



AN BILLE IOMPAIR, 1964 TRANSPORT BILL, 1964

*Mar a tugadh isteach
As introduced*

ARRANGEMENT OF SECTIONS

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SCHEDULE



AN BILLE IOMPAIR, 1964
TRANSPORT BILL, 1964

BILL

entitled

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

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

Definitions.

1.—In this Act—

1950, No. 12.

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

1958, No. 19.

“ the Act of 1958 ” means the Transport Act, 1958;

10

“ the Board ” means Córas Iompair Éireann;

“ the Minister ” means the Minister for Transport and Power.

General duty
of Board.

2.—(1) It shall be the duty of the Board to conduct its under-
taking so that, after taking into account the grant payable to the
Board under *section 6* of this Act, its operating expenditure, 15
including all charges properly chargeable to revenue, shall not be
greater taking one year with another than the revenue of the Board.

(2) 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 20
would not otherwise be subject.

Restriction on
capital
expenditure
by Board.

3.—The Board shall not incur any expenditure that is properly
chargeable to capital unless it is satisfied that the expenditure is
essential for the efficient operation of its undertaking or that the
project in relation to which it is proposed to incur the expenditure 25
will be remunerative to the Board.

Advances to
Board by
Minister for
Finance for
capital purposes.

4.—(1) The Minister for Finance may, on the recommendation
of the Minister, advance from time to time to the Board such sums
(not exceeding in the aggregate six million pounds) as he thinks
proper towards the cost of defraying expenditure incurred by the 30
Board which is properly chargeable to capital.

(2) Advances under *subsection (1)* of this section shall be made
on such terms as to repayment, interest and other matters as may
be determined by the Minister for Finance.

(3) All sums paid by the Board in repayment of an advance 35
under this section or in pursuance of any term or condition subject
to which an advance was made under this section shall be paid
into or disposed of for the benefit of the Exchequer.

(4) All moneys from time to time required by the Minister for Finance to meet sums which may become payable by him under this section shall be advanced out of the Central Fund or the growing produce thereof.

5 (5) The Minister for Finance may, for the purpose of providing for the advance of sums out of the Central Fund under this section, borrow on the security of the Central Fund or the growing produce thereof any sums required for that purpose, and for the purpose of such borrowing, he may create and issue securities bearing
10 such rate of interest and subject to such conditions as to repayment, redemption or otherwise as he thinks fit, and shall pay all moneys so borrowed into the Exchequer.

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

5.—The Board may from time to time borrow from the Minister for Finance sums required by it to defray expenditure incurred by it that is properly chargeable to capital and is not prohibited by
20 virtue of *section 3* of this Act.

Borrowing by Board from Minister for Finance for capital purposes.

6.—(1) Subject to *subsection (2)* of this section, the Minister shall in the financial year of the Board beginning on the 1st day of April, 1964, and in each subsequent financial year of the Board make to the Board, out of moneys provided by the Oireachtas, a
25 grant of two million pounds.

Annual grant to Board.

(2) The Minister may, with the concurrence of the Minister for Finance, in the financial year of the Board beginning on the 1st day of April, 1969, and in every fifth subsequent financial year of the Board by order vary the amount of the grant payable under
30 *subsection (1)* of this section.

(3) The Board shall, out of each grant to it under this section, defray the interest and sinking fund charges on the transport stock of the Board and may apply the balance of the grant for the purposes of its undertaking in such manner as it thinks fit.

35 (4) Nothing in *subsection (3)* of this section shall operate to affect or diminish the obligation imposed by *subsection (3)* of *section 30* of the Act of 1950 to advance out of the Central Fund or the growing produce thereof all sums required by the Minister for Finance to meet sums which may become payable under any
40 guarantee given by him under that section.

(5) Every order made under this section 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 such House within the next subsequent twenty-one days on which that
45 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.

