

1961/75

**THE TRANSPORT LICENSING REGULATIONS 1960,
AMENDMENT NO. 4**

COBHAM, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 28th day of June 1961

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. 4, and shall be read together with and deemed part of the Transport Licensing Regulations 1960* (hereinafter referred to as the principal regulations).

2. The principal regulations are hereby amended by revoking regulation 7 (as amended by regulation 2 of the Transport Licensing Regulations 1960, Amendment No. 2, and regulation 2 of the Transport Licensing Regulations 1960, Amendment No. 3), and substituting the following regulation:

“7. Exemptions from goods-service licensing—The following classes of goods services are hereby exempted from licensing under Part VI of the Act, namely:

“(a) Every goods service carried on exclusively for the purpose of the painting, repair, or maintenance of petrol or kerosene or diesel-fuel pumps and the underground equipment appurtenant to them:

“(b) Every goods service carried on exclusively by a person carrying on business as an apiarist for the carriage of goods in connection with that business:

*S.R. 1960/21

Amendment No. 1: S.R. 1960/41

Amendment No. 2: S.R. 1960/186

Amendment No. 3: S.R. 1961/12

- “(c) Every goods service carried on exclusively for the purpose of the letting of agricultural tractors on hire (including any trailers drawn by any such tractors) to a person who himself drives the tractor or provides a driver therefor:
- “(d) Every goods service for the carriage of furniture and household effects (including personal belongings) by the owner thereof in his own motor vehicle arising from a change of residence of the owner:
- “(e) 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:
- “(f) Every goods service within the meaning of section 96 of the Act carried on, otherwise than for hire or reward, for the carriage of livestock:
- “(g) Every other goods service within the meaning of section 96 of the Act carried on otherwise than for hire or reward, unless there is an available route for the carriage of goods which includes at least 40 miles of open Government railway, or unless, in the case of logs, the Murupara-Kawerau Railway is available for their carriage.”

3. The principal regulations are hereby amended by revoking regulation 29 (as substituted by regulation 3 of the Transport Licensing Regulations 1960, Amendment No. 2, and amended by regulation 3 of the Transport Licensing Regulations 1960, Amendment No. 3), 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 40 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 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

- “(ii) The carriage of logs; or
 - “(iii) The carriage of biscuits or confectionery; or
 - “(iv) 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, in the case of biscuits or confectionery, there is an available route which includes at least 50 miles of open Government railway, they shall be carried by road only so far as 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) 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:
 - “(d) To the carriage of furniture and household effects (including personal belongings) arising from a change of residence of the owner.”
4. The following regulations are hereby consequentially revoked:
- (a) The Transport Licensing Regulations 1960, Amendment No. 2:
 - (b) The Transport Licensing Regulations 1960, Amendment No. 3.

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 purpose of these regulations is to—

- (a) Exempt from licensing the carriage of livestock otherwise than for hire or reward.
 - (b) Permit the carriage of livestock for hire or reward, pursuant to a goods-service licence, for any distance in competition with the railways.
 - (c) Increase the distance over which goods may be carried in competition with the railways from 30 miles to 40 miles.
 - (d) Abolish the "notional railways" from Pokeno to Kopu and from Hamilton to Te Poi.
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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 29 June 1961.

These regulations are administered in the Transport Department.