The Evolution of Taxi Policy in Ireland

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Abstract

This paper analyses the role of interest groups in the setting of taxi policy in Ireland during the 1990’s. It uses a simple illustrative game theoretic framework to explain the behaviour of the taxi lobby and politicians in determining taxi policy over the decade. It draws on recent theoretical advances that explain the impact of negative incentives (i.e. strikes, blockades, smear campaigns, physical threats etc.) on the relationship between lobby groups and policymakers and their effect on policy reform. The paper shows that the taxi lobby exerted significant power over policy determination during the decade and that they used both connections with politicians, and strikes and blockades in order to obtain favorable policy outcomes. It further demonstrates that as the decade progressed the problems of the policy became more obvious to the public and increasingly cost politicians in terms of support and credibility. It also shows that the taxi lobby’s inability to compromise to ameliorate the public’s concerns led to the complete liberalization of the industry.

Introduction

This paper examines the political implementation of taxi regulation policy during the 1990’s. The regulation of the taxi market would seem, on the face of it, to be a relatively innocuous and simple affair for a government to deal with. Yet in Ireland during the 1990’s, the regulation of this industry especially in Dublin caused controversy in each year of the decade. Many newspaper column inches and talk radio hours were devoted to discussing it; streets were blockaded on several occasions by protesting taxi drivers; numerous hours were spent by politicians and civil servants trying to negotiate a solution; it became a regular topic of “water cooler” or “dinner party” conversation amongst ordinary people; the public either queued for hours for a taxi or in frustration walked home and while trying to reform the area, a Minister was issued with a death threat1.
The regulation of the taxi industry was dominated by one issue - the retention of a moratorium on the issuing of new taxi licences. The number of taxi licences had remained unchanged at 1,824 since the moratorium was introduced in 1978.²

The Theoretical Background

The literature on lobbying in the political economy arena can be traced back through Olson (1965), Stigler (1971) Posner (1974), Peltzman (1976), Becker (1983), Austen Smith (1987), Lohman (1994) and Grossman and Helpman (2002). This literature explained the influence of lobbyists on politicians solely through the positive incentives that they could offer the policymakers. Simply this literature saw lobbyists as exerting influence by either providing money (either through bribes or political contributions) or by providing politicians’ with information that could be used in the policy process.

Recent research has brought “negative modes” of influence into the analysis. Dal Bó and Di Tella (2003) in their paper “Capture by Threat” examine the conditions whereby politicians could be captured by “nasty” interest groups that harassed politicians through means of smear campaigns, legal cases and by physical threat. An interesting conclusion of this paper of relevance to my analysis explains why good policies may be delayed - “policymakers fears punishment, so they deliver the good policy only when the electoral prize for it is high enough.” This may explain why reform of taxi policy only occurred in the late 1990’s when Mary Harney raised the stakes of the issue, to a matter upon which the coalition Government could founder.

Dal Bó, Dal Bó and Di Tella (2006) then extended the theory to include both positive and negative incentives. The title of this paper “Plato o Ploma?” starkly captures the nature of positive and negative incentives. The phrase is a message that Colombian judges and other public officials often receive in their first week in office. In English, the phrase translates as “Lead or silver?” The message is simple “Would you like to be shot or would you like to get rich?” - The two extremes of positive and negative incentives. Of course the incentives do not need to be these extremes, positive incentives can be election...
contributions, support from an influential group in society, positive comment in the media, while negative incentives can be street demonstrations, blockades, aggressive lobbying by interest group members, smear campaigns in the media etc.

Dal Bó, Dal Bó and Di Tella (2007) further develop this research. They use a framework where the lobby group is modeled as a long run player, who requests a favour in each period from a series of short run political players. In return for the favour, the lobby makes the offer of a transfer to the politician. If the political player refuses the request for the favour, the lobby may decide to punish the political player by engaging in a strike, a blockade, legal action, a smear campaign etc. The conclusions of their model show that both rewards and punishment can be used in tandem by interest groups and that lobby groups may act in order to build a “tough” reputation so that in future periods they need only hint at action in order to get their way. They also demonstrate that the ability to use punishments saves on the amount lobbies “pay” to politicians. They argue that this provides an explanation of the “Tullock paradox”. Tullock (1980) noticed that the benefits transferred to public officials in return for favors secured were usually negligible in comparison to the benefits they secure. In the present analysis, there is little evidence of large sums of money changing hands between the lobby and politicians although there is considerable anecdotal evidence and rumors about certain politicians owning taxi plates and receiving electoral help form the taxi lobby. However, these amounts would appear to be small in comparison to the monopoly profits made by the taxi drivers during the decade.

