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**AN BILLE IOMPAIR, 1958.  
TRANSPORT BILL, 1958.**

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*Mar a ritheadh ag dhá Thigh an Oireachtais.  
As passed by both Houses of the Oireachtas.*

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AN BILLE IOMPAIR, 1958.  
TRANSPORT BILL, 1958.

# BILL

entitled

5 AN ACT TO MAKE FURTHER PROVISION IN RELATION  
TO TRANSPORT.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

## PART I.

### PRELIMINARY AND GENERAL.

10 1.—This Act may be cited as the Transport Act, 1958.

Short title.

2.—In this Act—

Definitions.

“the Act of 1950 ” means the Transport Act, 1950 ;

1950, No. 12.

“the Act of 1955 ” means the Transport Act, 1955 ;

1955, No. 25.

“the Board ” means Córas Iompair Éireann ;

15 “the Minister ” means the Minister for Industry and Commerce.

3.—Nothing in this Act shall affect the rights of the Minister for  
Posts and Telegraphs under any enactment relating to the convey-  
ance of letter or parcel mails by rail.

Saving for rights  
of Minister for  
Posts and  
Telegraphs.

20 4.—Every order under this Act shall be laid before each House of  
the Oireachtas as soon as may be after it is made, and if a resolution  
annulling the order is passed by either House within the next sub-  
sequent twenty-one days on which that House has sat after the order  
is laid before it, the order shall be annulled accordingly but without  
prejudice to the validity of anything previously done thereunder.

Laying of  
orders before  
Houses of the  
Oireachtas.

25 5.—The expenses incurred by the Minister in the administration  
of this Act shall, to such extent as may be sanctioned by the  
Minister for Finance, be paid out of moneys provided by the  
Oireachtas.

Expenses.

30 6.—The enactments mentioned in the *First Schedule* are hereby  
repealed to the extent specified in the third column.

Repeals.

## PART II.

### GENERAL POWERS AND DUTIES OF BOARD.

35 7.—(1) It shall be the general duty of the Board to provide  
reasonable, efficient and economical transport services with due  
regard to safety of operation, the encouragement of national  
economic development and the maintenance of reasonable conditions  
of employment for its employees.

General duties  
of the Board.

40 (2) It shall be the duty of the Board to conduct its undertaking  
so that, as soon as may be, and in any case not later than the 31st  
day of March, 1964, its operating expenditure, including all charges  
properly chargeable to revenue, shall not be greater than the  
revenue of the Board.



(3) Nothing in this section shall be construed as imposing on the Board, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which it would not otherwise be subject.

Terms and  
conditions of  
carriage.

8.—(1) In this section—

5

“charges” includes fares, rates or tolls;

“service” means any of the following—

(a) the conveyance of passengers and their luggage,

(b) the receiving, forwarding, carrying and delivering of  
merchandise,

10

(c) any other transport service or facility.

(2) The Board may fix, demand, take and recover such charges as the Board thinks fit for any service provided by it.

(3) The Board may attach to any service provided by it such terms and conditions as the Board thinks fit.

15

(4) Any carriage of merchandise by rail by the Board which is in accordance with the terms and conditions contained in Statutory Rule and Order No. 13 of 1930 shall be deemed to be carriage of that commodity under terms and conditions which are just and reasonable.

20

(5) Unless otherwise specified in writing by the Board, all merchandise carried by the Board by rail shall be deemed to be carried subject to the terms and conditions contained in Statutory Rule and Order No. 13 of 1930.

(6) The Minister, on the application of the Board, may by order vary (whether by addition, substitution or deletion) the terms and conditions of carriage contained in Statutory Rule and Order No. 13 of 1930, and references in this section (including this subsection) to such terms and conditions shall be construed as references to those terms and conditions as so varied.

30

(7) Where an application is made under *subsection (6)*, the Board shall, if the Minister so requires, give notice of the application to the public in such form and manner as the Minister directs.

(8) Notwithstanding any rule of law or enactment to the contrary, the Board may refuse any particular traffic offered to it.

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Level crossings.

9.—(1) The Minister may, on the application of the Board and after consultation with the Minister for Local Government, by order provide that the provisions of section 47 of the Railways' Clauses Consolidation Act, 1845, and section 6 of the Railways' Clauses Act, 1863, which relate to the control of level crossings, and any other enactment incorporating requirements to similar effect, or such of those provisions as may be specified in the order, shall not apply to a specified level crossing of the undertaking.

