

**Reprint
as at 9 May 1991**



**Speedlink Parcels Limited Vesting
Order 1991**
(SR 1991/72)

Catherine A Tizard, Governor-General

Order in Council

At Wellington this 6th day of May 1991

Present:
Her Excellency the Governor-General in Council

Pursuant to the New Zealand Railways Corporation Restructuring Act 1990, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This order is administered by the Treasury.

Contents

	Page
1 Title	2
2 Interpretation	2
3 Vesting of railways assets and railways liabilities in company	3

Order

1 Title

This order may be cited as the Speedlink Parcels Limited Vesting Order 1991.

2 Interpretation

(1) In this order, unless the context otherwise requires,—

the Act means the New Zealand Railways Corporation Restructuring Act 1990

agent means a person authorised by the Corporation to act on its behalf in accepting parcels for delivery by the Corporation in the course of carrying on the business

business means the parcels delivery business carried on by the Corporation and known as “Speedlink”

carrier means a person, other than an employee of the Corporation or an owner-driver, who provides parcel delivery services for the Corporation in connection with the business

the Company means Speedlink Parcels Limited

employee means a person employed by the Corporation in connection with the business

goodwill means the goodwill of the business; and includes—

- (a) the benefit of all existing and future contracts, orders, and engagements relating to the business;
- (b) the rights to the trade names “Speedlink”, and “Speedlink Parcels”;
- (c) the rights arising under the trade mark application filed with the Patent Office in the name of the Corporation as applicant for the name “Speedlink Parcels” being application number 18 2207 in Class 39:

- (d) the right to all lists of customers and suppliers of the business:
- (e) the right of the Corporation to represent itself as carrying on the business

Intercity Service means the long distance coach services provided from time to time throughout New Zealand by the Corporation; and includes freight carried by the Corporation on those services; but does not include a door to door parcel delivery service

owner-driver means a person who has entered into an agreement known as an owner-driver agreement with the Corporation in the Corporation's standard form of that agreement

properties means the premises used by the Corporation and known respectively as—

- (a) the Otahuhu Warehouse together with the storage facilities and office located at 644 Great South Road, Otahuhu:
 - (b) Auckland Station "C" Shed comprising approximately 17.570 m²:
 - (c) Auckland Station Basement comprising approximately 1 600 m².
- (2) Any term or expression which is not defined in this order, but which is defined in the Act, has the meaning given to it by the Act.

3 Vesting of railways assets and railways liabilities in company

- (1) The railways assets and railways liabilities of the Crown and the Corporation to which this clause applies, being assets and liabilities set out in a list prepared pursuant to section 6 of the Act by the Minister of Finance and the Minister for State Owned Enterprises dated 2 May 1991, shall vest in the Company on 13 May 1991.

- (2) This clause applies to—

- (a) the following motor vehicles and trailers:

Registration number	Model	Make	Registration type
OB 4217	FY50/36	Hino	Truck

Registration number	Model	Make	Registration type
OG 5340	FY50/36	Hino	Truck
OG 5349	FS 665	Hino	Truck
E 4089			Dog Trailer
E 9605			Dog Trailer
A 6894			Dog Trailer
A 6895			Dog Trailer

(b) the following forklifts:

Registration number	Model	Business premises at which located
OG 5332	Nissan	Auckland
OG 5333	Nissan	Auckland
MW 3730	Nissan	Otahuhu
KP 2441	Komatsu F025	Rotorua
MD 134	Nissan	Tauranga
KQ 1511	Datsun	Wellington
OG 5331	Nissan	Taupo
MW 3729	Nissan	Christchurch
PA 6899	Lees	Dunedin

(c) all radio equipment used in connection with the business excluding—

- (i) telephone equipment but not excluding the Corporation's interest in telephone equipment located at the properties:
- (ii) radio equipment installed in vehicles owned or used by the Corporation in connection with the business not being vehicles to which this clause applies:
- (iii) radio equipment installed at the Corporation's expense in vehicles owned by owner-drivers whose contracts with the Corporation are terminated by it before the close of 12 May 1991:
- (iv) radio equipment used jointly in connection with the business and the Intercity Service:

(d) all cages and handles for cages owned by the Corporation for use in connection with the business:

- (e) the scales at the Corporation's depot at Otahuhu:
- (f) all plant, furniture, and fittings situated at the basement of Auckland Railway Station and at "C" shed at Auckland Railway Station and used in connection with the business but not included in any of paragraphs (a) to (e):
- (g) all rights and obligations under every contract between the Corporation and other persons for the provision of services for the business; including contracts with agents and carriers; but not including contracts with owner-drivers:
- (h) all rights and obligations under the contract known as the "Fieldair Contract" dated 3 September 1986 and made between Classic Air Services Limited and the Corporation:
- (i) goodwill:
- (j) all rights and obligations under contracts between the Corporation and its customers for the delivery by the Corporation of parcels in the course of the business:
- (k) all rights and obligations under every award or agreement relating to employees of the Corporation employed in connection with the business on the close of 12 May 1991 and to whom the Corporation has not, before the close of 12 May 1991, sent or given a notice of termination of employment, being rights and obligations which arise or are to be performed or discharged after that date, including obligations which have accrued as at that date:
- (l) all transport service licences held by the Corporation in connection with the business:
- (m) all files, accounting records, documents of title, technical information, and other documents relating to the business.

Marie Shroff,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which is made pursuant to the New Zealand Railways Corporation Restructuring Act 1990, vests the assets and liabilities referred to in the order in Speedlink Parcels Limited on 13 May 1991.

In general terms the assets and liabilities are the assets and liabilities of the parcels delivery business of the New Zealand Railways Corporation, known as “Speedlink”.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 8 May 1991.

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 *General*

This is a reprint of the Speedlink Parcels Limited Vesting Order 1991. The reprint incorporates all the amendments to the order as at 9 May 1991, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*
