

1047

Hon. Mr. Veitch.

TRANSPORT LICENSING.

ANALYSIS.

- Title.
- 1. Short Title.
- 2. Interpretation.

PART I.

TRANSPORT DISTRICTS AND LICENSING AUTHORITIES AND TRANSPORT APPEAL BOARD.

*Transport Districts.*

- 3. Constitution of transport districts.
- 4. Alteration and abolition of districts.

*Licensing Authorities.*

- 5. Central Licensing Authority.
- 6. District Licensing Authorities.
- 7. Qualification and term of office and removal from office.
- 8. Acting when disqualified.
- 9. Vacancies.
- 10. Deputies.
- 11. Allowances and expenses of members.
- 12. Officers.
- 13. Meetings of Licensing Authorities.
- 14. Procedure of Licensing Authorities.
- 15. Annual Report of Licensing Authority.

*Transport Appeal Board.*

- 16. Constitution of Board.
- 17. Application of certain of foregoing provisions of this Act to Appeal Board and members thereof.
- 18. Functions of Appeal Board.

PART II.

PASSENGER-SERVICES AND PASSENGER-SERVICE VEHICLES.

*Passenger-services.*

- 19. Passenger-services to be carried on only pursuant to passenger-service license granted under this Act.
- 20. Exemptions from passenger-service license.
- 21. By whom passenger-service licenses granted.
- 22. Application for license to be made to Commissioner of Transport.
- 23. Licensing Authority to advertise receipt of application and hold public sitting.
- 24. Matters to be considered before determining applications for licenses.

- 25. Preference for applications by Government and local authorities and other public bodies in certain cases.
- 26. Granting or refusal of license.
- 27. Classification of licenses.
- 28. Licensing Authority to fix routes, fares, time-tables, &c.
- 29. The license and its effect.
- 30. Registers of licenses.
- 31. Duration of license.
- 32. Amendment or revocation of terms and conditions of license.
- 33. Renewal of licenses.
- 34. Revocation of and suspension of licenses.
- 35. Accounts to be kept and returns to be made by licensees.
- 36. Applicants for licenses and licensees to supply particulars of arrangements with other persons as to provision of passenger-transport facilities.

*Passenger-service Vehicles.*

- 37. Passenger-service vehicles, with certain exceptions, to be used only in connection with licensed service.
- 38. Certificates of fitness.
- 39. Duration of certificates.
- 40. Revocation of certificate of fitness.
- 41. Powers of Inspectors.

*Appeals.*

- 42. Right of appeal from decisions of Licensing Authorities.

PART III.

GOODS-SERVICES.

- 43. Governor-General may declare controlled areas for purposes of this Part or apply this Part to all transport districts.
- 44. Inquiries for purpose of ascertaining desirability of declaring controlled area.
- 45. Application of provisions of Part II to controlled area or to certain goods-services carried on therein.
- 46. As to granting of goods-service licenses.
- 47. Licensing Authority may require owner to show cause why service should not be licensed as goods-service.
- 48. Combined passenger and goods service.

<p style="text-align: center;">PART IV.</p> <p style="text-align: center;">COMMERCIAL AIRCRAFT SERVICES.</p> <p>49. Commercial aircraft services to be carried on pursuant to aircraft-service license granted under this Act.</p> <p>50. Exemptions from aircraft-service license.</p> <p>51. Licenses to be granted only by Central Authority.</p> <p>52. Application of certain provisions of Part II of this Act with respect to applications for licenses under this Part.</p> <p>53. Matters to be considered before determining application for license.</p> <p>54. Granting of licenses.</p> <p>55. Special conditions (as to insurance, &amp;c.) precedent to grant of license.</p> <p>56. Duration of license.</p> <p>57. Aircraft.</p> <p>58. Appeals.</p> <p>59. Excluding operation of section 18 of Police Offences Act, 1927 (relating to Sunday trading).</p> <p style="text-align: center;">PART V.</p> <p style="text-align: center;">INQUIRIES INTO ACCIDENTS.</p> <p>60. Notice of accidents to be given to Commissioner.</p>	<p>61. Inquiries into accidents.</p> <p>62. Report of inquiry not to be used in legal proceedings.</p> <p style="text-align: center;">PART VI.</p> <p style="text-align: center;">GENERAL.</p> <p>63. Service of notices.</p> <p>64. Offences to be tried summarily.</p> <p>65. Evidence and proof.</p> <p>66. Prohibiting Court proceedings in certain cases.</p> <p>67. Application of fees and fines, and expenses of administration.</p> <p>68. Certain provisions of other Acts, &amp;c., to be read subject to this Act.</p> <p>69. Power of Minister to modify restrictions on user of roads or streets by vehicles used in connection with passenger or goods services.</p> <p>70. Save as specially provided, this Act not to derogate from provisions of other Acts.</p> <p>71. Regulations.</p> <p>72. Provisions as to regulations.</p> <p>73. Auckland Transport Board Act, 1928, to be subject to provisions of this Act.</p> <p>74. Section 6 of Christchurch Tramway District Amendment Act, 1927, repealed.</p> <p>75. Motor-omnibus Traffic Act, 1926, repealed.</p> <p>76. Act to bind the Crown.</p>
---	--

### A BILL INTITULED

**Title.** AN ACT to make Better Provision for the Licensing and Control of Commercial Road Transport Services other than Tramways, and to provide for the Licensing and Control of Commercial Aircraft Services. 5

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

- Short Title.** 1. This Act may be cited as the Transport Licensing Act, 1931.
- Interpretation.** 2. (1) In this Act, unless the context otherwise requires,— 10
- “Appeal Board” means the Transport Appeal Board constituted under this Act:
- “Appointed day” means the first day of March, nineteen hundred and thirty-two:
- “Central Authority” means the Central Licensing Authority constituted under this Act: 15
- “Commissioner” means the Commissioner of Transport:
- “Contract vehicle” means a passenger-service vehicle carrying passengers under a contract expressed or implied for the use of the vehicle as a whole: 20
- “District” means a transport district constituted under this Act:
- “District Authority” means a District Licensing Authority constituted under this Act:
- “Fares” includes sums payable in respect of a contract ticket or a season ticket: 25
- “Goods” means all kinds of movable personal property, including animals:
- “Goods-service” means any service by motor-vehicle for the carriage or haulage of goods for hire or reward unless the

1049

service is such that it is carried on entirely within the boundaries of a single borough or town district :

“ Inspector ” means an Inspector appointed under and for the purposes of this Act :

5 “ Licensee ” means the holder for the time being of a license issued under this Act :

“ Licensing Authority ” means the Central Authority or a District Authority, as the case may require :

“ Minister ” means the Minister of Transport :

10 “ Motor-vehicle ” means a motor-vehicle within the meaning of the Motor-vehicles Act, 1924 :

“ Owner, ” in relation to a vehicle which is the subject of a hiring agreement, or hire-purchase agreement, means the person in possession of that vehicle under that agreement :

15 “ Passenger-service ” means a service for the carriage of passengers for hire or reward by means of a passenger-service vehicle or vehicles :

20 “ Passenger-service vehicle ” means any motor-vehicle used for hire or reward for the conveyance of passengers, with or without goods (not being a motor-vehicle which is available for hire to any of the public on undefined routes for the conveyance of passengers not exceeding eight in number including the driver, and in respect of which separate fares for each passenger are not charged or received), and includes

25 a trackless trolley-omnibus :

“ Trackless trolley-omnibus ” means a mechanically propelled vehicle adapted for use upon roads without rails and moved by power transmitted thereto from some external source.

30 (2) The first day of each of the months of March, June, September, and December shall be a quarter day for the purposes of this Act.

