



SUPPLEMENT
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Board of Trade Regulations.—Control of Motor-omnibuses.

CHARLES FERGUSSON, Governor-General.

By his Deputy,
CHARLES PERRIN SKERRETT.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 6th day of May,
1926.

Present :

THE RIGHT HONOURABLE J. G. COATES, P.C., PRESIDING IN COUNCIL.

IN pursuance and exercise of the powers conferred by section twenty-six of the Board of Trade Act, 1919, as amended by the Board of Trade Amendment Act, 1923, and of every other power and authority in anywise enabling him in this behalf, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby, on the recommendation of the Minister of Industries and Commerce, make the following regulations, and doth hereby order that the said regulations shall come into force on the date of publication hereof in the *Gazette*.

REGULATIONS.

1. INTERPRETATION.

- (1.) IN these regulations, where not inconsistent with the context,—
“Board” means the Transport Appeal Board constituted under these regulations :
“District” means a motor-omnibus district constituted under these regulations :
“Inspecting Engineer” means an engineer appointed by the Minister to inspect motor-omnibuses for the purposes of these regulations :
“License” means a motor-omnibus license issued under these regulations ; and “licensed” has a corresponding meaning :

“Licensing authority” means any local authority authorized to issue licenses under these regulations :

“Local authority” means the Council or Board of any city, borough, county, road district, or town district respectively :

“Minister” means the Minister of Public Works :

“Motor-omnibus” means any mechanically propelled vehicle having seating-capacity for not less than seven passengers and carrying or intended to carry passengers for hire at separate fares of not more than 2s. for each passenger per single journey ; but does not include a vehicle running on rails, or a vehicle which, though not running on rails, derives motive power from an overhead wire, if such vehicle is the property of and is managed by any local authority within the meaning of the Tramways Act, 1908 :

To “operate” means to use or drive on any road or street for the purpose of carrying passengers for hire, remuneration, or reward :

“Owner” of a motor-omnibus includes every person who is the owner, joint owner, or part owner of the motor-omnibus and any person who has the use of the motor-omnibus under a hiring or hire-purchase agreement :

“Public owner” means a local authority, and the promoters of a tramway, being the proprietor or proprietors of a motor-omnibus :

“Passenger” does not include the driver :

“Promoters of a tramway” includes—

(a.) The local authority of a district under the Tramways Act, 1908, empowered under that Act, or under any former Act, to construct a tramway, or who has under any such Act become the owner of a tramway in such district ; and

(b.) Any person having the delegated powers of a local authority for constructing a tramway under the Tramways Act, 1908 ; and

(c.) Any person empowered to construct a tramway in any district under any Act ; and

(d.) The lessees or assignees of the promoters of a tramway, but does not include a mortgagee or a trustee for debenture-holders, unless and until such mortgagee or trustee has taken possession of the tramway.

(2.) Where rights or liabilities are conferred or imposed upon promoters, the term “promoters” shall (unless manifestly repugnant to or inconsistent with the context) be limited to mean the particular promoters who, for the time being, have the control or management of the tramways or works incident to which the rights or liabilities are conferred or imposed, as the case may be.

(3.) These regulations may be cited as “The Motor-omnibus Regulations, 1926.”

2. MOTOR-OMNIBUS DISTRICTS.

(1.) For the purpose of controlling motor-omnibuses the motor-omnibus districts set forth in the First Schedule hereto are hereby constituted.

(2.) Each of the said districts shall be known by the respective number prefixed to the description of such district in the said First Schedule.

(3.) New districts may be constituted or any districts altered from time to time.

3. LICENSING AUTHORITIES.

(1.) Subject to the provisions of the next succeeding clause hereof, the Minister may from time to time, by warrant under his hand duly signed and dated, appoint any local authority to be a licensing authority in any district or portion thereof. Any such appointment may at any time be revoked in like manner by the Minister.

(2.) Each licensing authority shall from time to time consider and deal with any applications for motor-omnibus licenses and motor-omnibus driver's licenses received by it.

