

Refer 19 Reprint of this Act.



ANALYSIS

<p>Title</p> <p>1. Short Title</p> <p>2. Membership of Authority increased</p> <p>3. Section 12 of principal Act amended</p> <p>4. Objections to applications for licence</p>	<p>5. Public inquiries as to matters relating to general conditions applicable to licences</p> <p>6. Renewal of licences</p> <p>7. Licensing Authority may alter expiry date of licence</p> <p>8. Regulations</p> <p>9. Rights of appeal</p>
---	--

1958, No. 44

An Act to amend the Air Services Licensing Act 1951

[26 September 1958]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Air Services Licensing Amendment Act 1958, and shall be read together with and deemed part of the Air Services Licensing Act 1951 (hereinafter referred to as the principal Act).

2. Membership of Authority increased—(1) Subsection two of section three of the principal Act is hereby amended by omitting the words “three members”, and substituting the words “four members”.

(2) This section shall be deemed to have come into force on the first day of February, nineteen hundred and fifty-eight.

3. Section 12 of principal Act amended—Subsection one of section twelve of the principal Act is hereby amended by omitting the words “any inquiry or investigation”, and substituting the words “any hearing, inquiry, or investigation”.

4. Objections to applications for licence—Section seven-
teen of the principal Act is hereby amended by inserting,
after subsection three, the following subsection:

“(3A) Any person who wishes to object to an application
for a licence shall give notice in writing to the Air Secretary
indicating the grounds of his objection. Any such notice shall
be delivered to the Air Secretary and a duplicate thereof
shall be delivered to the applicant not later than three days
before the date fixed for the hearing of the application.”

REP. 196
No. 84

5. Public inquiries as to matters relating to general conditions applicable to licences—The principal Act is hereby
amended by inserting, after section twenty-six, the following
section:

“26A. (1) The Licensing Authority, on application made
in that behalf by the Minister, or by any licensee or licensees,
or by any organisation representing licensees or any class of
licensees, or by any incorporated body not less than twenty-
five members of which are adult persons regularly using any
air service or class of air service, or on its own motion, may
hold a public inquiry under this section.

“(2) The purpose of any inquiry under this section shall
be to ascertain whether or not standard terms or conditions
applicable to all licences or to any class or classes of licences
should be prescribed by the Authority.

“(3) The Authority shall consider any application
received by it under subsection one of this section and, unless
it is of the opinion that any inquiry relating to the matters
referred to in the application would not assist the Authority
in the exercise of its functions or that the application refers
to matters beyond the scope of the functions of the Authority,
or that the application is not of sufficient general importance
to justify an inquiry, it shall hold an inquiry under this
section.

“(4) Unless the inquiry will relate to a particular locality
or localities, not less than fourteen days’ public notice of the
day, time, and place fixed for the inquiry and of the purpose of
the inquiry shall be given in each of the cities of Auckland,
Wellington, Christchurch, and Dunedin, and where the
inquiry will relate to a particular locality or localities the
notice shall be given in each locality to which the inquiry
will relate. Any notice under this subsection required to be
given in any city or locality shall be published in a daily news-
paper having a regular circulation in that city or locality.

“(5) The Air Secretary shall, at every inquiry under this section, place before the Licensing Authority all such information at his disposal as will assist the Authority in the exercise of its functions at the inquiry.

“(6) At any such inquiry the Licensing Authority shall hear all evidence tendered and representations made which it deems relevant to the subject-matter of the inquiry.

“(7) Any such inquiry may, in the discretion of the Authority, be adjourned from time to time and from place to place.

“(8) At the conclusion of any inquiry under this section the Licensing Authority may, if in its opinion it is in the public interest to do so, make an order prescribing terms or conditions applicable in all licences or in such licences or classes of licences as may be specified in the order.

“(9) Every order made under subsection eight of this section shall be published in the *Gazette* and no such order shall come into force before it has been so published.

