

**Serial Number 1950/28**

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**THE TRANSPORT LICENSING REGULATIONS 1950**

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B. C. FREYBERG, Governor-General

**ORDER IN COUNCIL**

At the Government Buildings at Wellington, this 29th day of  
March, 1950

Present :

THE HON. S. G. HOLLAND PRESIDING IN COUNCIL

PURSUANT to the Transport Act, 1949, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

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**REGULATIONS**

1. These regulations may be cited as the Transport Licensing Regulations 1950.
2. These regulations shall come into force on the day of their notification in the *Gazette*.
3. The regulations specified in the First Schedule hereto are hereby revoked.
4. In these regulations, unless the context otherwise requires,—
  - “ The said Act ” means the Transport Act, 1949 :
  - “ Ancillary goods-service vehicle ” means a heavy motor-vehicle designed exclusively or principally for the carriage of goods and used in a service licensed under the said Act other than a rental goods-service :
  - “ Cab Authority ” means a cab authority issued under clause (7) of Regulation 8 and referred to in clause 3 of the Third Schedule hereto :
  - “ Controlling Authority,” in relation to a taxicab-service and the vehicles used in connection therewith, means the City or Borough Council, Town Board, Road Board, or (where there is no Town Board or Road Board) the County Council within the district of which is situated the principal usual stand or other place of hiring of the taxicab or taxicabs used in connection with the service :
  - “ Enforcement Officer ” means any member of the Police Force or the Commissioner, or any person appointed by the Commissioner or a Metropolitan Authority in terms of section 156 of the said Act :
  - “ Fee ” means the fee prescribed by Regulation 33 hereof :
  - “ In Form T.D. . . . ” (followed by a number) means in the form set out in the Second Schedule hereto and prefixed by such respective number, or to the effect of that form :

- “Licence” means a licence to carry on a transport service :
- “Licensed goods-service vehicle” means a goods-service vehicle used on a service licensed under the Transport Act, 1949, other than a rental goods-service :
- “Passenger”, in relation to a passenger-service, does not include the driver thereof :
- “Permit” means a permit issued under subsection (1) of section 117 of the said Act authorizing the use of a vehicle without a certificate of fitness :
- “Private taxicab” means a taxicab other than a public taxicab :
- “Public taxicab” means a taxicab which is let on hire from a public place such as a road, street, or wharf, or from any stand thereon :
- “Rental goods-service” means a service for the letting of a goods-service vehicle on hire (otherwise than under a hire-purchase agreement) to a person who himself drives the goods-service vehicle or provides a driver therefor :
- “Variation”, in respect of a licence, includes any amendment or revocation of any of the terms or conditions of such licence or any addition of new terms and conditions thereto pursuant to section 113 of the said Act :
- “Vehicle authority” means a vehicle authority issued under Regulation 10 hereof :
- “Vehicle Inspector” means an officer duly authorized to inspect vehicles used in a transport service.

5. All registers, appointments, licences, certificates, permits, applications, notices, matters, and things which originated under the regulations hereby revoked and are effective on the coming into force of these regulations shall enure for the purposes of these regulations as if they had originated under these regulations, and shall, where necessary, be deemed to have so originated.

6. The regulations, in their application to any service for the letting of a motor-vehicle on hire (otherwise than under a hire-purchase agreement) to a person who himself drives the motor-vehicle or provides a driver therefor, or to any vehicle used in any such service, shall be read subject to the express provisions of the Rental Vehicle Regulations 1939\*.

#### LICENSING AUTHORITIES' PROCEDURE

7. (1) Any suitable officer of the Public Service may from time to time be appointed to be the Secretary of any Licensing Authority other than a Metropolitan Licensing Authority. A Metropolitan Licensing Authority may from time to time appoint any suitable person to be its Secretary for the purpose of these regulations.

(2) The Licensing Authority may in its proceedings act upon such information as it thinks fit, whether such information would be evidence legally admissible in judicial proceedings or not.

(3) Any person may be represented at the proceedings by counsel, solicitor, or other agent.

(4) The Licensing Authority may require any person to transcribe or summarize in writing, either during or after the proceedings, any oral statement made by such person during the proceedings.

\* Statutory Regulations 1939, Serial number 1939/25, page 124.

Amendment No. 1 : Statutory Regulations 1948, Serial number 1948/204, page 838.

(5) In any case when the consent of a Metropolitan Authority is required to the granting of a passenger-service licence in terms of subsection (6) of section 99 of the said Act, the Secretary of the Licensing Authority whose function it is to grant such licence (hereinafter in this clause referred to as the "proper Licensing Authority") shall, on receipt of the application for the licence or variation thereof requiring such consent, send a copy of the application to the Metropolitan Authority. Upon arriving at its determination concerning the portion of the application which requires its consent the Metropolitan Authority shall forthwith send a copy of the determination, certified by its Secretary as correct, to the Secretary of the proper Licensing Authority, whereupon the latter may issue the licence or variation of licence in terms of such consent.

(6) The notice required pursuant to section 101 of the said Act to be given by a Licensing Authority of the receipt of an application and of the public sitting to deal therewith shall be in form T.D. 1.

#### CONTINUOUS AND SEASONAL LICENCES

8. (1) Every application for a licence, other than for a renewal of a licence, and other than for a temporary licence, shall be made in duplicate in the appropriate form to be provided for the purpose by the Commissioner and shall be accompanied by the prescribed fee.

(2) A licence other than a temporary licence shall be in the appropriate form to be provided for the purpose by the Commissioner.

(3) It shall be a duty of each Secretary to forward without delay, to the Commissioner, a notification of every determination of the Licensing Authority in reference to a licence and a copy of each licence granted and of each variation, suspension, or revocation thereof.

(4) The copies forwarded to the Commissioner in terms of the last preceding clause shall be recorded by the Commissioner, and that record shall be the register of licences which is required to be kept by the Commissioner in terms of section 154 of the said Act.

(5) A deviation from the prescribed route shall not be deemed a breach of the terms of the licence if and so long as such deviation is for the reason that the prescribed route is under repair or is otherwise temporarily unsuitable for use.

(6) At all times complete and correct lists of the time-tables and fares for the time being in force for the service in which any passenger-service vehicle is used shall, while the vehicle is so used, be displayed on the vehicle or be made immediately available for any passenger on request to the driver.

(7) Together with every taxicab-service licence there shall be issued by the Licensing Authority one or more cab authorities, as the case may require, to the number authorized by the licence and in the form provided for the purpose by the Commissioner.

#### TEMPORARY LICENCES

9. (1) Every application for a temporary licence shall be made orally or in writing to the Secretary of the Licensing Authority, or to any other officer in the service of the Government authorized by the Licensing Authority to issue such licences, and the provisions of Regulation 34 hereof shall apply in respect of such oral or written application.

(2) The application for a temporary licence shall be made at least seven days before the date on which, if the application be granted, the applicant proposes to commence the service to which the application relates :

Provided that this condition shall not be deemed to prohibit a Licensing Authority or other officer as aforesaid from dispensing with the foregoing requirement and dealing with any application for a temporary licence at any time the Licensing Authority or other officer deems fit.

(3) If the application is granted, a separate licence shall be issued in respect of every vehicle which it is proposed to use.

(4) A temporary licence shall be in the form to be provided for the purpose by the Commissioner.

(5) Prior to the delivery to the applicant or his agent of any temporary licence, there shall be payable the prescribed fee.

(6) On each vehicle while being used under the terms of a temporary licence the licensee shall cause to be carried the appropriate licence, and the said licence shall be produced by the licensee or by the driver of the vehicle for inspection on demand by any Enforcement Officer.

#### GOODS-SERVICE VEHICLES AND VEHICLE AUTHORITIES

10. (1) Together with every goods-service licence, there shall be issued by the Licensing Authority a vehicle authority or vehicle authorities in the form to be provided for the purpose by the Commissioner to the number authorized by the licence.

(2) It shall be a condition of every continuous or seasonal goods-service licence (whether inserted therein or not) that on each goods-service vehicle (other than a trailer the load on which is borne in common with the load on the towing vehicle) while being used under the terms of such licence there shall be carried the vehicle authority or one of the vehicle authorities issued with the licence, and such vehicle authority shall be produced for inspection by the person for the time being in charge of the vehicle on demand by any Enforcement Officer.