(3.) Upon any application for a motor-omnibus license, the licensing authority shall consider the provision already existing for the transport of passengers to places on or near a proposed route, and shall satisfy itself that the condition of the roads to be included in the route is such as to be capable of carrying motor-omnibus traffic thereon without unreasonable damage to the road, and that there are not sufficient other facilities for the conveyance of passengers to or from the district proposed to be served, and all other relevant facts and circumstances, and shall confer with or take the evidence of such

persons as it deems advisable, and shall determine in respect of each application—

- (a.) Whether or not a license shall be issued :
 - (b.) The places to or between which the motor-omnibus, if licensed, shall run :
 - (c.) The route or routes to be followed, the fares to be charged, the stopping-places to be observed, the time-tables to be kept, and the maximum number of passengers to be carried :
 - (d.) The other conditions, if any (including the right to run special trips on special occasions), subject to which the license shall be granted.
- (4.) The licensing authority may in its discretion dispense with provision in the license for any of the matters set out in paragraphs (b) and (c) of the last preceding clause hereof.

4. APPLICATIONS FOR LICENSES.

(1.) Any person desiring to obtain a license for a motor-omnibus shall make application to the licensing authority of the district, or portion of a district, within which it is intended that the motor-omnibus shall be operated.

(2.) The application shall be generally in the form A set forth in the Second Schedule hereto, and shall be made by the owner, or by some person authorized on behalf of the owner, and the person signing the form of application shall furnish fully and correctly the information required thereby.

(3.) Before applying for a license, the applicant shall obtain from the Inspecting Engineer and lodge with his application either a certificate that the vehicle is a safe and suitable vehicle properly constructed and equipped and in fit condition to be licensed as a motor-omnibus, or else full particulars and plans of the vehicle endorsed with the approval in writing of the Inspecting Engineer.

(4.) If upon the granting of the license such certificate as aforesaid from the Inspecting Engineer has not previously been obtained, then before commencing to carry passengers the applicant shall obtain from the Inspecting Engineer such certificate as aforesaid, and if such certificate be refused by the Inspecting Engineer, the license shall cease to be of any force or effect and the applicant shall return the license to the licensing authority.

(5.) For the purpose of enabling such certificate as aforesaid to be given, the vehicle shall be submitted to the Inspecting Engineer to be examined and tested at such times, place, and manner as he may require.

(6.) No person shall operate a motor-omnibus, and no owner shall permit a motor-omnibus to be operated, in respect of which a certificate as hereby provided shall not have been issued by the Inspecting Engineer.

(7.) This regulation shall apply to public owners.

5. MOTOR-OMNIBUS LICENSES.

(1.) From and after the 10th day of June, 1926, no person shall operate a motor-omnibus, and no owner shall permit a motor-omnibus to be operated, save in accordance with the terms of a license issued under these regulations.

(2.) No license shall be issued by a licensing authority for a motor-omnibus unless all heavy-traffic and other license fees payable in respect of such motor-omnibus have been duly paid.

(3.) Subject to the provisions of clauses (6) and (10) of this regulation, all licenses shall expire on the 31st day of March following the issue thereof.

(4.) A licensing authority may attach to the granting of a license any terms or conditions which it may consider necessary or expedient, and such terms and conditions shall be set out in the license.

(5.) Notwithstanding the provisions in any license as to the route to be followed, the owner or driver shall, subject to the approval of the licensing authority, which shall not be unreasonably withheld, have the right to deviate from the defined route if such route is under repair or otherwise impassable, by a route which will cause the least inconvenience in the opinion of the licensing authority to the regular passengers.

(6.) Pending the decision of the licensing authority upon any application for a license, or pending the decision of any appeal under these regulations, the licensing authority or the Board may, from time to time and subject to such conditions as it thinks fit to impose, issue to the applicant or appellant a temporary license to use a motor-omnibus for a period of not more than two months, or until such appeal has been decided, as the case may be.

(7.) A license shall be signed by the town clerk, county clerk, or other administrative officer of the licensing authority authorized by the licensing authority in that behalf, and shall be generally in the Form B set forth in the Second Schedule hereto.

(8.) A copy of every license issued by a licensing authority under these regulations shall be sent to the Minister within one week from the date of issue.

(9.) On application by or on behalf of any owner of a licensed motor-omnibus, and on proof to the satisfaction of the licensing authority by statement in writing, statutory declaration, or other evidence that any license or copy of a license has been lost or mutilated or become illegible, and on payment of a fee of 2s. 6d., the licensing authority shall at any time during the currency of the license issue to such person a copy thereof certified as being a true copy, and such copy shall be available for all purposes for which the original license could have been available under these regulations.

