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*Number 8 of 1978*

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**ROAD TRANSPORT ACT 1978**

**REVISED**

**Updated to 22 February 2013**

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This Revised Act is an administrative consolidation of the *Road Transport Act 1978*. 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.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to [revisedacts@lawreform.ie](mailto:revisedacts@lawreform.ie).





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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Acts previously included in the group but now repealed are: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 annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at [www.lawreform.ie/annotations](http://www.lawreform.ie/annotations).

### **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](http://www.irishstatutebook.ie).

### **Acts which affect or previously affected this revision**

- *Road Transport Act 1999* (15/1999)
- *Road Transport Act 1986* (16/1986)

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**

- *Road Transport Act, 1978 (Section 5) Order 1996* (S.I. No. 53 of 1996)
- *Road Transport Act, 1978 (Section 5) (No. 2) Order 1995* (S.I. No. 201 of 1995)
- *Road Transport Act, 1978 (Section 5) Order 1995* (S.I. No. 84 of 1995)
- *Road Transport Act, 1978 (Section 5) Order 1992* (S.I. No. 191 of 1992)
- *Road Transport Act, 1978 (Section 5) Order 1991* (S.I. No. 201 of 1991)
- *Road Transport Act, 1978 (Section 5) Order 1990* (S.I. No. 180 of 1990)
- *Road Transport Act, 1978 (Section 5) Order 1989* (S.I. No. 144 of 1989)
- *Road Transport Act, 1978 (Section 5) Order 1988* (S.I. No. 357 of 1988)
- *Road Transport Act, 1978 (Section 5) (No. 2) Order 1983* (S.I. No. 332 of 1983)
- *Road Transport Act, 1978 (Section 5) Order 1983* (S.I. No. 331 of 1983)
- *Road Transport Act, 1978 (Section 5) (No. 4) Order 1982* (S.I. No. 269 of 1982)
- *Road Transport Act, 1978 (Section 5) (No. 3) Order 1982* (S.I. No. 268 of 1982)
- *Road Transport Act, 1978 (Section 5) (No. 2) Order 1982* (S.I. No. 267 of 1982)
- *Road Transport Act, 1978 (Section 5) Order 1982* (S.I. No. 41 of 1982)
- *Road Transport Act, 1978 (Section 5) (No. 3) Order 1981* (S.I. No. 324 of 1981)
- *Road Transport Act, 1978 (Section 5) (No. 2) Order 1981* (S.I. No. 323 of 1981)
- *Road Transport Act, 1978 (Section 5) Order 1981* (S.I. No. 152 of 1981)
- *Road Transport Act, 1978 (Section 5) Order 1980* (S.I. No. 160 of 1980)

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. Amendment of section 9 of Principal Act.
3. Amendment of section 14 of Principal Act, and consequential provisions.
4. Amendment of section 8 of Act of 1971.
5. Orders by Minister relating to international agreements, etc..
6. Licensing of road haulage in new areas.
7. Provisions relating to vehicle plates.
8. Transitional provision relating to merchandise (existing carrier's) licences.
9. Modification of Road Transport Act, 1956.
10. Expenses.
11. Short title and construction.



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*Number 8 of 1978*

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**ROAD TRANSPORT ACT 1978**

**REVISED**

**Updated to 22 February 2013**

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AN ACT TO AMEND AND EXTEND THE ROAD TRANSPORT ACT, 1933, AND THE ROAD TRANSPORT ACT, 1971, AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID. [16th May, 1978]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definitions.

**1.**—In this Act—

“the Act of 1971” means the Road Transport Act, 1971;

“the Minister” means the Minister for Tourism and Transport;

“the Principal Act” means the Road Transport Act, 1933.

Amendment of section 9 of Principal Act.

**2.**—The following section is hereby substituted for section 9 of the Principal Act, as amended by the Road Transport Act, 1934, and the Act of 1971:

“9.—(1) (a) Subject to paragraph (b) of this subsection and to subsection (5) of this section, it shall not be lawful on or after the appointed day for any person in the course of a merchandise road transport business carried on by him to carry merchandise in any area in the State unless the person is the holder of a licence (in this Act referred to as a merchandise licence) granted under this Act authorising him to carry on a merchandise road transport business in that area and the business is carried on under and in accordance with the licence.

