



**THE TRANSPORT (URBAN PASSENGER SERVICES)
REGULATIONS 1973**

DENIS BLUNDELL, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 25th day of June 1973

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Transport Act 1962, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title—These regulations may be cited as the Transport (Urban Passenger Services) Regulations 1973.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“Basic grant”, in relation to any passenger-service vehicle and to a licence quarter, means an amount equal to twice the amount of the heavy traffic fees paid by an operator under the Motor Vehicle Taxation Regulations 1966* in respect of that vehicle for that quarter, not being additional licence fees paid pursuant to regulation 26 of those regulations or licence fees refunded pursuant to regulation 28 of those regulations:

“Committee” means the Committee of Inquiry into Urban Passenger Transport appointed on the 12th day of December 1968 pursuant to section 5 of the Transport Act 1962:

“Licence quarter” has the same meaning as in regulation 17 of the Motor Vehicle Taxation Regulations 1966*:

“Operator”, in relation to an urban passenger service, means the licensee of that service pursuant to a passenger-service licence granted under the Transport Act 1962; and includes the Minister of Railways or a local authority or public body operating the urban passenger service:

*S.R. 1966/80

Amendment No. 1: S.R. 1966/187

Amendment No. 2: S.R. 1967/102

Amendment No. 3: S.R. 1968/39

Amendment No. 4: S.R. 1969/20

Amendment No. 5: S.R. 1969/125

Amendment No. 6: S.R. 1970/266

“Urban passenger service” means a passenger service operating to a fixed schedule—

(a) To, from, or within any city; or

(b) To, from, or within any borough or county town or county borough, being a borough or county town or county borough having a population of 3,000 or more;—
but does not include—

(c) Any contract, sightseeing, or tour passenger service, or any passenger service where individual fares are not charged or the service is free; or

(d) Any school bus service operated under contract with the Department of Education; or

(e) Any passenger service where the single journey from terminus to terminus is more than 30 miles; or

(f) Any passenger service which is not available to the public generally or which is operated wholly on private roads; or

(g) Any passenger service the operator of which is not liable to pay heavy traffic fees pursuant to the Motor Vehicle Taxation Regulations 1966*:

Expressions defined in the Transport Act 1962 have the meanings so defined.

3. Grants to operators—(1) The Minister, in his discretion, on application being made by an operator of an urban passenger service in accordance with regulation 4 hereof, may approve the payment to that operator from the Consolidated Revenue Account, out of money appropriated by Parliament for the purpose, of a grant of money in respect of each passenger-service vehicle owned by the operator which was used by him during a substantial part of any licence quarter in an urban passenger service, calculated as follows:

(a) Where the vehicle was used by him in an urban passenger service during that licence quarter for 90 percent or more of its total operation for that quarter, an amount equal to the amount of the basic grant in respect of that vehicle for that quarter:

(b) Where the vehicle was used by him in an urban passenger service during that licence quarter for less than 90 percent but not less than 50 percent of its total operation for that quarter, an amount equal to the same percentage of the amount of the basic grant in respect of that vehicle for that quarter as the percentage of the total operation of that vehicle during that quarter for which it was used in an urban passenger service.

(2) No payment shall be made under this regulation in respect of any passenger-service vehicle which in any licence quarter is used in an urban passenger service for less than 50 percent of its total operation during that quarter.

*S.R. 1966/80

Amendment No. 1: S.R. 1966/187

Amendment No. 2: S.R. 1967/102

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4. Application for grant—Application by an operator for a grant under regulation 3 hereof shall be made by him to the Secretary on a form provided by the Secretary, and, in respect of an application relating to the licence quarter which commenced on the 1st day of March 1973, shall be made within 30 days after the date on which these regulations come into force, and in respect of an application relating to any other licence quarter, shall be made within 30 days after the end of that licence quarter.

5. Information to be supplied—The applicant for a grant under regulation 3 hereof shall supply to the Secretary such information as the Secretary requires for the purpose of verifying the application, and shall make available for inspection by the Secretary or any officer of the Ministry of Transport authorised in writing by the Secretary such books, accounts, documents, and records of the operator as the Secretary or that officer requires.

6. Right of review—Any operator who is not satisfied with the decision of the Minister on any application made by the operator for a grant under regulation 3 hereof may request that his application be reviewed by the Committee, and the decision of the Committee on any such review shall be final.

7. Offence to give incorrect information—(1) Every person commits an offence against these regulations who knowingly supplies any false or misleading information in or concerning any application under these regulations.

(2) Every person who commits an offence against these regulations is liable on summary conviction to a fine not exceeding \$100.

(3) Where any person who has made an application for a grant under regulation 3 hereof is convicted of an offence against these regulations committed in respect of that application—

(a) Any approval given by the Minister to the payment of a grant pursuant to that application shall be deemed to be cancelled:

(b) If any grant has been paid to that person pursuant to that application, the amount thereof shall be repayable by him as a debt owing to the Crown and may be recovered accordingly in any Court of competent jurisdiction.

8. Revocation—The Transport (Urban Passenger Services) Regulations 1972* are hereby revoked.

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

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

These regulations give effect to the provisions of section 185B of the Transport Act 1962 (as inserted by section 19 of the Transport Amendment Act (No. 2) 1969) relating to the making of grants to licensees of urban passenger services.

The regulations define the classes of passenger services which qualify for a grant, and fix the amount of the grants as follows:

- (a) In respect of passenger-service vehicles which are operated on qualifying urban passenger services for 90 percent or more of their total operation during any licence quarter, a grant equal to twice the amount of the heavy traffic fees paid in respect of those vehicles for that quarter may be made.
- (b) In respect of passenger-service vehicles which are operated on qualifying urban passenger services for less than 90 percent but not less than 50 percent of their total operation during any licence quarter, a percentage of twice the amount of the heavy traffic fees paid in respect of those vehicles for that quarter equal to the percentage of their total operation for which they were used on qualifying urban passenger services may be paid.
- (c) No payment may be made in respect of vehicles operated on urban passenger services for less than 50 percent of their total operation during any licence quarter.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 28 June 1973.

These regulations are administered in the Ministry of Transport.