

1960/186



THE TRANSPORT LICENSING REGULATIONS 1960,
AMENDMENT NO. 2

COBHAM, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 30th day of November 1960

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, hereby makes the following regulations.

REGULATIONS

1. These regulations may be cited as the Transport Licensing Regulations 1960, Amendment No. 2, and shall be read together with and deemed part of the Transport Licensing Regulations 1960* (hereinafter referred to as the principal regulations).

2. Regulation 7 of the principal regulations is hereby amended by adding the following paragraph:

“(g) Every goods service for the carriage by cordial and carbonated-water manufacturers of cordials and carbonated waters for retail distribution and empty cordial and carbonated-water bottles for return to factories, unless there is an available route for the carriage of such goods which includes at least 75 miles of open Government railway.”

3. The principal regulations are hereby further amended by revoking regulation 29, and substituting the following regulation:

“29. **Special conditions of licences relating to goods services (availability of service: rail restriction)**—(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 authorised 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 restrictions shall apply, unless the licence expressly states that any of the restrictions shall not apply or shall be modified, namely:

“Restrictions

“(a) If there is an available route for the carriage of goods which includes at least 30 miles of open Government railway, goods shall be carried by road only so far as is necessary to permit of their carriage by railway:

“Provided that this restriction shall not apply to—

“(i) The carriage of livestock; or

“(ii) The carriage of fresh milk, fresh cream, fresh vegetables, fresh fruit, eggs, poultry, fresh fish, fresh meat, or such perishable goods as may be expressly defined in the licence; or

“(iii) The carriage of logs; or

“(iv) The carriage of biscuits or confectionery; or

“(v) The carriage of cordials and carbonated waters for distribution to retailers and the carriage of empty cordial and carbonated-water bottles for return from retailers to the factory:

“(b) If there is an available route which includes at least 50 miles of open Government railway for the carriage of goods being—

“(i) Biscuits or confectionery; or

“(ii) Livestock,—

they shall be carried by road only so far as is necessary to permit of their carriage by railway:

“(c) If, in the case of logs, there is an available route for the carriage of the logs which includes at least 50 miles of open Government railway, or if the Murupara-Kawerau Railway is available for the carriage of the logs, they shall be carried by road only so far as is necessary to permit of their carriage by railway:

“(d) If, in the case of fresh milk, fresh cream, fresh vegetables, fresh fruit, eggs, poultry, fresh fish, or fresh meat, there is an available route which includes at least 75 miles of open Government railway, they shall be carried by road only so far as is necessary to permit of their carriage by railway:

“(e) If, in the case of cordials and carbonated waters for distribution to retailers and in the case of empty cordial and carbonated-water bottles for return from retailers to the factory, there is an available route which includes at least 75 miles of open Government railway, they shall be carried by road only so far as is necessary to permit of their carriage by railway.

“(3) In subclause (2) of this regulation the term ‘fresh vegetables’ does not include root vegetables (other than radishes), onions (other than spring onions), pumpkins, marrows, cucumbers, or melons.

“(4) Subclause (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 No. 2 (Pokeno-Wellington via Gisborne) State Highway from its junction with the No. 1 (Awanui-Bluff) State Highway to its junction with the No. 25 (Pipiroa-Waihi via Coromandel) State Highway, together with that portion of the No. 25 (Pipiroa-Waihi via Coromandel) State Highway from its junction with the No. 2 (Pokeno-Wellington via Gisborne) State Highway to its junction with the No. 26 (Hamilton-Kopu) State Highway:
- “(b) All that portion of the No. 1 (Awanui-Bluff) State Highway from the south-eastern boundary of the City of Hamilton to its junction with the No. 29 (Tauranga-Piarere) State Highway, together with that portion of the No. 29 (Tauranga-Piarere) State Highway from its junction with the No. 1 (Awanui-Bluff) State Highway to its junction with Tauranga Road approximately $2\frac{1}{2}$ miles east of the Te Poi Post Office.
- “(5) The provisions of subclause (2) of this regulation shall not apply—
- “(a) Where the route that includes the railway is longer by more than one-third than the shortest road route available for the carriage of the goods:
- “(b) Where the goods are carried on a route or routes or between terminal points as expressly authorised in the licence:
- “(c) To the carriage of livestock to or from a show conducted by a society incorporated under the Agricultural and Pastoral Societies Act 1908 at which the stock is to be or has been exhibited, if there is carried on the motor vehicle on which the stock is carried evidence in writing signed by an officer of the society that the stock is to be or has been exhibited at that show:
- “(d) To the carriage of registered pedigree stock (other than race-horses or trotting horses) or of livestock to or from the New Zealand Meat Board’s chilled-beef and fat-lamb competitions, if there is carried on the motor vehicle in which the stock is carried evidence in writing that the stock is registered pedigree stock or is being carried to or from a competition as aforesaid:
- “(e) To the carriage of furniture and household effects (including personal belongings) arising from a change of residence of the owner.”

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.

The effect of these regulations is to allow the manufacturers of cordials and mineral waters to transport cordials and mineral waters for retail distribution up to 75 miles in competition with the railway. The regulations also allow licensed goods-service operators to carry these classes of goods for up to 75 miles in competition with the railway.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 1 December 1960.

These regulations are administered in the Transport Department.