

## Serial Number 1939/218.



## THE TAXICAB REGULATIONS 1939.

GALWAY, Governor-General.

## ORDER IN COUNCIL.

At the Government House at Wellington, this 18th day of  
October, 1939.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

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

## REGULATIONS.

1. These regulations may be cited as the Taxicab Regulations 1939.
2. These regulations shall come into force on the day following their notification in the *Gazette*.\*
3. In these regulations, unless inconsistent with the context,—
  - “ The principal Act ” means the Transport Licensing Act, 1931 :
  - “ The Amendment Act ” means the Transport Law Amendment Act, 1939 :
  - “ Cab authority ” means a cab authority as hereinafter prescribed :
  - “ Controlling Authority,” in relation to a taxicab-service and the vehicles used in connection therewith, means the City or Borough Council, Town Board, Road Board, or (where there is no Town Board or Road Board) the County Council within the district of which is situated the principal usual stand or other place of hiring of the taxicab or taxicabs used in connection with the service :
  - “ Inspector ” includes a Traffic Inspector as defined by section 3 of the Amendment Act and a Vehicle Inspector appointed for the inspection of vehicles in terms of the principal Act :
  - “ Metropolitan Authority ” has the meaning assigned to it by section 2 of the principal Act—that is to say, it means the Auckland Transport Board, the Wellington City Council, the Christchurch City Council, or the Dunedin City Council as a Licensing Authority under the principal Act :
  - “ Private taxicab ” means a taxicab other than a public taxicab :
  - “ Public taxicab ” means a taxicab which is let on hire from a public place such as a road, street, or wharf, or from any stand thereon :

\* See end note.

“ Street ” includes road :

“ Taxicab ” has the meaning assigned by section 15 of the Amendment Act—that is to say, a motor-vehicle which—

(a) Is designed exclusively or principally for the carriage of persons not exceeding eight in number inclusive of the driver ; and

(b) Is used for hire or reward for the carriage of passengers otherwise than on defined routes ; and

(c) Is available for hire to any member of the public on terms that do not expressly or impliedly require the payment of separate fares by each passenger :

“ Taxicab-service ” has the meaning assigned by section 18 of the Amendment Act—that is to say, a passenger-service carried on by means of a taxicab or taxicabs used as such.

4. In their application to taxicab-services and taxicabs the under-mentioned regulations shall be read subject to the express provisions of these regulations :—

The Transport (Passenger) Order 1936\* ; including

The Transport Licensing Passenger Regulations 1936\* ;

The Passenger-service Vehicle (Construction) Regulations 1936.†

5. The Fitness Certificate (Motor-cab) Exemption Order 1937,‡ the Motor-cab (Hamilton and Thames) Regulations 1938,§ and the Motor-Cab (Taumarunui) Regulations 1939|| are revoked.

6. It shall be a condition of every license (whether inserted therein or not) issued for any taxicab-service that the special conditions set out in the First Schedule hereto shall apply to the service unless otherwise provided by the express terms of the license.

7. (1) Every application for a license shall be in form T.L. 29 set out in the Second Schedule hereto.

(2) A license shall be in form T.L. 30 set out in the Second Schedule hereto.

(3) Together with every license there shall be issued by the Licensing Authority one or more cab authorities, as the case may require, in form T.L. 31 set out in the Second Schedule hereto, to the number authorized by the license.

8. (1) Regulation 17 (relating to fees) of the Third Schedule to the Transport (Passenger) Order 1936\* shall not apply in respect to the said services, and the fees payable in respect thereof shall be the fees set out in the Third Schedule hereto.

(2) The prescribed fee, if over £1, shall be paid on behalf of the person from whom it is due to the Reserve Bank of New Zealand or any branch of the Bank of New Zealand to the credit of the Public Account.

(3) In respect of every application for a license the bank receipt or fee shall accompany the application.

(4) Clauses (2) and (3) of this regulation shall not apply to any fee payable to a Metropolitan Authority.

9. It shall be an offence for any person to hire a taxicab and to fail to pay the prescribed fare on demand by the driver after completion of the hiring.

