

Serial Number 1942/21



**THE TRANSPORT (GOODS) APPLIED PROVISIONS
ORDER 1942**

C. L. N. NEWALL, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 4th day of
February, 1942.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Transport Licensing Act, 1931 (hereinafter called "the said Act") His Excellency the Governor-General acting by and with the advice and consent of the Executive Council doth hereby order as follows—

1. This Order may be cited as the Transport (Goods) Applied Provisions Order 1942.

2. This Order shall come into force on the day following notification hereof in the *Gazette*.*

3. There shall be applied to the controlled areas created for the purposes of Part III of the said Act by the Transport (Goods) Controlled Areas Order 1942† those provisions of the said Act and its amendments that are specified in Part III of the Schedule hereto, modified so as to be read in the words set out in the said Schedule.

4. The provisions of the said Act so applied shall apply with respect to all goods-services other than goods-services carried on—

- (a) As part of a passenger-service licensed under the said Act ; or
- (b) Solely in connection with funerals ; or
- (c) Solely for carriage of newspapers ; or
- (d) Solely in connection with repair or wreckage of vehicles which have met with mishap ; or
- (e) Solely for the carriage of milk or whey to or from dairy factories by farmers for their neighbours.

* See end note.

† Statutory Regulations 1942, Serial number 1942/22, page 66.

SCHEDULE.

APPLIED PROVISIONS.

PART I.—INTERPRETATION.

1. IN this Schedule :—

- “ 1931 Act ” means the Transport Licensing Act, 1931.
- “ 1933 Act ” means the Transport Law Amendment Act, 1933.
- “ 1935 Act ” means the Transport Licensing Amendment Act, 1935.
- “ 1936 Act ” means the Transport Licensing Amendment Act, 1936.
- “ 1939 Act ” means the Transport Law Amendment Act, 1939.

2. The headings to the clauses of this Schedule indicate the clause numbers of this Schedule for reference purposes, and state in parenthesis the sections of Acts, which, subject to the modifications (if any) appearing from the words of the clauses as set out herein, are applied to goods-services in terms of section 47 of the Transport Licensing Act, 1931.

3. The provisions set out in Part III of this Schedule may be cited and referred to collectively as the applied provisions of the Transport (Goods) Applied Provisions Order 1942.

4. Any clause of the provisions set out in Part III of this Schedule may be cited and referred to respectively as a clause of the Schedule to the Transport (Goods) Applied Provisions Order 1942.

PART II.—TABLE OF APPLIED PROVISIONS.

(A) *Issue of Licenses.*

Clause.	Subject.
1	Goods-services to which these provisions apply not to be carried on otherwise than in terms of a goods-service license.
2	Offence to book for unlicensed service.
3	Defining proper Licensing Authority to deal with goods-service licenses.
4	Application for a goods-service license to be made to the Commissioner of Transport.
5	Procedure of Licensing Authority on receipt of a new application.
6	Matters to be considered before determining.
7	Protection of Railways Department where it acquires road services.
8	Licensing Authority may grant or refuse license.

(B) *Applications for Renewals, Transfer, Amendment, and Abandonment of Licenses.*

9	Renewal of licenses—general.
10	Procedure on receipt of application for renewal, transfer, amendment, or abandonment of license.

(C) *Licenses.*

11	Classification of licenses.
12	Licensing Authority to prescribe certain matters.
13	The license and its effect.
14	Duration of licenses.
15	Amendment or revocation of terms and conditions of licenses.
16	Licenses may be transferred.
17	Revocation of licenses.
18	Review of licenses.
19	Register of licenses.

(D) *Appeals.*

20	Appeals from Licensing Authorities' decisions.
21	Reconsideration by Licensing Authority.

(E) *General.*

22	Minister may declare certain services to be goods-services.
23	Accounts to be kept and returns to be made by licensees.
24	Powers of Inspectors.

(F) *Goods-service Vehicles.*

- 25 Use of Goods-service Vehicles.
- 26 Certificates of Fitness.
- 27 Duration of Certificates of Fitness.
- 28 Revocation of Certificates of Fitness.

