



**THE TRANSPORT SERVICES LICENSING REGULATIONS 1989,
AMENDMENT NO. 1**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 31st day of May 1993

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 66 of the Transport Services Licensing Act 1989, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Transport Services Licensing Regulations 1989, Amendment No. 1, and shall be read together with and deemed part of the Transport Services Licensing Regulations 1989* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

2. Area knowledge tests—The principal regulations are hereby amended by inserting, after regulation 2, the following regulation:

“2A. (1) The Secretary may prescribe one or more tests for the purpose of the issue of an area knowledge certificate under section 18A of the Act (in this regulation referred to as a prescribed area knowledge test).

“(2) Where the Secretary believes on reasonable grounds that a taxi driver does not have an adequate knowledge of the operating area or areas of the approved taxi organisation for which he or she is driving, the Secretary may require the driver to undergo a prescribed area knowledge test for that area.

“(3) Every requirement made under subclause (2) of this regulation shall state—

“(a) The grounds on which the requirement is based; and

“(b) The local authority area or areas to which the requirement relates; and

“(c) The date by which—

“(i) The prescribed area knowledge test must be satisfactorily completed; and

“(ii) The driver must produce to the Secretary evidence of the satisfactory completion of the test; and

“(d) That failure to satisfactorily complete the test may result in revocation of the driver’s area knowledge certificate under subclause (5) of this regulation.

“(4) A requirement may be issued under subclause (2) of this regulation in respect of any taxi driver, including a driver who has previously undertaken a prescribed area knowledge test on any occasion.

“(5) Where a taxi driver who holds an area knowledge certificate—

“(a) Fails to comply with a requirement made in respect of the driver under subclause (2) of this regulation; or

“(b) Fails to satisfactorily complete a prescribed area knowledge test by the specified date,—

the person or organisation who issued the certificate to the driver under section 18A of the Act (being the Secretary or a person or organisation approved by the Secretary under that section) may revoke the certificate.”

3. New regulations added—The principal regulations are hereby amended by adding the following regulations:

“**8. Rail services**—(1) The Driving Creek Railway of Coromandel is hereby declared to be a rail service.

“(2) The Whangaparaoa Narrow Gauge Railroad of Auckland is hereby declared to be a rail service.

“**9. Exempt services**—For the purposes of clause 5 of Part I of the First Schedule to the Act, the following services are exempt services:

“(a) Private ambulance services provided by organisations primarily for their employees, being ambulance services that are available to the general public in an emergency only when public ambulance services cannot provide a service:

“(b) The transporting of school children by parents in return for a Ministry of Education private transport allowance, including cases where such allowances are pooled and paid to the conveying parent:

“(c) The use of vehicles principally designed as places of abode that are also able to carry horses and other livestock and are used in a private or sporting capacity:

“(d) The delivery of newspapers, telephone directories, or other printed material in private motorcars, or in other vehicles for not more than a total of 7 days in any 12-month period:

- “(e) The use of trucks by licensed motor vehicle dealers to carry goods for demonstration and sale purposes:
- “(f) The use of vintage vehicles to carry goods for display purposes:
- “(g) The use of trailers towed by small passenger service vehicles to carry passengers’ luggage:
- “(h) The towing of disabled vehicles using a rope tow or a flat tow by—
 - “(i) Any person employed by the New Zealand Automobile Association Incorporated or any constituent member association thereof; or
 - “(ii) The owner of a garage or workshop at which repairs to such vehicles will be undertaken or any employee of the owner:
- “(i) The removal of vehicles by New Zealand Defence Force tow trucks at the request of an officer of the Ministry of Transport or a constable or a traffic officer who is a non-sworn member of the Police:
- “(j) Routine towing services by New Zealand Defence Force tow trucks in areas where there is no commercial tow operator nearby:
- “(k) The hiring of light trailers:
- “(l) Any rail service operated by a mining or forestry business and used in the course of mining or forestry operations that—
 - “(i) Carries employees or freight but does not carry members of the public; and
 - “(ii) Is subject to any regulations made under the Health and Safety in Employment Act 1992.”

BOB MACFARLANE,
Acting for 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, which come into force on the 28th day after the date of their notification in the *Gazette*, amend the Transport Services Licensing Regulations 1989.

New *regulation 2A* empowers the Secretary for Transport to prescribe tests for area knowledge certificates under section 18A of the Transport Services Licensing Act 1989. Any taxi driver may be required to undergo a prescribed area knowledge test regardless of whether the driver has previously been required to undergo such a test. Failure to comply or failure to satisfactorily complete the test may result in revocation of the driver’s area knowledge certificate.

New *regulation 8* declares the Driving Creek Railway of Coromandel and the Whangaparaoa Narrow Gauge Railroad to be rail services for the purposes of the Transport Services Licensing Act 1989.

New *regulation 9* specifies services that are exempt from the licensing requirements of the Transport Services Licensing Act 1989, including the following:

- (a) Private ambulance services;
- (b) Transporting of school children by parents;
- (c) The use of vehicles used principally as places of abode:

- (d) The removal of vehicles by New Zealand Defence Force trucks at the request of an officer of the Ministry of Transport or a constable or a traffic officer who is a non-sworn member of the Police.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 3 June 1993.
These regulations are administered in the Ministry of Transport.