(3) Save as otherwise provided by this regulation, each vehicle authority shall be for the purposes of the said Act and any regulations for the time being in force thereunder be deemed a substantive part of the licence with which the authority is issued, and any conditions of a vehicle authority shall be deemed conditions of the licence in the application of the licence to the use of any vehicle on which the vehicle authority is being carried :

Provided that in proceedings for an offence under the said Act any licence may be proved in terms of section 157 of the said Act by production of a certified copy of that licence without the vehicle authority or vehicle authorities issued therewith.

#### RENEWALS

11. (1) Application for renewal of a licence shall be made in duplicate, in the appropriate form provided for the purpose by the Commissioner, and shall be accompanied by the prescribed fee.

(2) Every application for renewal of a licence shall, for the purpose of these regulations (other than the form of the application), be deemed an application for a new licence.

(3) Every provision herein directed to be a condition of a licence, whether inserted therein or not, shall be a condition of every licence renewed after coming into force of these regulations whether or not it was a condition of the licence prior to its renewal.

#### AMENDMENT, REVOCATION, SUSPENSION, AND ABANDONMENT OF LICENCES

12. (1) Every application by the licensee under section 113 of the said Act for the amendment or revocation of any of the terms or conditions of a licence shall be in the form provided for the purpose by the Commissioner, and shall be accompanied by the prescribed fee.

(2) The holder of any licence which is lawfully revoked, suspended, amended, or which has lapsed or expired, or of any licence for a transport service authorized to be discontinued, shall, upon request by the Secretary of the Licensing Authority which issued it, return to him within three days of such request the licence, together with, in the case of a goods-service, the relative vehicle authorities and, in the case of a taxicab-service, the relative cab authorities. If the licence is amended, a new licence incorporating the amendment shall be issued, or the original licence with the amendment endorsed on it (or incorporated in the appropriate form provided for the purpose by the Commissioner) and duly signed shall be returned as soon as possible to the licensee, together with, in the case of goods-service, the relative vehicle authorities and, in the case of a taxicab-service, the relative cab authorities, original, amended, or substituted, as may be appropriate.

(3) The revocation or suspension of a licence shall be in the form provided for the purpose by the Commissioner.

(4) When a service has been abandoned by the licensee with the permission of the Licensing Authority duly obtained in terms of section 109 of the said Act the relative licence may be revoked by the Licensing Authority at any time after such permission has been given.

#### TRANSFER OF LICENCES

13. (1) Every application for transfer of a licence in terms of section 112 of the said Act shall be made in duplicate in the form provided for the purpose by the Commissioner, and shall be accompanied by the prescribed fee.

(2) If a transfer of a licence is granted it shall be sufficient evidence of the fact for the purposes of the said Act and any regulations made thereunder if the licence and every vehicle authority or cab authority relating thereto are endorsed to the following effect and the endorsement is signed by the Secretary or member of the respective Licensing Authority :—

#### *Section 112 of the Transport Act, 1949*

THIS licence (or the licence with which this vehicle authority  
(or cab authority) was issued) is transferred to—

[Full name of transferee.]

[Business address of transferee.]

(For) the ..... Licensing Authority,

.....  
[Signature].

Date of decision : .... / .... / ....., 19..

## APPLICATION TO TRANSPORT CHARGES COMMITTEE

14. Every application to fix, review, or alter charges forwarded to the Commissioner for transmission to the Transport Charges Committee shall be in a form to be provided for the purpose by the Commissioner, and shall be accompanied by the prescribed fee.

## LICENSING APPEALS

15. (1) Every appeal to the Licensing Appeal Authority from a decision of a Licensing Authority shall be made in form T.D. 2, and shall, in the case of appeals by persons other than the Commissioner, be forwarded to the Commissioner in duplicate (either personally or by registered letter addressed to the Commissioner), together with the prescribed fee within twenty-one days after the date of the decision appealed against. No appeal shall be deemed to have been lodged unless it is accompanied by the prescribed fee.

(2) A copy of any correspondence or other documents relating to the subject-matter of the appeal and in the possession of the appellant shall be attached to the form of appeal.

(3) Notification of receipt of the appeal shall be forwarded by the Commissioner to the Licensing Authority concerned, and the Licensing Authority shall thereupon cause to be forwarded to the Licensing Appeal Authority, through the Commissioner, a copy of any notes of evidence taken by the Authority in connection with the subject-matter of the appeal.

(4) The Commissioner shall forward to the Licensing Appeal Authority the papers relative to the appeal which shall be determined and disposed of in accordance with the provisions of the said Act applicable thereto.

(5) Save as hereinbefore provided, the Licensing Appeal Authority shall determine his procedure in such manner as he thinks fit.

## TRANSPORT CHARGES APPEALS

16. (1) Every appeal to the Transport Charges Appeal Authority from an order of the Transport Charges Committee shall be made in form T.D. 3, and shall, in the case of appeals by persons other than the Commissioner, be forwarded to the Commissioner in duplicate (either personally or by registered letter addressed to the Commissioner), together with the prescribed fee, within the time provided therefor in the said Act. No appeal shall be deemed to have been lodged unless it is accompanied by the prescribed fee.

(2) A copy of any correspondence or other documents relating to the subject-matter of the appeal and in the possession of the appellant shall be attached to the form of appeal.

(3) Notification of receipt of the appeal shall be forwarded by the Commissioner to the Transport Charges Committee, and the Transport Charges Committee shall thereupon cause to be forwarded to the Transport Charges Appeal Authority, through the Commissioner, a copy of any notes of evidence taken by the Committee concerning the subject-matter of the appeal.

(4) The Commissioner shall forward to the Transport Charges Appeal Authority the papers relative to the appeal, which shall be determined and disposed of in accordance with the provisions of the said Act applicable thereto.

(5) Save as hereinbefore provided, the Transport Charges Appeal Authority shall determine his procedure in such manner as he thinks fit.

## CERTIFICATES OF FITNESS AND PERMITS

17. (1) Every application for a certificate of fitness or permit shall be made in the form (if any) to be provided for the purpose by the Commissioner.

(2) Every certificate of fitness issued by the Commissioner shall be in the form provided by him for the purpose, and, in the case of an ancillary goods-service vehicle, shall disclose thereon the final date for the next inspection of the vehicle.

(3) Every permit issued by the Commissioner shall be in the form provided by him for the purpose.

(4) Every certificate of fitness in respect of any licensed goods-service vehicle shall continue in force until revoked. For the purpose of this clause, and generally for the purposes of the Transport Act, 1949, 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.

(5) The holder thereof shall cause every certificate of fitness or permit for the time being in force in respect of any vehicle to be displayed thereon in a conspicuous place at all times while the vehicle is in use, and to be kept in a good and legible condition to the satisfaction of the Vehicle Inspector.

(6) When a vehicle in respect of which a certificate of fitness or a permit has been issued and is in force is purchased or otherwise acquired by a person who proposes to use it in a transport service, such person shall, within seven days thereafter, notify to the Commissioner in a form to be provided for the purpose by the Commissioner the fact of such acquisition, the name and address of the previous owner, and particulars as to other matters set out in the said form.

(7) Any certificate of fitness issued and in force in respect of a licensed goods-service vehicle or an ancillary goods-service vehicle shall be deemed to be duly issued and in force for that vehicle whether or not the vehicle is subsequently used in a licensed goods-service or an ancillary goods-service.

(8) No person shall operate or permit to be operated any licensed goods-service vehicle or ancillary goods-service vehicle so that its load is in excess of the limitations (if any) of load fixed in the certificate of fitness or permit in force with respect thereto.

## REVOCATION OR SUSPENSION OF CERTIFICATES OF FITNESS OR PERMITS

18. (1) Any certificate of fitness or permit may at any time by notice in writing to the holder, but without any other notice previous thereto, be revoked or suspended by the Commissioner or by a Vehicle Inspector.

(2) Upon receiving notice of the revocation of a certificate of fitness or permit or upon the date of expiry of the permit the holder shall immediately forward the said certificate or permit to the Commissioner or to the Vehicle Inspector from whom such notice was received.

(3) Upon receiving notice of the suspension of the certificate of fitness for any vehicle the holder shall immediately forward the suspended certificate to the Vehicle Inspector who suspended the certificate; but, unless the suspension is following by revocation, the certificate shall be returned to the holder immediately the period of suspension expires.

(4) The revocation or suspension of a certificate of fitness shall, be in a form to be provided for the purpose by the Commissioner.

