

1961/92



**THE TRANSPORT LICENSING REGULATIONS 1960,  
AMENDMENT NO. 5**

COBHAM, Governor-General

By his Deputy,

H. E. BARROWCLOUGH

ORDER IN COUNCIL

At the Government House at Wellington this 9th day of August 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. 5, and shall be read together with and deemed part of the Transport Licensing Regulations 1960\* (hereinafter referred to as the principal regulations).

2. (1) The principal regulations are hereby amended by revoking the Second Schedule, and substituting the Second Schedule set out in the Schedule to these regulations.

(2) Regulation 31 of the principal regulations is hereby amended by omitting from subclause (1) the words "clause 9", and substituting the words "clause 12".

**SCHEDULE**

"SECOND SCHEDULE

Reg. 28

SPECIAL CONDITIONS OF TAXICAB-SERVICE LICENCES

**ANALYSIS**

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| <ol style="list-style-type: none"> <li>1. Carriage of passengers</li> <li>2. Minimum hours of operation</li> <li>3. Cab authorities</li> <li>4. Duty to carry out hiring</li> <li>5. Drivers of taxicabs</li> <li>6. Disinfection of taxicabs</li> <li>7. Cleanliness of taxicabs</li> <li>8. Driver's duties</li> <li>9. Offences by drivers</li> </ol> | <ol style="list-style-type: none"> <li>10. Stands and permitted waiting places of taxicabs</li> <li>11. Touting</li> <li>12. Driving hours</li> <li>13. Wages</li> <li>14. Taxi meters and other equipment</li> <li>15. Taxicab emblems</li> <li>16. Recognition lights</li> <li>17. General conditions</li> <li>18. General duty of compliance with statutory and other provisions</li> </ol> |
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\*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  
 Amendment No. 4: S.R. 1961/75

SCHEDULE—*continued*1. *Carriage of Passengers*

The driver of any taxicab shall not carry thereon any passengers in excess of the authorised 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. *Minimum Hours of Operation*

Every licensee shall cause his taxicab to be available for hire for not less than 40 hours in each period of seven consecutive days, spread over not less than five days in that period, unless—

- (a) The Licensing Authority has expressly modified this condition; or
- (b) The Licensing Authority has modified the terms of this condition in the case of any specified licensee or licensees to provide for holidays or any other purpose; or
- (c) The taxicab is off the road for repairs. Where the period required for repair exceeds a continuous period of 48 hours, the licensee shall notify the Licensing Authority accordingly.

3. *Cab Authorities*

Within every taxicab while used under the licence the licensee shall cause to be displayed at the bottom left-hand corner of the windscreen so as to be visible from outside the vehicle a cab authority issued with the licence (in addition to the certificate of fitness or permit relating to the vehicle), and that 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. *Duty to Carry Out Hiring*

(1) Subject to the provisions of clause 8 of this Schedule, 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 or which has been entered into by his agent on his behalf.

(2) Where the licensee is a member of a taxicab organisation, the organisation shall be deemed for the purposes of this clause to be the agent of the licensee and of every driver of the taxicab.

5. *Drivers of Taxicabs*

Where a licensee employs any person to drive a taxicab, he shall when requested to do so by the Licensing Authority supply in writing the full name and address of any person so employed.

6. *Disinfection of Taxicabs*

(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 deceased person is carried in a taxicab, then—

SCHEDULE—*continued*

- (a) If the driver is not the licensee he shall forthwith notify the fact to the licensee:
- (b) The licensee shall forthwith cause the taxicab to be disinfected, and shall thereupon give notice in writing of the fact to a Vehicle Inspector:

Provided that, if the driver is unable to notify the licensee, the driver shall cause the vehicle to be disinfected and the Vehicle Inspector to be notified in writing of the fact:

- (c) Until the taxicab has been so disinfected as aforesaid, neither the licensee nor the driver shall 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 deceased person, until the licensee has been tendered or paid a sum sufficient to cover any cost which may be incurred by him in carrying into effect this clause with respect to disinfecting the taxicab.
- (4) The licensee or driver shall be entitled to charge and recover from the hirer a sum sufficient to cover any cost which may have been incurred by him in disinfecting the taxicab in accordance with the provisions of this clause.

