Tráchtála.

147. In subsection (3), line 5, to delete the word "Minister" and substitute therefor the words "High Court".—Patrick McGilligan.

SECTION 80.

148. In lines 18, 19 and 23 to delete the word "Minister" and substitute therefor the words "High Court".—Patrick McGilligan.

SECTION 81.

149. In subsections (1) and (2), lines 30 and 32 on page 33, and lines 3 and 4 on page 34, to delete the word "Minister" and substitute therefor the words "High Court".—Patrick McGilligan.

150. In subsection (2) (b), line 12, to add after the word "thereon" the words "and shall refer the said application to the High Court".—Patrick McGilligan.

151. In subsection (2) (c), line 13, to delete the word "Minister" and substitute therefor the words "High Court".—Patrick McGilligan.

152. In subsection (2) (c), line 14, to delete the words "persons interested" and substitute the words "interested persons".—Aire Tionnscail agus Tráchtála.

SECTION 82.

153. In subsection (1), line 20, to delete the word "Minister" and substitute therefor the words "High Court".—Patrick McGilligan.

SECTION 85.

154. In line 14 to delete the words "if he thinks fit" and to substitute therefor the words "shall refer such application to the High Court and the High Court".—Patrick McGilligan.

155. In line 17 to delete the word "he" and substitute therefor the word "it".—Patrick McGilligan.

SECTION 86.

156. In line 24 to delete the word "Minister" and substitute therefor the words "High Court".—Patrick McGilligan.

SECTION 87.

157. In line 34 to delete the words "if he thinks fit" and to substitute therefor the words "shall refer the said application to the High Court and the High Court".—Patrick McGilligan.

158. In line 36 to delete the word "he" and substitute therefor the word "it".—Patrick McGilligan.

SECTION 88.

159. In subsection (2) (b), line 55, to add after the word "thereon" the words "and shall refer the said schedule to the High Court".—Patrick McGilligan.

160. In subsection (2) (c), line 1, subsection (3), line 9, and subsection (4), line 13, to delete the word "Minister" and substitute therefor the words "High Court".—Patrick McGilligan.

SECTION 89.

161. In line 21, to delete the words "if he thinks fits" and substitute therefor the words "shall refer the said application to the High Court and the High Court".—Patrick McGilligan.

162. In line 24, to delete the word "he" and substitute therefor the word "it".—Patrick McGilligan.

SECTION 90.

163. Before section 90 and in Chapter VI of Part IV to insert the following new section:—

"In this Chapter—

Definitions
for purposes
of Chapter VI
of Part IV.
canal.

the word 'canal' means—

(a) in relation to the Grand Canal Company, the Grand Canal,

(b) in relation to the Company, the Royal Canal,

(c) in relation to the Commissioners, the River Shannon Navigation excluding so much of the River Shannon as lies between Baal's (or Ball's) Bridge on the Abbey River in the City of Limerick and the sea;

the expression 'canal undertaker' means any body being—

canal undertaker.

(a) the Grand Canal Company,

(b) the Company, or

(c) the Commissioners of Public Works in Ireland acting for the Minister;

the expression 'the Commissioners' means the Commissioners of Public Works in Ireland; Commissioners.

the expression 'the revised canal classification of merchandise' means, in relation to a canal undertaker, the classification of merchandise applicable to that undertaker, as determined by the Minister under section — of this Chapter; revised canal classification of merchandise.

SECTION 90—*continued.*

revised schedule of maximum canal charges.

the expression ' revised schedule of maximum canal charges ' means, in relation to a canal undertaker, the schedule of charges of that undertaker as settled by the Minister under section — of this Chapter."

—Aire Tionnscail agus Tráchtála.

NOTE.—*Acceptance of this amendment involves the deletion of section 90.*

SECTION 91.

164. In subsection (1), line 43, to delete the word " Part " and substitute the word " Chapter ".—Aire Tionnscail agus Tráchtála.

165. Before subsection (2) to insert the following subsection:—

" (2) *Subsection (1)* of this section shall, as respects any particular canal undertaker, cease to be in force as on and from the date on which the revised schedule of maximum canal charges of that undertaker comes into operation."

—Aire Tionnscail agus Tráchtála.

166. To delete subsection (2).—Aire Tionnscail agus Tráchtála.

SECTION 92.

167. Before section 92 to insert the following new section:—

Revised canal classification of merchandise applicable to a canal undertaker.

" (1) A canal undertaker may and, if required by the Minister shall, within such time as the Minister may appoint, submit to the Minister a proposal for the revised classification of merchandise for the purposes of the application to such merchandise of rates of charges to be made by that canal undertaker in respect of the carriage of merchandise by the canal of that canal undertaker, and thereupon the following provisions shall have effect—

(a) that canal undertaker shall publish the said proposal in such manner as the Minister may direct;

(b) the Minister, if he thinks fit, may refer the said proposal to the Advisory Committee for their report and advice thereon;

(c) the Minister, after consideration of the said proposal, any representations made by interested persons and, in case the said proposal has been referred to the Advisory Committee, their report and advice, shall determine the classification of merchandise applicable to that undertaker for the said purpose.

(2) The revised classification of merchandise applicable to a canal undertaker shall not come into operation until the revised schedule of maximum canal charges of that canal undertaker has come into operation."

—Aire Tionnscail agus Tráchtála.

168. Before section 92 to insert the following new section:—

Revised schedule of maximum canal charges of a canal undertaker.