(5) A permit issued for temporary use of a vehicle pending issue of a certificate of fitness as a result of application for the latter, shall, on the issue of a certificate of fitness for the same vehicle, be deemed without notice to the holder to be revoked, and the holder shall forthwith forward the same to the Commissioner.

(6) In respect of a certificate of fitness issued for an ancillary goods-service vehicle, the certificate shall be deemed to be revoked on termination of the final date for next inspection of the vehicle as disclosed on the certificate.

(7) On the revocation or suspension of a certificate of fitness or on revocation or expiry of a permit, it shall not be lawful to use the vehicle on a road unless and until a new certificate of fitness or permit is issued in respect thereof or until the period of suspension of the certificate of fitness has expired, as the case may be.

(8) It shall be lawful for a Vehicle Inspector to remove and take possession of any revoked or suspended certificate of fitness or revoked or expired permit attached to a vehicle.

#### EXEMPTION FROM REQUIREMENT OF CERTIFICATE OF FITNESS

**19.** The following class of motor-vehicles is hereby exempted from the operation of section 117 of the said Act as to a certificate of fitness being in force in respect to such vehicles :—

Any motor-car if in the carriage of passengers for hire or reward it is used solely for the transport of school-children not exceeding seven in number and not exceeding by more than two the designed adult capacity of the vehicle for the carriage of passengers, exclusive of the driver.

#### TIRES OF GOODS-SERVICE VEHICLES

**20.** (1) Each tire of a licensed goods-service vehicle or ancillary goods-service vehicle shall be of good quality and construction throughout, and shall be maintained in a safe and satisfactory condition.

(2) Every licensed goods-service vehicle or ancillary goods-service vehicle shall be equipped with tires of sufficient load capacity to meet reasonable requirements of service. In determining the sizes of the tires required, the load tables and data as published from time to time by the Society of Motor Manufacturers and Traders, Ltd. (England), may be utilized by the Commissioner with any variation thereof that he may deem reasonable. The appropriate inflation pressure shall be that recommended by the standard tables as aforesaid, and, so far as practicable and subject to any other enactment to the contrary, the tire shall be kept inflated at that pressure. If the tire is of such make, type, or construction that recommendations concerning it are not published in the said tables, then the load limits and inflation pressures of the tires as aforesaid shall be such as are fixed by the Commissioner.

#### INSPECTION AFTER ACCIDENTS : PASSENGER-SERVICE VEHICLES

**21.** (1) It shall not be lawful for any person to use a vehicle for the purposes of a passenger-service after the happening thereto of any accident of such a nature as to cause or be likely to cause any structural damage thereto unless and until it has been re-submitted for inspection to a Vehicle Inspector.



(2) In addition to the notice required by section 151 of the said Act to be given to the Commissioner, the licensee shall forthwith give to the Commissioner notice of every accident of such a nature as to cause or be likely to cause structural damage to any passenger-service vehicle.

#### CONDITION OF VEHICLES

**22.** (1) The owner of any vehicle used in a transport service shall at all times while such vehicle is in use keep the same in a safe and suitable condition for the carriage of passengers or goods, as the case may be, and in accordance with any regulations for the time being in force under the said Act in relation to the construction and condition thereof.

(2) The owner of any vehicle used in a transport service shall submit the same to a Vehicle Inspector for examination whenever required so to do by the Commissioner, the Licensing Authority, or a Vehicle Inspector.

#### INTERRUPTIONS IN PASSENGER-SERVICES

**23.** All interruptions of a passenger-service which are likely to continue for more than twenty-four hours shall be promptly reported by the licensee in writing to the Licensing Authority by which the relative licence was granted and shall be publicly notified by the licensee at least once in a newspaper circulating in the district served. Both notifications shall fully explain the cause of the interruption and state its probable duration.

#### ALTERATION AND DUPLICATION OF DOCUMENTS

**24.** (1) For the purpose of this regulation "document" means any licence or variation thereof, cab authority, or vehicle authority, certificate of fitness or permit, and includes a duplicate of a document.

(2) No person shall—

(a) Save by direction of the Issuing Authority, alter or deface any document, and any document so altered or defaced shall be void; or

(b) Without authority of the Licensing Authority or the Commissioner, lend or part with any licence, cab authority, or vehicle authority issued to him.

(3) Upon the return of any document rendered illegible or spoilt by weather or other such cause, or upon proof to his satisfaction that a document has been destroyed, stolen, or lost, the Commissioner may, upon application of the person to whom the document was issued, and upon payment of the respective fee, issue a duplicate of such document. Every duplicate so issued shall have the word "Duplicate" written or printed thereon and verified by the signature of the Commissioner and the production of a duplicate document shall be of the same effect as the production of the original document.

#### ACCOUNTS AND RETURNS

**25.** (1) The Commissioner may require any licensee of a passenger-service (other than a taxicab-service) or of a goods-service to keep such records and to maintain such an accounting system as will enable him to make on request of the Commissioner the financial and statistical returns and statements and copies of accounts specified in forms T.D. 4 or T.D. 5, as the case may require.

(2) The licensee of a taxicab-service shall keep such records and maintain such an accounting system as will enable him to make, on request of the Commissioner or the Licensing Authority, the financial and statistical returns and statements and copies of accounts specified in form T.D. 6, and shall provide such further returns relating to the said taxicab-service as may from time to time be required by the Commissioner.

#### REQUEST BY LICENSEE FOR REVIEW OF GOODS-SERVICE LICENCE

26. (1) Any licensee of a goods-service who in his opinion is subjected to unfair competition from another licensed goods-service may request the Minister to direct the Licensing Authority to review the licence authorizing that goods-service, as provided in section 116 of the said Act.

(2) Upon receiving a request in terms of clause (1) hereof the Minister may make such inquiries as he deems fit, and may then refuse or grant the request for a review of the respective licence. If the request is granted, then the Minister shall direct the appropriate Licensing Authority to review the licence in terms of section 116 of the said Act.

#### SPECIAL CONDITIONS OF LICENCES RELATING TO PASSENGER-SERVICES OTHER THAN TAXICAB-SERVICES (FARES AND TICKETS)

27. (1) It shall be a condition of every licence for a passenger-service other than a taxicab-service (whether inserted therein or not) that the following provisions shall apply in respect of any fare paid by a passenger or prospective passenger who subsequently does not complete the full journey for which the fare is paid, and applies for a refund of the whole or portion of the fare :—

- (a) Application for the refund shall be made to the licensee within three months after the date of payment of the fare, and any ticket issued to the passenger shall be surrendered on payment of the refund :
- (b) Payment of the refund will not be obligatory if the amount of the refund would be less than 2s. 6d. when computed as hereinafter prescribed :
- (c) Except when the claim for refund is due to the failure of the licensee to run a trip at the time prescribed by the licence or to make room available for the passenger on a vehicle used in the service, the licensee may deduct from the amount computed as described in paragraph (d) hereof 10 per cent. of that amount :
- (d) When application is made to a licensee for a refund of a fare or portion of a fare paid in respect of a journey which was not fully completed by the applicant, the amount to be refunded shall, subject to the provisions of paragraphs (a), (b), and (c) hereof, be computed as follows :—
  - (i) The full amount of the fare shall be refunded if no part of the journey was completed ; or
  - (ii) The full amount of the fare shall be refunded, less deduction of the regular authorized single fare for that portion of the journey which was completed.

(2) It may be a condition of any licence for a passenger-service other than a taxicab-service that the licensee shall cause to be issued to every passenger using his service a ticket bearing particulars of the place of commencement and of termination of the passenger's journey and the fare received from the passenger. If the licence includes such a condition, a satisfactory record of each ticket issued shall be retained by the licensee for at least six months from the date of its issue, and shall during the period of its retention be produced on demand to the appropriate Licensing Authority or to any authorized person.

SPECIAL CONDITIONS OF LICENCES RELATING TO TAXICAB-SERVICES  
(THIRD SCHEDULE)

28. It shall be a condition of every licence (whether inserted therein or not) issued for any taxicab-service that the special conditions set out in the Third Schedule hereto shall apply to the service unless otherwise provided by the express terms of the licence.

SPECIAL CONDITIONS OF LICENCES RELATING TO GOODS-SERVICES.  
(AVAILABILITY OF SERVICE: THIRTY-MILE RAIL RESTRICTION)

29. (1) It shall be a condition of every goods-service licence (whether inserted therein or not) that, unless otherwise provided by the express terms of the licence, the licensee shall upon request accept for transport, as authorized by the licence, the goods of all persons conveniently served by him without discrimination among the hirers or in the charges levied.

