



Number 17 of 1934

ROAD TRANSPORT ACT 1934

REVISED

Updated to 22 February 2013

This Revised Act is an administrative consolidation of the *Road Transport Act 1934*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975 (3/1975)* to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Irish Bank Resolution Corporation Act 2013 (2/2013)*, enacted 7 February 2013, and all statutory instruments up to and including *European Communities (Statutory Audits) (Directive 2006/43/EC) (Amendment) Regulations 2013 (S.I. No. 67 of 2013)*, made 22 February 2013, were considered in the preparation of this Revised Act.

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Introduction

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Although not included in a collective citation, this Act is one of a group of Acts which deal with the same subject matter:

- *Road Transport Act 1933* (8/1933)
- *Road Transport Act 1934* (17/1934)
- *Road Transport Act 1935* (23/1935)
- *Transport Act 1944* (21/1944), Part VII
- *Transport (Miscellaneous Provisions) Act 1955* (21/1955)
- *Transport Act 1958* (19/1958)
- *Road Transport Act 1971* (8/1971)
- *Road Transport Act 1978* (8/1978)
- *Road Transport Act 1986* (16/1986)
- *Road Transport Act 1999* (15/1999)
- *Road Traffic and Transport Act 2006* (28/2006)
- *Road Transport Act 2011* (31/2011)

Acts previously included in the group but now repealed are:

- *Road Transport Act 1932* (2/1932)
- *Road Transport Act 1956* (13/1956)
- *Transport (No. 2) Act 1959* (40/1959)

The definitions in the *Road Transport Act 1933* are applied by the *Road Transport Acts 1934 and 1935* (s. 1(2) of each Act). The following Acts are to be construed together as one with the *Road Transport Act 1933*:

- *Transport Act 1944* (21/1944), Part VII (s. 111(2))
- *Road Transport Act 1971* (8/1971) (s. 12(2))
- *Road Transport Act 1978* (8/1978) (s. 11(2))
- *Road Transport Act 1986* (16/1986) (s. 22(2))
- *Road Transport Act 1999* (15/1999) (other than ss. 17, 18 and 21) (s. 25(2))
- *Road Traffic and Transport Act 2006* (28/2006) (s. 2 only) (s. 2(10))
- *Road Transport Act 2011* (31/2011) (s. 23(2))

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 2000, may be found in the Legislation Directory at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Road Transport Act 1986* (16/1986)
- *Transport (No. 2) Act 1959* (40/1959)
- *Transport Act 1944* (21/1944)
- *Road Transport Act 1935* (23/1935)
- *Road Transport Act 1933* (8/1933)

All Acts up to and including *Irish Bank Resolution Corporation Act 2013* (2/2013), enacted 7 February 2013, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011)

All statutory instruments up to and including *European Communities (Statutory Audits) (Directive 2006/43/EC) (Amendment) Regulations 2013* (S.I. No. 67 of 2013), made 22 February 2013, were considered in the preparation of this revision.



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ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. Carriage for reward.
3. "Lorry."
4. "Registration Book."
5. Amendment of section 3 of the Principal Act.
6. Existing carriers.
7. Avoidance of order under section 5 of the Principal Act.
8. Postponement of commencement of certain merchandise licences.
9. Amendment of section 9 of the Principal Act.
10. Amendment of section 12 of the Principal Act.
11. Variation of standard lorry weights and standard tractor weights.
12. Fees on application for issue of vehicle plates.
13. Amendment of section 38 of the Principal Act.
14. Restriction on applications under sub-section (1) of section 51 of the Principal Act.
15. Short title.

ACTS REFERRED TO

Road Transport Act, 1933

No. 8 of 1933

Road Transport (No. 2) Act, 1933

No. 39 of 1933



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AN ACT TO AMEND THE ROAD TRANSPORT ACT, 1933. [18th May, 1934.]

BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT EIREANN AS FOLLOWS:—

Annotations

Modifications (not altering text):

Application of Act restricted (21.09.2011) by *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011), regs. 1(3), 42(22), sch. 2.

42.— ...

(22) Notwithstanding any provision of any statute listed in the Second Schedule that provides for the consent for a plan or project to which this Regulation applies to be obtained by default on the failure of the public authority to provide a response within a specified timescale or otherwise, that provision shall not have effect in respect of any plan or project to which this Regulation applies.

...

SECOND SCHEDULE

Number	Year	Short Title/Citation
...
17	1934	Road Transport Act, 1934
...

C1 Application of Act extended (8.12.1944) by *Transport Act 1944* (21/1944), s. 114(6), commenced on enactment.

Grant of merchandise licences to certain carriers.

114.— ...

(6) Every merchandise licence granted by virtue of this section shall, for the purposes of the Act of 1933, the Road Transport Act, 1934 (No. 17 of 1934), the Road Transport Act, 1935 (No. 23 of 1935), and this Act be deemed to be a merchandise (existing carrier's) licence.

Definitions. **1.—(1)** In this Act—

the expression “the Principal Act” means the Road Transport Act, 1933 (No. 8 of 1933);
the expression “duly licensed” means duly licensed in Saorstát Éireann under section 13 of the Finance Act, 1920, as amended by subsequent enactments.

(2) Every word and expression to which a particular meaning is given by the Principal Act for the purposes of that Act has in this Act the meaning so given to it.

