



**AN BILLE IOMPAIR (FORALACHA ILGNEITHEACHA), 1971
TRANSPORT (MISCELLANEOUS PROVISIONS) BILL, 1971**

*Mar a ritheadh ag Dáil Éireann,
As passed by Dáil Éireann*

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[No. 7c of 1971]

Section

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AGREEMENT BETWEEN BRITISH RAILWAYS BOARD AND CÓRAS IOMPAIR ÉIREANN



AN BILLE IOMPAIR (FORALACHA ILGNEITHEACHA), 1971
TRANSPORT (MISCELLANEOUS PROVISIONS) BILL, 1971

BILL

entitled

- 5 AN ACT TO PROVIDE FOR THE DISSOLUTION OF THE
COUNTY DONEGAL RAILWAYS JOINT COMMITTEE
AND OF THE STRABANE AND LETTERKENNY RAIL-
WAY COMPANY AND FOR THE TRANSFER OF THE
ASSETS AND LIABILITIES OF THOSE UNDERTAKINGS
10 TO CORAS IOMPAIR EIREANN, AND TO MAKE
FURTHER PROVISION IN RELATION TO TRANSPORT.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

PRELIMINARY AND GENERAL

- 15 1.—This Act may be cited as the Transport (Miscellaneous Pro- Short title.
visions) Act, 1971.

2.—(1) In this Act—

Interpretation.

“the Board” means Córas Iompair Éireann;

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

- 20 (2) In this Act a reference to a Part or section is to a Part or
section of this Act unless it is indicated that reference to some other
enactment is intended.

- (3) In this Act a reference to a subsection or other division is to the
subsection or other division of the provision in which the reference
25 occurs, unless it is indicated that reference to another provision is
intended.

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

- 30 4.—The enactments mentioned in the *First Schedule* to this Act Repeals.
are hereby repealed to the extent specified in the third column.

PART II

DISSOLUTION OF COUNTY DONEGAL RAILWAYS JOINT COMMITTEE AND OF STRABANE AND LETTERKENNY RAILWAY COMPANY

- 35 5.—In this Part—

Definitions for
Part II.

“the Act of 1903” means the Strabane Raphoe and Convoy Railway 1903, c. cclx.
Act, 1903;

1904, c. cci.	" the Act of 1904 " means the Strabane Raphoe and Convoy Railway (Extension to Letterkenny) Act, 1904;	
1906, c. clxxxiii.	" the Act of 1906 " means the Great Northern (Ireland) and Midland Railways Act, 1906;	
	" the Joint Committee " means the County Donegal Railways Joint Committee;	
	" the Strabane Company " means the Strabane and Letterkenny Railway Company;	
	" the transfer date " means the day appointed by order under section 6.	10
Appointment of transfer date.	6.—The Minister may by order appoint a day to be the transfer date for the purposes of this Part.	
Confirmation of Agreement of 1967 between British Railways Board and the Board.	7.—(1) The Agreement of 1967 is hereby confirmed. (2) In this section " Agreement of 1967 " means the Agreement made on the 31st day of May, 1967, between the British Railways Board and the Board, a copy whereof is set out in the <i>Second Schedule</i> to this Act.	15
Transfer to Board of assets of Joint Committee and Strabane Company.	8.—(1) On the transfer date the assets of the Joint Committee and of the Strabane Company, including all lands and other property and all powers, rights, licences and privileges held or enjoyed in connection therewith or appertaining to the Joint Committee or the Strabane Company shall, by virtue of this section, be transferred to and stand vested in the Board. (2) The Joint Committee and the Strabane Company shall, at the request of the Board, execute all such instruments and do all such acts as may be necessary to enable the Board to have effectively transferred into its name any assets vested in the Board by this section or any assets outside the State of the Joint Committee or the Strabane Company.	20 25
Liabilities and contracts of Joint Committee and Strabane Company.	9.—(1) Subject to this Part— (i) the Board shall, to the exclusion of the Joint Committee and the Strabane Company (as the case may be), be subject to all liabilities to which the Joint Committee and the Strabane Company were respectively subject immediately before the transfer date; (ii) all contracts, deeds, bonds, agreements and other instruments and all working arrangements subsisting immediately before the transfer date and affecting the Joint Committee or the Strabane Company shall be of as full force and effect against or in favour of the Board and may be enforced as fully and effectually as if, instead of the Joint Committee or the Strabane Company (as the case may be), the Board had been a party thereto. (2) Subject to sections 13 and 14, a proceeding (including an arbitration) or cause of action pending or existing immediately before the transfer date by or against the Joint Committee or the Strabane Company shall not abate, be discontinued or in any way be prejudicially affected by reason of anything in this Part, but may be	30 35 40 45

continued and enforced by or against the Board as it might have been by or against the Joint Committee or the Strabane Company (as the case may be) if this Part had not been passed, but not further or otherwise.

