

AIR SERVICES LICENSING AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill makes miscellaneous amendments to the Air Services Licensing Act 1951.

Clause 2 provides that the term of office of members of the Licensing Authority shall be not more than three years. This is to provide for rotation of membership.

Clause 3 requires the Licensing Authority to ensure that the provisions of any enactment requiring an air carrier to insure against liability are considered before a licence is granted or renewed.

Clause 4: The proposed amendment is for the purpose of resolving doubts as to whether or not the existing legislation authorises the Authority to amend parts of a licence which cannot be properly described as a term or condition of the licence. The amendment will permit the amendment of the licence or of any term or condition of the licence. The clause also permits the Authority to hold a public inquiry before amending a licence and validates previous amendments made by the Authority.

Clause 5: The effect of the amendment is to make the obligations imposed by the section amended subject to the provisions of any enactment limiting the liability of an air carrier.

Clause 6 validates certain licences which may otherwise be held invalid. In a recent case certain licences were held invalid because certain formal procedures were not carried out. The clause provides the licences shall not be held invalid only because these procedures were not complied with.

Rights of action accrued and proceedings commenced before the commencement of the proposed section are not affected.

Hon. Mr Gordon

AIR SERVICES LICENSING AMENDMENT

ANALYSIS

Title	
1. Short Title	4. Amendment of licences
2. Term of office of members	5. Obligations of licensees
3. Provisions as to insurance	6. Validation of licences

A BILL INTITULED

An Act to amend the Air Services Licensing Act 1951

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

1. Short Title—This Act may be cited as the Air Services Licensing Amendment Act 1967, and shall be read together with and deemed part of the Air Services Licensing Act 1951* (hereinafter referred to as the principal Act).

10 **2. Term of office of members**—(1) Section 4 of the principal Act is hereby amended by omitting from subsection (1) the words “term of three years”, and substituting the words “term of not more than three years”.

(2) Section 4 of the principal Act is hereby further amended
15 by adding the following subsection:

“(4) The powers of the Licensing Authority shall not be affected by any vacancy in the membership thereof.”

*1957 Reprint, Vol. 1, p. 177

Amendments: 1958, No. 44; 1960, No. 51; 1965, No. 24

3. Provisions as to insurance—Section 22 of the principal Act is hereby amended as follows:

- (a) By omitting the words “The Licensing Authority may”, and substituting the words “The Licensing Authority shall”:
- (b) By adding the words “and to the provisions of any enactment for the time being in force requiring insurance against any such liability”.

4. Amendment of licences—(1) Section 26 of the principal Act is hereby amended by omitting from subsection (1) the words “amend or revoke”, and substituting the words “amend the licence or amend or revoke”.

(2) Section 26 of the principal Act is hereby further amended by inserting, after subsection (2A) (as inserted by section 5 of the Air Services Licensing Amendment Act 1955) the following subsection:

“(2B) The Licensing Authority, if in its opinion the matter is of sufficient importance, may hold a public inquiry before exercising any power conferred on it by this section.”

(3) Any amendment to an air service licence and any amendment or revocation of any term or condition of an air service licence made by the Authority, purporting to exercise its powers under section 26 of the principal Act, before the commencement of this Act which would have been valid if subsection (1) of this section had been in force when the amendment or revocation was made is hereby validated:

Provided that nothing in this section shall affect any right of action which may have accrued to any person, or any proceedings which may have been commenced, before the commencement of this Act; and the law applicable in respect of any such right of action or proceedings shall be the law which would have applied if this subsection were not in force.

5. Obligations of licensees—Section 31 of the principal Act is hereby amended by inserting, after the words “licensee shall”, the words “, subject to the provisions of any enactment limiting the liability of any air carrier,”.

6. Validation of licences—Any air service licence issued or renewed before the commencement of this Act shall not be held invalid by reason only of the fact that any provision of section 16 or of subsection (1) or subsection (2) of section 27 of the principal Act may not have been complied with before the issue or renewal of the licence:

Provided that nothing in this section shall affect any right of action which may have accrued to any person, or any proceedings which may have been commenced, before the commencement of this Act; and the law applicable in respect
5 of any such right of action or proceedings shall be the law which would have applied if this section were not in force.