40

(2) The order may require the Board to provide and maintain such barriers, lights and automatic and other devices and appliances and to comply with such other conditions and requirements for the protection, safety and convenience of the public as the Minister thinks fit and specifies in the order.

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(3) The order may require the Board to recompense, in such manner as the order may prescribe, any person performing services for the Board at the level crossing under any form of agreement, where that person's services under the agreement are dispensed with as a consequence of the order.

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(4) An application by the Board to the Minister shall be accompanied by a draft of the proposed order and the draft shall be in such form as the Minister may direct.

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(5) Before making the application the Board shall give notice of its proposal, together with a copy of the draft, to the appropriate road authority and to the Commissioner of the Garda Síochána.

(6) The Minister may, after consultation with the Minister for Local Government, by order amend or revoke an order under this section.

### PART III.

#### FINANCE.

10.—(1) The Minister shall, out of moneys provided by the Grants to Board. Oireachtas, make to the Board in the financial year beginning on the 1st day of April, 1959, and in each of the next four financial years an annual grant of £1,000,000.

(2) The Board shall utilise such payments so far as may be necessary to defray the interest on its transport stock and may apply the balance for the purposes of its undertaking in such manner as it thinks fit.

(3) The provision for payment of interest made by subsection (2) is without prejudice to the continued operation of subsection (3) of section 30 of the Act of 1950.

20 11.—(1) The Minister for Finance shall be liable, to the exclusion of the Board, for the due payment of the principal, amounting to £9,889,083 of the Board's 3% Transport Stock, 1955-60 and that Stock shall be a Government loan for the purposes of the Government Loans (Conversion) Act, 1951. C.I.E. 3% Transport Stock, 1955-60, to be a Government loan. 1951, No. 12.

25 (2) All moneys required for the due payment by the Minister for Finance of the principal of the stock referred to in subsection (1) shall be paid out of the Central Fund or the growing produce thereof.

30 (3) For the purpose of providing for payments out of the Central Fund under subsection (2), the Minister for Finance may borrow from any person any sum or sums, and for the purpose of such borrowing he may create and issue securities bearing such rate of interest and subject to such conditions as to repayment, redemption or any other matter as he thinks fit, and shall pay 35 the moneys so borrowed into the Exchequer.

(4) The principal of and interest on any securities issued under this section and the expenses incurred in connection with the issue of such securities shall be charged on and payable out of the Central Fund or the growing produce thereof.

40 (5) The Minister for Finance shall pay from the Central Fund to the Board the amounts necessary to defray the interest due from time to time after the 1st day of April, 1959, on the stock referred to in subsection (1) and the Board shall apply such moneys to the payment of the amounts due to the holders of that stock.

45 (6) All moneys required for the purpose of making the payments from the Central Fund referred to in subsection (5) shall be charged on the Central Fund and the growing produce thereof.

50 12.—(1) The Board shall not be liable to repay to the Central Fund the sum of £5,623,400, being the total of advances made under subsection (3) of section 30 of the Act of 1950 up to the 31st day of March, 1958, to meet sums payable by the Minister for Finance under guarantees given by him under that section (comprising £4,820,400 in respect of interest on transport stock and £803,000 in respect of temporary borrowing) nor shall the Board be 55 liable to pay interest in respect of any period after that date on such advances; and subsections (6) and (8) of the said section are modified accordingly.

60 (2) The said sum of £803,000 shall, for the purposes of paragraph (b) of subsection (1) of section 30 of the Act of 1950, as amended by section 3 of the Act of 1955, be deemed to have been repaid by the Board.

Release of Board from liability to repay advances of £5,623,400 for transport stock interest and temporary borrowing.



Repayable advances of £1,000,000 for capital expenditure to be treated as non-repayable grant.

1957, No. 2.

1957, No. 15.

Compensation of employees whose services are dispensed with or conditions worsened.

Grants in respect of compensation.

Restriction of existing compensation provisions.

Returns in relation to compensation.

13.—The sum of £1,000,000, being the total of repayable advances to the Board for capital expenditure which, having been included in a Supplementary Estimate approved by Dáil Éireann on the 25th day of July, 1956, were granted by the Central Fund Act, 1957, and appropriated for that purpose by the Appropriation Act, 1957, shall be treated as a non-repayable grant from the 1st day of April, 1958. 5

14.—(1) Whenever the Board ceases to provide or permanently reduces any transport service by rail or inland waterway or substitutes diesel for steam traction or whenever an order is made under *section 9* in relation to a specified level crossing and as a consequence thereof the Board, within five years after the passing of this Act, either dispenses with the services of an officer or servant of the Board or transfers him to another position in its service the provisions of this section shall have effect. 10 15

