

(2) Every person who obstructs or hinders or incites any person to obstruct or hinder any Inspector in the exercise of powers conferred by this section, or refuses or fails to furnish any such assistance as aforesaid, or who, having the custody or possession of any license as aforesaid, refuses or fails to produce the same to an Inspector on demand, commits an offence, and is liable for each such offence to a fine of ten pounds.

Section 43.

(1) There shall be a right of appeal in the prescribed manner and in the prescribed form and within the prescribed time to the Transport Co-ordination Board from any decision of any Licensing Authority with respect to—

- (a) The grant, renewal, or revocation of any goods-service license; and
- (b) The terms or conditions of any license, except so far as such terms or conditions have been imposed in conformity with express requirements of these provisions or any regulations thereunder; and
- (c) The amendment or revocation of any terms or conditions of a license, or any new terms or conditions, or any application for any amendment or revocation of terms or conditions or for new terms or conditions.

(2) The following persons and bodies, and no others, may appeal as provided in the last preceding subsection, namely:—

- (d) A person whose application for a goods-service license or renewal thereof has been refused;
- (e) A person to whom a goods-service license or renewal thereof has been granted, or is proposed to be granted, and who desires to appeal against the terms and conditions contained or proposed to be inserted in the license;
- (f) The holder of a goods-service license who is dissatisfied with the decision of the Licensing Authority with respect to the amendment or revocation of any term or condition of such license, or the insertion of a new term or condition in the license;
- (g) A person whose goods-service license is suspended or revoked, or on whom any penalty has been imposed pursuant to section thirty-one or section thirty-six of these provisions;
- (h) Any person (being the owner of a licensed goods-service), or the Minister, or the Government Railways Board, or any local authority or public body affected by any decision of a Licensing Authority;
- (i) Any one or more of the signatories to a petition presented to the Licensing Authority pursuant to paragraph (j) of section twenty-six of these provisions;
- (j) Any twenty-five or more adult residents of any locality affected by any decision of a Licensing Authority.

(3) An appeal by the persons mentioned in paragraph (j) of the last preceding subsection shall be by petition in the prescribed form.

(4) Pending the determination of any appeal duly lodged by a person carrying on a goods-service against any decision of a Licensing Authority in relation to that service, the appellant may carry on such service to the full extent to which he was lawfully carrying it on at the time the decision of the Licensing Authority was given.

(5) Upon any appeal the Commissions of Inquiry Act, 1908, shall, so far as they are applicable, apply as if the Transport Co-ordination Board were a Commission of Inquiry appointed under that Act.

(6) The Transport Co-ordination Board in its determination may confirm, modify, or reverse the decision appealed from.

(7) The determination of the Transport Co-ordination Board in any appeal as aforesaid shall be final, and in cases where the decision appealed from is modified or reversed, it shall be the duty of the Licensing Authority forthwith to give effect to the determination of the Transport Co-ordination Board.

(8) The determination of the Transport Co-ordination Board shall in every case be communicated by that Board to the Commissioner, who shall thereupon notify the same to the appellant, and every other person who in the opinion of the Commissioner is directly concerned.

(9) The Transport Co-ordination Board in determining any appeal shall not be bound to hear any person or to take any evidence or to receive any representations from any person.

(d) Provisions of Sections enumerated above of the Transport Law Amendment Act, 1933, as modified in their application to goods-services (herein distinguished for purposes of reference by addition of the words ("from 1933 Act")) :—

Section 15 (from 1933 Act).

- (1) The granting of goods-service licenses shall—
- (a) In the case of a goods-service proposed to be carried on wholly within any controlled area, be the function of the appropriate Licensing Authority specified in column No. 3 of the Schedule to the Transport (Controlled Areas) Order, 1933 :

(b) In the case of a goods-service proposed to be carried on within more than one controlled area, be the function of such one of the appropriate Licensing Authorities of the several controlled areas affected as the Commissioner appoints, having regard to—

- (i) The respective needs of the several controlled areas in relation to goods transport and the extent to which the service is likely to be used in each such controlled area; and
- (ii) The distances to be traversed by the service in the respective controlled areas; and
- (iii) Such other matters as the Commissioner deems relevant.

(2) Paragraph (4) of the Transport (Controlled Areas) Order, 1933, is hereby consequentially revoked.

(3) The Licensing Authority appointed by the Commissioner for the purposes of the last preceding subsection shall, in considering any application for a license, take into account in addition to the matters mentioned in section 26 of these provisions any representations made to it by the Licensing Authority of any other controlled area through any part of which the service is to be carried on.

(4) This section shall come into force on the first day of February, nineteen hundred and thirty-four.

Section 19 (from 1933 Act).

No application for a goods-service license or for the amendment of a goods-service license, the granting or making of which would be to affect in any way any determination by the Transport Co-ordination Board of an appeal under section 43 of these provisions, shall be dealt with by any Licensing Authority until after the expiration of six months from the date of such determination, unless the Board consents thereto on the ground that there has been a material change in the conditions of the service affected since the giving of such determination.

Section 20 (from 1933 Act).

(1) Notwithstanding anything contained in these provisions, any goods-service license may, subject to the provisions of this section, be transferred to any person.

(2) Application for the transfer of any license shall be made in the prescribed form, and the provisions of section 24 of these provisions shall apply to every such application.

(3) The Licensing Authority shall give to every person who in its opinion is likely to be affected seven days' notice of its intention to consider any application for a transfer as aforesaid.

(4) The Licensing Authority, after duly considering the application and any objections thereto, may grant or refuse the transfer of the license, but shall not in any case grant a transfer unless it is satisfied that the proposed transferee is financially able to carry on the service, and is likely to carry it on satisfactorily.

Section 28 (from 1933 Act).

(1) In any case where, from a comparison of the goods traffic and passenger traffic respectively, and the revenue derived from each by a service for the carriage of both goods and passengers, the Licensing Authority is of opinion that such service is principally a goods-service, and if such service is carried on by vehicles designed chiefly for the carriage of goods, and is a goods-service with respect to which these provisions are applied, the Licensing Authority may issue a goods-service license in respect thereof, endorsed to the effect that the vehicles authorized to be used may, in the ordinary course of the goods-service operations, but subject to such conditions (if any) as are specified, carry passengers for hire or reward without a passenger-service license.

(2) For the purpose of enabling it to exercise the power conferred by the last preceding subsection the Licensing Authority may treat an application for a passenger-service license as an application for a goods-service license and deal with the same accordingly.

Section 29 (from 1933 Act).

Every person commits an offence and is liable to a fine of fifty pounds for each such offence who does any act in any capacity as agent for any goods-service which may be lawfully carried on only pursuant to a license these under provisions if at the time of his doing such act such a license is not in force in respect of such service.

Section 30 (from 1933 Act).

If at any time the Governor-General in Council is satisfied that goods are being carried by motor-vehicle in such a manner as in effect to constitute a regular public service, he may, whether or not goods are being so transported for hire or reward of any kind, declare such manner of transport to be the carrying-on of a goods-service within the meaning of the said Act as modified by this Order, and thereupon it shall be unlawful for any goods in any part of New Zealand to be so carried, save pursuant to the authority and in conformity with the terms of a goods-service license granted under the said Act as modified by this Order.

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