

## Serial Number 1942/190



**THE TRANSPORT CONTROL EMERGENCY REGULATIONS 1942**

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

**ORDER IN COUNCIL.**

At the Government House at Wellington, this 24th day of  
June, 1942.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

**REGULATIONS.**

1. (1) These regulations may be cited as the Transport Control Emergency Regulations 1942.

(2) In these regulations, unless the context otherwise requires,—

- “ Appropriate Licensing Authority ”, in relation to any goods district or taxicab district, means the Licensing Authority under the Transport Licensing Act, 1931, controlling the goods-services or the taxicab-services (as the case may be) within that district or the greater part of that district :
- “ Committee ” means a Goods Transport Control Committee or a Taxicab Control Committee appointed under these regulations ; and includes any person or persons for the time being authorized to exercise any of the powers or functions of a Committee :
- “ Goods district ” means a Goods Transport Control District constituted under these regulations :
- “ Goods-service licensee ” means the holder of a goods-service license under the Transport Licensing Act, 1931 :
- “ Minister ” means the Minister of Transport :
- “ Motor-vehicle ” means a motor-vehicle within the meaning of the Motor-vehicles Act, 1924 :
- “ Owner ”, in relation to a motor-vehicle, means the owner thereof within the meaning of the Motor-vehicles Act, 1924 :
- “ Stock ” means live cattle, sheep, or swine of either sex or any age :
- “ Taxicab ” means a taxicab within the meaning of the Transport Licensing Act, 1931 :

“Taxicab district” means a Taxicab Control District constituted under these regulations :

“Taxicab-service licensee” means the holder of a license under the Transport Licensing Act, 1931, in respect of a taxicab-service.

(3) The Stock Transport Emergency Regulations 1942\* are hereby revoked.

#### GOODS-SERVICES.

2. The Minister may divide the whole of New Zealand, or such parts thereof as he thinks fit, into districts, to be known as Goods Transport Control Districts.

3. (1) For each district there shall be a Goods Transport Control Committee.

(2) The members of each Committee shall be appointed by the Minister and shall hold office during his pleasure.

(3) For the assistance of each Committee in making determinations as to the manner of transporting stock, the Minister shall appoint three extra members, who shall hold office during the pleasure of the Minister and who shall comprise—

(a) One person appointed as a representative of the farmers in the district ;

(b) One person appointed as a representative of the persons carrying on business as stock and station agents in the district ; and

(c) One person appointed as a representative of the persons engaged in the export of meat in the district.

(4) The extra members appointed under subclause (3) of this regulation shall not exercise any authority as members of the Committee except in respect of matters relating to the manner in which stock is to be transported.

4. (1) The functions of each Goods Transport Control Committee shall be—

(a) To receive orders for the carriage within its district of goods or stock by motor-vehicles :

(b) To allocate such orders among available goods-service licensees, having regard to the necessity of conserving motor-vehicles and supplies of motor-spirits and tires and the desirability of making a fair and equitable allocation among the available licensees.

(2) For the purpose of enabling it to carry out its functions any Goods Transport Control Committee may from time to time give directions, either general or special, with respect to the carriage within its district of goods or stock.

5. (1) Subject to any directions, either general or special, given by the Committee for the district, no person (whether or not he is a goods-service licensee) shall within any goods district carry any stock by motor-vehicle on any road or street or carry any goods (other than stock) by motor-vehicle for hire or reward except with the permission of the Committee.

(2) Any Goods Transport Control Committee may from time to time grant complete or partial exemptions from compliance with this regulation or with any directions given by it under these regulations

\* Statutory Regulations 1942, Serial number 1942/62, page 133.

(3) Nothing in these regulations shall be construed to authorize the carriage of any goods or stock in contravention of the applied provisions of the Transport (Goods) Applied Provisions Order 1942.\*

#### TAXICAB-SERVICES.

6. The Minister may divide the whole of New Zealand, or such parts thereof as he thinks fit, into districts, to be known as Taxicab Control Districts.

7. (1) For each district there shall be a Taxicab Control Committee.

(2) The members of each Committee shall be appointed by the Minister and shall hold office during his pleasure.

8. (1) The functions of each Taxicab Control Committee shall be—

(a) To receive orders for the carriage within its district of passengers (whether with or without luggage) by taxicab :

(b) To allocate such orders among available taxicab-service licensees, having regard to the necessity of conserving motor-vehicles and supplies of motor-spirits and tires and the desirability of making a fair and equitable allocation among the available licensees.