(2) It shall be a condition of every goods-service licence (whether inserted therein or not) that the following restriction shall apply unless the licence expressly states that the restriction shall not apply or shall be modified :—

*Restriction*

If there is an available route for the carriage of goods which includes at least thirty miles of open Government railway, goods shall be carried by road only so far as is necessary to permit of their carriage by railway unless the total distance of carriage by road and railway would be greater by more than one-third than the shortest road route available :

Provided that this restriction shall not apply to the carriage of fat lambs, "cull" lambs, or "bobby" calves, or to the carriage of such perishable goods as may be expressly described in the licence, or to the carriage of goods on a route or routes or between terminal points expressly defined in the licence.

SPECIAL CONDITIONS OF LICENCES RELATING TO PASSENGER-SERVICES  
(OTHER THAN TAXICAB-SERVICES) AND GOODS-SERVICES. (DRIVING  
HOURS ; WAGES)

30. (1) It shall be a condition of every licence for a passenger-service (other than a taxicab-service to which the provisions of clause 9 of the Third Schedule hereto are applicable) or for a goods-service (whether inserted in such licence or not) that, unless otherwise provided

therein, the licensee shall not drive or cause or permit any person employed by him or subject to his orders to drive any vehicle used under the authority of the said licence—

- (a) For any continuous period of more than five and one-half hours ; or
- (b) For continuous periods amounting in the aggregate to more than eleven hours in any period of twenty-four hours ; or
- (c) So that the driver has not at least ten consecutive hours for rest in any period of twenty-four hours ; or
- (d) So that the driver has not at least twenty-four consecutive hours for rest in any period of seven days.

(2) For the purposes of the condition set out in the last preceding clause hereof,—

- (a) Any two or more periods of time shall be deemed to be a continuous period unless separated by an interval of not less than half an hour in which the driver is able to obtain rest and refreshment ; and
- (b) Any time spent by a driver on other work in connection with any motor-vehicle used under authority of a transport licence or the use of which would, except for the provisions of section 97 of the said Act, require to be authorized by a transport licence, shall be reckoned as time spent in driving.

(3) Notwithstanding anything hereinbefore contained, a licensee shall not be liable to be convicted for a breach of the condition set out in clause (1) of this regulation if he proves to the Court that the contravention was due to unavoidable delay in the completion of any journey arising out of circumstances which he could not reasonably have foreseen.

(4) It shall also be a condition of every licence for a passenger-service (other than a taxicab-service) or for a goods-service (whether inserted in such licence or not) that, unless otherwise provided therein, a time-book in form T.D. 7, or a combination of time-books to the like effect, shall be kept in respect of every driver and other person (including the licensee) employed on every vehicle used under the authority of such licence (any such driver or person being hereinafter referred to as the employee). The hours at which every employee commences and ends work on any day and the periods for which such employee ceases work for the purpose of rest and refreshment shall be entered in the time-book from day to day by every employee. At the end of each week the amount of wages paid in each case, or the amount of any drawings by the licensee in lieu of wages in respect of that week, shall also be recorded in the place provided for that purpose. All time-books aforesaid shall be available for inspection by any Enforcement Officer at any reasonable time during a period of six months next ensuing from the date to which they refer.

(5) It shall be a condition of every licence for a passenger-service (other than a taxicab service) or for a goods-service (whether inserted in such licence or not) that the licensee shall pay every person employed by him to drive any vehicle used under the authority of such licence not less than the wages prescribed for such employee in any award or awards from time to time in force and made by order of the Arbitration Court under the Industrial Conciliation and Arbitration Act, 1925. This condition shall apply in respect of all such licences, whether the licensees or their employees are parties to the said award or awards or not.

## PASSENGER-SERVICE AND GOODS-SERVICE DISTRICTS

**31.** (1) The North and South Islands (exclusive of the areas comprised in the metropolitan districts constituted by section 80 of the said Act) are hereby divided into the transport districts for the purposes of Part VI of the said Act, the respective names and boundaries of which are specified in the said Fourth Schedule hereto.

(2) The transport districts constituted under the preceding clause (1) of this regulation and under section 80 of the said Act, the names of which are set out in the first column of the Fifth Schedule hereto, are hereby declared to be respectively the good-service districts for the purposes of Part VI of the said Act, the respective names of which are set out in the second column of the said Schedule. The Licensing Authorities for the said good-service districts shall be the Licensing Authorities the names of which are respectively set out opposite thereto in the third column of the said Schedule.

## CERTAIN AMBULANCE SERVICES DEEMED TO BE PASSENGER-SERVICES

**32.** The carriage by motor-vehicle of patients to or from public or private hospitals in such a manner as in effect to constitute a regular public service shall be deemed to be the carrying-on of a passenger-service within the meaning of the said Act whether the carriage is for hire or reward or not.

## FEES

**33.** (1) The fees payable under the said Act and under these regulations shall be those specified in the Sixth Schedule hereto.

(2) The prescribed fee, if £1 or over, shall be paid on behalf of the person from whom it is due to the Reserve Bank of New Zealand, or any branch of the Bank of New Zealand, to the credit of the Public Account; and in respect of every application for a licence, or for renewal, amendment, or transfer of a licence, and every appeal the bank receipt shall accompany the application or appeal. This clause shall not apply to any fee payable in respect of a decision of a Metropolitan Authority.

(3) Notwithstanding anything hereinbefore contained, the whole or any portion of any fee or fees payable under this regulation may, on the certificate of the Commissioner, be refunded or remitted on either of the following grounds, namely:—

- (a) That the application in respect of which the fee or fees is or are payable has been withdrawn or that other action in respect of the application has been nullified, and that, in consequence the work and expense of the Department, any Licensing Authority, the Transport Charges Committee, the Licensing Appeal Authority, or the Charges Appeal Authority has been reduced to an extent justifying the refund or remission; or
- (b) That the passenger-service or goods-service or the vehicle in respect of which the fees are payable is used for only the occasional carriage of passengers or goods, or is used for the carriage of passengers or goods to such a limited extent that the full fees payable under this regulation would be disproportionate having regard to the amount of the business.

## OFFENCES AND PENALTIES

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

- (a) Knowingly supplies any false or misleading information in or concerning any application made in terms of these regulations :
- (b) Omits or refuses to supply any information required under or pursuant to the said Act or these regulations :
- (c) Knowingly supplies any false or misleading information or refuses to supply information to an Enforcement Officer or a Vehicle Inspector in relation to the use of any motor-vehicle or the carriage on it of passengers or goods :
- (d) Fails to comply with any condition, duty, or obligation imposed in any licence under these regulations :
- (e) Being the servant or agent of a licensee, does or omits any matter or things within the scope of his duties as such servant or agent whereby there is or may be or is likely to be a failure on the part of the licensee to comply with any condition, duty, or obligation expressly or by implication or operation of law imposed in or made part of any licence under these regulations :
- (f) Hires a taxicab and fails to pay the prescribed fare on demand by the driver after completion of the hiring :
- (g) Without lawful excuse, acts in contravention of or fails to comply with these regulations, or causes or permits or suffers a breach of these regulations to be committed.

(2) Every person guilty of a breach of these regulations shall be liable for such breach to a fine not exceeding £10 without prejudice to his liability to any other penalty to which he may be liable, whether upon summary conviction or otherwise, and without prejudice to any other consequence arising from the breach.