7.—The sum of one million pounds, being the amount advanced to the Board by the Minister for Finance before the 1st day of
50 April, 1964, under *section 13* of the Transport Act, 1963, shall be treated as a non-repayable grant from the said 1st day of April, 1964.

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

Borrowing
powers of Board.

1963, No. 17.

Compensation
for employees of
Board or Óstlanna
Iompair Éireann
Teoranta in cases
of dismissal or
transfer.

1958, No. 20.

1963, No. 17.

8.—Paragraph (b) of subsection (2) (which imposes a limit on certain borrowing for capital purposes) of section 28 of the Act of 1950 is hereby amended by the substitution of “twelve million pounds” for “fifteen million pounds” (inserted by the Transport Act, 1963).

5

9.—(1) In this section “the Company” means Óstlanna Iompair Éireann Teoranta.

(2) Whenever the Board or the Company, on or after the 1st day of April, 1964, either dispensed with or dispenses with the services of an officer or servant of the Board or the Company, as the case may be, or transferred or transfers him to another position in its service, as a direct consequence of the Board, on or after the 1st day of April, 1963, having ceased to provide or having permanently reduced any transport service by rail or inland waterway or having substituted diesel for steam traction or of the making of an order under section 9 of the Act of 1958 in relation to a specified level crossing, the provisions of this section shall have effect.

(3) This section applies only to a person who, being an officer or servant of the Board (including an officer or servant transferred or seconded under section 14 of the Great Northern Railway Act, 1958) or an officer or servant of the Company to whom the provisions of paragraphs (a) and (b) of subsection (1) of section 14 of the Transport Act, 1963, apply was, at the date of his dismissal or transfer, employed in a permanent capacity or was, except for casual interruptions of employment, employed by the Board or the Company or partly by one and partly by the other during the whole of the preceding three years.

(4) If the Board or the Company dispenses with the services of a person referred to in subsection (3) of this section, he shall be paid by the Board or the Company, as the case may be, compensation calculated in accordance with the Second Schedule to the Act of 1958, and for the purpose of such calculation, in construing the said Second Schedule, that Schedule shall, in the case of a person transferred or seconded under section 14 of the said Great Northern Railway Act, 1958, be deemed to contain the paragraph set out in subsection (3) of section 17 of the said Great Northern Railway Act, 1958.

(5) If a person referred to in subsection (3) of this section is transferred to another position by the Board or the Company 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 or the Company, he shall be paid by the Board or the Company, as the case may be, compensation consisting of a lump sum of such amount as is reasonable.

(6) For the purpose of the calculation of any compensation payable to a person by the Company under subsection (4) of this section—

(a) the employment of the person with the Company shall be deemed to be employment with the Board, and

(b) the reference in paragraph 4 of the Fourth Schedule to the Act of 1950 to the Board shall be construed as a reference to the Company.

(7) Sections 41, 42 and 43 of the Act of 1950 (which sections relate to the determination of compensation under that Act) shall apply to compensation under this section and in the case of compensation payable by the Company the references in the said sections to the Board shall be construed as references to the Company.

10.—The Fourth Schedule to the Act of 1950 is hereby amended by—

Amendment of
Fourth Schedule
to Act of 1950.

(a) the insertion in paragraph 4 after “ contributed ” of “ or under any scheme or arrangement the cost of which is borne directly or indirectly by the Board ”, and

(b) the insertion after paragraph 4 of the following paragraph :

“ 5. If a person is already in receipt of compensation calculated in the manner set out in this Schedule—

(a) the service reckoned as pensionable service for the purpose of the calculation of such compensation shall not be reckoned as pensionable service for the purpose of the calculation in the manner set out in this Schedule of any other compensation, and

(b) the aggregate of the first-mentioned compensation and any other compensation (excluding any compensation paid under paragraph 2 of this Schedule) shall not exceed the amount of compensation to which he would have been entitled if it had been based on the aggregate of his periods of pensionable service and if the service in respect of which compensation (if any) was paid under paragraph 2 of this Schedule was not reckoned.”