" (1) At any time after the revised canal classification of merchandise applicable to a canal undertaker has been settled by the Minister, that canal undertaker may and, if required by the Minister, shall, within such time as the Minister may appoint, submit to the Minister a revised schedule, drawn up in such manner as the Minister may direct, of the maximum rates, tolls and charges proposed to be made by that canal undertaker and thereupon the following provisions shall have effect—

(a) that canal undertaker shall publish the said schedule in such manner as the Minister may direct;

(b) the Minister, if he thinks fit, may refer the said schedule to the Advisory Committee for their report and advice thereon;

SECTION 92—*continued.*

- (c) the Minister, after consideration of the said schedule, any representations made by interested persons and, in case the said schedule has been referred to the Advisory Committee, their report and advice, shall settle the said schedule and fix the date on which it is to come into force.

(2) As on and from the date on which the revised schedule of maximum canal charges applicable to a canal undertaker comes into operation, the charges appearing therein shall, subject to any alterations made by the Minister under this Chapter, be the maximum charges which that canal undertaker shall be entitled to make for all services in respect of which the said charges are fixed."

—Aire Tionnscail agus Tráchtála.

169. Before section 92 to insert the following new section:—

"(1) Where an application, in the prescribed form and containing the prescribed particulars, is made, by any canal undertaker or by any body of traders using the canal of that canal undertaker, to the Minister for an order altering the canal classification of merchandise for the time being applicable to that canal undertaker, the Minister, if he thinks fit, may subject to the provisions of the *Seventh Schedule* to this Act, by order make such alterations of the said classification as he thinks fit.

Alteration of canal classification of merchandise applicable to a canal undertaker.

(2) In this section the word 'altering' in relation to the canal classification of merchandise for the time being applicable to a canal undertaker includes altering the classification of any article and classifying any article not for the time being classified, and the word 'alterations' shall be construed accordingly."

—Aire Tionnscail agus Tráchtála.

170. In lines 4 and 5, to delete the words "charged by that canal undertaker" and substitute the words "for the time being chargeable by that canal undertaker in respect of the canal of that undertaker".—Aire Tionnscail agus Tráchtála.

SECTION 93.

171. Before section 93 to insert the following new section:—

"If any charge made by a canal undertaker in respect of the canal of that undertaker includes a fraction of a penny, the fraction if less than one half-penny shall not be charged or, if it amounts to one half-penny or more, it may be charged as one penny."

Charges for fractions of a penny.

—Aire Tionnscail agus Tráchtála.

SECTION 94.

172. Before section 94, and in Chapter VII of Part IV, to insert the following new section:—

"(1) Where—

- (a) a transport undertaker agrees with a trader for the carriage of any of his merchandise at certain rates and subject to certain conditions (which said rates and conditions are in this section referred to as agreed charges), and

Agreed charges by railway and canal companies for the carriage of merchandise.

- (b) the agreed charges are, on the application of the transport undertaker, approved by the Minister under this section,

then, so long as the agreed charges are operative, the transport undertaker may, notwithstanding anything contained in the preceding Chapters of this Part or in any other enactment, make as respect the trader the agreed charges.

SECTION 94—*continued.*

(2) The following provisions shall apply in relation to an application to the Minister for his approval of agreed charges, that is to say:—

- (a) the application shall contain particulars of the agreed charges,
- (b) the applicant shall publish, in accordance with the directions of the Minister, notice of the application and particulars as to the time and manner in which objections may be made to the Minister in respect of the application by any traders who consider that their businesses will be detrimentally affected if the Minister approves of the agreed charges and the agreed charges are made,
- (c) the Minister may, if he thinks fit, refer the application to the Advisory Committee for their report,
- (d) the Minister, after consideration of the application, any objections duly made in relation to the application, and, in case he has referred the application to the Advisory Committee, their report and advice, may, subject to *paragraph (e)* of this subsection, approve or refuse to approve of the agreed charges,
- (e) the Minister shall not approve of the agreed charges unless he is satisfied that they represent a reasonable commutation of the rates and charges otherwise ordinarily applicable to the applicant's carryings of the merchandise of the trader concerned.

(3) Where the Minister approves of agreed charges he shall fix the date on which they are to come into operation and the period for which they are to remain in operation, and the agreed charges shall come into operation accordingly and shall remain in operation only for the period so fixed unless continued for any further period or periods by the Minister who is hereby authorised in that behalf.

(4) Where agreed charges as between a transport undertaker and a trader have been approved by the Minister, the Minister may, on his own initiative or on the application made, within twelve months after such approval, by any other trader who satisfies the Minister that the applicant's business has been detrimentally affected by the agreed charges and after considering any representations made by the transport undertaker and, in case he has referred (which he is hereby authorised to do) the application to the Advisory Committee, their report and advice, by order fix on the same basis as the agreed charges the charges (including the conditions to be attached thereto) to be made by the transport undertaker for the carriage of such merchandise of the applicant as the Minister may determine, and shall by the order fix the period (which shall not exceed that for which the agreed charges are to remain in operation) during which the order is to remain in operation, and such order shall authorise, notwithstanding anything contained in the previous Chapters of this Part or in any other enactment, and oblige the transport undertaker to make while the order is in force charges for the carriage of merchandise of the applicant in accordance with the terms of the order.

(5) The transport undertaker concerned shall cause particulars of any agreed charges or charges fixed by order under *subsection (4)* of this section to be available for public inspection at the head office of the transport undertaker and such other places as the Minister may require.

(6) If a transport undertaker fails to comply with *subsection (5)* of this section the transport undertaker shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds and, in the case

SECTION 94—*continued.*

of a continuing offence, a further fine not exceeding five pounds for every day on which the offence is continued.

(7) In this section the expression 'transport undertaker' means any body being—

- (a) a railway company,
- (b) the Company, or
- (c) a canal undertaker."

—Aire Tionnseail agus Tráchtála.

SECTION 101.