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## SCHEDULES

FIRST SCHEDULE  
REGULATIONS REVOKED

[Reg. 3

Short Title.	<i>Gazette</i> Reference or Statutory Regulations Number.
Transport (Passenger) Order 1936 .. ..	<i>Gazette</i> , 18th July, 1936, page 1347.
Transport Licensing Passenger Regulations 1936, Amendment No. 1	81/1936
Transport Licensing Passenger Regulations 1936, Amendment No. 4	1943/114
Transport Licensing Passenger Regulations 1936, Amendment No. 5	1944/40
Transport Licensing Passenger Regulations 1936, Amendment No. 6	1945/42
Transport (Passenger) Order 1936, Amendment No. 2	1946/145
Transport (Passenger) Order 1936, Amendment No. 4	1949/100
Fitness Certificate (School Motor-car) Exemption Order 1938	1938/95
Transport Licensing Goods-service Regulations 1936	49/1936
Transport Licensing Goods-service Regulations 1936, Amendment No. 1	1938/101
Transport Licensing Goods-service Regulations 1936, Amendment No. 2	1940/20
Transport Licensing Goods-service Regulations 1936, Amendment No. 3	1940/36
Transport Licensing Goods-service Regulations 1936, Amendment No. 4	1948/205
Taxicab Regulations 1939 .. ..	1939/218
Taxicab Regulations 1939, Amendment No. 1	1941/44
Transport Charges Regulations 1948 ..	1948/207
Transport Goods-service Districts Order 1949..	1949/169

## SECOND SCHEDULE

## FORMS

T.D. 1]

[Reg. 7 (6)

NOTICE OF APPLICATION(S) IN RESPECT OF LICENCE(S) AND SITTING(S) THEREFOR

APPLICATIONS in respect of (a)  $\left. \begin{array}{l} \text{passenger-service licence} \\ \text{goods-service licence} \\ \text{rental-service licence} \\ \text{taxicab-service licence} \end{array} \right\} \begin{array}{l} \text{has} \\ \text{have} \end{array} \right\} \text{been}$

received as described in the Schedule hereunder, and a public sitting of the Licensing Authority will be held at [*Time*], [*Date*], in the [*Place*], for the purpose of receiving evidence in favour of or against the granting of the application(s).

## SCHEDULE

[Describe (a) *type of service*—e.g., *goods-service, omnibus-service, or taxicab-service.*(b) *Nature of application*—e.g., *whether for a new service or amendment of a licence.*(c) *brief particulars of application*—e.g., *route or area or nature of amendment sought.*]

.....

Secretary for

..... Licensing Authority.

[Date]

SECOND SCHEDULE—*continued*

T.D. 2.]

*Transport Act, 1949*

[Reg. 15 (1)]

## APPEAL TO THE LICENSING APPEAL AUTHORITY

To the Licensing Appeal Authority (forwarded through the Commissioner of Transport, Wellington).

I HEREBY appeal against the decision of the ..... Licensing Authority given at its meeting at ..... on the ..... day of ....., 19..

The decision was to the following effect, namely: .....

and the description of the relative service is as follows:—

(1) Name of owner of service: .....

(2) Description of service: [*Set out route and/or area served*].

My interest in the subject-matter of the appeal is (*e.g.*, owner of service or competitor over same route or area), and I pray that the Transport Licensing Appeal Authority provide relief as follows: .....

*Signature*: .....

(To be signed by or on behalf of appellant.)

Full name of appellant: .....

Business address of appellant: .....

Date: .....

T.D. 3.]

*Transport Act, 1949*

[Reg. 16 (1)]

## APPEAL TO THE TRANSPORT CHARGES APPEAL AUTHORITY

The Secretary, Transport Charges Appeal Authority, .....

I HEREBY appeal to the Transport Charges Appeal Authority against the order of the Transport Charges Committee published (written notice of which was given to me as a party to a contract) on the ..... day of ....., 19..

The order was to the following effect—namely, .....

The description of the service or services to which this Order applies is as follows:—

(1) Name of licensee or description of group of licensees: .....

(2) Type of service(s): Goods, passenger, taxi, rental vehicle, ferry service (strike out those that do not apply).

(3) Route(s) and/or area(s) served: .....

The capacity in which this appeal is lodged—*e.g.*, owner of service, competitor, local authority, public body, &c.: .....

The relief asked for on this appeal is as follows: .....

*Date*: ....., 19..

*Signature*: .....

(To be signed by or on behalf of appellant.)

Full name of appellant: .....

Business address of appellant: .....







SECOND SCHEDULE—*continued*

## PART IV—DETAILS CONCERNING THE BUSINESS

1. Is another business carried on in conjunction with the carrying of passengers ?  
If so, give details :—  
.....
2. On an average over the year, how many hours per week does the owner devote to transport ? (If more than one owner, give hours worked by each.)
- |                                       |    |    |    |    |    |    |      |
|---------------------------------------|----|----|----|----|----|----|------|
| (a) Repairing or maintaining vehicles | .. | .. | .. | .. | .. | .. | hrs. |
| (b) Driving                           | .. | .. | .. | .. | .. | .. | hrs. |
| (c) Accounting work                   | .. | .. | .. | .. | .. | .. | hrs. |
| (d) General Management                | .. | .. | .. | .. | .. | .. | hrs. |
| Total hours per week                  | .. | .. | .. | .. | .. | .. | hrs. |
3. Number of employees in the transport business (excluding the proprietor) :—
- |                   |    |    |    |    |    |    |       |
|-------------------|----|----|----|----|----|----|-------|
| Mechanics         | .. | .. | .. | .. | .. | .. | ..... |
| Drivers           | .. | .. | .. | .. | .. | .. | ..... |
| Office assistants | .. | .. | .. | .. | .. | .. | ..... |
| Others            | .. | .. | .. | .. | .. | .. | ..... |
4. (a) What rate of depreciation is charged on the passenger-service vehicles ?  
.....
- (b) What is the average life of passenger-service vehicles used ? .....

I HEREBY DECLARE that to the best of my knowledge and belief the statements made herein are true, correct, and complete in every particular.

*Signature* : .....

*Date* : ....., 19..





SECOND SCHEDULE—*continued*

## PART III—DETAILS CONCERNING THE BUSINESS

1. Is another business carried on in conjunction with the carrying of goods for hire or reward? If so, give details:—  
.....
2. On an average over the year, how many hours per week does the owner devote to transport? (If more than one owner, give hours worked by each.)
- |                                       |    |    |       |      |
|---------------------------------------|----|----|-------|------|
| (a) Repairing or overhauling vehicles | .. | .. | ..... | hrs. |
| (b) Driving                           | .. | .. | ..... | hrs. |
| (c) Doing accounting work             | .. | .. | ..... | hrs. |
| (d) In general management             | .. | .. | ..... | hrs. |
| Total hours per week                  | .. | .. | ..... | hrs. |
3. Number of men employed in the transport business (excluding the owner):—
- |                           |    |    |    |    |    |       |
|---------------------------|----|----|----|----|----|-------|
| Mechanics                 | .. | .. | .. | .. | .. | ..... |
| Drivers                   | .. | .. | .. | .. | .. | ..... |
| Drivers' assistants       | .. | .. | .. | .. | .. | ..... |
| Quarrymen, labourers, &c. | .. | .. | .. | .. | .. | ..... |
| Total                     | .. | .. | .. | .. | .. | ..... |
4. (a) What rate of depreciation is charged on the goods-service vehicles? .....
- (b) What is the average life of the goods-service vehicles used? .....

I HEREBY DECLARE that to the best of my knowledge and belief the statements made herein are true, correct, and complete in every particular.

*Signature* : .....

*Date* : ....., 19..

SECOND SCHEDULE—*continued*

T.D. 6.]

[Reg. 25 (2)]

*Transport Act, 1949*

## ANNUAL FINANCIAL AND STATISTICAL RETURN BY TAXI PROPRIETORS

To be forwarded (in duplicate) to the Commissioner of Transport, Wellington C. 1. This return is required under the provisions of Regulation 25 of the Transport Licensing Regulations 1950.

Name of Operator : ..... Reference No. of Licence : .....

Business Address : .....

No. of Cab Authorities : ..... No. of Cabs Double Shifted : .....

NOTE.—Where an operator maintains a set of double-entry accounts, copies of the annual accounts should be forwarded in place of this return, provided that the data asked for covering vehicle values and mileages are supplied.

REVENUE AND EXPENDITURE ACCOUNT FOR THE YEAR  
ENDED ....., 19..

*Expenditure*

	£	s.	d.
Benzine and oil .. .. .	..	..	..
Tires and tubes .. .. .	..	..	..
Repairs and maintenance (ordinary running) .. .. .	..	..	..
Repairs due to accidents (enter only amount not paid by the insurance company) .. .. .	..	..	..
Licences (including transport licences, drivers' licences, registration plates, &c.) .. .. .	..	..	..
Insurances (if included in hire-purchase payments mark H.P.) .. .. .	..	..	..
Garage rent .. .. .	..	..	..
Wages paid to drivers (include expenses of drivers) .. .. .	..	..	..
Levy paid to company .. .. .	..	..	..
Depreciation on cars .. .. .	..	..	..
Other business expenses (give details)—			
..... .. .	..	..	..
..... .. .	..	..	..
..... .. .	..	..	..
..... .. .	..	..	..
Total expenses .. .. .	..	..	..

