

(4) Notwithstanding anything contained in the foregoing provisions of this section, an application for a temporary license may be made direct to the appropriate Licensing Authority.

Section 25.

(1) On receiving an application for a goods-service license, other than an application for a temporary license, the Licensing Authority shall, in the prescribed form, give not less than three clear days' public notice of the receipt of such application, fixing in such notice a time and place at which it will hold a public sitting for the purpose of receiving evidence and representations in favour of or against the granting of the application by persons who in the opinion of the Licensing Authority are directly interested, and shall also give not less than three clear days' notice of such time and place to the applicant.

(2) The Licensing Authority shall hold such public sitting in such place as it deems most convenient, having regard to the nature of the business.

(3) At such public sitting the Licensing Authority shall hear all evidence tendered and representations made which it deems relevant to the subject-matter of the application, save that at any time during such sitting it may decide not to receive further evidence or representations.

(4) Any such sitting may, in the discretion of the Licensing Authority, be adjourned from time to time and from place to place.

Section 26.

(1) In considering any application for a goods-service license the Licensing Authority shall generally have regard to—

- (a) The extent to which the proposed service is necessary or desirable in the public interest; and
- (b) The needs of the district or districts as a whole in relation to goods-transport.

If, having regard to the foregoing considerations the Licensing Authority is of opinion that the proposed service is unnecessary or undesirable, it shall refuse to grant a license.

(2) If, after having had regard to the matters mentioned in the last preceding subsection, the Licensing Authority proposes to give further consideration to the application, it shall take into account—

- (c) The financial ability of the applicant to carry on the proposed service, the likelihood of his carrying it on satisfactorily, and, in the case of an existing service, the period during which the service has been carried on satisfactorily;
- (d) Time-tables or frequency of the proposed service, if the service is intended to be of a regular nature;
- (e) The charges proposed to be made for the carriage of goods;
- (f) The goods transport of any kind, whether by land or water, already provided in respect of the localities to be served;
- (g) The requirements of such localities in respect of goods transport;
- (h) The vehicles proposed to be used in connection with the service;
- (i) The conditions of roads and streets to be traversed on the route or routes, and any restrictions of load or speed, or other lawful restrictions affecting vehicles of the type or class proposed to be used, including restrictions arising out of the classification of roads and streets under section one hundred and sixty-six of the Public Works Act, 1928;
- (j) Any evidence and representations received by it at the public sitting, and any representations otherwise made by the Government Railways Board, local authorities, or other public bodies, or any persons carrying on goods transport of any kind (whether by land or water) likely to be affected, and any representations contained in any petition presented to it signed by not fewer than twenty-five adult residents of any locality proposed to be served.

Provided that before taking into consideration any adverse representations made otherwise than at the public sitting the Licensing Authority shall give the applicant and all other persons likely to be affected a reasonable opportunity to reply to such representations.

(3) The Licensing Authority in considering any application shall also take into account any representations made to it by the Licensing Authority of any district through any part of which the goods-service is proposed to be carried on.

Section 28.

(1) Save as otherwise provided in this section and subject to appeal as hereinafter provided, the Licensing Authority may, after duly considering an application therefor, grant or refuse a goods-service license.

(2) A goods-service license shall not be refused in any case where the applicant (having made his application before the 21st day of May, 1933) proves to the satisfaction of the licensing authority—

(a) That on the passing of the Transport Licensing Act, 1931, and continuously thereafter until the date of the application, the service in respect of which the application is made has been lawfully carried on by the applicant or by preceding owners of the vehicles or other plant used by the applicant in respect of the service;

(b) In the case of an application for a goods-service license in respect of a seasonal service, that substantially the same service has been lawfully and continuously carried on by the applicant or by preceding owners of the vehicles or other plant used by the applicant in respect of the service during the two seasons immediately preceding the 1st day of April, 1933, or, where that day falls in such a season, that such service is then being uninterruptedly carried on as aforesaid and was being substantially so carried on during the whole of the immediately preceding season;

Provided that no such service shall be deemed to have ceased to be continuously carried on by reason of any interruption by flood, closing of roads or streets, or any other cause whatever beyond the control of the applicant.

(3) Notwithstanding anything contained in the last preceding subsection, the Licensing Authority, in granting a license to any person in respect of a service mentioned therein, shall have the same powers of imposing terms and conditions as are hereby conferred with respect to any other goods-service license, and in particular but without limiting such general powers the Licensing Authority may, after taking into account the matters mentioned in paragraphs (f) and (g) of subsection two of section twenty-six hereof, grant such license for an area smaller than that within which the service had theretofore been carried on.

Section 29.

Every goods-service license shall be—

- (a) A continuous license—meaning thereby a license in respect of a service to be carried on throughout the year, whether daily or on specified days of every week, or otherwise at intervals not exceeding one month, or a license in respect of special events recurring at intervals during the year; or
- (b) A seasonal license—meaning thereby a license in respect of a service to be carried on only during a period or periods of the year specified in the license; or
- (c) A temporary license—meaning thereby a license for a service to be carried on for a specified period of not more than fourteen days or a license for any specified special occasion or occasions.

Section 30.

(1) In granting any goods-service license the Licensing Authority shall prescribe—

- (a) The class of license (whether continuous, seasonal, or temporary) and the period or occasion of the license;
- (b) A date on which the service may or shall be commenced;
- (c) The localities to be served or the route or routes to be traversed or both;
- (d) Such other matters and conditions as may be prescribed by regulations;

and may, if in its discretion it thinks fit, prescribe—

- (e) The charges to be made for the carriage of goods either definitely or by reference to a maximum charge or minimum charge or both;
- (f) The time-tables or frequency of service to be observed, either definitely or sufficiently to show the nature of the service permitted;
- (g) Maximum weight of goods to be carried during any specified period or periods or on any specified occasion or occasions, or, in lieu thereof, or in addition thereto, the number and capacity of the vehicles to be used during any specified period or periods or on any specified occasion or occasions;
- (h) Any other matters and conditions that the Licensing Authority thinks proper.

Section 31.

(1) Every license shall be in the prescribed form, and be signed on behalf of the Licensing Authority by the Chairman or two other members thereof, or by an officer of the Licensing Authority acting by direction thereof, and shall take effect according to its tenor to authorize the licensee, but no other person, to carry on a goods-service in accordance with the terms and conditions of the license during the duration thereof.

(2) No license granted by any Licensing Authority shall have any force or effect to authorize the carrying-on of a goods-service outside the area in respect of which it may issue