



ANALYSIS

<p>Title</p> <ol style="list-style-type: none"> 1. Short Title 2. Certificate of knowledge of law and practice required for transport service operations 3. Drivers of small passenger vehicles and vehicle recovery services to hold photographic identification card 4. Interpretation 	<ol style="list-style-type: none"> 5. Passenger services operated on or after 1 July 1991 to be notified to regional council 6. Registration of notified service 7. Restrictions on registration and variation of services between 1 February 1991 and 31 October 1991 8. Abandonment or variation of service registered before 1 February 1991 9. Small passenger vehicle services to be notified to regional council
--	---

1990, No. 123

An Act to amend the Transport Services Licensing Act 1989

[31 August 1990]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Transport Services Licensing Amendment Act 1990, and shall be read together with and deemed part of the Transport Services Licensing Act 1989 (hereinafter referred to as the principal Act).

2. Certificate of knowledge of law and practice required for transport service operations—(1) Section 18 (1) of the principal Act is hereby amended by—

(a) Omitting the words “no person shall, on or after—”; and
 (b) Repealing paragraphs (a) and (b),—
 and substituting the words “after the 31st day of December 1991, no person shall”.

(2) Section 18 (2) of the principal Act is hereby amended by inserting, after paragraph (a), the following paragraph:

“(ab) On the 31st day of December 1991 the holder of the licence was the holder of a relevant transport service licence; or”.

3. Drivers of small passenger vehicles and vehicle recovery services to hold photographic identification card—(1) Section 19 (1) of the principal Act is hereby amended by omitting the word “No”, and substituting the words “Except in accordance with an exemption under subsection (2B) of this section, no”.

(2) Section 19 (2) (e) of the principal Act is hereby amended by omitting the word “Shall”, and substituting the words “Subject to subsection (2A) of this section, shall”.

(3) Section 19 of the principal Act is hereby amended by inserting, after subsection (2), the following subsections:

“(2A) To enable the co-ordination of the documentation relating to the licence concerned, the Secretary may extend the currency of any driver identification card for any period (not exceeding 12 months) the Secretary thinks fit.

“(2B) Having regard to the nature of the service operated, the Secretary may exempt any driver, or drivers of any class or description, from the requirements of this section, unconditionally, or subject to any conditions the Secretary thinks fit.”

4. Interpretation—(1) Section 47 of the principal Act is hereby amended by repealing the definitions of the terms “passenger service” and “regional passenger transport plan”, and substituting the following definitions:

“ ‘Passenger service’,—

“(a) Subject to paragraph (b) of this definition, means—

“(i) Any passenger service within the meaning of section 2 (1) of this Act; and

“(ii) Except in section 57 of this Act (other than to the extent specified in subsection (3) of that section), any harbour ferry service, passenger rail service, cable car, hovercraft, monorail, tramway, or other form of public transport (other than air transport) that is available to the public generally; but

“(b) Does not include an ambulance service:

“ ‘Regional passenger transport plan’ means a plan (identified as a regional passenger transport plan)—

“(a) Prepared by a regional council in consultation with the territorial authorities of the districts in its region; and

“(b) Made available to the public; and

“(c) Specifying the passenger services the regional council proposes to be provided in its region, both generally and in respect of the transport disadvantaged.”

(2) Section 47 of the principal Act is hereby amended by adding, as subsection (2), the following subsection:

“(2) In addition to the matters described in paragraph (b) of the definition (in subsection (1) of this section) of the term ‘regional passenger transport plan’, such a plan—

“(a) May specify the conditions of the services the regional council concerned proposes to be provided in its region; and

“(b) Without limiting the generality of paragraph (a) of this subsection, may specify all or any of the following matters:

“(i) Routes, capacity, frequency of service, and fare structure:

“(ii) Any special provisions for users of a specified class or description of the services or any of them; and

“(c) May specify any other matters the regional council thinks fit.”

5. Passenger services operated on or after 1 July 1991 to be notified to regional council—(1) Section 48 (1) of the principal Act is hereby amended by omitting the words “holder of a passenger service licence”, and substituting the word “person”.

(2) Section 48 of the principal Act is hereby amended by repealing subsections (2) and (3), and substituting the following subsections:

“(2) Except in the case of notices to which section 56 (3A) of this Act applies, no notice under this section shall be given before the 1st day of December 1990.

“(3) With the consent of the regional council concerned, any notice required by this section to be given by any person may—

“(a) Be given by an organisation on behalf of the person; and

“(b) Relate to any number of services.”

(3) Section 48 of the principal Act is hereby amended by adding the following subsection:

“(5) Notwithstanding subsection (2) of this section, any notice under section 56 of this Act is a sufficient compliance with subsection (1) of this section in respect of the service to which the notice relates; but

“(a) Section 49 (1) of this Act shall apply to such a notice given to the regional council concerned before the 1st day of October 1990 as if, for the words ‘within 21 days of receiving the notice’, there were substituted the words ‘not later than the 21st day of October 1990’; and

“(b) Nothing in section 54 or section 55 of this Act shall apply in respect of the service concerned if it is a small passenger service being operated under a passenger service licence and is not involved in a scheduled service over a specified route or between or through specified locations.”

6. Registration of notified service—Section 49 (1) of the principal Act is hereby amended by omitting the word “notification”, and substituting the words “notice concerned”.

7. Restrictions on registration and variation of services between 1 February 1991 and 31 October 1991—(1) Section 54 of the principal Act is hereby amended by inserting, after the word “where”, the words “, in the regional council’s opinion,”.

(2) Section 54 of the principal Act is hereby amended by adding, as subsection (2), the following subsection:

“(2) Nothing in subsection (1) of this section prevents a regional council from entering into a contract for the provision of a service that is specified in a regional passenger transport plan the regional council has adopted.”

8. Abandonment or variation of service registered before 1 February 1991—(1) Section 55 (1) of the principal Act is hereby amended by repealing paragraph (b), and substituting the following paragraph:

“(b) Where the service is still a registered service on the 1st day of February 1991—

“(i) Before the 1st day of July 1991, its operation may not be abandoned or varied, and its registration may not be withdrawn; and

“(ii) After the 30th day of June 1991 and before the 1st day of February 1992, its operation may not be abandoned or varied,—
without the consent of the appropriate regional council under subsection (2) of this section.”

(2) Section 55 (2) of the principal Act is hereby amended by omitting the word “July”, and substituting the word “February”.

9. Small passenger vehicle services to be notified to regional council—Section 56 (1) of the principal Act is hereby amended by inserting, after the word “licence” where it first appears, the words “(other than a licence relating to an ambulance service)”.

This Act is administered in the Ministry of Transport.