**Explanation of the Evolution of Taxi Policy**

In order to analyse the evolution of taxi policy, I divide the period in consideration into four distinct periods. Each period is characterised by a position of little policy change and ends with some change or attempted change in policy that moves the analysis into a new distinct period. The format is used to analyse major changes in policy or conditions. Following Scharpf (1997) I use a game theoretic format to illustrate the interaction between the main players in deciding policy. I identify Government and the taxi lobby as
the main determinants of policy. I also give each player a choice between two different alternative actions. For the government, the choice is between the type of policy they opt to follow. The first choice is called “open policy” where the government allows the open issuing of new taxi licences. The second option is called “closed policy” where the government refuses to issue licences or issues a small ineffectual amount of licences. The taxi drivers also have two choices; they can opt to “protest” or “not protest” where protest means engaging in strikes, blockades, strenuous lobbying etc. In effect anything that can impose a negative cost on the policymaker. As I move through the periods following Scharpf (1997) I attach various values to the different positions in order to illustrate the effect of changes in policy.

**Period 1**

The first period under consideration is a relatively long phase of 13 year and lasts from 1978 until 1991. The period begins with the taxi drivers successfully persuading the then Minister for the Environment Mr. Sylvester Barrett TD (FF) to suspend the issuing of taxi licences in 1978 after they had blockaded Butt Bridge for a week. The Irish Times on the 28th of August 1978 stated “The strike is the culmination of a long battle by the Irish Taxi Federation for strict limits on the numbers of licence plates issued.”

The moratorium attracted little attention during the recessionary decade of the 1980’s, however, as the decade drew to a close and the first “green shoots” of economic recovery began to appear, the limit on the number of taxis within Dublin city began to have an effect on the quality of the taxi service. Long queues at taxi ranks began to form at night and it became increasingly difficult to get a taxi at other busy times especially Friday afternoons. The emergence of queues, economic growth etc. and the commissioning of a report signals the end of this period and the movement to Period 2 (See below)
Examining each set of options available to each player

**Taxis**

The taxi drivers mentioned above obtained in 1978 a favourable “closed” regulatory environment through strikes, lobbying and court action. This closure of the policy environment is of value to the taxi drivers. I assign an arbitrary illustrative value of €10 that the closed policy is worth to the taxi drivers. An “open” regulatory environment is worth €0 to the taxi drivers. As they have demonstrated to the Government, the taxi lobby is willing to “protest” in order to achieve their desired outcome. The cost of “protest” for the taxi drivers is €1 while it costs €0 for them to engage in “no protest”.

**Government**

Dixit (1999) states, “Politicians have very short time horizons”. This may be summed up by Harold Wilson’s memorable phrase “A week is a long time in politics.” With this in mind, I assume that “protest” imposes significantly greater costs on the politicians than it costs the taxi drivers to engage in. This reasoning follows Dal Bó et al. (2007) where they model the cost and effect of the protest as variables of different magnitudes. It may only cost the taxi lobby €1 to protest they impose, say, a cost on the government of €4. This may be easily seen. It may cost a taxi-driver only a half-day’s fares to blockade
Dublin city centre but the economic impact may run to millions and can seriously upset a large swathe of the population. This leads to sizeable pressure on government from a broad section of society to get the problem solved quickly. If the taxis lobby chooses “Don’t Protest” there is no cost imposed on the government.

If the government chooses an “open” policy it receives little or no “democratic boost” from the electorate. This is because on a national level, taxi policymaking is far down the list of priorities for ordinary voters especially for those voters who are not directly affected. Further, during this early period, there was very little general awareness of the issue in the public domain. If the Government chooses “closed” policy it receives a benefit of €2 from the taxi drivers in the form of electoral contributions, favourable comment from the taxi lobby, help ferrying elderly voters to the polls at election time etc.

