

Serial Number 1950/222

**THE TRANSPORT LICENSING REGULATIONS 1950,
AMENDMENT NO. 2**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 13th day of
December, 1950

Present :

THE RIGHT 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.

REGULATIONS

1. These regulations may be cited as the Transport Licensing Regulations 1950, Amendment No. 2, and shall be read together with and deemed part of the Transport Licensing Regulations 1950* (hereinafter referred to as the principal regulations).

2. Regulation 4 of the principal regulations is hereby amended by omitting from the definition of the term "ancillary goods service vehicle" the words "and used", and substituting the words "and not used".

3. Regulation 14 of the principal regulations is hereby revoked, and the following regulation substituted :—

"APPLICATION TO FIX, REVIEW, ALTER, OR REVOKE CHARGES

"14. (1) Every application to the Commissioner or to a public body to fix, review, alter, or revoke charges shall be in a form to be provided for the purpose by the Commissioner and shall be accompanied by the prescribed fee.

"(2) Every application to fix, review, alter, or revoke charges which may be made in respect of any transport service owned by a public body shall be made to that public body.

"(3) Every application to fix, review, alter, or revoke charges which may be made in respect of any transport service owned by a person not being a public body shall be made to the Commissioner.

"(4) Every application made to the Transport Charges Committee to fix, review, alter, or revoke charges and not determined by the Committee before the commencement of the Transport Amendment Act, 1950, shall be deemed to have been an application duly lodged in terms of the preceding clauses of this regulation, and for that purpose any such application lodged with the Commissioner which is made in respect of any transport service owned by a public body shall be forwarded to that public body to be dealt with as if it had been received by that public body in terms of clause (2) of this regulation."

* Statutory Regulations 1950, Serial number 1950/28, page 105.

Amendment No. 1: Statutory Regulations 1950, Serial number 1950/165, page 777.

4. Regulation 16 of the principal regulations is hereby revoked, and the following regulation substituted :—

“ 16. (1) Every appeal from an order or decision of the Commissioner or a public body, as the case may be, 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 an appeal from an order or decision of a public body shall be forwarded by the Commissioner to the public body, and the public body shall thereupon cause to be forwarded to the Transport Charges Appeal Authority, through the Commissioner, a copy of any notes of evidence concerning the subject matter of the appeal.

“ (4) Upon receipt of an appeal from an order or decision of the Commissioner the Commissioner shall thereupon cause to be forwarded to the Transport Charges Appeal Authority a copy of any notes of evidence taken by the Commissioner concerning the subject matter of the appeal.

“ (5) 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.

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

5. Regulation 33 of the principal regulations is hereby amended by adding to clause (2) the words “ or of an application to a public body to fix, review, alter, or revoke charges in respect of a transport service owned by that body ”.

6. The Second Schedule to the principal regulations is hereby amended by omitting form T.D. 3, and substituting the following form :—

“ T.D. 3]

[Reg. 16 (1)

“ *Transport Act, 1949*

“ 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 (or decision) of the Commissioner of Transport or [*Name of the public body*] published (written notice of which was given to me as a party to a contract) on the day of, 19 . .

“ The order (or decision) was to the following effect—namely,

“ The description of the service or services to which this order (or decision) applies is as follows :—

“ (1) Name of licensee or description of group of licensees or (in the case of a tramway service) owner :

“ (2) Type of service(s) : Goods, passenger, taxi, rental vehicle, ferry service, tramway 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 :.....”

7. The Sixth Schedule to the principal regulations is hereby amended by revoking paragraph E, and substituting the following paragraph:—

“E. Fees Relating to Transport Charges Applications

“29. Accompanying every application to the Commissioner or to a public body to fix, review, alter, or revoke charges .. £ s. d. 4 0 0”

T. J. SHERRARD,

Clerk of the Executive Council.

EXPLANATORY NOTE

[This note is not part of the regulations, but is intended to indicate their general effect.]

Regulations 3 to 6 of these regulations are consequential on the provisions of Part I of the Transport Amendment Act, 1950, which abolishes the Transport Charges Committee and provides for the fixing of charges by a public body, in the case of a service owned by that body, or by the Commissioner in other cases. The provisions revoked are substantially re-enacted, suitably modified to apply to the new system of fixing charges.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 14th day of December, 1950.

These regulations are administered in the Transport Department.