(10.) If the property in any licensed motor-omnibus shall pass, either by act of parties, or operation of law, or otherwise, except by way of security, from the person who was the owner when the license was granted, such license shall immediately cease and determine, unless the consent of the licensing authority be obtained to the transfer or transmission.

(11.) This regulation shall apply to public owners.

6. COMPENSATION.

(1.) In the event of any licensing authority refusing to issue a license under these regulations to the owner of any motor-omnibus who has established a motor-omnibus service in respect of any motor-omnibus which, at the date of coming into force of these regulations, was licensed for the purpose of plying for hire and actually plying for hire, any City or Borough Council which has established a motor-omnibus service for the carriage of passengers, or the promoters of any tramway, if the business of such Council or promoters is affected, shall justly compensate the owner of such motor-omnibus for loss and damage (if any) arising from such refusal.

(2.) Such compensation may be sued for as a debt in any Court of competent jurisdiction, and such Court shall have power to assess the amount of compensation and to give judgment in the action for the recovery of the amount so assessed.

(3.) An owner may appeal to the Board against such refusal, and if such refusal be upheld by the Board the owner shall thereupon be entitled to compensation as hereinbefore provided.

(4.) If an owner commences proceedings for the recovery of compensation in consequence of a refusal by a licensing authority and before the decision of any appeal, such owner shall not thereafter appeal to the Board against such refusal, and any appeal by such owner already instituted shall not be proceeded with.

(5.) Proceedings for the recovery of compensation hereunder shall be commenced within three months from the date of the refusal of the licensing authority, or from the date of the decision of the Board, as the case may be.

(6.) A motor-omnibus service referred to in this regulation shall mean a motor-omnibus service established on a fixed route between definite terminal points, and running to a published time-table.

7. MOTOR-OMNIBUS DRIVERS' LICENSES.

(1.) From and after the 10th day of June, 1926, no person shall operate a motor-omnibus unless he is the holder of a motor-omnibus driver's license issued by a licensing authority under these regulations.

(2.) The person driving any motor-omnibus shall produce his motor-omnibus driver's license for inspection whenever required so to do by any constable or by any person authorized in that behalf by a local authority, and if he refuses or fails so to do he commits an offence against these regulations.

(3.) Every motor-omnibus driver's license, if issued during the months of February and March, shall remain in force until the 31st day of March in the year following the year of issue, and shall then expire; and, if issued in any other month, shall remain in force until the next ensuing 31st day of March, and shall then expire.

(4.) A motor-omnibus driver's license while in force shall be operative in any district throughout New Zealand.

(5.) A motor-omnibus driver's license shall be signed by the Town Clerk, County Clerk, or other administrative officer of the licensing authority authorized by the licensing authority in that behalf, and shall be in the Form E set forth in the Third Schedule hereto.

(6.) Any person desiring to obtain a motor-omnibus driver's license shall make application to a licensing authority in the Form C set forth in the Third Schedule hereto, and shall furnish fully and correctly the information required thereby.

(7.) Every applicant for a motor-omnibus driver's license shall be not less than twenty-one years of age and not more than sixty years of age at the date of making application.

(8.) Every such application shall be accompanied by a medical certificate, signed by a registered medical practitioner appointed by the Minister or the licensing authority, and containing the particulars contained in the Form D set forth in the Third Schedule hereto.

(9.) The holder of a motor-omnibus driver's license shall, whenever required by the Minister or the licensing authority so to do, submit himself to a medical examination by some registered medical practitioner appointed by the Minister or the licensing authority.

(10.) Any licensing authority, if it appears at any time that any person holding a motor-omnibus driver's license and for the time being resident or engaged in driving a motor-omnibus in the district or portion of a district in which such licensing authority has jurisdiction is or has become, whether by reason of physical incapacity or incompetency or for any other reason, unfit to be the holder of a motor-omnibus driver's license, may, by notice in writing served personally upon such person or sent to him by registered-post letter at his last known place of abode or employment, call upon such person to appear before the licensing authority at the time and place stated in such notice, and to produce his license and to show cause why the same should not be revoked, and shall in such notice set forth the grounds of the proposed revocation.

(11.) The licensing authority shall at the time and place aforesaid, or at any other time and place to which consideration of the matter may be adjourned, take into consideration the matters set out in such notice and any evidence tendered in support thereof or tendered by the holder of the motor-omnibus driver's license in reply thereto, and may, if it thinks fit, resolve that such license be revoked, and thereupon the said license shall be revoked accordingly.