7. *Cleanliness of Taxicabs*

No person shall operate a taxicab unless it is in good and clean repair and condition and ready for immediate use.

8. *Driver's Duties*

Every driver of a taxicab shall—

- (a) 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 authorised seating capacity of the taxicab:

Provided that—

(i) He may refuse to accept as a passenger any person or refuse to continue the hiring if that person is in a filthy condition or is noisy or violent or disturbing the public peace or is accompanied by a dog or other animal which is not suitably confined or covered to protect the taxicab from defilement or contamination:

(ii) He may require prepayment by the hirer in the case of any contract of hire:

- (b) At all times while engaged in his employment be clean and tidy and wear clean and respectable clothes and conduct himself in an orderly and civil manner, and, when driving a taxicab if not wearing a suitable collar and tie and jacket, wear a dust coat of a type and colour approved by the appropriate Licensing Authority or, in the summer, a tunic shirt and tie so approved. Any Enforcement Officer may order any driver who or whose dress does not comply with these requirements to cease plying for hire with his taxicab and remove it from any stand until the driver has complied with these requirements:

SCHEDULE—*continued*

- (c) Immediately on the termination of any hiring, check the taxicab for any property which may have been left therein by anyone:
- (d) If any property is found by him in the taxicab, notify his office forthwith, and, unless it is previously claimed, deliver it to a police station within 24 hours:
- (e) At the end of every hiring, demand only the exact amount of fare (and other charges if any) payable for the hiring, less a deduction for the amount of any prepayment made by the hirer:
- (f) Afford all reasonable assistance in loading, unloading, or removing personal luggage (including perambulators) of the hirer to or from any door, station, wharf, or place, carry in or upon the taxicab any reasonable quantity of any such luggage when so requested by the hirer, and take proper care of any such luggage and secure the same in such a manner as to prevent damage thereto:  
Provided that he shall not be required to carry upon the taxicab any luggage which would endanger the safe driving and handling of the taxicab:
- (g) On being asked by an intending hirer a question as to the scale or basis of fare chargeable for any specific hiring, state the correct scale or basis of fare for the time being in force applicable to the hiring:
- (h) When answering a radio or telephone call to premises to pick up a hire, make every endeavour to announce in person his arrival at the pick-up point.

9. *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, or endeavour to attract attention by shouting, whistling, calling, or sounding a horn or other instrument except as permitted under the Traffic Regulations 1956:
  - (b) Sleep or lounge in his taxicab:
  - (c) Smoke while conveying a passenger:
  - (d) When plying for hire, cause his taxicab to be drawn up on or within 60 ft of 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:
  - (g) Use a taxi meter with intent to deceive:
  - (h) Tamper with a taxi meter.
- (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:

SCHEDULE—*continued*

Provided that this subclause shall not apply—

- (a) In a place where by any statute, regulation, bylaw, 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
- (3) No person operating any taxicab shall, at any time while engaged in driving, loading, unloading, or attending the taxicab,—
- (a) Wilfully or negligently do or cause or permit or suffer to be done any damage to the person or property of anyone, or commit any breach of the peace or misconduct or misbehaviour whereby a breach of the peace may be occasioned:
  - (b) Use any foul, obscene, indecent, or blasphemous language, or make use of any threatening, abusive, or insulting word or gesture, or be guilty of any act of misbehaviour to any passenger or any other person whomsoever.

10. *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 so conduct himself and his vehicle as may be from time to time prescribed under bylaws as to the use of that stand:

Provided that the driver may stand with his taxicab or permit it 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 assembly for a period not longer than 10 minutes before or after that place of amusement or public assemblance has 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 that place as possible (but not nearer than 10 yards) and take his turn to the front of that 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 the 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 the hirer may direct; but any Enforcement Officer may direct the driver to move forward or backward to prevent obstruction, and the driver shall obey that direction.