\* *Gazette*, 18th July, 1936, Vol. II, page 1347.

† Statutory Regulations 1936-7, Serial number 1936/79, page 281.

‡ Statutory Regulations 1936-7, Serial number 1937/210, page 783.

§ *Gazette*, 9th December, 1938, Vol. III, page 2765.

|| *Gazette*, 5th April, 1939, Vol. II, page 911.

## SCHEDULES.

## FIRST SCHEDULE.

## SPECIAL CONDITIONS OF LICENSES.

*Analysis.*

- |   |   |
|---|---|
| 1. Carriage of passengers.                          | 8. Touting.   |
| 2. Disinfection of vehicles.                        | 9. Driving-hours.   |
| 3. Cab authorities.                                 | 10. Wages.  |
| 4. Driver's duties.                                 | 11. Accounts and returns.   |
| 5. Duty to carry out hiring.                        | 12. Taxi-meters.  |
| 6. Offences by driver.                              | 13. General duty of compliance with statutory and other provisions. |
| 7. Stands and permitted waiting-places of taxicabs. |   |

*1. Carriage of Passengers.*

The driver of any taxicab shall not carry thereon any passengers in excess of the authorized maximum number prescribed by the certificate of fitness or permit, as the case may be, required to be carried in terms of Regulation 10 of the Transport Licensing Passenger Regulations 1936 and otherwise than on the seats provided for the purpose.

*2. Disinfection of Vehicles.*

(1) The licensee of a taxicab shall cause the same to be disinfected to the satisfaction of an Inspector at such times and in such manner as an Inspector may require.

(2) If any person suffering from an infectious or contagious disease or illness or the body of any person deceased is carried in a taxicab, then—

(a) If the driver is not the licensee, he shall forthwith notify the fact to the licensee :

(b) The licensee shall forthwith give notice of the fact in writing to an Inspector and cause the taxicab to be disinfected to the satisfaction of the Inspector :

(c) Until such taxicab shall have been so disinfected as aforesaid the licensee shall not 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 person deceased until such licensee has been tendered or paid a sum sufficient to cover any loss or expense which may be incurred by him in carrying into effect this condition with respect to disinfecting such taxicab.

*3. Cab Authorities.*

Within every taxicab while used in terms of the license the licensee shall cause to be displayed in a prominent position (in addition to the certificate of fitness or permit relating to the vehicle) a cab authority issued with the license, and such cab authority shall be produced by the person for the time being in charge of the vehicle on demand by an Inspector.

*4. Driver's Duties.*

Every driver of a taxicab shall—

(1) 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 authorized seating-capacity of the taxicab ;

Provided that—

First, he may refuse to accept as a passenger any person who is drunk or is in a filthy condition or is noisy or violent or disturbing the public peace or is accompanied by a dog which is not suitably confined or covered to protect such taxicab from defilement or contamination ; and

Secondly, he may require prepayment by the hirer in the case of any contract of hire extending for more than ten miles in distance or exceeding one hour in time :

(2) 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 :

- (3) Immediately on the termination of any hiring carefully search the taxicab for any property which may have been left therein by any one :
- (4) Forthwith deliver at the office of the Controlling Authority or to a police-station any lost property found by him in the taxicab :
- (5) At the end of every hiring demand only the exact amount of fare (and other charges if any) payable under the license for such hiring :
- (6) Afford all reasonable assistance in loading and in removing luggage of the hirer to or from any door, station, wharf, or place, and take proper care of such luggage :
- (7) On being asked by an intending hirer a question as to the scale or basis of fare chargeable for any specified hiring, state the correct scale or basis of fare for the time being in force applicable to the case.

#### 5. *Duty to carry out Hiring.*

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.

#### 6. *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 :
  - (b) Leave his taxicab to tout for passengers or fares :
  - (c) Sleep or lounge in his taxicab or smoke whilst conveying a passenger, or endeavour to attract attention by shouting, whistling, calling, or sounding a horn or other instrument except as permitted under the Traffic Regulations 1936 :
  - (d) Cause his taxicab to be drawn up on or adjacent to 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.
- (2) No driver of a taxicab shall loiter with the taxicab ; and any driver who drives his taxicab along a street or thoroughfare 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 :—

Provided that this paragraph shall not apply—

- (a) In a place where by any statute, regulation, by-law, 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.