(12.) The revocation of any motor-omnibus driver's license shall not prevent the person holding the same from making a fresh application for a motor-omnibus driver's license pursuant to this regulation.

(13.) The issue of a motor-omnibus driver's license to any person under this regulation shall not affect the liability of that person to obtain and be the holder of a motor-driver's license pursuant to the Motor-vehicles Act, 1924, and the regulations for the time being in force thereunder, or any license to drive a vehicle or any particular class of vehicle plying for hire that may lawfully be required under the by-laws of any local authority for the time being in force.

(14.) Nothing in this regulation shall, until the expiration of three years from the coming into force of these regulations, apply to any person who on the date of coming into force of these regulations was the holder of a license issued by a local authority pursuant to the regulations as to motor-driver's licenses made on the 24th day of February, 1925, under the Motor-vehicles Act, 1924, authorizing the bearer to drive a motor-omnibus plying for hire.

(15.) On application by any person to whom a motor-omnibus driver's license has been issued, and on proof to the satisfaction of the licensing authority by statement in writing, statutory declaration, or other evidence that such license or any copy of such license has been lost or mutilated or become illegible, and on payment of a fee of 2s. 6d., the licensing authority shall at any time during the currency of the license issue to such person a copy thereof certified as being a true copy, and such copy shall be available for all purposes for which the original license could have been available under these regulations.

(16.) This regulation shall apply to motor-omnibus drivers in the employ of public owners and to motor-omnibuses the property of public owners.

8. CONDITION OF MOTOR-OMNIBUS.

(1.) The owner of any licensed motor-omnibus shall at all times during the currency of the license therefor keep the same in a safe and suitable condition for the carriage of passengers to the satisfaction of the Inspecting Engineer, and shall submit the same to the Inspecting Engineer for examination whenever requested by him, and shall not use the same during any period when the Inspecting Engineer certifies that it is not in a fit or proper condition for use. Every certificate by an Inspecting Engineer that a motor-omnibus is not in a fit or proper condition for use shall state clearly the reasons why in the opinion of the Engineer such certificate is necessary and the defects to be remedied, if he considers them capable of being remedied.

(2.) It shall be unlawful for any person to operate a motor-omnibus unless it complies with the regulations for the time being in force under the Motor-vehicles Act, 1924, and unless the interior of such motor-omnibus is properly lighted during the period from half an hour after sunset to half an hour before sunrise.

(3.) Suitable lockers, not more than two in number, containing two efficient jacks and other appliances necessary, in the opinion of the Minister, for cases of emergency shall be provided in each motor-omnibus, and the owner of such motor-omnibus shall provide for the efficient tuition of the driver and conductor (if any) in the use of such jacks and appliances.

(4.) No person shall operate a motor-omnibus, and no owner shall permit a motor-omnibus to be operated, unless the words "Licensed under the Motor-omnibus Regulations to carry passengers" (stating the maximum number of passengers to be carried according to the terms of the license) be legibly painted or affixed in some permanent manner in a conspicuous part of the interior of the vehicle.

(5.) This regulation shall apply to public owners.

9. INSURANCE.

(1.) In order to ensure the safety of the public, the owner of every licensed motor-omnibus shall procure and deposit with the licensing authority a policy or policies of insurance insuring the liability of the owner at law for compensation or damages (including the legal costs of any claimant recoverable against the owner) in respect of the death of or bodily injury to any person, and damage to the property of any person, arising out of the operation of such motor-omnibus.

(2.) Every such policy shall be effected with some insurance office carrying on business in New Zealand and approved in writing by the Minister, and shall be in a form approved in writing by the Minister.

(3.) The liability of the insurer under any such policy may be limited to £2,000 in respect of any claim or claims arising out of the death of or injury to a single person and damage to the property of that person.

(4.) The total liability of the insurer under any such policy may be limited in respect of all claims arising out of the same accident or other act or happening giving rise to such claims---

(a.) In the case of a motor-omnibus licensed to carry a maximum number of seven passengers, to the sum of £3,500;

(b.) In the case of a motor-omnibus licensed to carry a maximum number of passengers exceeding seven, to a sum of £3,500 increased by the sum of £500 for every passenger over seven included in such maximum number.

