



**AN BILLE AIRGEADAIS (DLEACHTANNA MAIL)
(FEITHICLI) (LEASU), 1959.
FINANCE (EXCISE DUTIES) (VEHICLES) (AMENDMENT)
BILL, 1959.**

*Mar a leasaíodh i gCoiste.
As amended in Committee.*

ARRANGEMENT OF SECTIONS.

Section.

1. Interpretation.
2. Weight unladen for purposes of Principal Act.
3. Enforcement.
4. Appointed weighbridges.
5. Short title, collective citation and commencement.



AN BILLE AIRGEADAIS (DLEACHTANNA MAIL)
(FEITHICLI) (LEASU), 1959.
FINANCE (EXCISE DUTIES) (VEHICLES) (AMENDMENT)
BILL, 1959.

BILL

5

entitled

AN ACT TO AMEND THE FINANCE (EXCISE DUTIES)
(VEHICLES) ACT, 1952.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

Interpretation.

1.—In this Act—

10

1952, No. 24.

“ the Principal Act ” means the Finance (Excise Duties) (Vehicles) Act, 1952, as amended by section 9 of the Finance Act, 1955, and section 20 of the Finance Act, 1958;

1955, No. 13.

1958, No. 25.

any reference to a vehicle shall be construed as including a reference to a vehicle and another vehicle or an attachment which, in accordance with subparagraph (3) of paragraph 1 of Part II of the Schedule to the Principal Act, are, for the purposes of Part I of that Schedule, to be deemed to form and be a single vehicle.

15

Weight unladen
for purposes of
Principal Act.

2.—(1) For the purposes of the Principal Act, the weight unladen of a vehicle shall, notwithstanding section 18 of the Road Traffic Act, 1933, be taken to be the weight of the vehicle inclusive of all additions, but exclusive of the weight of water, fuel or accumulators (other than boilers) used for the purpose of propulsion and of loose tools or loose equipment.

20

1933, No. 11.

(2) For the purposes of subsection (1) of this section—

25

(a) each of the following shall, with respect to a vehicle, be an addition :

(i) a body,

(ii) a part,

(iii) a fitting,

30

(iv) a receptacle,

(b) in a case in which there is one addition only, the reference to all additions shall be construed as a reference to that addition,

(c) in a case in which, there being two additions (and not more), on no occasion are both of them used, the reference to all additions shall be construed as a reference to the heavier only of the additions or, where they are of equal weight, to one of them only,

35

(d) in a case in which, there being three or more additions, on no occasion are all of them used, the reference to all additions shall be construed as a reference to the heaviest combination of the additions which is used on any occasion.

5

(3) In a case coming within *paragraph (d) of subsection (2)* of this section, where one only of the additions is used on a particular occasion, "combination of the additions" in that paragraph shall, in relation to that occasion, be taken as referring to that addition.

10 (4) (a) Anything placed on a vehicle for the purpose of the conveyance of goods or burden of any other description shall, subject to the next paragraph, be a receptacle for the purposes of the foregoing subsections of this section.

15 (b) Anything so placed is excepted from the foregoing paragraph if in relation to no journey are goods or burden of any other description both loaded into and unloaded from it without its being removed from the vehicle.

20 (5) In proceedings for recovery of a penalty under section 2 of the Principal Act, the onus of proving that anything comes within the exception specified in *subsection (4)* of this section shall lie on the defendant.

3.—(1) Where—

Enforcement.

25 (a) a member of the Garda Síochána observes a vehicle on any occasion on a public road,

(b) the member suspects that the weight unladen of the vehicle is such that use of the vehicle constitutes an offence under section 2 of the Principal Act, and

30 (c) the vehicle either has no load or has a load which can be unloaded and loaded without undue inconvenience,

the member may require the person in charge of the vehicle to do all or any of the following things:

35 (i) forthwith to bring the vehicle, inclusive of all additions with it on the said occasion, to any appointed weighbridge which is named by the member and is not more than five miles distant by the shortest available route from the place at which the requisition is made;

40 (ii) to carry the member to the weighbridge in the vehicle;

(iii) to unload the vehicle if it is loaded;

45 (iv) to cause the vehicle, inclusive of all additions with it on the said occasion, to be weighed on the weighbridge in the presence of the member.