173. In subsection (3), line 5, to delete the word "specified".—
Aire Tionnseail agus Tráchtála.

174. Before subsection (4) to insert the following subsection:—

"(4) Where an abandonment order has been made in relation to a railway line owned or operated by a railway company, the following provisions shall have effect, that is to say:—

(a) where the railway line has been carried over a public road by means of a bridge which the railway company were, immediately before the date (in this subsection referred to as the operative date) on which the order comes into force, under a liability to maintain—

(i) the Minister shall appoint a date (in this paragraph referred to as the appointed date) for the purposes of this paragraph,

(ii) the railway company and the local authority in whose functional area the bridge is situate may, before the appointed date, enter into an agreement for the removal or other method of dealing with the bridge (including, if necessary, either the restoration of the public road to like or other equally convenient state as it was in before it was interfered with by the makers of the railway line or the diversion of the public road) upon such terms and conditions as the parties thereto think fit, and, in that case, the liability (except such (if any) as may be imposed by the agreement) of the railway company to maintain the bridge shall cease upon the execution of the agreement,

(iii) if no such agreement is so executed, but the railway company remove the superstructure of the bridge before the appointed date, then—

(I) the liability of the railway company to maintain the bridge shall cease as on and from the date of removal, and

(II) the local authority shall, as on and from the date of removal, be liable to maintain so much of the bridge as remains after the removal of the superstructure, and

(III) the railway company shall pay to the local authority compensation for any expenses which the local authority may incur by reason of the liability so imposed on them,

(iv) if no such agreement is so executed or if the superstructure of the bridge is not so removed, then—

(I) the liability of the railway company to maintain the bridge shall cease on the appointed date, and

(II) the local authority shall, as on and from the appointed date, be liable to maintain the bridge, and

SECTION 101—*continued.*

- (III) the railway company shall pay to the local authority compensation for any expenses which the local authority may incur by reason of the liability so imposed on them,
- (b) where a public road has been carried over the railway line by means of a bridge which the railway company were, immediately before the operative date, under a liability to maintain—
- (i) the Minister shall appoint a date (in this paragraph referred to as the appointed date) for the purposes of this paragraph,
- (ii) the railway company and the local authority in whose functional area the bridge is situate may, before the appointed date, enter into an agreement for the removal or other method of dealing with the bridge (including, if necessary, either the restoration of the public road to like or other equally convenient state as it was in before it was interfered with by the makers of the railway line or the diversion of the public road) upon such terms and conditions as the parties thereto think fit, and, in that case, the liability (except such (if any) as may be imposed by the agreement) of the railway company to maintain the bridge shall cease upon the execution of the agreement,
- (iii) if no such agreement is so executed, then—
- (I) the liability of the railway company to maintain the bridge shall cease on the appointed date, and
- (II) as on and from the appointed date, the local authority shall be liable to maintain the bridge, and
- (III) the railway company shall pay to the local authority compensation for any expenses which the local authority may incur by reason of the liability so imposed on them;
- (c) if the railway line crosses on the level any public road, the railway company shall, not later than such date as the Minister may fix, remove the rails and do all such other things as may be necessary to render that part of the said public road on which the railway line crossed fit and safe for use by the public, and thereupon the liability of the railway company to maintain the said part in repair shall cease;
- (d) the liability, imposed on the railway company by section 68 of the Railways Clauses Act, 1845, to maintain any works (other than bridges over or under the railway line) of the kind mentioned in the said section 68 made, in pursuance of that section, for the accommodation of owners and occupiers of land adjoining the railway line shall as from the operative date cease, but the railway company shall pay to any owner or occupier of land adjoining the railway line for the accommodation of which any such works were made in pursuance of the said section 68 and which the railway company were immediately before the operative date liable to maintain, compensation for all such injury or damage (if any) as he may sustain by reason of the cesser of the liability of the railway company to maintain those works;
- (e) where any bridge (being a bridge which the railway company were immediately before the operative date liable to maintain) was, in pursuance of section 68 of the said Railway Clauses Act, 1845, made over or under the

SECTION 101—*continued.*

railway line for accommodation of owners and occupiers of land adjoining the railway line—

- (i) if the railway company, before such date as the Minister may fix for the purpose, do the following works, namely, replace the said bridge by a crossing on the level over the site of the abandoned railway and render the said crossing fit and safe for use, then, as from the completion of the said works, the liability of the railway company shall cease and they shall not be under any obligation to maintain the said crossing in repair;
- (ii) if the railway company do not before the said date do the said works—
 - (I) the railway company shall as on and from the said date cease to be liable to maintain the said bridge,
 - (II) the railway company shall pay to any owner or occupier of the land adjoining the railway line for the accommodation of which the said bridge was made compensation for all such injury or damage (if any) as he may sustain by reason of the cesser of the liability of the railway company to maintain the said bridge.”

—Aire Tionnscoil agus Tráchtála.

175. To delete subsection (4).—Aire Tionnscoil agus Tráchtála.

176. Before subsection (9) to insert the following subsection:

“ (9) In this section—

the expression ‘ railway line ’ includes a section of a railway line;

the expression ‘ public road ’ means any road which a local authority is under a statutory obligation to maintain.”

—Aire Tionnscoil agus Tráchtála.

177. To delete subsection (9).—Aire Tionnscoil agus Tráchtála.

SECTION 103.

178. Before section 103, to insert the following new section:—

“ (1) Where a mechanically propelled vehicle or a vehicle drawn by a mechanically propelled vehicle is used for the carriage of merchandise, then, subject to this section, the merchandise shall until the contrary is proved, be deemed for the purposes of the Act of 1933, to be carried for reward. Carriage for reward.

(2) Where—

- (a) merchandise, which is supplied by a person in the course of a trade or business carried on by him is, for the purpose of delivery to the customer, carried in a mechanically propelled vehicle owned by that person or in a vehicle drawn by a mechanically propelled vehicle owned by that person, or
- (b) merchandise, which is to be or has been subjected to any one or more of the following processes, namely, repairing, cleaning, laundering and dyeing, by a person in the course of a trade or business carried on by him is, for the purpose of collection from or delivery to the customer, carried in a mechanically propelled vehicle owned by that person or in a vehicle drawn by a mechanically propelled vehicle owned by that person,

the merchandise shall, for the purposes of the Act of 1933, be deemed not to be carried for reward.

