

Serial Number 1940/37.



THE TRANSPORT (GOODS) ORDER 1936, AMENDMENT NO. 4.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 28th day of February, 1940.

Present :

THE HON. P. FRASER PRESIDING IN COUNCIL.

PURSUANT to the Transport Licensing Act, 1931, His Excellency the Governor-General, acting by and with the advice of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

1. These regulations may be cited as the Transport (Goods) Order 1936, Amendment No. 4.

2. These regulations shall be read together with and form part of the Transport (Goods) Order 1936* (hereinafter called the principal Order).

3. These regulations shall come into force on the 1st day of March, 1940.

4. The Second Schedule to the principal Order is amended—

(a) By adding to “Part II—Table of Applied Provisions” the following :—

“ (F) Goods-service Vehicles.

“ 24. Use of Goods-service Vehicles.

“ 25. Certificates of Fitness.

“ 26. Duration of Certificates of Fitness.

“ 27. Revocation of Certificates of Fitness.”

(b) By adding to the text of the applied provisions the following clauses :—

“ Clause 24 (Section 38 of 1931 Act).

“(1) After the 29th day of February, 1940, no person shall use (except in case of emergency) under authority of a goods-service license any vehicle (hereinafter in this Order described as a goods-service vehicle) unless a certificate of fitness as hereinafter provided has been issued and is in force with respect to such vehicle :

* Gazette, 18th July, 1936, Vol. II, page 1363.

Amendment No. 1: Statutory Regulations 1936-7, Serial number 1936/23, page 85.

Amendment No. 2: Statutory Regulations 1939, Serial number 1939/79, page 314.

Amendment No. 3: Statutory Regulations 1939, Serial number 1939/202, page 843.

“ Provided that in any case where he deems it expedient so to do, the Commissioner or any officer authorized by him in that behalf may grant a permit for such vehicle to be used under authority of a goods-service license without a certificate of fitness for such period as is specified in the permit :

“ And provided also that if an inspection certificate is lawfully carried on such vehicle in terms of Regulation 10 of the Transport Licensing (Goods-service) Regulations 1936, such vehicle may be used under authority of a goods-service license without a certificate of fitness.

“ (2) Every person who uses any goods-service vehicle contrary to the provisions of this clause commits an offence and is liable to a fine of £100, and to a further fine of £10 for every day on which such offence is committed.

“ *Clause 25 (Section 39 of 1931 Act).*

“ (1) Certificates of fitness in respect of goods-service vehicles shall be issued by the Commissioner or by an officer or officers authorized by him in that behalf, and by no other person.

“ (2) No such certificate shall be issued, save upon the report of an Inspector that the vehicle conforms to any regulations for the time being in force as to the design, construction, and equipment of goods-service vehicles of the class to which such vehicle belongs, and is in a fit condition to be granted a certificate of fitness.

“ *Clause 26 (Section 4 of 1935 Act).*

“ Every certificate of fitness in respect of any goods-service vehicle shall continue in force until revoked. For the purposes of this clause and generally for the purposes of the Transport Licensing Act, 1931, a certificate of fitness shall be deemed to be issued on the day appearing thereon as the date of issue, which may be earlier or later than the day on which it is in fact signed by or on behalf of the Commissioner.

“ *Clause 27 (Section 41 of 1931 Act).*

“ (1) The Commissioner or any officer authorized by him in that behalf may at any time revoke a certificate of fitness, and if on the inspection of a goods-service vehicle it appears to an Inspector that such vehicle does not, at the time of inspection, comply with the prescribed conditions as to fitness, such Inspector may suspend the certificate for not more than twenty-eight days.

“ (2) On the revocation of a certificate of fitness issued in respect thereof it shall not be lawful to use any vehicle under authority of a goods-service license unless and until a new certificate of fitness is issued in respect thereof.”

C. A. JEFFERY,

Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 29th day of February, 1940.

These regulations are administered in the Transport Department.

(TT. 19/27.)