## PART I.

### TRANSPORT DISTRICTS AND LICENSING AUTHORITIES AND TRANSPORT APPEAL BOARD.

#### *Transport Districts.*

35 3. The Governor-General may by Order in Council wholly divide the mainland of the North and South Islands into such number of transport districts with such boundaries and such distinctive names as he thinks fit, and may include in any such district any outlying island forming part of the North Island or the South Island, and every

Constitution of transport districts.

40 such district shall be known by its name.

4. The Governor-General may from time to time, by Order in Council,—

Alteration and abolition of districts.

(a) Alter the name of any district :

(b) Alter the boundaries of any two or more districts :

- (c) Merge any district or districts in any other district or districts :  
 (d) Abolish any district or districts, and declare the area or areas comprised therein to be a new district or districts with such boundaries and such name or names as are described and assigned in such Order : 5  
 (e) Abolish all districts and redivide the North Island and the South Island into new districts with such boundaries and names as are described and assigned in such Order.

*Licensing Authorities.*

Central Licensing Authority.

5. (1) There is hereby established a Central Licensing Authority 10 for the purposes of this Act.

(2) The Central Authority shall consist of three members to be appointed by the Minister, of whom one shall be appointed as Chairman.

District Licensing Authorities.

6. (1) There shall be a District Licensing Authority for each district. 15

(2) Each District Authority shall consist of three members to be appointed by the Minister, of whom one shall be appointed as Chairman.

(3) On the merger or abolition of any district the Licensing Authority thereof shall be deemed to be dissolved.

Qualification and term of office and removal from office.

7. (1) No person shall be capable of being appointed to be or of 20 being a member of the Central Authority or of any District Authority—

(a) Who (otherwise than as a member of an incorporated company in which there are more than twenty members and of which he is not a director, officer, or servant) is financially interested directly or indirectly in the business of carrying passengers 25 or goods by means of any service to which this Act applies ; or

(b) Who is a member, officer, or servant of any Department of State or any local authority or other public body which carries on any service to which this Act applies, or any 30 railway or tramway.

(2) Every member of the Central Authority and of every District Authority shall be appointed for a term not exceeding three years, but shall be eligible for reappointment, unless incapacitated under the *last preceding* subsection. 35

(3) The Minister may remove any member of any Licensing Authority from office for inability or misbehaviour.

(4) The publication in the *Gazette* of a notice of appointment signed by the Minister shall be conclusive evidence of the regularity of appointment of any person whose appointment is thereby notified, and 40 the like publication of a notice of removal shall be conclusive evidence that any person named therein has been duly removed from his membership.

Acting when disqualified.

8. If any person does any act as a member of any Licensing Authority, being incapacitated under the *last preceding* section, he shall 45 be liable to a fine of *fifty* pounds, to be recovered with costs of suit by any person in any Court of competent jurisdiction.

Vacancies.

9. Any member of any Licensing Authority may resign his office by writing under his hand addressed to the Minister, and in such case, or in case of his death or incapacity or removal from office, his office 50 shall become vacant, and shall be filled by appointment by the Minister of a person qualified to fill the particular office vacated.

10. (1) In the case of illness or absence of the Chairman of any Licensing Authority, the Minister may appoint such person as he thinks fit (not being a person disqualified for appointment as a member of a Licensing Authority) to act as Chairman, and the Minister may, in the case of illness or absence of any other member, appoint any person qualified to be appointed to the particular office to act as the deputy of such member.

Deputies.

(2) Every person so appointed shall, while such illness or absence continues, be deemed for all purposes to be a member of the Licensing Authority.

(3) The provisions of subsections *one*, *three*, and *four* of section *seven* hereof shall apply with respect to every person appointed under this section.

11. (1) The members of every Licensing Authority, other than officers in the service of the Government, shall be paid such allowances as may be prescribed, and all travelling-expenses reasonably incurred by them in respect of their attendance at meetings of the Licensing Authority and in transacting the business thereof.

Allowances and expenses of members.

(2) All such amounts shall be paid out of moneys to be appropriated by Parliament for the purpose.

12. There may from time to time be appointed as officers of the Public Service such officers, Inspectors, and other servants as may be necessary for the carrying-out of this Act.

Officers.

13. (1) Every Licensing Authority shall hold meetings for the transaction of its business at such times and places as the Licensing Authority itself by resolution or the Chairman from time to time determines, and, save as provided in subsection *five* hereof, no decision of the Licensing Authority required to be given under this Act shall be given otherwise than by resolution passed at such a meeting and concurred in by at least two members.

Meetings of Licensing Authorities.

(2) At all meetings of any Licensing Authority two members (of whom one shall be the Chairman or the Acting Chairman) shall constitute a quorum.

(3) A copy of any resolution of a Licensing Authority certified by the Chairman thereof to be correct shall, until the contrary is proved, be sufficient evidence of such resolution in any proceedings under this Act.

(4) No act or proceeding of any Licensing Authority shall be invalidated in consequence of there being a vacancy in the membership thereof at the time of such act or proceeding or the subsequent discovery that any member of such Licensing Authority was incapable of being such member.

(5) The Chairman may in any case of urgency grant on behalf of the Licensing Authority any temporary license, but shall report such grant to the next meeting of the Licensing Authority.

14. Save as may be provided by this Act or by regulations under this Act, every Licensing Authority may regulate its own procedure.

Procedure of Licensing Authorities.

15. Every Licensing Authority shall in the month of April in each year furnish to the Minister an annual report containing such information with respect to matters dealt with by it during the preceding financial year as the Minister from time to time directs.

Annual Report of Licensing Authority.

*Transport Appeal Board.*

Constitution of Board.

16. (1) There is hereby established a Transport Appeal Board for the purposes of this Act.

(2) The Appeal Board shall consist of three persons to be appointed by the Governor-General, of whom,—

(a) One (who shall be the Chairman) shall be appointed on the recommendation of the Minister; and

(b) One shall be appointed on the recommendation of the Minister from persons nominated by the respective Executive Committees of the Municipal Association of New Zealand and the New Zealand Counties Association; and

(c) One shall be appointed on the recommendation of the Minister from persons nominated in accordance with regulations under this Act by the owners (other than local authorities) of services to which this Act applies, or associations of such owners, or associations of which such owners constitute the majority of members.

(3) The decision of the Minister as to whether or not any person has been duly nominated for the purposes of the *last preceding* subsection shall be final.

Application of certain of foregoing provisions of this Act to Appeal Board and members thereof.

17. The foregoing provisions of sections *seven* to *eleven* of this Act with regard to Licensing Authorities and the members thereof shall, with the necessary modifications and so far as the same are applicable, apply to the Appeal Board and the members and meetings thereof.

Functions of Appeal Board.

18. The functions of the Appeal Board shall be to hear and determine all appeals duly lodged in accordance with this Act against the decisions of Licensing Authorities.

## PART II.

## PASSENGER-SERVICES AND PASSENGER-SERVICE VEHICLES.

*Passenger-services.*

Passenger-services to be carried on only pursuant to passenger-service license granted under this Act.

19. (1) Save as provided in the *next succeeding* section, it shall not be lawful after the appointed day for any person to carry on in any part of New Zealand any passenger-service otherwise than pursuant to the authority and in conformity with the terms of a passenger-service license granted under this Act.

(2) Every person who, contrary to the provisions of this section, carries on any passenger-service commits an offence, and is liable to a fine of *one hundred* pounds, and to a further fine of *ten* pounds for every day on which such offence is committed.

(3) If any company carries on any passenger-service contrary to the provisions of this section every director or other person acting in the management of the business shall, in addition to any penalty to which the company may be liable, be liable to a fine of *ten* pounds for every day on which such service is so carried on.

20. A passenger-service license shall not be required in the case of—

Exemptions from passenger-service license.

(a) The carriage to and from school of school-children and their teachers in passenger-service vehicles not otherwise used in connection with a passenger service :

(b) The carriage by a contract vehicle of a private party on a special occasion :

Provided that this exemption shall not apply in any case where the owner of the contract vehicle or any other person in charge thereof for the time being advertises or in any other way holds himself out as willing to contract for the hiring-out of such vehicle for the purpose of carrying persons to any destination, directly or indirectly named by him.