- 5 **10.**—Notwithstanding any other provision of this Part, the Board shall not be under any obligation relating to the provision of road transport services imposed by statute on the Joint Committee and any such obligation shall cease on the transfer date. Exemption of Board from certain obligations.

- 11.—(1) Subject to *subsection* (2), every person who, immediately before the transfer date, was an officer or servant of the Joint Committee shall on that date become an officer or servant of the Board on the same terms and conditions of service. Transfer of officers and servants of Joint Committee.

15 (2) (a) Any such officer or servant who, immediately before the transfer date, was a member of the Railway Clearing System Superannuation Fund shall continue to be an officer or servant of the Joint Committee and shall, on and after that date, be seconded for duty to the Board.

20 (b) The obligations, whether obtaining legally or by customary practice, of the Joint Committee under the Railway Clearing System Superannuation Fund in respect of every such officer or servant shall continue to be binding on the Joint Committee and, after the dissolution of the Joint Committee, these obligations, or such corresponding obligations as may arise under any superannuation fund established in lieu of the Railway Clearing System Superannuation Fund for the benefit of such officers or servants, shall bind the Board.

30 (c) All moneys from time to time required by the Joint Committee to discharge its obligations in respect of any such officer or servant shall on demand be paid to it by the Board.

35 (d) All the rights and obligations conferred or imposed on the Joint Committee by the contract of service or by law in respect of an officer or servant so seconded shall, save as provided by *paragraph* (b), be rights and obligations of the Board.

40 (e) On the dissolution of the Joint Committee every seconded officer or servant then in its service shall become an officer or servant of the Board on the same terms and conditions of service.

45 (3) (a) The obligations, whether obtaining legally or by customary practice, of the Joint Committee under the Railway Clearing System Superannuation Fund in respect of every person who, immediately before the transfer date, is entitled to benefit under that Fund shall continue to be binding on the Joint Committee and, after the dissolution of the Joint Committee, these obligations, or such corresponding obligations as may arise under any superannuation fund established in lieu of that Fund for the benefit of such persons, shall bind the Board.

50 (b) All moneys from time to time required by the Joint Committee to discharge its obligations in respect of any such person shall on demand be paid to it by the Board.

55 (4) Where, by virtue of this section, an officer or servant of the Joint Committee becomes an officer or servant of the Board or is

seconded for duty to the Board, he shall, notwithstanding anything in the Redundancy Payments Act, 1967, be deemed not to have been dismissed by reason of redundancy within the meaning of that Act.

Dissolution of
Joint Committee.

12.—(1) When the Joint Committee has complied with any request made to it by the Board for the purpose of securing that the ownership of any property or assets or any right is effectively transferred to the Board and has ascertained that the Board does not desire to make any further request, the Joint Committee shall notify the Minister.

(2) If the Minister is satisfied (whether any such notice has been given to him or not) that any request so made has been complied with and that there are no further requirements to be complied with, he shall make an order that there is no reason for the continued existence of the Joint Committee and shall cause the order to be published in *Iris Oifigiúil* and upon the publication thereof the Joint Committee shall be dissolved and section 28 of the Act of 1906, by which the Joint Committee was incorporated, shall cease to have effect.

(3) During the period beginning on the transfer date and ending on the dissolution of the Joint Committee, the statutory provisions and other instruments relating to it shall remain in force in relation thereto as if this Part had not been passed, so far as the powers conferred thereby are required for the remaining purposes of the Joint Committee.

(4) All expenses reasonably and properly incurred by the Joint Committee (including remuneration of its members) after the transfer date for the purpose of winding up its affairs shall be defrayed by the Board, and the Board shall make available to the Joint Committee such facilities for the examination of and the making of extracts from or copies of books, accounts and documents surrendered to the Board as the Joint Committee may reasonably require.

Dissolution
of Strabane
Company.

13.—(1) The Strabane Company shall, by virtue of this section, be dissolved on the transfer date and section 5 of the Act of 1903, by which it was incorporated, shall cease to have effect.

(2) The Board shall not be subject to any liability in respect of any stocks or shares of the Strabane Company or in respect of the payment of interest or dividends on such stocks or shares and no cause of action shall lie against the Board in respect of any such stocks or shares or in respect of the payment of any such interest or dividends.

Compensation
of holders of
certain shares in
Strabane
Company.

