

*Provisions as to the Regulation of Goods-services in Controlled Areas under Part III of the Transport Licensing Act, 1931.*

BLDISLOE, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 20th day of December, 1933.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to section forty-seven of the Transport Licensing Act, 1931 (hereinafter called "the said Act"), His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council,—

- (1) Doth hereby revoke the Transport (Goods) Order, 1933, and the amendment thereof made by Order in Council on the twenty-ninth day of June, one thousand nine hundred and thirty-one, published in the *Gazette* respectively on the twenty-third day of March, one thousand nine hundred and thirty-three, at page 478, and on the sixth day of July, one thousand nine hundred and thirty-three, at page 1858;
- (2) Doth hereby apply to the controlled areas declared by the Transport (Controlled Areas) Order, 1933, as amended by the Transport (Controlled Areas) Order Amendment Number one, those provisions of the said Act and the Transport Law Amendment Act, 1933, that are specified in the Second Schedule hereto modified as set out in the said Second Schedule;
- (3) Doth hereby apply the provisions aforesaid with respect only to goods-services of the types or classes described in the First Schedule hereto;
- (4) Doth hereby declare that such revocation and application shall take effect on the day of publication of this Order in the *Gazette*;
- (5) Doth hereby declare that this Order may be cited as "The Transport (Goods) Order, 1933-34," and that the provisions aforesaid may be cited and referred to collectively as "the provisions of the Transport (Goods) Order, 1933-34," and respectively as "section [or section (from 1933 Act)] of the provisions of the Transport (Goods) Order, 1933-34."

FIRST SCHEDULE.

(a) The goods-services with respect to which the provisions specified in the Second Schedule hereinafter set out are applied are the following:—

Every goods-service conducted between any two points or areas or between any point and any area or within any area for the conduct of which there is an available route that includes at least five miles of a rural main highway (as hereinafter defined) and that is not more than two miles longer than some other available route not including at least five miles of a rural main highway:

Save and except—

1. A goods-service conducted only by means of a vehicle used under the terms of a passenger-service license granted under the said Act:

2. A goods-service in which the only goods carried are goods of one of the kinds following, namely:—

- (i) Milk and cream while being carried from farms to dairy factories.
- (ii) Goods carried in a vehicle used solely in connection with funerals.
- (iii) Newspapers if carried on vehicles used principally for the carriage of milk or cream from farms to dairy factories.
- (iv) Goods towed or carried on vehicles used solely in connection with repair or wreckage on vehicles which have met with mishap.

3. A goods-service conducted only within a radius of ten miles from the chief post-office at Hamilton.

(b) For the purposes of this Schedule "Rural main highway" means a main highway or any part of a main highway within the meaning of the Main Highways Act, 1922, lying outside the boundaries of a borough or town district and outside the areas following, namely:—

No. 1.—Auckland Area.

All that portion of the North Island, bounded to the north by the Waitakere—West Coast Road from the sea to the junction of the said road with the No. 13 Main Highway at Waitakere, thence by the No. 13 Main Highway to its junction with the No. 14 Main Highway at Kumeu, thence by the No. 14 Main Highway to its junction with the No. 1 Main Highway at Pukeatua, thence by the No. 1 Main Highway to

the Orewa River, and thence by the Orewa River to the sea; and to the south by the southern boundary of the Manukau County and the southern boundary of the Papakura Town District: including all boroughs and town districts therein or contiguous thereto.

No. 2.—Wellington Area.

The area of the Wellington City, Johnsonville Town District, the County of Makara, and all that portion of the Hutt County bounded to the north by the No. 1 Main Highway from the county boundary at Paremata to its junction with the Pahautani—Upper Hutt Road, thence by the Pahautani—Upper Hutt Road, via Judgeford and Moonshine, to the boundary of the Upper Hutt Borough; thence by the northern boundary of the Upper Hutt Borough to its intersection with the Wellington—Napier Railway line; and thence by the Wellington—Napier Railway line to the eastern boundary of the Hutt County: including all boroughs and town districts therein or contiguous thereto.

No. 3.—Christchurch Area.

The area of the City of Christchurch and the boroughs of Lyttelton, Sumner, New Brighton, and Riccarton, together with the counties of Waimairi, Heathcote, Mount Herbert, Halswell, and the Paparua County, excluding the West Melton Riding: including all boroughs and town districts therein or contiguous thereto.

No. 4.—Dunedin Area.

All that area bounded on the east and south by the sea from Blueskin Bay to Brighton; thence by the Outram—Brighton Road, via Allanton, to the Taieri River; thence by the Taieri River and Christmas Creek to the western boundary of the Waikouaiti County; thence by the county boundary, and the northern boundary of the Blueskin Riding of the aforesaid county, to the sea at Blueskin Bay: including all boroughs and town districts therein or contiguous thereto.

SECOND SCHEDULE.

PROVISIONS OF PART II OF THE TRANSPORT LICENSING ACT, 1931, AND OF THE TRANSPORT LAW AMENDMENT ACT, 1933, APPLIED, WITH MODIFICATIONS, IN ACCORDANCE WITH SECTION 47 OF THE SAID ACT TO GOODS-SERVICES CARRIED ON WITHIN CONTROLLED AREAS.

(a) *Numbers of sections of the said Act so applied (subject to modification):* Sections 20, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 42, and 43.

(b) *Numbers of sections of the Transport Law Amendment Act, 1933, so applied (subject to modification):* Sections 15, 19, 20, 28, 29, and 30.

(c) *Provisions of sections enumerated above of the said Act (as amended), as modified in their application to goods-services:—*

Section 20.

(1) It shall not be lawful for any person to carry on any goods-service with respect to which these provisions are applied, otherwise than pursuant to the authority and in conformity with the terms of a goods-service license granted under these provisions.

(2) Every person who, contrary to the provisions of this section, carries on any goods-service commits an offence, and is liable to a fine of one hundred pounds, and to a further fine of ten pounds for every day on which such offence is committed.

(3) If any company carries on any goods-service contrary to these provisions every director or other person acting in the management of the business shall, in addition to any penalty to which the company may be liable, be liable to a fine of ten pounds for every day on which such service is so carried on.

Section 24.

(1) Every application for a goods-service license shall be in the prescribed form, and, save as provided in subsection four hereof, shall, unless the Minister otherwise directs, be addressed and forwarded to the Commissioner accompanied by the prescribed fee.

(2) The Commissioner shall, on being satisfied that the application is duly made, transmit the same to the proper Licensing Authority, but may in any case before so doing require the applicant to furnish such further information or particulars as may, in the opinion of the Commissioner, be necessary, to enable the Licensing Authority to come to a proper decision.

(3) The Commissioner shall in every case place before the Licensing Authority all such information at his disposal (whether obtained from the applicant or not) as will assist the Licensing Authority in dealing with the application.