**Optimal Strategy for Government and Taxi Lobby**

We see from above that the optimal strategy is for the Government to choose “closed” and for the taxi lobby to choose “Don’t Protest”. This is the situation that existed in the taxi industry up until 1991. (This is the Nash Equilibrium of the game.)

**Period 2**

The 1991-1999 period

With the recovery in the Irish Economy, the ability of the taxi industry to expand with the economy was curtailed by the restriction of issuing new taxi licences. This restriction manifested itself through the long queues forming at taxi ranks during weekend nights, and especially during the busy Christmas period. This public manifestation of the limitations of this policy (Queues at taxi ranks etc.) brings the issue into public consciousness and discussion. The moratorium now begins to cost the government in terms of credibility and some small amount of actual votes.
This period begins with the Minister of the Environment commissioning the “Inter-Department” report in 1991. This report proposes that “Controls on the granting of new licences should be retained on the basis of a strategy of gradual liberalisation”. The taxi-lobby suspects and fears that its monopoly position will be eroded and in response protests continually and effectively. For example, one protest blockaded the Minister for the Environment, Michael Smith’s hometown of Roscrea. This shows the ability of the lobby to inflict sizeable costs on politicians at a minimal cost to themselves. In another instance taxi divers caused traffic chaos by blockading O’Connell St. on the day of the Presidential election in 1997.

In reaction to these protests the government retreats from any meaningful reform. The cycle of attempted reform, protest and retreat continues over this whole period. Several reports were commissioned by different government bodies; each report called for substantial change and at each stage the taxi-lobby succeeded; through protests, blockades and lobbying in keeping the number of licences issued to a minimum (the only concessions they agree to were a small increase in the number of “wheelchair accessible” taxis.)

The political party make-up of government is important during this period. A Fianna Fail and Progressive Democrat coalition were in power from July 1989 until June 1993. The taxi issue at this early stage of the public awareness was not a big enough issue to become a problem between the coalition partners. That government was replaced by a Fianna Fail-Labour coalition. Both these parties had links with the taxi-lobby (especially on the Northside of Dublin) and so were less likely to tackle the problem. In November 1994, the “Rainbow Coalition” of Fine Gael, Labour and the Democratic Left entered into government. The Fine Gael element of the coalition was disposed to challenge the taxi-lobby but again the issue may have been “long-fingered” in order not to create inter-party tensions or tensions with the taxi lobby, over something that wasn’t of prime political importance. In September 1995, the regulation of the taxi sector was returned to Dublin City Council. As Drapier in the Irish Times on the 6th of January 1996 notes “Brendan Howlin and Dublin Corporation decline to issue any more licences because the
clout of the taxi-owners is too great”. The Council did try to issue a small number of licences but each time it did so it was subject to such strenuous lobbying, protest and blockades that any meaningful reform was stifled.

Soon after becoming Taoiseach Mr. Bertie Ahern TD set up a report group in November 1997 called the Dublin Taxi Forum. The problem was now farcical as the following reported comments from a meeting of the Dublin City Council “Taxi and Hackney Sub-Committee in December 1996 reveal; Councillor Carmencita Hederman (Ind.) said queues of nearly 100 people were outside Heuston Station at 11am while Christy Burke (SF) said there were queues up to a mile long at some ranks in the early morning. Some opposition politicians stated that the Taoiseach had only become involved in order to protect the taxi drivers from reform and that the Forum effectively stalled reform for at least another year. It recommended in September of 1998 an increase of 850 licences over a four year period to the end of 2002. The Irish Times in an editorial described these recommendations as “Another patch sewn on the ragged fabric of Dublin’s transport infrastructure”. They further stated that the recommendations “fall well short of a solution to Dublin’s chronic taxi shortage”8.

The **1991-1999 period** payoffs are listed within the matrix

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<thead>
<tr>
<th>Government</th>
<th>Taxi Lobby</th>
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<tr>
<td><strong>Strategy</strong></td>
<td>Protest</td>
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<tr>
<td>Open</td>
<td>-1,-6</td>
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<tr>
<td>Closed</td>
<td>-2,9</td>
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Examining each set of options available to each player
Taxis

The taxi drivers have a favourable regulatory environment which they wish to preserve. If the Government chooses “closed” it is again worth €10 to the taxi lobby. If the Government chooses “open” the Taxi Lobby incurs losses of €-5. This loss reflects the fact that some of the taxi-plates have now been sold at prices of between £30,000 to £100,000. It costs €0 for the taxi lobby to engage in “Don’t protest”. It costs €1 to engage in “Protest”.