(2) This section applies only to an officer or servant who at the date of his dismissal or transfer was employed in a permanent capacity or who was, except for casual interruptions of employment, employed by the Board during the whole of the preceding three years. 20

(3) If the Board dispenses with his services he shall be paid by the Board compensation calculated in accordance with the *Second Schedule*. 25

(4) If he is transferred to another position and thereby suffers a worsening of his conditions of service, within the meaning of *section 37* of the Act of 1950, as an officer or servant of the Board he shall be paid by the Board compensation consisting of a lump sum of such amount as is reasonable. 30

(5) Sections 41, 42 and 43 of the Act of 1950 (which relate to the determination of compensation under that Act) shall apply to compensation under this section. 35

(6) The Minister may by order extend the provisions of this section to any case in which, within five years after the passing of this Act, the services of an officer or servant are dispensed with or he is transferred to another position because of redundancy arising from any scheme for the re-organisation and more economical operation of any department of the undertaking affecting any section or category of workers, and may by order amend any such order. 40

15.—(1) The Minister, with the consent of the Minister for Finance, may, out of moneys provided by the Oireachtas, from time to time during any financial year make such grants to the Board as he thinks proper towards the cost of compensation under *section 14*. 45

(2) If the total of such grants is less than the amount certified by the Board's auditors as having been duly paid in compensation in that financial year the Minister shall, out of moneys provided by the Oireachtas, make to the Board a grant of the amount of the deficiency. 50

(3) If the total of such grants is greater than the amount so certified the excess may, with the consent of the Minister, be treated as a grant in respect of the next financial year. 55

16.—Sections 39 and 40 of the Act of 1950 and *section 4* of the Act of 1955, which provide for compensation in certain cases of dismissal or transfer of officers and servants, shall not apply to a person whose services are dispensed with or who is transferred to another position after the passing of this Act. 60

17.—(1) The Board shall, before the 1st day of November in each year, furnish to the Minister an estimate of its expenditure in respect of compensation under *section 14* in each quarter of the next following financial year. 65



- (2) The Board shall, at the end of every quarter of a financial year, furnish to the Minister in such form as the Minister may require a return showing the amount of compensation paid in that quarter.
- 5 (3) The Board shall, as soon as may be after the end of each financial year, furnish to the Minister in such form as the Minister may require a return, certified by the Board's auditors, showing the amount of compensation paid in that year.
- 10 18.—Subsection (8) of section 44 (which relates to superannuation schemes) of the Act of 1950 is hereby amended by the insertion, after “under section 44 of the Act of 1944”, of “or under section 45 of that Act.” Amendment of section 44 of Act of 1950.

#### PART IV.

##### CESSER OF TRAIN SERVICES AND CLOSING OF RAILWAYS AND CANALS.

- 15 19.—(1) The Board may, subject to the provisions of this section, terminate any service of trains for passengers and merchandise or either of them. Termination of train services.
- (2) The Board shall not terminate a service unless it is satisfied that its operation is uneconomic and that there is no prospect of its continued operation being economic within a reasonable period.
- (3) The Board shall not terminate a service or close a railway station to any or all classes of traffic unless, at least two months before doing so, the Board has published, in *Iris Oifigiúil* and in such newspapers circulating in the area affected by the proposal as the Board thinks proper, notice of its intention to do so.
- 20 (4) The notice shall indicate the new or additional road transport services, if any, which the Board proposes to provide in the area.
- (5) If the Board does not propose to provide an alternative road transport service the notice shall state that applications for passenger licences under the Road Transport Act, 1932, or merchandise licences under the Road Transport Act, 1933, or both, as may be appropriate, may be made by persons desiring to provide alternative road services. 1932, No. 2.  
1933, No. 8.
- 35 (6) Where the Board does not propose to provide alternative road services the Board shall make available at some railway station in the affected area to persons interested in the provision of alternative road services particulars of the traffic carried by the train service which it is proposed to terminate, or despatched from or received at the station which it is proposed to close as aforesaid, during the period of the latest twelve months for which such particulars are available. The notice shall indicate that such particulars will be made available at some specified station.
- 40 20.—Section 21 of the Act of 1950, as extended by section 6 of the Act of 1955, which provides for the abandonment of railway lines, shall apply to a railway line or section over which all train services have been terminated by the Board. Abandonment of railway lines of Board.
- 21.—Whenever all services of trains, over any railway line or section of railway line to which section 9 of the Railways Act, 1933, applies, have been terminated the Minister may, notwithstanding that the provisions of that section have not been complied with, make an order under section 110 of the Transport Act, 1944, authorising the abandonment of that line or section. Abandonment of railway lines of other railway companies.  
1933, No. 9.  
1944, No. 21.
- 50 22.—(1) Notwithstanding anything to the contrary in section 21 of the Act of 1950 or in any other enactment, a railway company may sell any land under or adjoining an abandoned railway line by private treaty to a local authority or public utility undertaking. Sale of land of abandoned railway line to public body.