21. The granting of passenger-service licenses shall be a function of—

By whom passenger-service licenses granted.

(a) The Central Authority in every case where the passenger-service is proposed to be carried on within more than one district :

(b) A District Authority in the case of a passenger-service to be carried on wholly within the district of such District Authority.

22. (1) Every application for a passenger-service license shall be in the prescribed form, and shall be addressed and forwarded to the Commissioner accompanied by the prescribed fee and, where the case so requires, the particulars of the matters mentioned in section *thirty-six* hereof.

Application for license to be made to Commissioner of Transport.

(2) The Commissioner shall, on being satisfied that the application is duly made, transmit the same to the proper Licensing Authority, but may in any case before so doing require the applicant to furnish such further information or particulars as may, in the opinion of the Commissioner, be necessary to enable the Licensing Authority to come to a proper decision.

(3) The Commissioner shall in every case place before the Licensing Authority all such information at his disposal (whether obtained from the applicant or not) as will assist the Licensing Authority in dealing with the application.

(4) Notwithstanding anything contained in the foregoing provisions of this section, an application for a temporary license may, in such cases as are prescribed by regulations in that behalf, be made direct to a Licensing Authority.

23. (1) On receiving an application for a passenger-service license, other than an application for a temporary license, the Licensing Authority shall, in the prescribed form, give not less than three clear days' public notice of the receipt of such application, fixing in such notice a time and place at which it will hold a public sitting for the purpose of receiving evidence and representations in favour of, or against the granting of, the application by persons who in the opinion of the Licensing Authority are directly interested, and shall also give not less than three clear days' notice of such time and place to the applicant.

Licensing Authority to advertise receipt of application and hold public sitting.

(2) The Licensing Authority shall hold such public sitting in such place as it deems most convenient, having regard to the nature of the business.

(3) At such public sitting the Licensing Authority shall hear all evidence tendered and representations made which it deems relevant to the subject-matter of the application, save that at any time during such sitting it may decide not to receive further evidence or representations.

(4) Any such sitting may, in the discretion of the Licensing Authority, be adjourned from time to time and from place to place.

Matters to be considered before determining applications for licenses.

24. (1) In considering any application for a passenger-service license the Licensing Authority shall generally have regard to—

(a) The extent to which the proposed service is necessary or desirable in the public interest; and 10

(b) The needs of the district or districts as a whole in relation to passenger-transport,—

and if it is then of opinion that the proposed service is unnecessary or undesirable it shall refuse to grant a license. 15

(2) If after having had regard to the matters mentioned in the *last preceding* subsection the Licensing Authority proposes to give further consideration to the application, it shall take into account—

(c) The financial ability of the applicant to carry on the proposed service, and the likelihood of his carrying it on satisfactorily: 20

(d) Time-tables or frequency of the proposed service:

(e) The fares or other charges proposed to be charged or made for the carriage of passengers:

(f) The transport services of any kind, whether by land or water, already provided in respect of the localities to be served and in respect of the proposed routes: 25

(g) The transport requirements of such localities:

(h) The vehicles proposed to be used in connection with the service:

(i) The conditions of roads and streets to be traversed on the route or routes, and any restrictions of load or speed, or other lawful restrictions affecting vehicles of the type or class proposed to be used: 30

(j) Any evidence and representations received by it at the public sitting and any representations otherwise made by the Government Railways Board, local authorities, or other public bodies or any persons carrying on transport services of any kind (whether by land or water) likely to be affected, and any representations contained in any petition presented to it signed by not fewer than *fifty* adult residents of any locality proposed to be served. 35 40

(3) The Central Authority in considering any application shall also take into account any representations made to it by the Licensing Authority of any district through any part of which the service is to be carried on.

(4) For the purpose of enabling the Licensing Authority to come to a proper decision the applicant, and every local authority or other public body, and every person carrying on a passenger-service likely to be affected by the granting of the passenger-service license, shall supply the Licensing Authority with such information in such form as it requires, being information additional to or in amplification of any information already provided pursuant to this Act or any regulations 45 50



1055

thereunder. Any such information may be furnished as confidential, and if so furnished shall be treated by the Licensing Authority as such.

25. Every application by the Government or a local authority or other public body for a passenger-service license shall be given preference over all other applications for such licenses if—

Preference for applications by Government and local authorities and other public bodies in certain cases.

(a) There is no existing transport service over the route or routes mentioned in such application ; and

(b) The proposed service is in extension of an existing transport service carried on by the applicant (whether such existing service is carried on by passenger-service vehicles or not) ; and

(c) The Licensing Authority is satisfied that the proposed service will not unfairly compete with an existing service to the same locality or localities by another route ; and

(d) The Licensing Authority is satisfied that the proposed service will be satisfactory, having regard to time-tables, frequency of service, and otherwise, and that the proposed fares are reasonable.

26. (1) Save as otherwise provided in this section, and subject to appeal as hereinafter in this Act provided, the Licensing Authority may, after duly considering an application therefor, grant or refuse a passenger-service license.

Granting or refusal of license.

(2) A passenger-service license shall not be refused if the applicant satisfies the Licensing Authority that the application is for a license for a service solely in substitution for an existing tramway service which the applicant has been duly authorized to discontinue.

(3) A passenger-service license shall not be refused in any case where the applicant (having made his application before the appointed day) satisfies the Licensing Authority—

(a) That at the passing of this Act and at the date of his application the applicant was carrying on, pursuant to a license under the Motor-omnibus Traffic Act, 1926, the service in respect of which the application is made ; or

(b) That the applicant was otherwise than pursuant to a license as aforesaid lawfully carrying on the service in respect of which the application is made on the first day of April, nineteen hundred and thirty-one, and was still so carrying it on at the date of his application but not in competition with a motor-omnibus service licensed under the Motor-omnibus Traffic Act, 1926 ; or

(c) In the case of an application for a license in respect of a seasonal service, that the applicant lawfully and uninterruptedly carried on substantially the same service for the two seasons immediately preceding the appointed day, or where that day falls in such a season that the applicant is then uninterruptedly carrying on such service and substantially so carried it on during the whole of the immediately preceding season :

Provided that no such service shall be deemed to have been interrupted at any time if its ceasing to be continuously carried on was due to flood, earthquake, closing of roads or streets, or any other cause beyond the control of the applicant.

(4) Notwithstanding anything contained in the *two last preceding* subsections the Licensing Authority in granting a license to any person in respect of a service mentioned therein shall have the same power of imposing terms and conditions as it has under this Act with respect to a passenger-service license granted to any other person. 5

Classification of licenses.

27. Every passenger-service license shall be—

- (a) A continuous license—meaning thereby a license in respect of a service to be carried on throughout the year, whether daily or on specified days of every week, or otherwise at regular intervals; or 10
- (b) A seasonal license—meaning thereby a license in respect of a service to be carried on only during a period or periods of the year specified in the license; or
- (c) A temporary license—meaning thereby a license for a service to be carried on for a specified period of not more than 15 seven days or a license for a specified special occasion or occasions.

Licensing authority to fix routes, fares, time-tables, &c.

28. (1) In granting any passenger-service license the Licensing Authority shall prescribe—

- (a) The class of license (whether continuous, seasonal, or temporary) and the period or occasion of the license: 20
- (b) The class and number of passenger-service vehicles to be used in connection with the service and the seating and other accommodation for passengers of each such vehicle by reference to a minimum number or a maximum number or to 25 both such numbers:
- (c) A date not later than which the service shall be commenced:
- (d) The localities to be served and the route or routes to be traversed:
- (e) The time-tables or frequency of service to be observed: 30
- (f) The fares to be charged or other charges to be made for the carriage of passengers and (where goods are also to be carried) the charges to be made for the carriage of goods:
- (g) Such other matters and conditions as may be prescribed by regulations under this Act, or as the licensing authority 35 thinks proper.