14.—(1) The Board shall, not later than two months from the transfer date, pay to any person who, immediately before that date, was the registered holder of guaranteed shares in the Strabane Company, a sum of money equal in amount to the aggregate of the following—

(a) such amount as, if invested on the date of issue in the Government security last issued before the transfer date for subscription in the State and redeemable not less than 12 years after the date of issue, would produce annually in gross interest an amount equal to £4 for every £100 of guaranteed shares in the Strabane Company held by such person and so in proportion for amounts of such guaranteed shares greater or less than £100, and

(b) an amount calculated on the amount of the said guaranteed shares held by such person at the rate of 4 per cent. per annum in respect of the period from the 1st day of January, 1961, to the transfer date.

(2) The moneys required by the Board for the purposes of *subsection (1)* shall be paid to it by the Minister for Finance.

(3) A payment made under this section to a registered holder of guaranteed shares in the Strabane Company shall be in full settlement of any claim by such person in respect of either principal or dividends or both principal and dividends.

(4) Save as provided in this section, compensation shall not be payable to any person by reason of the dissolution of the Strabane Company effected by *section 13 (1)*.

(5) In this section "guaranteed" means guaranteed under section 41 of the Act of 1903 or section 38 of the Act of 1904.

15.—(1) A person who receives a sum under *section 14* shall hold the sum in the same right and on the same trusts and subject to the same powers, privileges, charges and liabilities as those in, on or subject to which he held the shares and, where the shares were held pursuant to any provision of a deed, will, disposition or other instrument, that instrument shall have the like effect as if it expressly authorised the investment of the sum so received in any investment authorised under section 1 of the Trustee Act, 1893.

Consequential provisions regarding compensation under *section 14*.

1893, c. 53.

(2) If for any reason the Board is unable to make payment of any sum under *section 14* to the person entitled thereto, that sum may be paid into the High Court (or, if the sum does not exceed five thousand pounds, into the Circuit Court) and shall be applied and dealt with in accordance with the provisions of the Lands Clauses Consolidation Act, 1845, with respect to purchase money or compensation coming to parties having limited interests in land compulsorily acquired or prevented from treating or not making title thereto, and those provisions shall have effect accordingly; and for the purpose of this section the Circuit Court shall have all the jurisdiction exercisable by the High Court under that Act.

1845, c. 18.

(3) If any money is payable by the Board under *section 14* to a person who is a minor or a person of unsound mind, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Board.

16.—The money required by the Minister for Finance to meet the payments required to be made by him under *section 14* shall be paid out of the Central Fund or the growing produce thereof.

Payment of money out of Central Fund.

17.—Every notice served by or on the Joint Committee or the Strabane Company before the transfer date, the effect or term of which has not ceased or expired before that date shall, so far as it is not inconsistent with this Part, continue in force and have effect thereafter as if it were a notice served by or on the Board on the date on which it was actually served and as if the functions or property to which the said notice relates had on the same date already vested in the Board.

Continuance of certain notices.

18.—(1) The Joint Committee and the Strabane Company shall, on and after the transfer 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 next following that date.

Provisions in relation to income tax.

(2) Assessment to income tax for any year of assessment ending on or before the 5th day of April next following the transfer date may be

made on the Joint Committee and the Strabane Company on or after that 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 that date.

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(3) For the purposes of this section, the secretary (or other officer performing the duties of secretary) of the Board shall be deemed to be secretary (or other officer performing the duties of secretary) of the Joint Committee or of the Strabane Company.

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

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(5) For the purposes of this section, but not further or otherwise, the Joint Committee and the Strabane Company shall be deemed to continue in existence on and after the respective dates of dissolution under this Part.

Exemption from stamp duty.

1895, c. 16.

19.—Section 12 of the Finance Act, 1895, shall not operate so as to require the Board to deliver to the Revenue Commissioners a copy of this Act or to pay any stamp duty under that section on any copy of this Act.

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Existing bye-laws, rules and regulations.

1950, No. 12.

20.—(1) All bye-laws made or deemed to have been made by the Joint Committee and in force immediately before the transfer date shall, on and after that date, continue in force in relation to the undertaking vested in the Board by this Part and be deemed to have been made under section 22 of the Transport Act, 1950, and shall be capable of being amended or revoked by bye-laws under that section.

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(2) All rules and regulations made by the Joint Committee and in force immediately before the transfer date shall, on and after that date, continue in force until revoked, altered or superseded.

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PART III

MISCELLANEOUS PROVISIONS

Definitions for Part III.

1924, No. 29.

1950, No. 12.

1958, No. 19.

21.—In this Part—

“the Act of 1924” means the Railways Act, 1924;

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

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

“the Company” means Aerlód Teoranta;

“the Fishguard Company” means the Fishguard and Rosslare Railways and Harbours Company;

1961, No. 24.

“public road” has the meaning assigned to it by section 3 of the Road Traffic Act, 1961;

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"railway line" includes a section of railway line;

"road authority" means the council of a county, the corporation of a county or other borough or the council of an urban district.