11.—(1) The Board shall have power to develop its land either alone or in conjunction with another person in such manner as it may think fit.

Development of
land by Board.

(2) The Board may, in particular—

(a) retain any part of its land which is not required by it for the discharge of its duties and develop it for use by other persons, and

(b) where the use of its land for the discharge of its duties can be combined with its use for other purposes, develop the land by constructing or adapting buildings for use wholly or partly by other persons,

with a view to selling, letting or otherwise disposing of any right or interest in the land or any part of the land after the development is carried out.

12.—Section 35 of the Act of 1950 is hereby amended by the substitution for subsection (2) of the following subsection :

Amendment of
section 35 of
Act of 1950.

“(2) (a) Subject to the provisions of this subsection, entry to the clerical grades of the service of the Board shall be by means of open competitions in accordance with rules made by the Board.

(b) Every open competition held in pursuance of this subsection shall, subject to paragraph (g) of this subsection, be open to all persons who are ordinarily resident in the State or who are Irish citizens or the children of Irish citizens and who pay the fees (if any) and possess the qualifications (if any) as to age, health, character and education prescribed by the rules relating to the competition.

(c) The Board may by special rules provide that such proportion as may be approved by the Minister of the vacancies in the clerical grades of its service

	shall be filled by means of limited competitions, and where a competition is so limited only persons in or who have been in the employment of a dissolved company within the meaning of the Act of 1944, a dissolved undertaker, the Board or any other transport undertaker whose undertaking has been vested in the Board under this Act or any subsequent Act or the children of such persons shall be admitted thereto.	5
	(d) A competition shall consist of such one or more of the following types of test as the Board may specify in the rules relating to the competition, namely:	10
	(i) a written examination;	
	(ii) an oral examination;	
	(iii) an interview;	15
	(iv) any other test or tests that the Board considers to be appropriate.	
	(e) Irish shall be a compulsory subject at every competition under this subsection.	
	(f) Where a competition under this subsection consists of more than one of the types of test specified in paragraph (d) of this subsection, not more than one of the tests need be competitive.	20
	(g) The foregoing provisions of this subsection shall not apply in relation to the entry of staff, for employment in a temporary capacity, to the clerical grades of the service of the Board.	25
	(h) The Board may by rules amend or revoke any rules made by them under this subsection, including this paragraph."	30
Delegates to Clearing House Committee. 1860, c. xxix.	13.—Notwithstanding anything contained in section 5 of the Clearing Act (Ireland), 1860, the Board, in exercise of its powers under that section, may appoint at any time, if it so thinks fit, a person who is not a member of the Board as a delegate to the Committee of the Irish Railway Clearing House.	35
Directors of Fishguard and Rosslare Railways and Harbours Company. 1898, c.cclii.	14.—Notwithstanding anything contained in section 89 of the Fishguard and Rosslare Railways and Harbours Act, 1898, the Board, in exercise of its powers under that section, may nominate at any time, if it so thinks fit, persons who are not members of the Board as directors of the Fishguard and Rosslare Railways and Harbours Company.	40
Expenses.	15.—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.	45
Repeals.	16.—The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.	
Short title.	17.—This Act may be cited as the Transport Act, 1964.	

ENACTMENTS REPEALED.

Year and Number	Short Title	Extent of Repeal
No. 19 of 1958.	Transport Act, 1958.	Subsection (2) of section 7 and subsection (6) of section 14.
No. 17 of 1963.	Transport Act, 1963.	Section 13.

BILL

BILLE

(as introduced)
entitled

(mar a lughadh isteach)
de ngníste

Act to make further provision in relation to transport

Bill by Mr. [Name] to amend the law relating to transport

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dá ngairtear*

Acht do dhéanamh soerú breise maidir le
hiompar.

*An tAire Iompair agus Cumhachta a thug
isteach*

*Ordaíodh ag Dáil Éireann a chlóbhualadh,
29 Aibreán, 1964*

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*Introduced by the Minister for Transport and
Power*

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