*Revenue*

	£	s.	d.
Total takings (before deducting any expenses in connection with the business or personal requirements) .. .. .	..	..	..
Other business revenue (give details)—			
..... .. .	..	..	..
..... .. .	..	..	..
..... .. .	..	..	..
Total revenue .. .. .	..	..	..

SECOND SCHEDULE—continued

ASSETS AND LIABILITIES  
Details of Vehicles

		No. 1 Car.	No. 2 Car.	No. 3 Car.
Registration plate for year	.. .. .			
Date purchased	.. .. .			
Age of vehicles (in years)	.. .. .			
Make and model	.. .. .			
Size of tires	.. .. .			
Mileage run for year—				
(a) Private mileage	.. .. .			
(b) All other mileage	.. .. .			
Total mileage	.. .. .			
		£ s. d.	£ s. d.	£ s. d.
Original purchase-price (including trade-in allowance)	.. .. .			
Balance owing on car	.. .. .			

If more than one car is run, details are to be given for each car.

On an average over the year, how many hours per week does the owner devote to transport? (If more than one owner, give hours worked by each.)

- (a) Repairing or maintaining vehicles .. .. . hrs.
- (b) Driving .. .. . hrs.
- (c) Accounting work .. .. . hrs.
- (d) General management .. .. . hrs.
- Total hours per week .. .. . hrs.

I HEREBY declare that to the best of my knowledge and belief the statements made herein are true, correct, and complete in every particular.

Signature : .....  
Date : ....., 19..

T.D. 7.]

TIME-BOOK

[Reg. 30 (4)

Licensee's name : ..... Address : ..... Driver's name : .....  
Address : ..... Week ending : ..... Total hours worked during the week : ..... hours.

Date.	Time and Place of Starting Work.		Periods of Rest.				Time and Place of Finishing Work.		Total Hours Worked.	Signature.*
	Place.	Time.	From	To	From	To	Place.	Time.		

\* The signature will be that of the licensee of the vehicle if he drives the vehicle himself, otherwise of the driver or other person employed on the vehicle.

Total amount received for wages and overtime during week:—

					£	s.	d.
Wages	..	..	..	..	..	..	..
Overtime	..	..	..	..	..	..	..
Total	..	..	..	..	..	..	..

Signature of driver or other employee : .....  
Signature of licensee : .....



## THIRD SCHEDULE

## SPECIAL CONDITIONS OF TAXICAB-SERVICE LICENCES

*Analysis*

- |   |   |
|---|---|
| 1. Carriage of passengers.                          | 8. Touting.   |
| 2. Disinfection of vehicles.                        | 9. Driving-hours.   |
| 3. Cab authorities.                                 | 10. Wages.  |
| 4. Driver's duties.                                 | 11. Accounts and returns.   |
| 5. Duty to carry out hiring.                        | 12. Taxi-meters.  |
| 6. Offences by driver.                              | 13. General duty of compliance with statutory and other provisions. |
| 7. Stands and permitted waiting-places of taxicabs. |   |

*1. Carriage of Passengers*

The driver of any taxicab shall not carry thereon any passengers in excess of the authorized maximum number prescribed by the certificate of fitness or permit, as the case may be, and otherwise than on the seats provided for the purpose.

*2. Disinfection of Vehicles*

(1) The licensee of a taxicab shall cause the same to be disinfected to the satisfaction of a Vehicle Inspector at such times and in such manner as he may require.

(2) If any person suffering from an infectious or contagious disease or illness or the body of any person deceased is carried in a taxicab, then—

(a) If the driver is not the licensee, he shall forthwith notify the fact to the licensee :

(b) The licensee shall forthwith give notice of the fact in writing to a Vehicle Inspector and cause the taxicab to be disinfected to the satisfaction of the Inspector :

(c) Until such taxicab shall have been so disinfected as aforesaid the licensee shall not carry any person or allow any person to be carried therein or thereon.

(3) The licensee shall not be bound to carry in a taxicab any person suffering from any infectious or contagious disease or the body of any person deceased until such licensee has been tendered or paid a sum sufficient to cover any loss or expense which may be incurred by him in carrying into effect this condition with respect to disinfecting such taxicab.

*3. Cab Authorities*

Within every taxicab while used in terms of the license the licensee shall cause to be displayed in a prominent position (in addition to the certificate of fitness or permit relating to the vehicle) a cab authority issued with the licence, and such cab authority shall be produced by the person for the time being in charge of the vehicle on demand by a Vehicle Inspector or Enforcement Officer.

*4. Driver's Duties*

Every driver of a taxicab shall—

(1) If on duty and disengaged accept any hiring of the taxicab and accept as a passenger the hirer and any person the hirer may require him so to accept up to the authorized seating-capacity of the taxicab :

Provided that—

First, he may refuse to accept as a passenger any person who is drunk or is in a filthy condition or is noisy or violent or disturbing the public peace or is accompanied by a dog which is not suitably confined or covered to protect such taxicab from defilement or contamination ; and

Secondly, he may require prepayment by the hirer in the case of any contract of hire extending for more than ten miles in distance or exceeding one hour in time :

(2) At all times while engaged in his employment be clean and tidy and wear clean and respectable clothes and conduct himself in a orderly and civil manner :

(3) Immediately on the termination of any hiring carefully search the taxicab for any property which may have been left therein by any one :

THIRD SCHEDULE—*continued*

- (4) Forthwith deliver at the office of the Controlling Authority or to a police-station any lost property found by him in the taxicab :
- (5) At the end of every hiring demand only the exact amount of fare (and other charges if any) payable under the licence for such hiring :
- (6) Afford all reasonable assistance in loading and in removing luggage of the hirer to or from any door, station, wharf, or place, and take proper care of such luggage :
- (7) On being asked by an intending hirer a question as to the scale or basis of fare chargeable for any specified hiring, state the correct scale or basis of fare for the time being in force applicable to the case.

5. *Duty to Carry out Hiring*

Neither the licensee nor the driver of a taxicab shall neglect, fail, or refuse to carry out punctually any contract of hire into which he has entered.

6. *Offences by Driver*

- (1) The driver of a taxicab shall not—
  - (a) To the annoyance of any person importune any person to hire the taxicab :
  - (b) Leave his taxicab to tout for passengers or fares :
  - (c) Sleep or lounge in his taxicab or smoke whilst conveying a passenger, or endeavour to attract attention by shouting, whistling, calling, or sounding a horn or other instrument except as permitted under the Traffic Regulations 1936 :
  - (d) Cause his taxicab to be drawn up on or adjacent to a stand which is already occupied by the full number of vehicles which the stand is intended to accommodate :
  - (e) Allow any person except the hirer and such person or persons as the hirer will admit to ride in or on the taxicab :
  - (f) Place or carry or allow to be placed or carried in or upon the taxicab any substance of offensive character.
- (2) No driver of a taxicab shall loiter with the taxicab ; and any driver who drives his taxicab along a road at a speed of less than six miles an hour shall, *prima facie*, be deemed to be loitering with his taxicab contrary to this provision :
 

Provided that this paragraph shall not apply—

  - (a) In a place where by any statute, regulation, by-law, or resolution of the Controlling Authority a taxicab is required to proceed at a slower pace than six miles an hour ; or
  - (b) In the case of funeral processions.

7. *Stands and Permitted Waiting-places of Taxicabs*

- (1) The driver of a taxicab when the taxicab is in any road for the purpose of being hired shall take up his station on a stand for taxicabs if such a stand has been duly allotted by the Controlling Authority, and shall there wait his turn for hiring, and shall otherwise conduct himself and his vehicle as may be from time to time prescribed under by-laws as to the use of such stand :

Provided that the driver may stand with his taxicab or permit the same to stand elsewhere than on a stand as follows :—

- (a) A driver may wait at any place then open for public amusement or for public assemblance for a period not longer than ten minutes after such place of amusement or public assemblance shall have closed, or for such longer period as he is hired so to remain. A driver waiting in terms of this paragraph shall remain with his taxicab as near to the chief entrance to such place as possible (but not nearer than 10 yards) and take his turn to the front of such place to pick up any passenger who may hail or desire to engage him ; but any Enforcement Officer may order any such driver to alter his position and take up such other position as such Enforcement Officer may think convenient for the traffic :
- (b) A driver of a taxicab who is hired may, within the limits of time and place created by any condition of his licence, wait for his hirer wherever such hirer may direct ; but any Enforcement Officer may direct such driver to move forward or backward to prevent obstruction, and such driver shall obey such direction.