(2) Where desirable in the public interest the Licensing Authority may so fix the fares and time-tables as to prevent wasteful competition with alternative forms of transport of any kind (if any) along the route or routes or any part thereof, or in proximity thereto, and may impose 40 such conditions as it thinks fit to ensure that passengers shall not be taken up or shall not be set down, except at specified points, or shall not be taken up or shall not be set down between specified points.

The license and its effect.

29. (1) Every license shall be in the prescribed form, and be signed on behalf of the Licensing Authority by the Chairman or two 45 other members thereof or by an officer of the Licensing Authority by direction of the Licensing Authority, and shall take effect according to the tenor thereof to authorize the licensee, but no other person, to carry on a passenger-service in accordance with the terms and conditions of the license during the duration thereof: 50

Provided that the license shall not be issued to a licensee until the Licensing Authority is satisfied that a certificate of fitness, or a

permit under subsection *one* of section *thirty-seven* hereof, in respect of each passenger-service vehicle to be used in connection with the service has been duly granted.

(2) No license granted by a District Authority shall have any force or effect to authorize the carrying-on of a passenger-service outside the district of that authority.

(3) It shall be a condition of every license (whether inserted therein or not) that the licensee will not abandon or curtail the authorized service without the consent of the proper Licensing Authority, to which he shall give not less than twenty-eight days' notice of his intention to abandon or curtail the service.

(4) If any licensee abandons or curtails any service in breach of the *last preceding* subsection the Licensing Authority shall revoke his license and the Central Authority may, in its discretion,—

(a) Revoke any other license under this Act held by such licensee ; and

(b) Disqualify him or any partnership or company of which he may be a member for such period as it thinks fit from obtaining another such license,

and may either in lieu of or in addition to any such penalty impose a monetary penalty not exceeding *fifty* pounds, which may be recovered in any Court of competent jurisdiction as a debt due to the Crown.

30. (1) The Commissioner shall, in accordance with regulations in that behalf, keep such registers of licenses issued under this part of this Act as are prescribed by such regulations.

Registers of licenses.

(2) The contents of every such register may be evidenced in any proceedings by a certificate under the hand of the Commissioner, and every such certificate shall be *prima facie* evidence of the matters stated therein.

(3) A certificate under the hand of the Commissioner that on a date specified in such certificate the name of any person did not appear in any register as the holder of a license under this Part of this Act shall, until the contrary is proved, be sufficient evidence that such person was not the holder of such a license on that date.

31. Except in the case of a temporary license, every passenger-service license when issued on a quarter day shall take effect on that day, and in every other case shall be deemed to have taken effect on the quarter day immediately preceding the date on which the license is issued, and in each such case shall, unless sooner revoked, or unless expressed to expire at any earlier date, expire on the completion of twelve months after the quarter day on which it took effect :

Duration of license.

Provided that where application for the renewal of a license is duly made in accordance with section *thirty-three* hereof, such license shall, where the application for renewal is not disposed of before the date of expiry of the license, continue in force until the application is disposed of, unless the Licensing Authority otherwise directs.

32. (1) The Licensing Authority during the currency of a passenger-service license may of its own motion or on the application of the licensee amend or revoke any of the terms or conditions of such license, or add any new terms and conditions which in its opinion are necessary in the public interest.

Amendment or revocation of terms and conditions of license.

(2) The provisions of section *twenty-three* hereof shall apply in every such case as if the proposal to amend or revoke any term or condition or to add new terms or conditions were an application for a license.

(3) Every such amendment or revocation, or addition of new terms and conditions made pursuant to this section shall be noted in the appropriate register. 5

Renewal of licenses.

33. (1) Every application for the renewal of a passenger-service license shall be made in the prescribed form to the proper Licensing Authority through the Commissioner not less than *fourteen* nor more than *twenty-eight* days before the day on which such license expires. 10

(2) Where by reason of an alteration of boundaries of transport districts the service, at the time of the making of application for renewal of the license, is carried on within two districts instead of in one district such application shall be made to the Central Authority, and where by reason of any such alteration it is then being carried on in one district instead of within two districts such application shall be made to the Licensing Authority of that district. In every such case the application shall be forwarded through the Commissioner. 15

(3) Section *twenty-three* hereof shall apply to every application for the renewal of a passenger-service license as if it were an application for a new license. 20

(4) No person shall be entitled as of right to a renewal of a passenger-service license, and in considering any application for renewal a Licensing Authority shall take into account all that it is directed by section *twenty-four* hereof to take into account in considering an original application for a license. 25

(5) In granting any renewal of a passenger-service license the Licensing Authority may either endorse the existing license or it may issue a new license in lieu thereof, but any such new license shall show on the face thereof that it is in renewal of a license. 30

(6) The renewal of any license shall take effect for a period of not more than twelve months from the expiry of the license in renewal of which it is granted, but any such renewal may be granted in advance to take effect as aforesaid.

Revocation of and suspension of licenses.

34. (1) Any Licensing Authority may at any time, and if so directed by the Minister shall, hold a public inquiry as to whether or not any passenger-service carried on under the authority of a license under this Act granted by such Licensing Authority, is being carried on in conformity with the terms and conditions of the license. 35

(2) Not less than fourteen clear days' public notice of the day, time, and place fixed for such inquiry shall be given in one or more newspapers having a regular circulation in the localities served by such passenger-service, and particulars of the matters proposed to be inquired into shall be given in writing to the licensee not later than ten days before the day on which the inquiry is to be held. 40 45

(3) For the purposes of such inquiry the provisions of the Commissions of Inquiry Act, 1908, shall, so far as they are applicable, apply as if the Licensing Authority were a Commission of Inquiry appointed under that Act.

(4) If as a result of such inquiry the Licensing Authority is satisfied that the licensee is not carrying on the service in all respects in con- 50

1059

formity with the license, or that he has disposed of such service to any other person, then the Licensing Authority may revoke such license.

(5) Instead of revoking any license as aforesaid, the Licensing Authority may suspend the same for such period as it thinks fit, and it may, in any case, without holding such inquiry as aforesaid, so suspend any license if it is satisfied that the licensee has wilfully committed a breach of any of the conditions of the license.

(6) Notwithstanding anything contained in the foregoing provisions of this section, a license shall be deemed to be revoked if the passenger-service authorized by it is not commenced on the due date therefor stated in the license.

(7) Every revocation or suspension of a passenger-service license shall be noted in the appropriate register, and shall be notified by the Licensing Authority to the Superintendent of Police in whose district or area the service to which such license relates is carried on.

35. (1) The Governor-General may make regulations prescribing the accounts and records in relation to a passenger-service that the Minister may require to be kept by persons carrying on a passenger-service pursuant to a license under this Act and prescribing the financial and statistical returns that the Minister may require to be made to him by such persons.

Accounts to be kept and returns to be made by licensees.

(2) Every person carrying on any passenger-service pursuant to a license under this Act shall keep such of the prescribed accounts and records in relation thereto as the Minister may from time to time, by notice published in the *Gazette*, require, and shall make to the Minister in such manner and at such times as the Minister may from time to time notify by writing under his hand addressed to such person such of the prescribed financial and statistical returns as the Minister may in such notice require him to make.

(3) Every person who fails to comply with any of the requirements of this section commits an offence and is liable to a fine of *twenty* pounds, and, in the case of a continuing offence, to a further fine of *five* pounds for every day during which the offence continues.

36. (1) Every person who applies for or holds a passenger-service license under this Act shall, within the prescribed time and in the prescribed form, furnish the Licensing Authority with particulars—

Applicants for licenses and licensees to supply particulars of arrangements with other persons as to provision of passenger-transport facilities.