Government

If the taxi lobby chooses “Protest” there is a cost imposed on the government of €4. If the taxi lobby chooses “Don’t Protest” there is €0 cost imposed on the government. If the government chooses “Open” there is now a benefit to the government of €3. This reflects the “credibility dividend” (in Dal Bó et al. 2007 they use a similar “moral” variable) that the government benefits from, in being seen to tackle an unpopular interest group. If the Government chooses “Closed” it again receives a benefit of €2 from the taxi drivers.

Optimal Strategy for Government and Taxi Lobby

There is now an incentive for the Government to change its strategy by choosing “Open”. This gives the Government a better payoff of €3 while the taxis suffer a loss of €5. (This is the Nash equilibrium of this particular game). The last time that the government and the taxi drivers had been seriously in dispute was in 1978. The ability of the government to gauge the taxi-drivers reaction in its first dispute with the lobby in 13 years is diminished. The politicians and civil servants that had dealt with that dispute had since retired or may generally have been moved on to different duties. Key players for the taxi-drivers in the 1970’s like Martin Morris were still active in the taxi lobby during this period. The government makes the best move it believes it can at that particular point in time, with the information that it has. The taxi lobby responds by “punishing” the Government for changing it strategy. The Government’s best strategy over this initial
interaction is to return to “closed” and the taxi lobby returns to “Don’t Protest”. (This period could be modelled in greater detail and with more accuracy using more complex game theory. However this would render the analysis in the paper beyond the readership of all but analysts with a detailed knowledge of game theory.)

Further, as this period moves from its initial stage, there seems to emerge a sort of “rocking” equilibrium, where each Christmas the problem becomes very obvious due to the increase in seasonal usage, which generates a lot of public awareness. Politicians and Government, then feel that they must do something or at least be seen to do something in order to maintain a level of credibility. Politicians who have no connection with the taxi lobby may be able to gain votes etc. by trying to overcome those who do have connections with the taxi lobby and who wish to maintain the status quo. This manifests itself in a series of attempts by non taxi lobby aligned politicians to raise the issue. For example, Fine Gael members of the various Dublin Local authorities campaigned strongly for an open licensing policy during the period 1995-1997 when Dublin City Council were responsible for taxi policy. The response of the taxi lobby and their political supporters was to stall and only yield very small amounts of ground. So what emerges is the “rocking” equilibrium, where in the aftermath of each Christmas, a call for reform occurs; this is then fought by the taxi lobby through protest, street blockade, lobbying etc. Some very minor “solution” is then agreed i.e. another report into the problem or a minor concession of wheelchair accessible taxis. The problem remains essentially unsolved and the cycle begins again as another Christmas of taxi problems begins.

**Period 3**

As the decade of the 1990’s proceeds and the economic growth that was prevalent in Ireland at that time rapidly continued, the taxi problem exacerbates and becomes much more visible. It is now more costly for the Government to support the taxi drivers, in terms of credibility and votes.
Fianna Fail and the Progressive Democrats entered into a coalition government in June 1997. A year and a half into the lifetime of this coalition, in the intervening period between Christmas 1998 and the New Year 1999, the Tánaiste, Ms. Mary Harney TD in an interview with the Sunday Business Post raised the stakes on the taxi issue. She stated that Christmas 1998 would be the “last Christmas of taxi mayhem”\textsuperscript{9}. This statement is significant because she publicly sinks her political capital into the issue. The PDs must now do something on the issue in order to retain credibility.

Ms. Harney’s views were severely rebuked by the Taoiseach’s brother Mr. Noel Ahern TD immediately who said “I realise it’s Christmas and in the absence of hard news, we must listen to some party leaders sounding off with their brain wave, but I must record my shock and horror at some of the headline-seeking comments of the Tánaiste”\textsuperscript{10}.