Carriage for reward.

2.—F1[...]

Annotations

Amendments:

F1 Repealed (20.06.1935) by *Road Transport Act 1935* (23/1935), s. 2(2), commenced on enactment.

“Lorry.”

3.—A mechanically propelled vehicle shall be deemed to be a lorry within the meaning of the Principal Act, where the following conditions are complied with, that is to say:—

- (a) such vehicle is constructed and designed for the carriage of passengers;
- (b) such vehicle has sitting accommodation for not more than six passengers (excluding the driver);
- (c) such vehicle is for the time being used for the carriage of newspapers for reward.

“Registration Book.”

4.—The definition of the expression “registration book” contained in section 2 of the Principal Act is hereby amended by the insertion therein of the words “or a copy of the registration particulars of such vehicle issued by the authority by which such vehicle was licensed under the Roads Act, 1920” after the words “the Roads Act, 1920” and the Principal Act and this Act shall be construed and have effect with due regard to the extension of the said expression effected by said amendment.

Amendment of section 3 of the Principal Act.

5.—The Road Transport (No. 2) Act, 1933 (No. 39 of 1933), is hereby repealed and in lieu thereof it is hereby enacted that sub-section (1) of section 3 of the Principal Act shall be construed and have effect and be deemed always to have had effect as if for the words “one month after the passing of this Act” now contained therein there were inserted the words and figures “the 1st day of April, 1934”.

Existing carriers.

6.—Where the ownership of a merchandise road transport business is before the appointed day transferred from a person to whom a certificate under section 3 of the Principal Act has been issued in respect of such business, the person to whom such ownership is transferred shall, notwithstanding anything in sub-section (3) of the said section 3, be deemed to be an existing carrier for the purposes of the Principal Act.

Avoidance of order under section 5 of the Principal Act.

7.—Any order made before the passing of this Act under sub-section (1) of section 5 of the Principal Act is hereby declared to be and shall be deemed always to have been void and of no effect, and accordingly an order may be made under the said sub-section (1) at any time after the passing of this Act.

Postponement of commencement of certain merchandise licences.

8.—Every merchandise licence granted before the appointed day and expressed to commence on the 1st day of February, 1934, shall, notwithstanding anything contained in section 19 of the Principal Act, or in such licence, commence on the appointed day and shall (unless it previously lapses or is revoked under the Principal Act and subject to any suspension under that Act) continue in force for a period of twelve months from the appointed day and shall then expire unless it is renewed under the Principal Act.

Amendment of section 9 of the Principal Act.

9.—Section 9 of the Principal Act is hereby amended in the following respects and shall be construed and have effect accordingly, that is to say:—

(a) by the substitution in sub-section (2) of the said section of the word “merchandise” for the words “on a merchandise road transport business” now contained therein;

(b) by the insertion after sub-section (3) of the said section of the following additional sub-section, that is to say:—

“(4) Where a person is proved to have carried merchandise by way of merchandise road transport, such person shall for the purposes of this section be deemed to have so carried such merchandise in the course of a merchandise road transport business carried on by him.”

Amendment of section 12 of the Principal Act.

10.—F2[...]

Annotations

Amendments:

F2 Repealed (14.07.1986) by *Road Transport Act 1986* (16/1986), s. 19(b), (S.I. No. 240 of 1986).

Variation of standard lorry weights and standard tractor weights.

11.—F3[...]

Annotations

Amendments:

F3 Repealed (8.12.1944) by *Transport Act 1944* (21/1944), s. 5, sch. 1, effectively commenced as per establishment date in s. 2(1).

Editorial Notes:

E1 Previous affecting provision: application of section affected (22.12.1959) by *Transport (No. 2) Act 1959* (40/1959), s. 1(2), commenced on enactment.

E2 Previous affecting provision: application of section extended (20.06.1935) by *Road Transport Act 1935* (23/1935), s. 3(3), commenced on enactment.

Fees on application for issue of vehicle plates.

12.—Regulations made under sub-section (6) of section 30 of the Principal Act may prescribe different fees in respect of—

(a) applications for vehicle plates under the said section 30 in cases where the following conditions are complied with, that is to say:—

(i) a vehicle in respect of which a vehicle plate has been issued ceases to be duly licensed, and

(ii) such vehicle plate is on such cesser delivered to a member of the *Gárda Síochána* at the plate issuing station at which such vehicle plate was issued, and

(iii) an application is duly made under section 30 of the Principal Act within nine months after such delivery for the issue of a vehicle plate in respect of such vehicle; and

(b) applications for vehicle plates under the said section 30 in cases where the said conditions are not complied with.

Amendment of section 38 of the Principal Act.

13.—Sub-section (1) of section 38 of the Principal Act is hereby amended by the substitution of the words “after the date on which such licence commenced next following such grant or after such transfer” for the words “after such grant or transfer” now contained therein, and the said sub-section shall be construed and have effect accordingly.

Restriction on applications under sub-section (1) of section 51 of the Principal Act.

14.—No application may be sent to the Minister under sub-section (1) of section 51 of the Principal Act during the period of two years commencing at the expiration of one year after the day appointed by order made after the passing of this Act under sub-section (1) of section 5 of the Principal Act to be the appointed day for the purposes of that Act.

Short title.

15.—This Act may be cited as the Road Transport Act, 1934.