(5.) The liability of the insurer under any such policy may be limited in respect of goods carried in the motor-omnibus to claims under which the owner is liable otherwise than solely as a common carrier of goods.

(6.) Every such policy shall provide that, notwithstanding the terms and effect thereof as between insurer and insured, any claimant shall be entitled in his own name to recover directly from the insurer any amount for which he shall have obtained judgment against the owner in respect of the liability insured against, or any amount for which the owner with the written consent of the insurer shall have admitted liability: subject always to any limitation of liability existing as provided by clauses (3), (4), and (5) of this regulation.

(7.) If, by reason of any such limitation of total liability as provided by clause (4) of this regulation, the total amount for which the insurer is liable shall be insufficient to satisfy all claims arising out of the same accident or other act or happening giving rise to such claims, then such total amount shall be divided rateably among claimants who have obtained judgment against such owner within such time as a Court of competent jurisdiction may deem reasonable, in proportion to the amounts for which they have so obtained judgment.

(8.) No such policy shall be capable of being charged or affected with any rights in priority to the rights of claimants arising as aforesaid.

(9.) Every such policy shall provide that the same shall not be cancelled or determined by the insurer until after at least seven days' notice in that behalf shall have been sent by registered post by the insurer to the licensing authority, and no attempted cancellation or determination in breach of this provision shall have any force or effect.

(10.) In the event of any accident or other act or happening which may give rise to any claim under a policy, the owner shall

forthwith procure and deposit with the licensing authority a further sufficient policy or policies, to the intent that the liability of the owner may at all times continue to be fully insured to the extent aforesaid.

(11.) No person shall operate a motor-omnibus, and no owner shall permit any person to operate a motor-omnibus, in respect of which there is not in force a policy or policies complying with the requirements of this regulation.

(12.) Any dispute or difference arising between an owner and the licensing authority as to the liability of an owner under this regulation shall be referred to and determined by the Board.

(13.) In this regulation "owner" includes the executors and administrators or successors of an owner, and the assigns of an owner, but does not include any owner who is or has been declared to be a local authority within the meaning of the Tramways Act, 1908; but includes every other public owner.

10. MOTOR-OMNIBUS FARES AND TRAM FARES.

(1.) The motor-omnibus fare in respect of any passenger carried between any places served by a tramway or trackless trolley shall be at least twopence more than the corresponding tramway or trolley fare.

(2.) Where the corresponding tramway or trolley fare is fixed by reference to a concession, commutation, or other ticket (whether issued generally or for special classes of passengers, or for travelling at special or limited times, or under any other limitation as to use), or in any other way fixed otherwise than by reference to a single trip, then the motor-omnibus fare may be fixed in a similar manner, but so that the motor-omnibus fare so fixed shall always be at least twopence more per trip than the corresponding tramway or trolley fare.

(3.) The omnibus fare in respect of a passenger carried to or from a place not served by a tramway or trackless trolley shall be not less than the tramway or trolley fare corresponding as aforesaid for any portion of the journey on which such passenger might have been carried by such tramway or trolley, and the owner or driver of any motor-omnibus shall charge and collect such fares accordingly.

(4.) No person shall convey a passenger for hire in a motor-omnibus upon a consideration fixed otherwise than by reference to the trip or defined number of trips upon which a passenger may be carried.

(5.) In the event of any dispute or difference arising between the owner of a motor-omnibus and the proprietor of any tramway or trackless trolley as to the liability of such owner to comply with this regulation, such dispute or difference shall be referred to and determined by the Transport Appeal Board of the district within which the same arises.

11. ACCIDENTS.

(1.) The owner of every motor-omnibus shall, within forty-eight hours after the occurrence in connection with such motor-omnibus of any accident attended with serious personal injury to any person or with serious damage to property, give notice thereof by a telegram to the Minister.

(2.) Such telegram may be sent by the officers of the Government lines of telegraph free of charge.

(3.) This regulation shall apply to public owners.

12. CANCELLATION OR SUSPENSION OF LICENSE.

(1.) The Minister or a licensing authority may, if in the opinion of either of them the owner of a motor-omnibus has been guilty of conduct disentitling such owner to continue to hold a license, cancel or suspend the same, either in relation to one or more vehicles, for such period and subject to such conditions as he or it thinks fit.