(2) The driver of every taxicab shall observe the following rules in connection with the use by him of any taxi stand authorised by the controlling authority:

- (a) He shall not take up a position on the stand unless the taxicab is available for hire:

SCHEDULE—*continued*

- (b) He shall take up the first vacant position on the stand behind the last taxicab thereon with his taxicab not less than 4 ft or more than 6 ft behind the taxicab (if any) ahead of him:
  - (c) He shall accept the first fare offering, but shall not accept a fare before any taxicab ahead of him, unless the intending hirer unequivocally indicates that the hirer prefers to engage the first-mentioned driver:
  - (d) As soon as any taxicab ahead of him on the stand moves, he shall forthwith move his own taxicab up into the position vacated by the first-mentioned taxicab:
  - (e) He shall not molest or annoy the driver of any other taxicab on the stand or interfere in any way with his taxicab.
- (3) Subject only to any provisions contained in these regulations, a person operating a taxicab shall not stand his taxicab in any road longer than may be reasonably necessary for the purpose of loading or unloading luggage or taking up or setting down passengers, or for any other lawful purpose, except while the taxicab is on a stand or is waiting for a hirer who has already hired the taxicab, or while waiting as near as practicable to a wharf or train or bus or air terminal for the purpose of accepting an engagement from any passenger therefrom.
- (4) The driver of a taxicab shall, while the taxicab is waiting on a stand or elsewhere in terms of this clause, remain constantly in immediate attendance thereupon, unless absent for some reasonable cause.
- (5) This clause shall be read subject to any bylaw or regulation which may be in force affecting the roads or the use thereof and affecting taxicabs.

### 11. *Touting*

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 authorised by these conditions, endeavour to induce a person to hire or to ride in the taxicab or by act, words, or conduct tout for or solicit fares or hirings for any taxicab:

Provided that nothing in this clause 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 the taxicab is available to be hired.

### 12. *Driving Hours*

- (1) The licensee shall not drive, or cause or permit any person employed by him or subject to his orders to drive any taxicab—
- (a) For any continuous period of more than 5½ hours; or
  - (b) So that the driver has not at least 10 consecutive hours for rest in any period of 24 hours; or
  - (c) So that the driver would be unable to have for rest a complete period of 24 hours in every period of 7 days:

SCHEDULE—*continued*

Provided that a licensee shall not be liable to be convicted for breach of this clause, nor shall any 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.

(2) For the purposes of this condition—

- (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 refreshments:
- (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 authorised by a transport licence, shall be reckoned as time spent in driving a taxicab.

### 13. *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 Court of Arbitration under the Industrial Conciliation and Arbitration Act 1954, whether the licensee or his employees are parties to the said award or awards or not.

(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 under section 116 of the Transport Act 1949, if the Authority is satisfied that the licensee has failed to earn an amount corresponding to the wages hereinbefore set out.

### 14. *Taxi Meters and Other Equipment*

(1) No person shall operate any taxicab unless there is a taxi meter affixed thereto, which is in good order and condition, and correctly registering the charge for the hire of the taxicab as it accrues in accordance with the Scale of Charges. The meter must at all times be easily able to be read by every passenger in the taxicab.

(2) No taxi meter shall be used until it has been tested and approved by a Vehicle Inspector.

(3) New meters or meters transferred from one taxicab to another must be installed in a position satisfactory to a Vehicle Inspector.

(4) Except with the consent of a Vehicle Inspector, no person operating any taxicab shall cause or permit any taxi meter to be affixed thereto other than the taxi meter that was tested thereon.