- (2) In this section—
- 1941, No. 23. "local authority" has the meaning given to it by section 2 of the Local Government Act, 1941;
- "public utility undertaking" means any authority or company which carries on an electricity or gas undertaking and any board 5 or body established by Saorstát Éireann statute or Act of the Oireachtas.
- Closing of canal.
- 23.—(1) The Board may close to navigation any canal or part of a canal belonging to it which has not been used for public navigation for three years or more. 10
- (2) The Board shall not close any canal or part of a canal unless, at least two months before doing so, the Board has published in *Iris Oifigiúil* and in such newspapers, circulating in the district in which the canal or part thereof is situate, as the Board thinks proper, notice of its intention to do so. 15
- (3) Such closure shall not release the Board from any obligations (including obligations in regard to drainage or the prevention of flooding) to which the Board may be liable in regard to that canal or part, other than the obligation to keep it open and in a fit condition for navigation. 20
- (4) The Board and the road authority within whose functional area any bridge over the canal or part so closed is situate may enter into an agreement for the transfer of the bridge and the obligation to maintain it to that road authority, and may carry such agreement into effect. 25
- (5) The functions of a road authority under subsection (4) shall be a reserved function for the purposes of the enactments relating to that authority.
- 1873, c. 48. (6) In this section, "canal" has the meaning given to it by section 3 of the Regulation of Railways Act, 1873. 30

## PART V.

### ROAD TRANSPORT.

- Exemption of Board from requirement of passenger licences.  
1932, No. 2.
- 24.—Section 7 of the Road Transport Act, 1932, which prohibits the carrying on of a passenger road service without a passenger licence, shall not apply to the Board. 35
- Restriction on initiation and alteration of passenger road services.
- 25.—(1) The Board shall not, without the consent of the Minister, initiate any passenger road service or alter any passenger road service for the time being operated by it so as to compete with a licensed passenger road service.
- (2) If any question arises whether any existing or proposed 40 service or alteration does or would so compete the question shall be referred to the Minister whose decision shall be final.
- (3) The Board shall comply with such directions as may be given to it by the Minister for the purposes of this section.
- Relief from obligation to carry vehicle plate.
- 26.—(1) This section applies to :— 45
- (a) a vehicle being used by an authorised (merchandise carrying) company for the purposes of its business, and
- (b) a vehicle being used for the distribution of Sunday newspapers under a merchandise licence restricted to that purpose. 50
- 1933, No. 8. (2) Notwithstanding section 34 of the Road Transport Act, 1933, a vehicle to which this section applies shall not be required to carry a vehicle plate and no plate shall be issued in respect of such vehicle.



- 27.—(1) Notwithstanding section 9 of the Road Transport Act, 1933, a person whose only or chief occupation is farming may, without being the holder of a merchandise licence, carry for reward in a vehicle drawn by an agricultural tractor owned by him, and in respect of which a duty of excise at the rate specified in subparagraph (c) of paragraph 4 of Part I of the Schedule to the Finance (Excise Duties) (Vehicles) Act, 1952, is chargeable, livestock owned by a person resident not more than two miles from the carrier's residence if the livestock are being carried to or from a farm from or to a livestock auction mart or a place where a market or fair, specified by order made by the Minister under this section, is held, on the day on which such auction, market or fair takes place and they are not being carried in either direction on any part of a public road which is more than twenty miles by public road from the carrier's residence.

Carriage of livestock for neighbouring farmers.

1952, No. 24.

(2) The Minister may, by order, specify markets and fairs for the purposes of this section.

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

- 28.—(1) Where a person is convicted of an offence under section 9 of the Road Transport Act, 1933, the fine to be imposed by the court in respect of a second offence committed by him within five years after the commission of the first shall be not less than ten pounds and the fine in respect of each subsequent offence committed by him within any period of five years shall be not less than twice the minimum fine prescribed by this section in respect of the immediately preceding offence, subject to a maximum fine of three hundred and twenty pounds in lieu of the maximum fine specified in the said section 9.

Illegal haulage: second and subsequent offences.

1933, No. 8.