PART III.—TEXT OF APPLIED PROVISIONS.

Clause 1 (Section 20 of 1931 Act).

(1) It shall not be lawful for any person to carry on any goods-service with respect to which these provisions are applied, otherwise than pursuant to the authority and in conformity with the terms of a goods-service license granted under these provisions.

(2) Every person who, contrary to the provisions of this clause, carries on any goods-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 goods-service contrary to these provisions, 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.

Clause 2 (Section 29 of 1933 Act).

Every person commits an offence and is liable to a fine of fifty pounds for each such offence who does any act in any capacity as agent for any goods-service which may be lawfully carried on only pursuant to a license under these provisions if at the time of his doing such act such a license is not in force in respect of such service.

Clause 3 (Section 18 of 1939 Act).

(1) For the purposes of these provisions the proper Licensing Authority to grant a goods-service license or otherwise to exercise jurisdiction in respect of any such license shall be—

(a) In the case of a goods-service proposed to be carried on or being carried on wholly within any one controlled area, the Licensing Authority for that area :

(b) In the case of a goods-service proposed to be carried on or being carried on within two or more controlled areas, such one of the Licensing Authorities for those areas as the Commissioner appoints.

(2) If any question arises under this clause as to the proper Licensing Authority to grant any license or otherwise to exercise jurisdiction in respect thereof, whether by reason of any alteration made or proposed to be made in the terms or conditions of the license (whether on renewal thereof or otherwise), or by reason of any change made or proposed to be made in any controlled area or in the Licensing Authority for any controlled area, or by reason of any other special circumstances or conditions whatsoever, it shall be determined by the Commissioner, whose decision shall be final.

(3) In any case where a goods-service is being carried on or is proposed to be carried on within two or more controlled areas the proper Licensing Authority shall not, except in the case of a temporary license, make any decision in respect of a license or an application for a license for the service without first consulting whether personally or by correspondence or otherwise, every other Licensing Authority in whose area the service is being carried on or is proposed to be carried on.

Clause 4 (Section 24 of 1931 Act).

(1) Every application for a goods-service license shall be in the prescribed form, and, save as provided in subclause (4) of this clause, shall, unless the Minister otherwise directs, be addressed and forwarded to the Commissioner accompanied by the prescribed fee.

(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 clause, an application for a temporary license may be made direct to the appropriate Licensing Authority.

Clause 5 (Section 25 of 1931 Act).

(1) On receiving an application for a goods-service license, other than an application for a temporary license or for the renewal of a license, the Licensing Authority shall, in the prescribed form, give not less than seven 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 seven clear days' notice of such time and place to the applicant.

(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.

Clause 6 (Section 26 of 1931 Act and Section 19 of 1939 Act).

(1) In considering any application for a goods-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

(b) The needs of the district or districts as a whole in relation to goods transport;

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 subclause, 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, the likelihood of his carrying it on satisfactorily, and, in the case of an existing service, the period during which the service has been carried on satisfactorily;

(d) Time-tables or frequency of the proposed service, if the service is intended to be of a regular nature;

(e) The charges proposed to be made for the carriage of goods;

(f) The goods transport of any kind, whether by land or water, already provided in respect of the localities to be served;

(g) The requirements of such localities in respect of goods transport;

(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, including restrictions arising out of the classification of roads and streets under section 166 of the Public Works Act, 1928;

(j) Any evidence and representations received by it at the public sitting, and any representations otherwise made by the Minister of Railways, local authorities, or other public bodies, or any persons carrying on goods transport 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 twenty-five adult residents of any locality proposed to be served;

Provided that before taking into consideration any adverse representations made otherwise than at the public sitting the Licensing Authority shall give the applicant and all other persons likely to be affected a reasonable opportunity to reply to such representations:

(k) The desirability of providing and maintaining a reasonable standard of living and satisfactory working conditions in the transport industry.

Clause 7 (Section 15 of 1936 Act).