(3) Where—

- (a) a mechanically propelled vehicle owned by a person or

SECTION 103—*continued.*

a vehicle drawn by a mechanically propelled vehicle owned by a person is used for the carriage of merchandise the property of that person, or

- (b) a mechanically propelled vehicle owned by a company or a vehicle drawn by a mechanically propelled vehicle owned by a company is used for the carriage of merchandise the property of any company which is in the same ownership, or under the same management, as the company owning the mechanically propelled vehicle,

then, subject to subsections (4) and (5) of this section, the merchandise shall be deemed, for the purposes of the Act of 1933, not to be carried for reward.

(4) Where—

(a) a vehicle (being a mechanically propelled vehicle or a vehicle drawn by a mechanically propelled vehicle) is used for the carriage of merchandise, and

(b) the vehicle is registered in the name of two or more persons,

the merchandise shall, for the purposes of the Act of 1933, be deemed not to be the property of the owner of the vehicle, unless it is proved that it is the common property of the persons in whose name the vehicle is registered.

(5) Where—

(a) a person is, in relation to the carriage of merchandise, charged with having committed on a particular occasion an offence under the Act of 1933, and

(b) it is proved that the merchandise was on the said occasion carried in a mechanically propelled vehicle owned by that person or in a vehicle drawn by a mechanically propelled vehicle owned by that person, and

(c) it is alleged by that person that the merchandise was his property, and

(d) it appears that the merchandise was not manufactured or produced by that person, but was acquired by him, and

(e) the Court is of opinion that (having regard to the circumstances of the acquisition, the purposes for which the merchandise is capable of being used, the recentness of the acquisition and the calling of that person) the merchandise was not *bona fide* acquired by him for the purposes of his trade or business or for his own private use,

the Court shall, for the purposes of the Act of 1933, deal with the charge on the assumption that the property in the merchandise never passed to that person and that the merchandise was on the said occasion carried for reward by him."

—Aire Tionnscail agus Tráchtála.

NOTE.—*Acceptance of this amendment involves the deletion of sections 103 and 104.*

SECTION 106.

178a. Before section 106 to insert a new section as follows:—

"On and after the passing of this Act there shall be no legal limit to the number of mechanically propelled vehicles owned by citizens of Éire and used for the carriage of merchandise, whether said merchandise is the property of the owner or otherwise."

—Patriek Cogan.

179. In subsection (3), to delete paragraph (a) and substitute the following paragraph—

"(a) every application shall be made to the Minister in such form and in such manner as the Minister may direct."

—Aire Tionnscail agus Tráchtála.

SECTION 106—*continued.*

180. In subsection (3) (b) (ii), line 44, to delete the words “ proposed to be ” and substitute the words “ then actually ”.—Aire Tionnscail agus Tráchtála.
181. In subsection (3) (b) (v) (1), line 61, to insert after the word “ State ” the words “ by the applicant ”.—Aire Tionnscail agus Tráchtála.
182. In subsection (3) (b) (vii), line 5, to delete the words “ may be prescribed ” and insert the words “ the Minister may direct ”.—Aire Tionnscail agus Tráchtála.
183. In subsection (6), line 57, to delete the word “ and ”; and in line 58, before the words “ be deemed ” to insert the words “ and this Act.”.—Aire Tionnscail agus Tráchtála.

SECTION 111.

184. Before section 111 but in Part VII to insert the following new section:—

“ Where the Superintendent of the *Gárda Síochána*, within whose district a plate issuing station is situated, is satisfied that any mechanically propelled vehicle (in this section referred to as the original vehicle), in respect of which a vehicle plate was issued at that station, is undergoing repairs, he may, if he thinks fit, on the application of the licensee under a merchandise licence who is the owner of the original vehicle, issue to the licensee a permit (which shall be in such form as the Minister directs) to use, for the purposes of the merchandise road transport business authorised by the licence, during such period (not exceeding ten days from the date of the permit) as he thinks fit, another mechanically propelled vehicle (in this section referred to as the substituted vehicle) of the like kind, 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, in that case, subsection (2) of section 34 (which relates to an obligation to carry vehicle plates on vehicles carrying merchandise) of the Act of 1933 shall not, during the period specified in the permit, apply in respect of the user for the purposes of the said merchandise road transport of the substituted vehicle.”

Temporary exemption from subsection (2) of section 34 of the Act of 1933.

—Aire Tionnscail agus Tráchtála.

185. Before section 111, but in Part VII, to insert the following new section:—

“ (1) Where a licensee, whose existing standard lorry weight is less than his maximum lorry weight, applies to the Minister to amend his merchandise (existing carrier's) licence by increasing his standard lorry weight to his maximum lorry weight, the Minister shall amend the licence accordingly.

Increase of standard lorry weight of certain holders of merchandise (existing carrier's) licences.

(2) For the purposes of this section—

the word ‘ licensee ’ means a licensee under a merchandise (existing carrier's) licence, other than any such licence granted by virtue of section 106 of this Act;

the existing standard lorry weight for a licensee shall be taken to be the weight which was his standard lorry weight on the establishment date;

the original standard lorry weight for a licensee shall be taken to be the standard lorry weight specified in his licence as originally issued or, if his standard lorry weight has been increased or determined under subsections (1) or (3) of section 11 of the Road Transport Act, 1934 (No. 17 of 1934), his standard lorry weight as so increased or determined;

the maximum lorry weight for a licensee shall be taken to be—

(a) in case his original standard lorry weight is four tons or less—

(i) his original standard lorry weight increased by one-fifth, or

SECTION 111—*continued.*

- (ii) two tons and five hundred-weights, whichever is the greater, or
- (b) in case his original standard lorry weight exceeds four tons—
 - (i) his original standard lorry weight increased by one-tenth, or
 - (ii) four tons and sixteen hundred-weights, whichever is the greater.”