(a) Of any agreement or arrangement affecting in any material respect the provision within the jurisdiction of the Licensing Authority of passenger-transport facilities entered into by him with any other person by whom such facilities are provided, whether within or without such jurisdiction:

(b) Of any financial interest (whether as a partner or shareholder or as a result of any loan, guarantee, or other financial transaction) which any other person providing passenger-transport facilities or controlling (either wholly or in conjunction with any other person) the business of any person who provides such facilities has in the business of the applicant or holder of the license; and, in the case of the applicant or holder who is a company, of any right which any such person as aforesaid has to nominate any director of the company:

(c) Of any such interest or right as aforesaid which the applicant or holder has in the business of any other person who provides passenger-transport facilities within the jurisdiction of the Licensing Authority.

(2) Every person who fails to comply with any of the requirements of this section, or supplies any particulars which to his knowledge are false or misleading in any respect, commits an offence, and is liable to a fine of *twenty* pounds, and, in the case of a continuing offence, to a further fine of *five* pounds for every day during which the offence continues.

(3) All particulars furnished to the Licensing Authority pursuant to this section shall be treated by it as confidential.

#### *Passenger-service Vehicles.*

Passenger-service vehicles, with certain exceptions, to be used only in connection with licensed service.

37. (1) After the appointed day no person shall (save as provided in section *twenty* hereof) use any passenger-service vehicle for the carriage of passengers except in connection with a passenger-service carried on under the authority of a passenger-service license, and no person shall use any such vehicle in connection with any such service unless it is the actual vehicle or one of the vehicles specified in such license, and in no case (except a case of emergency) shall any person use any passenger-service vehicle (whether in connection with a licensed passenger-service or not) unless a certificate of fitness as hereinafter provided has been issued and is in force with respect to such vehicle :

Provided that in the case of any passenger-service vehicle lawfully in use on the appointed day, or in any other case where he deems it expedient so to do, the Commissioner may grant a permit for such vehicle to be used in connection with any passenger-service without a certificate of fitness for such period as is specified in the permit.

(2) Every person who uses any passenger-service vehicle contrary to the provisions of this section commits an offence and is liable to a fine of *one hundred* pounds and to a further fine of *ten* pounds for every day on which such offence is committed.

Certificates of fitness.

38. (1) Certificates of fitness in respect of passenger-service vehicles shall be issued by the Commissioner or by an officer or officers authorized by him in that behalf, and by no other person.

(2) No such certificate shall be issued, save upon—

(a) The report of an Inspector that the vehicle conforms to any regulations for the time being in force as to the design, construction, and equipment of passenger-service vehicles of the class to which such vehicle belongs, and is in a fit condition, all proper regard being had to the safety and comfort of passengers, to be granted a certificate of fitness ; and

(b) Production of such proof as the Commissioner requires that all fees of any kind payable in respect of the vehicle under any Act, regulation, or by-law, and then due have been duly paid ; and

(c) Payment of the prescribed fee in respect of the issue of a certificate of fitness.

(3) Every certificate of fitness shall be in the prescribed form, save that where the vehicle is to be used in connection with a

106

passenger-service the certificate may take the form of an endorsement on the passenger-service license of such prescribed particulars as will satisfactorily identify the vehicle and show that the issue of a certificate of fitness in respect thereof has been duly authorized.

5 39. Every certificate when issued on a quarter day shall take effect on that day, and when issued on any other day shall be deemed to have taken effect on the quarter day immediately preceding the day on which the certificate is issued, and in each such case shall, unless sooner revoked or unless granted for a shorter period, expire on the completion of twelve months after the quarter day on which it takes effect, or, where it is issued in respect of a vehicle to be used in connection with a passenger-service, on the date of the expiry of the passenger-service license :

Duration of certificates.

15 Provided that where such passenger-service license is renewed the certificate of fitness of the vehicle shall, unless sooner revoked or unless granted for a shorter period, continue in force for the duration of the renewed license if it was issued not earlier than six months before the date of such renewal :

20 Provided further that where application for a new certificate of fitness is made before the expiry of the existing certificate, such last-mentioned certificate shall, unless the Commissioner in his discretion otherwise directs, remain in force after the date of its expiry until the application for a new certificate is disposed of.

25 40. (1) The Commissioner may at any time revoke a certificate of fitness, and if on the inspection of a passenger-service vehicle it appears to an Inspector that such vehicle does not, at the time of inspection, comply with the prescribed conditions as to fitness, such Inspector may suspend the certificate for not more than *twenty-eight* days or until the Commissioner revokes the certificate, whichever first occurs.

Revocation of certificate of fitness.

30 (2) On the revocation of a certificate of fitness issued in respect thereof it shall not be lawful to use any passenger-service vehicle for the carriage of passengers for hire or reward unless and until a new certificate of fitness is issued in respect thereof.

35 41. (1) Every Inspector may at any time—  
(a) Stop, enter, and inspect any passenger-service vehicle while the same is being used :

Powers of Inspectors.

(b) Enter any place where such vehicle is kept and inspect such vehicle :

40 (c) Make any reasonable running test of such vehicle at the cost in all things of the owner thereof :

(d) Require the owner of such vehicle or any other person for the time being in charge thereof to furnish all such assistance as may be necessary for the purpose of any such inspection or running test :

45 (e) Require the production of the current certificate of fitness issued in respect of such vehicle.

(2) Every person who obstructs or hinders or incites any person to obstruct or hinder any Inspector in the exercise of powers conferred by this section or refuses or fails to furnish any such assistance as afore-said, or who, having the custody or possession of any certificate of fitness, refuses or fails to produce the same to an Inspector on demand, commits an offence and is liable for each such offence to a fine of *ten* pounds.

Right of appeal  
from decisions of  
Licensing  
Authorities.

*Appeals.*

42. (1) There shall be a right of appeal in the prescribed manner and in the prescribed form and within the prescribed time to the Transport Appeal Board from any decision of any Licensing Authority with respect to—
- (a) The grant, renewal, or revocation of any passenger-service license; and
  - (b) The terms or conditions of any license, except so far as such terms or conditions have been imposed in conformity with express requirements of this Act or any regulations thereunder; and
  - (c) The amendment or revocation of any terms or conditions of a license or any new terms or conditions, or any application for any amendment or revocation of terms or conditions or for new terms or conditions.
- (2) The following persons and bodies and no others may appeal as provided in the *last preceding* subsection, namely:—
- (d) A person whose application for a passenger-service license or renewal thereof has been refused:
  - (e) A person to whom a passenger-service license or renewal thereof has been granted, or is proposed to be granted, and who desires to appeal against the terms and conditions contained or proposed to be inserted in the license:
  - (f) The holder of a passenger-service license who is dissatisfied with the decision of the Licensing Authority with respect to the amendment, alteration, modification, or revocation of any term or condition of such license or the insertion of a new term or condition in the license, whether or not such decision is given on an application made by him:
  - (g) A person whose passenger-service license is suspended or revoked or on whom any penalty has been imposed pursuant to subsection *four* of section *twenty-nine* hereof:
  - (h) Any person (being the owner of a licensed passenger-service) or the Minister, or the Government Railways Board, or any local authority or public body affected by any decision of a Licensing Authority:
  - (i) Any one or more of the signatories to a petition presented to the Licensing Authority pursuant to paragraph (*j*) of subsection *two* of section *twenty-four* hereof:
  - (j) Any fifty or more adult residents of any locality affected by any decision of a Licensing Authority.
- (3) An appeal by the persons mentioned in paragraph (*j*) of the *last preceding* subsection shall be by petition in the prescribed form.
- (4) In the case of any appeal as aforesaid against a decision of a Licensing Authority refusing to grant or renew a license the appellant if, at the time of making application for such license or renewal, he is lawfully carrying on the passenger-service affected, may continue so to carry it on until the appeal is determined.
- (5) Upon any appeal the provisions of the Commissions of Inquiry Act, 1908, shall, so far as they are applicable, apply as if the Appeal Board were a Commission of Inquiry appointed under that Act.