“(10) Any order made under this section relating to any class or description of licences shall apply with respect to every licence at any time comprised within the class or description, whether the licence has been granted before or after the date of the order, and every such order shall have effect according to its tenor.

“(11) The Licensing Authority may, on the application of any licensee whose licence is amended pursuant to an order under this section, exclude the licensee from the provisions of the order or modify the order so far as it applies to the applicant. Any such application shall be delivered to the Air Secretary within fourteen days after the date of the publication of the order in the *Gazette*.

“(12) Where an application is made under subsection eleven of this section, the provisions of section twenty-six of this Act, as far as they are applicable and with the necessary modifications, shall apply to the application as if it were an application under that section.

“(13) For the purposes of section forty of this Act, any order under this section shall be deemed to be a decision of the Licensing Authority in respect of a licence.”

6. Renewal of licences—The principal Act is hereby amended by repealing section twenty-seven, and substituting the following section:

“27. (1) Every application for the renewal of a licence shall be forwarded through the Air Secretary and shall be made in the prescribed form not less than twenty-eight days before the day on which the licence expires:

“Provided that where the Licensing Authority is satisfied that failure to make any such application within the specified period is due to justifiable mistake or other reasonable cause, it may accept an application made at any time before the expiration of the licence.

“(2) Notice in the prescribed form of each application for the renewal of a licence shall be published in each locality to be served by the service to which the licence relates in some newspaper or newspapers having a regular circulation in that locality.

“(3) The Licensing Authority shall also give to every other licensee who in its opinion is likely to be affected notice of any application for the renewal of a licence.

“(4) Any person who wishes to object to an application for the renewal of a licence shall give notice in writing to the Air Secretary setting out the grounds of his objection. Any such notice shall be delivered to the Air Secretary within fourteen days after the date of the publication of the notice of the application.

“(5) Where there is no objection to the renewal of a licence, or where any objection received is, in the opinion of the Licensing Authority, not of sufficient importance to justify a public hearing, the Authority may, after taking into consideration all matters which it is required to consider under section eighteen of this Act, grant a renewal subject to such conditions as it thinks fit and as it is authorised to prescribe under this Act when granting a new licence:

“Provided that where it is proposed to impose new conditions in a licence otherwise than under section twenty-six A of this Act, the application for renewal shall be heard and determined under subsection six of this section.

“(6) Where the Licensing Authority does not grant a renewal under subsection five of this section, notice of the hearing shall be given and the application for renewal shall be heard and determined in all respects as if it were an application for a new licence.

“(7) In granting any renewal of a licence the Licensing Authority may either endorse the existing licence or issue a new licence, but any such licence shall show on the face thereof that it is in renewal of a licence.

“(8) The renewal of any licence shall take effect for a period of not more than five years from the expiry of the licence in renewal of which it is granted, but any such renewal may be granted in advance to take effect as aforesaid.”

7. Licensing Authority may alter expiry date of licence—Section twenty-eight of the principal Act is hereby amended by inserting, after subsection six, the following subsection:

“(6A) Where, in the opinion of the Licensing Authority, the circumstances of the case do not justify the revocation or suspension of a licence, it may alter to an earlier date the date of expiry specified in the licence. Every variation of the term of a licence under this subsection shall be noted in the appropriate register.”

8. Regulations—Subsection two of section fifty-two of the principal Act is hereby amended by inserting, after paragraph (d), the following paragraph:

“(dd) Prescribing fees payable in respect of any application under this Act or in respect of any matter in relation to the administration of this Act for which, in the opinion of the Governor-General, it is expedient to charge fees:”.

9. Rights of appeal—Subsection two of section forty of the principal Act, as substituted by section two of the Air Services Licensing Amendment Act 1952, is hereby amended by inserting, after paragraph (g), the following paragraph:

“(gg) Any incorporated body the principal object of which is the protection of the interests of licensees or any group of licensees:”.