Except with the previous written consent of the Minister of Railways, no license shall be granted to any person other than that Minister for a goods-service having substantially the same terminal points and route as any goods-service for which the said Minister is for the time being the holder of a license :

Provided that nothing in the foregoing provisions of this clause shall be deemed to apply with respect to any renewal of a license that does not authorize any extension of the service to which the license relates.

Clause 8 (Section 28 of 1931 Act).

Save as otherwise provided in clause 7 hereof, and subject to appeal as hereinafter provided, the Licensing Authority may, after duly considering an application therefor, grant or refuse a goods-service license.

Clause 9 (Section 35 of 1931 Act).

(1) Every application for the renewal of a goods-service license shall be made in the prescribed form to the proper Licensing Authority not less than fourteen days before the day on which such license expires. Every such application shall be forwarded through the Commissioner unless the Minister otherwise directs.

(2) Every application for the renewal of a goods-service license shall be made to the Licensing Authority within whose jurisdiction the service is being carried on at the date of the application, but if the occasion so requires, shall be transmitted to and dealt with by the Licensing Authority within whose jurisdiction the service will be carried on if the license is renewed.

(3) No person shall be entitled as of right to a renewal of a goods-service license, and, in considering any application for renewal, the Licensing Authority shall, subject to the provisions of clause 10 hereof, take into account all that a Licensing Authority is directed by clause 6 hereof to take into account in considering an original application for a license.

(4) The renewal of any license shall take effect for a period of not more than three years 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.

Clause 10 (Section 6 of 1936 Act).

(1) On receiving an application in accordance with any of these provisions for the renewal, transfer, or amendment of a goods-service license, or for consent to the abandonment or curtailment of a goods-service, the Licensing Authority shall give public notice of the receipt of the application, specifying in the notice a time, being not less than seven clear days from the date of the notice, within which it will receive written representations against the granting of the application.

(2) The public notice shall specify the address to which representations are to be forwarded, and shall contain a statement to the effect that if no written representations against the granting of the application are received within the specified time the application may be granted without further notice and without a public sitting of the Licensing Authority.

(3) If no written representations against the granting of the application are received by the Licensing Authority within the time specified in the public notice the Licensing Authority may, if it thinks fit, without giving any further notice or holding a public sitting, grant the application in accordance with the terms thereof, without substantial alteration.

(4) If any written representation against the granting of the application is received by the Licensing Authority within the time specified in the public notice, or if in any other case the Licensing Authority decides not to grant the application under the last preceding subclause, the provisions of clause 5 hereof shall apply to the application as if it were an application for a new license.

Clause 11 (Section 29 of 1931 Act).

Every goods-service license shall be—

(1) 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 intervals not exceeding one month, or a license in respect of special events recurring at intervals during the year ; or

(2) 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

(3) A temporary license—meaning thereby a license for a service to be carried on for a specified period of not more than fourteen days or a license for any specified special occasion or occasions.

Clause 12 (Section 30 of 1931 Act).

(1) In granting any goods-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 :
- (b) A date on which the service may or shall be commenced :
- (c) The localities to be served or the route or routes to be traversed or both :
- (d) Such other matters and conditions as may be prescribed by regulations : and may, if in its discretion it thinks fit, prescribe—
- (e) The charges to be made for the carriage of goods including mails either definitely or by reference to a maximum charge or minimum charge or both :
- (f) The time-tables or frequency of service to be observed, either definitely or sufficiently to show the nature of the service permitted :
- (g) Any other matters and conditions that the Licensing Authority thinks proper.

Clause 13 (Section 31 of 1931 Act).

(1) Every license shall be in the prescribed form, and be signed by the member or members of the Licensing Authority or by an officer of the Licensing Authority acting by direction thereof, and shall take effect according to its tenor to authorize the licensee, but no other person, to carry on a goods-service in accordance with the terms and conditions of the licenses during the duration thereof.

(2) No license shall be construed to authorize the use on any road or street of any goods-service vehicle prohibited by virtue of any classification of roads or streets made pursuant to regulations under section 166 of the Public Works Act, 1928, from using such road or street.

(3) It shall be a condition of every goods-service license (whether inserted therein or not) that every vehicle to be used in connection with the license shall be maintained in a fit and proper condition, to the satisfaction of the Commissioner of Transport, and that the requirements of any regulations made for this purpose are duly fulfilled.

