

TRANSPORT AMENDMENT (No. 2) BILL

EXPLANATORY NOTE

Clause 2: Section 59 (1) of the Transport Act 1949 authorizes the making of regulations fixing heavy traffic licence fees, and fixes a maximum licence fee of £75 for any motor vehicle. This clause removes the limit on the fee that may be fixed by the regulations.

Clause 3 empowers the Transport Licensing Authority, on the application of the holder of a transport licence, to authorize the licensee to suspend or curtail the service in respect of which the licence was granted, either for the balance of the current term of the licence or for any shorter period.

Where a service has been suspended or curtailed with the consent of the Licensing Authority and the licence expires during the term of that suspension or curtailment, the licensee may apply for a renewal of the licence, which may be granted for the service as so suspended or curtailed.

The suspension or curtailment of a service under this clause will not constitute a breach of the terms and conditions of the licence and will not be a ground for revoking or reviewing the licence.

The clause provides that where any service is suspended or curtailed at the date of the commencement of the Bill the suspension or curtailment is to be effective as if it had been consented to under the provisions of the Bill.

Hon. Mr Goosman

TRANSPORT AMENDMENT (No. 2)

ANALYSIS

Title.
1. Short Title.

2 Amending provisions as to heavy traffic licence fees.
3. Suspension or curtailment of transport services.

A BILL INTITULED

AN ACT to amend the Transport Act 1949.

Title.

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

1. This Act may be cited as the Transport Amendment Act (No. 2) 1953, and shall be read together with and deemed part of the Transport Act 1949 (hereinafter referred to as the principal Act). Short Title. 1949, No. 7

2. Section fifty-nine of the principal Act is hereby amended by omitting from paragraph (l) the words "but so that the maximum fee in respect of any vehicle shall be not more than seventy-five pounds". Amending provisions as to heavy traffic licence fees.

3. (1) The principal Act is hereby amended by inserting, after section one hundred and nine, the following new section: Suspension or curtailment of transport services.

"109A. (1) The proper Licensing Authority may, on the application of the licensee, authorize the licensee to suspend or curtail any service in respect of which

the licensee is the holder of a licence, either for the remainder of the current term of the licence or for any shorter period, and subject to such conditions as the Licensing Authority thinks fit.

“(2) Where any service is suspended or curtailed under this section, and the current term of the licence expires during the period of that suspension or curtailment, the licensee may apply under section one hundred and eleven of this Act for the renewal of the licence in respect of that service in its suspended or curtailed form or otherwise, and the Licensing Authority shall have power to grant the renewal in respect of the service as so suspended or curtailed or otherwise, as the case may be, and subject to such conditions as he thinks fit. 5
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“(3) Where any service is suspended under this section, the licensee shall not be entitled to carry on the service, and no fees under this Act shall accrue or be payable in respect of the licence (except fees which have become due before the commencement of the period of suspension), but the licence shall continue in force throughout the period of suspension. 15
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“(4) The suspension or curtailment of any service under this section shall not—

“(a) Constitute a breach of the terms and conditions of the licence: 25

“(b) In any way affect the right of the licensee to any protection to which he would be entitled under this Act or any other Act if he had continued to carry on the service in accordance with the terms and conditions of his licence: 30

“(c) Be grounds upon which the licence may be revoked or suspended or reviewed under section one hundred and fifteen or section one hundred and sixteen of this Act. 35

“(5) The following persons and no others may at any time apply to the Licensing Authority to cancel the period of the suspension or curtailment of any licence authorized under this section, or to amend the licence in respect of any service which has been suspended or curtailed under this section by altering any of the terms or conditions of the licence or by adding any new terms or conditions, namely: 40

“(a) The licensee:

“(b) The Commissioner: 45

“(c) The New Zealand Railways Commission:

“(d) Any public body.

“(6) Where any service in respect of which a licence is in force at the commencement of this section is at that date suspended or curtailed, the service shall be deemed for the purposes of this Act to have been validly suspended or curtailed for the remainder of the current term of the licence as if it had been so suspended or curtailed under this section with the approval of the proper Licensing Authority.”

(2) Section one hundred and fourteen of the principal Act is hereby amended by inserting in subsection one, after the word “abandonment”, the words “or suspension”.