



THE SPEEDLINK PARCELS LIMITED VESTING ORDER 1991

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 6th day of May 1991

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the New Zealand Railways Corporation Restructuring Act 1990, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. Title—This order may be cited as the Speedlink Parcels Limited Vesting Order 1991.

2. Interpretation—(1) In this order, unless the context otherwise requires,—

“The Act” means the New Zealand Railways Corporation Restructuring Act 1990:

“Agent” means a person authorised by the Corporation to act on its behalf in accepting parcels for delivery by the Corporation in the course of carrying on the business:

“Business” means the parcels delivery business carried on by the Corporation and known as “Speedlink”:

“Carrier” means a person, other than an employee of the Corporation or an owner-driver, who provides parcel delivery services for the Corporation in connection with the business:

“The Company” means Speedlink Parcels Limited:

“Employee” means a person employed by the Corporation in connection with the business:

“Goodwill” means the goodwill of the business; and includes—

(a) The benefit of all existing and future contracts, orders, and engagements relating to the business:

(b) The rights to the trade names “Speedlink”, and “Speedlink Parcels”:

(c) The rights arising under the trade mark application filed with the Patent Office in the name of the Corporation as applicant for the name “Speedlink Parcels” being application number 18 2207 in Class 39:

(d) The right to all lists of customers and suppliers of the business:

(e) The right of the Corporation to represent itself as carrying on the business:

“Intercity Service” means the long distance coach services provided from time to time throughout New Zealand by the Corporation; and includes freight carried by the Corporation on those services; but does not include a door to door parcel delivery service:

“Owner-driver” means a person who has entered into an agreement known as an owner-driver agreement with the Corporation in the Corporation’s standard form of that agreement:

“Properties” means the premises used by the Corporation and known respectively as—

(a) The Otahuhu Warehouse together with the storage facilities and office located at 644 Great South Road, Otahuhu:

(b) Auckland Station “C” Shed comprising approximately 17.570 m²:

(c) Auckland Station Basement comprising approximately 1600 m².

(2) Any term or expression which is not defined in this order, but which is defined in the Act, has the meaning given to it by the Act.

3. Vesting of railways assets and railways liabilities in company—

(1) The railways assets and railways liabilities of the Crown and the Corporation to which this clause applies, being assets and liabilities set out in a list prepared pursuant to section 6 of the Act by the Minister of Finance and the Minister for State Owned Enterprises dated the 2nd day of May 1991, shall vest in the Company on the 13th day of May 1991.

(2) This clause applies to—

(a) The following motor vehicles and trailers:

Registration Number	Model	Make	Registration Type
OB 4217	FY50/36	Hino	Truck
OG 5340	FY50/36	Hino	Truck
OG 5349	FS 665	Hino	Truck
E 4089			Dog Trailer
E 9605			Dog Trailer
A 6894			Dog Trailer
A 6895			Dog Trailer

(b) The following forklifts:

Registration Number	Model	Business Premises at which located
OG 5332	Nissan	Auckland
OG 5333	Nissan	Auckland
MW 3730	Nissan	Otahuhu
KP 2441	Komatsu F025	Rotorua
MD 134	Nissan	Tauranga
KQ 1511	Datsun	Wellington
OG 5331	Nissan	Taupo
MW 3729	Nissan	Christchurch
PA 6899	Lees	Dunedin

- (c) All radio equipment used in connection with the business excluding—
- (i) Telephone equipment but not excluding the Corporation's interest in telephone equipment located at the properties:
 - (ii) Radio equipment installed in vehicles owned or used by the Corporation in connection with the business not being vehicles to which this clause applies:
 - (iii) Radio equipment installed at the Corporation's expense in vehicles owned by owner-drivers whose contracts with the Corporation are terminated by it before the close of the 12th day of May 1991:
 - (iv) Radio equipment used jointly in connection with the business and the Intercity Service:
- (d) All cages and handles for cages owned by the Corporation for use in connection with the business:
- (e) The scales at the Corporation's depot at Otahuhu:
- (f) All plant, furniture, and fittings situated at the basement of Auckland Railway Station and at "C" shed at Auckland Railway Station and used in connection with the business but not included in any of paragraphs (a) to (e) of this subclause:
- (g) All rights and obligations under every contract between the Corporation and other persons for the provision of services for the business; including contracts with agents and carriers; but not including contracts with owner-drivers:
- (h) All rights and obligations under the contract known as the "Fieldair Contract" dated the 3rd day of September 1986 and made between Classic Air Services Limited and the Corporation:
- (i) Goodwill:
- (j) All rights and obligations under contracts between the Corporation and its customers for the delivery by the Corporation of parcels in the course of the business:
- (k) All rights and obligations under every award or agreement relating to employees of the Corporation employed in connection with the business on the close of the 12th day of May 1991 and to whom the Corporation has not, before the close of the 12th day of May 1991, sent or given a notice of termination of employment, being rights and obligations which arise or are to be performed or discharged after that date, including obligations which have accrued as at that date:

- (l) All transport service licences held by the Corporation in connection with the business:
- (m) All files, accounting records, documents of title, technical information, and other documents relating to the business.

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the order, but is intended to indicate its general effect.

This order, which is made pursuant to the New Zealand Railways Corporation Restructuring Act 1990, vests the assets and liabilities referred to in the order in Speedlink Parcels Limited on 13 May 1991.

In general terms the assets and liabilities are the assets and liabilities of the parcels delivery business of the New Zealand Railways Corporation, known as "Speedlink".

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 8 May 1991.
This order is administered in the Treasury.