(4) It shall be a condition of every goods-service 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, in which case he shall give such notice as the Licensing Authority directs of his intention to abandon or curtail the service.

(5) If any licensee abandons or curtails any service in breach of a condition authorized by the last preceding subclause hereof, the Licensing Authority may in its discretion revoke his license.

Clause 14 (Section 2 of 1935 Act).

(1) Except in the case of a temporary license, every goods-service license if 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. Every such license, unless sooner revoked, or unless expressed to expire at any earlier date, shall expire on the completion of three years after the quarter-day on which it took effect :

Provided that where application for the renewal of a license is duly made in accordance with clause 9 hereof such license shall, if 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.

(2) For the purposes of this clause and generally for the purposes of these provisions a goods-service license shall be deemed to be issued on the day appearing thereon as the date of issue, which may be earlier or later than the day on which it is in fact signed on behalf of the Licensing Authority.

Clause 15 (Section 34 of 1931 Act).

(1) The Licensing Authority during the currency of a goods-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.

(2) The Licensing Authority shall give to the licensee, and to every other person who in its opinion is likely to be affected seven days' notice of its intention to exercise of its own motion any power conferred by this section.

(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.

Clause 16 (Section 20 of 1933 Act).

(1) Notwithstanding anything contained in these provisions, any goods-service license may, subject to the provisions of this clause, be transferred to any person.

(2) Application for the transfer of any license shall be made in the prescribed form, and the provisions of clauses 4 and 10 hereof shall apply to every such application.

(3) The Licensing Authority, after duly considering the application and any objections thereto, may grant or refuse the transfer of the license, but shall not in any case grant a transfer unless it is satisfied that the proposed transferee is financially able to carry on the service, and is likely to carry it on satisfactorily.

Clause 17 (Section 36 of 1931 Act).

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

(2) Notice in writing of the intention to hold the inquiry shall be given to the licensee and to all other persons who in the opinion of the Licensing Authority are interested. The notice shall contain particulars of the day, time, and place fixed for the inquiry and of the matters proposed to be inquired into. The notice to the licensee shall be given not later than fourteen clear days before the day fixed for the inquiry.

(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 the 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 conformity with the license, or that he has disposed of such service to any other person, then the Licensing Authority may—

(a) Revoke such license; or

(b) Suspend such license for such period as it thinks fit.

(5) The Licensing Authority 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) Every revocation or suspension of a goods-service license shall be noted in the appropriate register.

Clause 18 (Section 8 of 1936 Act).

(1) If the proper Licensing Authority is at any time of the opinion that the circumstances under which any goods-service license was granted have changed materially since the license was granted, the Licensing Authority may notify the licensee that it intends to review the license under this clause.

(2) If at any time the Minister so directs, the proper Licensing Authority shall notify the holder of any goods-service license that it intends to review the license under this clause.

(3) Not less than fourteen clear days after the giving of a notification under subclause (1) or subclause (2) of this clause the Licensing Authority shall hold a public sitting for the purpose of reviewing the license.

(4) For the purposes of the review of a license under this clause the provisions of clauses 5 and 6 hereof shall, with the necessary modifications, apply as if the licensee were an applicant for the license.

(5) If, after reviewing the license in accordance with the foregoing provisions of this clause and having regard to the circumstances existing at the time of the public sitting, the Licensing Authority is of the opinion that it is necessary or desirable in the public interest so to do, it shall revoke the license, or alter to an earlier date the date at which the license is to expire, or amend or revoke any of the terms or conditions of the license or add new terms or conditions thereto.

Clause 19 (Section 32 of 1931 Act).

(1) The Commissioner shall keep a register of goods-service licenses, and such other register or registers as he deems necessary.

(2) The contents of any 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 these provisions shall, until the contrary is proved, be sufficient evidence that such person was not the holder of such a license on that date.

Clause 20 (Section 12 of 1936 Act, as modified by Section 86 of the Statutes Amendment Act, 1941).