#### 7. *Stands and Permitted Waiting-places of Taxicabs.*

(1) The driver of a taxicab when the taxicab is in any street or other public place 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 conduct himself and his vehicle as may be from time to time prescribed under by-laws as to the use of such stand :

Provided that the driver may stand with his taxicab or permit the same 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 assemblance for a period not longer than ten minutes after such place of amusement or public assemblance shall have 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 such place as possible (but not nearer than 10 yards) and take his turn to the front of such place to pick up any passenger who may hail or desire to engage him ; but any Inspector or any police officer may order any such driver to alter his position and take up such other position as such Inspector or police 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 license, wait for his hirer wherever such hirer may direct; but any police constable or other officer or any Inspector may direct such driver to move forward or backward to prevent obstruction, and such driver shall obey such direction.

(2) The driver of a taxicab shall, whilst the taxicab is waiting on a stand or elsewhere in terms of this condition, remain constantly either on the driving-seat of the taxicab or in immediate attendance thereupon, unless absent for some reasonable cause, and in case of such absence he shall leave some competent person in charge of the taxicab, but such person shall in no case act as driver thereof unless he is himself licensed to drive it.

(3) This condition shall be read subject to any by-law or regulation which may be in force affecting the streets or the use thereof and affecting taxicabs.

#### 8. *Touting.*

(1) Neither the licensee nor the driver nor any other person shall, in connection with a taxicab in any street or public place or other locality, except in manner authorized by these conditions, endeavour to induce a person to hire or to ride in such taxicab.

(2) Neither the licensee nor driver of a taxicab nor any other person shall, in any street or public place,—

(a) In the course of any employment or occupation connected with the business of the hiring-out of such taxicab, by act, words, or conduct tout for, solicit, or hold himself out as available for the carriage of luggage of any person to such taxicab :

Provided that nothing in this condition shall affect the duty of a driver as defined in condition 4 hereof; or

(b) Summon or call up any taxicab by horn, musical instrument, gong, bell, gramophone, megaphone, loud-speaker, or other noisy means whatsoever; or

(c) By act, words, or conduct tout for or solicit fares or hirings for any taxicab :

Provided that nothing herein 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 such taxicab is available to be hired.

#### 9. *Driving-hours.*

The licensee shall not drive or cause or permit any person employed by him or subject to his orders to drive any taxicab—

(1) For any continuous period of more than five and one-half hours; or

(2) So that the driver has not at least ten consecutive hours for rest in any period of twenty-four hours; or

(3) So that the driver would be unable to have for rest a complete period of twenty-four hours in every period of seven days.

For the purposes of this condition—

(1) 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 :

(2) Any time spent by a driver on other work in connection with a taxicab, or in driving or other work in connection with any passenger-service or goods-service vehicle or the load carried thereby, shall be reckoned as time spent in driving a taxicab :

Provided that a licensee shall not be liable to be convicted for breach of this condition, nor shall such breach be a ground of revocation or suspension of his license, if he proves to the Court or to the Licensing Authority respectively 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.

*10. 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 Arbitration Court under the Industrial Conciliation and Arbitration Act, 1925, whether the licensee or his employees are parties to the said award or awards or not.

(2) During such time as there may not be in force any award so made, the licensee shall pay every person employed by him to drive a taxicab wages at the rate of not less than £4 10s. per week, plus an additional 2s. for every hour in excess of ten hours spent in driving a taxicab within any period of twenty-four hours during that week, but shall not be required to pay such person any additional amount by way of commission on earnings :

Provided that the licensee shall pay any driver employed by him for a period of less than one week at the rate of not less than 15s. per day, or for any period during a day of less than seven hours at the rate of not less than 2s. per hour.

(3) 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.