(b) Notwithstanding paragraph (a) of this subsection and section 124 of the Transport Act, 1944, the holder of a merchandise licence may carry on a merchandise road transport business when carrying commodities the carriage of which is not subject to any statutory restriction or limitation under this section, whether or not a vehicle plate is on issue to him in respect of the vehicle in which they are carried.

(2) (a) Every person who carries merchandise in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction—

(i) in the case of a first offence, to a fine not exceeding £250, or

(ii) in the case of a second or subsequent offence, to a fine not exceeding £500.

(b) Section 1 (1) of the Probation of Offenders Act, 1907, shall not apply to a second or subsequent offence under this section.

(c) Section 28 of the Transport Act, 1958, is hereby repealed.

(3) A certificate purporting to be signed by an officer of the Minister and to certify that on a specified day or days or during the whole of a specified period a specified person was not the holder of a merchandise licence authorising him to carry on a merchandise road transport business shall, without proof of the signature of the person purporting to sign the certificate or that he was an officer of the Minister, be evidence until the contrary is proved of the matters purported to be certified in and by the certificate.

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

(5) The restrictions on the carriage of merchandise imposed by this section shall not apply—

(a) where the carriage is in a vehicle or a combination of vehicles (including a trailer or a semi-trailer) which does not exceed 2.5 metric tons unladen weight or which has a permissible maximum total laden weight of not more than 6 metric tons,

(b) to the carriage of cattle, sheep or pigs,

(c) in the period in each year beginning on the 1st day of August and ending on the 30th day of November, to the carriage of newly harvested wheat, oats or barley from a farm to a place of storage, assembly or processing.

(6) For the purposes of subsection (5) (a) of this section, 2.5 metric tons unladen weight shall be deemed to be equivalent to 6 metric tons permissible maximum total laden weight.”.

Amendment of section 14 of Principal Act, and consequential provisions.

**3.—**(1) The following section is hereby substituted for section 14 of the Principal Act, as amended by the Act of 1971:

“14.—(1) Every merchandise licence granted in pursuance of an application shall—

(a) operate and be expressed to authorise the licensee under such licence to carry on a merchandise road transport business in respect of the merchandise (or type of merchandise) specified in the application in the area or areas specified in the application, with such number of vehicles as may be specified in the licence and subject to this Act and regulations made thereunder and to any conditions specified in the licence;

(b) state the vehicle plate issuing station at which vehicle plates will be available for issue to the licensee, being the station stated in the application as the station at which the licensee desired that vehicle plates should be available for issue to him;

(c) if it is a merchandise (existing carrier's) licence, be expressed to be such a licence.

(2) Notwithstanding anything in this section, every merchandise (existing carrier's) licence shall operate and be expressed to authorise the licensee under the licence to carry on a merchandise road transport business throughout the State in respect of any merchandise or type of merchandise.

(3) The number of vehicles with which a licensee under a merchandise licence shall be entitled to carry on a merchandise road transport business shall, subject

to subsections (4) and (5) of this section and, in the case of a merchandise (existing carrier's) licence, to section 8 of the Road Transport Act, 1978, be—

- (a) if the licence is a merchandise (existing carrier's) licence, the number of vehicles specified on the licence on the 1st day of January, 1978, multiplied by six;
- (b) in any other case, such number of vehicles as the Minister may from time to time specify on the licence and as are of such description as he may so specify.

(4) The number of vehicles which any one licensee shall be entitled to operate in carrying on a merchandise road transport business (whether under one licence or more than one licence) shall not exceed 80.

(5) Insofar as they relate to the number of vehicles which may be operated under a merchandise licence, the provisions of this section shall not apply to a merchandise licence issued to an authorised (merchandise carrying) company.”

(2) As soon as practicable after the passing of this Act—

- (i) the Minister shall notify the holder of each merchandise (existing carrier's) licence of the amended number of vehicles he is entitled to operate;
- (ii) a notification under this subsection shall constitute an amendment of the relevant licence;
- (iii) the Minister shall correspondingly amend the particulars of each merchandise (existing carrier's) licence in the register of merchandise licences kept under section 6 of the Act of 1971.

(3) Every holder of a merchandise (existing carrier's) licence shall, as soon as practicable after the passing of this Act, apply to the Minister to have the amended number endorsed on the licence and the Minister shall accede to every such application as soon as practicable.

Amendment of section 8 of Act of 1971.