- (2) The Court, in addition to the fine, may order any mechanically propelled vehicle or vehicles by means of which the second or subsequent offence was committed to be forfeited.

- (3) Any mechanically propelled vehicles so ordered to be forfeited shall be disposed of in such manner as the Minister may direct and all moneys arising from such disposal shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance shall direct.

- (4) Subsection (1) of section 1 of the Probation of Offenders Act, 1907, shall not apply in relation to such second or subsequent offences.

- 29.—(1) Section 7 of the Road Transport Act, 1935, which restricts the importation of laden lorries and tractors drawing laden trailers, is hereby amended by the deletion of paragraph (b) of subsection (1), to the intent that the section shall apply likewise to unladen lorries and tractors.

Importation of unladen lorries and tractors.

1935, No. 23.

(2) The section shall not apply to the importation of lorries and tractors by any person in the course of his trade in lorries and tractors as such.



## FIRST SCHEDULE.

## ENACTMENTS REPEALED.

Session and Chapter or Year and Number	Short title	Extent of Repeal
8 & 9 Vic., c. 20.	Railways' Clauses Consolidation Act, 1845.	Section 90.
17 & 18 Vic., c. 31.	Railway and Canal Traffic Act, 1854.	Section 2.
51 & 52 Vic., c. 25.	Railway and Canal Traffic Act, 1888.	Sections 27, 28 and 29.
No. 21 of 1944.	Transport Act, 1944.	Sections 117 and 125.
No. 12 of 1950.	Transport Act, 1950.	Sections 15, 19, 20, 54, 55, 56.

## SECOND SCHEDULE.

## COMPENSATION OF CERTAIN OFFICERS AND SERVANTS OF THE BOARD WHOSE SERVICES ARE DISPENSED WITH.

1. In this Schedule "remuneration" shall be construed as including any cost of living or other bonus. 5

2. Compensation shall be calculated in the manner set out in the Fourth Schedule to the Act of 1950, subject to the following paragraphs.

3. Where the compensation payable to a person consists of an annual sum, the annual sum payable to him after he reaches the age of 65 years shall be calculated as if, for every reference in paragraph 3 of the said Fourth Schedule to one-sixtieth or to any multiple of one-sixtieth, there were substituted a reference to one-eightieth or to the same multiple of one-eightieth, subject to a maximum of one-half of his annual remuneration and emoluments. 10 15

4. Where he has commuted any annual amount under section 42 of the Act of 1950, the annual sum payable under paragraph 3 shall be reduced by the annual amount so commuted.

5. If a person in receipt of an annual sum holds any office or employment remunerated out of moneys provided by the Oireachtas or out of the Central Fund or is employed by a local authority or a board or body established by or under an Act of the Oireachtas or Saorstát Éireann statute (including the Board) or by Dundalk Engineering Works Limited or by a company (in this paragraph called a State-sponsored company) incorporated under the Companies Acts, 1908 to 1924, in which the majority of the ordinary shares are held by or on behalf of a Minister of State or by a company in which the majority of the ordinary shares are held by or on behalf of a State-sponsored company and the amount of the annual sum (before any commutation under section 42 of the Act of 1950 or reduction under this paragraph) together with his remuneration and emoluments under that office or employment for the time being exceeds his annual remuneration and emoluments from the Board on the date on which his services were dispensed with, the amount of the annual sum shall be reduced by the amount of such excess for the duration thereof. 20 25 30 35

6. The reference in paragraph 4 of the Fourth Schedule to the Act of 1950 to a dissolved undertaker shall include reference to the Board and to any railway undertaking transferred to the Board after the passing of this Act. 40



7. Where a person who is in receipt of an annual sum and to whom paragraph 4 of the Fourth Schedule to the Act of 1950 applies reaches the age of 65 years, the reduction thereafter falling to be made under subparagraph (a) of that paragraph shall itself be reduced so that the aggregate of the amount of the annual sum and 5 an amount equal to the annual value of the superannuation or benefit to which he is also entitled is not less than that aggregate as it stood immediately before he reached that age.



AN BILLE IOMPAIR, 1958.

TRANSPORT BILL, 1958.

## BILLE

*dá ngairmtear*

Acht do dhéanamh tuilleadh socruithe i dtaobh iompair.

*Rite ag dhá Thigh an Oireachtais,  
10 Iúil, 1958.*

BAILE ATHA CLIATH:  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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[*Luach : Scilling Glan.*]

## BILL

*entitled*

An Act to make further provision in relation to transport.

*Passed by both Houses of the Oireachtas,  
10th July, 1958.*

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