

*Regulations relating to Passenger-services under the Transport Licensing Act, 1931.*

BLEDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, 10th this day of April, 1933.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

IN pursuance and exercise of the powers conferred on him by the Transport Licensing Act, 1931, 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 revoke the regulations and amendments thereto as to passenger-services dated the fifteenth day of December, one thousand nine hundred and thirty-one, the twenty-seventh day of April, one thousand nine hundred and thirty-two, the eighth day of August, one thousand nine hundred and thirty-two, and the twenty-sixth day of September, one thousand nine hundred and thirty-two, and published in the *Gazette* on the seventeenth day of December, one thousand nine hundred and thirty-one, twenty-eighth day of April, one thousand nine hundred and thirty-two, eleventh day of August, one thousand nine hundred and thirty-two, and the twenty-ninth day of September, one thousand nine hundred and thirty-two, respectively, and doth hereby make the following regulations in lieu thereof; and doth hereby declare that such revocation shall take effect, and the regulations hereby made shall come into force, on the date of the publication of this Order in Council in the *Gazette*.

REGULATIONS.

REGULATION 1.—PRELIMINARY.

(1) These regulations may be cited as the Transport Licensing (Passenger-services) Regulations, 1933.

(2) In these regulations, unless the context otherwise requires,—

“The said Act” means the Transport Licensing Act, 1931;

“Authorized person” means any member of the Police Force or the Commissioner, or any person appointed by the Commissioner or a Metropolitan Authority in terms of section 54 of the said Act;

“License” means a license to carry on a passenger-service;

“Licensing Authority,” in relation to a transport district, means a Licensing Authority appointed therefor pursuant to the said Act, and includes a Metropolitan Authority;

“New certificate of fitness” means a certificate of fitness intended to take effect on the expiration of a certificate of fitness previously granted in respect of the same vehicle;

“Passenger,” in relation to a passenger-service vehicle, does not include the driver thereof;

“Variation,” in respect of a passenger-service license, includes any amendment or revocation of any of the terms or conditions of such license or any addition of new terms and conditions thereto pursuant to section 34 of the said Act.

REGULATION 2.—APPLICATION FOR A NEW LICENSE (OTHER THAN A TEMPORARY LICENSE) TO CARRY ON A PASSENGER-SERVICE.

(1) Every application for a passenger-service license, other than for a renewal of such a license, and other than for a temporary license, shall be made in duplicate in the Form A set out in the Schedule hereto, or to the effect thereof, and in each case shall be accompanied by the respective fee hereinafter prescribed.

(2) Applications for a new passenger-service license or for a variation of a passenger-service license shall be made at least two months before the quarter-day immediately preceding the date on which it is desired that the new service is the variation shall take effect:

Provided that this clause shall not be deemed to prohibit a Licensing Authority from dispensing with the foregoing requirement and dealing with any application for a passenger-service license, or variation thereof, at any time which it deems fit or convenient, subject always to compliance with section 25 of the said Act.

REGULATION 3.—APPLICATIONS FOR CERTIFICATES OF FITNESS.

(1) Every application for a certificate of fitness in respect of a passenger-service vehicle, other than a new certificate of fitness, shall be made in triplicate in the Form B set out in the Schedule hereto, or to the effect thereof, not less than fourteen nor more than twenty-eight days before the date on which issue of the certificate is desired.

(2) (a) If the vehicle is to be used in terms of a passenger-service license, the application, including an application for a new certificate of fitness, shall be made to the Commissioner of Transport.

(b) If the vehicle is not to be used in terms of a passenger-service license the application shall be made to the District Engineer of the Public Works Department for the district within which the garage of the vehicle is situated.

REGULATION 4.—OTHER LICENSES.

The application for a certificate of fitness may be made before the vehicle is licensed under the Motor-vehicles Act, 1924, or under the Heavy Motor-vehicle Regulations, 1932, but no such certificate shall be issued until all licenses prescribed for that vehicle and then due in respect thereof have been issued.

REGULATION 5.—LICENSING PROCEDURE.

(1) The Chairman, or in his absence the Acting-Chairman, shall preside at each meeting of any Licensing Authority.

(2) Any suitable officer of the Public Service may from time to time be appointed to be the Secretary of any Licensing Authority other than a Metropolitan Licensing Authority. A Metropolitan Licensing Authority may from time to time appoint any suitable person to be its Secretary for the purpose of these regulations.

(3) Any person who wishes to make any representation or statement at any meeting of a Licensing Authority shall, not later than one clear day before the date of the meeting, notify the Secretary of his desire so to do and of the description of the person or body on whose behalf the statement or representation is to be made.

(4) The Licensing Authority may in its proceedings act upon such information as it thinks fit, whether such information would be evidence legally admissible in judicial proceedings or not.

(5) With the permission of the Licensing Authority (but not otherwise) any person may be represented at the proceedings by counsel, solicitor, or other agent.

(6) The Licensing Authority may require any person to transcribe or summarize any oral statement in writing either during or after the proceedings.

(7) In any case when the consent of a Metropolitan Authority is required to the granting of a license in terms of subsection (4) of section 26 of the said Act, the Secretary of the Licensing Authority whose function it is to grant such license (hereinafter in this clause referred to as the “appropriate Licensing Authority”) shall, on receipt of the application for the license or variation thereof requiring such consent, send a copy of the application to the Metropolitan Authority. As soon as the determination by the latter is given concerning the portion of the application which requires its consent its Secretary shall forthwith send a copy of the determination certified as correct to the Secretary of the appropriate Licensing Authority, whereupon the latter may issue the license or variation of license in terms of such consent.

REGULATION 6.—PASSENGER-SERVICE LICENSES.

(1) A passenger-service license shall be in the Form C set out in the Schedule hereto, or to the effect thereof.

(2) It shall be a duty of each Secretary to forward without delay to the Commissioner a record of every determination of the Licensing Authority in reference to a license and a copy certified as correct of each license granted and of each variation, suspension, or revocation thereof.

(3) The copies forwarded to the Commissioner in terms of the last preceding clause shall be recorded, and that record shall be the register of passenger-service licenses which is required to be kept by the Commissioner in terms of section 32 of the said Act.

(4) A deviation from the prescribed route shall not be deemed a breach of the terms of the license if and so long as such deviation is for the reason that the prescribed route is under repair or is otherwise temporarily unsuitable for use; and, when the deviation continues for more than seven days, if the prior approval in writing of the Chairman of the Licensing Authority has been given to the use of the substituted route.

(5) No approval of the Chairman given as provided in the last preceding clause hereof shall have any effect after the date of the next meeting of the Licensing Authority; but, if the need for deviation still exists, it shall at such meeting be authorized by a variation of the license pursuant to section 34 of the said Act.

(6) At all times complete and correct lists of the time-tables and fares for the time being in force for the service in which any passenger-service vehicle is used shall, while the vehicle is so used, either be framed and displayed in conspicuous places on the vehicle or be made immediately available for any passenger on request to the driver.