(2)(a) A licensing authority by whom a licence under section 1 of the Principal Act was issued may, by notice served on the registered owner of the vehicle, either—

(i) require him—

50 (I) to produce the vehicle at a specified time on a specified day at a specified appointed weighbridge, and

55 (II) to cause the vehicle to be weighed, at that time on that day and on that weighbridge in the presence of an officer of the licensing authority, with all such additions and in such condition

as should be taken into account in determining the weight unladen of the vehicle for the purposes of the Principal Act, or

(ii) require him—

(I) to produce the vehicle at a specified time on a specified day at a specified appointed weigh-bridge, with all such additions as, having been observed as with the vehicle on a particular occasion, are specified as having been observed as with it on that occasion, and 10

(II) to cause the vehicle to be weighed, at that time on that day and on that weighbridge in the presence of an officer of the licensing authority, with the additions specified as aforesaid as having been observed and otherwise in such condition as should be taken into account in determining the weight unladen of the vehicle for the purposes of the Principal Act. 15

(b) In *subparagraph (ii)* of the foregoing paragraph “observed” means observed by— 20

(i) a member of the Garda Síochána,

(ii) an officer of the licensing authority by whom the licence under section 1 of the Principal Act was issued, or

(iii) an officer of any other licensing authority by whom licences under section 1 of the Principal Act are issued. 25

(3) For the purposes of *subsections (1) and (2)* of this section—

(a) each of the following shall, with respect to a vehicle, be an addition : 30

(i) a body,

(ii) a part,

(iii) a fitting,

(iv) a receptacle,

(b) in a case in which there is one addition only, any reference to all additions shall be construed as a reference to that addition. 35

(4) Anything placed on a vehicle for the purpose of the conveyance of goods or burden of any other description shall be a receptacle for the purposes of the foregoing subsections of this section. 40

(5) A notice under *subsection (2)* of this section consequent upon a vehicle having been observed as referred to in *subparagraph (ii)* of *paragraph (a)* of that subsection shall not be served by a licensing authority after the expiration of the period of fourteen days beginning on the day on which the vehicle was observed unless either— 45

(a) during that period, the licensing authority, by notice served on the registered owner of the vehicle, notified him that the question of serving a notice under *subsection (2)* of this section was being considered, or 50

(b) at the time when the vehicle was observed, the person who observed it informed the person in charge of it that that question might be considered.

(6) A notice under this section shall be served by post and, if the notice requires a vehicle to be produced on a specified day, that day shall be a day which is after the day on which the notice is served and is separated from that day by a period of not less than seven days.

(7) A person who refuses or fails to comply with a requirement under subsection (1) or (2) of this section shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds.

(8) Sums paid into the Exchequer in respect of fines under this section shall, for the purpose of section 2 of the Roads Act, 1920, be deemed to have been paid into the Exchequer under that Act.

(9) (a) This subsection applies to a prosecution for an offence consisting of refusing or failing to comply with a requirement under subsection (2) of this section where the requirement was made consequent upon a vehicle having been observed as referred to in subparagraph (ii) of paragraph (a) of that subsection and where the relevant notice under that subsection was not served during the period of fourteen days beginning on the day on which the vehicle was observed.

(b) In a prosecution to which this subsection applies, the onus of proving that neither paragraph (a) nor paragraph (b) of subsection (5) of this section was fulfilled shall lie on the defendant.

(10) In this section "registered owner" has the meaning assigned to it by the Road Vehicles (Registration and Licensing) Regulations, 1958, but, if those regulations should be revoked, it shall have the meaning assigned to it by such regulations corresponding to those regulations as may for the time being be in force.

4.—(1) (a) A local authority may declare any weighbridge (whether maintained by them or not and whether within or outside their functional area) to be an appointed weighbridge for the purposes of section 3 of this Act.