22.—(1) The Minister may on the application of the Board or the
5 appropriate road authority, and after consultation with the Minister
for Local Government, by order provide that any obligations of the
Board or of the Fishguard Company to provide, make or maintain
gates or other specified works at a specified level crossing (other than
a crossing to which the provisions of section 47 of the Railways
10 Clauses Consolidation Act, 1845, section 6 of the Railways Clauses
Act, 1863, or any other enactment incorporating requirements to
similar effect, apply), where the road on one or both sides of the
crossing is a public road, shall not apply to such level crossing.

Orders in
relation to
certain level
crossings.

1845, c. 20,
1863, c. 92.

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

(3) An application to the Minister for an order under this section
20 shall be accompanied by a draft of the proposed order and the draft
shall be in such form as the Minister may direct.

(4) Before making an application to the Minister for an order under
this section, the person proposing so to apply shall give notice of the
proposal, together with a copy of the draft of the proposed order, to
25 the following persons (other than the person proposing so to apply),
namely, the Board, the appropriate road authority and the Com-
missioner of the Garda Síochána.

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

23.—(1) Subject to subsection (4), where an order has been made
30 under section 22 in respect of any level crossing, the appropriate road
authority shall recoup to the Board fifty per cent. of the costs incurred
by the Board in providing and maintaining any works required by
the order at the level crossing.

Cost of works
required by orders
under section 22.

(2) The Board shall furnish to the appropriate road authority, in
35 such form as the Minister may require and as soon as may be after
any works required by an order under section 22 have been provided,
particulars of the cost of providing such works.

(3) The Board shall, as soon as may be after the end of each
40 financial year, furnish to the appropriate road authority, in such form
as the Minister may require, particulars, certified by the Board's
auditors, of the cost of providing and maintaining in that year any
works required by an order under section 22.

(4) Where an order is made under section 22 and the Minister is
45 satisfied (and so declares in the order) that the order is a direct con-
sequence of a scheme of road improvement or new road construction
carried out by a road authority, the cost of providing and maintaining
any works required by the order shall be met by the road authority.

(5) In this section "works" includes everything required to be
50 provided by an order under section 22.

24.—Section 9 (1) of the Act of 1958 is hereby amended by the
insertion after "the undertaking" of "(including a level crossing on a

Amendment of
section 9 (1) of
Act of 1958.

railway line of the Fishguard and Rosslare Railways and Harbours Company)".

Penalty for failure to shut gates at certain level crossings.

25.—(1) Where a person fails to shut and fasten the gate at either side of a level crossing or passage to which this section applies, as soon as he and any vehicle or animal under his care has passed 5 through the level crossing or passage, he shall be guilty of an offence and shall be liable on summary conviction in respect of every such offence to a fine not exceeding £25.

(2) The Board shall erect a notice at every level crossing or passage to which this section applies warning users that a person failing to shut and fasten either such gate after using the level crossing or passage is liable to prosecution. 10

(3) This section applies to a level crossing or passage over a railway line of the Board or of the Fishguard Company, other than a level crossing or passage at which attendance is provided by the Board 15 for the purpose of the opening and closing of the gates at the crossing or passage for users thereof.

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

Cesser of liability of Board or Fishguard Company to maintain certain road surfaces.

26.—(1) Where a public road crosses by means of a bridge a railway line owned by the Board or the Fishguard Company and the Board or the Fishguard Company is liable to maintain the road surface on that bridge, the Board may appoint a date (in this section referred to as the appointed date) in respect of that road surface and on the appointed date any liability of the Board or the Fishguard Company to maintain the road surface on the bridge shall cease. 20 25

(2) (a) Subject to *paragraph (b)*, on and from the appointed date the road authority charged with the maintenance of the public road shall be liable to maintain the road surface on the bridge.

(b) The liability imposed on a road authority by this subsection shall not include liability for any repair of the road surface necessitated by embankment, foundation or abutment failure or by the failure of any part of the structure of the bridge. 30

(c) The Board shall pay to the road authority compensation 35 for any expenses which the road authority may incur by reason of the liability imposed on it by this subsection.

(3) In this section—

"bridge" includes an approach to a bridge;

"road surface" includes surfacing, water channels and shores, but 40 does not include the structure of a bridge.

Transfer of certain liability of Board to Westmeath County Council.

27.—(1) On and from a date (in this section referred to as the appointed date) to be appointed by the Board—

(a) the liability of the Board to maintain the bridge across the river Inny known as Float Bridge and situated in the 45 baronies of Moygoish and Fore in the county of Westmeath shall cease;

(b) the council of the county of Westmeath shall be liable to maintain the said bridge.

(2) The Board shall pay to the said council compensation for any 50 expenses which the council may incur by reason of the liability imposed on it under this section.