The Progressive Democrats had as a central tenet of their manifesto (and their existence, it could be argued) the policy of liberalising markets. The PDs also had the relative benefit of being a small niche party. This was a benefit because it reduced the ability of any lobby group to use a particular party’s back-benchers to put pressure on a Minister from that party. A PD Minister had a small back bench party to deal with whereas a Fianna Fail Minister had to contend with the lobbying of many. Further, this lobbying may be more effective where the Minister in question has his/her sights on party leadership and therefore would need to rely on the support of these back-benchers in any leadership contest. Also, as has often been commented upon, small parties struggle to maintain their identity in coalition. The taxi problem was a very public issue from which the PDs could gain political capital from, with minimal risk of damage to themselves politically.

On Tuesday 30\textsuperscript{th} of November 1999, Mary Harney delivered on her public statement that her party would move decisively on the taxi question. Fine Gael had introduced a private members motion on Transport. During the debate on this motion the Progressive Democrat, Minister of State for the Environment Mr. Robert Molloy TD announced proposals to increase the taxi fleet by 3,100 including 1,300 wheelchair accessible taxis.
The labour spokesperson on public enterprise Mr. Emmet Stagg TD said the powerful stranglehold which the taxi lobby had on Fianna Fail beggared belief. “There is a chronic lack of taxis in Dublin city. I want to compliment the Minister on tackling that lobby”\textsuperscript{11}. There was significant opposition by several Fianna Fail backbenchers to the proposal.

Earlier, in the summer months of 1999, the two government parties held a review of their Programme for Government. According to a PD source\textsuperscript{12} the FF team led by Mr. Dermot Ahern TD and Mr. Noel Dempsey TD were happy to advance with privatisation and tax policies but when it came to taxis, they simply stayed silent. When the review was finalised it was left to the Taoiseach and Tánaiste to negotiate the taxi issue. The Tánaiste persuaded the Taoiseach that something had to be done and Mr. Molloy was told to proceed with measures that would reflect PD policy but also go some way to appease the Fianna Fail TDs that were close to the taxi lobby. This was to be done by allocating 2,600 of the extra 3,100 new licences to existing taxi plate holders. When Mr. Molloy took the package to cabinet, the Taoiseach was the only Fianna Fail member with any knowledge of what it contained.

The 1999-2000 payoffs are listed within the matrix

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<td></td>
<td>Strategy</td>
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<tr>
<td>Open</td>
<td>6,4</td>
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<tr>
<td>Closed</td>
<td>-12,9</td>
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Examining each pair of options available
Taxis

If the Government chooses “closed” it is still worth €10 to the taxi lobby. If the Government chooses “open” the taxi lobby receives a benefit of €5, because their supporters within government ensured that they received some level of payoff. It costs €0 for the taxi lobby to engage in “Don’t Protest.” Its costs €1 to engage in “Protest”.

Government

If the taxi lobby chooses “Protest” there is a cost imposed on the government of €4. If the taxis lobby chooses “Don’t Protest” there is a cost imposed on the government of €0. If the government chooses “Reform” there is now a benefit to the government of €10 in terms of credibility and increased stability due to the PDs being satisfied that they are achieving results in Government. If the Government chooses “Don’t Reform” it receives a benefit of €2 from the taxi drivers however, there is now a cost of destabilizing and potentially of bringing down the coalition government of -€10.

Optimal Strategy for Government and Taxi Lobby

The optimal strategy is now for the Government to reform and move to an open policy. The taxi lobby protests. This leads to a worse outcome for them. The lobby seems incapable of understanding that the costs of their allies in government of supporting them have risen considerably and that they are receiving a reasonable solution in the circumstances. The taxi-lobby is in fact “over-playing” it hand. If the lobby agreed to the increase in licences and the compensation pay-off it would have received, the issue may have faded away without major reform and they could have retained some monopoly control over policy. However, the lobby insisted on fighting any reform which then led to a chain of events that resulted ultimately in the removal of any numerical restriction.

Also during this period Minister Molloy was issued with a death threat. This is an example of an extreme negative incentive as discussed in Dal Bó and Di Tella (2006). It is important to ensure that these threats are not allowed to become commonplace as they seriously undermine the institutions of the state and their officials. It is worth
highlighting that the present Taxi Regulator Ms. Kathleen Doyle was recently issued with death threats in 2009.