(b) Any such declaration may be revoked by a subsequent declaration made by the same local authority.

(c) Where a local authority make a declaration under this subsection, they shall give such public notice of the making of the declaration as the Minister for Local Government specifies by regulations.

(2) Where a weighing is, consequent upon a requirement under section 3 of this Act, carried out on an appointed weighbridge maintained by a local authority, no fee shall be charged for the weighing.

(3) Where a weighing is, consequent upon a requirement under section 3 of this Act, carried out on an appointed weighbridge not maintained by a local authority, the fee for the weighing shall be recouped to the person paying it by—

(a) in case the weighbridge was declared to be an appointed weighbridge by one local authority only—that authority, and

(b) in any other case—by such one of the local authorities by whom the weighbridge was declared to be an appointed weighbridge as may be agreed upon between those authorities or, in default of agreement, as may be determined by the Minister for Local Government.

(4) In this section "local authority" means the council of a county or the corporation of a county borough.

Short title,
collective
citation and
commencement.

5.—(1) This Act may be cited as the Finance (Excise Duties) (Vehicles) (Amendment) Act, 1960.

(2) The Principal Act and this Act may be cited together as the Finance (Excise Duties) (Vehicles) Acts, 1952 and 1960.

(3) Sections 3 and 4 of this Act shall come into operation on the 5 passing of this Act and the remainder of this Act shall be deemed to have come into operation on the 1st day of January, 1960.

BEFORE THE SENATE OF THE DISTRICT OF COLUMBIA
IN SENATE, FEBRUARY 1, 1900.
REPORT OF THE JOINT COMMITTEE ON THE DISTRICT OF COLUMBIA
ON THE BILLS

BILL

BILL

FOR THE PURPOSE OF AMENDING THE ACTS RELATIVE TO THE REGISTRATION OF VOTERS IN THE DISTRICT OF COLUMBIA

AND TO REPEAL AN ACT APPROVED FEBRUARY 1, 1897, ENTITLED "AN ACT TO AMEND THE ACTS RELATIVE TO THE REGISTRATION OF VOTERS IN THE DISTRICT OF COLUMBIA"

INTRODUCED BY THE SENATOR FROM THE DISTRICT OF COLUMBIA

REFERRED TO THE JOINT COMMITTEE ON THE DISTRICT OF COLUMBIA

REPORT OF THE JOINT COMMITTEE ON THE DISTRICT OF COLUMBIA
ON THE BILLS
FOR THE PURPOSE OF AMENDING THE ACTS RELATIVE TO THE REGISTRATION OF VOTERS IN THE DISTRICT OF COLUMBIA
AND TO REPEAL AN ACT APPROVED FEBRUARY 1, 1897, ENTITLED "AN ACT TO AMEND THE ACTS RELATIVE TO THE REGISTRATION OF VOTERS IN THE DISTRICT OF COLUMBIA"

BILLE

(mar a leasaíodh i gCoiste)

dá ngairtear

Acht do leasú an Achta Airgeadais (Dleachta
Máil) (Feithiclí), 1952.

An tAire Rialtais Aitiúil a thug isteach.

*Ordaíodh ag Dáil Éireann a chlóbhualadh,
17 Feabhra, 1960.*

BAILE ATHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais
An Stuara, Árd Oifig an Phoist, Baile Átha Cliath, nó trí
aon díoltóir leábhair.

Cló-bhuailte ag CAHILL & Co., LTD.

[*Luach: Naoi bPíngne Glan.*]

Wt. C.23649/G/2—625. 2/60. C. & Co. (4058). G.16.

BILL

(as amended in Committee)

entitled

An Act to amend the Finance (Excise Duties)
(Vehicles) Act, 1952.

*Introduced by the Minister for Local
Government.*

*Ordered by Dáil Éireann to be printed,
17th February, 1960.*

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE.

To be purchased through any bookseller, or directly
from the Government Publications Sale Office,
G.P.O. Arcade, Dublin.

Printed by CAHILL & Co., LTD.

[*Price: Ninepence Net.*]