THIRD SCHEDULE—*continued*

(2) The driver of a taxicab shall, whilst the taxicab is waiting on a stand or elsewhere in terms of this condition, remain constantly either on the driving-seat of the taxicab or in immediate attendance thereupon, unless absent for some reasonable cause, and in case of such absence he shall leave some competent person in charge of the taxicab, but such person shall in no case act as driver thereof unless he is himself licensed to drive it.

(3) This condition shall be read subject to any by-law or regulation which may be in force affecting the roads or the use thereof and affecting taxicabs.

8. *Touting*

(1) Neither the licensee nor the driver nor any other person shall, in connection with a taxicab in any road or other locality, except in manner authorized by these conditions, endeavour to induce a person to hire or to ride in such taxicab.

(2) Neither the licensee nor driver of a taxicab nor any other person shall, in any road,—

(a) In the course of any employment or occupation connected with the business of the hiring-out of such taxicab, by act, words, or conduct tout for, solicit, or hold himself out as available for the carriage of luggage of any person to such taxicab :

Provided that nothing in this condition shall affect the duty of a driver as defined in condition 4 hereof ; or

(b) Summon or call up any taxicab by horn, musical instrument, gong, bell, gramophone, megaphone, loud-speaker, or other noisy means whatsoever ; or

(c) By act, words, or conduct tout for or solicit fares or hirings for any taxicab :

Provided that nothing herein shall be deemed to render it unlawful for the driver while in or within 3 ft. of the taxicab of which he is in charge and which is standing as a disengaged taxicab on a duly appointed stand to call attention, by gesture or in a moderate voice, to the fact that such taxicab is available to be hired.

9. *Driving-hours*

The licensee shall not drive or cause or permit any person employed by him or subject to his orders to drive any taxicab—

(1) For any continuous period of more than five and one-half hours ; or

(2) So that the driver has not at least ten consecutive hours for rest in any period of twenty-four hours ; or

(3) So that the driver would be unable to have for rest a complete period of twenty-four hours in every period of seven days.

For the purposes of this condition—

(1) Any two or more periods of time shall be deemed to be a continuous period unless separated by an interval of not less than half an hour in which the driver is able to obtain rest and refreshments :

(2) Any time spent by a driver on other work in connection with any motor-vehicle used under authority of a transport licence or the use of which would, except for the provisions of section 97 of the said Act require to be authorized by a transport licence, shall be reckoned as time spent in driving a taxicab :

Provided that a licensee shall not be liable to be convicted for breach of this condition, nor shall such breach be a ground of revocation or suspension of his licence, if he proves to the Court or to the Licensing Authority, as the case may be, that the contravention was due to unavoidable delay in the completion of any journey arising out of circumstances which he could not reasonably have foreseen.

10. *Wages*

(1) The licensee shall pay every person employed by him to drive a taxicab not less than the wages prescribed for such employees in any award or awards from time to time in force and made by order of the Arbitration Court under the Industrial Conciliation and Arbitration Act, 1925, whether the licensee or his employees are parties to the said award or awards or not.

THIRD SCHEDULE—*continued*

(2) For the purposes of this condition any time spent by a driver in other work in connection with a taxicab or the load carried thereby or in attending a taxicab shall be reckoned as time spent in driving.

(3) When the licensee himself drives the taxicab the Licensing Authority may review the licence in terms of section 116 of the said Act, if the Authority is satisfied that the licensee has failed to earn an amount corresponding to the wages hereinbefore set out.

11. *Taxi-meters*

(1) With the exceptions hereinafter described, the licensee shall cause an efficient taxi-meter of a make and type approved by the Commissioner of Transport to be fitted to and used on every taxicab subject to the licence under such conditions as may be prescribed by the Authority. In the case of any taxicab not fitted with a taxi-meter at the date of issue of the licence, the taxi-meter shall be fitted not later than six months from such date.

(2) The taxi-meter required to be fitted and used in terms of this condition shall be so constructed, fitted, maintained, and lighted and used as readily to indicate to any passenger the correct hiring-mileage charges as they accrue at the rates fixed in the licence. For the purpose of ensuring that these requirements are fulfilled, the taxi-meter may from time to time be inspected and then sealed or its use forbidden by any Vehicle Inspector; and it shall be an offence for any person, other than a Vehicle Inspector, to break or tamper with a seal duly affixed in terms hereof, or for the licensee or driver to continue to use a taxi-meter while its use is duly forbidden.

(3) If the licensee uses or permits to be used a taxi-meter with intent to deceive, he shall be deemed to have committed a breach of the licence.

(4) In the case of a taxicab which is hired by time only or is kept for private hire only, or in such other cases as the Licensing Authority deems to be desirable, exemption from this requirement may be granted in writing to the licensee by the Licensing Authority under the hand of the secretary.

12. *General Duty of Compliance with Statutory and other Provisions*

The licensee and the driver of a taxicab shall comply with the provisions and requirements of any statute or regulation regulating, controlling, or affecting the use of the taxicab, and shall comply with the provisions and requirements of any by-law regulating, controlling, or affecting the use of the taxicab unless the requirements of the by-law are in conflict with the provisions of the Transport Act, 1949, and its amendments or these regulations.

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## FOURTH SCHEDULE

## PASSENGER-SERVICE DISTRICTS

[Reg. 31 (1)]

*Number One Transport District*

ALL that area of the North Island bounded to the east, north, and west by the sea, and to the south by a line following the southern boundary of the Waitomo County from the sea to the western boundary of the Taupo County; thence by the western and southern boundaries of the Taupo County to the south-western boundary of the Wairoa County; thence by the south-western boundary of the Wairoa County to the sea, including all the area of the Great Barrier County and of Waiheke Island, but excluding all that area within the Auckland Transport District.

*Number Two Transport District*

All that area of the North Island bounded to the east, south, and west by the sea, and to the north by the southern boundary of the Number One Transport District hereinbefore defined, but excluding all that area within the Wellington Transport District.

*Number Three Transport District*

All that area of the South Island bounded to the north-east by a line following the south-western boundary of the Collingwood County from the sea and thence following the south-western boundaries of the Takaka County and the north-western and south-western boundaries of the Waimea County and the south-western boundaries of the Marlborough, Awatere, and Kaikoura Counties to the sea, bounded to the east and west by the sea and to the south by a line following the southern and south-eastern boundaries of the Westland County from the sea, to the western boundary of the Ashburton County; thence by the south-western boundary of the Ashburton County to the western boundary of the Geraldine County; thence by the western boundary of the Geraldine County to the northern boundary of the Levels County; thence by the northern, western, and south-western boundaries of the Levels County to the sea so as to include the Levels County, but excluding all that area within the Christchurch Transport District.

*Number Four Transport District*

All that area of the South Island bounded to the east, south, and west by the sea, and to the north by the southern boundary of the Number Three Transport District hereinbefore defined, and all that area of the Stewart Island County, but excluding all that area within the Dunedin Transport District hereinafter defined.

*Number Five Transport District*

All that area of the South Island bounded to the east, north, and west by the sea, and to the south by the northern boundary of the Number Three Transport District hereinbefore defined.

## FIFTH SCHEDULE

## GOODS-SERVICE DISTRICTS

[Reg. 31 (2)]

(1) Transport Districts.	(2) Goods-service Districts.	(3) Licensing Authorities.
Number One Transport District Auckland Transport District .. }	Goods-service District Number One	The Licensing Authority of the Number One Transport District.
Number Two Transport District Wellington Transport District .. }	Goods-service District Number Two	The Licensing Authority of the Number Two Transport District.
Number Three Transport District Christchurch Transport District .. }	Goods-service District Number Three	The Licensing Authority of the Number Three Transport District.
Number Four Transport District Dunedin Transport District .. }	Goods-service District Number Four	The Licensing Authority of the Number Four Transport District.
Number Five Transport District	Goods-service District Number Five	The Licensing Authority of the Number Five Transport District.