—Aire Tionnscail agus Tráchtála.

186. Before section 111, but in Part VII, to insert the following new section :—

Increase of standard tractor weight of certain holders of merchandise (existing carrier's) licences.

“ (1) Where a licensee, whose existing standard tractor weight is less than his maximum tractor weight, applies to the Minister to amend his merchandise (existing carrier's) licence by increasing his standard tractor weight to his maximum tractor weight, the Minister shall amend the licence accordingly.

(2) For the purposes of this section—

the word “ licensee ” means a licensee under a merchandise (existing carrier's) licence, other than any such licence granted by virtue of *section 106* of this Act;

the existing standard tractor weight for a licensee shall be taken to be the weight which was his standard tractor weight on the establishment date;

the original standard tractor weight for a licensee shall be taken to be the standard tractor weight specified in his licence as originally issued or, if his standard tractor weight has been increased, or determined under subsections (2) or (4) of section 11 of the Road Transport Act, 1934 (No. 17 of 1934), his standard tractor weight as so increased or determined;

the maximum tractor weight for a licensee shall be taken to be—

- (a) in case his original standard tractor weight is four tons or less—
 - (i) his original standard tractor weight increased by one-fifth, or
 - (ii) two tons and five hundred-weights, whichever is the greater, or
- (b) in case his original standard tractor weight exceeds four tons—
 - (i) his original standard tractor weight increased by one-tenth, or
 - (ii) four tons and sixteen hundred-weights whichever is the greater.”

—Aire Tionnscail agus Tráchtála.

187. Before section 111, but in Part VII, to insert the following new section :—

Giving of register of merchandise licences in evidence.

“ Every document purporting to be a copy of an entry in the register of merchandise licences kept under section 29 of the Act of 1933, and purporting to be certified by an officer of the Department of Industry and Commerce 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.”

—Aire Tionnscail agus Tráchtála.

188. Before section 111, but in Part VII, to insert the following new section :—

Obligation of licensee under a merchandise licence to supply drivers of vehicles with copies of licence.

“ (1) Where a mechanically propelled vehicle is about to be used for the purposes of the merchandise road transport business of a licensee under a merchandise licence, the licensee shall deliver to the person who is to act as driver of the vehicle while being so used a true copy of the licence.

SECTION 111—*continued.*

(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 thereof to a fine not exceeding ten pounds.

(3) In this and the next following section the expression 'merchandise licence' does not include a merchandise licence held by an authorised (merchandise carrying) company."

—Aire Tionnscail agus Tráchtála.

189. Before section 111, but in Part VII, to insert the following new section:—

"(1) Any member of the *Gárda Síochána* may demand of any person, driving a mechanically propelled vehicle which is being used for the purposes of the merchandise road transport business of a licensee under a merchandise licence, the production of a copy of the licence, and if 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 thereof to a fine not exceeding ten pounds.

Production by driver of vehicle, owned by licensee under a merchandise licence, of copy of licence.

(2) A person who, when the production of a copy of a merchandise licence is lawfully demanded of him under this section, does not produce a copy of the licence because he has not one in his possession shall be deemed to fail to produce a copy of the licence within the meaning of this section."

—Aire Tionnscail agus Tráchtála.

190. Before section 111, but in Part VII, to insert the following new section:—

"(1) The holder of a merchandise licence shall not describe himself or hold himself out as—

(i) carrying on a merchandise road transport business in respect of merchandise other than merchandise specified in a merchandise licence held by him, or

(ii) carrying on a merchandise road transport business within any area (not being an exempted area or an area specified in a merchandise licence held by him).

Prohibition of licensee holding himself out as carrying on merchandise road transport business not authorised by his licence.

(2) If the holder of a merchandise licence acts in contravention of this section, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds."

—Aire Tionnscail agus Tráchtála.

191. In line 25, to insert after the words "used for" the words "the carriage of passengers under a passenger licence, within the meaning of the Road Transport Act, 1932 (No. 2 of 1932), or".—Aire Tionnscail agus Tráchtála.

SECTION 112.

192. Before subsection (2) to insert the following subsection:—

"(2) Where the Minister proposes to make in relation to a canal undertaker an order under this section he shall cause a draft of the order to be prepared and serve a copy of the draft on the canal undertaker and shall, before making the order, consider any representations made by the canal undertaker within fourteen days after the service of the draft."

—Aire Tionnscail agus Tráchtála.

193. To add at the end of the section the following subsection:—

"(3) Where the Minister by an order under this section requires any canal undertaker to execute any works, he may, after consultation with the Minister for Local Government and Public Health, require the local authority in whose functional area the works are situate, to pay to that canal undertaker, as a contribution towards the expense of the works, such sum as he thinks proper, and in that case the canal undertaker may recover the said sum from the local authority as a simple contract debt in any court of competent jurisdiction."

—Aire Tionnscail agus Tráchtála.

SECTION 115.

194. In subsection (1), page 46, line 8, to insert the words " with any other transport undertaking " after the word " arrangement "; and in line 11, to delete the words " by railways ".—Aire Tionnseail agus Tráchtála.

FIRST SCHEDULE.

195. Before the First Schedule to insert the following new section:—

Redemption of certain stocks of the dissolved railway company.

" The dissolved railway company shall have and be deemed always to have had power to redeem in cash by agreement with the holders thereof any of the following stocks, that is to say:—

North Wall Extension, Lines 1 and 2—£100 shares.

4 per cent. New Ross and Waterford Extension Railways' Guaranteed Stock.