(2.) It shall not be obligatory upon the Minister or a licensing authority to give to such owner any notice of his or its intention to exercise the powers conferred by this regulation, but such owner shall be entitled to an appeal under the provisions of the next succeeding regulation.

(3.) This regulation shall apply to public owners.

13. RIGHT OF APPEAL.

(1.) Any owner of a motor-omnibus, any City Council or Borough Council which has established a motor-omnibus service for the conveyance of passengers, and also promoters of a tramway within a district, may appeal to the Transport Appeal Board of the

district from any decision of a licensing authority or the Minister, as the case may be, in issuing or refusing to issue a license, or in attaching or refusing to attach any condition thereto, or in cancelling or suspending any license, or in withholding consent to any transfer or transmission of a motor-omnibus.

(2.) The foregoing clause is without prejudice to the rights of appeal otherwise conferred by these regulations.

14. TRANSPORT APPEAL BOARD.

(1.) There shall be for each district a Transport Appeal Board constituted as follows:—

- (a.) One member to be appointed by the Governor-General as Chairman of the Board;
- (b.) One member to be appointed by the Governor-General as representing the Government;
- (c.) One member representing and appointed by any local authority which has established a motor-omnibus service for the conveyance of passengers or the promoters of the tramway in the district, being a local authority within the meaning of the Tramways Act, 1908: Provided that where there are promoters of a tramway other than such local authority in any district a representative appointed by such promoters shall take the place of the representative mentioned in this paragraph when the Board is dealing with applications which affect only such promoters' tramways: Provided, further, that, if in any district there shall be more than one local authority or promoters of more than one tramway entitled to appoint a member under this paragraph, the Minister shall decide which local authority or which promoters, as the case may require, shall exercise the power of appointment hereby conferred, and upon the making of such decision any appointment theretofore made shall lapse;
- (d.) One member representing the local authorities within the district not otherwise represented; and
- (e.) One member representing the owners of motor-omnibuses within the district, exclusive of public owners.

The last-mentioned two members shall be appointed by the Governor-General from time to time after consulting such persons as he shall think fit, and for such period as he may decide, and may in like manner and at any time be removed:

Provided that where the licensing authority has not established a tramway or omnibus service the representative of the local authorities shall be nominated by the licensing authority or authorities. Failure of the licensing authority or authorities to nominate the representative shall not invalidate the appointment.

(2.) The Clerk of a Magistrate's Court in the district, to be appointed by name or designation by the Governor-General, shall be the Clerk to the Board.

(3.) The members of the Board referred to in paragraphs (a) and (b) of clause (1) of this regulation shall hold office for a period of three years from the date of their appointment, and shall be eligible for reappointment. The member of the Board referred to in paragraph (c) of clause (1) of this regulation shall hold office for so long as the local authority or promoters appointing him shall think fit and may at any time be removed.

(4.) If any member—

- (a.) Dies, resigns, is an undischarged bankrupt, or is convicted of any offence punishable by imprisonment (unless he has received a free pardon or has served his sentence or otherwise suffered the penalty imposed upon him), or is of unsound mind, or is an alien; or
- (b.) Is proved to be guilty of inciting any one to commit any breach of an industrial agreement or award or of the provisions of the Industrial Conciliation and Arbitration Act, 1925; or
- (c.) Is absent without the leave of the Board from three consecutive meetings of the Board,—

his office shall in such case become vacant, and the vacancy thereby caused shall be deemed to be a casual vacancy.

(5.) Every casual vacancy shall be filled by the same appointing authority, and as far as practicable in the same manner and subject to the same provisions as in the case of the vacating member.

(6.) The presence of the Chairman and of at least two of the other members of the Board shall be necessary to constitute a quorum at every meeting of the Board.

(7.) In all matters coming before the Board the Chairman shall have a deliberative vote, and the decision of the Board shall be determined by a majority of the votes of the members present, except in the case of an equality of votes, in which case the Chairman shall have a casting-vote.

(8.) The Board may, subject to clause (6) hereof, act notwithstanding any vacancy in its body, and in no case shall any act of the Board be invalidated or questioned on the grounds of any informality in the appointment of a member, or on the ground that the seat of any member is vacant, or that any supposed member is incapable of being a member.