1065

(6) The Appeal Board in its determination may confirm, modify, or reverse the decision appealed from.

(7) The determination of the Appeal Board in any appeal as aforesaid shall be final, and in cases where the decision appealed from is modified or reversed it shall be the duty of the Licensing Authority to give effect to the determination of the Appeal Board.

(8) The determination of the Appeal Board shall in every case be communicated by that Board to the Commissioner, who shall thereupon notify the same to the appellant and to every other person who in the opinion of the Commissioner is directly concerned.

### PART III.

#### GOODS-SERVICES.

43. (1) The Governor-General may from time to time, by Order in Council published in the *Gazette*, declare any transport district or districts, or any part or parts of any such district or districts, or any route or routes through any district or districts or any part or parts thereof, specified or defined in such Order to be a "controlled area" for the purposes of this Part from a date named in such Order, and, as the case may require, may declare that the Central Authority or the District Authority specified in such Order shall be the Licensing Authority of the controlled area.

Governor-General may declare controlled areas for purposes of this Part or apply this Part to all transport districts.

(2) Any such Order in Council may in like manner be amended or revoked.

44. (1) The Central Authority and any District Authority may from time to time, and on being requested so to do by the Minister shall, make such inquiries and investigations as it thinks fit or as the Minister directs, for the purpose of ascertaining whether it is necessary or desirable to declare any controlled area pursuant to the *last preceding* section.

Inquiries for purpose of ascertaining desirability of declaring controlled area.

(2) Every such inquiry or investigation shall be held in the prescribed manner, and a report thereof embodying such recommendations as the Licensing Authority thinks fit to make shall be transmitted to the Minister.

45. (1) By the Order in Council declaring a controlled area, or by a subsequent Order in Council in that behalf, the Governor-General may apply to the controlled area such of the provisions of Part II hereof, with such modifications, as he thinks fit, but in every such case the provisions of section *forty-two* of that Part shall be applied.

Application of provisions of Part II to controlled area or to certain goods-services carried on therein.

(2) All provisions of Part II hereof so applied as aforesaid to any controlled area shall thereupon be read and have effect as if the references therein to passenger-services, passenger-service licenses, and passengers were references to goods-services, goods-service licenses, and goods respectively, and shall be so read, with such modifications as may be necessary, having regard to the fact that as so applied they are dealing with goods-services and goods instead of passenger-services and passengers, and references therein to the appointed day shall be read as references to the date on which the declaration of the controlled area took effect.

(3) Any such Order in Council as aforesaid, instead of applying provisions of Part II hereof generally with respect to the controlled

area, may apply such provisions with respect only to goods-services of a type or class or to a particular goods-service specified in such Order.

(4) Every Order in Council under this section shall have effect according to its tenor, and may, in like manner, be from time to time varied or modified, or may be revoked.

46. The Licensing Authority of a controlled area, before granting any goods-service license,—

(a) May call upon the applicant for such license (whether or not at the time of making such application he was actually carrying on the service to which it relates) to furnish to the satisfaction of the Licensing Authority proof that his liability in respect of loss of or damage to any goods that may be conveyed by such service is covered by insurance or otherwise to such extent as the Licensing Authority deems reasonable having regard to the nature and extent of such service; and

(b) Shall require the applicant to produce proof of his having paid all license and other fees then due and payable under any Act, or any regulation or by-law in respect of the motor-vehicles to be used in connection with the goods-service.

47. (1) The Licensing Authority of any controlled area may, at any time, in the prescribed form, call upon the owner of any motor vehicle or vehicles used wholly or partly for the carriage of any goods to show cause within fourteen days, or such longer time as is specified in that behalf by the Licensing Authority, why he should not be declared to be carrying on a goods-service within the meaning of this Act.

(2) If within the time limited as aforesaid such owner fails to show cause as aforesaid to the satisfaction of the Licensing Authority, it shall report the matter, with all necessary particulars and information, to the Minister, who, after making such inquiry (if any) as he thinks fit, may, in his discretion, declare by notice in the *Gazette* that the manner in which such owner is carrying goods constitutes the carrying-on of a goods-service of a type or class required to be licensed under this Act; and after the date of the publication of such notice in the *Gazette* it shall not be lawful for such owner so to carry goods, unless and until he becomes the holder of a goods-service license granted under this Act.

Provided that the Commissioner may in any such case issue a permit authorizing such owner to continue to carry goods in such manner as aforesaid until an application by him for a goods-service license is disposed of, but such permit shall be so conditioned that it shall be deemed to be revoked if such application is not made within a time limited in that behalf in the permit.

(3) No appeal shall lie to the Transport Appeal Board against any decision of the Minister or the Commissioner under this section.

48. Where a passenger-service or any vehicle used in connection therewith, or any other passenger-service vehicle, is, within a controlled area, carried on or used for the carriage for hire or reward of both passengers and goods (other than goods the property or in the possession or custody of a passenger) or, where a passenger-service is also a goods-service of the particular type or class to which provisions of Part II hereof have been applied under section *forty-five* hereof, then it shall

As to granting of goods-service licenses.

Licensing Authority may require owner to show cause why service should not be licensed as goods-service.

Combined passenger and goods service.

1065

not be lawful for such service to be so carried on or such vehicle to be so used except under the authority of a goods-service license, and unless in respect of every vehicle so used there has been issued and is in force a certificate of fitness under this Act.

5

PART IV.

COMMERCIAL AIRCRAFT SERVICES.

49. (1) Save as provided in the *next succeeding* section, it shall not be lawful after the appointed day for any person to carry on in any part of New Zealand any commercial aircraft service otherwise than pursuant to the authority and in conformity with the terms of an aircraft-service license granted under this Act.

Commercial aircraft services to be carried on pursuant to aircraft-service license granted under this Act.

(2) Every person who contrary to the provisions of this section carries on any commercial aircraft service commits an offence and is liable to a fine of *one hundred* pounds and to a further fine of *ten* pounds for every day on which such offence continues.

(3) If any company carries on any commercial aircraft service contrary to the provisions of this section every director or other person acting in the management of the business shall, in addition to any penalty to which the company may be liable, be liable to a fine of *ten* pounds for every day on which such service is so carried on.

50. (1) The Governor-General may from time to time, by Order in Council, exempt—

Exemptions from aircraft-service license.

(a) Any commercial aircraft service or services or any class or classes thereof specified in such Order; or

(b) Commercial aircraft services carried on between any places named in such Order.

(2) Any such exemption may be granted subject to compliance with such conditions as may be imposed in such Order in Council.

(3) Any such Order in Council may in like manner be from time to time varied with respect either to the aircraft service or services to which it applies or to the conditions imposed thereby, or be revoked, and every such Order shall have effect according to its tenor.

51. Aircraft-service licenses shall be granted only by the Central Authority.

Licenses to be granted only by Central Authority.

52. The provisions of sections *twenty-two, twenty-three, twenty-seven, twenty-nine, thirty,* and *thirty-two to thirty-six* of this Act shall, with the necessary modifications, apply with respect to the licensing of aircraft services.

Application of certain provisions of Part II of this Act with respect to applications for licenses under this Part.

53. In considering any application for an aircraft-service license the Central Authority shall generally have regard to—

Matters to be considered before determining application for license.

(a) The extent to which the proposed service is necessary or desirable in the public interest; and

(b) The needs of the localities as a whole proposed to be served in relation to transport, whether by land, water, or air, and the co-ordination of all forms of transport, whether by land, water, or air;

and if it is then of opinion that the proposed service is unnecessary or undesirable it shall refuse to grant a license.