4 per cent. City of Dublin Junction Railways' Debenture Stock, 1884 and 1887.

4 per cent. City of Dublin Junction Railways' Debenture Stock, 1894 and 1897.

4 per cent. City of Dublin Junction Railways' Preference Stock.

4 per cent. City of Dublin Junction Railways' Guaranteed Stock.

4 per cent. Redeemable (1947) Debenture Stock."

—Aire Tionnseail agus Tráchtála.

196. Before the First Schedule to insert the following new section:—

Agreement between the Company, the Dublin Corporation and the Grand Canal Company with respect to maintenance and operation of Victoria Bridge in the City of Dublin.

" (1) The Company, the Dublin Corporation and the Grand Canal Company may enter into an agreement (in this subsection referred to as the said agreement) with respect to the maintenance, opening and closing of the Victoria Bridge across the Grand Canal in the county borough of Dublin, but the said agreement shall not have any force or effect unless confirmed by the Minister, who is hereby authorised, if he thinks fit, to do so.

(2) If the said agreement is confirmed by the Minister, the following provisions shall thereupon have effect, that is to say:—

(a) the said agreement shall have statutory effect,

(b) each of the parties thereto shall, notwithstanding any limitation on the power of that party to enter into it, be deemed to have power to enter into the said agreement,

(c) it shall be the duty of each of the parties thereto and each of the said parties is hereby empowered to carry out the said agreement so far as the provisions thereof are to be carried out by that party."

—Aire Tionnseail agus Tráchtála.

Leasuithe do Leasú 196.

Amendments to Amendment 196.

196a. At the end of the proposed new section to add the following subsection:—

" In the absence of any such agreement as is hereinbefore provided for nothing in this Act shall alter or lessen the rights and obligations of the Company, the Grand Canal Company and the Dublin Corporation under the Dublin Tramways Company (Extensions and Alterations) Order, 1899."

—Peadar S. Doyle.

196b. At the end of the proposed new section to add the following subsection:—

" In case such agreement as is hereinbefore provided for shall not be entered into and confirmed within three years after the passing of this Act it shall be lawful for the Minister for Local Government and Public Health to prescribe the terms of an agreement providing for the future maintenance (including reconstruction) and control of Victoria Bridge and the Company, the Grand Canal Company and the Dublin Cor-

FIRST SCHEDULE—*continued.*

poration shall enter into an agreement in the terms so prescribed."

—Peadar S. Doyle.

197. Before the First Schedule to insert the following new section:—

Agreement between the Company, the Cork Corporation and the Cork Harbour Commissioners with respect to maintenance and operation of bridges in the City of Cork.

"(1) The Company, the Lord Mayor, Aldermen and Burgesses of Cork and the Cork Harbour Commissioners may enter into an agreement (in this subsection referred to as the said agreement) with respect to the maintenance, opening and closing of the bridge across the North Channel of the River Lee and the bridge across the South Channel of the River Lee, both in the county borough of Cork, but the said agreement shall not have any force or effect unless confirmed by the Minister, who is hereby authorised, if he thinks fit, to do so.

(2) If the said agreement is confirmed by the Minister, the following provisions shall thereupon have effect, that is to say:—

- (a) the said agreement shall have statutory effect,
- (b) each of the parties thereto shall, notwithstanding any limitation on the power of that party to enter into it, be deemed to have power to enter into the said agreement,
- (c) it shall be the duty of each of the parties thereto and each of the said parties is hereby empowered to carry out the said agreement so far as the provisions thereof are to be carried out by that party."

—Aire Tionnseail agus Tráchtála.

198. Before the First Schedule to insert the following section:—

Deposit with Minister of agreements regulating conditions of service of road transport employees of railway company.

"The original or counterpart, or a copy, certified, in such manner as the Minister shall direct, to be a true copy, of every agreement made after the passing of this Act in accordance with section 10 (which relates to the regulation of conditions of service of road transport employees of railway companies) of the Railways Act, 1933 (No. 9 of 1933), shall be deposited with the Minister within one month after the making of the agreement."

—Aire Tionnseail agus Tráchtála.

199. To insert, after the entry relating to the Midland Great Western Railway of Ireland (Moate Deviation) Act, 1848, the following:—

" 63 & 64 Vic., c. clvi	Dublin Wicklow and Wexford Railway Act, 1900.	Section 26
3 Edw. VII., c. clx	Great Southern and Western Railway Act, 1903.	Section 38
3 Edw. VII., c. clxiii	Midland Great Western Railway of Ireland Act, 1903.	Section 31, so far as relates to trespass by persons."

—Aire Tionnseail agus Tráchtála.

200. In the third column referring to the Statutory Undertakings (Temporary Increase of Charges) Act, 1918, to delete the words "The whole Act" and substitute the words "The Act so far as it relates to tramways".

—Aire Tionnseail agus Tráchtála.

201. In the third column, referring to the Road Transport Act, 1933, to delete the word and figures "Section 16" and substitute the words and figures "In section 2, the definition of the expression 'carriage for reward'; sections 4 and 16";

—Aire Tionnseail agus Tráchtála.

FIRST SCHEDULE—*continued.*

202. At the end of the First Schedule to insert the following:—

“ No. 17 of 1934 ...	The Road Transport Act, 1934.	Section 11
No. 23 of 1935 ...	The Road Transport Act, 1935.	Sections 2 and 3 ”

—Aire Tionnscail agus Tráchtála.

SECOND SCHEDULE.

203. Before paragraph 8 to insert the following paragraph:—

Provisions in relation to Income Tax chargeable on dissolved companies.

“ (1) A dissolved company shall, on and after the establishment date, continue to be liable under the Income Tax Acts to prepare and deliver any statement, return or particulars required for the purposes of those Acts for any year of assessment ending on or before the 5th day of April, 1945.