28.—(1) Where compensation is payable by the Board under section 26 or 27—

Arbitration
regarding
compensation
under section 26
or 27.

(a) the amount thereof shall, in default of agreement, be determined by an arbitrator to be appointed by the Minister;

5 (b) the Minister shall, with the consent of the Minister for Finance, fix the remuneration of the arbitrator and the remuneration shall be paid by the Board.

10 (2) An arbitrator appointed to determine the compensation payable by the Board under section 26 or 27 may, having regard (amongst other matters) to any unconditional offer of compensation made by the Board and not accepted or to any unconditional offer to accept a certain sum as compensation and not accepted by the Board, by his award and at his discretion—

15 (a) direct the Board to pay a sum (to be measured by the arbitrator) towards the costs and expenses of the road authority concerned or of the council of the county of Westmeath (as may be appropriate),

20 (b) direct the said road authority or council to pay a sum (to be measured by the arbitrator) towards the costs and expenses of the Board, or

(c) direct the Board and the said road authority or (as the case may be) the Board and the said council to abide their own costs and expenses.

25 29.—(1) Locomotive drivers and persons whom the Board wishes to train as locomotive drivers shall be medically examined from time to time in accordance with regulations made by the Minister on the application of the Board and after consultation with the trade unions representative of such drivers and persons.

Medical
examinations for
locomotive driving.

30 (2) (a) A person shall not be trained to drive a locomotive nor retained in the employment of the Board as a locomotive driver if, in the opinion of the Chief Medical Officer, the results of a medical examination carried out pursuant to regulations made by the Minister under this section show that the health or eyesight of the person is below the standard considered from time to time by the Chief
35 Medical Officer to be requisite for a locomotive driver.

(b) The standard for eyesight referred to in paragraph (a) may be set out in the regulations under subsection (1).

40 (3) In this section "the Chief Medical Officer" means the person who for the time being is the Chief Medical Officer of the Board and includes any other medical doctor for the time being or from time to time acting in place of or in substitution for the Chief Medical Officer.

(4) This section shall not apply to persons—

45 (a) who were employed as locomotive drivers by the Board before the 4th day of October, 1968, or

(b) who were being trained to drive locomotives by the Board before that date.

50 30.—(1) A dispute, difference or appeal which but for this section could be referred or made to the standing arbitrator shall not be so referred or made after the passing of this Part but shall be heard and decided by the Circuit Court if a party thereto entitled to refer or make it to such arbitrator applies to that Court by motion on notice served on the other party thereto not less than 21 days before the day on which the application is intended to be made and, subject
55 to the provisions of this section, the provisions mentioned in subsection (6) shall, in relation to any such application, be construed and have effect accordingly.

Reference of
certain disputes
to Circuit Court.

1966, No. 26.

(2) Where, in respect of a dispute, difference or appeal referred or made to the standing arbitrator under any of the provisions mentioned in *subsection (6)* since the passing of the Transport Act, 1966, a decision was not given before the passing of this Part and is not given during the period of three months immediately after such passing, the dispute, difference or appeal shall, in lieu of being decided by the standing arbitrator, be heard and decided by the Circuit Court if a party thereto applies after the expiration of that period to that Court by motion on notice served on the other party thereto and on the standing arbitrator not less than 21 days before the day on which the application is intended to be made and, subject to the provisions of this section, the provisions mentioned in *subsection (6)* shall, in relation to any such application, be construed and have effect accordingly.

(3) An application to the Circuit Court under this section shall, at the election of the person making the application, be made to a judge of the Dublin Circuit or to the judge of the circuit where such person resides or has his principal place of business.

(4) Notwithstanding anything contained in the Third Schedule to the Act of 1924 or in section 41 or 42 of the Act of 1950, an appeal to the High Court (whose decision shall be final) on a question of law may be brought from a decision of the Circuit Court under this section, but an appeal from such a decision on a question of fact may not be brought.

1926, No. 25.

(5) Section 8 of the Railways (Existing Officers and Servants) Act, 1926, and section 43 of the Act of 1950 shall not apply or have effect in relation to disputes, differences or appeals falling to be heard and decided by the Circuit Court under this section.

(6) In this section "the standing arbitrator" means the standing arbitrator appointed for the purposes of the Third Schedule to the Act of 1924 or section 41 or 42 of the Act of 1950.

Extension, modification and amendment of Waterford and Limerick Railway (Deviations) Act, 1851.

31.—(1) Notwithstanding anything in the Act of 1851, the Board may increase the tolls which it is empowered by section 16 of that Act to demand and take in respect of traffic using the bridge mentioned in section 14 of that Act, and such tolls shall be deemed to be charges within the meaning of section 8 of the Act of 1958 and to be charges which the Board may fix, demand, take and recover under that section.