(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 Authority from the whole or any part of any decision of a Licensing Authority in respect of any goods-service license or in respect of any application made to the Licensing Authority.

(2) The following persons, and no others, may appeal as aforesaid :—

(a) The person in respect of whose application the decision of the Licensing Authority was given :

(b) The holder of the goods-service license in respect of which the decision was given :

(c) The Commissioner :

(d) Any other person affected by the decision and being the holder of a goods-service license or of an aircraft-service license, the permanent head of a Government Department, a local authority, or a public body :

(e) Any one or more of the signatories to a petition presented to the Licensing Authority pursuant to paragraph (j) of subclause (2) of clause 6 hereof :

(f) Any twenty-five or more adult residents of any locality affected by the decision of the Licensing Authority :

(g) An appeal by the persons mentioned in paragraph (f) of the last preceding subclause shall be by petition in the prescribed form.

(4) For the purposes of every appeal under this clause the Licensing Authority shall furnish to the Transport Appeal Authority a copy of any notes of evidence taken by the Licensing Authority in connection with the subject-matter of the appeal.

(5) Pending the determination of any appeal duly lodged by a person carrying on a goods-service against any decision of a Licensing Authority in relation to that service, the appellant may carry on the service in the manner in which and to the extent to which he was lawfully carrying it on at the time when the decision of the Licensing Authority was given.

(8) The Transport Appeal Authority in determining any appeal shall not be bound to hear any person or to take any evidence or to receive any representations from any person.

(9) In his determination of any appeal the Transport Appeal Authority may confirm, modify, or reverse the decision appealed against.

(10) The determination of the Transport Appeal Authority in any appeal shall be final, and shall have effect according to its tenor. In any case where the decision appealed against is modified or reversed it shall be the duty of the proper Licensing Authority to take forthwith any action that may be required to give effect to the determination of the Transport Appeal Authority.

(11) The determination of the Transport Appeal Authority shall in every case be communicated by the Transport Appeal Authority to the Commissioner, who shall thereupon notify it to the proper Licensing Authority, to the appellant, and to every other person who in the opinion of the Commissioner is directly concerned.

(12) All appeals duly lodged but not determined before the coming into force of this Order shall be determined by the Transport Appeal Authority under this clause.

Clause 21 (Section 56 of the Statutes Amendment Act, 1940, as modified by Section 86 of the Statutes Amendment Act, 1941).

(1) Notwithstanding anything to the contrary in clause 20 of these provisions, the Transport Appeal Authority may in any case, instead of determining any appeal under that clause, direct the Licensing Authority from whose decision the appeal has been made to reconsider the matter.

(2) In any case where the Transport Appeal Authority issues a direction under the last preceding subclause the decision appealed against shall have no effect, and the Licensing Authority shall again consider the matter as if no decision had previously been made, and, in any case to which clause 5 or clause 10 of the provisions applies, as if no steps had been taken under those clauses.

(3) Pending the reconsideration under this clause of any matter which relates to a goods-service license, the holder of the license may, subject to any limitations or conditions imposed by the Transport Appeal Authority, carry on the service in the manner in which and to the extent to which he was lawfully carrying it on at the time when the decision appealed against was given.

(4) Whenever the Transport Appeal Authority directs a Licensing Authority to reconsider a matter he shall advise the Licensing Authority of his reasons for so doing, and the Licensing Authority in reconsidering the matter shall have regard thereto.

Clause 22 (Section 16 of 1936 Act).

(1) If the Minister is of opinion that it is necessary or desirable in the public interest so to do, he may from time to time, by notice published in the *Gazette*, declare that any service by motor-vehicle for the carriage of goods (whether for hire or reward, or not) shall be deemed for the purposes of the Transport Licensing Act, 1931, and these provisions to be a goods-service within the meaning of that Act and these provisions.

(2) If any question arises as to whether or not the carriage of any goods by motor-vehicle constitutes a service for the purposes of this clause it shall be determined by the Minister whose decision shall be final.