(2) For the purpose of enabling it to carry out its functions any Taxicab Control Committee may from time to time give directions, either general or special, with respect to the carriage within its district of passengers (whether with or without luggage) by taxicab.

9. (1) Subject to any directions, either general or special, given by the Committee for the district, no person (whether or not he is a taxicab-service licensee) shall within any taxicab district carry any passengers (whether with or without luggage) for hire or reward in a taxicab except with the permission of the Committee.

(2) Any Taxicab Control Committee may from time to time grant complete or partial exemptions from compliance with this regulation or with any directions given by it under these regulations.

(3) Nothing in this regulation shall be construed to authorize the carriage of any passengers (whether with or without luggage) in contravention of the provisions of the Transport Licensing Act, 1931.

#### GENERAL PROVISIONS.

10. (1) The Minister may from time to time give directions to any Committee on matters of policy to be followed in the administration of these regulations, and the Committee shall conform to such directions.

(2) The Minister may from time to time appoint one or more persons to advise him in respect of any district in relation to matters of policy, and the person, or one of the persons so appointed, shall be appointed as representing the local authorities in the district.

11. (1) The powers of any Committee shall not be affected by any vacancy in the membership thereof.

(2) Any Committee may from time to time appoint one of its members to be Chairman of the Committee, to hold office during the pleasure of the Committee or for such term as the Committee determines, and may from time to time appoint one of its members to act as Chairman in the absence of the Chairman.

(3) At all meetings of a Committee two members (exclusive of those appointed in terms of Regulation 3 (3) hereof) shall constitute a quorum, and the Chairman shall have a deliberative vote, and in the case of an equality of votes, shall also have a casting vote.

\* Statutory Regulations 1942, Serial number 1942/21, page 56.

**12.** (1) Any Committee may from time to time, either generally or particularly, delegate to any person any of the powers conferred on it by these regulations, including the power of delegation conferred by this regulation.

(2) Subject to any general or special directions given by the Committee or other person by whom any powers are delegated as aforesaid, the person to whom any powers are so delegated may exercise those powers in the same manner and with the same effect as if they had been directly conferred on him by these regulations and not by delegation.

(3) Every person purporting to act pursuant to any delegation under this regulation shall be presumed to be acting in accordance with the terms of the delegation unless and until the contrary is proved.

(4) Any delegation under this regulation may be made to a specified person or to persons of a specified class, or may be made to the holder for the time being of a specified office or appointment, or to the holders of office or appointments of a specified class, whether or not any such offices or appointments are in the Government service.

(5) The delegation by the Committee or by any other person of any powers conferred on it or him by or by virtue of these regulations shall not prevent the personal exercise of those powers by the Committee or by such other person.

**13.** (1) Any Committee, in its discretion, may refuse any application for any permission or exemption under these regulations, or may grant the application wholly or partly, and either unconditionally or upon or subject to such conditions as it thinks fit.

(2) Any permission or exemption may be at any time revoked by the Committee and any such conditions may from time to time be varied, added to, or revoked by the Committee as it thinks fit.

(3) Where any permission or exemption is granted or any condition is imposed by the Committee otherwise than in writing it shall be confirmed in writing as soon as practicable, but the validity of any such permission, exemption, or condition shall not be affected by any failure to comply with this provision.

**14.** Every Committee shall keep proper records of its decisions, and shall notify its decisions to such persons and in such manner as the Committee thinks fit or as the Minister directs, and shall give particulars of any such decision to every person appearing to the Committee to be affected thereby who applies for particulars at any time after the decision is made.

**15.** (1) The owner of any goods or stock or any goods-service licensee or taxicab-service licensee who is affected by any decision of a Committee under these regulations shall have a right of appeal against the decision to the appropriate Licensing Authority as provided in this regulation.

(2) An appeal under this regulation shall lie on the ground that to give effect to the decision appealed against would be contrary to the public interest or would be a cause of hardship to the appellant, and on no other ground.

(3) The appeal shall be made in writing before 4 p.m. on the day following the date of the decision appealed against and shall give such particulars of the subject-matter of the appeal and the reasons for it as may be reasonably required for its proper consideration.