(2) If, after having had regard to the matters mentioned in the *last preceding* subsection, the Central Authority proposes to give further consideration to the application, it shall take into account all the matters required in paragraphs (c) to (h) and paragraph (j) of subsection *two* and subsection *three* of section *twenty-four* of this Act to be taken into account in considering an application for a passenger-service license (the said paragraphs being read for that purpose where necessary as if the words "or air" were inserted therein after the words "by land or water"), and shall also take into account such other matters as may be prescribed in that behalf by regulations, and the provisions of subsection *four* of the said section *twenty-four* shall apply with respect to all such applications. 5

Granting of licenses.

54. In granting any aircraft-service license the Central Authority may prescribe—

- (a) The class and number of aircraft to be used in connection with the service and the seating or other accommodation for passengers of each such vehicle by reference to a minimum number or a maximum number or to both such numbers: 15
- (b) The class and quantity or weight of any goods that may be carried on any such aircraft: 20
- (c) A date not later than which the service shall be commenced:
- (d) The localities to be served:
- (e) The frequency of service to be observed:
- (f) The fares to be charged or other charges to be made for the carriage of passengers and the charges to be made for the carriage of goods: 25
- (g) Such other matters and conditions as may be prescribed by regulations, or as the Central Authority thinks proper.

(2) Instead of prescribing particular localities to be served the Central Authority may grant a license to authorize the carrying-on of an aircraft service generally throughout New Zealand, subject to such special conditions (if any) as it thinks proper to impose, but any such license so granted may at any time during the currency, or on any renewal thereof, or during the period for which any such renewal is granted, restrict the effect of the license in such manner and to such extent as it thinks fit. 30 35

Special conditions  
(as to insurance, &c.)  
precedent to grant  
of license.

55. The Central Authority, before granting any air-service license,—

- (a) May call upon the applicant for such license (whether or not at the time of making such application he was actually carrying on the service to which it relates) to furnish to the satisfaction of the Central Authority proof that his liability in respect of death or of accident to passengers and in respect of loss of or damage to any goods that may be conveyed by such service is covered by insurance or otherwise to such extent as the Central Authority deems reasonable, having regard to the nature and extent of such service; and 40 45
- (b) Shall require the applicant to produce proof of his having paid all fees then due and payable under any Act or any regulations in respect of the aircraft to be used in connection with the service. 50

1067

56. Except in the case of a temporary license, every aircraft-service license shall take effect and expire as provided in section *thirty-one* of this Act, with respect to passenger-service licenses. Duration of license.

57. No aircraft shall be used in connection with any commercial aircraft service unless and until a certificate of its fitness for that purpose given in accordance with regulations under the Aviation Act, 1918, or any Act hereafter passed in substitution for that Act, is furnished to the Central Authority. Aircraft.

58. The provisions of section *forty-two* hereof shall, with the necessary modifications, apply to all decisions of the Central Authority with respect to aircraft-service licenses. Appeals.

59. Nothing in section eighteen of the Police Offences Act, 1927, shall operate to make the carrying-on on Sundays of any commercial aircraft service pursuant to an aircraft-service license an offence under that section. Excluding operation of section 18 of Police Offences Act, 1927 (relating to Sunday trading).

## PART V.

### INQUIRIES INTO ACCIDENTS.

60. (1) The owner of every motor-vehicle and of every aircraft used in connection with any service licensed under this Act shall, within forty-eight hours after the occurrence in connection therewith of any accident attended by serious personal injury to any person, or by serious damage to the property of any person, give notice thereof to the Commissioner. Notice of accidents to be given to Commissioner.

(2) Every such notice shall be transmitted free of charge by the telegraph-office.

61. (1) The Minister may, if he thinks fit, direct an inquiry to be made into the cause of any accident notified to the Commissioner pursuant to the *last preceding* section. Inquiries into accidents.

(2) Such inquiry shall be made by a person or persons appointed in that behalf by the Minister, who may in his discretion direct the inquiry to be a public inquiry, in which case the person or persons holding the inquiry shall, for the purposes thereof, have all the powers of a Coroner under the Coroners Act, 1908.

(3) For the purpose of enabling the person or persons making any such inquiry as aforesaid to ascertain the cause of the accident, such person or persons, or any other person appointed by him or them or by the Minister, may inspect and at the expense of the owner make reasonable running tests of any vehicle in connection with which the accident arose (whether or not such vehicle is a motor-vehicle or aircraft and whether or not it was an immediate participant in the collision or other act of damage) and for the purpose of such inspection the person so appointed, with such assistants as he deems necessary, may enter at any reasonable time any premises where such vehicle is, and if any person obstructs him or any of his assistants in the performance of his duty under this subsection such person shall be liable to a fine of *twenty* pounds.

62. Any report made to the Minister as a result of any inquiry under this Part of this Act shall not be used in evidence in any legal proceedings instituted in consequence of the accident. Report of inquiry not to be used in legal proceedings.

## PART VI.

## GENERAL.

- Service of notices. 63. Any notice required to be served on any person for the purpose of this Act may be served by causing the same to be delivered to that person, or to be left at his usual or last known place of abode or business, or the address stated by him in any application or similar document under this Act, or to be sent by registered letter addressed to such place of abode or business or address. 5
- Offences to be tried summarily. 64. (1) Save as provided in section *eight* hereof all proceedings in respect of offences under this Act shall be taken in a summary way on the information of the Commissioner or any other person appointed by the Commissioner for that purpose, or by any member of the Police Force, and shall be heard before a Stipendiary Magistrate alone. 10  
(2) No person appointed by the Commissioner under the *last preceding* subsection shall be called upon to prove that he has been so appointed. 15
- Evidence and proof. 65. In any proceedings for an offence under this Act—  
(a) If it is shown that passengers or goods were carried on or drawn by any motor-vehicle, or were carried on any aircraft, such passengers or goods shall be deemed to have been carried or drawn in such manner as to bring the motor-vehicle or aircraft under the requirements of this Act until the defendant satisfies the Magistrate to the contrary : 20  
(b) The allegation in the information that a goods-service is being carried on within a controlled area shall be sufficient evidence of that fact until the contrary is proved : 25  
(c) Any license may be proved by the production of a copy of that license certified to be correct by the Commissioner, or by the Chairman of the Licensing Authority issuing the license :  
(d) Judicial notice shall be taken of the signature of the Minister, the Commissioner, and the Chairman and every other member of every Licensing Authority. 30
- Prohibiting Court proceedings in certain cases. 66. No proceedings shall be instituted or heard in any Court in respect of any decision of any Licensing Authority or the Transport Appeal Board, or in respect of any decision of the Minister or the Commissioner.
- Application of fees and fines, and expenses of administration. 67. Save as provided in section *eight* hereof, all fees, fines, and other moneys received or recovered under this Act shall be paid into the Public Account to the credit of the Consolidated Fund, and all expenses incurred in carrying out the provisions of this Act shall be paid out of moneys to be from time to time appropriated by Parliament for the purpose. 35
- Certain provisions of other Acts, &c., to be read subject to this Act. 68. (1) Every provision in any Act conferring on the Crown or any local authority or public body power to establish, carry on, and maintain any service for the carriage of passengers or goods by means of motor-vehicles shall be read subject to the provisions of this Act. 40  
(2) No passenger or goods service and no motor-vehicle and no person shall, by reason only of anything done pursuant to a license under this Act, be subject to any by-laws made by any local authority 45

1069

with respect to the licensing of vehicles plying for hire, or be liable to obtain a license pursuant to any such by-law.

(3) The power conferred on any local authority by any Act to fix, by by-law or otherwise, stands and stopping-places for vehicles plying for hire, or to prohibit or forbid such vehicles from using stands or stopping-places other than those so fixed, shall be subject to the condition that no such by-law or other act of authority (whether made before or after the appointed day) shall, with respect to passenger-service and goods-service vehicles used in connection with services licensed under this Act, have force or effect unless and until it is approved by the Minister. The Minister, after consulting the appropriate Licensing Authority, may, in his discretion, approve or refuse to approve any such by-law, or may require such modifications as he directs to be made before approving it.