(2) Assessments to income tax for any year of assessment ending on or before the 5th day of April, 1945, may be made on a dissolved company on or after the establishment date, and income tax in respect of any such assessment so made, which shall have become final and conclusive, shall, when it becomes due and payable, be deemed to have become due and payable before the establishment date.

(3) For the purposes of subparagraphs (1) and (2) of this paragraph the secretary of the Company or other officer performing the duties of secretary of the Company shall be deemed to be secretary of a dissolved company or other officer performing the duties of secretary of that dissolved company.

(4) The Company shall be and is hereby empowered to deduct out of the emoluments of any person holding an office or employment of profit under the Company any income tax charged on the dissolved railway company in respect of any office or employment of profit held by such person under the dissolved railway company.”

—Aire Tionnscail agus Tráchtála.

204. Before paragraph 8 to insert the following paragraph:—

Provisions in relation to corporation profits tax chargeable on the dissolved transport company.

“ (1) The dissolved transport company shall, on and after the establishment date, continue to be liable, under the enactments relating to corporation profits tax to prepare and deliver any statement, return or particulars required for the purposes of those enactments for any accounting period ending on or before the 31st day of December, 1944.

(2) Assessments to corporation profits tax for any accounting period ending on or before the 31st day of December, 1944, may be made on or after the establishment date on the dissolved transport company and corporation profits tax in respect of any such assessment so made, which shall have become final and conclusive, shall, when it becomes due and payable, be deemed to have become due and payable before the establishment date.

(3) For the purposes of subparagraphs (1) and (2) of this paragraph, the secretary of the Company or other officer performing the duties of secretary of the Company shall be deemed to be secretary of the dissolved transport company or other officer performing the duties of secretary of the dissolved transport company.

(4) In this paragraph references to corporation profits tax shall be construed as including references to excess corporation profits tax.”

—Aire Tionnscail agus Tráchtála.

THIRD SCHEDULE.

205. In Parts I and II to delete column 4.—Patrick McGilligan.

206. To insert at the end of Part I the following:—

“ 5	4 per cent. New Ross and Waterford Extension Railways' Guaranteed Stock.	3 per cent. Redeemable Debenture Stock.	100
6	4 per cent. City of Dublin Junction Railways' Debenture Stock, 1884 and 1887.	3 per cent. Redeemable Debenture Stock.	100
7	4 per cent. City of Dublin Junction Railways' Debenture Stock, 1894 and 1897.	3 per cent. Redeemable Debenture Stock.	100
8	4 per cent. City of Dublin Junction Railways' Preference Stock.	3 per cent. Redeemable Debenture Stock.	100
9	4 per cent. City of Dublin Junction Railways' Guaranteed Stock.	3 per cent. Redeemable Debenture Stock.	100

—Aire Tionnscoil agus Tráchtála.

FOURTH SCHEDULE.

207. To delete paragraph 2.—William Norton, William Davin.

208. To delete paragraph 3 (2).—William Norton, William Davin.

209. In paragraph 4, line 49, to delete the word “two” and insert the word “three”.—William Norton, William Davin.

210. To delete paragraph 5 (3).—William Norton, William Davin.

211. In paragraph 7, line 27, to delete the words “one thousand” and substitute the words “five hundred”.—William Norton, William Davin.

212. To delete paragraph 7 (2).—William Norton, William Davin.

213. To add at the end of the Schedule the following additional paragraphs:—

“ 8. (1) Not less than thirty days before the date of each ordinary meeting of the Company the Minister (after consultation with the Minister for Finance) shall appoint official directors and (after consultation with the Minister for Agriculture) shall appoint transport users directors in accordance with the following subparagraphs of this paragraph.

(2) If in the year ending on the 31st day of December next preceding such ordinary meeting there shall have been redeemed any Debenture Stock either by the Company out of its revenue or through or by moneys advanced out of or in any way chargeable on or payable out of the Central Fund, the Minister shall appoint after the appropriate consultation directed by subparagraph (1) of this paragraph either an official director or directors or a transport users director or directors or directors of both such classes so that there shall be so appointed in respect of any Debenture Stock redeemed by or with the aid of the Central Fund one official director for the first £2,000,000 of such Debenture Stock so redeemed (or part thereof not exceeding such £2,000,000) and one additional official director for each successive amount of £2,000,000 of such Debenture Stock so redeemed (or part thereof not exceeding such £2,000,000) and in respect of any Debenture Stock redeemed by the Company out of its revenue one transport users director for the first £2,000,000 of such Debenture Stock so redeemed (or part thereof not exceeding such £2,000,000) and one additional transport users director for each successive amount of £2,000,000 of such

FOURTH SCHEDULE—*continued.*

Debenture Stock so redeemed (or part thereof not exceeding such £2,000,000).

(3) The Minister when appointing official directors shall select such persons as are in his opinion representative of agricultural, industrial or commercial interests and when appointing transport users directors shall select such persons as are in his opinion representative of the interests of passengers upon or traders using transport undertakings or the owners or operators of transport services other than the Company.

(4) Every official or transport users director shall hold his office as such director for such period not exceeding three years as the Minister shall fix at the time of his appointment and shall be eligible for re-appointment.

(5) Whenever a casual vacancy occurs amongst either the official or transport users directors the Minister shall appoint a director representative of the same interests as the director who has vacated office to fill the casual vacancy for the remainder of such director's term.

9. (1) Not less than thirty days before the 1945 meeting the Minister shall appoint as employees directors (after consultation with the organisations representative of employees in transport undertakings) three persons who are in his opinion representative of the interests of employees in transport undertakings.

(2) Every employees director shall hold his office as such director for such period not exceeding three years as the Minister shall fix at the time of his appointment and shall be eligible for re-appointment.

(3) Whenever a casual vacancy occurs amongst the employees directors the Minister shall appoint a director representative of the same interests as the director who has vacated office to fill the casual vacancy for the remainder of such director's term."