(2) Sections 16 and 26 of the Act of 1851 shall apply to a mechanically propelled vehicle within the meaning of section 3 of the Road Traffic Act, 1961.

(3) An offence under section 26 of the Act of 1851 shall be punishable on summary conviction by a fine not exceeding the amount specified in that section.

(4) Section 28 of the Act of 1851 is hereby amended by the deletion of "of Timber,".

1851, c. cx.

(5) In this section "the Act of 1851" means the Waterford and Limerick Railway (Deviations) Act, 1851.

Continuance of superannuation benefits for persons transferred from the Board to the Company.

32.—Where, either before or after the passing of this Act, the employment with the Board of a person who is 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 *section 11* of this Act) is terminated for the purpose of enabling the person to enter the employment of the Company, and upon such termination, the person enters the employment of the Company—

- 5 (i) the person, and any person claiming through him, shall have the same right to membership of and benefits under any superannuation scheme for officers or servants of the Board (other than the Board's welfare scheme for regular wages staff) as he would have if his employment with the Company were employment with the Board,
- 10 (ii) except where otherwise agreed upon between the Board and the Company, upon such entry the obligations (whether obtaining legally or by customary practice) in respect of any such scheme and in respect of the members thereof attaching before such termination to the Board shall, as respects the person and any person claiming through him, attach to the Company,
- 15 (iii) the interval (if any) between such termination aforesaid and the commencement of the employment with the Company shall be deemed, for the purposes of any such scheme, not to be a break in the person's employment, and
- 20 (iv) the Board may include in a scheme or schemes amending any such scheme provisions giving effect to this section and, where the Minister is given power to confirm such scheme or schemes, such power may be exercised notwithstanding the inclusion of such provisions and such confirmation may be either without
- 25 modification of the provisions or with such modifications (whether by way of addition, omission or variation) as the Minister thinks proper.

30 **33.**—Sections 16 and 34 of the Act of 1950 (which relate respectively to the giving of information by the Board to the Minister and to the accounts of the Board and the auditing of those accounts) shall apply and have effect in relation to the Company as they apply and have effect in relation to the Board.

Application of sections 16 and 34 of Act of 1950 to the Company.

35 **34.**—Notwithstanding anything contained in the Companies Act, 1963, or in the memorandum or articles of association of the Company, an alteration in the said memorandum or articles shall not be valid or effectual unless made with the previous approval of the Minister.

Restriction on alteration of memorandum and articles of association of the Company.

1963, No. 33.

40 **35.**—(1) The Board shall ensure that the American Company shall furnish to the Minister such information as he may from time to time require regarding matters which relate to its activities, other than day-to-day administration, and which appear to him to affect the national interest.

Provisions relating to C.I.E. Tours International Incorporated.

45 (2) The Board shall ensure that the American Company shall comply with section 34 of the Act of 1950 as if that section applied to the American Company, save in so far as that section may be in conflict with the laws of the State of New York relating to companies or corporations.

50 (3) The Board shall ensure that no alteration shall be made in the Certificate of Incorporation or Bye-Laws of the American Company without the previous approval of the Minister.

55 (4) In this section "the American Company" means the company incorporated under the laws of the State of New York, known as C.I.E. Tours International Incorporated and acquired by the Board under the Transport Act, 1950 (Additional Powers) Order, 1969 (S.I. No. 265 of 1969).

Amendment of
section 22 of
Regulation of
Railways Act, 1868.
1868, c. 119.

36.—Section 22 of the Regulation of Railways Act, 1868, is hereby amended by the substitution of “twenty-five pounds” for “Five Pounds”.

Section 4.

FIRST SCHEDULE

REPEALS

Session and Chapter or Year and Number	Short title or subject matter	Extent of repeal
8 Vict., c.20.	Railways Clauses Consolidation Act, 1845.	In section 48, from “all Trains on” to “an Hour; and”. Section 75.
14 & 15 Vict., c.cx.	Waterford and Limerick Railway (Deviations) Act, 1851.	Sections 20 to 22.
3 Edw. 7, c.cclx.	Strabane Raphoe and Convoy Railway Act, 1903.	Sections 41 and 42.
4 Edw. 7, c.cci.	Strabane Raphoe and Convoy Railway (Extension to Letterkenny) Act, 1904.	Sections 38 and 39.
6 Edw. 7, c.clxxxiii.	Great Northern (Ireland) and Midland Railways Act, 1906.	Sections 33, 35 and 36.
No. 29 of 1924.	Railways Act, 1924.	Section 55 (2).
No. 21 of 1944.	Transport Act, 1944.	Section 135.

Section 7.