69. (1) In any case where the running on any road or street of any motor-vehicle used or to be used in connection with a passenger-service or goods-service licensed or proposed to be licensed under this Act is restricted or prohibited by or under any Act the licensee or applicant for a license may apply to the Minister for an order modifying or revoking the restrictions or prohibition.

Power of Minister to modify restrictions on user of roads or streets by vehicles used in connection with passenger or goods services.

(2) The Minister, on receiving an application under this section, shall, unless he is of opinion that it is made without reasonable cause, direct a public inquiry to be held into the subject-matter of the application by a person appointed by him in that behalf.

(3) Not less than fourteen days' notice of the inquiry shall be given to every person and body who in the opinion of the Minister is affected by the application.

(4) If, as a result of the inquiry, the Minister is satisfied that it is in the public interest that the restrictions or prohibition should be modified or revoked, he may make an order modifying or revoking them, and may by such order modify or revoke, to such extent as appears to him to be equitable in the circumstances, any obligations imposed upon any person in connection with such restrictions or prohibition.

(5) No such order shall have force or effect until it is published in the *Gazette*.

70. Save as provided in the *two last preceding* sections and as otherwise specially mentioned in this Act, the provisions of this Act are in addition to, and shall not derogate from, the provisions of other Acts relating to the licensing, control, or taxation of vehicles or of persons using vehicles or aircraft.

Save as specially provided, this Act not to derogate from provisions of other Acts.

71. (1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes, namely :—

Regulations

(a) Prescribing forms of application for and of licenses, certificates, and permits under this Act, and all necessary forms in connection with the application for and renewal of such licenses, and the amendment, modification, variation, or revocation of terms and conditions of such licenses, and the addition of new terms and conditions, and the revocation and suspension of licenses :

- (b) Prescribing the registers to be kept under this Act, the matters to be entered therein, and the form of such registers and the means by which entries therein shall be verified :
- (c) Prescribing the accounts and records to be kept by licensees under this Act, and the form thereof, and the manner in 5 and the times at which returns in respect of such accounts and records shall be furnished to the Minister :
- (d) Prescribing the form of, the manner in, and time at which any information required to be furnished for any purpose under this Act shall be so furnished, and the nature of any such 10 information :
- (e) Prescribing all such other forms and such notices as may be deemed necessary for any purpose under this Act :
- (f) Providing for the custody, production, and cancellation on revocation of licenses, certificates, and permits under this 15 Act, and providing for and requiring the return of licenses, certificates, and permits that have been revoked, and of licenses for the alteration, modification, variation, or revocation of the terms or conditions thereof, or the addition thereto of new terms and conditions : 20
- (g) Prescribing conditions subject to which a duplicate of any license, certificate, or permit may be issued in cases where the same has been lost, destroyed, or defaced :
- (h) Prescribing any matters which may be considered necessary with respect to insurance or other security against accidents 25 to persons and damage to property required under this Act :
- (i) Regulating the nomination of persons from whom members of the Transport Appeal Board shall be appointed, and fixing the number of such persons and the times when and the manner in which they shall be nominated : 30
- (j) Prescribing the allowances that may be paid to members of Licensing Authorities and of the Transport Appeal Board :
- (k) Regulating the procedure of Licensing Authorities :
- (l) Prescribing whatever may be necessary in respect of the lodging, hearing, and determining of appeals, and the holding of any 35 inquiries under this Act :
- (m) Classifying passenger-service vehicles and services for the carriage of passengers or goods required to be licensed under this Act :
- (n) Prescribing matters in relation to the design, construction, and 40 equipment, and the inspection of passenger-service vehicles, or any particular class or classes of such vehicles :
- (o) Classifying aircraft for the purposes of this Act :
- (p) Prescribing the documents, plates, and marks to be carried by passenger-service and goods-service vehicles and aircraft, 45 and the manner in which they are to be carried :
- (q) Regulating the carriage of passengers' luggage and goods on passenger-service and goods-service vehicles and aircraft :
- (r) Providing for the safe custody and redelivery or disposal of any property accidentally left in any such vehicle or aircraft, and 50 fixing the charges to be made in respect thereof :



1071

(s) Generally regulating the carrying-on of services licensed under this Act :

(t) Prescribing the fees to be payable under this Act and the persons liable to pay the same :

5 (u) Prescribing fines, not exceeding *ten* pounds, for the breach of any such regulation or for failure to comply with any condition, duty, or obligation lawfully imposed in any manner by or under any such regulation or (in cases where no specific penalty is imposed by this Act) by this Act :

10 (v) Prescribing all such other matters as may be necessary or expedient for the purpose of giving full effect to this Act.

72. (1) All regulations made under the *last preceding* section shall be published in the *Gazette*.

Provisions as to regulations.

(2) Any such regulations may—

15 (a) Apply generally throughout New Zealand or within any specified district or districts or part of parts thereof, or to any specified route or routes, and may from time to time be so applied by the Minister by notice in the *Gazette*, and any such notice may at any time in like manner be revoked :

20 (b) Be so made that different regulations shall apply with respect to different classes of licensed services or different classes or descriptions of passenger-service or goods-service vehicles or aircraft, or with respect to the same class or description of vehicles or aircraft in different circumstances.

25 (3) The operation of any regulations published as aforesaid may, if so provided therein, be wholly suspended until they are applied by the Minister by notice in the *Gazette*. Any such notice may at any time in like manner be revoked.

(4) In so far as the by-laws of any local authority in force in any 30 locality are inconsistent with or repugnant to any regulations under this Act in force in the same locality, the by-laws shall be deemed to be subject to the regulations.

(5) All regulations under this Act shall be laid before both Houses of Parliament within fourteen days after the gazetting thereof if 35 Parliament is then in session, and, if not, then within fourteen days after the commencement of the next ensuing session.

73. (1) The Auckland Transport Board Act, 1928, shall, as from the appointed day, be read subject to the provisions of this Act.

Auckland Transport Board Act, 1928, to be subject to provisions of this Act.

(2) The Auckland Transport Board Act, 1928, is hereby conse- 40 quentially amended as from the appointed day as follows :—

(a) By omitting from section fifty-eight thereof the words “ sole and exclusive ” before the words “ right to maintain ” :

(b) By repealing the first proviso to the said section fifty-eight :

(c) By repealing section sixty-six thereof.

45 (3) All licenses, authorities, or rights granted by the Auckland Transport Board under the authority of the provisions hereby repealed and in force immediately before the appointed day shall respectively continue in force for the period for which they were issued, and while so in force shall be deemed to be passenger-service licenses issued under this Act, and all the provisions of this Act in respect of passenger- 50 service licenses during the currency thereof and in respect of the

Services carried on under the authority of such licenses and the passenger-service vehicles used in connection with such services shall apply to such licenses, authorities, and rights as aforesaid, and to the services to which they relate and to the passenger-service vehicles used in connection therewith.

5

(4) After the passing of this Act no further licenses, authorities, or rights as aforesaid shall be granted by the Auckland Transport Board.

74. Section six of the Christchurch Tramway District Amendment Act, 1927, is hereby repealed.

10

75. (1) The Motor-omnibus Traffic Act, 1926, is hereby repealed as from the appointed day.

(2) No further licenses shall, in the period between the date of the passing of this Act and the appointed day, be granted under the said Motor-omnibus Traffic Act, 1926, by any Licensing Authority under that Act.

15

76. This Act shall bind the Crown.

Section 6 of  
Christchurch  
Tramway District  
Amendment Act,  
1927, repealed.

Motor-omnibus  
Traffic Act, 1926,  
repealed.

Act to bind the  
Crown.