## SIXTH SCHEDULE

[Reg. 33]

## FEES

## A. Fees Relating to Passenger-service Licences Other Than Licences for Taxicab-services

## 1. Accompanying an application for a licence or renewal of a licence—

	£	s.	d.
For a continuous passenger-service licence .. .. .	4	0	0
For a seasonal passenger-service licence .. .. .	3	0	0
For a temporary passenger-service licence .. .. .			No fee.

Provided that the sum of one pound (£1) shall be refunded to the applicant if the application is withdrawn or refused.

## 2. At the expiration of one year from the date of issue of—

A continuous passenger-service licence .. .. .	4	0	0
A seasonal passenger-service licence .. .. .	3	0	0

## 3. At the expiration of two years from the date of issue of—

A continuous passenger-service licence, a further .. .. .	4	0	0
A seasonal passenger-service licence, a further .. .. .	3	0	0

## 4. On the issue of every temporary passenger-service licence .. .. .

0 2 0

## 5. Accompanying every application for an amendment to a passenger-service licence under section 113 of the said Act .. .. .

0 10 0

## 6. Accompanying every application for transfer of a continuous or seasonal passenger-service licence .. .. .

3 0 0

## B. Fees Relating to Taxicab-service Licences

## 7. Accompanying every application for a continuous or seasonal licence or renewal of such a licence—

For every cab authority applied for .. .. .	2	0	0
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Provided that the sum of one pound (£1) shall be refunded to the applicant for every cab authority in respect of which the application is withdrawn or refused.

## 8. At the expiration of one year from the date of issue of a continuous or seasonal licence—

For every cab authority issued and in force under the licence .. .. .	2	0	0
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## 9. At the expiration of two years from the date of issue of a continuous or seasonal licence :—

For every cab authority issued and in force under the licence .. .. .	2	0	0
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## 10. Accompanying every application for a temporary licence .. .. .

No fee

## 10A. For every cab authority issued under a temporary licence .. .. .

0 2 0

## 11. Accompanying every application for an amendment to a licence under section 113—

(a) Involving the issue of one or more additional cab authorities in respect of each such additional cab authority .. .. .	2	0	0
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or,—

(b) For which a fee is not payable under the preceding subparagraph (a) .. .. .	0	10	0
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## 12. Accompanying every application for transfer of a licence .. .. .

3 0 0

## 13. On the issue of a certificate of fitness or permit for a taxicab to be used in a licensed taxicab-service if the fee is required by or on behalf of the Commissioner on the ground that certain certificates of fitness have already been issued and are in force for vehicles to a number equalling the number of cab authorities issued under the licence .. .. .

0 10 0

## C. Fees Relating to Certificates of Fitness and Permits for Passenger-service Vehicles Other Than Taxicabs

## 14. Accompanying every application for a certificate of fitness for a passenger-service vehicle other than a taxicab—

(a) To be used as a passenger-service vehicle only as described in paragraph (a) of subsection (1) of section 97 of the said Act, and not otherwise—

(i) If a passenger-truck or school bus as defined in the Passenger-service Vehicle (Constructional) Regulations 1936 .. .. .	1	0	0
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(ii) If a motor-vehicle other than of the types described in clause (i) hereof .. .. .	0	10	0
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SIXTH SCHEDULE—*continued*

	£	s.	d.
(b) To be used only as described in Regulation 32 of these regulations and not otherwise . . . . .	1	0	0
(c) To be used as a passenger-service vehicle only under authority of subsection (2) of section 107 of the said Act and not otherwise . . . . .	2	0	0
(d) To be used as a passenger-service vehicle only under the authority of paragraph (c) of subsection (1) of section 97 of the said Act and not otherwise . . . . .	1	0	0
(e) To be used only as a trailer drawn by a passenger-service vehicle and not otherwise . . . . .	0	10	0
(f) Being a motor-car as defined in section 2 of the said Act to be used only as a passenger-service vehicle and solely in connection with funerals, and not otherwise . . . . .	1	0	0
(g) Being a vehicle other than of the types or used other than in the manner described by preceding sub-paragraphs (a) to (f) inclusive . . . . .	3	0	0
15. At the expiration of every successive year computed from the date of issue of the certificate of fitness for a passenger-service vehicle other than a taxicab a further fee equal to the appropriate sum payable with the respective application under the last preceding paragraph:			
Provided that a further fee shall not be payable under this paragraph if, on request of the holder or in exercise of the powers conferred on the Commissioner, the certificate of fitness has been duly revoked before the date prescribed by these regulations for payment of the further fee.			
16. Accompanying every application for variation in the terms of a certificate of fitness for a passenger-service vehicle other than a taxicab . . . . .	0	10	0
17. Accompanying every application for the examination of the plans or specifications of a passenger-service vehicle other than a taxicab . . . . .	0	15	0
18. Before the delivery to the applicant or his agent of every permit for a passenger-service vehicle other than a taxicab if the permit is—			
(a) For a period not exceeding one month . . . . .	0	5	0
(b) For a period exceeding one month . . . . .	0	10	0
(c) For the temporary use of a passenger-service vehicle other than a taxicab pending issue of a certificate of fitness as result of application for latter . . . . .			No fee.

## D. Fees Relating to Goods-services

19. (a) Accompanying every application for a continuous goods-service licence or renewal thereof: in respect of each vehicle authority applied for in the application . . . . .	4	0	0
(b) Accompanying every application for a seasonal goods-service licence or renewal thereof: in respect of each vehicle authority applied for in the application . . . . .	3	0	0
(c) Accompanying every application for amendment of a continuous goods-service licence involving the issue of one or more additional vehicle authorities: in respect of each such additional vehicle authority . . . . .	4	0	0
(d) Accompanying every application for amendment of a seasonal goods-service licence involving the issue of one or more additional vehicle authorities: in respect of each such additional vehicle authority . . . . .	3	0	0
(e) Provided that in every case in which after payment of a fee prescribed by the foregoing items of this paragraph the application is withdrawn or refused there shall be made to the applicant in respect of each vehicle authority applied for in the application a refund of . . . . .	2	0	0
20. At the expiration of one year from the date of issue of a goods-service licence—			
(a) For a continuous licence, in respect of each vehicle authority then in force thereunder . . . . .	3	10	0
(b) For a seasonal licence in respect of each vehicle authority then in force thereunder . . . . .	2	10	0

SIXTH SCHEDULE—*continued*

21. At the expiration of two years from the date of issue of a goods-service licence—			
(a) For a continuous licence in respect of each vehicle authority then in force thereunder.. .. .	£	s.	d.
(b) For a seasonal licence in respect of each vehicle authority then in force thereunder .. .. .	3	10	0
22. On the issue of every temporary goods-service licence .. .. .	2	10	0
23. Accompanying every application for an amendment to a goods-service licence for which a fee is not payable under paragraph 19 hereof .. .. .	0	2	6
24. Accompanying every application for transfer of a continuous goods-service licence in respect of each vehicle authority authorized by the licence .. .. .	0	10	0
25. Accompanying every application for transfer of a seasonal goods-service licence in respect of each vehicle authority authorized by the licence .. .. .	2	0	0
26. On the issue of a certificate of fitness or permit for an ancillary goods-service vehicle, unless the certificate of fitness has been issued for a term which includes the term of a permit in respect of which a fee has already been paid .. .. .	1	0	0
27. On the issue of a certificate of fitness or permit for a vehicle to be used in a licensed goods-service if the fee is required by or on behalf of the Commissioner on the ground that certificates of fitness have already been issued and are in force for vehicles to a number equalling the number of vehicle authorities issued under the licence .. .. .	0	10	0
28. Accompanying every application for a variation in the terms of a certificate of fitness for a goods-service vehicle .. .. .	0	10	0

*E. Fees Relating to Charges Committee Applications*

29. Accompanying every application to the Charges Committee to fix, review, or alter charges .. .. .	4	0	0
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*F. Fees for Duplicate of Documents*

30. Accompanying every application for the duplicate of—			
(i) A certificate of fitness .. .. .	0	5	0
(ii) Every other document .. .. .	0	2	6

*G. Fees Relating to Appeals*

31. Accompanying every appeal lodged with the Commissioner .. .. .	3	0	0
32. For every copy of a Licensing Authority's entry in the minute-book in terms of subsection (1) of section 85 or subsection (4) of section 90 of the said Act .. .. .	0	1	0
33. Accompanying every application for an extract from the register of licences .. .. .	0	1	0

T. J. SHERRARD,  
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

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These regulations are administered in the Transport Department.