(3) For the purposes of a notice under this clause a service may be defined in such manner as the Minister thinks fit. In particular, without limiting the general authority conferred by this section, a service may be defined by reference to all or any of the following matters—namely, the points between which it is carried on, the nature or length of the route, the localities served, the motor-vehicle or motor-vehicles used, the goods carried, and the nature of any transaction that may be involved in the service.

(4) In any notice under this clause in respect of any service or services the Minister may declare that any specified person or specified class of persons shall be deemed for the purposes of the Transport Licensing Act, 1931, and this Order to be carrying on the service, whether or not that person is or those persons are the owner or owners or the bailee or bailees of the motor-vehicle or motor-vehicles used in the service.

(5) Unless and until any notice under this clause is varied or revoked as hereinafter provided, it shall continue in force according to its tenor. Every such notice shall come into force on the date of its publication in the *Gazette*, or on such later date as may be specified in that behalf in the notice.

(6) Any notice under this section may in like manner from time to time be varied, or may be at any time in like manner revoked.

Clause 23 (Section 18 of 1936 Act).

(1) Every person carrying on any goods-service pursuant to a license under these provisions shall keep in relation thereto such of the prescribed accounts and records, and shall furnish to the Commissioner such financial and statistical returns and statements and such copies of accounts, based on the accounts and records so kept by him, as the Commissioner may from time to time require by notice in writing addressed to that person.

(2) Every person required to keep any accounts or records as aforesaid shall from time to time, as required for the purposes of these provisions by the Commissioner or by any officer authorized by him in that behalf, furnish in writing any information or produce for inspection any books or documents (including the said accounts or records) that may be in his knowledge, possession, or control.

Clause 24 (Section 42 of 1931 Act).

- (1) Every Inspector may at any time—
 - (a) Stop, enter, and inspect any goods-service vehicle while the same is being used :
 - (b) Enter any place where such vehicle is kept and inspect such vehicle :
 - (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 :
 - (e) Require the production of any current license or any document or instrument in evidence thereof or any other prescribed document 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 clause, or refuses or fails to furnish any such assistance as aforesaid, or who, having the custody or possession of any license or document as aforesaid, 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.

Clause 25 (Section 38 of 1931 Act).

- (1) No person shall use (except in case of emergency) under authority of a goods-service license any vehicle (hereinafter in this Order described as a goods-service vehicle) unless a certificate of fitness as hereinafter provided has been issued and is in force with respect to such vehicle and is carried in the vehicle :
Provided that in any case where he deems it expedient so to do, the Commissioner or any officer authorized by him in that behalf may grant a permit for such vehicle to be used under authority of a goods-service license without a certificate of fitness for such period as is specified in the permit.
- (2) Every person who uses any goods-service vehicle contrary to the provisions of this clause commits an offence and is liable to a fine of £100, and to a further fine of £10 for every day on which such offence is committed.

Clause 26 (Section 39 of 1931 Act).

- (1) Certificates of fitness in respect of goods-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 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 goods-service vehicles of the class to which such vehicle belongs, and is in a fit condition to be granted a certificate of fitness.

Clause 27 (Section 4 of 1935 Act).

Every certificate of fitness in respect of any goods-service vehicle shall continue in force until revoked. For the purposes of this clause and generally for the purposes of the Transport Licensing Act, 1931, a certificate of fitness shall be deemed to be issued on the day appearing thereon as the date of issue, which may be earlier or later than the day on which it is in fact signed by or on behalf of the Commissioner.

Clause 28 (Section 41 of 1931 Act).

- (1) The Commissioner or any officer authorized by him in that behalf may at any time revoke a certificate of fitness, and if on the inspection of a goods-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.
- (2) On the revocation or suspension of a certificate of fitness issued in respect thereof it shall not be lawful to use any vehicle under authority of a goods-service license unless and until a new certificate of fitness is issued in respect thereof, or until the period of suspension has expired, as the case may be.
- (3) Every person who uses any goods-service vehicle contrary to the provisions of this clause commits an offence and is liable to a fine of £10 for every day on which such offence is committed.

W. O. HARVEY,
Acting Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette* : 5th day of February, 1942.
These regulations are administered in the Transport Department.