(4) The appeal shall be lodged, within the time aforesaid, at the office of the appropriate Licensing Authority.

(5) The determination of the Licensing Authority, which shall be final, may confirm, modify, or revoke the decision appealed against, and shall be communicated to the appropriate Committee, which shall forthwith take any action that may be required to give effect to the determination.

16. (1) For the purpose of meeting the expenses of the Committees in the administration of these regulations any Committee may with the written approval of the Minister fix a charge or impose a levy to be payable by any licensee who is authorized by the Committee to carry goods or persons.

(2) The amount payable and the method of assessment of any payments under this regulation shall be such as are approved by the Minister.

(3) Any payment due under this regulation may be recovered in any Court of competent jurisdiction by any person appointed in writing for that purpose by the Committee to which the amount is payable.

17. (1) Any Committee or any person authorized in that behalf may give public notice of the exercise of any powers under these regulations or of any direction given under these regulations, and all persons shall be bound thereby.

(2) For the purposes of these regulations, except where otherwise specially provided, the term "public notice" means a notice published in a newspaper circulating in the goods district or taxicab district, as the case may be.

(3) Any Committee or any person authorized in that behalf may, without public notice, give notice to any person of the exercise of any powers under these regulations or of any such direction, and every person to whom the notice is given shall be bound thereby.

(4) Except where otherwise specially provided, any notice required to be given to any person for the purposes of these regulations may be given in writing or orally or by telephone, telegraph, or any other means of communication, and if in writing may be given by causing it to be delivered to that person, or to be left at his usual or last known place of abode or business or at the address specified by him in any application or other document received from him by the Committee or authorized person, or to be posted in a letter addressed to him at that place of abode or business or at that address.

(5) If any such notice is sent to any person by registered letter it shall be deemed to have been delivered to him when it would have been delivered in the ordinary course of post, and in proving the delivery it shall be sufficient to prove that the letter was properly addressed and posted.

(6) Except where otherwise specially provided, any notice required to be given to any person for the purposes of these regulations shall be sufficient—

(a) If it purports to be given by or on behalf of the Committee or any person authorized in that behalf, and is authenticated by the name of the Committee or by the signature or name of any person purporting to be authorized to give it:

(b) If it is addressed to the person to be bound thereby by his description, notwithstanding that he is not named in the notice.

(7) Every public notice or notice under these regulations shall take effect when it is published or given, or at such later time as may be specified in that behalf in the notice.

(8) Any notice given under these regulations may be at any time varied or revoked by a subsequent notice.

18. (1) Every person commits an offence against these regulations who—

(a) Without lawful excuse acts in contravention of or fails to comply in any respect with any provision of these regulations or any direction or condition given or imposed under these regulations :

(b) With intent to deceive makes any false or misleading statement or any material omission in any communication with or application to any Committee, Licensing Authority, or person (whether in writing or otherwise) for the purposes of these regulations :

(c) Resists, obstructs, or deceives any person who is exercising or attempting to exercise any power or function under these regulations.

(2) Every person who commits an offence against these regulations shall be liable on summary conviction—

(a) In the case of an individual, to imprisonment for a term not exceeding three months or to a fine not exceeding £50 (or if the offence is a continuing one, to a fine not exceeding £50 for every day during which the offence continues), or to both such imprisonment and such fine :

(b) In the case of a body corporate, to a fine not exceeding £100 or if the offence is a continuing one, to a fine not exceeding £100 for every day during which the offence continues.

(3) If any provisions of these regulations or any direction or condition given or imposed under these regulations is contravened or not complied with in the case of any motor-vehicle then (without prejudice to any proceedings that may be taken against any other person) the owner of the motor-vehicle shall be guilty of an offence against these regulations :

Provided that in any proceedings that by virtue of this subclause are taken against any person in respect of any such contravention or non-compliance on the part of another person it shall be a defence for the defendant to prove that the contravention or non-compliance occurred without his knowledge and that he exercised all due diligence to secure compliance with the provision or condition.

(4) In any proceedings for an offence against these regulations, if it is shown that any goods or stock or passengers were carried by motor-vehicle on any road or street within any district, the burden of proving that the goods or stock or passengers were not carried in contravention of these regulations shall be on the defendant.

C. A. JEFFERY,  
Clerk of the Executive Council.

---

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 25th day of June, 1942.

These regulations are administered in the Transport Department.

(TT. 19/27.)