SECOND SCHEDULE

AGREEMENT BETWEEN BRITISH RAILWAYS BOARD AND
CÓRAS IOMPAIR ÉIREANN

THIS AGREEMENT is made the thirty-first day of May One Thousand Nine Hundred and Sixty-seven BETWEEN the BRITISH RAILWAYS BOARD (hereinafter called “the Board”) of the one part and CÓRAS IOMPAIR ÉIREANN (hereinafter called “C.I.E.”) of the other part

Definitions.

IN this Agreement the following expressions have the meanings hereby respectively assigned to them:—

“the 1906 Act” means the Great Northern (Ireland) and Midland Railways Act 1906;

“the Donegal Company” means the Donegal Railway Company;

“the Donegal Section” has the same meaning as in S.3 of the 1906 Act;

“the Joint Committee” means the County Donegal Railways Joint Committee;

“the Northern Company” means the Great Northern Railway Company (Ireland);

“the Midland Company” means the Midland Railway Company;

“the Strabane Company” means the Strabane and Letterkenny Railway Company;

“U.T.A.” means the Ulster Transport Authority;

“the 1903 Act” means the Strabane Raphoe and Convoy Railway Act 1903;

"the 1904 Act" means the Strabane Raphoe and Convoy Railway (Extension to Letterkenny) Act 1904.

(1) By S.4 of the 1906 Act the Donegal Section of the undertaking of the Donegal Company was transferred to and vested in the Joint Committee constituted by the 1906 Act Preamble.

(2) S.28 of the 1906 Act provides that the Northern Company and the Midland Company should each appoint three persons to represent their respective Companies and the six persons so appointed should form the Joint Committee

(3) By an Agreement dated the Fifth day of April One thousand nine hundred and four between the Northern Company and the Strabane Company (then known as the Strabane Raphoe and Convoy Railway Company) provision was made for the working by the Northern Company of the undertaking of the Strabane Company and by and subject to S.23 of the 1906 Act all the interest of the Northern Company under such agreement was transferred to and vested in the Joint Committee

(4) S.33 of the 1906 Act provides that the Northern Company and the Midland Company are each bound to provide half the funds required for the purposes of the Joint Committee

(5) S.35 of the 1906 Act provides that if there is in any half year a deficit or surplus in the revenue account of the Joint Committee the Northern Company and the Midland Company shall each be responsible for half of such deficit or (as the case may be) entitled to half of such surplus

(6) S.36 of the 1906 Act provides that any moneys arising from the sale of any lands by the Joint Committee and any other moneys in the nature of capital for the time being in their hands and not required for the purposes of the Joint Committee should be divided between and paid to the Northern Company and the Midland Company in equal shares

(7) By the successive effect of the Railways Act 1921 and of a Scheme made thereunder and of the Transport Acts 1947 and 1962 of the Parliament of Westminster the Board have succeeded to all the property rights powers and obligations of the Midland Company

(8) In One thousand nine hundred and fifty-three the undertaking of the Northern Company became vested in the Great Northern Railway Board and on the First day of October One thousand nine hundred and fifty-eight by Acts of the Oireachtas and of the Parliament of Northern Ireland respectively that part of the Great Northern Railway Board's undertaking within the Republic of Ireland other than their assets in respect of the Joint Committee and the Strabane Company was transferred to and vested in C.I.E. and with the like exception that part of the said undertaking within Northern Ireland was transferred to and vested in U.T.A.

(9) The railway system operated by the Joint Committee was situated mainly in the Republic of Ireland and it was provided by an agreement scheduled to the before mentioned Acts of the Oireachtas and of the Parliament of Northern Ireland that the assets and liabilities of the Great Northern Railway Board in respect of the Joint Committee and the Strabane Company be transferred to and disposed of by the Minister of Industry and Commerce for the Republic of Ireland and the Ministry of Commerce for Northern Ireland in such a manner as they might agree and that the rights and obligations of the said Minister and of the said Ministry might be exercised and performed by C.I.E. and U.T.A. respectively but no agreement for the transfer and disposal of such assets and liabilities has been made and the Great Northern Railway Board has not been dissolved

(10) The Joint Committee now consists of three members appointed by the Board and three members appointed by the Great Northern Railway Board

(11) In One thousand nine hundred and sixty the Joint Committee under the provisions of the Railways Act 1933 and the Transport Act 1944 of the Oireachtas and of the Transport Act 1948 of the Parliament of Northern Ireland discontinued railway services on their railway and that of the Strabane Company and abandoned their railway undertakings and now operate road transport services in substitution therefor

(12) The Board desire to withdraw from and sever all connection with the Joint Committee and the Strabane Company and to terminate all statutory obligations of the Board with respect to each of the said bodies

(13) It is proposed to transfer to and vest in C.I.E. the right title and interest of the Board to and in their share of the assets of the Joint Committee and the Strabane Company as hereinafter provided

(14) Legislation will be necessary to give effect to the said transfer and the termination of the Board's obligations

IT IS HEREBY AGREED:—

1. SUBJECT to the enactment of the necessary legislation to give effect to this Agreement

(a) the Board's rights and obligations whether statutory or otherwise with respect to the Joint Committee and the Strabane Company (including all powers rights licences or privileges held or enjoyed in connection with or appertaining to the said bodies) shall be transferred to and vested in C.I.E.