4.—The following section is hereby substituted for section 8 of the Act of 1971:

- “8.—(1) (a) Notwithstanding anything in the Principal Act or the Act of 1935, the Minister may grant in respect of a vehicle a licence (which shall be known, and is in this Act referred to, as a restricted road freight licence) to a person authorising him to use the vehicle for the purposes of merchandise road transport in the State, subject to any conditions which the Minister may see fit to impose and specifies in the licence.
- (b) Nothing in this section shall be construed as permitting a person to use a vehicle, in respect of which a restricted road freight licence has been granted, for the purpose of the delivery in the State of goods which have been loaded on to that vehicle in the State.
- (c) Where a vehicle in respect of which a restricted road freight licence has been issued complies with the conditions specified in section 7 (1) of the Act of 1935 (as amended by section 29 of the Transport Act, 1958), the restricted road freight licence shall also authorise the licensee to import the vehicle into the State, and section 7 (3) of the Act of 1935 shall apply to such a licence in such case as if it were a licence under section 7 of the Act of 1935.
- (2) (a) The Minister may by order declare that a licence or class of licence (as specified in the order) issued by the competent authority of another State, an international organisation or a person or body acting on behalf of such an organisation in pursuance of an international agreement relating to international transport by road to which the State is a party, or an agree-

ment, arrangement or resolution relating to such transport to which the Minister is a party, shall be deemed to be a restricted road freight licence, and any such order made before the passing of the Road Transport Act, 1978, shall continue in force and be deemed to have been made under this section.

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

(3) Sections 9 and 34 of the Principal Act (as amended or extended) shall not apply to a person who is the holder of a restricted road freight licence or a licence deemed by order under this section to be a restricted road freight licence when that person is engaged in merchandise road transport under and in accordance with the terms of the licence.

(4) The Minister may at his discretion charge a fee of such amount as he may determine in respect of a restricted road freight licence or a licence deemed by order under this section to be a restricted road freight licence, or a licence or class of licence issued by the Minister or by the Department of Tourism and Transport in pursuance of an international agreement relating to international transport by road to which the State is a party, or an agreement, arrangement or resolution relating to such transport to which the Minister is a party.

(5) In this section 'the Act of 1935' means the Road Transport Act, 1935."

Orders by Minister relating to international agreements, etc.

**5.—F1**[(1) Where an act of the European Communities relating to international transport by road, an international agreement relating to such transport to which the Government, the State or the European Communities is a party, or an agreement, arrangement or resolution relating to such transport to which the Minister is a party so requires, the Minister may by order exempt any specified class of vehicle or any specified class of such transport from section 7 of the Road Transport Act, 1932, sections 6 and 7 of the Road Transport Act, 1935, or any provision of—

(a) any Act, or

(b) any regulations made under the European Communities Act, 1972,

providing for the licensing of road freight carriers or road passenger transport operators or the issuing of transport discs.]

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

**F2**[(3) Road passenger vehicles which are permitted to be imported into the State under an agreement referred to in subsection (1) of this section that is in force on the day on which this subsection comes into operation shall be deemed to have been exempted from the provisions of section 4 of the Road Transport Act, 1999, by an order made under subsection (1) of this section.]

#### Annotations

#### Amendments:

- F1** Substituted (30.08.1999) by *Road Transport Act 1999* (15/1999), s. 10(1)(a), S.I. No. 264 of 1999, subject to transitional provision in subs. (2).
- F2** Inserted (30.08.1999) by *Road Transport Act 1999* (15/1999), s. 10(1)(b), S.I. No. 264 of 1999.

#### Editorial Notes:

- E1** Power pursuant to section exercised (16.02.1996) by *Road Transport Act, 1978 (Section 5) Order 1996* (S.I. No. 53 of 1996).