(9.) In the case of the illness or unavoidable absence of the Chairman of the Board, the Governor-General shall appoint some other member of the Board or some other person to act as Chairman during such illness or absence; and in the case of the illness or unavoidable absence of any of the other members of the Board, or in the event of the promoters of a tramway, or a City or Borough Council which has established a motor-omnibus service for the conveyance of passengers within the district neglecting or failing to appoint a member of the Board, the Governor-General may in any such case temporarily appoint some suitable person to act as member of the Board during the illness or absence of such member as aforesaid or until such time as such promoters or Council appoint such member; and the person so appointed shall while acting upon the Board have all the powers of a member duly appointed.

(10.) In the event of any dispute or question arising in the course of administration of these regulations as to the meaning of these regulations, or of any portion thereof, the same shall be referred to and determined by the Board, and its decision shall be final and conclusive.

(11.) The Board shall, in respect of appeals hereunder, have all the powers of a Commission appointed under the Commissions of Inquiry Act, 1908, and may in its discretion accept or reject any evidence (whether legally admissible or otherwise), and may also permit any party or appellant to be represented by counsel, solicitor, or agent.

15. CONDUCT OF APPEALS.

(1.) It shall be the duty of the Clerk,—

(a.) To receive, register, and deal with all appeals within the district of which he is Clerk:

(b.) To convene the Board for the purpose of dealing with such appeals:

(c.) To keep a register in which shall be entered the particulars of such appeals and the determination of the Board thereon. Such register shall at all reasonable times be open to inspection by any person:

(d.) To obtain the signature of the Chairman to all entries in such register in proof of their correctness:

(e.) To give notice of any appeal to any party concerned therein and to forward a copy of any determination of the Board thereon to the appellant, to the licensing authority, to the owner of the motor-omnibus, to the promoters of the tramway, to the local authority which has established a motor-omnibus service within the district, and to the Minister respectively, as the case may require; and, in addition, to forward to the Minister particulars of the matter appealed against:

(f.) To issue all summonses to witnesses, and to issue all notices and perform all other acts in connection with the sittings of the Board as the Chairman directs.

(2.) Appeals shall be heard at such convenient times and places as the Chairman may from time to time determine.

(3.) With respect to every appeal the following provisions shall apply:—

(a.) Every appeal shall be commenced by notice of appeal addressed to the Chairman of the Transport Appeal Board of the district within which the matter concerning such appeal has arisen. Such notice shall be sent to the Clerk within seven days from the making of the decision appealed against.

(b.) Such notice may be in the form of an ordinary letter, and shall set forth clearly the grounds of appeal, the date or dates when the subject-matter of such appeal arose, and the name

of the licensing authority against whose decision such appeal is made; but such appeal must in every case be a matter affecting the appellant himself. Copies of the correspondence or other documents (if any), or statements verified by statutory declaration of facts relating to the dispute, shall be attached to the notice of appeal.

- (c.) A copy of the notice of appeal, together with a copy of the correspondence or other documents as mentioned in the preceding paragraph, shall be served on the licensing authority by the appellant.
- (d.) The Board may decline to hear any appeal which does not comply with the foregoing conditions, or which it considers to be frivolous.
- (4.) On the hearing of any appeal the Board may, if it thinks fit, adjourn the consideration thereof if of opinion that it is desirable so to do.
- (5.) The Chairman may in his discretion, at the instance of any party, order that such books, papers, or other documents as are in the possession of any other party to the appeal shall be produced by such party for the information of the Board.
- (6.) Subject to the provisions of these regulations, the Board may regulate its own procedure.

16. USE OF MOTOR-OMNIBUSES BY THE PROMOTERS OF A TRAMWAY OF A BOROUGH OR CITY COUNCIL.

Save as otherwise expressly provided in these regulations, nothing herein shall apply to the motor-omnibuses of the promoters of a tramway used for the purpose of aiding or relieving the traffic of such tramways or for the purpose of transporting passengers and goods along or in the immediate neighbourhood of the route of such tramway during its construction or repair, or to the motor-omnibuses of a City or Borough Council which has established or may establish a motor-omnibus service for the conveyance of passengers.

FIRST SCHEDULE.

MOTOR-OMNIBUS DISTRICTS.

No. 1. All that portion of the North Island situated between the northern boundary of the Waitemata County and the southern boundary of the Franklin County, except the Borough of Takapuna.

No. 2. The Borough of Takapuna as at present constituted.