(4) When the licensee himself drives the taxicab the Licensing Authority may review the license in terms of section 8 of the Transport Licensing Amendment Act, 1936, if the Authority is satisfied that the licensee has failed to earn an amount corresponding to the wages hereinbefore set out.

*11. Accounts and Returns.*

The licensee shall keep such records and maintain such an accounting system as will enable him to make, on request of the Commissioner of Transport or the Licensing Authority, the statistical and financial returns described in form T.L. 17 of the Transport Licensing Passenger Regulations 1936, and shall provide such returns relating to the same as may from time to time be required by the said Commissioner.

*12. Taxi-meters.*

(1) With the exceptions hereinafter described, the licensee shall cause an efficient taxi-meter of a make and type approved by the Commissioner of Transport to be fitted to and used on every taxicab subject to the license under such conditions as may be prescribed by the Authority. In the case of any taxicab not fitted with a taxi-meter at the date of issue of the license, the taxi-meter shall be fitted not later than six months from such date.

(2) The taxi-meter required to be fitted and used in terms of this condition shall be so constructed, fitted, maintained, and lighted and used as readily to indicate to any passenger the correct hiring-mileage charges as they accrue at the rates fixed in the license. For the purpose of ensuring that these requirements are fulfilled, the taxi-meter may from time to time be inspected and then sealed or its use forbidden by any Inspector ; and it shall be an offence for any person, other than an Inspector, to break or tamper with a seal duly affixed in terms hereof, or for the licensee or driver to continue to use a taxi-meter while its use is duly forbidden.

(3) 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 license.

(4) 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 deems to be desirable, exemption from this requirement may be granted in writing to the licensee by the Licensing Authority under the hand of the secretary.

*13. General Duty of Compliance with Statutory and other Provisions.*

The licensee and the driver of a taxicab shall comply with the provisions and requirements of any statute or regulation regulating, controlling, or affecting the use of the taxicab, and shall comply with the provisions and requirements of any by-law regulating, controlling, or affecting the use of the taxicab unless the requirements of the by-law are in conflict with the provisions of the Transport Licensing Act, 1931, and its amendments or these regulations.

SECOND SCHEDULE.

FORMS.

T.L. 29.]

Transport Licensing Act, 1931.

APPLICATION FOR CONTINUOUS (SEASONAL, TEMPORARY)\* PASSENGER-SERVICE LICENSE FOR TAXICABS.

(An application must be supplied in duplicate.)

To the Commissioner of Transport,  
Wellington, C. 1.

I, the undersigned, hereby apply for a Continuous (Seasonal, Temporary)\* license under the above Act, to operate a taxicab-service, particulars of which are given below, and I declare that to the best of my knowledge and belief the statements made herein are true, correct, and complete in every particular.

Signature : .....  
Date : .....  
Full name of applicant (surname first) : .....  
Business address : .....

PARTICULARS REQUIRED.

ANSWER. (If there is no room on this form, attach a separate signed sheet with answer number thereon.)

- |  |  |
|--|--|
| <p>1. Is the applicant over 21 years of age ?</p> <p>2. Area within which it is proposed to pick up passengers</p> <p>3. Number of cab authorities† proposed to be used under the license (also fill in on the back hereof particulars of the vehicles proposed to be used)</p> <p>4. Details of fares proposed by applicant</p> <p>5. Proposed date of commencement of service. (N.B.—This applies only to applications for new licenses)</p> | <p>1. ....</p> <p>2. ....</p> <p>3. (a) For vehicles to be used as private taxicabs : ‡ .....<br/>(b) For vehicles to be used as public taxicabs : ‡ .....<br/>(c) For vehicles to be used as both private taxicabs and public taxicabs : .....</p> <p>4. (a) For private taxicabs : ‡ .....<br/>(b) For public taxicabs : ‡ .....<br/>(i) On taxi-meter system : .....<br/>(ii) On cab-mileage or other system : .....</p> <p>5. ....</p> |
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\* Cross out whichever two are inapplicable. For each cab authority the fee in the case of a continuous or seasonal license is £2, and for a temporary license 2s.

† Cab Authority: A cab authority must be carried on each vehicle while in use, but is available for any taxicab for which a certificate of fitness or permit is in force.