- E2** Power pursuant to section exercised (13.07.1995) by *Road Transport Act, 1978 (Section 5) (No. 2) Order 1995* (S.I. No. 201 of 1995).
- E3** Power pursuant to section exercised (4.04.1995) by *Road Transport Act, 1978 (Section 5) Order 1995* (S.I. No. 84 of 1995).
- E4** Power pursuant to section exercised (13.07.1992) by *Road Transport Act, 1978 (Section 5) Order 1992* (S.I. No. 191 of 1992).
- E5** Power pursuant to section exercised (24.07.1991) by *Road Transport Act, 1978 (Section 5) Order 1991* (S.I. No. 201 of 1991).
- E6** Power pursuant to section exercised (5.07.1990) by *Road Transport Act, 1978 (Section 5) Order 1990* (S.I. No. 180 of 1990).
- E7** Power pursuant to section exercised (16.05.1989) by *Road Transport Act, 1978 (Section 5) Order 1989* (S.I. No. 144 of 1989).
- E8** Power pursuant to section exercised (21.12.1988) by *Road Transport Act, 1978 (Section 5) Order 1988* (S.I. No. 357 of 1988).
- E9** Power pursuant to section exercised (2.11.1983) by *Road Transport Act, 1978 (Section 5) (No. 2) Order 1983* (S.I. No. 332 of 1983).
- E10** Power pursuant to section exercised (2.11.1983) by *Road Transport Act, 1978 (Section 5) Order 1983* (S.I. No. 331 of 1983).
- E11** Power pursuant to section exercised (9.08.1982) by *Road Transport Act, 1978 (Section 5) (No. 4) Order 1982* (S.I. No. 269 of 1982).
- E12** Power pursuant to section exercised (9.08.1982) by *Road Transport Act, 1978 (Section 5) (No. 3) Order 1982* (S.I. No. 268 of 1982).
- E13** Power pursuant to section exercised (9.08.1982) by *Road Transport Act, 1978 (Section 5) (No. 2) Order 1982* (S.I. No. 267 of 1982).
- E14** Power pursuant to section exercised (8.03.1982) by *Road Transport Act, 1978 (Section 5) Order 1982* (S.I. No. 41 of 1982).
- E15** Power pursuant to section exercised (11.09.1981) by *Road Transport Act, 1978 (Section 5) (No. 3) Order 1981* (S.I. No. 324 of 1981).
- E16** Power pursuant to section exercised (11.09.1981) by *Road Transport Act, 1978 (Section 5) (No. 2) Order 1981* (S.I. No. 323 of 1981).
- E17** Power pursuant to section exercised (29.04.1981) by *Road Transport Act, 1978 (Section 5) Order 1981* (S.I. No. 152 of 1981).
- E18** Power pursuant to section exercised (29.05.1980) by *Road Transport Act, 1978 (Section 5) Order 1980* (S.I. No. 160 of 1980).
- E18** Previous affecting provision: subs. (1) substituted (12.11.1986) by *Dublin Transport Authority Act 1986* (15/1986), s. 29(8), S.I. No. 357 of 1986.

Licensing of road haulage in new areas.

**6.—F3[...]**

(6) Section 36 of the Principal Act is hereby amended by the substitution of the following subsection for subsection (1):

“(1) On and after the appointed day it shall not be lawful for any person to enter into an agreement for the carriage for reward of merchandise in a mechanically propelled vehicle by any other person unless such other person is a licensee under a merchandise licence or such carriage is exempted from the provisions of section 9 of this Act (as amended or extended).”.

**Annotations****Amendments:**

**F3** Repealed (14.07.1986) by *Road Transport Act 1986* (16/1986), s. 19(f), S.I. No. 240 of 1986.

Provisions relating to vehicle plates.

**7.—F4[...]**

**Annotations****Amendments:**

**F4** Repealed (31.10.2005) by *Road Transport Act 1999*, s. 23 and sch., S.I. No. 683 of 2005.

Transitional provision relating to merchandise (existing carrier's) licences.

**8.—F4[...]**

**Annotations****Amendments:**

**F4** Repealed (31.10.2005) by *Road Transport Act 1999*, s. 23 and sch., S.I. No. 683 of 2005.

Modification of Road Transport Act, 1956.

**9.—F5[...]**

**Annotations****Amendments:**

**F5** Repealed (14.07.1986) by *Road Transport Act 1986* (16/1986), s. 19(f), S.I. No. 240 of 1986.

Expenses.

**10.—**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.

Short title and construction.

**11.—**(1) This Act may be cited as the Road Transport Act, 1978.

(2) The Principal Act and this Act shall be construed together as one Act.

[No. 8.]

*Road Transport Act 1978*

[1978.]

ACTS REFERRED TO

Probation of Offenders Act, 1907	1907, c. 17.
Road Transport Act, 1932	1932, No. 2.
Road Transport Act, 1933	1933, No. 8.
Road Transport Act, 1934	1934, No. 17.
Road Transport Act, 1935	1935, No. 23.
Transport Act, 1944	1944, No. 21.
Hire-Purchase Acts, 1946 and 1960	
Road Transport Act, 1956	1956, No. 13.
Transport Act, 1958	1958, No. 19.
Road Transport Act, 1971	1971, No. 8.