SCHEDULE—*continued*

- (5) The operator of any taxicab shall—
- (a) Whenever the taxi meter has ceased to register, or is in any other way out of order, or whenever the seal thereof is broken, cease plying for hire, unless excepted by the Licensing Authority or any Enforcement Officer, and immediately notify an Enforcement Officer and forthwith repair the meter to the satisfaction of an Enforcement Officer, who shall be entitled to carry out such tests of the meter as he thinks necessary:
  - (b) Maintain the taxi meter in good working order and condition and have it tested by a Vehicle Inspector once in every six months:
  - (c) As soon as the taxicab has been hired, or the hirer has been aware of the taxicab's arrival, or the journey has commenced, and not sooner, set the taxi meter affixed thereto in motion, except in cases where the charges for the hire of the taxicab may be made on a purely time basis pursuant to the Scale of Charges, or may, in cases provided for in that Scale, be agreed upon between the hirer and the operator:
  - (d) Throughout any period of hiring during which the taxi meter must be used to calculate the charge for the hiring, keep the meter in motion and not stop the meter or cause or permit it to be stopped until the hiring has terminated:
  - (e) Immediately upon the termination of any hiring or part of any hiring during which the taxi meter must be used, stop the meter:
  - (f) Between sunset on any day and sunrise on the following day keep the face of the taxi meter sufficiently illuminated during any period of hiring so that the meter may be easily read at any time by every passenger in the taxicab:
  - (g) Following any alterations made to the vehicle or to the tyres or fittings attached thereto that may affect the correctness of the meter, forthwith and before carrying any passengers for hire have the taxi meter retested by a Vehicle Inspector.
- (6) Whenever it appears to any Vehicle Inspector that a taxi meter affixed to a taxicab may be registering incorrectly or has ceased to register, or is otherwise not in accordance with this Schedule, the Vehicle Inspector may, by notice in writing addressed to any person operating the taxicab, require that person to produce the taxicab for the purpose of inspecting or testing the meter at such time and place as the Vehicle Inspector specifies. If on that inspection or testing the meter is found to be not registering or to be registering incorrectly, that person shall, unless excepted by the Licensing Authority or an Enforcement Officer, immediately cause the taxicab to cease plying for hire until the meter has been repaired to the satisfaction of the Vehicle Inspector.
- (7) No person shall cause or permit such interference with the taxi meter affixed to any taxicab, or with any portion of the mechanism controlling any such meter, as may prevent it from registering correctly.
- (8) 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.



SCHEDULE—*continued*

(9) Any Enforcement Officer shall have the right to stop any taxicab for any purpose connected with this Schedule and inspect the same and inspect or test any taxi meter or any other equipment affixed to the taxicab.

(10) Any Enforcement Officer may in his discretion, or when required to do so by the Licensing Authority, direct in writing any person operating a taxicab to proceed forthwith, or at such time as he may stipulate, to any place in order that the taxicab or any equipment thereon may be inspected or tested by a Vehicle Inspector.

(11) Any Enforcement Officer may order any person operating a taxicab which does not conform with any provision of this Schedule to cease plying for hire and remove the taxicab from any stand on which it is until it conforms with those provisions.

(12) Every driver of a taxicab shall afford every facility to any Enforcement Officer to inspect any taxicab or inspect or test any taxi meter or any other equipment affixed to the taxicab.

(13) 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 considers desirable, exemption from the requirements of this clause as to taxi meters may be granted in writing to the licensee by the Licensing Authority under the hand of the Secretary.

15. *Taxicab Emblems*

(1) The licensee shall, if a member of a taxicab organisation, cause to be displayed on both sides of the exterior of the taxicab the fleet number allotted to the taxicab by the organisation, together with the telephone number and trade name of the organisation. The fleet number of the taxicab shall also be displayed on the rear of the taxicab immediately below the rear window or in such other position as may be approved by the Licensing Authority.

(2) The licensee shall, if not a member of a taxicab organisation, cause to be displayed on both sides of the exterior of the taxicab his name and telephone number.

(3) Where a roof sign is used to display the name or trade name of the licensee or organisation, the requirements of subclauses (1) and (2) of this clause may be modified to an extent approved by a Vehicle Inspector.

16. *Recognition Lights*

Every taxicab shall be fitted with an illuminated sign for use during the hours of darkness displaying the words "Taxi" or "Taxicab" and "Vacant" and "Engaged", or a light or lights illuminating the radiator grill of the taxicab.

17. *General Conditions*

(1) The licensee shall carry within the taxicab a schedule of the fares and charges as fixed by the Commissioner of Transport, and shall display in a fixed position and readily visible to any passenger an abridged schedule giving basic fares and important charges.

SCHEDULE—*continued*

(2) The licensee shall notify any change of address to the Licensing Authority within seven days.

(3) No advertising material of any kind shall be placed on the outside or inside of any taxicab, except as provided under clauses 15 and 16 of this Schedule.

(4) Where the existing boot or trunk of a taxicab is inadequate, a suitable luggage grid shall be fitted.

18. *General Duty of Compliance With Statutory and Other Provisions*

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

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

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EXPLANATORY NOTE

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

These regulations substitute a new schedule of conditions applicable to taxicab services.

The principal new provisions in the Schedule are:

- (a) Minimum hours of operation of taxicabs.
- (b) Taxicab emblems and recognition lights.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 10 August 1961.

These regulations are administered in the Transport Department.