

Serial Number **1951/129**

**THE TRANSPORT LICENSING REGULATIONS 1950,
AMENDMENT NO. 3**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 6th day of
June, 1951

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL 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. 3, and shall be read together with and deemed part of the Transport Licensing Regulations 1950* (hereinafter referred to as the principal regulations).

2. The principal regulations are hereby amended by inserting, after regulation 27, the following regulation :—

“ SPECIAL CONDITIONS AS TO CARRIAGE OF CONTRACT PARTIES
IMPLIED IN CERTAIN PASSENGER SERVICE LICENCES

“ 27A. (1) It shall be a condition of every licence (whether inserted therein or not) for a passenger service to be carried on over a defined route (not being a taxicab service or a service licensed by a Metropolitan Authority) that the licensee shall be authorized to undertake the carriage of contract parties from any point within a radius of ten miles of a depot for his vehicles to any other point in the North Island, in the case of a licence authorizing a passenger service to be carried on in the North Island, or to any other point in the South Island, in the case of a licence authorizing a passenger service to be carried on in the South Island.

“ (2) For the purposes of this regulation,—

“ ‘ Contract party ’ means a private party assembled for carriage to a sports fixture, picnic, theatre, dance, meeting or function of a similar nature upon the following conditions and not otherwise :—

“ (a) That the journey is undertaken in pursuance of a contract expressed or implied for the use of the vehicle as a whole ; and

* Statutory Regulations 1950, Serial number 1950/28, page 105.
Amendment No. 1 : Statutory Regulations 1950, Serial number 1950/165, page 777.
Amendment No. 2 : Statutory Regulations 1950, Serial number 1950/222, page 1015.

“(b) That arrangements for the bringing together the passengers for the purpose of making the journey a party have been made by some person, not being holder of the passenger service licence in respect of the vehicle or a person acting on behalf of the holder of the licence or a person who receives any remuneration in respect of those arrangements; and

“(c) That the journey is made without previous advertisement to the public of the arrangements therefor:

“‘Depot’ means any place in which a passenger service vehicle, used under the authority of a passenger service licence to which this regulation applies, is usually kept when not in use.”

3. Regulation 29 of the principal regulations is hereby amended by revoking clause (2), and substituting the following clauses:—

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

“*Restrictions*

“(a) 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 it 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, or unless they are carried on a route or routes or between terminal points expressly defined in the licence:

“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:

“(b) If there is an available route for the carriage of fat lambs, ‘cull’ lambs, or ‘bobby’ calves which includes at least fifty miles of open Government railway, they shall be carried by road only so far as it 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, or unless they are carried on a route or routes or between terminal points expressly defined in the licence.

“(3) Clause (2) of this regulation shall apply with respect to the following roads or portions of roads as if they were open Government railway, namely:—

“(a) All that portion of the Pokeno-Paeroa via Ngatea Main Highway from its junction with the Auckland-Hamilton Main Highway to its junction with the Pipiroa-Kopu Main Highway, together with the whole of the Pipiroa-Kopu Main Highway:

“(b) All that portion of the Hamilton-Rotorua Main Highway from the boundary of the City of Hamilton to its junction with the Tauranga-Pairere Main Highway, together with that portion of the Tauranga-Pairere Main Highway from its junction with the Hamilton-Rotorua Main Highway to its junction with the Matamata-Kaimai Main Highway.”

4. The principal regulations are hereby amended by inserting, after regulation 29, the following regulation :—

“ SPECIAL CONDITION IMPLIED IN GOODS SERVICE LICENCES :
AREAS OF OPERATIONS

“ 29A. (1) It shall be a condition of every goods service licence (whether inserted therein or not) that authorizes the carriage of goods, other than horses, motor spirits, or furniture, or otherwise than solely in the course of operations for the Ministry of Works or for any public body, that the licensee may carry goods for hire or reward—

“ (a) In the case of a new licence, throughout the whole area of the transport district or transport districts as described in the licence :

“ (b) In the case of an existing licence, and notwithstanding any provision of the licence, throughout the whole area or areas of the transport district or transport districts in any part of which he has hitherto been authorized to operate under that licence.

“ (2) It shall be a condition of every goods service licence (whether inserted therein or not) that the licensee shall have a business domicile which shall be endorsed on his licence and that he shall not change his business domicile without the consent of the appropriate Licensing Authority.

“ (3) The appropriate licensing authority may, on application by the licensee or by the Commissioner or of his own motion, amend any existing licence by endorsing thereon the business domicile of the licensee.

“ (4) Any endorsement on a goods service licence of the business domicile of the licensee or of any change in the business domicile of the licensee shall be deemed to be an amendment of the licence for the purposes of the said Act and these regulations.

“ (5) In this regulation—

“ ‘ Business domicile ’ means the place or places where the business of the licensee is domiciled and endorsed as such on the licence by the Licensing Authority :

“ ‘ Existing licence ’ means a licence that is in force at the commencement of this regulation.”

5. The principal regulations are hereby amended by inserting, after regulation 14, the following regulation :—

“ NOTICES OF CHARGES DECISIONS

“ 14A. (1) The Commissioner may authorize any officer or officers of an incorporated body the principal object of which is the protection of the interests of owners of transport services (or of any group of owners of transport services) to send in his behalf a copy of every notice under subsection (2) of section 126 of the said Act to those of its members who are holders of licences concerned.

“ (2) A notice given pursuant to the authorization by the Commissioner under subclause (1) of this regulation shall be deemed to be sufficient compliance by the Commissioner with the requirements of subsection (3) of section 126 of the said Act that he give notice to the holders of the respective licences.”

6. Regulation 33 of the principal regulations is hereby amended as follows :—

- (a) By inserting in clause (3), after the words “ the Commissioner ”, the words “ or, in the case of an application relating to the charges payable in respect of a transport service owned by a public body, at the discretion of the public body, ” :
- (b) By omitting from paragraph (a) of clause (3) the words “ the Transport Charges Committee ”, and substituting the words “ the public body ”.

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.]

Regulation 2 prescribes the areas in which holders of passenger service licences operating over defined routes are entitled to carry contract parties.

Regulation 3 amends the existing restrictions relating to the operation of goods services over routes parallel to railways. The new provisions enable restrictions to be imposed on the carriage of goods on specified routes or between specified points, and contain a new restriction relating to the carriage of fat lambs, “ cull ” lambs, and “ bobby ” calves.

Regulation 4 extends the areas in which licensees of goods services may operate. The licensee is to be entitled to carry on the service throughout the whole area of the transport district or districts in which he is authorized to operate. The regulation also requires the business domicile of the licensee to be endorsed on the licence.

Regulation 5 empowers the Commissioner to delegate to officers of certain transport organizations authority to notify members of the organizations of decisions relating to transport charges affecting them.

Regulation 6 enables a public body to refund or remit fees payable on an application concerning charges payable in respect of a transport service owned by the public body in any case where the application has been withdrawn or other action taken that justifies a refund or remission.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 7th day of June, 1951.

These regulations are administered in the Transport Department.