**Period 4**

The Molloy reforms were challenged in the courts by four hackney drivers. They won their case with the High Court sweeping away the concept of any regulation that imposes a numerical restriction on the number of licences. This is in direct contrast to the High Court decision in 1978 that ruled that numerical restrictions were legal. One can only assume that the High Court’s thinking evolved over time. In the 1970’s, the conventional wisdom was generally of the “one man, one job” type and that every man was entitled to a wage that would properly support his family. On the turn of the new millennium, judicial thinking appears to have moved to a more liberal and flexible view of the labour market and this may account for the difference in judgement from the High Court.

In comparison to politicians, who must seek election in order to exercise power, the judiciary is significantly more independent of interest groups in society. The ability of the taxi-lobby to impose any cost on the judiciary is very low and for the purposes of our analysis I assume it is zero. The Government official now determining policy in the taxi industry is a member of the judiciary.

The **2000** payoffs are listed within the matrix

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<td>(Judiciary)</td>
<td>Strategy</td>
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<td></td>
<td>Protest</td>
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<td>Open</td>
<td>10,-11</td>
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<tr>
<td>Closed</td>
<td>0,9</td>
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Examining each pair of options available
Taxis

If the Judiciary chooses “closed” it is worth €10 to the taxi lobby. If the judiciary chooses “open” the taxi lobby incurs losses of €-10 because they lose all of the capital value of their licences. It costs €0 for the taxi lobby to engage in “Don’t Protest.” Its costs €1 to engage in “Protest”.

Government (Judiciary)

If the taxi lobby chooses “Protest” there is €0 cost imposed on the judiciary. If the taxis lobby chooses “Don’t Protest” there is also no cost imposed on the judiciary. If the judiciary chooses “open” there is a benefit of €10 to the judiciary in terms of credibility of judiciary and the constitution. If the judiciary chooses “closed” it receives a benefit of €0 from the taxi drivers.

Optimal Strategy for Government (Judiciary) and Taxi Lobby

The optimal strategy is, unambiguously, for the judiciary to choose reform. The game is now “lost” for the taxi lobby. Their worst outcome of an “open” policy has been realised.

Conclusions

As can be seen the implementation of policy is complex. The “optimal” policy prescription of open access to the taxi industry is easy to conceptualize but very difficult realise in practice. Politicians have to deal with a policy reality that reflects the varying degrees of power and interest, that the different participant’s exhibit. The taxi drivers were able to capture policy due to their ability to engage in effective protest cheaply and their ability to capture politicians. As follows from, Dal Bó et al. (2007), they used both positive and negative incentives. Their ability to protest was enhanced by a very large cost benefit ratio of protesting. It cost the taxi drivers a very small amount to protest
while the protest imposed a sizeable cost on society. This conclusion again is supported by Dal Bó Et al. (2007)

However, a major disadvantage for the taxi drivers was that the closed taxi policy manifested itself very publicly in the form of long queues and waiting times for services. The cost to the public was obvious and unambiguous. Another disadvantage was that taxi policy is relatively easy to understand. Ordinary people could easily see the cause and effect of the policy. This is not the case in many other areas where interest groups capture policy. For example, RGDATA could always claim that Irish grocery prices were high due to the high cost of insurance, wages, rent etc. and that the high prices were not due to the Groceries Order, similarly Pharmacists try to justify high drug prices as been necessary to ensure the viability of the local pharmacist.

A further interesting aspect of the evolution of taxi-policy was the drivers’ inability to compromise or to see that they were part of a wider society. If the taxi lobby had agreed to the Molloy solution, they would have received a reasonable payoff; they may have retained greater support amongst politicians and they could also have retained greater control over taxi policy in the future.

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1 Irish Times 29/11/2000
3 Irish Times 28/08/1978
4 Ibid 14 February 1992
5 Inter-Departmental Committee (1992) “Report of the Inter-departmental Committee to review the operation of small public service vehicles”. The Stationary Office Dublin
6 Irish Times 23 September 1992
7 Ibid 31 October 1997
8 Ibid 6 November 1998
9 Sunday Business Post 27 December 1998
10 Ibid 3 January 1999
11 PDDE 30 November 1999
12 Irish Times 4 December 1999
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