No. 3. All that area comprising the Borough of Gisborne, the Cook County, and the town districts being part of or adjoining the said county.

No. 4. The Borough of Hamilton as at present constituted.

No. 5. All that area comprising the Boroughs of New Plymouth, Waitara, and Inglewood, the Taranaki County, and the town districts being part of or adjoining the said county.

No. 6. All that area comprising the City of Wanganui, the Counties of Waitotara and Wanganui, and the town districts being part of or adjoining the said counties.

No. 7. All that area comprising the Borough of Palmerston North, the County of Kairanga, and the Borough of Feilding.

No. 8. The Boroughs of Napier and Hastings, the Hawke's Bay County, and the town districts being part of or adjoining the said county.

No. 9. All that area comprising the City of Wellington, the Boroughs of Eastbourne, Petone, and Lower Hutt, the Counties of Makara and Hutt, and the town districts being part of or adjoining the said counties.

No. 10. All that portion of the South Island bounded towards the south by the southern boundary of the Selwyn County, towards the west by the eastern boundary of the Westland County, towards the north by the southern boundary of the Waipara County, and towards the east by the sea-coast.

No. 11. The Boroughs of Timaru and Temuka, the Levels County, and the Pleasant Point Town District.

No. 12. All that area comprising the City of Dunedin, the Boroughs of St. Kilda, West Harbour, Green Island, Mosgiel, and Waikouaiti, the Counties of Taieri and Waikouaiti, and the town districts being part of or adjoining the said counties.

No. 13. All that area comprising the Boroughs of Invercargill, South Invercargill, Bluff, Winton, Mataura, and Gore, the Southland County, and the town districts being part of or adjoining the said county.

INFORMATION TO ACCOMPANY DRIVER'S APPLICATION FOR A LICENSE.

THE following questions must be answered by applicant:—

1. What is your name in full ?
2. (a.) What is your age next birthday ?
(b.) What is the date of your birth ?
3. Have you ever spat blood or had rheumatic fever, rheumatism, habitual cough, asthma, disease of the heart, or any serious disease or accident involving absence from work for more than a week at a time ; or have you been invalidated from, or declined after examination for, any public service or life insurance company ?
4. (a.) Has any motor-omnibus driver's license ever been issued to you ?
(b.) If so, by what licensing authority or authorities ?
5. (a.) Have you ever been refused a motor-omnibus driver's license ?
(b.) If so, by what licensing authority or authorities, and on what date or dates ?

[NOTE.—The applicant will be held responsible for the accuracy of the above statement. By wilfully suppressing any information he will be guilty of an offence.]

[Applicant's signature.]

Date : _____

[Form D.]

The Motor-omnibus Regulations, 1926.

MEDICAL CERTIFICATE.

1. Height : ft. in. Weight : st. lb. Chest-measurement : in. (minimum, 34 in.).
2. Has the applicant rupture, piles, or other swelling ?
3. Has the applicant varicose veins ?
4. Eyesight : Right eye, _____ ; left eye, _____
5. Colour-vision :
6. Hearing :
7. Is the respiration natural, and are the respiratory sounds and the resonance of the chest normal ?
8. Are the pulsations of the heart natural in rhythm and force, and are its sounds those of health ?
9. Urine : Reaction, _____ ; albumen, _____ ; specific, _____ ; sugar, _____
10. Is the applicant free from all physical defect and disease ?
11. Are there any circumstances connected with the health of the applicant which in your opinion tend to disqualify him from performing his duties efficiently ?
12. Do you consider him well suited for employment as a motor-omnibus driver ?
13. Has the applicant to your knowledge ever fainted or been subject to fits of any kind ?

Date : _____

....., Medical Examiner.

[Form E.]

The Motor-omnibus Regulations, 1926.

MOTOR-OMNIBUS DRIVER'S LICENSE.

[Full name and address], is hereby licensed by [State name of the licensing authority] as a motor-omnibus driver from the date hereof.

This license shall remain in force until the 31st day of March, 19____, and no longer.

The number of this license is :

The license is issued subject to the provisions of the Motor-omnibus Regulations, 1926.

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

[Signature of Town or County Clerk, &c., as case may be.]
[Name of Licensing Authority]

(P.W. 26/5/2.)

F. D. THOMSON,
Clerk of the Executive Council.

By Authority : W. A. G. SKINNER, Government Printer, Wellington.

Price, 6d.