‡ "Private taxicab" means a taxicab other than a public taxicab. "Public taxicab" means a taxicab which is let on hire from a public place such as a road, street, or wharf, or from any stand thereon.

T.L. 30.]

Transport Licensing Act, 1931.

No. ....

CONTINUOUS (SEASONAL, TEMPORARY) TAXICAB-SERVICE LICENSE.

License Ref. No. .../.../..

1. Full name of licensee : .....  
2. Business address of licensee : .....

THE above named is hereby authorized, in terms of the Transport Licensing Act, 1931, and its amendments, to carry on a taxicab-service under a continuous (seasonal, temporary) license with the cab authorities numbered in Schedule A hereto, according to the fares and charges fixed in Schedule B hereto, and subject to the conditions and special conditions implied and set forth herein and in the vehicle authorities issued herewith.

- (1) Area within which permitted to pick up passengers : .....  
(2) The service hereby licensed shall commence not later than the ..... day of ....., 19..  
(3) Date of issue : ..../../  
(4) This license expires on the ..... day of ....., 19..

(N.B.—Renewal, if required, must be applied for not less than fourteen days before the date of expiry shown above.)

*Special Conditions.*

(Set out any special conditions that the Licensing Authority may think fit to impose.)

Dated at....., this ..... day of ....., 19..

..... Licensing Authority.

## SCHEDULE A.

*Particulars of Cab Authorities issued under this License.*

Cab Authority, Serial No. ..	Area within which permitted to pick up Passengers.	Remarks.

## SCHEDULE B.

## 1. Passenger fares for private taxicabs—

(a) By distance : .....

(b) By time : .....

## 2. Passenger fares for public taxicabs—

(a) By distance—

(i) On taxi-meter system : .....

(ii) On cab-milage or other system : .....

(b) By time : .....

## 3. Luggage charges : .....

T.L. 31.]

*Transport Licensing Act, 1931.*

## FORM OF CAB AUTHORITY.

License Ref. No. .././..

Cab Authority, Serial No. ....

(1) Area within which permitted to pick up passengers : .....

(2) Name of licensee : .....

(3) Business address of licensee : .....

(4) Date of expiry of license : .....

(5) For use as private (public) taxicab (*cross out* "private" or "public" if *inapplicable*).

(6) Exempted from special conditions Nos. (if any) .....

Dated at ....., this ..... day of ....., 19..

..... Licensing Authority.

## THIRD SCHEDULE.

## FEES.

(i) Accompanying every application for a continuous or seasonal license or renewal of such a license :—

For every cab authority applied for .. .. . 2 0 0

Provided that the sum of one pound (£1) shall be refunded to the applicant for every cab authority in respect of which the application is withdrawn or refused.

(ii) At the expiration of one year from the date of issue of a continuous or seasonal license :—

For every cab authority issued and in force under the license .. .. . 2 0 0



(iii) At the expiration of two years from the date of issue of a continuous or seasonal license :—			
For every cab authority issued and in force under the license	£	s.	d.
	2	0	0
(iv) Accompanying every application for a temporary license	..	No fee.	
For every cab authority issued under a temporary license	0	2	0
(v) Accompanying every application for an amendment to a license under section 34 of the said Act	..	0	10
	..	0	0
(vi) Accompanying every application for transfer of a license	..	3	0
(vii) Accompanying every application for an extract from the Register of Licenses	..	0	1
	..	0	0
<i>Fees for Duplicates of Documents.</i>			
(viii) Accompanying every application for the duplicate of any document	0	2	6
<i>Fees relating to Appeals.</i>			
(ix) Accompanying every appeal lodged with the Commissioner of Transport	..	3	0
	..	0	0
(x) For every copy of the Licensing Authority's entry in the minute-book in terms of section 3 of the Transport Licensing Amendment Act, 1936	..	0	1
	..	0	0

C. A. JEFFERY,  
Clerk of the Executive Council.

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Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 19th day of October, 1939.

These regulations are administered by the Transport Department.

(TT. 24/5.)