—Patrick McGilligan.

FIFTH SCHEDULE.

214. In paragraph 1 (1) (a), line 39, to delete the word "Railway" and substitute the word "Railways".—Aire Tionnscoil agus Tráchtála.

215. In paragraph 1 (1) (a), at the end of line 39, after the expression "(No. 29 of 1924)" to add the words "and the Road Transport Act, 1933 (No. 8 of 1933)".—James Everett.

216. In paragraph 1 (1), between lines 41 and 42, to insert the following:—

"the expression 'former road transport undertaker' means a person who was the holder of a passenger licence, within the meaning of the Road Transport Act, 1932 (No. 2 of 1932), or of a merchandise (existing carriers') licence within the meaning of the Road Transport Act, 1933 (No. 8 of 1933), and whose said licence was transferred to a dissolved company."

—Aire Tionnscoil agus Tráchtála.

217. In paragraph 1 (2) (a), between lines 52 and 53, page 51, to insert the following:—

"(ii) if that person had service with a former transport company, service in the Irish Railway Clearing House;"

—Aire Tionnscoil agus Tráchtála.

218. In paragraph 1 (2), between lines 53 and 54, to insert the following:—

"(iv) service (being service which is recognised for the

FIFTH SCHEDULE—*continued.*

purposes of a superannuation scheme, within the meaning of *section 42* of this Act, or an existing superannuation fund, within the meaning of *section 43* of this Act) with any former road transport undertaker ”.

—Aire Tionnscail agus Tráchtála.

219. In paragraph 1 (2) (b), line 8, page 52, after the word “Force” to insert the words:—

“ or was temporarily absent from his employment for any other reason with the knowledge and consent of a dissolved company ”.

—William Davin, Michael J. Keyes.

220. In paragraph 1 (2), page 52, between lines 14 and 15, to insert the following:—

“ (d) if that person was temporarily absent from his employment with a former transport company for a period of less than one year on account of—

(i) the temporary closing or reduction of services on a railway line, due to conditions resulting from the present war, or

(ii) the cessation or reduction of any other transport services, due to the said conditions, or

(iii) illness or accident, or

(iv) any trade dispute to which he was not a party, such temporary absence shall be included in the period of his pensionable service; ”.

—Aire Tionnscail agus Tráchtála.

221. In paragraph 1, to insert before subparagraph (2) (d) the following:—

“ (d) Without prejudice to the provisions of the preceding subparagraphs of this paragraph, if that person was absent from his employment for a period of less than one year on account of the closing or the partial closing of a railway or section of a railway or the cessation or partial cessation of a transport service or section of a transport service or on account of any strike, lock-out or interruption of his service due to a trade dispute, or on account of illness or accident, such absence shall not be deemed to have caused an interruption of his employment if such employment was otherwise continuous ”.

—Martin O’Sullivan, Michael J. Keyes, James Larkin (Junior).

222. In paragraph 1 to insert before subparagraph (2) (d) the following:—

“ If that person was, owing to circumstances created by the emergency, temporarily released from his employment with a dissolved company, such temporary absence shall not constitute a break in the continuity of his service ”.

—James Everett.

- 222a. At the end of paragraph 3 to add a new subparagraph as follows:—

“ (e) the term ‘ remuneration ’ in this clause shall be taken to include any cost of living or other emergency bonus of which the person is in receipt, provided always that should the bonus payable to the non-retired members of the Company’s staff in the same grade as the retiring officer or servant be increased or decreased subsequent to the date of retirement of the person, the proportion of the bonus included in

FIFTH SCHEDULE—*continued.*

the compensation payable by the Company shall be increased or decreased by a proportionate amount, whether or not the addition of any portion of the cost of living or other emergency bonus shall bring the total compensation payable to the officer or servant above the equivalent of two-thirds of the remuneration and emoluments payable to the employee at the date of retirement.”

—Peadar S. Doyle.

223. Before paragraph 4, to insert a new paragraph as follows:—

“ 4. Compensation payable to a person who shall without his consent be by reason of transfer in any worse position in respect to the conditions of his service as a whole, shall be a lump sum of money to be determined by the Company, subject to an appeal as to the amount thereof to the standing arbitrator and such arbitrator may if he so thinks fit upon the hearing thereof award as compensation in lieu of a lump sum of money an annual allowance to be paid to that person not exceeding in any case two-thirds of his remuneration and emoluments and, subject to that over-riding limitation, not exceed an annual sum calculated at the rate of one-sixtieth of his remuneration and emoluments for every completed year of his pensionable service. In fixing the nature and amount of compensation to be awarded in cases within this provision all the circumstances of the case shall be taken into consideration including any prospective loss or injury.”

—William Davin, Martin O’Sullivan, Michael J. Keyes.

224. In paragraph 4 (a), line 3, to delete the semicolon and substitute a comma and the word “ and ”.—Aire Tionnseail agus Tráchtála.

EIGHTH SCHEDULE.

225. In paragraph 2 (1), line 40, paragraph 2 (2), line 5, paragraph 3, line 15, paragraph 4, line 25, paragraph 5, line 31, paragraph 6 (1), line 35, paragraph 6 (2), line 41, paragraph 9 (d), line 21, paragraph 10 (2), line 62, paragraph 10 (3), line 7, and paragraph 19, line 58, to delete the word “ Minister ” and substitute the words “ High Court ”—Patrick McGilligan.

226. To delete paragraph 15 and substitute the following paragraph:—

“ 15. The Company may charge for a fraction of a mile as for a mile.”—Aire Tionnseail agus Tráchtála.

TENTH SCHEDULE.

227. In lines 5, 23, and 32, to insert the word “ maximum ” in each case before the word “ rates ”.—Aire Tionnseail agus Tráchtála.