(b) C.I.E. will pay the Board for the right title and interest of the Board both present and future and whether subsisting or contingent to and in their share of the assets of the said bodies and their respective undertakings the sum of Fifty-seven Thousand Seven Hundred and Forty-two Pounds (being an agreed proportion of the realisable value of the said assets less amounts representing existing and continuing liabilities and compensation for expected future losses all as estimated at the First day of January One thousand nine hundred and sixty-six hereinafter referred to as "the net value of the Board's assets")

2. C.I.E. will request the Minister for Transport and Power to introduce the necessary legislation to give effect to the proposed transfer and vesting and to secure the repeal of the provisions of the 1906 Act and all other statutory enactments in so far as they confer any interest or impose any obligation or liability on the Board with respect to the Joint Committee or the Strabane Company

3. THE Board shall not be entitled to any refund of capital or funds provided by the Board or their predecessors for the purposes of the Joint Committee or the Strabane Company or their predecessors and the net value of the Board's assets shall be deemed to include all right to share in surplus revenue or capital

4. AS and from the First day of January One thousand nine hundred and sixty-six and pending enactment of the said legislation

(1) The Board shall not be entitled to claim any payment under sections 35 or 36 of the 1906 Act or otherwise in respect of any surplus revenue or capital of the Joint Committee

(2) C.I.E. will indemnify the Board against any demand for payment under sections 33 or 35 of the 1906 Act provided however that this indemnity shall not extend to the sum of Forty

Thousand Six Hundred and Twenty-five Pounds which the Board owe to the Joint Committee for capital expenditure under section 33 of the said Act

(3) The Board will appoint as their representatives on the Joint Committee and the Strabane Company persons nominated to them by C.I.E.

5. THE Board shall indemnify C.I.E. from and against half the amount of any sum for damages or costs paid by C.I.E. or which C.I.E. may be called upon to make, to or on behalf of the Joint Committee or the Strabane Company in consequence of any claim or proceedings made or instituted

(a) by any baronially guaranteed shareholder of the Strabane Company against the Strabane Company or the directors of the Strabane Company or

(b) by the Strabane Company against the County Council of the County of Donegal and the Council of the Urban District of Letterkenny or either of them

in respect of—

(i) the non-recovery by the Strabane Company from the said local authorities or either of them or

(ii) the non-payment to the Company by the said local authorities or either of them

of any payment (whether past present or future) to which the guarantees given by the said local authorities under or by virtue of the provisions of S. 41 of the 1903 Act and S. 38 of the 1904 Act respectively relate

PROVIDED THAT in the event of any such claim or proceedings being made or instituted as aforesaid C.I.E. shall immediately notify the Board and consult with the Board before any expense or costs are incurred by or at the request of or with the agreement of C.I.E. to compromise or to defend or otherwise in relation to any such claim or proceedings

IN WITNESS whereof the Common Seal of the British Railways Board and the Official Seal of Córas Iompair Éireann were hereunto affixed the day and year first before written

THE COMMON SEAL of BRITISH RAILWAYS BOARD was hereunto affixed in the presence of:—

J. RATTER
A Member

R. H. LASCELLES
A person authorised
by the Board to act
instead of the Secretary.



THE OFFICIAL SEAL of CÓRAS IOMPAIR ÉIREANN was hereunto affixed in the presence of:—

E. CASSIDY
Member of Board

M. J. HAYES
Secretary
Authorised Officer.



BILLE

dá ngairtear

Acht do dhéanamh socrú chun Comhchoiste Iarnród Chontae Dhún na nGall agus Cuid-eachta Iarnród an tSraitha Bháin agus Leitir Ceanainn a dhíscaoileadh agus chun Sócmhainní agus dliteanais na nGnóthas sin a aistriú go Córas Iompair Éireann, agus do dhéanamh socrú breise maidir le hiompar.

Rite ag Dáil Éireann, 30 Meitheamh, 1971

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR.

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais,
An Stuaara, Árd Oifig an Phoist, Baile Átha Cliath, nó trí
aon díoltóir leabhar.

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entitled

An Act to provide for the dissolution of the County Donegal Railways Joint Committee and of the Strabane and Letterkenny Railway Company and for the transfer of the assets and liabilities of those undertakings to Córas Iompair Éireann, and to make further provision in relation to transport.

Passed by Dáil Éireann, 30th June, 1971

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